



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-22:357	SUBJECT PROPERTY:	47 Ontario Ave, Hamilton
ZONE:	"R1a" (Low Density Residential – Small Lot)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 22-197

APPLICANTS: Owner: Tramy Nguyen – OJM Realty Inc
Agent: Ken Bekendam

The following variances are requested:

Severed Lands (47 Ontario Avenue)

1. A minimum lot width of 8.56 metres shall be instead of the minimum required lot width of 9.0 metres.
2. A minimum lot area of 231.17 m² shall be provided instead of the minimum required lot area of 270.0 m².

Severed Lands (49 Ontario Avenue)

1. A minimum lot width of 8.30 metres shall be provided instead of the minimum required lot width of 9.0 metres.
2. A minimum lot area of 230.72 m² shall be provided instead of the minimum required lot area of 270.0 m².
3. A minimum of 1 parking space shall be provided instead of the required 2 parking spaces for a single detached dwelling.
4. Parking spaces shall be located a minimum distance of 0.0 metres to the streetline instead of the required minimum distance of 5.8 metres from the streetline.
5. Parking spaces shall be permitted within the required front yard instead of the requirement that no parking shall be permitted in a required front yard.

PURPOSE & EFFECT: So as to permit a reduced lot width and area for the proposed lots to be severed notwithstanding that:

Notes:

- i. This application shall be heard in conjunction with Consent application HM/B-22:119
- ii. Be advised, insufficient information was provided on the site plan to determine the side yard setback to the southern lot line of the existing Single Detached Dwelling located on 47 Ontario Avenue. Should the side yard setback be less than the required 1.2 metres, additional variances may be required.
- iii. Be advised, insufficient information was provided on the site plan to determine the of the existing proposed Single Detached Dwelling located on 49 Ontario Avenue. Should the height be more than the required 10.5 metres, additional variances may be required.
- iv. Be advised, insufficient information was provided on the site plan to determine the projection of the eaves/ gutters to the southern lot line of the existing Single Detached Dwelling located on 47 Ontario Avenue and the northern lot line of the proposed Single Detached Dwelling located on 49 Ontario Avenue. Should the eaves/ gutter projection of either dwelling to the applicable lot line project more than 0.6 metres into the side yard, additional variances may be required.
- v. Be advised, insufficient information was provided on the site plan to determine the minimum landscaped area in the front yard of the existing proposed Single Detached Dwelling located on 49 Ontario Avenue. Should the landscaped area in the front yard be less than the required 50% landscaped area, additional variances may be required.
- vi. Section 5.1 b) i) and ii) require that a parking space be a minimum of 5.8 metres from the front lot line and not permitted within the required front yard. The submitted site plan indicates the parking to be closer than 5.8 m to the front lot line and within the required front yard. As such, variances have been added to address these deficiencies.
- vii. Be advised, Section 5.2 b) i) requires a parking space to be a minimum of 2.8 m in width and 5.8 metres in length. The submitted site plan indicates the parking space to be 2.7 metres in width and 6.0 metres in length, however, the width of the driveway has been shown to measure 2.80 metres. The applicant shall confirm parking space width and length comply with Section 5.2 b) i). If the parking space length and width cannot be achieved as per 5.2 b) i), additional 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, December 8, 2022
TIME:	4:25 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

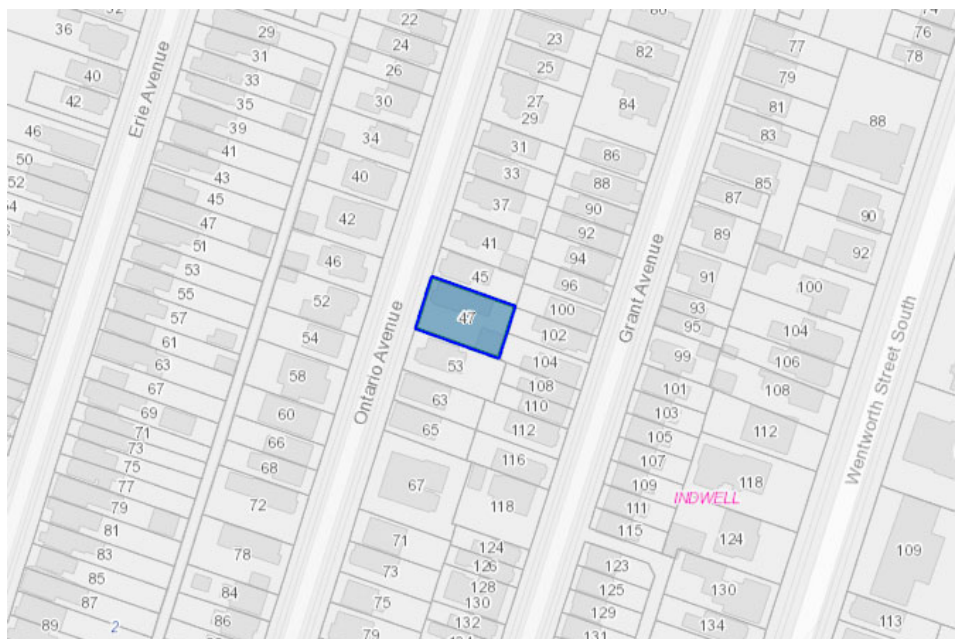
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- 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: November 22, 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.

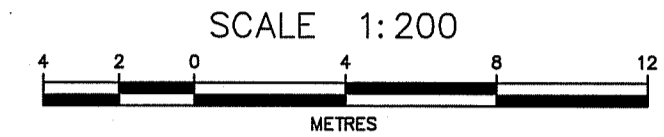
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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.

LEGEND

- SIB - STANDARD IRON BAR
- IB - IRON BAR
- - PLANTED, IB UNLESS NOTED
- - FOUND
- CP - CONCRETE PIN
- S - SET
- MH - MANHOLE
- CB - CATCH BASIN
- U- - OVERHEAD HYDRO LINE
- HP - HYDRO POLE
- 216.30 - EXISTING ELEVATION
- GM - GAS METER
- WRTW - WOOD RETAINING WALL
- CCRW - CONCRETE RETAINING WALL
- CCP - CONCRETE PORCH
- P1 - REGISTERED PLAN 117
- P2 - PLAN 62R-6639
- P3 - PLAN BY A.T. McLAREN LIMITED (FILE 20963)
- P4 - PLAN BY SIDNEY W. WOODS INC. (FILE A-5621)
- P5 - PLAN BY A.T. McLAREN LIMITED (FILE 22846)
- D1 - PIN 17176-0181 (VMI38328)

**PLAN OF TOPOGRAPHICAL SURVEY OF
LOT 28
REGISTERED PLAN 117
CITY OF HAMILTON**



MacAULAY, WHITE & MUIR LTD.

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE

BEARINGS ARE GRID, DERIVED BY REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD 83 (CSRS) (2010).

TEMPORARY BENCH MARK

TBM1 - CUT CROSS = 94.09
TBM2 - CUT CROSS = 93.34

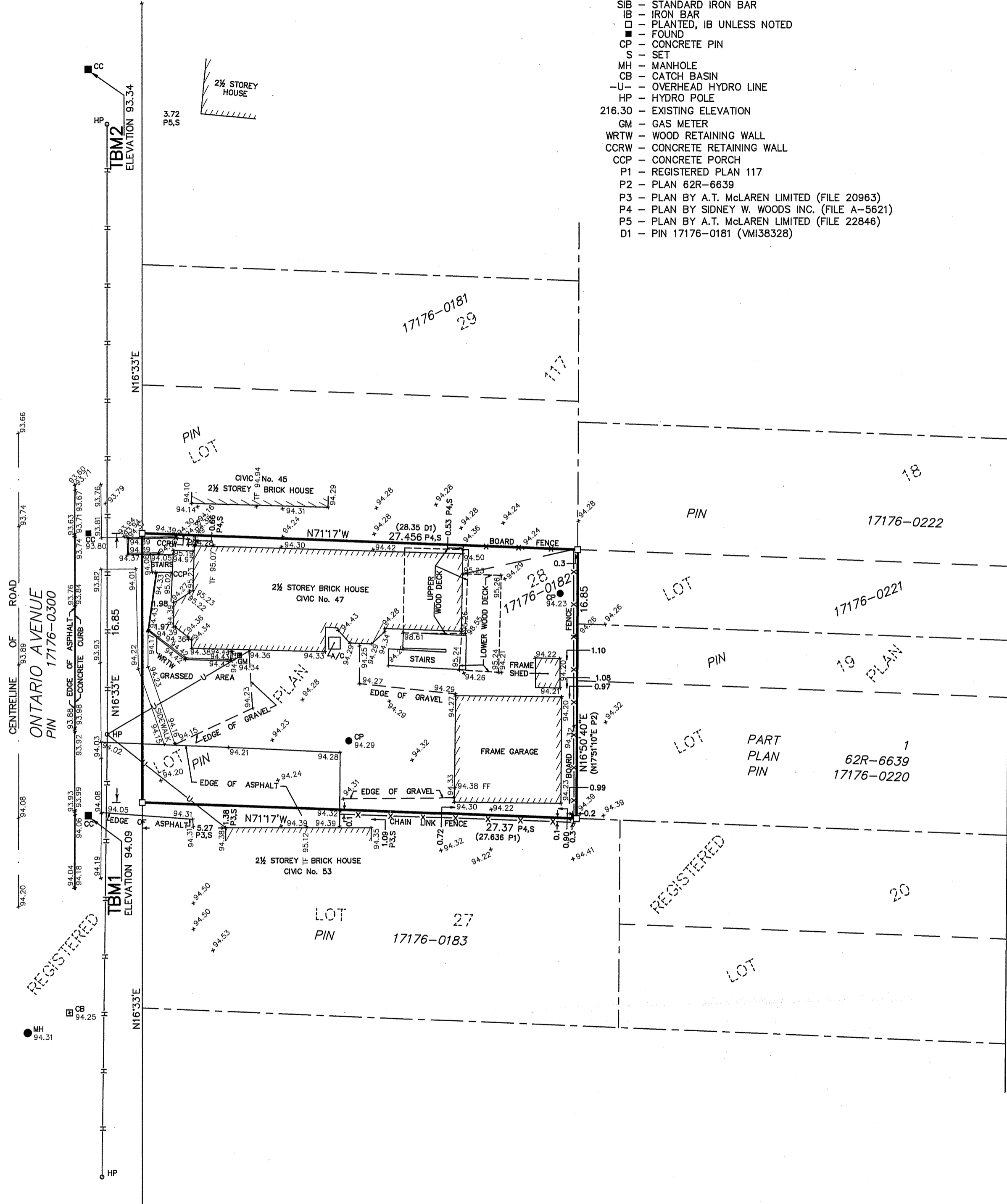
ELEVATIONS ARE GEODETIC TO CGVD28:78

BENCH MARK

STATION:
0011963U3497
HAMILTON-WENTWORTH CATHEDRAL SCHOOL ON THE SOUTHEAST CORNER OF MAIN STREET EAST AND EMERALD STREET SOUTH, TABLET IN THE NORTH FACE OF THE STONE FOUNDATION UNDER THE SECOND BUTTRESS EAST OF THE NORTHWEST CORNER, 15 CM BELOW STONE SIDING.

MAY 20, 2022

MacAULAY, WHITE & MUIR LTD.
ONTARIO LAND SURVEYORS - CANADA LANDS SURVEYORS
440 HARDY ROAD, UNIT 2, BRANTFORD, ONTARIO, N3T 5L8
TELEPHONE 519-752-0040 FAX 519-752-0087
EMAIL - mwmurvey@bellnet.ca



SITE INFORMATION & STATISTICS	
ADDRESS	47 ONTARIO AVENUE, HAMILTON
ZONING TYPE	D
LOT AREA	4971.76 SQ FT (461.89 SQ M)
LOT FRONTAGE	55'-3 1/2" (16.85m)

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:

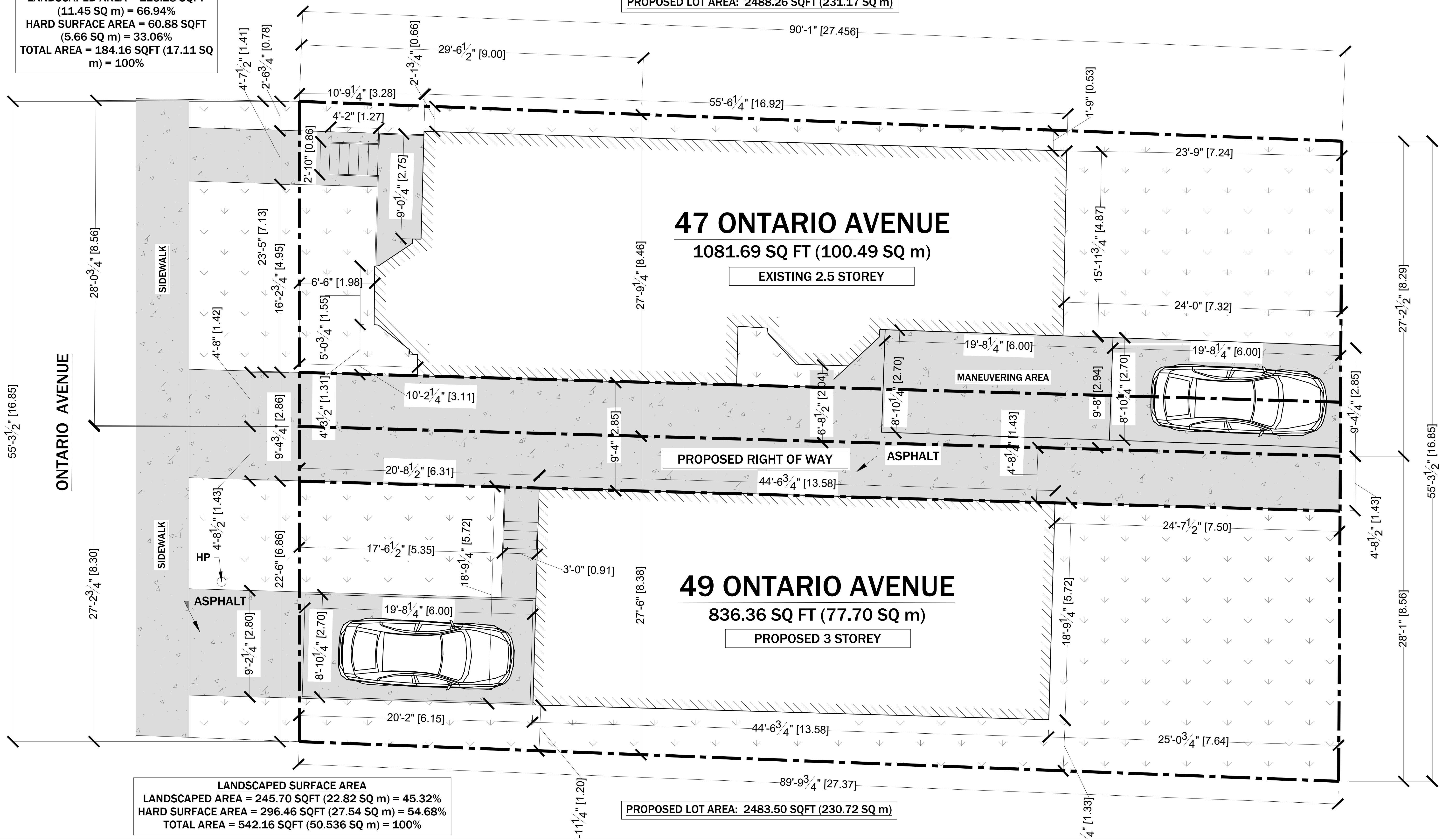
THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH 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 ENCOACH ONTO ADJOINING PROPERTIES

LANDSCAPED SURFACE AREA
 LANDSCAPED AREA = 123.28 SQFT
 (11.45 SQ m) = 66.94%
 HARD SURFACE AREA = 60.88 SQFT
 (5.66 SQ m) = 33.06%
 TOTAL AREA = 184.16 SQFT (17.11 SQ m) = 100%

PROPOSED LOT AREA: 2488.26 SQFT (231.17 SQ m)



LANDSCAPED SURFACE AREA
 LANDSCAPED AREA = 245.70 SQFT (22.82 SQ m) = 45.32%
 HARD SURFACE AREA = 296.46 SQFT (27.54 SQ m) = 54.68%
 TOTAL AREA = 542.16 SQFT (50.536 SQ m) = 100%

PROPOSED LOT AREA: 2483.50 SQFT (230.72 SQ m)

CITY ELECTRONIC STAMP:

legal second suites.com

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

LEAD DESIGNER & CONSULTANT: KEN BEKENDAM, B.A. BUSCOM, L.T. kenbekendam@gmail.com
LEAD ENGINEER: ROBERT MENDEZ, P. ENG. robertmendez@yahoo.com

CONTACT INFORMATION: 979 MAIN ST. E. HAMILTON, ON
OFFICE PHONE: 905-546-4487
CELL PHONE: 905-961-0647

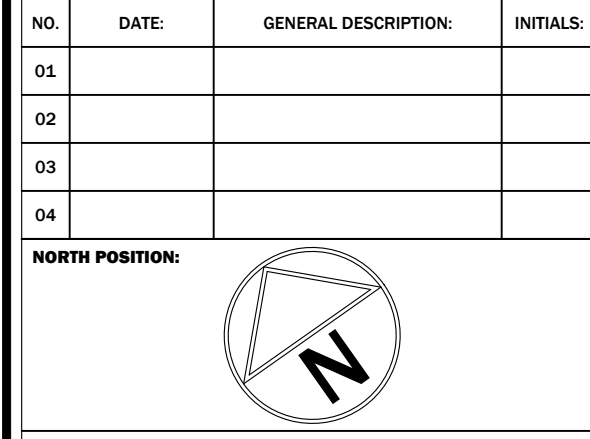
CONTACT INFORMATION: CONSTRUCTION ENGINEERING
OFFICE PHONE: 416-807-3372
PEO: 100054193

GENERAL NOTES:

1. DO NOT SCALE DRAWINGS. FULL SCALE: 24" X 36"
2. 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.
3. FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.
4. 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.
5. USE LATEST REVISED DRAWINGS.
6. ALL CONSTRUCTION TO MEET LATEST ONTARIO BUILDING CODE.
7. 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.
8. BUILDING OWNERS WILL BE RESPONSIBLE FOR HIRING A CERTIFIED CONTRACTOR TO PERFORM SCOPE OF WORK AS PER ISSUED PERMIT.
9. CONTRACTOR WILL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SAFETY REQUIREMENTS ON SITE.

REVISIONS:

NO.	DATE	GENERAL DESCRIPTION	INITIALS
01			
02			
03			
04			



ENGINEER'S STAMP:

PROJECT NAME/ADDRESS: **PROJECT NAME 47 ONTARIO, HAMILTON**

SHEET NAME: **SITE PLAN**

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

PROJECT NO: 22-72 DATE: 22/09/2022

DRAWN BY: CASSIANO FOGANHOLI REVIEWED BY: KEN BEKENDAM

SHEET NO. **SP1.01**



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)	Tramy Nguyen OJM REALTY INC		
Applicant(s)*	Ken Bekendam		
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:

47 Ontario Ave - Min lot area of 231.17sqm whereas the bylaw requires 360sqm
Min lot width of 8.46m whereas the bylaw requires 12m
49 Ontario Ave - Min lot area of 230.72sqm whereas the bylaw requires 360sqm
Min lot width of 8.38m whereas the bylaw requires 12m

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Existing property constraints

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**):

47 Ontario Ave

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.

Date

Signature Property Owner(s)

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: Jan 31st 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.):
single family dwelling

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

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 yes _____ Connected yes _____
Sanitary Sewer yes _____ Connected yes _____
Storm Sewers yes _____
19. Present Official Plan/Secondary Plan provisions applying to the land:

Neighbourhoods

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

D

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:

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- 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)

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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.