

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.:	HM/A-22:208	SUBJECT PROPERTY:	32 CEDAR AVENUE
ZONE:	"D" (One- and Two-Family Residential Dwellings and Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owner – Natalie Lazier
 Agent – Marina Fensham

The following variances are requested:

1. The existing one (1) parking space shall be provided instead of the minimum required three (3) parking spaces for Nine (9) habitable rooms.
2. A side yard setback of 0.53 m shall be provided instead of the minimum required 2.7 m side yard setback.
3. An eaves/ gutter encroachment into the required side yard shall be permitted to project the entirety of the required side yard to the lot line instead of the maximum 1.0 m or not more than one-half of the width of the required side yard, whichever is lesser.

PURPOSE & EFFECT: So as to permit a third storey attic addition to an existing single-family dwelling notwithstanding that:

Notes:

- i. The applicant has indicated the existing dwelling was constructed prior to July 25, 1950 which has a parking space requirement of 0 spaces for a single-family dwelling. A survey or other documentation has not been provided to confirm the date of construction/ issuance of a permit. Additional parking space information relating to the size and location has not been provided. Should the single-family dwelling have been constructed after the passing date of Hamilton Zoning By-Law 6593, additional variances may be required.
- ii. The applicant shall ensure the minimum required parking space size of 2.7 m x 6.0 m be maintained for the required one (1) parking space.

- iii. Insufficient information has been provided for any eaves/ gutters of the proposed addition. Due to the setback required for the addition, it would appear that there is insufficient space provided for any eaves/ gutters along the Northern lot line. As such, a variance has been provided to address this.
- iv. 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.

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:	2:15 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

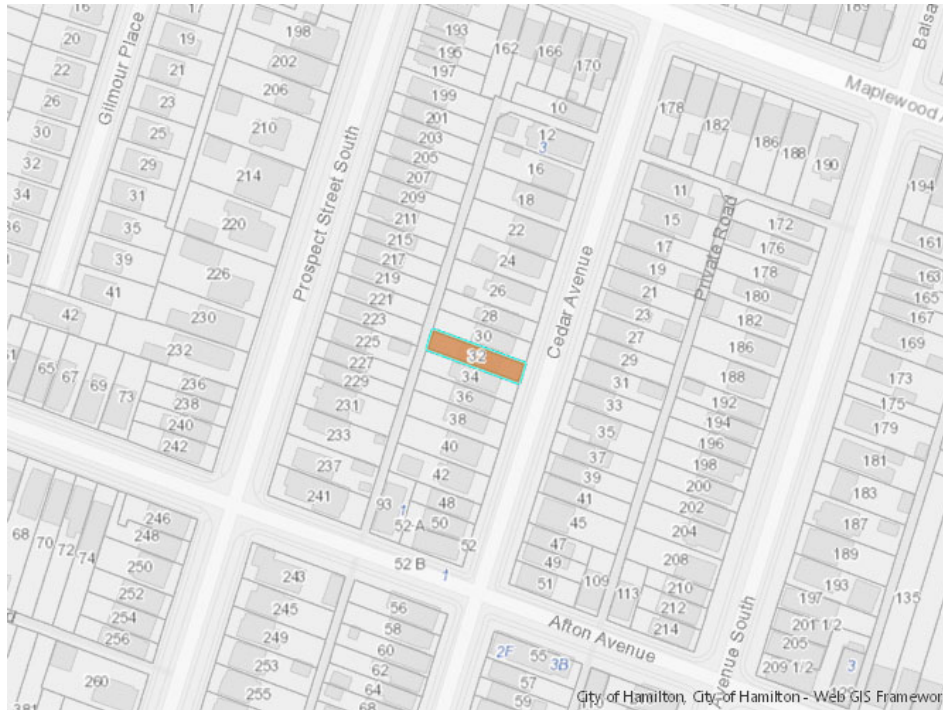
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- 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 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.

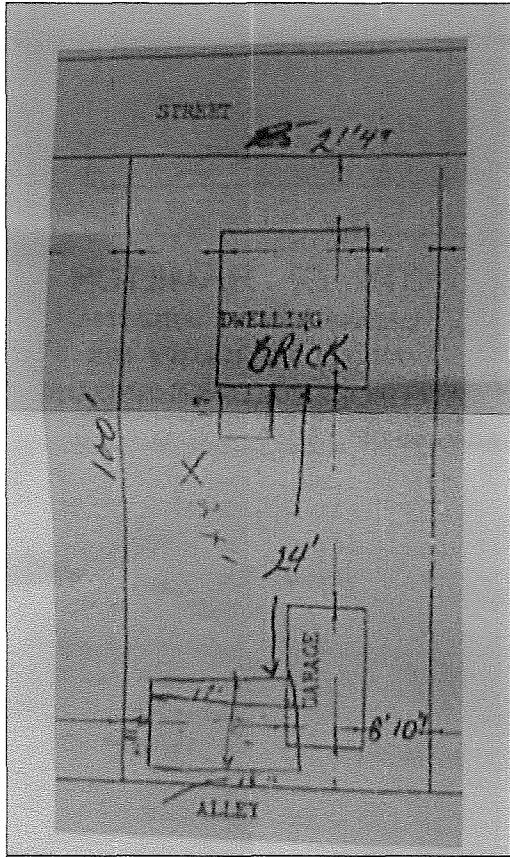
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

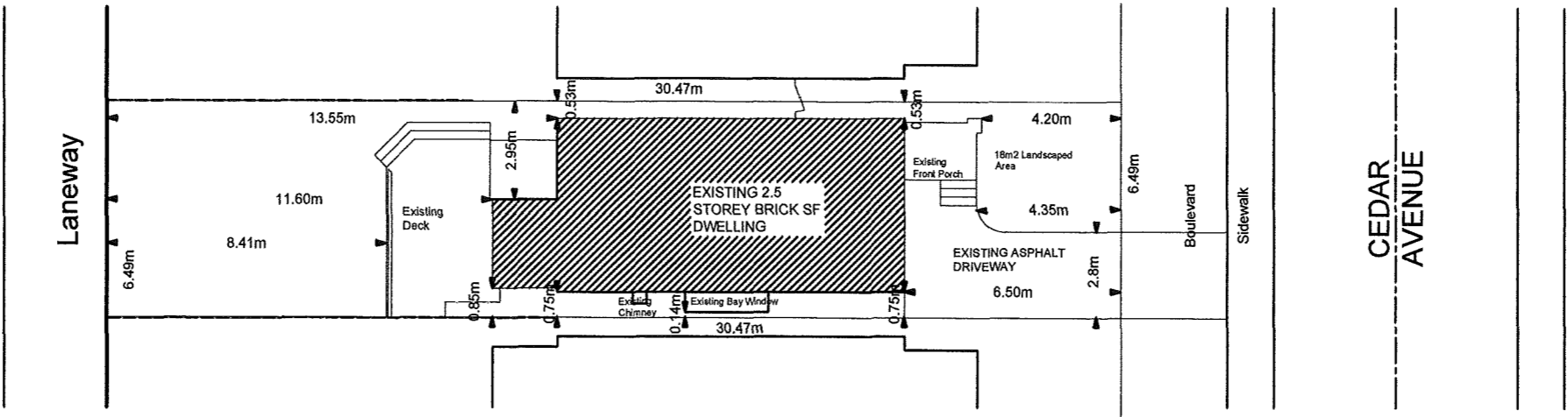
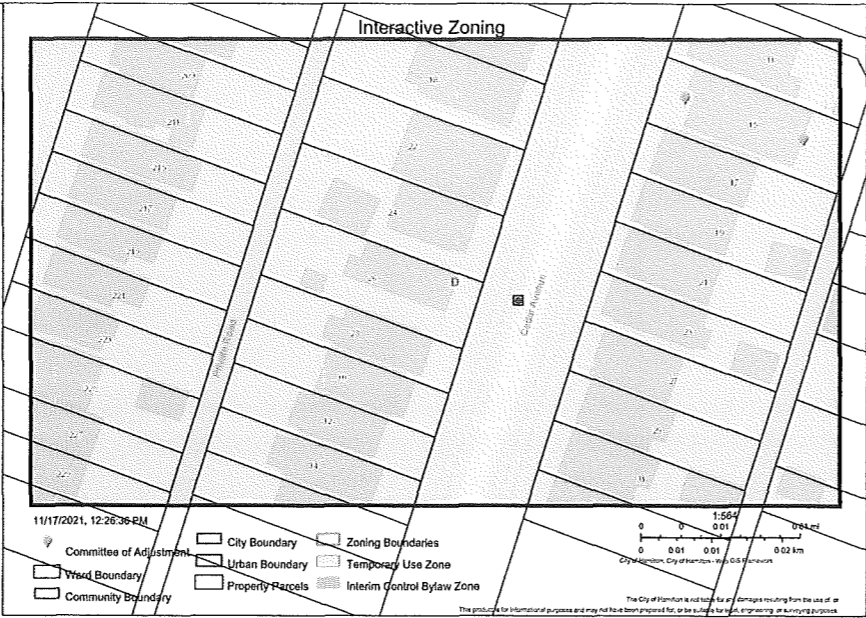
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.



Obtained from Property Search



Site Statistics & Zoning - "D" District

Dimensions of Lands Affected
Frontage: 6.49m
Depth: 30.47m
Area: 198.08m²
Width of Street: 7m

Building Area
Existing: 64.98m²
Proposed: Attic Addition

Gross Floor Area: 171.23m²
Basement Floor Area: 59.18m²

Building Statistics
Width: 5.82m
Length: 14.69m
Height: 10.52m / 14m Allowed
Number of Storeys: 3

HABITABLE ROOMS		
ROOM #	ROOM NAME	FLOOR
1	Dining Room	Main
2	Kitchen / Living Room	Main
3	Breakfast Room	Main
4	Master Bathroom	Second
5	Den	Second
6	Bedroom	Second
7	Bedroom	Attic
8	Office	Attic
9	Bedroom	Attic

Note: No habitable room in basement due to ceiling height.

CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS ON THE JOB SITE AND NOTIFY DESIGNERS OF ALL DISCREPANCIES BEFORE INITIATING WORK. ALL DRAWINGS ARE THE PROPERTY OF THINKGIRAFFE. DRAWINGS ARE NOT TO BE REPRODUCED WITHOUT WRITTEN PERMISSION FROM DESIGNERS. PRINTS ARE NOT TO BE SCALED.

Marina Fensham, Owner thinkGiraffe Design has reviewed and taken responsibility for the design activities described in this drawing set under OBC 2.17.4.7 f(i) BCIN: 21574 / 116384

ISSUE FOR VARIANCE: June 22, 2022
ISSUE FOR PERMIT REV: June 2, 2022
ISSUE FOR CONTRACTOR PRICING: June 2, 2022
ISSUE FOR PERMIT: April 19, 2022

REMARKS	DATE	NO.
REVISIONS		

thinkGiraffe
ENVIRONMENTAL DESIGN
16 Sulphur Springs Road,
Ancaster, ON, L9G 1L8
905 304 1496
thinkgiraffe@bellnet.ca

PROJECT
Klassen Lazier
Attic Addition & Renovations
32 Cedar Ave
Hamilton
L8M 3A5

SHEET TITLE
Site Plan

FOLDER	DRAWN BY M
FILE	SCALE 1/8" = 1'-0"
DATE	NUMBER

A101

[illegible]

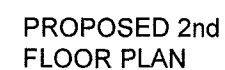
INTERIOR HEATED FLOOR
AREA Excl Stairs:
906 Sq Ft

PROPOSED MAIN FLOOR PLAN

Marina Fensham, Owner thinkGiraffe Design has reviewed and taken responsibility for the design activities described in this drawing set under OBC 2.17.4.7 f(ii)
BCIN: 21574 / 116364

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REMARKS	DATE	NO.
REVISIONS		

[illegible]

PROPOSED ATTIC
PLAN

HABITABLE ROOMS	
ROOM #	ROOM NAME
7	Bedroom
8	Bedroom
9	Office

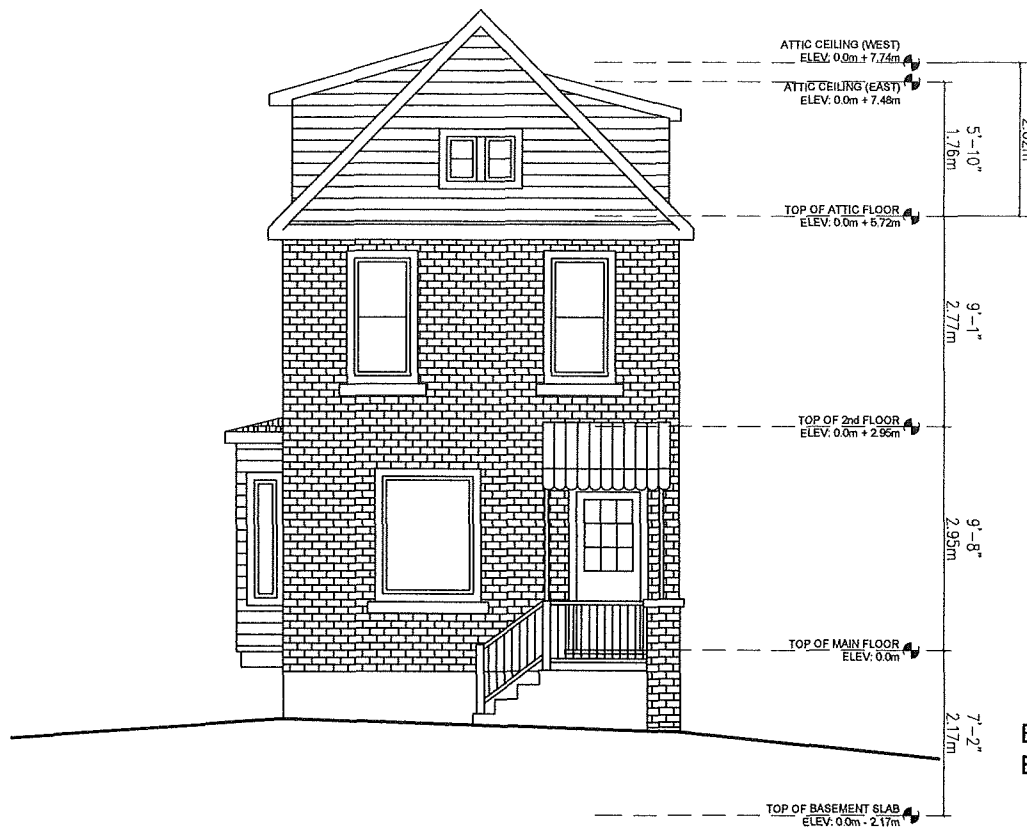
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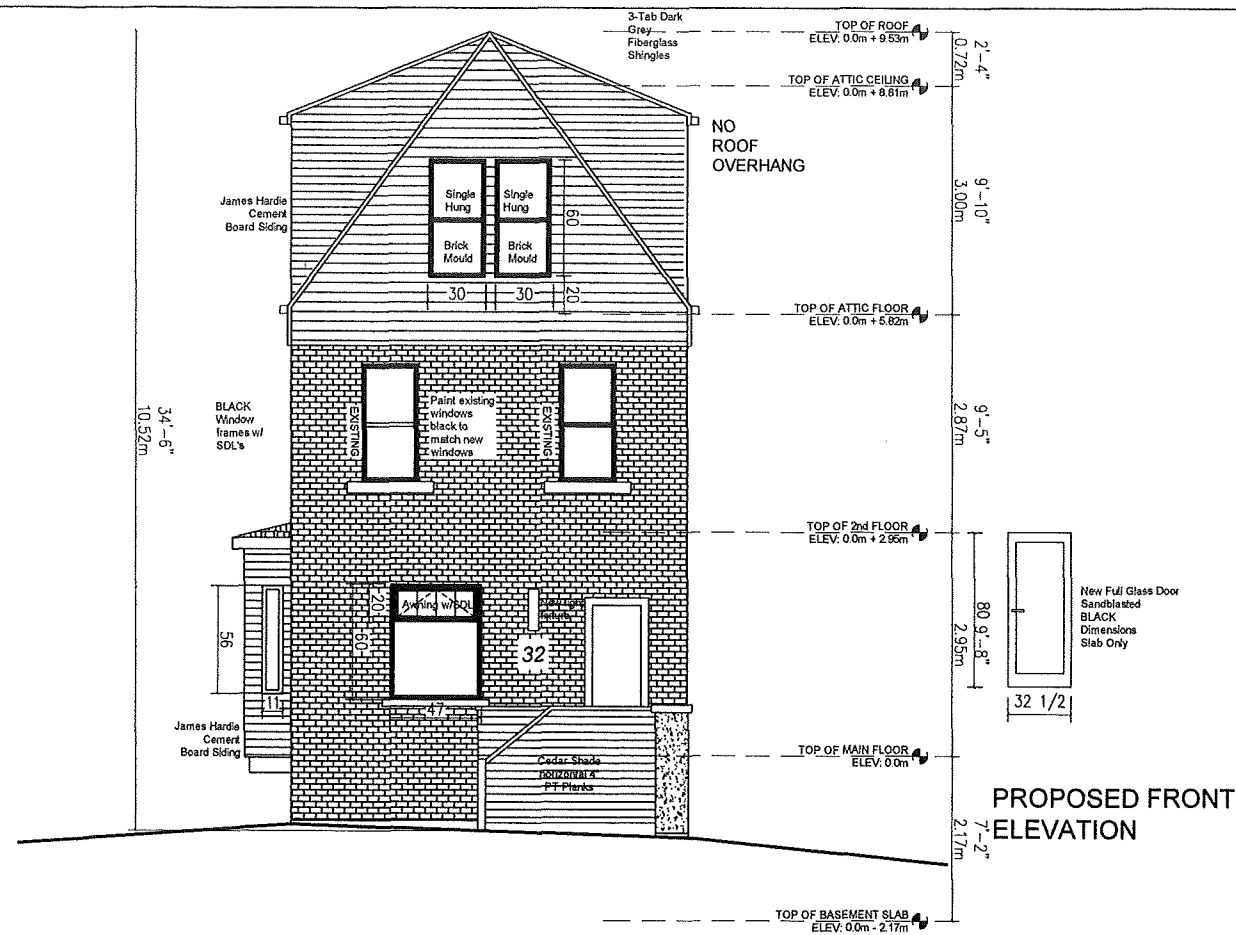
SHEET TITLE
FLOOR PLANS

FOLDER	DRAWN BY M
FILE	SCALE $\frac{1}{4}" = 1'-0"$
DATE	NUMBER

A201



EXISTING FRONT
ELEVATION



PROPOSED FRONT
ELEVATION

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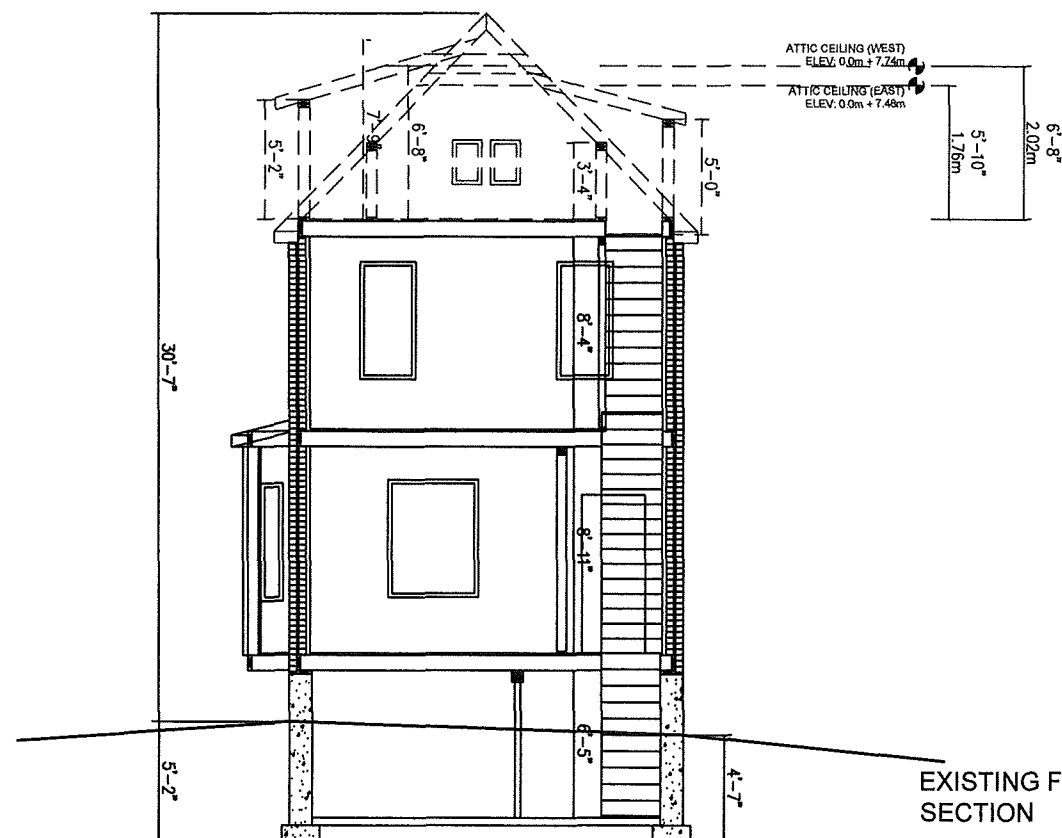
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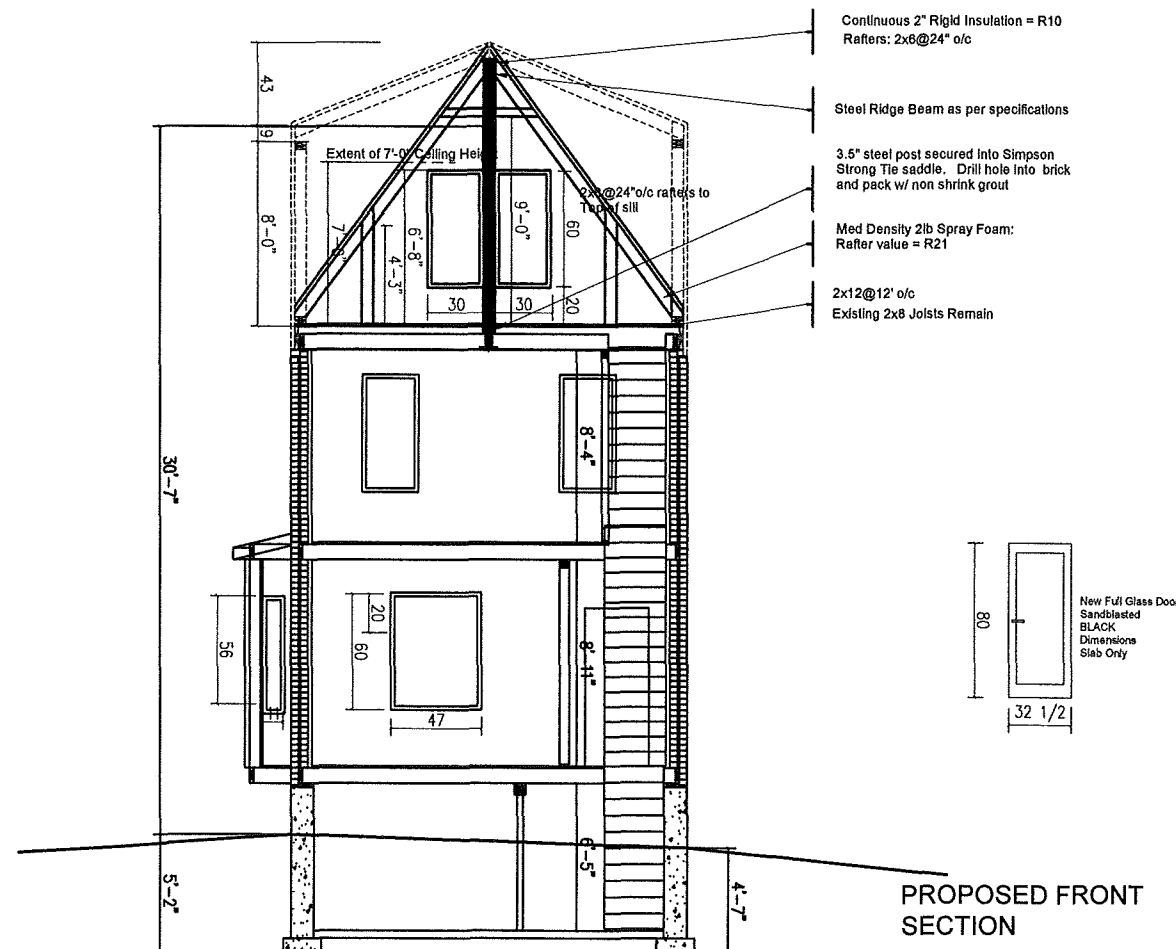
SHEET TITLE
FRONT ELEVATION &
SECTION

FOLDER	DRAWN BY M
FILE	SCALE 1/4" = 1'-0"
DATE	NUMBER

A301



EXISTING FRONT
SECTION



PROPOSED FRONT
SECTION



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 _____

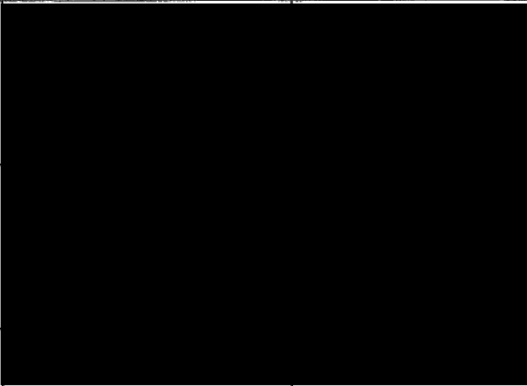
PAID _____ DATE APPLICATION DEEMED COMPLETE _____

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) CARLA-AMARIS KLASSEN	Natalie Margaret LAZIER	
Applicant(s)*	Marina Fensham	
Agent or Solicitor		
		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:

Attic Addition

• Side Yard 2.7m required

• Basement Ceiling Height 6'5"

• Parking (9 Habitable Rooms)

☐ Second Dwelling Unit

☒ Reconstruction of Existing Dwelling

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

Residence Location Existing 100+ Years
Basement ceiling height existing
Zoning deems 4 m² Breakfast Rm Habitable

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**):

32 Cedar Ave, Hamilton

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?

Owners / Neighbours

- 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.

2022/06/12
Date

Signature Property Owner(s)

Natalie LAUER

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage

5.82 m (House) 6.49 m (Land)

Depth

14.7 m (House) 30.47 m (Land)

Area

198.0 m²

Width of street

7 m

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:

Building Area : 65 m²
Height : 9.3 m / 3 Storcs
Area 65 m² + 54 m² + 39.1 m² = 158 m²

Proposed

Building Area : 65 m²
Height : 10.52 m / 3 Storcs
Area 65 m² + 54 m² + 54 m² = 173 m²

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

Existing:

Same as Proposed

Front : 6.5 m
Rear : 11.6 m
North Side : 0.53 m
South Side : 0.75 m / 0.14 m Bay window

Proposed:

13. Date of acquisition of subject lands: 2014
14. Date of construction of all buildings and structures on subject lands: Circa 1920
15. Existing uses of the subject property (single family, duplex, retail, factory etc.): SF Residential
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.): SF Residential
17. Length of time the existing uses of the subject property have continued: 100 + Years
18. Municipal services available (check the appropriate space or spaces)
- | | | | |
|----------------|----------|-----------|----------|
| Water | <u>✓</u> | Connected | <u>✓</u> |
| Sanitary Sewer | <u>✓</u> | Connected | <u>✓</u> |
| Storm Sewers | <u>✓</u> | | |
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:
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.

Planning and Economic Development
Department
Planning Division
Zoning and Committee of Adjustment Section

Committee of Adjustment Comments

TO: Jamila Sheffield
Secretary-Treasurer - Committee of Adjustment
Zoning and Committee of Adjustment Section

FROM: Liam Tapp
(905) 546-2424 Ext. 6884-

DATE: July 15, 2022

SUBJECT:	Application:	HM/A-22:208
	Folder Number:	22-127751-00 COA
	Zoning District:	D
	Zoning District Description:	One and Two Family Residential Dwellings and Etc.
	By-Law Number:	6593
	Address:	32 CEDAR AVE, HAMILTON
	By-Law Section:	10 & 18a
	Anticipated Hearing Date:	July 28, 2022
	Comments Due By:	July 22, 2022

COMMENTS:

So as to permit a third storey attic addition to an existing single family dwelling notwithstanding that:

1. The existing one (1) parking space shall be provided instead of the minimum required three (3) parking spaces for Nine (9) habitable rooms.
2. A side yard setback of 0.53 m shall be provided instead of the minimum required 2.7 m side yard setback
3. An eaves/ gutter encroachment into the required side yard shall be permitted to project the entirety of the required side yard to the lot line instead of the maximum 1.0 m or not more than one-half of the width of the required side yard, whichever is lesser.

Notes:

- i. **The applicant has indicated the existing dwelling was constructed prior to July 25, 1950 which has a parking space requirement of 0 spaces for a single family dwelling. A survey or other documentation has not been provided to confirm the date of construction/ issuance of a permit. Additional parking space information relating to the size and location has not been provided. Should the single family dwelling have been constructed after the passing date of Hamilton Zoning By-Law 6593, additional variances may be required.**
- ii. **The applicant shall ensure the minimum required parking space size of 2.7 m x 6.0 m be maintained for the required one (1) parking space**

- iii. **Insufficient information has been provided for any eaves/ gutters of the proposed addition. Due to the setback required for the addition, it would appear that there is insufficient space provided for any eaves/ gutters along the Northern lot line. As such, a variance has been provided to address this.**
- iv. **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.**