



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-22:254	SUBJECT PROPERTY:	46 ORR CRESCENT, STONEY CREEK
ZONE:	R2-4 and OS-1 (Single Residential and Open Space)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended

APPLICANTS: Owner – Jennifer Cacilhas

The following variances are requested:

1. The existing inground pool and accessory building (pool shed) shall be permitted to be located within the portion of the lands zoned OS-1 whereas the R2-4 zone requires a minimum setback of 7.5m from the OS-1 zone.
2. The existing rear uncovered deck shall be permitted to be located a distance of 4.0m from the OS-1 zone whereas the R2-4 zone requires a minimum setback of 7.5m from the OS-1 zone.
3. The existing inground pool and accessory building (pool shed) shall be permitted to be located within the portion of the lands zoned OS-1 whereas the OS-1 zone states that no development and no building, structure, or accessory building or structure, including a pool except a fence shall be constructed.

PURPOSE & EFFECT: To permit the existing inground pool and accessory pool shed to be maintained for the existing single detached dwelling.

Notes:

The applicant shall ensure that the requested setback from the OS-1 zone for Variance #2 is correct. Otherwise, further variances shall be required.

The Zoning By-law permits a maximum height of 4.5m for accessory buildings. No details were provided from which to determine compliance; therefore, further variances may be required.

SC/A-22:254

The Zoning By-law permits a maximum lot coverage of 10.0% for accessory buildings provided that the maximum lot coverage of all buildings permitted in the respective zone is not exceeded. No details were provided from which to determine compliance; therefore, further variances may be required.

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 25, 2022
TIME:	1:20 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: August 9, 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.



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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.

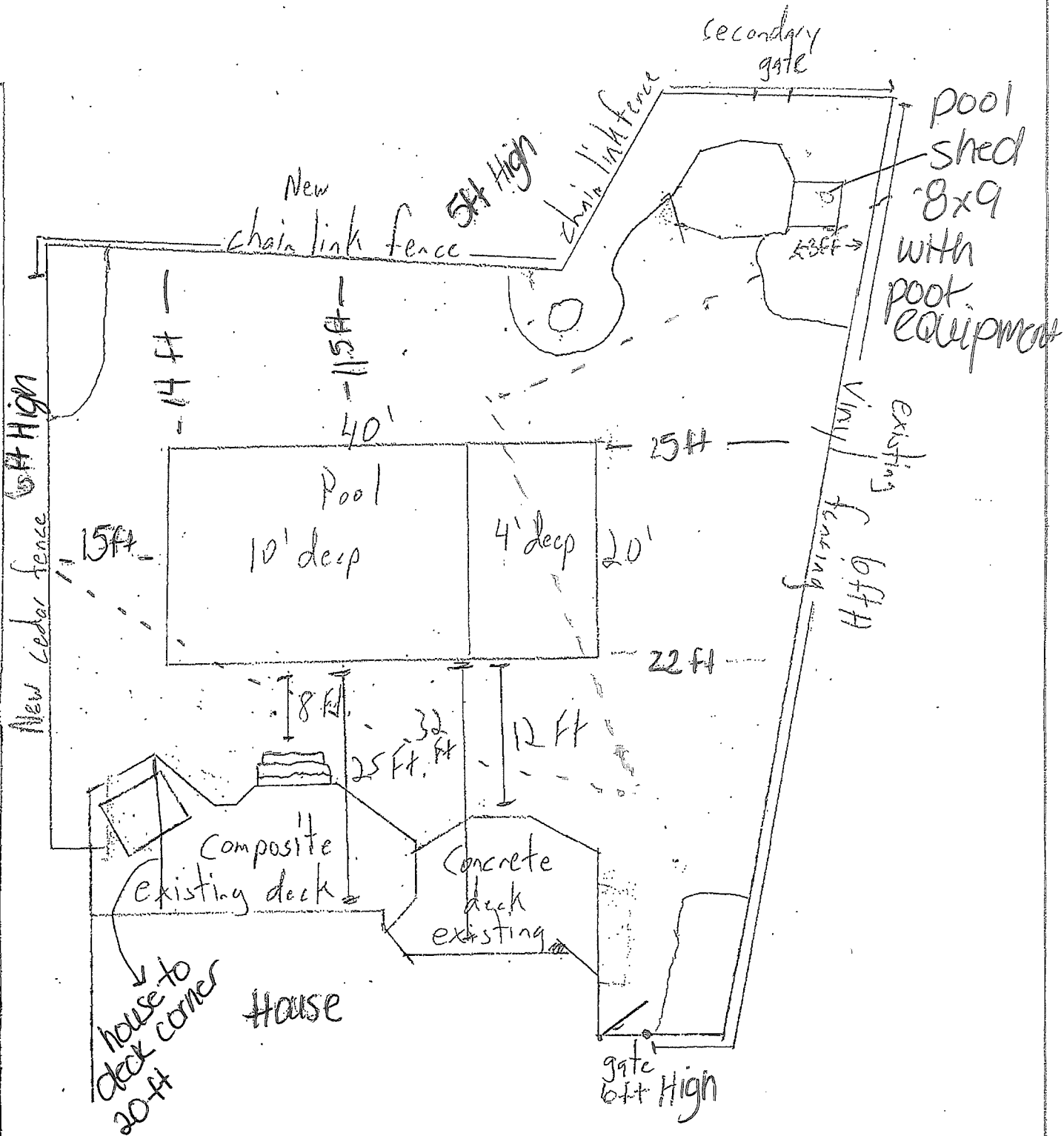
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

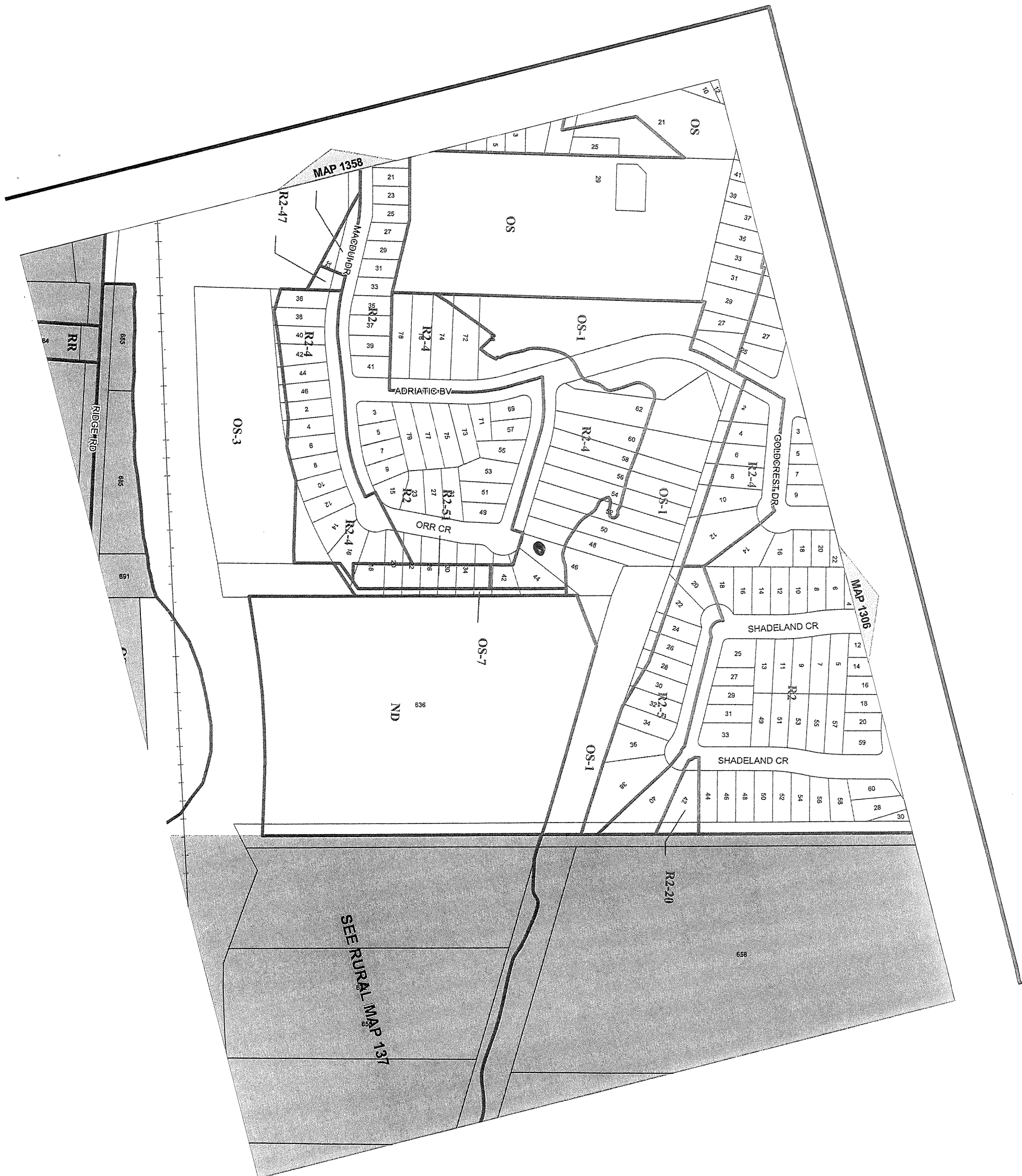
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.



46 Orr Crescent



MAP 1358

R2-47

MacDuff Dr

OS

OS

OS-1

ADRIATIC BLVD

OS-3

R2-4

R2-4

R2-4

GOLDCREST DR

R2-5

ORR CR

OS-1

R2-4

MAP 1306

SHADELAND CR

OS-7

N/D

SHADELAND CR

OS-1

R2-20

658

SEE RURAL MAP 137



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)	Jennifer Cacilhas	[REDACTED]	
Applicant(s)*			Phone:
			E-mail:
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:

Scotia Bank 155 Green Rd Stony Creek, ON L8G 3X2

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:

Pool and deck encroach onto the restricted area of OS-1 and require a permit. The 2 companies hired did not follow through with the permit as required in 2006.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Unfortunately there is not enough space in the yard. And OS-1 runs through the middle of the backyard.

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):

46 ORR CRES LOT 1, PLAN 62M1010, CITY OF HAMILTON. S/T AN EASEMENT AS IN LT245571; S/T AN EASEMENT AS IN WE245280. PIN 173590270

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

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?

I am the only owner of this home and none of the above apply to my 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 N/A

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 29/2006
Date

Jeanette Cavillo P.
Signature Property Owner(s)

Jeanette Cavillo P.
Print Name of Owner(s)

10. Dimensions of lands affected: ~~N/A~~

Frontage 78 ft
Depth 42 ft
Area 3276 SQ FT
Width of street 62 ft

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.) N/A

Existing: _

* Please see sketch - deck is attached to house. The (L) corner is too close to the OS-1 line. Pool is 20 x 40 and running into OS-1 line.

Proposed

* Structures are already completed in 2006.

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

Existing:

* Please see sketch attached showing all positions of existing and proposed structures

Proposed:

* Structures are already completed in 2006.

Date of acquisition of subject lands:

OCT 2005

14. Date of construction of all buildings and structures on subject lands:

OCT 2005

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):

16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):

17. Length of time the existing uses of the subject property have continued:

17 years

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:

N/A

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

N/A

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

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.

MAY 29, 2022

4./ Additional information.

I am the original owner of 46 Orr Crescent. In the summer of 2006, Hickory Hickory Decks was hired to build a deck. I signed a permit and assumed that it was obtained. I found out years later - the file was still open and no permit was obtained. I have reached out to this company with no response whatsoever. I have had the same issue with no pool company that was hired - Lagoon Pools. I understand that it is the home owner's responsibility to have the permits required. This is why I have to apply for the minor variance on my own. This issue has caused me major anxiety and stress and it is my biggest hope to have this issue resolved.

Please feel free to contact me @
j.cacilhas @ cogco.ca. or 905 741 3306

Sincerely,
Jennifer Cacilhas

* This application for minor variance is to cover both the issues with the (L) corner of the deck attached to the house and no permit for the pool.*

ONTARIO
BYORN
IN PART
37
IT WOULD
BE DESIRED
DPT
OF HIGHWAY
160A
LETTER 29721

REGISTERED PLAN 62M-1010

LOT 1

P.L. 175-0270 (L.C.)

OS-1
Zone

OS-1
Zone

R2-4 zone

R2-4
Zone

R2-4
Zone

LOT 2

METRIC
DIMENSIONS IN SQUARE
METERS ARE SHOWN IN
PARENTHESES

REMARKS ARE IN RED
AND DIMENSIONS IN
METERS ARE IN PARENTHESES

SCALE

THIS PLAN AND THE
DIMENSIONS THEREON
SHOULD BE KEPT
TOGETHER WITH THE
ORIGINAL PLAN

ARC=12.82
RADIUS=16.50
CHORD=12.27
N58°50'45"W

CRESCENT

