



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.:	HM/A-22:333	SUBJECT PROPERTY:	928 King St E, Hamilton
ZONE:	"TOC1" (Transit Oriented Corridor Mixed Use)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: Red Betta Holdings Corp
Agent: Ken Bekendam

The following variances are requested:

1. A deck/fire escape may project a maximum 3.1m into a required rear yard whereas the by-law permits a maximum projection of 1.5m.

PURPOSE & EFFECT: To permit the construction of a new deck and fire escape in the rear yard of the existing duplex.

Notes:

- i. A minimum 7.5m rear yard setback is required in the current zoning designation. As such, this variance would permit a deck and fire escape to be as close as 4.4m from the rear lot line.

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, November 17, 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

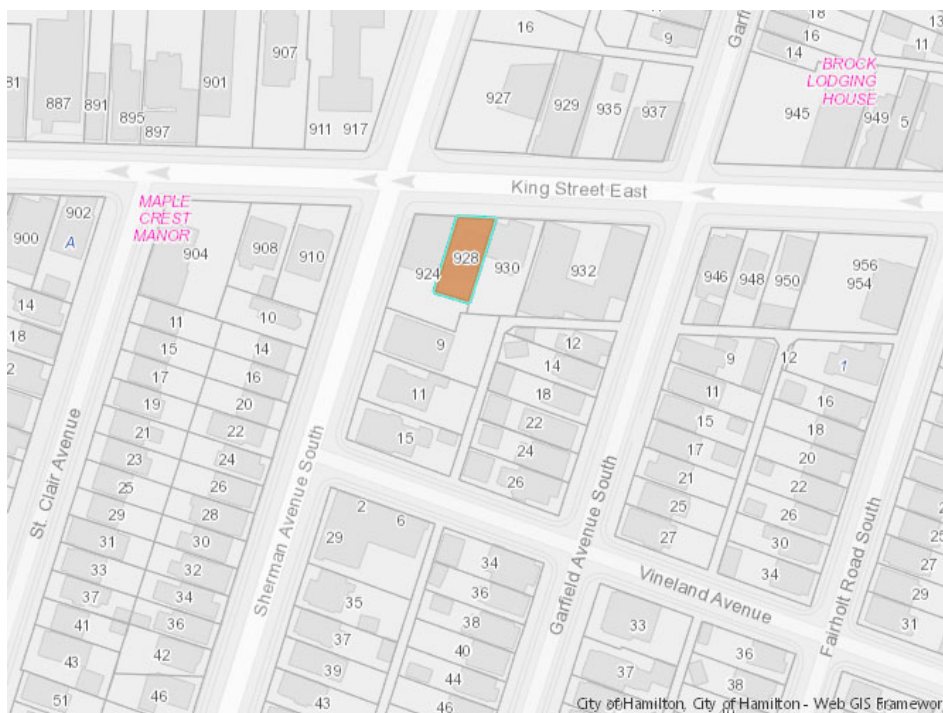
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- 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.



DATED: November 1, 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.

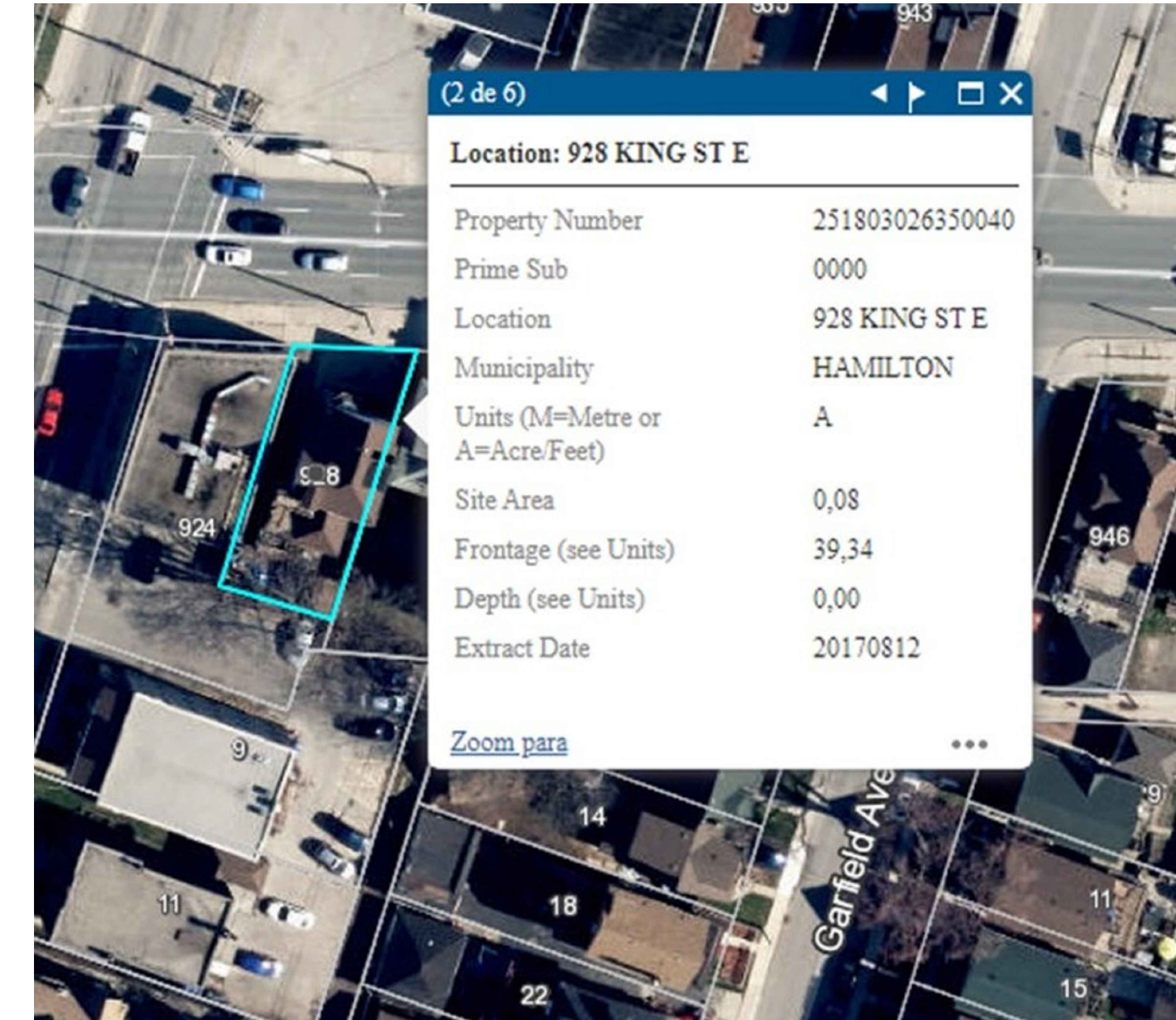
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

928 KING STREET EAST - HAMILTON, ON.

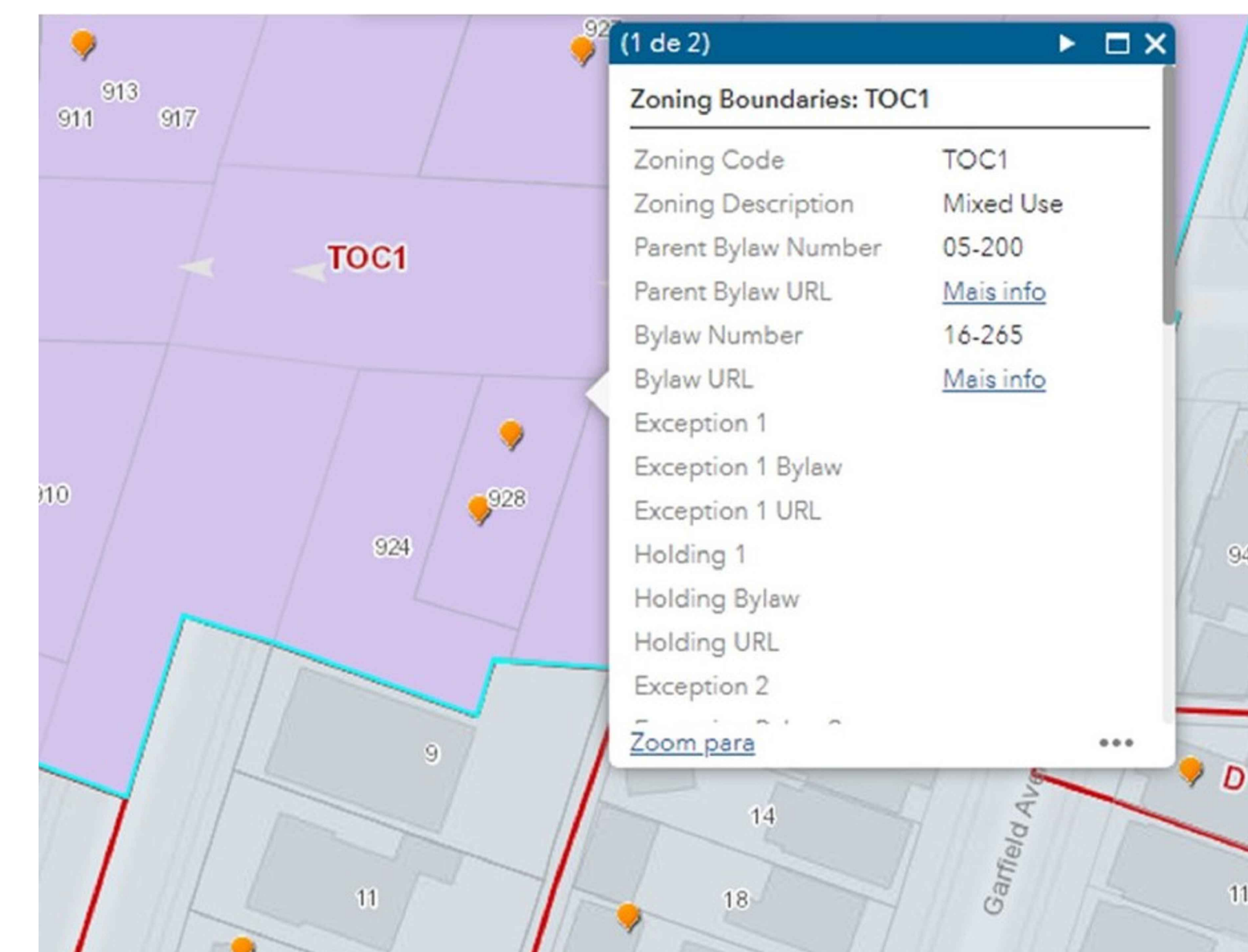
PROPOSED DECK



EXISTING BUILDING IMAGE



AERIAL MAP



ZONING MAP

CITY ELECTRONIC STAMP:



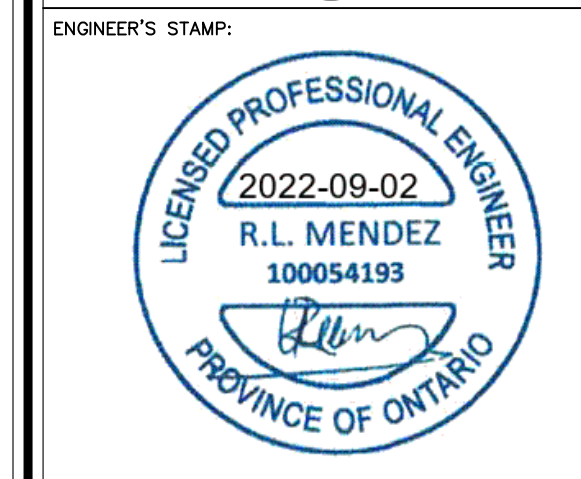
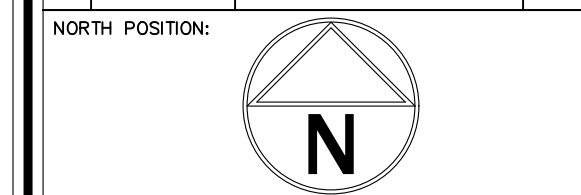
LEGAL SECOND SUITES ARCHITECTURAL AND ENGINEERING SERVICES ARE OWNED AND OPERATED BY KING HOMES INC.

LEAD DESIGNER & CONSULTANT LEAD ENGINEER
 KEN BEKENDAM, B.A. BUSCOM, L.T. ROBERT MENDEZ, P. ENG.
 kenbekendam@gmail.com robertmendez@yahoo.com
 CONTACT INFORMATION: CONTACT INFORMATION:
 OFFICE: 979 MAIN ST. E., HAMILTON, ON. CONSTRUCTION ENGINEERS
 OFFICE PHONE: 855-546-4467 OFFICE PHONE: 438-807-1372
 CELL PHONE: 905-861-0647 PEO: 100054193

- GENERAL NOTES:
- DO NOT SCALE DRAWINGS. FULL SCALE: 24" X 36"
 - ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE LEAD DESIGNER MUST BE NOTIFIED IMMEDIATELY.
 - FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.
 - UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS, NO PROVISION HAS BEEN MADE IN THE DESIGN FOR CONDITIONS OCCURRING DURING CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL NECESSARY BRACING, SHORINGS, SHEET PILING OR OTHER TEMPORARY SUPPORTS, TO SAFEGUARD ALL EXISTING OR ADJACENT STRUCTURES AFFECTED BY THIS WORK.
 - USE LATEST REVISED DRAWINGS.
 - ALL CONSTRUCTION TO MEET LATEST ONTARIO BUILDING CODE.
 - ALL DRAWINGS, SPECIFICATIONS, RELATED DOCUMENTS AND DESIGN ARE THE COPYRIGHT PROPERTY OF LEGAL SECOND SUITES. REPRODUCTION OF THIS PROPERTY IN WHOLE OR IN PART IS STRICTLY PROHIBITED WITHOUT LEGAL SECOND SUITES WRITTEN PERMISSION. LEGAL SECOND SUITES ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THIS PROPERTY UNLESS IT BEARS THE APPROPRIATE PEO NUMBER AND ORIGINAL SIGNATURE.
 - BUILDING OWNERS WILL BE RESPONSIBLE FOR HIRING A CERTIFIED CONTRACTOR TO PERFORM SCOPE OF WORK AS PER ISSUED PERMIT.
 - CONTRACTOR WILL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SAFETY REQUIREMENTS ON SITE.

REVISIONS:

NO.	DATE:	GENERAL DESCRIPTION:	INITIALS:
01			
02			
03			
04			



PROJECT NAME/ADDRESS:
 928 KING STREET EAST - HAMILTON, ON.

SHEET NAME:
 TITLE PAGE

SCALE:	PROJECT NO.	DATE:
N/A	22-77	01/08/2022
	DRAWN BY: ALISSON LUZZI	REVIEWED BY: KEN BEKENDAM

SHEET NO.
 A0.01

GENERAL NOTES:

- ALL CONSTRUCTION TO COMPLY WITH THE CURRENT ONTARIO BUILDING CODE (REVISED 2012 OBC - DEC 19, 2017).
- ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING, MASONRY, OR CONCRETE SURFACES U.O.N.
- ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENING.
- CONTRACTOR SHALL VERIFY WINDOW OPENINGS WITH THE MANUFACTURER PRIOR TO WORK.
- READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH ELECTRICAL PLANS SUPPLIED BY LICENSED ELECTRICAL CONTRACTOR.
- ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND FIELD CONDITIONS BEFORE COMMENCING FABRICATION.
- THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFORM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
- PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
- CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCE NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
- THE CONTRACTOR IS NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.
- EXISTING DRAINAGE PATTERNS TO REMAIN. ANY NEW SUMP PUMP INSTALLATIONS TO DISCHARGE IN REAR YARD
- BUILDING FROM THESE SHALL PROCEED ONLY WHEN MARKED "ISSUED FOR CONSTRUCTION."
- EXISTING STRUCTURE NOTE:
 - OWNER AND CONTRACTOR ARE FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING GENERAL AND STRUCTURAL CONDITIONS PRIOR TO ANY WORK. ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO SUITE ADDITIONS INC. PRIOR TO ANY WORK.
 - OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK IF REQUIRED.

CODE REFERENCES AND SPECIFICATIONS

- 1. FIRE PROTECTION MEASURES
- ALL FIRE PROTECTION MEASURES MUST COMPLY WITH OBC 9.10. (U.O.N.)

- 2. CEILING HEIGHTS
- CEILING HEIGHTS SHALL COMPLY WITH OBC 9.5.3.1. AND PART 11 - C102 OF TABLE 11.5.1.1.C.

PART 9:
BASEMENT SPACE - 2 100 mm (6'-10 3/4") over at least 75% of the basement area except that under beams and ducts the clearance is permitted to be reduced to 1 950 mm (6'-4 7/8")

PART 11 (COMPLIANCE ALTERNATIVE):
In a house,
(a) minimum room height shall not be less than 1 950 mm (6'-4 7/8") over the required floor area and in any location that would normally be used as a means of egress, or
(b) minimum room height shall not be less than 2 030 mm (6'-8") over at least 50% of the required floor area, provided that any part of the floor having a clear height of less than 1 400 mm (4'-7 1/8") shall not be considered in computing the required floor area.

3. EGRESS FROM DWELLING UNIT
EGRESS FROM DWELLING UNIT SHALL COMPLY WITH OBC 9.9.9 AND PART 11 COMPLIANCE - C136 OF TABLE 11.5.1.1.C.

PART 9:
9.9.9.1. Travel Limit to Exits or Egress Doors
(1) Except as provided in Sentences (2) and (3), every dwelling unit containing more than 1 storey shall have exits or egress doors located so that it shall not be necessary to travel up or down more than 1 storey to reach a level served by,
(a) an egress door to a public corridor, enclosed exit stair or exterior passageway, or
(b) an exit doorway not more than 1 500 mm above adjacent ground level.
(2) Where a dwelling unit is not located above or below another suite, the travel limit from a floor level in the dwelling unit to an exit or egress door is permitted to exceed 1 storey where that floor level is served by an openable window or door,
(a) providing an unobstructed opening of not less than 1 000 mm in height and 550 mm in width, and
(b) located so that the sill is not more than,
(i) 1 000 mm above the floor, and
(ii) 7 m above adjacent ground level.
(3) The travel limit from a floor level in a dwelling unit to an exit or egress door is permitted to exceed 1 storey where that floor level has direct access to a balcony.
9.9.9.2. Two Separate Exits
(1) Except as provided in Sentence 9.9.7.3.(1), where an egress door from a dwelling unit opens onto a public corridor or exterior passageway it shall be possible from the location where the egress door opens onto the corridor or exterior passageway to go in opposite directions to two separate exits unless the dwelling unit has a second and separate means of egress.

9.9.9.3. Shared Egress Facilities
(1) A dwelling unit shall be provided with a second and separate means of egress where an egress door from the dwelling unit opens onto,
(a) an exit stairway serving more than one suite,
(b) a public corridor,
(i) serving more than one suite, and
(ii) served by a single exit,
(c) an exterior passageway,
(i) serving more than one suite,
(ii) served by a single exit stairway or ramp, and
(iii) more than 1.5 m above adjacent ground level, or
(d) a balcony,
(i) serving more than one suite,
(ii) served by a single exit stairway or ramp, and
(iii) more than 1.5 m above adjacent ground level.

PART 11 (COMPLIANCE ALTERNATIVE):
In a house, exit requirements are acceptable if at least one of the following conditions exists:
(a) a door, including a sliding door, that opens directly to the exterior from a dwelling unit, serves only that dwelling unit and has reasonable access to ground level, and the dwelling units are equipped with smoke alarms installed in conformance with Subsection 9.10.19.,
(b) an exit that is accessible to more than one dwelling unit and provides the only means of egress from each dwelling unit, provided that the means of egress is separated from the remainder of the building and common areas by a fire separation having a 30 min fire-resistance rating and provided further that the required access to exit from any dwelling unit cannot be through another dwelling unit, service room or other occupancy, and both dwelling units and common areas are provided with smoke alarms that are installed in conformance with Subsection 9.10.19. and are interconnected, or
(c) access to an exit from one dwelling unit which leads through another dwelling unit where,
(i) an additional means of escape is provided through a window that conforms to the following:
(A) the sill height is not more than 1 000 mm above or below adjacent ground level,
(B) the window can be opened from the inside without the use of tools,
(C) the window has an individual unobstructed open portion having a minimum area of 0.38 m² with no dimension less than 460 mm
(D) the sill height does not exceed 900 mm above the floor or fixed steps,
(E) where the window opens into a window well, a clearance of not less than 1 000 mm shall be provided in front of the window, and
(F) smoke alarms are installed in every dwelling unit and in common areas in conformance with Subsection 9.10.19. and are interconnected,
(i) an additional means of escape is provided through a window that conforms to the following:
(A) the window is a casement window not less than 1 060 mm high, 560 mm wide, with a sill height not more than 900 mm above the inside floor,
(B) the sill height of the window is not more than 5 m above adjacent ground level, and
(C) smoke alarms are installed in every dwelling unit and in common areas in conformance with Subsection 9.10.19. and are interconnected, or (iii) the building is sprinklered and the dwelling units are equipped with smoke alarms installed in conformance with Subsection 9.10.19.

10. EGRESS FROM BEDROOMS
EGRESS FROM BEDROOMS SHALL COMPLY WITH OBC 9.9.10.1

PART 9:
(1) Except where a door on the same floor level as the bedroom provides direct access to the exterior, every floor level containing a bedroom in a suite shall be provided with at least one outside window that,
(a) is openable from the inside without the use of tools,
(b) provides an individual, unobstructed open portion having a minimum area of 0.35 m² with no dimension less than 380 mm, and
(c) maintains the required opening described in Clause (b) without the need for additional support.
(2) Except for basement areas, the window required in Sentence (1) shall have a maximum sill height of

1000 mm above the floor.
(3) When sliding windows are used, the minimum dimension described in Sentence (1) shall apply to the openable portion of the window.
(4) Where the sleeping area within a live/work unit is on a mezzanine with no obstructions more than 1 070 mm above the floor, the window required in Sentence (1) may be provided on the main level of the live/work unit provided the mezzanine is not more than 25% of the area of the live/work unit or 20 m², whichever is less, and an unobstructed direct path of travel is provided from the mezzanine to this window.
(5) Where a window required in Sentence (1) opens into a window well, a clearance of not less than 550 mm shall be provided in front of the window.
(6) Where the sash of a window referred to in Sentence (5) swings towards the window well, the operation of the sash shall not reduce the clearance in a manner that would restrict escape in an emergency.
(7) Where a protective enclosure is installed over the window well referred to in Sentence (5), such enclosure shall be openable from the inside without the use of keys, tools or special knowledge of the opening mechanism.

5. SMOKE ALARMS
SMOKE ALARMS SHALL COMPLY WITH OBC 9.10.19. AND PART 11 COMPLIANCE - C175 OF TABLE 11.5.1.1.C.

PART 9:
9.10.19.1. Required Smoke Alarms
(2) Smoke alarms conforming to CAN/ULC-S531, "Smoke Alarms", shall be installed in each dwelling unit and in each sleeping room not within a dwelling unit.
(3) Smoke alarms required in Sentence (1) shall have a visual signalling component conforming to the requirements in 18.5.3. (Light, Color and Pulse Characteristics) of NFPA 72, "National Fire Alarm and Signaling Code".
(4) The visual signalling component required in Sentence (2) need not, (a) be integrated with the smoke alarm provided it is interconnected to it, (b) be on battery backup, or (c) have synchronized flash rates, when installed in a dwelling unit.
(5) The luminous intensity for visual signalling components required in Sentence (2) that are installed in sleeping rooms shall be a minimum of 175 cd.
(6) Smoke alarms required in Sentence (1) shall be installed on or near the ceiling.
9.10.19.3. Location of Smoke Alarms
(1) Within dwelling units, sufficient smoke alarms shall be installed so that,
(a) there is at least one smoke alarm installed on each storey, including basements, and
(b) on any storey of a dwelling unit containing sleeping rooms, a smoke alarm is installed,
(i) in each sleeping room, and
(ii) in a location between the sleeping rooms and the remainder of the storey, and if the sleeping rooms are served by a hallway, the smoke alarm shall be located in the hallway.
(2) Within a house that contains an interior shared means of egress or common area, a smoke alarm shall be installed in each shared means of egress and common area.
(3) A smoke alarm required in Sentences (1) and (2) shall be installed in conformance with CAN/ULC-S553, "Installation of Smoke Alarms".
9.10.19.1. Power Supply
(1) Except as provided in Sentences (2) and (3), smoke alarms required in Sentences 9.10.19.1.(1) and 9.10.19.3.(2) shall,
(a) be installed with permanent connections to an electrical circuit,
(b) have no disconnect switch between the overcurrent device and the smoke alarm, and
(c) in case the regular power supply to the smoke alarm is interrupted, be provided with a battery as an alternative power source that can continue to provide power to the smoke alarm for a period of not less than 7 days in the normal condition, followed by 4 min of alarm.
9.10.19.1. Interconnection of Smoke Alarms
(1) Where more than one smoke alarm is required in a dwelling unit, the smoke alarms shall be wired so that the activation of one alarm will cause all alarms within the dwelling unit to sound.

PART 11 (COMPLIANCE ALTERNATIVE):
Smoke alarms may be battery operated.

10. CARBON MONOXIDE ALARMS
CARBON MONOXIDE ALARMS SHALL COMPLY WITH OBC 9.33.4. AND PART 11 COMPLIANCE - C197 OF TABLE 11.5.1.1.C.

PART 9:
9.33.4.1. Application
(1) This Subsection applies to every building that,
(a) contains a residential occupancy, and
(b) contains a fuel-burning appliance or a storage garage.
9.33.4.1. Location of Carbon Monoxide Alarms
(1) Where a fuel-burning appliance is installed in a suite of residential occupancy, a carbon monoxide alarm shall be installed adjacent to each sleeping area in the suite.
(2) Where a fuel-burning appliance is installed in a service room that is not in a suite of residential occupancy, a carbon monoxide alarm shall be installed,
(a) adjacent to each sleeping area in every suite of residential occupancy that is adjacent to the service room, and
(b) in the service room.
(3) Where a storage garage is located in a building containing a residential occupancy, a carbon monoxide alarm shall be installed adjacent to each sleeping area in every suite of residential occupancy that is adjacent to the storage garage.
(4) Where a storage garage serves only the dwelling unit to which it is attached or built in, a carbon monoxide alarm shall be installed adjacent to each sleeping area in the dwelling unit.
(5) A carbon monoxide alarm shall be mechanically fixed,
(a) at the manufacturer's recommended height, or
(b) in the absence of specific instructions, on or near the ceiling.
9.33.4.1. Installation and Conformance to Standards
(1) The carbon monoxide alarm required by Article 9.33.4.2. shall,
(a) except as permitted in Sentence (2), be permanently connected to an electrical circuit and shall have no disconnect switch between the overcurrent device and the carbon monoxide alarm,
(b) be wired so that its activation will activate all carbon monoxide alarms within the suite, where located within a suite of residential occupancy,
(c) be equipped with an alarm that is audible within bedrooms when the intervening doors are closed, where located adjacent to a sleeping area, and
(d) conform to,
(i) CAN/CSA-6.19, "Residential Carbon Monoxide Alarming Devices", or
(ii) UL 2034, "Single and Multiple Station Carbon Monoxide Alarms".
(2) Where the building is not supplied with electrical power, carbon monoxide alarms are permitted to be battery operated.

PART 11 (COMPLIANCE ALTERNATIVE):
Carbon monoxide alarms may be battery operated or plugged into an electrical outlet.

10. FIRE-RESISTANCE RATINGS FOR WALLS, COLUMNS AND ARCHES
FIRE-RESISTANCE RATINGS FOR WALLS, COLUMNS AND ARCHES SHALL COMPLY WITH OBC 9.10.8.3 AND PART 11 COMPLIANCE - C147 OF TABLE 11.5.1.1.C.

PART 9:
(1) Except as otherwise provided in this Subsection, all load bearing walls, columns and arches in the storey immediately below a floor or roof assembly shall have a fire-resistance rating of not less than that required for the supported floor or roof assembly.
PART 11 (COMPLIANCE ALTERNATIVE):
(a) Except as provided in (b) and (c), 30 min rating is acceptable.
(b) In a house, 15 min horizontal fire separation is acceptable where,
(i) smoke alarms are installed in every dwelling unit and in common areas in conformance with Subsection 9.10.19., and
(ii) smoke alarms are interconnected.
(c) In a house, the fire-resistance rating of the fire separation is waived where the building is sprinklered.

11. SEPARATION OF SERVICE ROOMS
SEPARATION OF SERVICE ROOMS SHALL COMPLY WITH OBC 9.10.10.4

PART 9:
9.10.10.1. Appliances and Equipment to be Located in a Service Room
(1) Except as provided in Sentences (2) and (3) and Article 9.10.10.5., fuel-fired appliances shall be located in a service room separated from the remainder of the building by a fire separation having not less than a 1 h fire-resistance rating.
(2) Except as required in the appliance installation standards referenced in Sentences 6.2.1.4.(1) and 9.33.1.2.(1), fuel fired spaceheating appliances, space-cooling appliances and service water heaters need not be separated from the remainder of the building as required in Sentence (1) where the equipment serves,
(a) not more than one room or suite,
(b) a house, or
(c) a building, other than a house, with a building area of not more than 400 m² and a building height of not more than 2 storeys.
(3) Sentence (1) does not apply to fireplaces and cooking appliances.

9. SEPARATION OF RESIDENTIAL SUITES

SEPARATION OF RESIDENTIAL SUITES SHALL COMPLY WITH OBC 9.10.9.14 AND PART 11 COMPLIANCE - C152 OF TABLE 11.5.1.1.C.

PART 9:
(1) Except as provided in Sentences (2) and (3) and Article 9.10.21.2., suites in residential occupancies shall be separated from adjacent rooms and suites by a fire separation having a fire-resistance rating of not less than 45 min.
(2) Sleeping rooms in boarding, lodging or rooming houses where sleeping accommodation is provided for not more than 5 boarders or lodgers shall be separated from the remainder of the floor area by a fire separation having a fire-resistance rating of not less than 30 min where the sleeping rooms form part of the proprietor's residence and do not contain cooking facilities.
(3) Except as provided in Sentences (4) and (5), dwelling units that contain 2 or more storeys including basements shall be separated from the remainder of the building by a fire separation having a fire-resistance rating of not less than 1 h.
(4) Except as provided in Sentence (5), dwelling units in a house shall be separated from each other and common areas by a fire separation having a fire-resistance rating of not less than 45 min.
(5) The fire-resistance rating of the fire separation required in Sentence (4) is permitted to be waived where the house is sprinklered.

PART 11 (COMPLIANCE ALTERNATIVE):
(a) Except as provided in (b) and (c), 30 min fire separation is acceptable.
(b) In a house, 15 min horizontal fire separation is acceptable where,
(i) smoke alarms are installed in every dwelling unit and in common areas in conformance with Subsection 9.10.19., and
(ii) smoke alarms are interconnected.
(c) In a house, the fire-resistance rating of the fire separation is waived where the building is sprinklered.

10. CLOSURES (DOORS):
CLOSURES SHALL COMPLY WITH OBC 9.10.13.1 AND PART 11 COMPLIANCE - C155 OF TABLE 11.5.1.1.C.

PART 9:
(1) Except as provided in Article 9.10.13.2., openings in required fire separations shall be protected with a closure conforming to Table 9.10.13.1. and shall be installed in conformance with NFPA 80. Fire Doors and Other Opening Protectives, unless otherwise specified in this Part.

PART 11 (COMPLIANCE ALTERNATIVE):
Existing functional closures are acceptable subject to C.A.'s C8 and C156.
(a) Existing functional and sound doors in existing buildings that are either hollow metal or kalamein and containing wired glass at least 6 mm thick and conforming to Sentence 3.1.8.14.(2) are permitted in lieu of doors not required to exceed 45 min,
(b) all existing functional and sound hollow metal or kalamein doors which carry existing 1.5 h labels are acceptable in lieu of current 1.5 h labels and may contain wired glass panels not exceeding 0.0645 m², at least 6 mm thick and conforming to Sentence 3.1.8.14.(2), and
(c) every fire door, window assembly or glass block used as a closure in a required fire separation shall be installed in conformance with good engineering practice. In a house, existing unlabelled doors at least 45 mm solid core wood or metal clad are acceptable. For existing closures, ratings of 20 min will not be required where the entire floor area is sprinklered.

11. LAUNDRY FIXTURES
LAUNDRY FIXTURES SHALL COMPLY WITH OBC 9.31.4.2.

PART 9:
(1) Laundry facilities or a space for laundry facilities shall be provided in every dwelling unit or grouped elsewhere in the building in a location conveniently accessible to occupants of every dwelling unit.

12. NATURAL VENTILATION
NATURAL VENTILATION SHALL COMPLY WITH OBC 9.32.2.1 AND PART 11 COMPLIANCE - C194 OF TABLE 11.5.1.1.C.

PART 9:
(1) The unobstructed openable ventilation area to the outdoors for rooms and spaces in a residential occupancy ventilated by natural means shall conform to Table 9.32.2.1.

PART 11 (COMPLIANCE ALTERNATIVE):
In a house, rooms or spaces to be ventilated by natural means in accordance with Subsection 9.32.2. or by providing adequate mechanical ventilation.

13. ELECTRICAL FACILITIES
ELECTRICAL FACILITIES SHALL COMPLY WITH OBC 9.34.

14. INTERCONNECTION OF SYSTEMS
INTERCONNECTION OF SYSTEMS SHALL COMPLY WITH OBC 6.2.3.9 AND PART 11 COMPLIANCE - C91 OF TABLE 11.5.1.1.C.

PART 6:
(1) In a residential occupancy, air from one suite shall not be circulated to any other suite or to a public corridor or public stairway.

PART 11 (COMPLIANCE ALTERNATIVE):
In a building containing not more than four dwelling units or residential suites, the existing heating or air-conditioning system may be altered to serve more than one dwelling unit or suite, provided smoke alarms are installed in each dwelling unit or suite and provided a smoke detector is installed in the supply or return air duct system serving the entire building which would turn off the fuel supply and electrical power to the heating system upon activation of such detector.

15. PENETRATIONS
PIPING, TUBING, DUCTS, CHIMNEYS, WIRING, CONDUIT, ELECTRICAL OUTLET BOXES AND OTHER SIMILAR SERVICE EQUIPMENT THAT PENETRATE A FIRE SEPARATION MUST BE NON COMBUSTIBLE AND FIRE STOPPED.

16. PLUMBING
ALL PLUMBING MUST CONFORM TO O.REG.332/12, DIV. 8 PART 7 OF THE BUILDING CODE

17. HANDRAILS AND GUARDRAILS
INSTALL HANDRAILS AND GUARDRAILS IN ACCORDANCE WITH 9.8.7. AND 9.8.8 OF THE BUILDING CODE RESPECTIVELY

CITY ELECTRONIC STAMP:



LEGAL SECOND SUITES ARCHITECTURAL AND ENGINEERING SERVICES ARE OWNED AND OPERATED BY KING HOMES INC.

LEAD DESIGNER & CONSULTANT LEAD ENGINEER
KEN BEKENDAM, B.A. BSCOM. LT. ROBERT MENDEZ, P. ENG.
kenbekendam@gmail.com robertmendez@yahoo.com

CONTACT INFORMATION: CONTACT INFORMATION:
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OFFICE PHONE: 855-546-4467 OFFICE PHONE : 416-807-1372
CELL PHONE: 905-961-0647 PEO: 100054193

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NO.	DATE:	GENERAL DESCRIPTION:	INITIALS:
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NORTH POSITION:

ENGINEER'S STAMP:



PROJECT NAME/ADDRESS:
928 KING STREET EAST- HAMILTON, ON.

SHEET NAME:
CONSTRUCTION NOTES

SCALE: NTS

PROJECT NO.	DATE:
22-77	01/08/2022

DRAWN BY: ALISSON LUZZI
REVIEWED BY: KEN BEKENDAM

SHEET NO.
A0.02

SITE INFORMATION & STATISTICS	
ADDRESS	928 KING ST E, HAMILTON-ON.
ZONING TYPE	TOC-1
LOT AREA	3254.45 SQ FT (302.35 SQ M)
LOT FRONTAGE	39'-4" (11.99m)

GENERAL NOTES:

1. ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
2. ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
3. ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
4. CONTRACTOR IS TO VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO COMMENCING WORK.
5. READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
6. ELEVATION REFERENCES ARE BASED ON 100'-0" = 131.70m GEODETIC ELEVATIONS AS NOTED ON A1 SITE PLAN.
7. ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION, AND INCONSISTENCIES ARE TO BE REPORTED TO THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.
8. THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFIRM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
9. PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
10. CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCING NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
11. REFER TO LANDSCAPING PLAN FOR PLANTING CONFIRM LAYOUT WITH LANDSCAPE CONTRACTOR
12. DESIGNER NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.

EXISTING STRUCTURE NOTE:

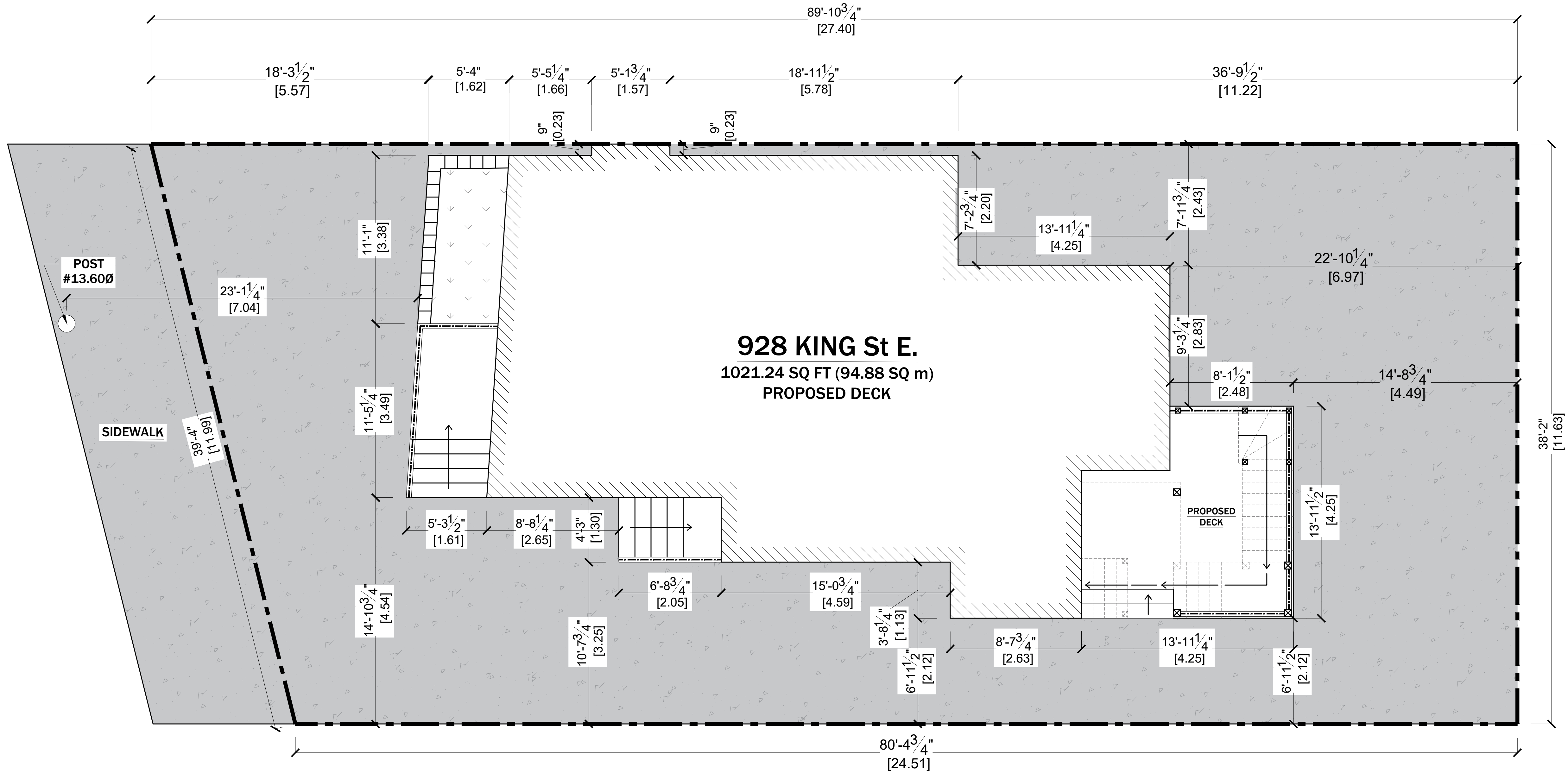
OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK, ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER PRIOR TO ANY WORK, OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK.

BUILDING CODE COMPLIANCE NOTE:

THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH ALL ASPECTS OF THE O.B.C. AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS.

SITE PLAN:

BASED ON HAMILTON SITE MAPS AND MEASUREMENTS ON SITE DESIGNER ASSUMES NO RESPONSIBILITY FOR ACCURACY OF HAMILTON MAPS. THIS SITE SHALL NOT BE USED FOR ANY OTHER PURPOSES. NO WORK TO ENCR OACH ONTO ADJOINING PROPERTIES



CITY ELECTRONIC STAMP:



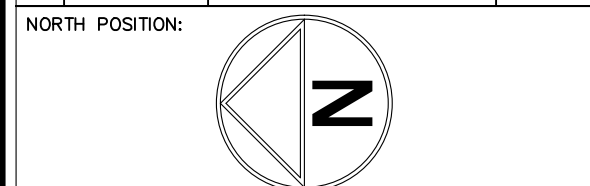
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ENGINEER'S STAMP:



PROJECT NAME/ADDRESS:
928 KING STREET EAST-HAMILTON, ON.

SHEET NAME:
SITE PLAN

SCALE:
1/4" = 1'-0"

PROJECT NO. 22-77 DATE: 01/08/2022

DRAWN BY: ALISSON LUZZI REVIEWED BY: KEN BEKENDAM

SHEET NO.
SP1.01



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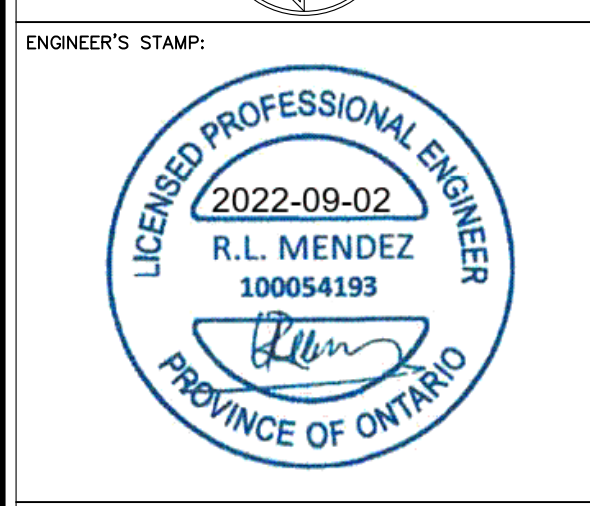
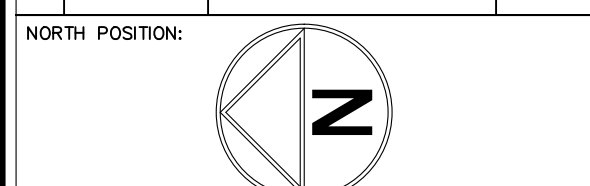
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 robertmendez@yahoo.com

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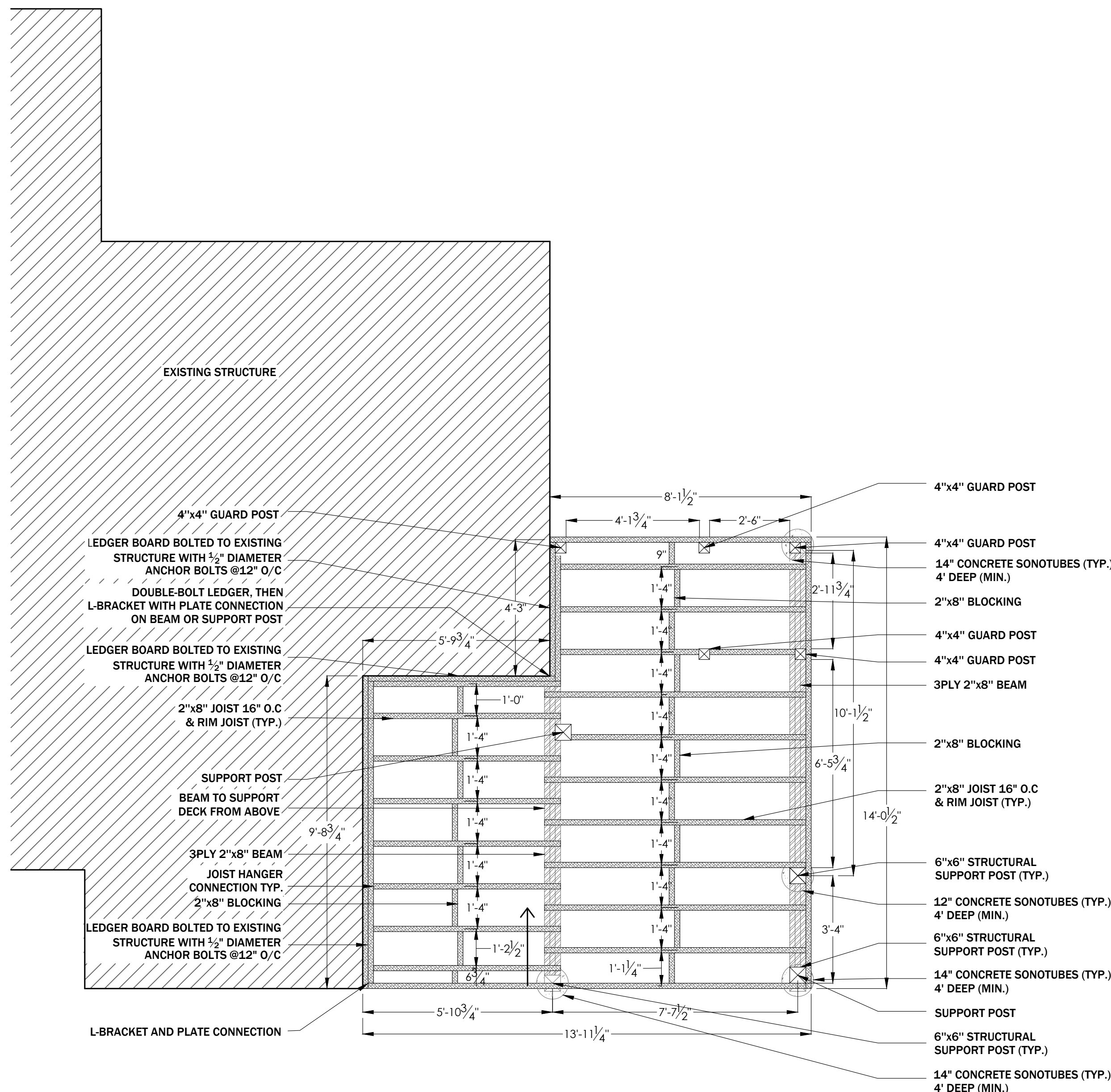
PROJECT NAME/ADDRESS:
928 KING STREET EAST-HAMILTON, ON.

SHEET NAME:
PROPOSED GROUND FLOOR

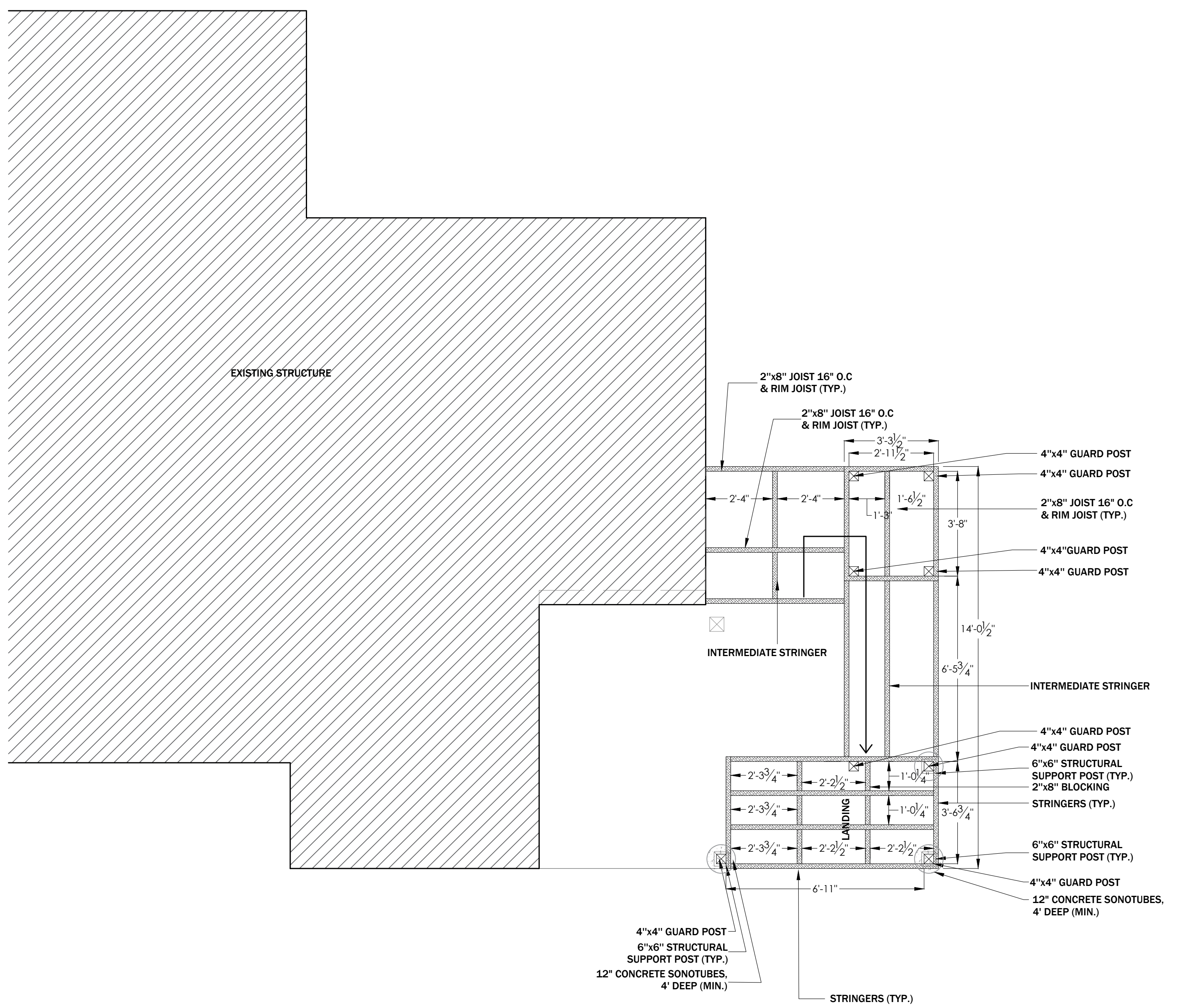
SCALE:
 3/8" = 1'-0"

PROJECT NO. 22-77	DATE 01/08/2022
DRAWN BY: ALISSON LUZZI	REVIEWED BY: KEN BEKENDAM

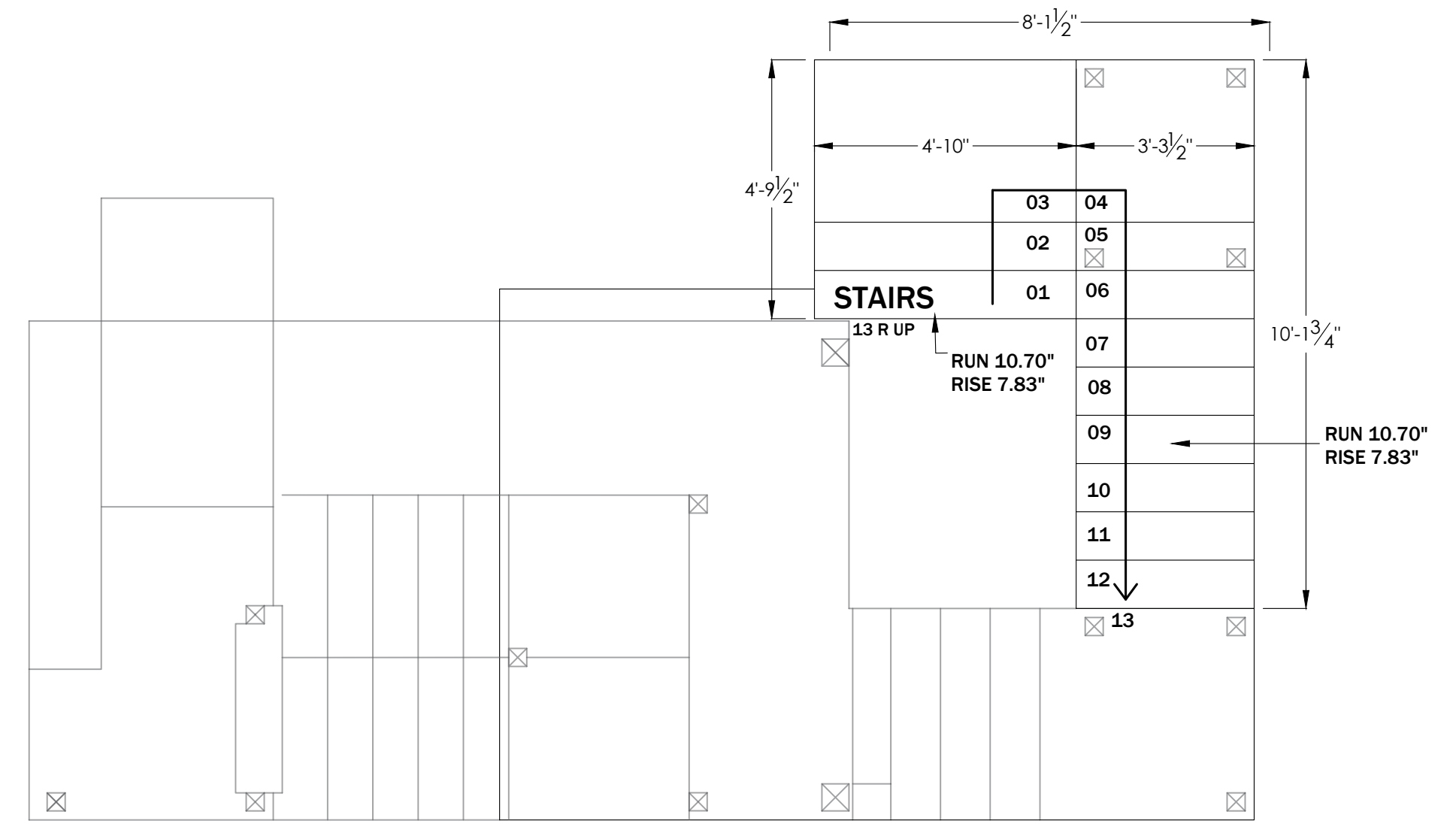
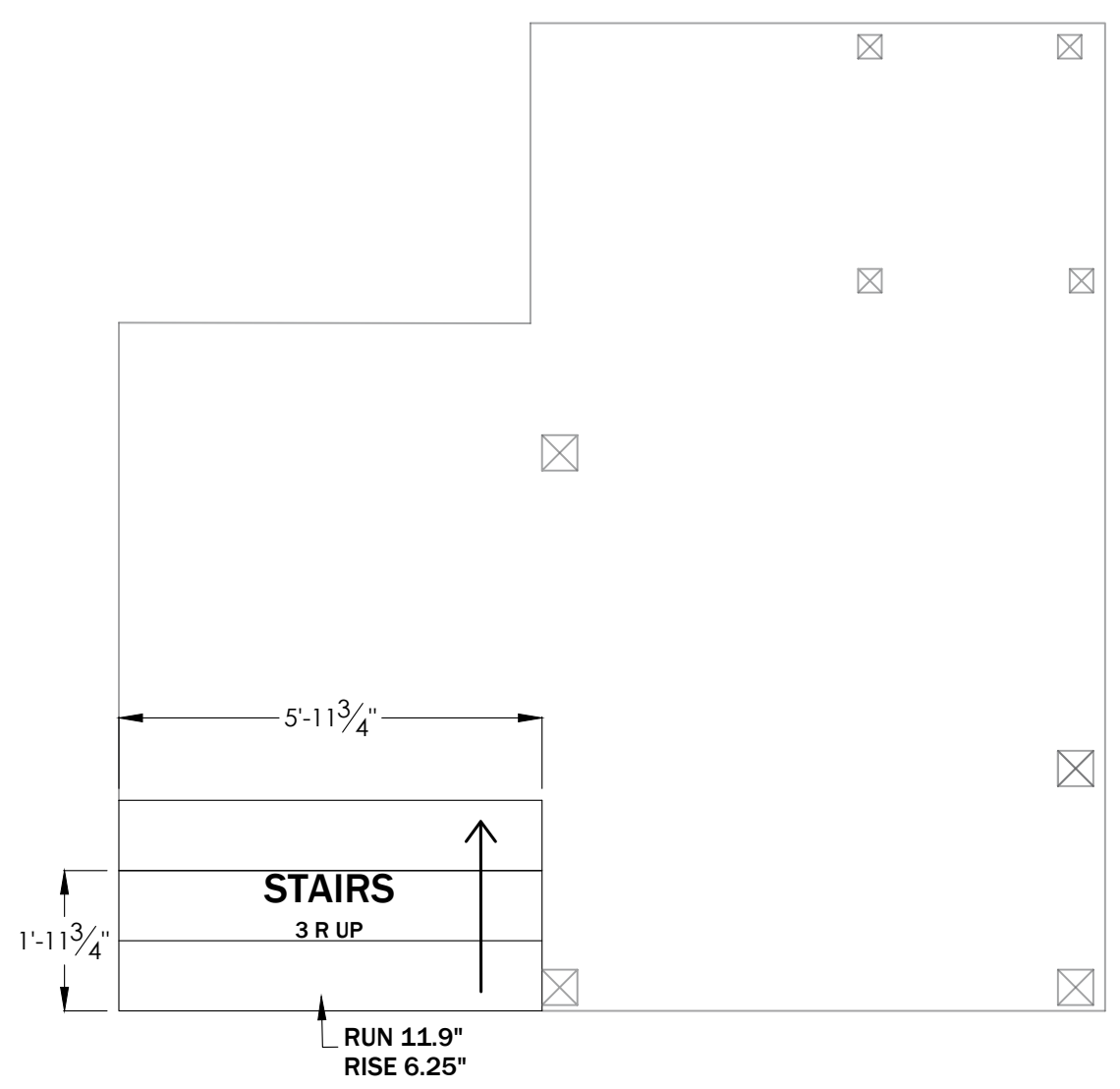
SHEET NO.
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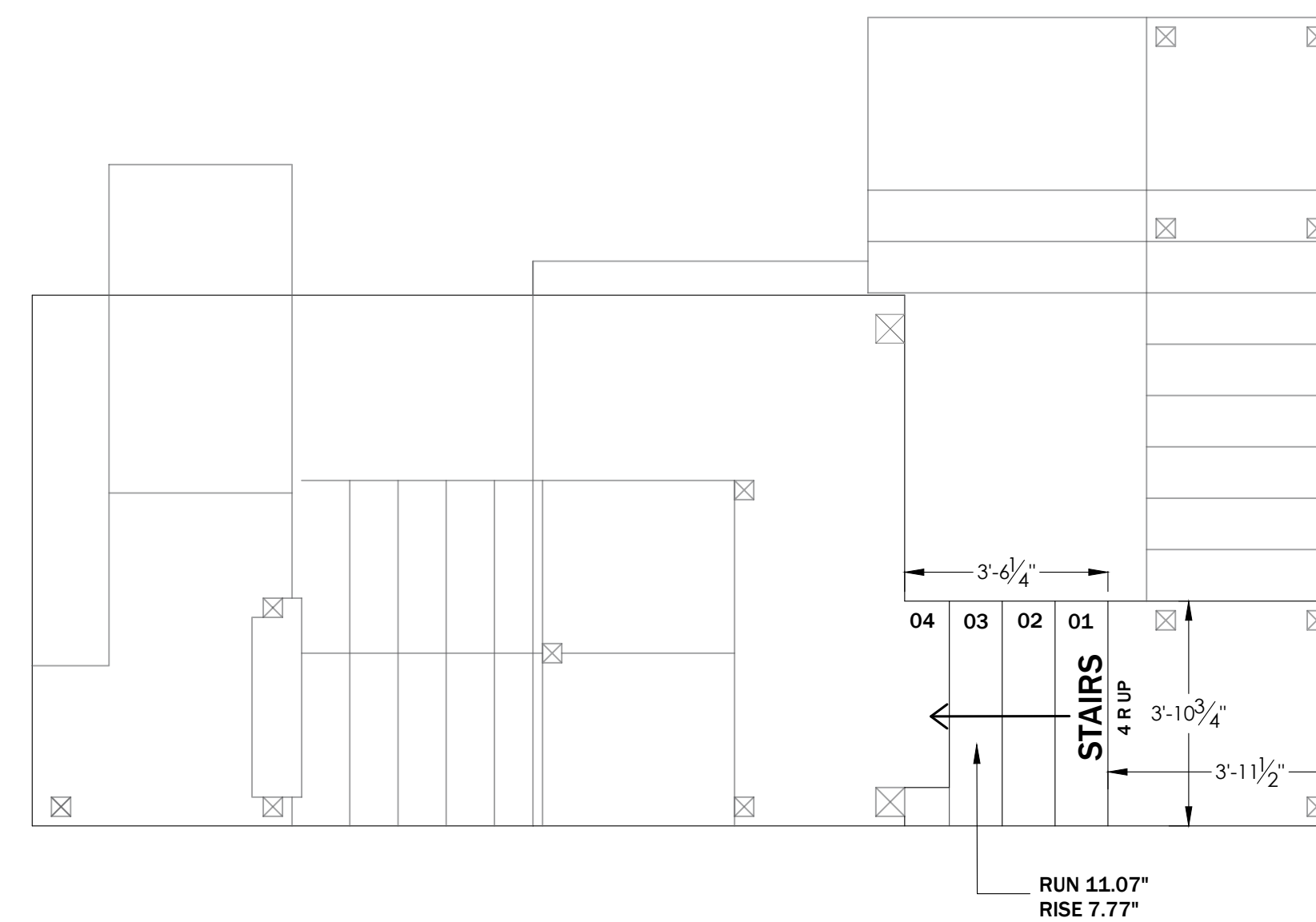
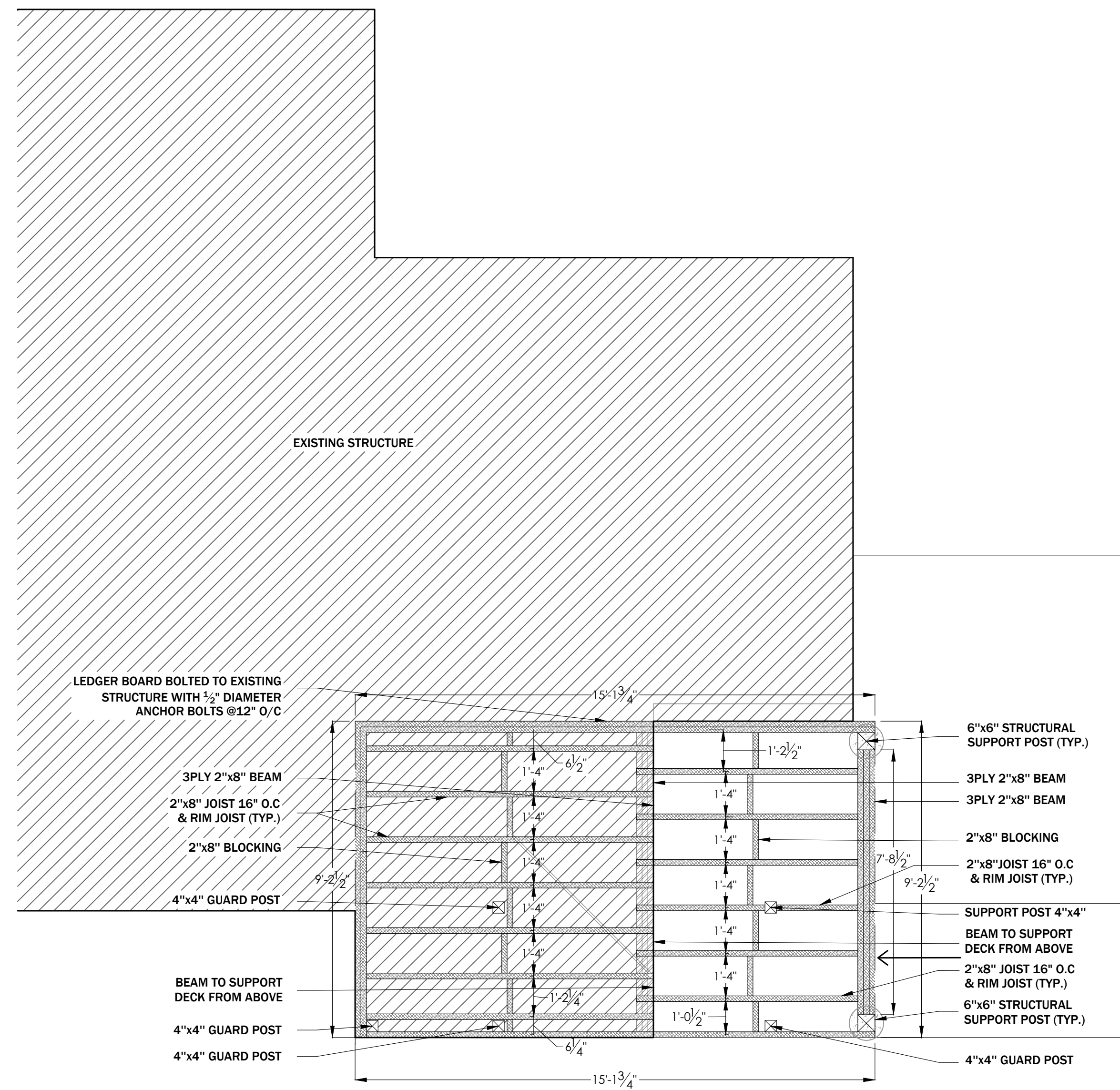


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PROPOSED SECOND FLOOR DECK



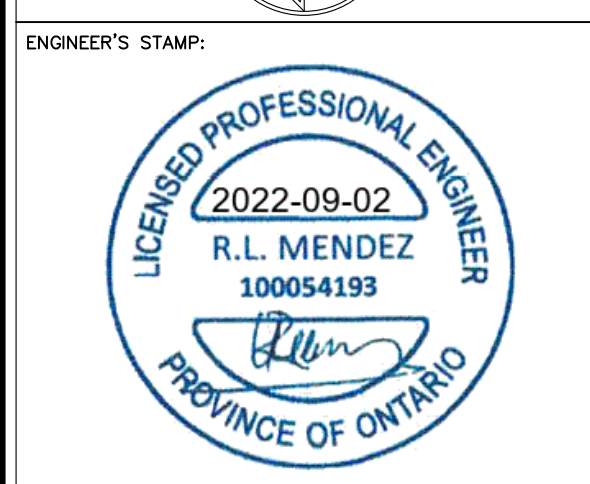
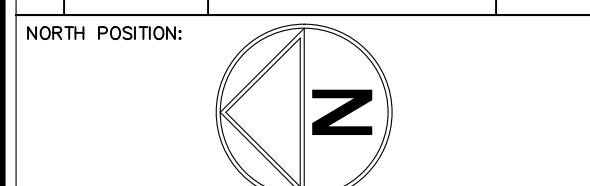
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PROJECT NAME/ADDRESS:
928 KING STREET EAST-HAMILTON, ON.

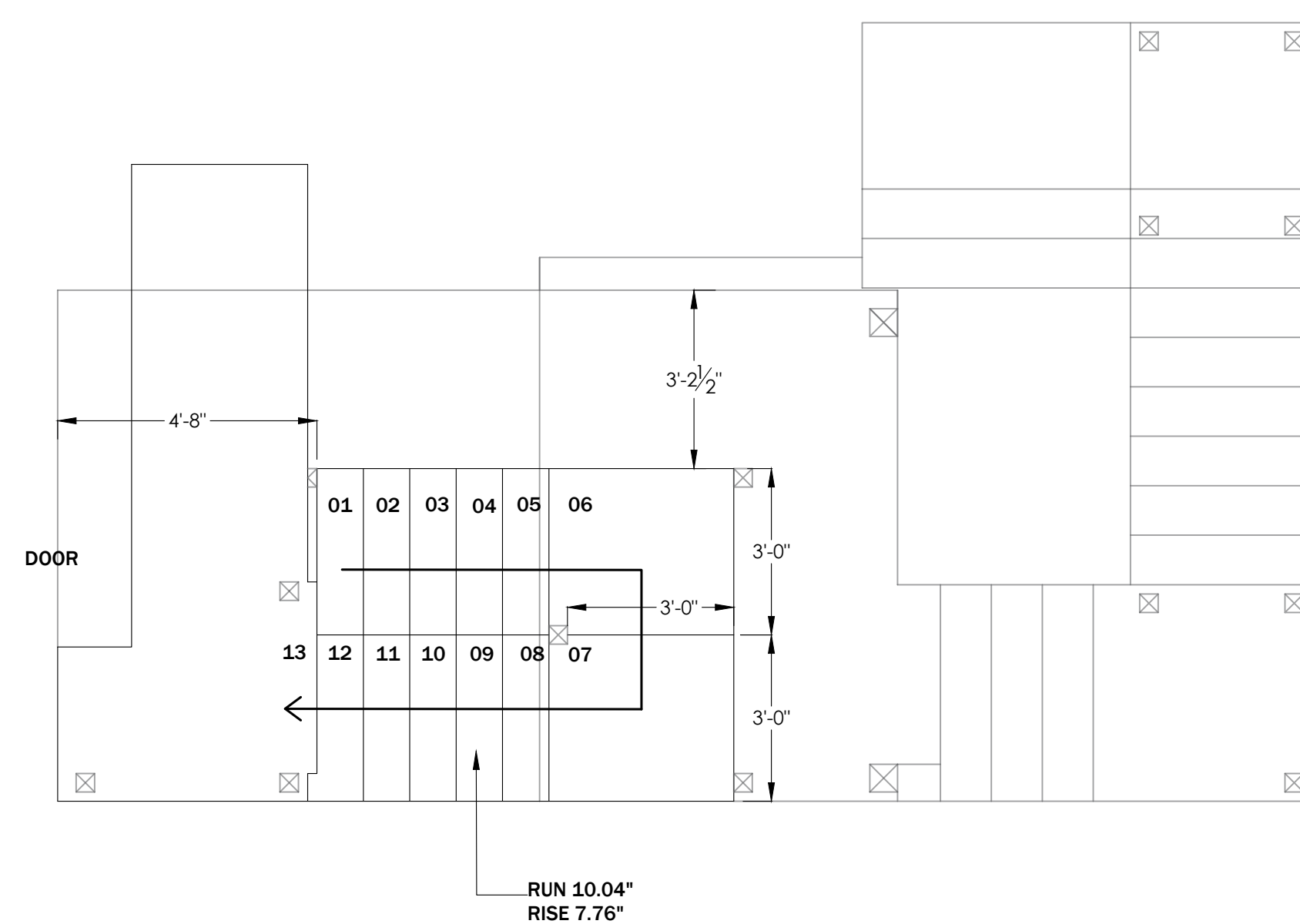
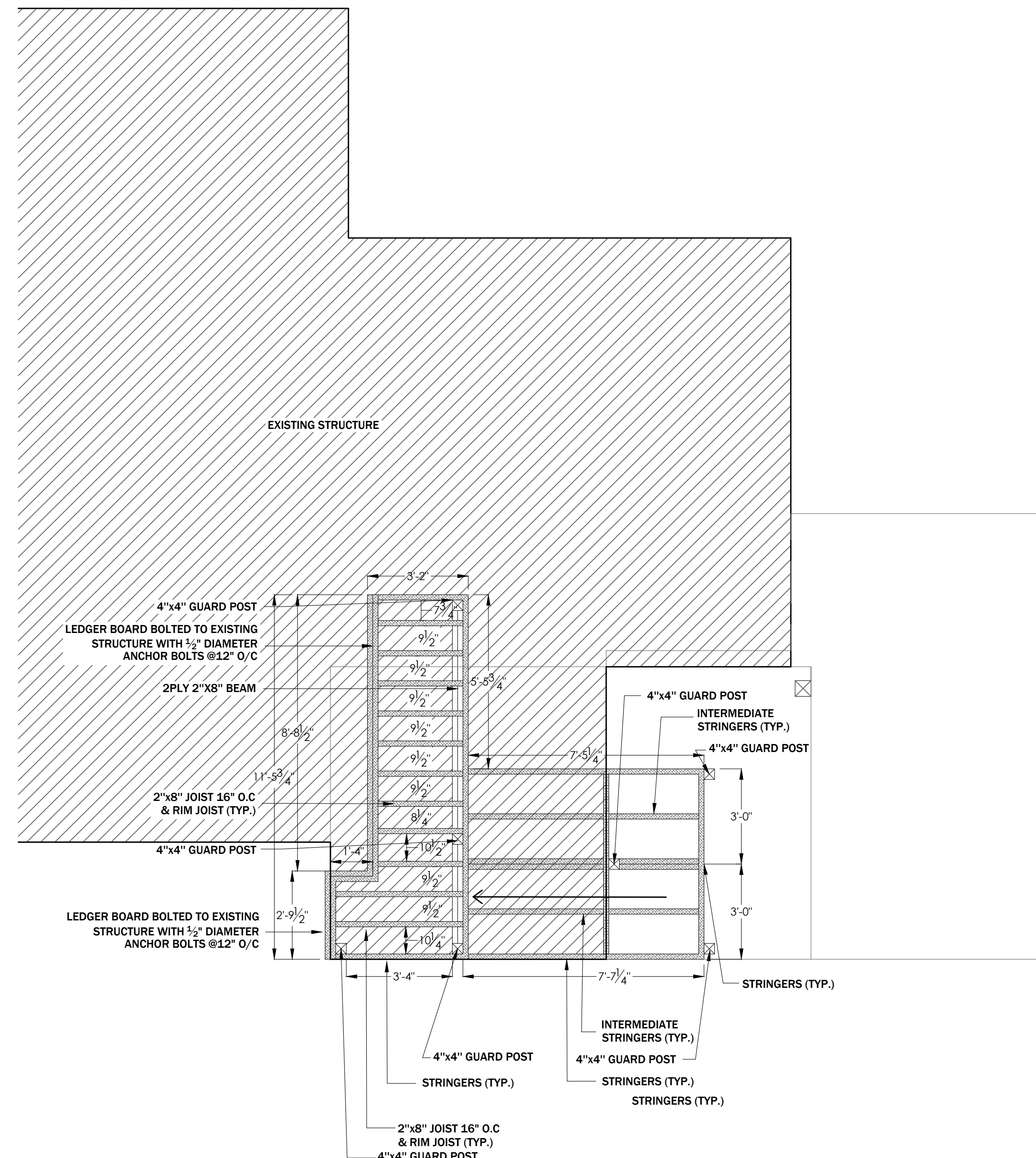
SHEET NAME:
PROPOSED SECOND FLOOR

SCALE:
 3/8" = 1'-0"

PROJECT NO. 22-77 DATE: 01/08/2022

DRAWN BY: ALISSON LUZZI REVIEWED BY: KEN BEKENDAM

SHEET NO.
A1.07



PROPOSED ATTIC DECK



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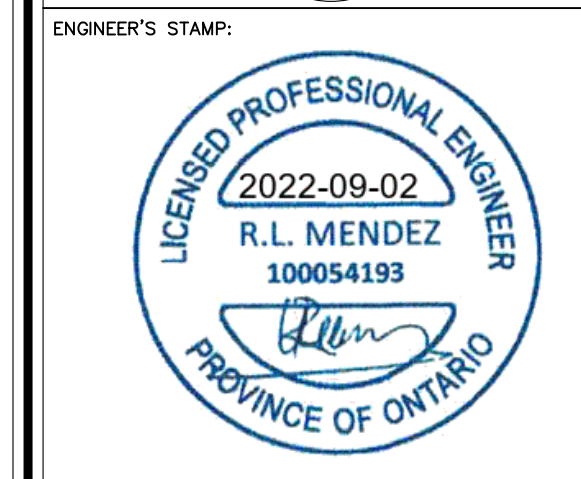
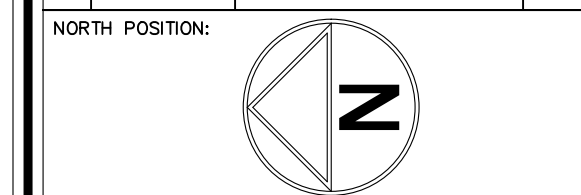
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PROJECT NAME/ADDRESS:
928 KING STREET EAST-HAMILTON, ON.

SHEET NAME:
PROPOSED THIRD FLOOR

SCALE: 3/8" = 1'-0"

PROJECT NO. 22-77	DATE: 01/08/2022
DRAWN BY: ALISSON LUZZI	REVIEWED BY: KEN BEKENDAM

SHEET NO. **A1.08**



LEGAL SECOND SUITES ARCHITECTURAL AND ENGINEERING SERVICES ARE OWNED AND OPERATED BY KING HOMES INC.

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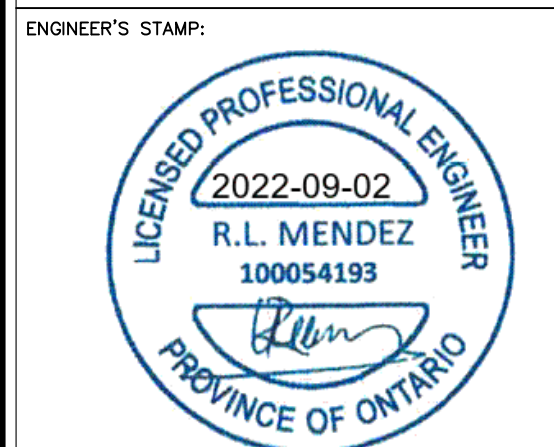
REVISIONS:

NO.	DATE	GENERAL DESCRIPTION	INITIALS
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 NORTH POSITION:
 ENGINEER'S STAMP:

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NORTH POSITION:



PROJECT NAME/ADDRESS:
 928 KING STREET EAST-HAMILTON, ON.

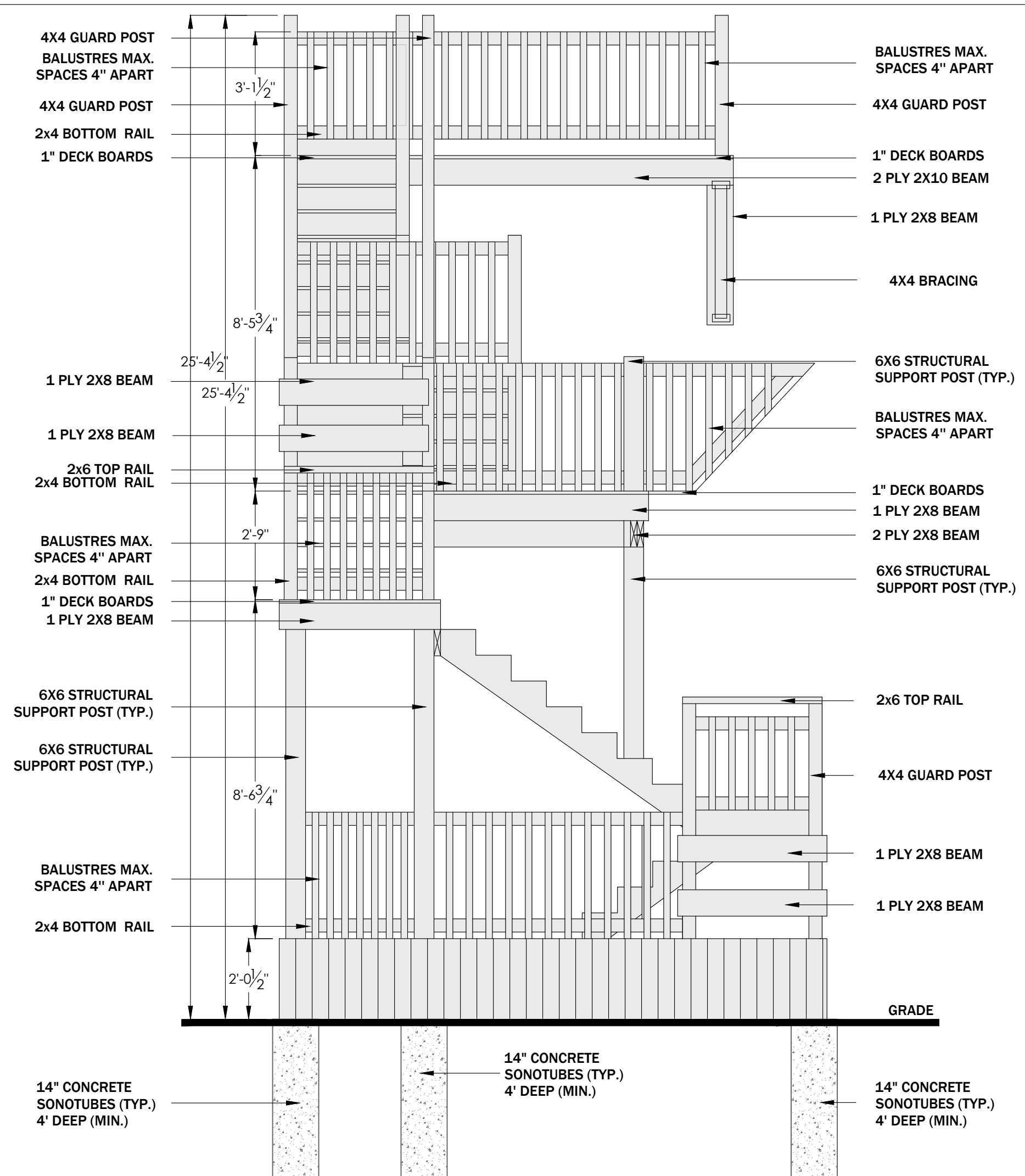
SHEET NAME:
 PROPOSED DECK

SCALE:
 3/8" = 1'-0"

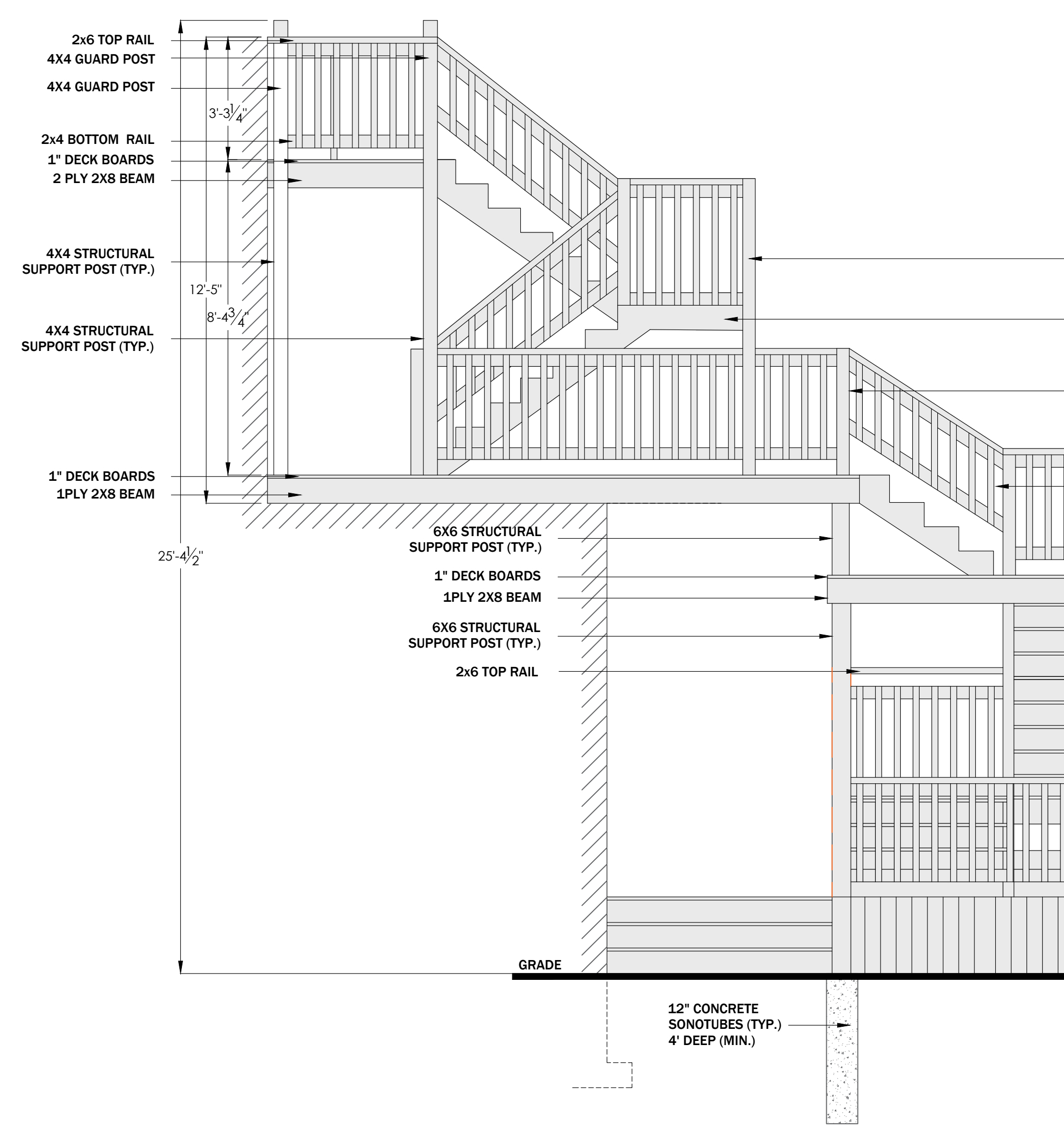
PROJECT NO. 22-77 DATE: 01/08/2022

DRAWN BY: ALISSON LUZZI REVIEWED BY: KEN BEKENDAM

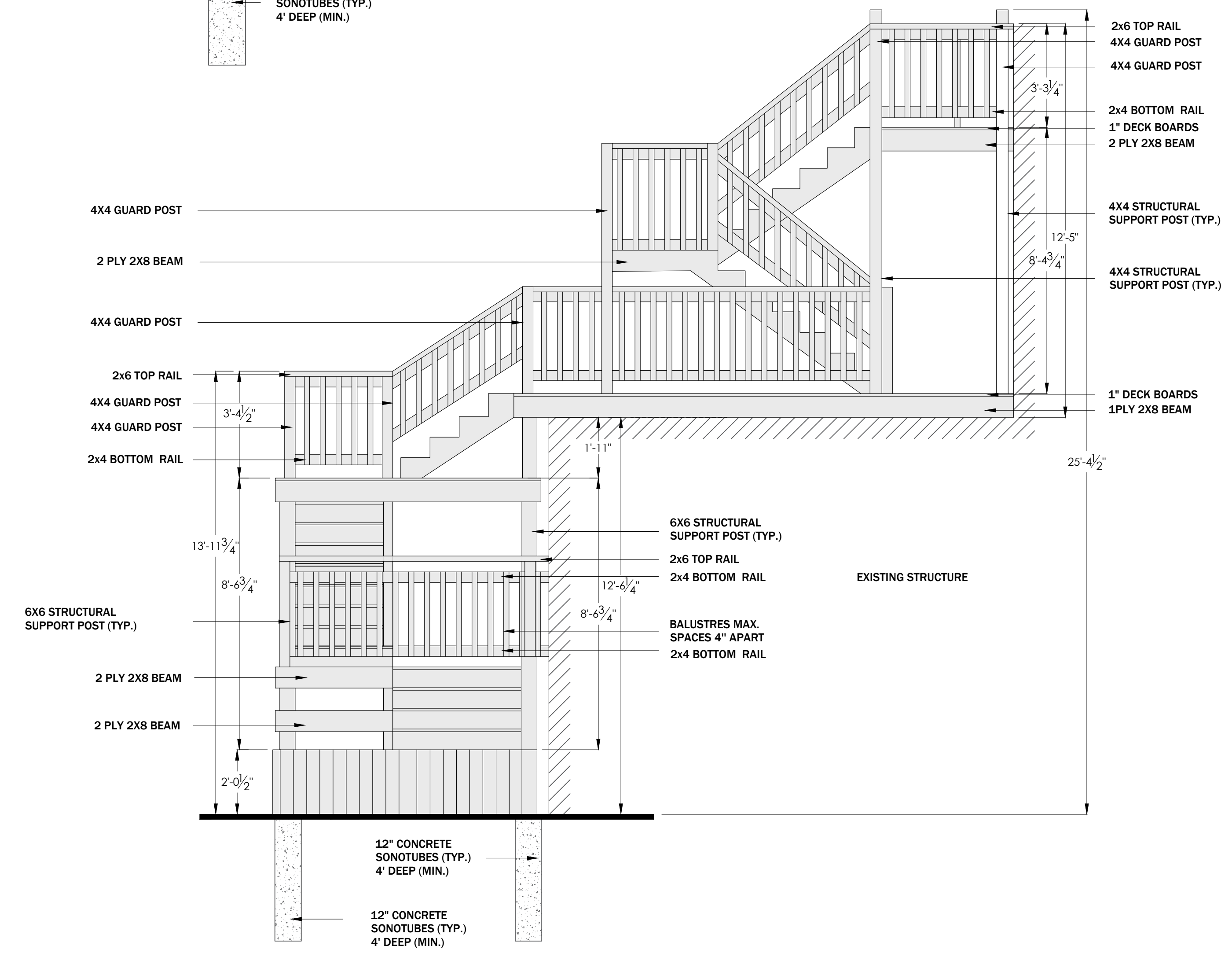
SHEET NO. A3.02



FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



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)	m		
Applicant(s)*			
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:

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:

To permit a rear yard deck setback of 4.49m whereas the bylaw requires 6m

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The deck already exists. Property constraints.
Need deck to access second floor dwelling unit

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**):

928 King St E

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?

Existing residential use

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.

X

Date

X 

Signature Property Owner(s)

X

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage See site plan
Depth See site plan
Area See site plan
Width of street See site plan

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: See site plan

Proposed See site plan

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: See site plan

13. Date of acquisition of subject lands: March 25th 2022
-
14. Date of construction of all buildings and structures on subject lands: unknown
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.): two family dwelling
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.): residential
-
17. Length of time the existing uses of the subject property have continued: unknown
-
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|------------|-----------|------------|
| Water | <u>yes</u> | Connected | <u>yes</u> |
| Sanitary Sewer | <u>yes</u> | Connected | <u>yes</u> |
| Storm Sewers | <u>yes</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.