



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-22:265 | SUBJECT PROPERTY: | 8 & 10 Devonport St, Hamilton |
| ZONE: | "D" (Urban Protected Residential One- and Two-Family Dwellings) | ZONING BY-LAW: | Zoning By-law former City of Hamilton 6593, as Amended |

APPLICANTS: Owner: Ahmed Dirani
 Agent: Lucy Shaw

The following variances are requested:

Lands to be severed:

1. A minimum lot frontage of 7.1 metres shall be provided instead of the minimum required 12.0m lot frontage.
2. A minimum lot area of 340m² shall be provided instead of the minimum 360m² lot area required for a single-family dwelling.
3. A minimum northerly side yard width of 0.2m shall be provided instead of the minimum required 1.2m side yard width.
4. Eaves and gutters shall be permitted to encroach the entire width of the northerly side yard and be 0.0m from the northerly side lot line instead of the requirement that an eave or gutter may project into the required side yard not more than 1/2 of the required side yard width.
5. A minimum southerly side yard width of 0.8m shall be provided instead of the minimum required 1.2m side yard width.

Lands to be Retained:

6. A minimum lot frontage of 9.5m shall be provided instead of the minimum required 12.0m lot frontage
7. A minimum front yard depth of 2.2m shall be provided instead of the minimum required 6.0m front yard depth.
8. A northerly side yard width of 0.0. me shall be provided instead of the minimum required 1.2m side yard width.
9. Eaves and gutters shall be permitted to encroach the entire width of the northerly side yard and be

HM/A-22:265

0.0m from the northerly side lot line instead of the requirement that an eave or gutter may project into the required yard not more than 1/2 of the required side yard width.

- 10. A southerly side yard width of 0.5m shall be provided instead of the minimum 1.2m side yard width required.
- 11. Eaves and gutters shall be permitted to encroach the entire width of the southerly side yard and be 0.0m from the southerly side lot line instead of the requirement that an eave or gutter may project into the required yard not more than 1/2 of the required side yard width.

PURPOSE & EFFECT: To facilitate the creation of two lots through land severance application HM/B-21:113 including a second storey addition to the existing dwelling located on the lands to be retained, and a new two storey dwelling on the lands to be severed,

Notes:

- 1. Requested variances are required to facilitate severance application HM/B-21:113.
- 2. Plans provided indicate the building on the lands to be retained straddles the new lot line to be created at the northerly side of the existing building. As such, variance #8 has been included for 0.0m northerly side yard width.
- 3. Floor plans have not been provided at this time to show the number of habitable rooms within the proposed 2 storey dwelling on the lands to be severed, as well as the proposed 1 storey addition on the lands to be retained. As such, required number of parking spaces can not be determined at this time. Further variances may be required at such a time that full zoning review can be conducted.
- 4. No elevations have been provided indicating the proposed height for the lands to be retained, as such further variances may be required.
- 5. No elevations have been provided indicating the proposed height for the lands to be severed, as such further variances may be required.
- 6. Details regarding the covered porch on the lands to be retained have not been provided, further variances may be required at such a time that information regarding the porch is provided.
- 7. Should variance #5 be approved, an eave or gutter may encroach into the southerly side yard 0.4m on the lands to be severed.

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, January 19, 2023 |
| TIME: | 1:10 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: January 3, 2023

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.



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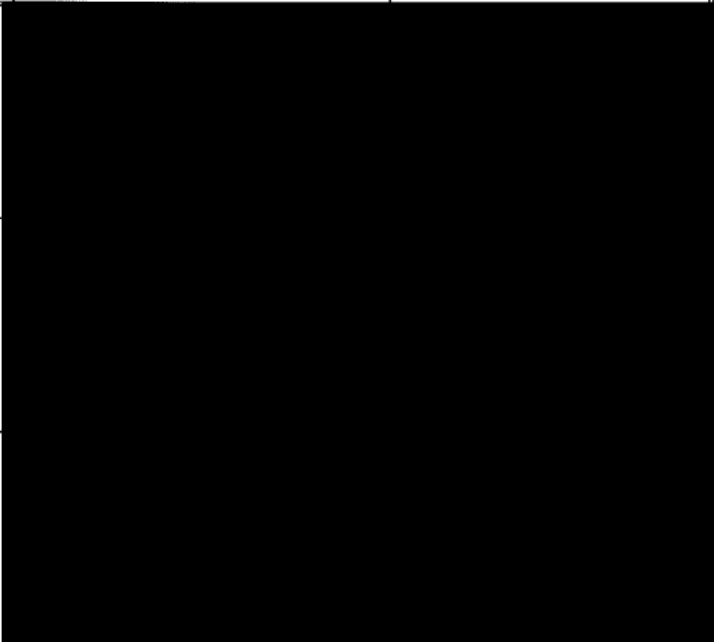
APPLICATION FOR A MINOR VARIANCE

| | |
|-----------------------------|--|
| 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) | Ahmed Dirani |  |
| Applicant(s)* | SAME AS ABOVE | |
| Agent or Solicitor | LUCY SHAW, P. ENG | |

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:

| |
|------------------------------|
| ROYAL BANK 810 Upper Gage |
|------------------------------|

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:

FOR SEVERED LOT

FOR EXIST. LOT

MINOR VARIANCE for severed lot
 ① - LOT AREA 336 m²
 ② - NORTH SETBACK .28 m
 ③ - LOT FRONTAGE - 7.14 m
 ④ SOUTH SET BACK .84 (FRONT)
 ⑤ setback from exist. building to property line on south side = .055 m.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

CONSTRUCT NEW building for severed lot.

because of size of a severed lot of size of building proposed.

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**):

10 DEVONPORT ST., HAMILTON
 18 DEVONPORT ST. ---
 Reg Plan 41 LOT 50

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

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?

discussed with neighbours

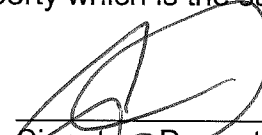
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

July 29 / 2022
Date


Signature Property Owner(s)

ADIRANI
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 7.14 m
Depth 47.34 m
Area 343.79 m²
Width of street 7 m

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: SEE REFERENCE PLAN & SITE & GRADING PLAN

NONE

Proposed

GFA = 112.11 m² W = 5.49 m
gross FFA = 112.11 m² L = 17.84 m
of stories = 2 h = 6.88 m

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

Existing:

N/A

Proposed:

D_{side} = 8.8 m
D_{rear} = 8.4 m
D_{FRONT} = 6.05 m

13. Date of acquisition of subject lands:
July 7, 2021
14. Date of construction of all buildings and structures on subject lands:
CONSTRUCTION NOT DONE YET - NEW BUILDINGS
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
vacant
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
SFR
17. Length of time the existing uses of the subject property have continued:
Since 1900
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:
SCH. E & E1 - NEIGHBOURHOODS
 STRATHCONA SECONDARY PLAN - Low density Residential R2B
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
R "URBAN PROTECTED RESIDENTIAL - ONE OF 2
 FAMILY DWELLING"
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.