



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-22:215</b>	<b>SUBJECT PROPERTY:</b>	104 EAST 9TH STREET, HAMILTON
<b>ZONE:</b>	"C" (Urban Protected Residential Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended 96-109

**APPLICANTS:** Owner: Gerard Lazatin  
Agent: Arman Capsuyen

The following variances are requested:

1. A minimum southerly side yard of 0.85 metres shall be permitted, instead of the minimum required side yard of 1.14 metres.

**PURPOSE & EFFECT:** To construct a one (1) storey rear addition onto an existing single-family dwelling, notwithstanding:

**Notes:**

1. The proposed building addition is indicated on the Elevation Drawings as one (1) storey, however, the height has not been indicated as per the definition of "height" provided in Hamilton Zoning By-law No. 6593. As per Section 9(2), no building shall exceed two and a half storeys and no structure shall exceed 11.0 metres in height. Additional variance may be required if compliance with Section 9(2) cannot be achieved.
2. Please note that the subject lot is a lot of record, as defined in Hamilton Zoning By-law No. 6593. Therefore, as per Section 18(3)(v) the minimum required southerly side yard is 1.14 metres, based on a lot width of 11.43 metres. Please note that the width of the lot has not been indicated as per the definition of "width" provided in Hamilton Zoning By-law No. 6593; however, as the lot is rectangular, the lot frontage provided has been used to establish the lot width, and the corresponding required side yard setback.
3. Please note that the projection of eaves/gutters for the proposed building addition has not been indicated. Should the variance be granted to allow for a minimum southerly side yard of 0.85

## HM/A-22:215

metres, as per Section 18(3)(vi)(b), an eave/gutter would be permitted to project approximately 0.42 metres into the reduced southerly side yard. The applicant shall ensure that eaves and gutters do not encroach beyond the property line onto the adjacent private property. Otherwise, the applicant shall be required to enter into an encroachment agreement and establish the necessary maintenance easements, which must be properly registered on title with the abutting neighbour.

4. Please note that the percentage of the gross area of the front yard that is landscaping has not been indicated. As per Section 18(14)(i) and 18A(14a), not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials. Additional variances may be required if compliance with Section 18(14)(i) and 18A(14a), is not possible.
5. The proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

**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, September 22, 2022</b>
<b>TIME:</b>	<b>1:40 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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: September 6, 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.



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)

## 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.

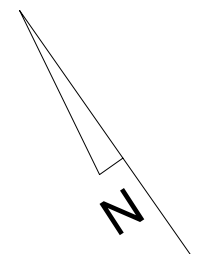
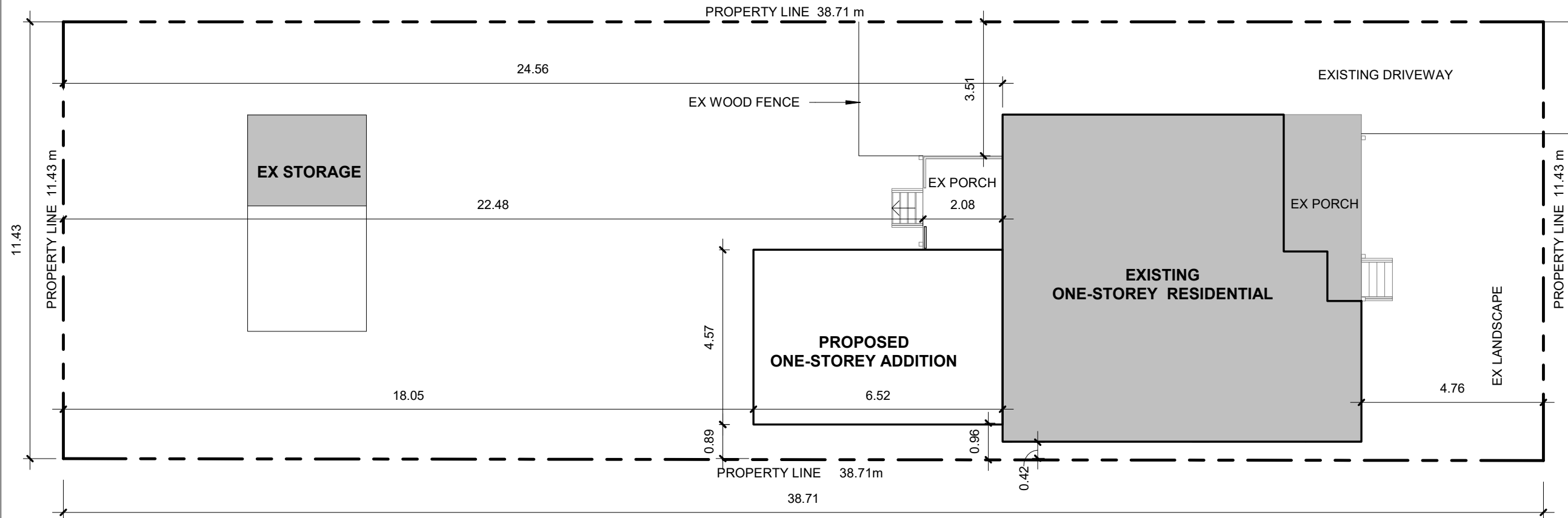
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 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.



1 SITE PLAN  
1" = 10'-0"

**SITE STATISTICS**

ZONING CATEGORIES: URBAN PROTECTED AREA  
LOT AREA: 442.45 sq.m (4,762.49 sq.ft)

DESCRIPTION	PERMITTED	PROPOSED ADD'N
BUILDING HEIGHT	11.0 m MAX	EXISTING
FRONT YARD SETBACK	6.0 m MIN.	EXISTING
REAR YARD SETBACK	7.50 m MIN.	18.05 m
SIDE YARD SETBACK	1.20 m MIN.	0.89 m

NO.	BY	DATE	REVISIONS	CHECKED
6		08/16/22	ISSUED FOR MINOR VARIANCE	
5		03/14/22	ISSUED FOR BUILDING PERMIT	
4		02/09/22	ISSUED FOR BUILDING PERMIT	
3		08/03/21	ISSUED FOR BUILDING PERMIT	
2		07/15/21	ISSUED FOR BUILDING PERMIT	
1		05/26/21	ISSUED FOR BUILDING PERMIT	

PROJECT:  
**PROPOSED ONE-STOREY ADDITION TO EXISTING BUILDING**

ADDRESS:  
104 EAST 9TH STREET  
HAMILTON

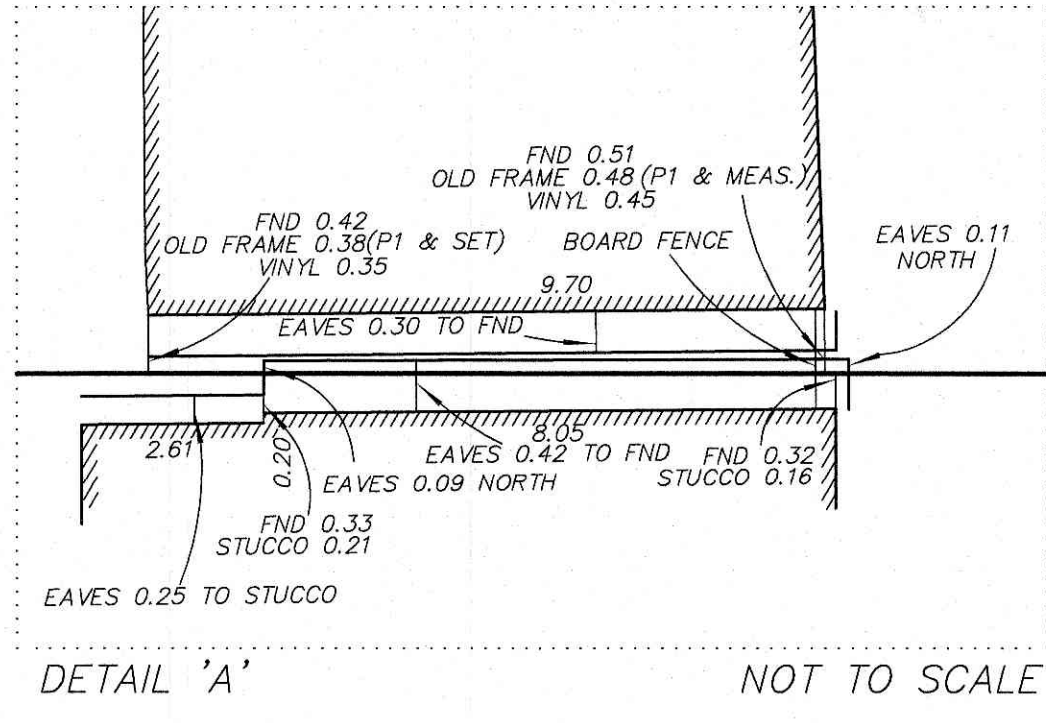
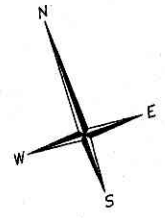
DESCRIPTION:  
**SITE PLAN**

DATE: 07/01/2022

SCALE: AS NOTED

SHEET NO.  
**A1**

**BRUCEDALE AVENUE EAST**  
(FORMERLY BRUCE AVENUE)



DETAIL 'A' NOT TO SCALE

495

106.73 N18°45'00"E (106.68 P2) (REFERENCE BEARING)

**EAST 9TH STREET**  
(FORMERLY CHEPPEL AVENUE)  
P.I.N 17046-0434

LOT 99

LOT 83

LOT 98

LOT 84

LOT 97

LOT 85

LOT 96

LOT 86

LOT 89

**FENNEL AVENUE EAST**

PLAN

REGISTERED

LEGEND:

- DENOTES FOUND BAR
- DENOTES PLANTED BAR
- IB DENOTES IRON BAR
- SIB DENOTES STANDARD IRON BAR
- FND DENOTES FOUNDATION
- (912) DENOTES A. J. CLARKE & ASSOCIATES LTD.
- (824) DENOTES A. T. McLAREN O.L.S.
- (OU) DENOTES ORIGIN UNKNOWN
- (WT) DENOTES WITNESS
- (P1) DENOTES PLAN OF LOT 84 BY A.T. McLAREN LIMITED O.L.S. DATED APRIL 26, 1983
- (P2) DENOTES REGISTERED PLAN 495
- (N1) DENOTES A. J. CLARKE & ASSOCIATES LTD. FIELD NOTES DATED OCTOBER 23, 1986
- (N2) DENOTES A. J. CLARKE & ASSOCIATES LTD. FIELD NOTES DATED FEBRUARY 8, 1988

BEARINGS NOTE:  
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF EAST 9TH STREET (FORMERLY CHAPPEL AVENUE) AS SHOWN ON REGISTERED PLAN 495, HAVING A BEARING OF N18°45'00"W  
METRIC:  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048  
© COPYRIGHT, 2022 A. J. CLARKE & ASSOCIATES LTD. THE REPRODUCTION, ALTERATION OR USE OF THIS REPORT, IN WHOLE OR IN PART, WITHOUT THE EXPRESS PERMISSION OF A. J. CLARKE & ASSOCIATES LTD. IS STRICTLY PROHIBITED.

NOTE  
THIS SKETCH HAS BEEN COMPILED FROM A PLAN OF SURVEY OF THE SOUTH SIDE OF THE SUBJECT LANDS PREPARED BY A. J. CLARKE & ASSOCIATES DATED JANUARY 5, 2022 AND A PLAN OF PART OF LOT 84 BY A.T. McLAREN O.L.S., DATED APRIL 26, 1983

AUGUST 16, 2022  
DATE



**A. J. Clarke and Associates Ltd.**

SURVEYORS • PLANNERS • ENGINEERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO, L8P 1H1  
TEL. 905-528-8761 FAX 905-528-2289  
email: ajc@ajclarke.com

PROJECT No 218287R



**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto: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)	Gerard Lazatin Estelita Gomez-Lazatin	[REDACTED]	
Applicant(s)*	Arman Capsuyen		
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:

THE BANK OF NOVA SCOTIA  
 10 WRIGHT BLVD  
 STRATFORD, ONTARIO  
 N4Z 1H3

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:

To allow 0.96m side yard setback.

Second Dwelling Unit       Reconstruction of Existing Dwelling

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

zoning minimum side yard setback is 1.2m

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**):

South limit of Lot 84 Registered Plan 495 City of Hamilton 104 East 9th Street Hamilton L9A 3M8

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



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?

NA

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.

May 23, 2022  
Date

*Estelita & Gerard*  
Signature Property Owner(s)

ESTELITA & GERARD LAZATIN  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>11.43 m</u>
Depth	<u>38.71 m</u>
Area	<u>442.46 sq.m</u>
Width of street	<u></u>

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:

The existing structure is a one storey residential house with a building area of approx. 773.91 sqft

Proposed

The proposed addition is a one storey building attached to the existing house with a gross floor area of 320.62 sqft

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

Existing:

The existing house have a front yard setback of 4.76m rear yard setback of 24.2 m, side yard of 2.4 m and side yard of 0.42m

Proposed:

The proposed one storey addition is located at the rear yard with proposed side yard of 0.89 m

13. Date of acquisition of subject lands:  
2016/05/16
14. Date of construction of all buildings and structures on subject lands:  
 \_\_\_\_\_
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 REGISTRATION OF THE PLAN OF SUBDIVISION
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:
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.