



**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>FL/A-22:362</b>	<b>SUBJECT PROPERTY:</b>	941 Kirkwall Rd, Flamborough
<b>ZONE:</b>	“P7 & P8” (Conservation / Hazard Lands)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: Philip Brewer  
Agent: Don Robertson

The following variances are requested:

1. The addition shall be a maximum 54% of the gross floor area of the existing building whereas the by-law permits a maximum expansion of 10% of the existing buildings gross floor area.

**PURPOSE & EFFECT:** To permit the construction of rear yard addition to the single family detached dwelling.

**Notes:**

- i. The applicant has indicated that the new deck shown on the submitted plans is no longer intended. As such, the deck has not been included within the floor area calculation for this variance.

**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>1:50 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>

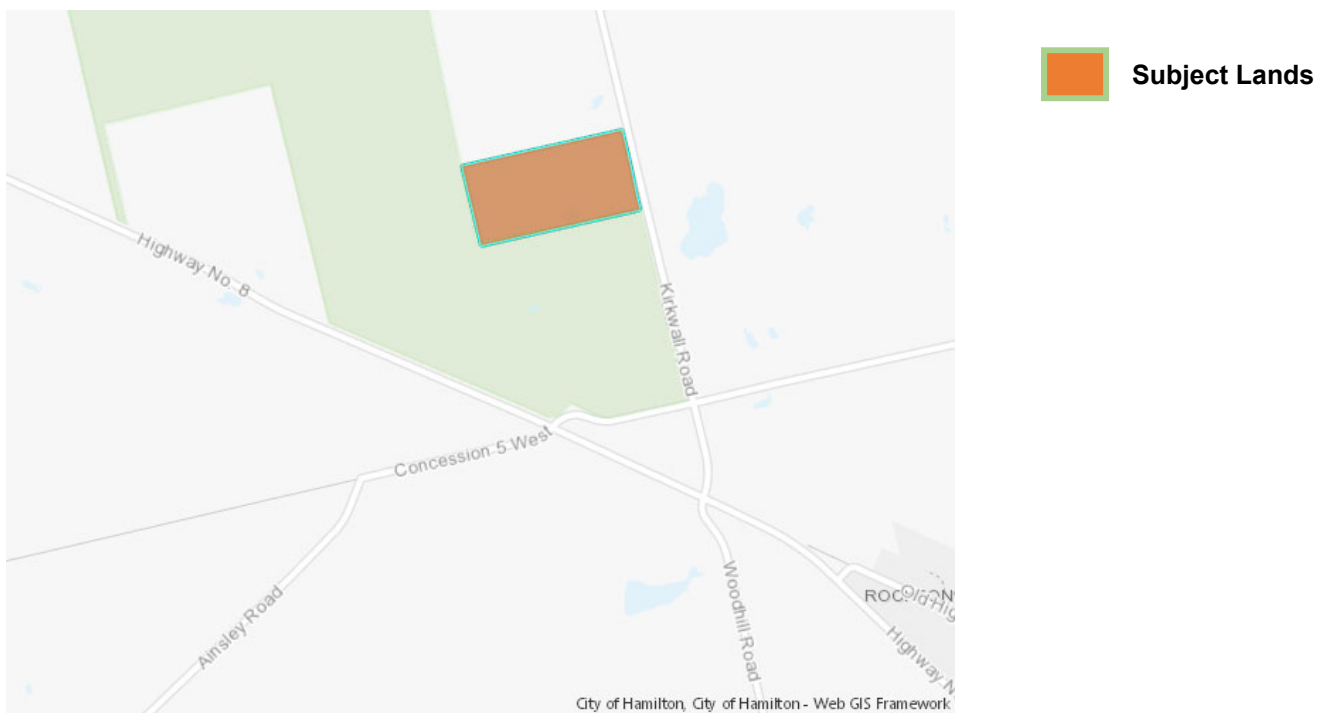
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- 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

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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.

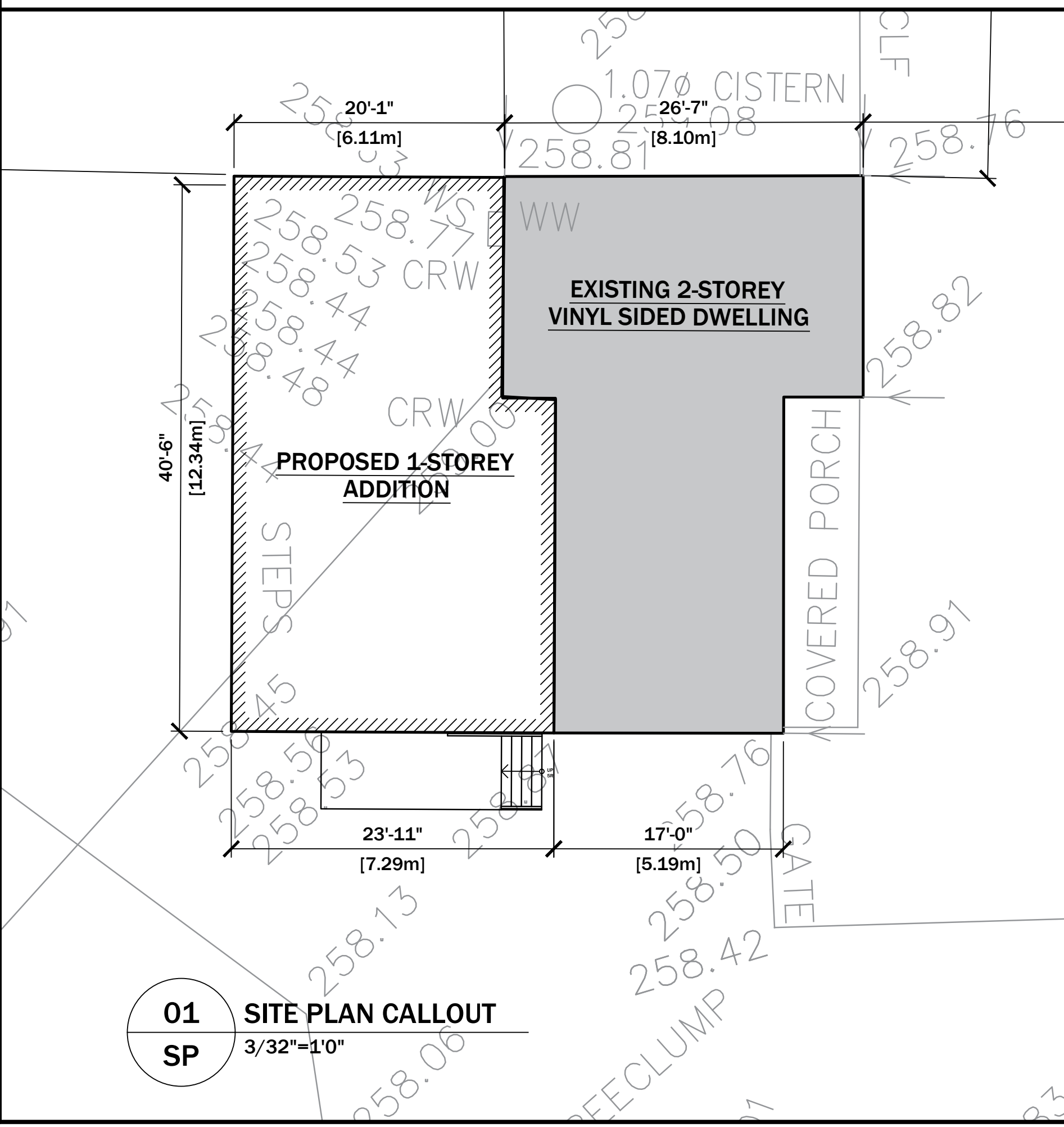
#### 2. In person Oral Submissions

**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.

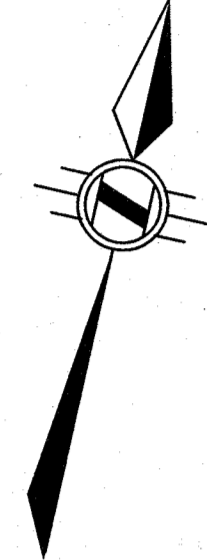
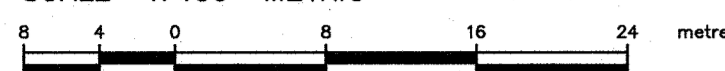
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

PART 1, PLAN 62R-14960  
PIN 17541-0027 (LT)

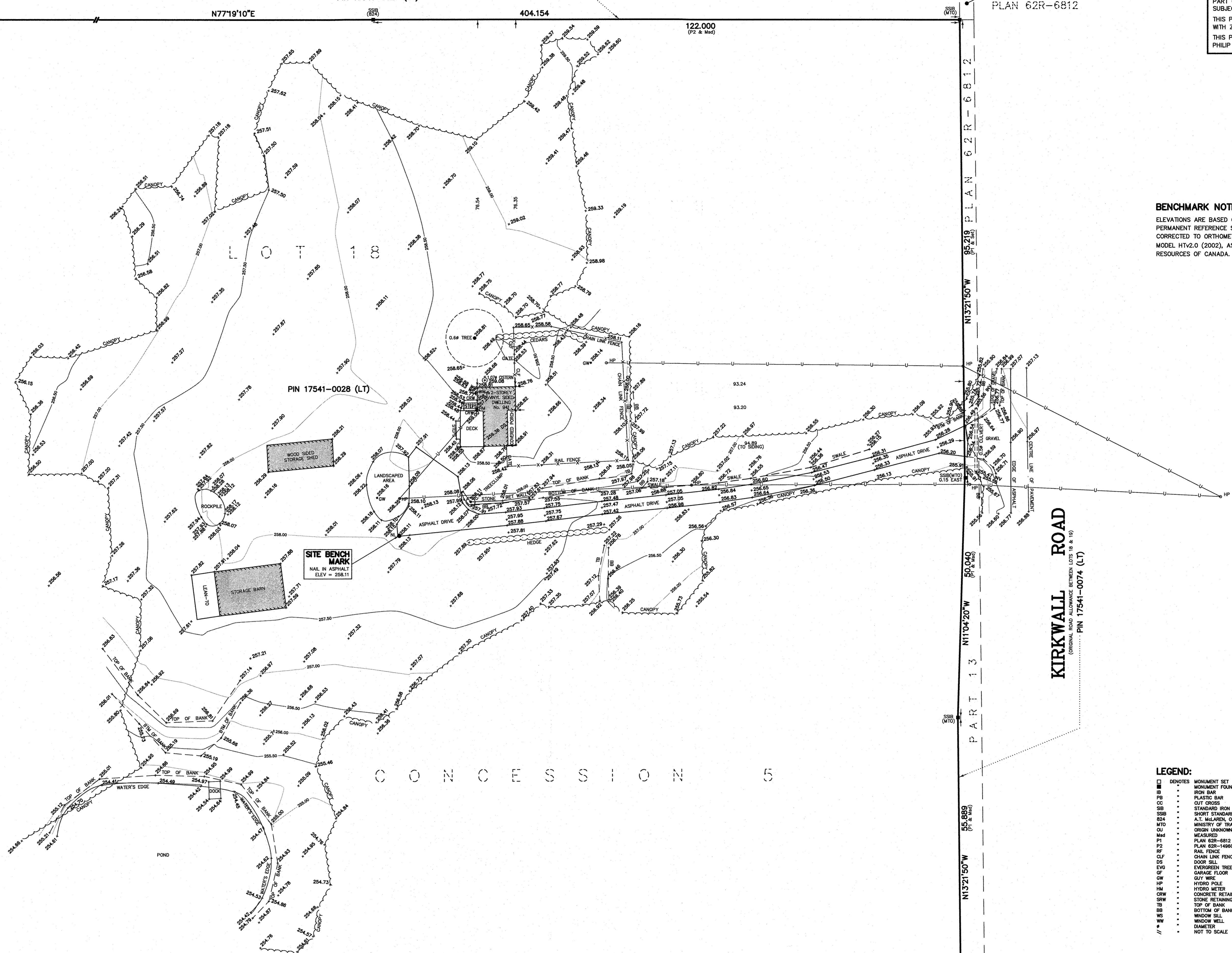


02 PROPOSED SITE PLAN  
1/32" = 1'-0"

**SURVEYOR'S REAL PROPERTY REPORT**  
 PART 1, PLAN OF PART OF  
**LOT 18**  
**CONCESSION 5**  
 GEOGRAPHIC  
**TOWNSHIP OF BEVERLY**  
 IN THE  
**CITY OF HAMILTON**  
 SCALE 1:400 METRIC  
 S.D. McLAREN, O.L.S. - 2022



PART 1, PLAN 62R-14960  
 PIN 17541-0027 (LT)



**SURVEYOR'S REAL PROPERTY REPORT (PART 2)**  
 PART OF LOT 18, CONCESSION 5, IS NOT SUBJECT TO ANY EASEMENTS.  
 THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.  
 THIS PLAN WAS PREPARED FOR PHILIP BREWER.

**BENCHMARK NOTE:**  
 ELEVATIONS ARE BASED ON GPS OBSERVATIONS TO PERMANENT REFERENCE STATIONS AND HAVE BEEN CORRECTED TO ORTHOMETRIC ELEVATIONS WITH GEOD MODEL HTV2.0 (2002), AS SUPPLIED BY NATURAL RESOURCES OF CANADA.

**LEGEND:**

MB	MONUMENT SET
IB	IRON BAR
PB	PLASTIC BAR
CC	CUT CROSS
SB	STANDARD IRON BAR
SIB	SHORT STANDARD IRON BAR
S24	A.T. McLAREN, O.L.S.
MTO	MINISTRY OF TRANSPORTATION ONTARIO
OU	ORIGIN UNKNOWN
M44	MEASURED
P1	PLAN 62R-8812
P2	PLAN 62R-14960
RF	RAIL FENCE
CLF	CHAIN LINK FENCE
DS	DOOR SILL
EVG	EVERGREEN TREE
GF	GARAGE FLOOR
HW	HYDRO METER
HP	HYDRO POLE
HM	HYDRO METER
CRW	CONCRETE RETAINING WALL
SRW	STONE RETAINING WALL
TB	TOP OF BANK
BB	BOTTOM OF BANK
WC	WINDOW SILL
WW	WINDOW WELL
Ø	DIAMETER
//	NOT TO SCALE

**NOTE:**  
 UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION  
 INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION

**METRIC NOTE:**  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**BEARING NOTE:**  
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF KIRKWALL ROAD AS BEING N13°21'50"W AS SHOWN ON PLAN 62R-8812.

**SURVEYOR'S CERTIFICATE**  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON THE 8th DAY OF JULY, 2022.  
 DATE: Aug 11, 2022  
 S. DAN McLAREN, O.L.S.

© S.D. McLAREN, O.L.S. - 2022. NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLAREN, O.L.S.  
**A.T. McLaren**  
 LEGAL AND ENGINEERING SURVEYS  
 69 JOHN STREET SOUTH, SUITE 230  
 HAMILTON, ONTARIO, L8N 2S9  
 PHONE (905) 527-8559 FAX (905) 527-0032

PIN 17541-0091 (LT) PART 14 PLAN 62R-6812

PART 12 PLAN 62R-6812  
 PART 13 N13°21'50"W 55.989 (P2 & M40)  
 N13°21'50"W 50.040 (P1 & M40)  
 N11°04'20"W 80.040 (P1 & M40)

**KIRKWALL ROAD**  
 (ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 18 & 19)  
 PIN 17541-0074 (LT)

PIN 17541-0028 (LT) PART 1 PLAN 62R-14960

122,000 (P2 & M40)

N77°19'10"E 404.154

N77°19'10"E

CONCESSION 5

LOT 18



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/PERMISSION UNDER SECTION 45 OF THE PLANNING ACT

### 1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	Phone
Registered Owners(s)	Philip Brewer	[REDACTED]	[REDACTED]
Applicant(s)			
Agent or Solicitor	Don Robertson		

1.2 All correspondence should be sent to

- Owner  
 Agent/Solicitor

Applicant

1.2 All correspondence should be sent to

- Purchaser  
 Applicant

- Owner  
 Agent/Solicitor

1.3 Sign should be sent to

- Purchaser  
 Applicant

- Owner  
 Agent/Solicitor

1.4 Request for digital copy of sign

- Yes\*  No

If YES, provide email address where sign is to be sent phil.b@brewerscpp.com

1.5 All correspondence may be sent by email

- Yes\*  No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

### 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	941 Kirkwall Rd, Hamilton ON L9H 5E1		
Assessment Roll Number			
Former Municipality			
Lot	18	Concession	5
Registered Plan Number		Lot(s)	
Reference Plan Number (s)	62R-14960	Part(s)	1

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes  No

If YES, describe the easement or covenant and its effect:

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### 3. PURPOSE OF THE APPLICATION

**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

house addition

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

existing zoning By-Laws

3.3 Is this an application 45(2) of the Planning Act.

Yes

No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
single family dwelling	95 m		78 m	unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
house addition	NA		75 m	TBD

4.3 Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
wood sided storage shed	870 SQFT	870 SQFT	1	
storage barn	1460 SQFT	1460 SQFT	1	
single family dwelling	850 SQFT	1690 SQFT	2	17'-0"

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
house addition	900 SQFT	900 SQFT	1	10'-0"

- 4.4 Type of water supply: (check appropriate box)
- publicly owned and operated piped water system
- privately owned and operated individual well

- lake or other water body
- other means (specify)
- 

- 4.5 Type of storm drainage: (check appropriate boxes)
- publicly owned and operated storm sewers
- swales

- ditches
- other means (specify)
- 

- 4.6 Type of sewage disposal proposed: (check appropriate box)



- publicly owned and operated sanitary sewage system
  - privately owned and operated individual septic system
  - other means (specify)
- 

4.7 Type of access: (check appropriate box)

- provincial highway
  - municipal road, seasonally maintained
  - municipal road, maintained all year
  - right of way
  - other public road
- 

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
single detached dwelling

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

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## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

September 3, 2020

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7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

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7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

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7.4 Length of time the existing uses of the subject property have continued:

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7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) \_\_\_\_\_

Please provide an explanation of how the application conforms with the Official Plan.

7.6 What is the existing zoning of the subject land? <sup>P7</sup> \_\_\_\_\_

7.8 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: