



**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-22:32</b>	<b>SUBJECT PROPERTY:</b>	298 EAST 26TH ST, HAMILTON
<b>ZONE:</b>	"R1" (Low Density Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: Kevin & Julie Holliday  
Applicant: Julia Mancini (Manco Design)

The following variances are requested:

1. The porch shall be permitted to encroach a maximum of 2.9m into the required front yard instead of the requirement that a porch shall only encroach to a maximum of 1.5 metres into the required yard.

**PURPOSE & EFFECT:** To permit the construction of a new front porch.

**Notes:**

1. Please be advised a building permit (22-149172) was submitted on October 21st, 2022 for the application. At this time the permit has not been issued yet.

**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, January 19, 2023</b>
<b>TIME:</b>	<b>1:25 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.



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.



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.

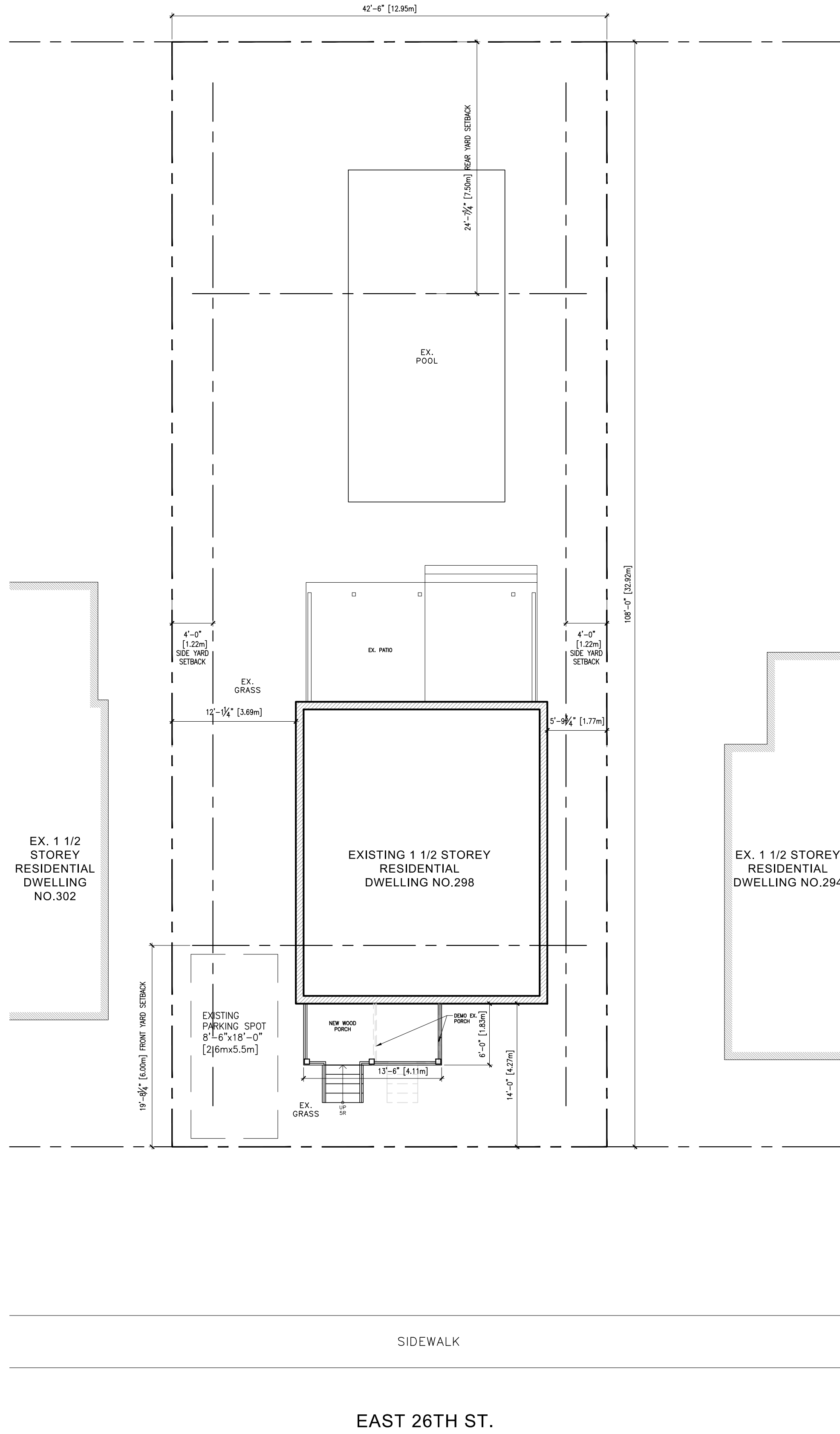
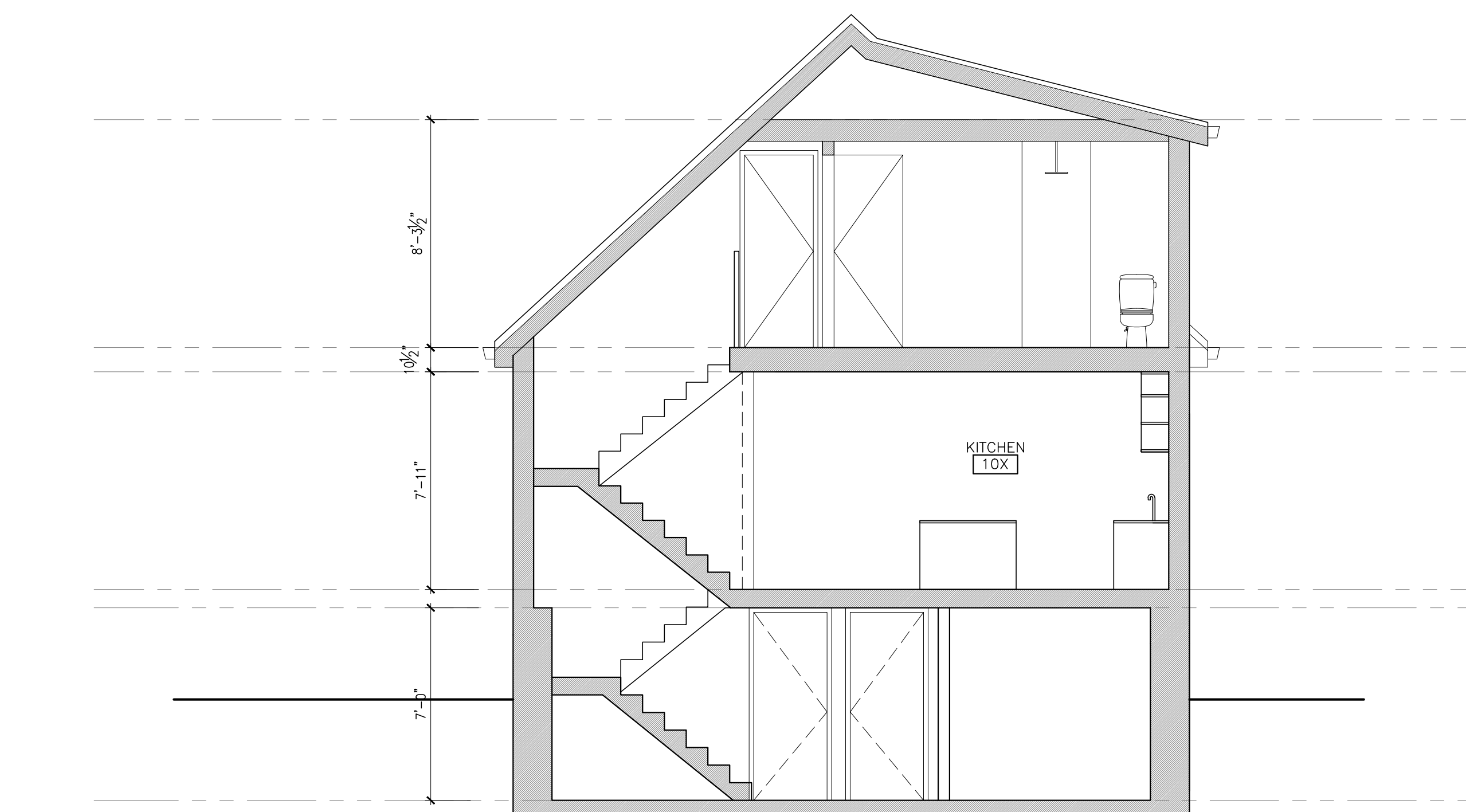
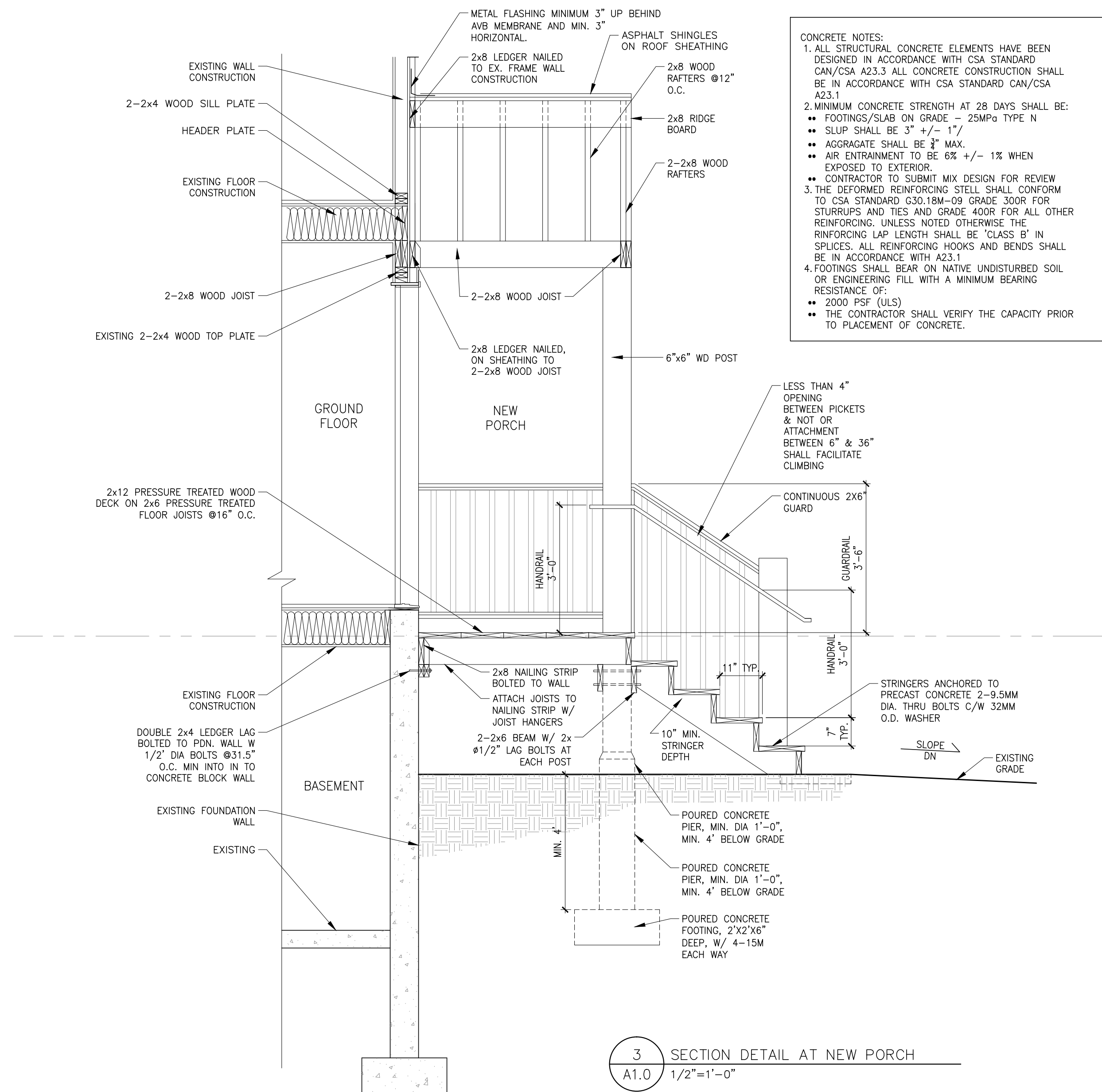
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 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.



<b>DEMOLITION NOTES</b>	
NOTE: ALL KEYNOTES MAY NOT BE USED	
(D1)	DEMOLISH EXISTING WALL FOR NEW DOOR/WINDOW/GLASS BLOCKS.
(D2)	DEMOLISH EXISTING WINDOW/DOOR.
(D3)	DEMOLISH EXISTING WALL FOR NEW OPENING TO CRAWL SPACE.
<b>PLAN STRUCTURAL KEYNOTES</b>	
NOTE: ALL KEYNOTES MAY NOT BE USED	
(S1)	EXISTING 4-(TRUE)2x8 BEAM.
(2)	EXISTING 2x4 WD STUD WALL.
<b>PLAN KEYNOTES</b>	
NOTE: ALL KEYNOTES MAY NOT BE USED	
(1)	EXISTING 3-2x10 WD BEAM.
(2)	EXISTING 2x4 WD STUD WALL.
<b>PLAN NOTES</b>	
1. ALL EXTERIOR WALLS TO BE (EW1) UNLESS NOTED OTHERWISE.	
2. ALL NEW PARTITIONS ARE (P1) UNLESS OTHERWISE NOTED.	
3. LOCATE DOOR FRAMES 50mm FROM ADJACENT WALL UNLESS NOTED OTHERWISE.	
4. ALL CONSTRUCTIONS, FIXTURES AND FURNISHINGS ARE EXISTING UNLESS NOTED OTHERWISE.	
5. ALL EXISTING WINDOWS WILL BE REPLACED WITH NEW INSULATED GLASS UNIT WINDOWS, MATCH EXISTING OPENINGS.	
<b>EXTERIOR WALL TYPES</b>	
(EW1)	- 3/4" (H) BRICK TO MATCH EXISTING ADJACENT - FURRING STRIPS ON - 1" AIRSPACE ON - 5/8" PLYWOOD SHEATHING ON - R10 RIGID INSULATION ON - 2x6 WD STUDS @16" O.C. ON - MIN. R-16 BATT INSUL. ON - 6 MIL POLY VAPOUR BARRIER ON - 5/8" GWB
<b>PARTITION WALL TYPES</b>	
(P1)	- 5/8" GWB - 2x4 WD STUDS @16" O.C. - 5/8" GWB *NOTE: REPLACE GWB W/ WATERPROOF GWB IN ALL WET ROOMS (WASHROOMS, LAUNDRY, POWDER ROOMS)
<b>FLOOR TYPES</b>	
(F1)	- SEALER - 4" THICK REINF. CONC. SLAB - 6 MIL. BELOW GRADE VAPOUR BARRIER (RADON PROTECTION) - 2" TYPE 4 RIGID INSULATION FOR 4' @ PERIMETER - EXISTING COMPACTED GRANULAR SUB-BASE
<b>PLAN LEGEND</b>	
[Hatched Box]	EXISTING
[Dashed Box]	DEMOLITION
[Solid Box]	NEW CONSTRUCTION
[Door Symbol]	EXISTING DOOR TO REMAIN
[Door Symbol]	NEW DOOR
[Fire Rating Symbol]	1 HR FIRE RATING
[EXIT Symbol]	SINGLE SIDE EXIT SIGN, C/W EMERGENCY BATTERY BACK-UP
[EXIT Symbol]	SINGLE SIDE EXIT SIGN W/ DIRECTIONAL SIGN, C/W EMERGENCY BATTERY BACK-UP
[EXIT Symbol]	DOUBLE HEAD REMOTE EMERGENCY LIGHT C/W EMERGENCY BATTERY BACK-UP
[F/F Symbol]	FLOOR NUMBERING SIGN
[SA/CO Symbol]	INTERCONNECTED SMOKE ALARM, AND CARBON MONOXIDE DETECTOR, C/W EMERGENCY BATTERY BACK-UP

**ONTARIO ASSOCIATION OF ARCHITECTS**  
BRIAN E. MUTHALIFF LICENCE 8908

Div: BM Chkd: BM  
Proj. No.: 22015  
Scale: As noted  
Date: 2022.07.10

Dwg. Title: **SITE PLAN, BUILDING SECTION, SECTION DETAIL**  
Dwg. No.: **A1.0**

CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND TO REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK. CONTRACT DOCUMENTS ARE THE COPYRIGHT OF MANA ARCHITECTS AND SHALL NOT BE REPRODUCED WITHOUT AUTHORIZATION. COMPLETELY OF THE PROJECT. NOTE: DRAWINGS ARE NOT TO BE SCALED.

No.	Date	Remarks
01	2022.07.10	Issued for Client
02	2022.10.15	Issued for Client
03	2022.10.21	Issued for Permit

MANA  
Renovation to  
298 East 26th St.  
Hamilton  
Ontario

November 18, 2022

RE: 298 East 26<sup>th</sup> St  
Building Permit Application Number 2022 149172 000 00 R9  
Building Permit Application E-plans Review  
Response to CofA Minor Variance Meeting Application HM/A-22:32 Originally Held on March 3 2022

## Re-visiting CofA Application HM/A-22:32

To whom it may concern,

Please consider this letter a request to re-visit the CofA Application HM/A-22:32 originally held on March 3<sup>rd</sup>, 2022. The original application for Minor Variance was Not "Granted", however the Owners of the property were offered an opportunity to revise their application and return to the Committee of Adjustment for further Review.

Since the original CofA Application, the owners have acquired MaNA as their Authorized Agent to submit a Revised Building Permit Application to the City with a reduced scope of work.

Please find below a summary of the Scope of work in the original CofA Application and subsequently a summary of the Revised Scope of work for this property:

### Scope of Work – 298 East 26<sup>th</sup> St. - CofA Application HM/A-22:32 Held on March 3<sup>rd</sup> 2022

The purpose of this application was to permit the replacement and construction of a new two storey single detached dwelling, notwithstanding that:

1. The minimum front yard depth shall be 4.6 metres instead of the minimum required 6.0 metre front yard depth.
2. The minimum parking space depth for a driveway parking space shall be 5.9 metres instead of the minimum required 6.0 metres parking space depth;
3. An accessory building shall be permitted to remain on the property following the demolition of the existing dwelling which is not required for construction purposes instead of the requirement for an accessory building to not be permitted on a property unless there is a principal dwelling.

### Revised Scope of Work - 298 East 26<sup>th</sup> St - Building Permit Application Number 2022 149172 000 00 R9

Whereas the original Scope of work included the Demolition of Existing and Construction of a New 2 Storey Single Detached Dwelling with Zoning infractions, the purpose of the Revised Application is to permit the interior renovation to the Existing Basement and Ground floor of the property with the relocation of the existing Front Porch and Entrance Door to be shifted to the West corner of the Residence to allow for easier and safer access to the dwelling, notwithstanding that:

**Z1.** The location of proposed porch does not meet the minimum setback requirements in the Zoning By-law. As per amended zoning by laws, this property is located in an R1 zone in 05-200 where a 6m setback is required. Because the property does not have a 6m front yard, the existing front yard of 4m will instead be used, and a 1.5m encroachment is permitted. A 2.5m setback is required, but is not met as per the provided drawings.

**Response:** We are seeking relief for this zoning requirement. In the proposed construction, the location of the porch is shifted slightly to that of the existing condition. The new porch maintains the same current depth as the existing porch with its steps oriented in the same direction. There is no increase in the footprint of the building beyond the amended zoning front yard setback, and there is no change of use for the space. We are only relocating the existing condition to make the access to the building safer and accessible for the occupants. Refer to drawing 1/A1.0 attached.

We hope you find the aforementioned responses to the items listed in the Building Permit Application Review Zoning Comments issued via e-plans on November 15, 2022 sufficient and we look forward to your review and approval of the minor variance application.

Regards,



Brian Mulhally, OAA  
Principal



Hamilton

**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)			
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:

**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:

Minor variance approval is required for the front yard setback to allow for 4.63m instead of the required 6m.

Second Dwelling Unit                       Reconstruction of Existing Dwelling

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

The new build is unable to meet the required 6m front yard as the new build would interfere with the existing pool.

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**):

298 East 26th Street, Registered Plan 608, Lot 267/268

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?

general research of property

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.

2022-01-19

Date

Signature Property Owner(s)

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	12.95m
Depth	32.92m
Area	427.44 sq.m
Width of street	9.14m

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: \_

to be demolished (approx. 1,000 sq.ft)

Proposed

Basement-130.92 sq.m  
Main- 125.95 sq.m  
Garage-33.40 sq.m  
2nd floor- 109.36 sq.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:

to be demolished

Proposed:

front yard- 4.63m  
side yard- 1.2m & 2.57m  
rear yard- 13.44m



13. Date of acquisition of subject lands:  
\_\_\_\_\_
14. Date of construction of all buildings and structures on subject lands:  
build to start 2022/2023  
\_\_\_\_\_
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:  
over 50 years  
\_\_\_\_\_
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:  

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

Hamilton Zoning By Law "C" Urban Protected Residential
--
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.