



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-22:236</b>	<b>SUBJECT PROPERTY:</b>	267 EAST 44TH STREET, HAMILTON
<b>ZONE:</b>	C (Urban Protected Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner – Aaron & Joanna Beckley  
Agent – Len Angelici

The following variances are requested:

1. To permit the roof-over-unenclosed front porch to encroach *a maximum of 3.33 m* into the required front yard and be as close as 2.67 m from the front lot line instead of the requirement in the By-Law which states that a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard or rear yard to a distance of not more than 3.0 m, and every such projecting porch shall be distant at least 1.5 m from the front lot line; and
2. A minimum southerly side yard width of 0.9 m shall be provided for the roofed over unenclosed porch instead of the minimum required side yard width of 1.2 m.

**PURPOSE & EFFECT:** To permit the construction of a roofed-over unenclosed front porch to an existing single-family dwelling

**Notes:**

- i. Please note that there is no side yard encroachment; therefore, a variance for the required side yard width for the principal building has been included.

**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, August 11, 2022</b>
<b>TIME:</b>	<b>1:50 p.m.</b>

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

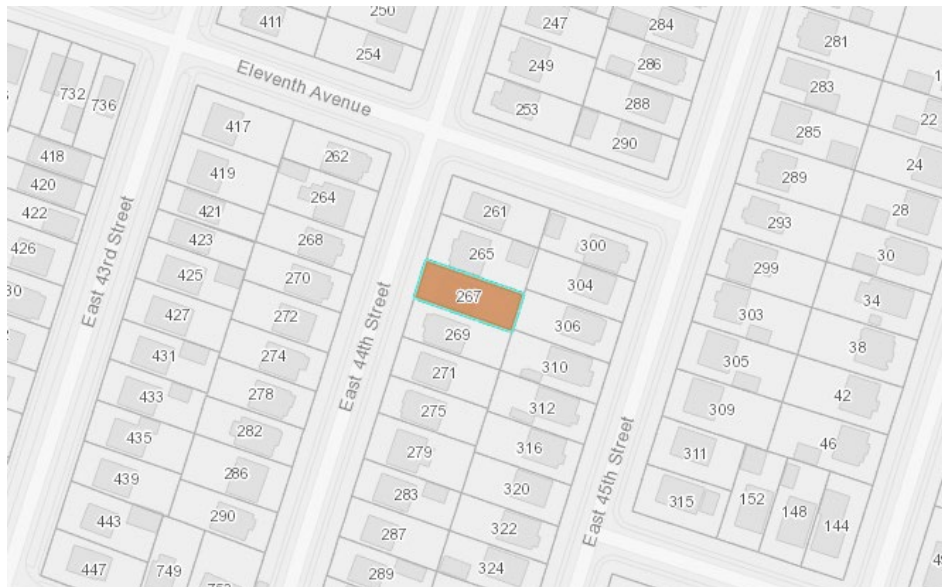
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- 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 26, 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, 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.

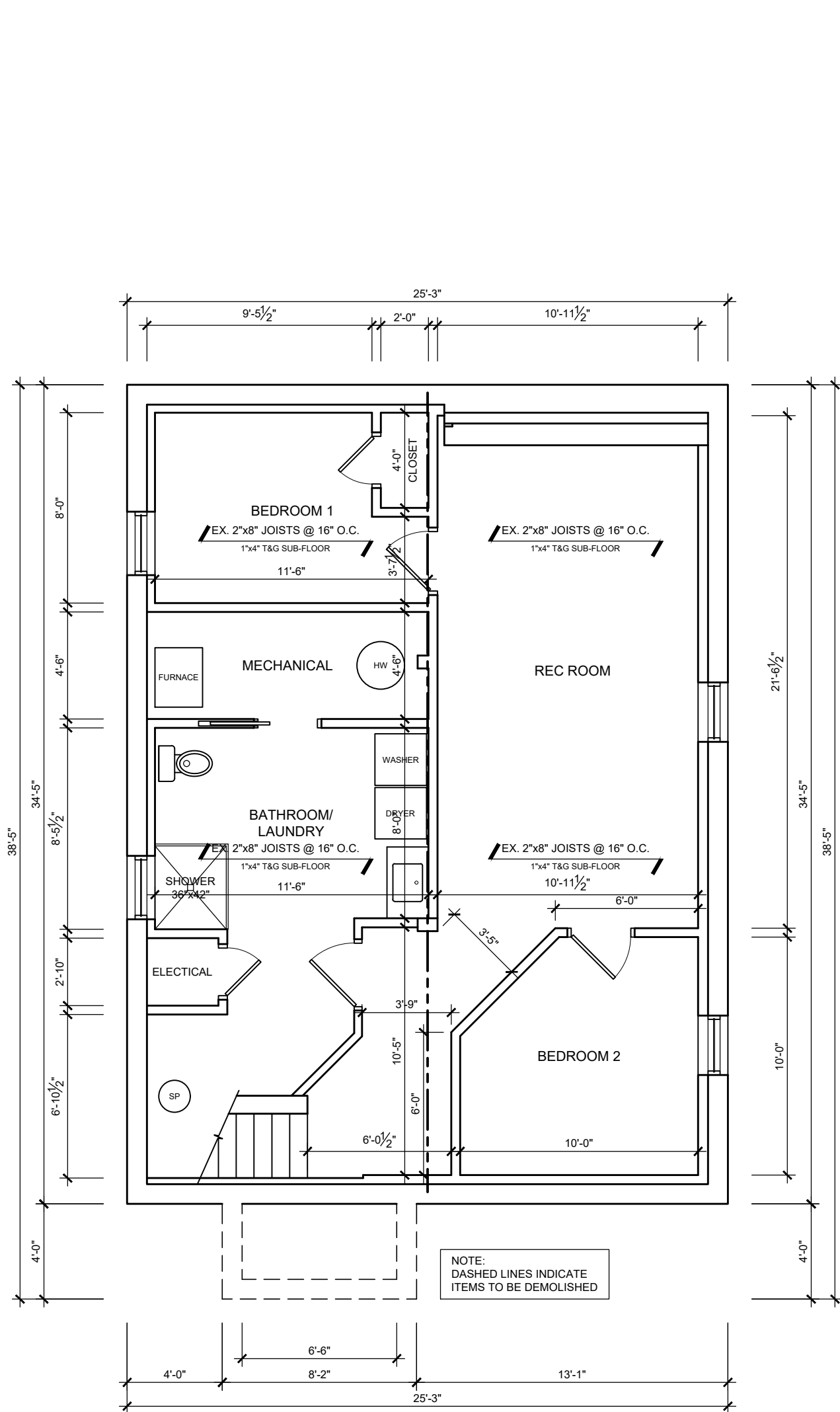
#### **2. In person Oral Submissions**

**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.**

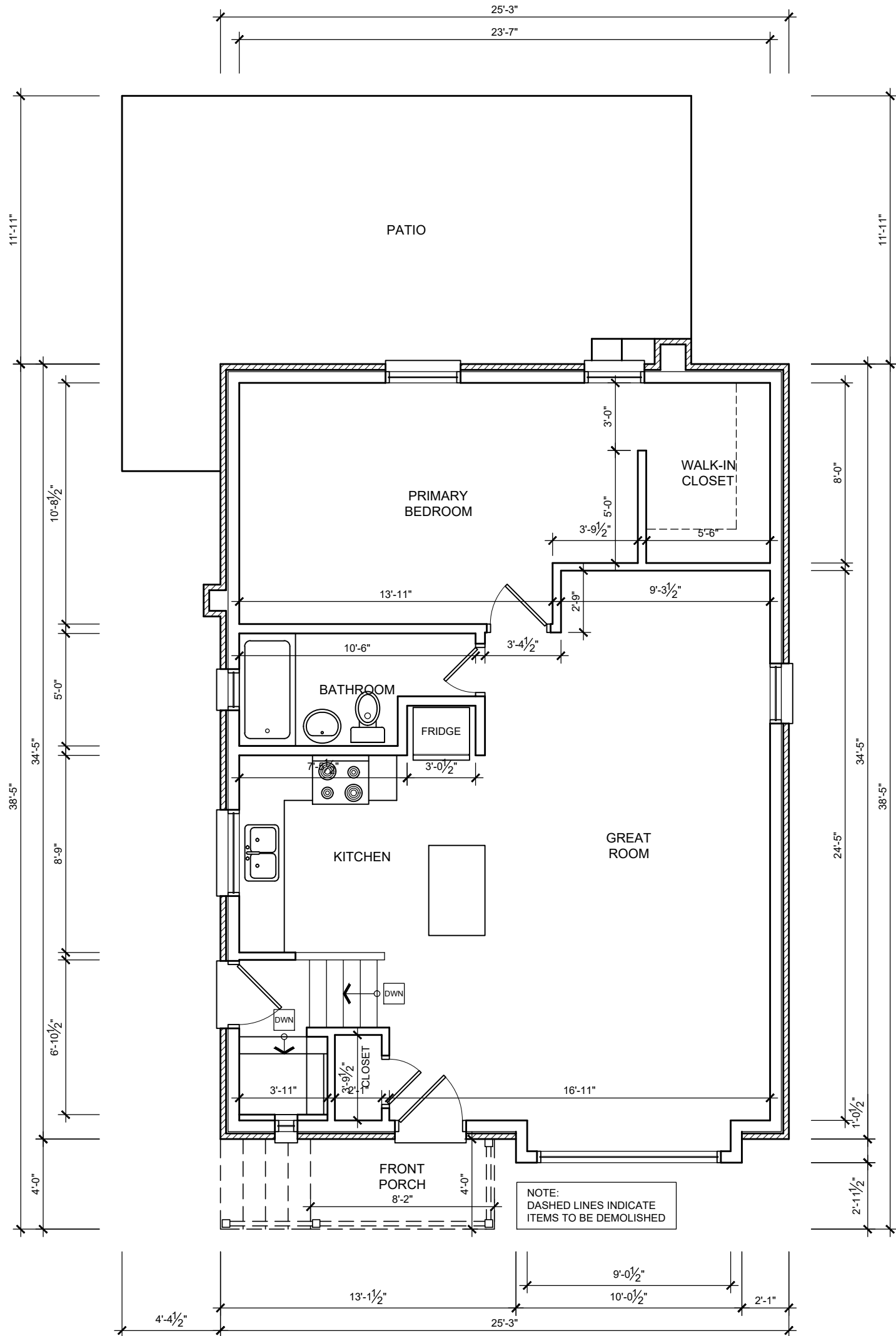
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

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.





EXISTING BASEMENT PLAN  
SCALE 3/16" = 1' - 0"



EXISTING MAIN FLOOR PLAN  
SCALE 3/16" = 1' - 0"

PROJECT NORTH		TRUE NORTH	
01.	DRAWINGS FOR VARIANCE	06/27/2022	
No.	REVISION	DATE	

- ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
- THIS DRAWING IS NOT TO BE SCALED. ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF LEN ANGELICI DESIGN AND MUST BE RETURNED UPON REQUEST.
- REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN.
- CONTRACTOR SHALL REVIEW ALL DRAWINGS PRIOR TO COMMENCING CONSTRUCTION FOR ANY ERRORS OR OMISSIONS.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR THE DESIGN OR PRE-ENGINEERED TRUSSES OR ANY PRE-ENGINEERED PRODUCTS.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR HEATING, PLUMBING, OR ELECTRICAL DRAWINGS.
- DRAWING MAY NOT BE CHANGED, ALTERED OR COPIED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN. FAILURE TO COMPLY WITH THIS STATEMENT IS NOT THE RESPONSIBILITY OF LEN ANGELICI DESIGN.
- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

SEAL

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.

QUALIFICATION INFORMATION	
LEONARD ANGELICI	42391
NAME	BCIN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	124457
NAME	BCIN
06/27/2022	
DATE	SIGNATURE

**Len Angelici Design**

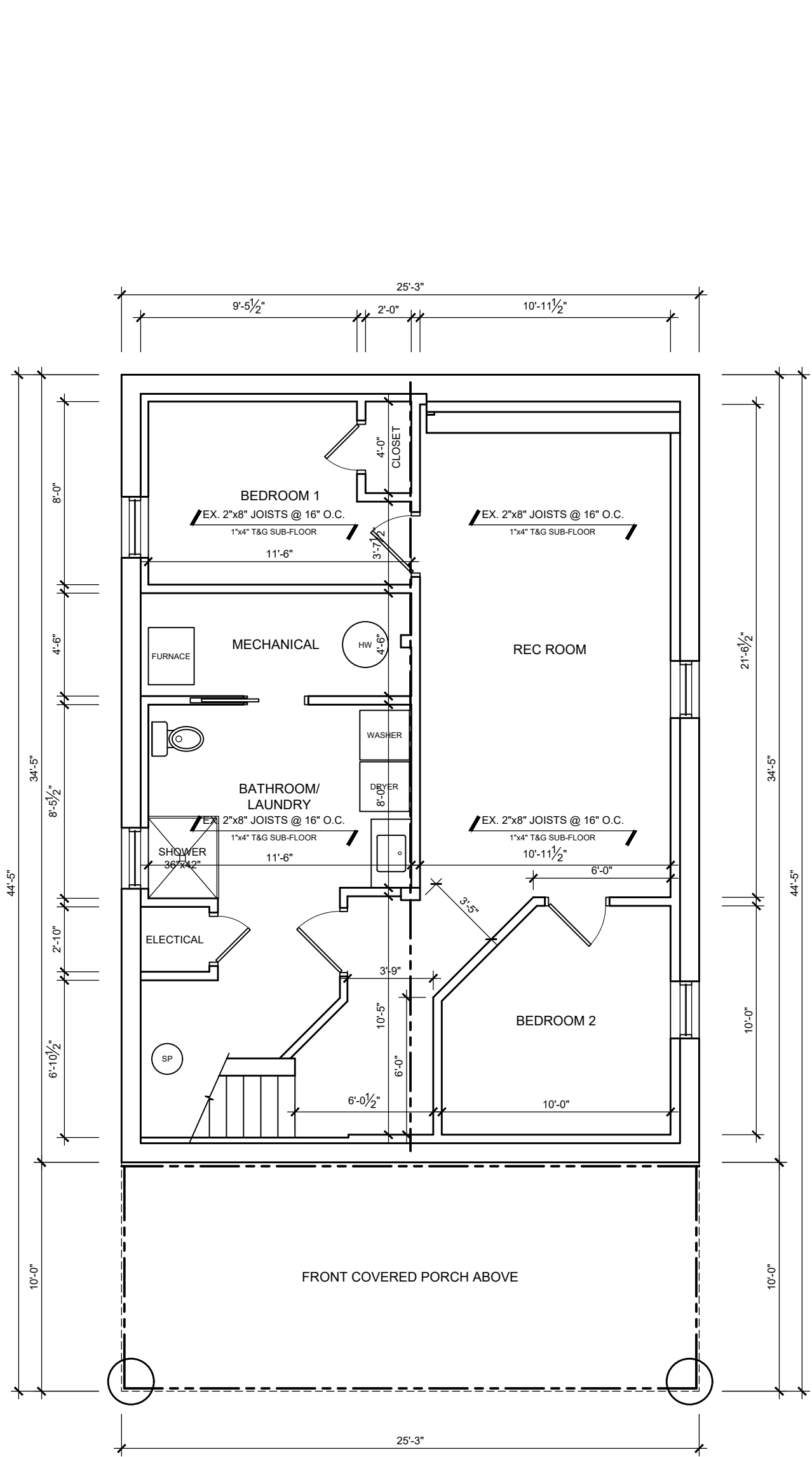
270 SHERMAN AVE N, UNIT MILL-125  
HAMILTON, ON L8L 6N4  
(905) 393-8868  
info@lenangelicidesign.ca

PROJECT
PROPOSED RESIDENCE 267 EAST 44th ST HAMILTON, ON.

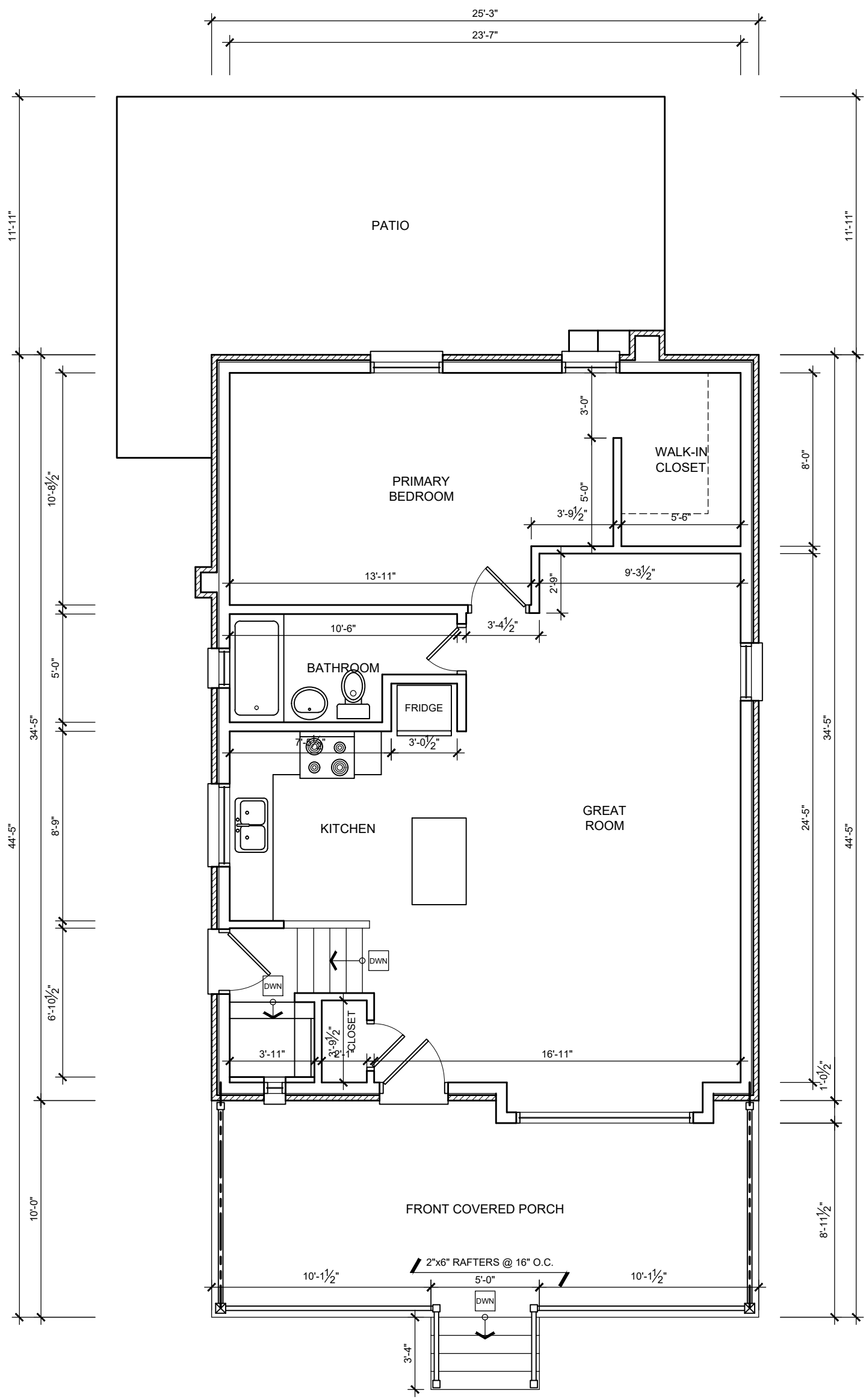
SHEET TITLE
EXISTING FLOOR PLANS

DRAWN BY L. ANGELICI	A1
DATE 06/27/2022	
SCALE 3/16"=1'-0"	
PROJECT No. 22026	





PROPOSED BASEMENT PLAN  
SCALE 3/16" = 1' - 0"



PROPOSED MAIN FLOOR PLAN  
SCALE 3/16" = 1' - 0"

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No.	REVISION	DATE	

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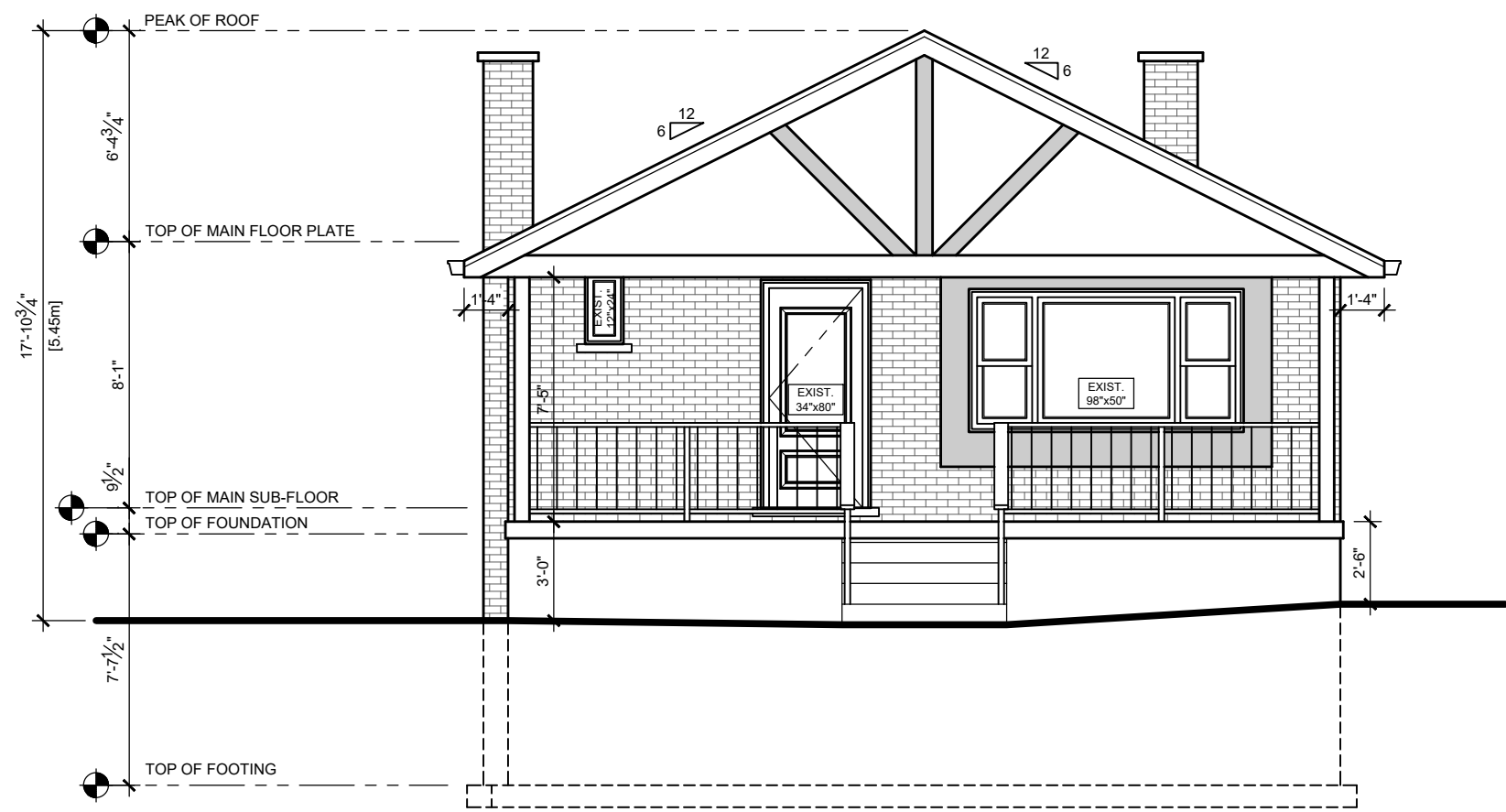
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NAME	BCIN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	124457
NAME	BCIN
06/27/2022	
DATE	SIGNATURE

**Len Angelici Design**

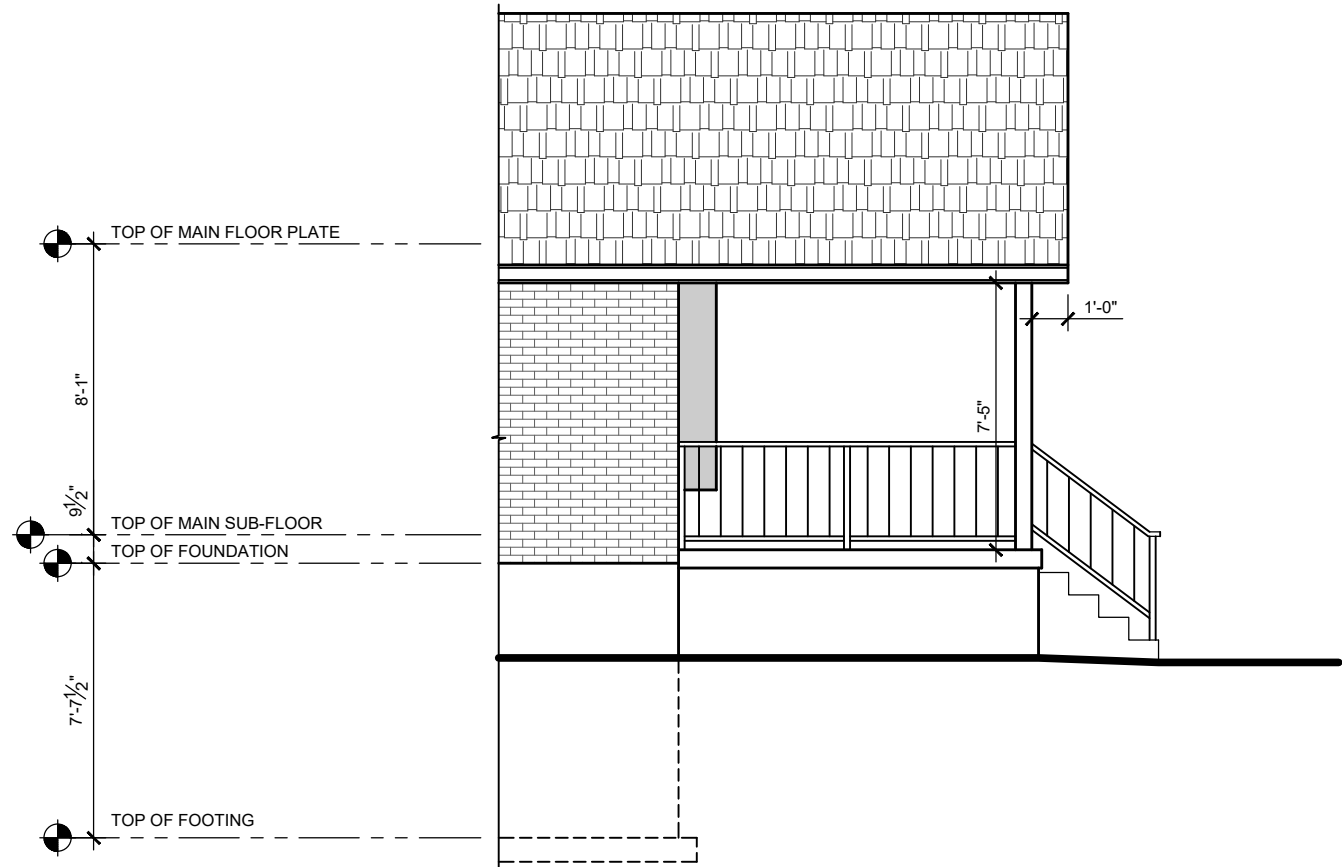
270 SHERMAN AVE N. UNIT MILL-125  
HAMILTON, ON L8L 6N4  
(905) 393-8868  
info@lenangelicidesign.ca

PROJECT
PROPOSED RESIDENCE 267 EAST 44th ST HAMILTON, ON.

SHEET TITLE	
PROPOSED FLOOR PLANS	
DRAWN BY L. ANGELICI	A2
DATE 06/27/2022	
SCALE 3/16"=1'-0"	
PROJECT No. 22026	



FRONT ELEVATION  
SCALE  $\frac{3}{16}$ " = 1' - 0"



LEFT SIDE ELEVATION  
SCALE  $\frac{3}{16}$ " = 1' - 0"

PROJECT NORTH	TRUE NORTH

01.	DRAWINGS FOR VARIANCE	06/27/2022
No.	REVISION	DATE

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NAME	BCIN
REGISTRATION INFORMATION	
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06/27/2022	
DATE	SIGNATURE

# Len Angelici Design

270 SHERMAN AVE N. UNIT MILL-125  
HAMILTON, ON L8L 6N4  
(905) 393-8868  
info@lenangelicidesign.ca

PROJECT

PROPOSED RESIDENCE  
267 EAST 44th ST  
HAMILTON, ON.

SHEET TITLE

PROPOSED ELEVATIONS

DRAWN BY	A3
L. ANGELICI	
DATE	
06/27/2022	
SCALE	
3/16"=1'-0"	
PROJECT No.	
22026	

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		
Registered Owners(s)	AARON & JOANNA BECKLEY		
Applicant(s)*	LEN ANGELICI		
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:



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 FRONT YARD SETBACK AND SIDE YARD SETBACK REQUIREMENTS

☐ Second Dwelling Unit                      ☐ Reconstruction of Existing Dwelling

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

PROXIMITY OF EXISTING DWELLING TO THE FRONT AND SIDE YARD PROPERTY LINE DOES NOT ALLOW FOR A NEW COVERED PORCH

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**):

267 EAST 44TH ST  
HAMILTON ON  
L8T 3H9

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 ☐

APPLICATION FOR A MINOR VARIANCE (January 1, 2022)

Page 2 of 6

- 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?

AREA HAS BEEN RESIDENTIAL SINCE CONSTRUCTION OF SUBJECT PROPERTY

- 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 27, 2022

Date

X Barry Beckley  
Signature Property Owner(s)

Aaron Beckley + Joanna Beckley  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 12.2m  
Depth 31.7m  
Area 386.85m<sup>2</sup>  
Width of street \_\_\_\_\_

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:

DWELLING: 81.29m<sup>2</sup>  
FRONT PORCH: 3.04m<sup>2</sup>  
GROSS FLOOR AREA: 157.08m<sup>2</sup>

Proposed

FRONT PORCH: 23.46m<sup>2</sup>

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

Existing:

FRONT: 6.42m  
REAR: 14.5m  
LEFT SIDE: 3.53m  
RIGHT SIDE: 0.96m

Proposed:

FRONT: 3.69m

13. Date of acquisition of subject lands:  
N/A
14. Date of construction of all buildings and structures on subject lands:  
N/A
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:  
SINCE CONSTRUCTION
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:  
PARENT BY-LAW: 6593 FORMER HAMILTON
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
ZONE C: URBAN PROTECTED RESIDENTIAL
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.