



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)

**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-22:380</b>	<b>SUBJECT PROPERTY:</b>	40 MacBean Cres, Flamborough
<b>ZONE:</b>	“R1-31” (Urban Residential (Single Detached) Zone)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Flamborough 90-145-Z, as Amended

**APPLICANTS:** Owner: Nikita & Manu Paliwal

The following variances are requested:

1. Steps shall be permitted to project 0.9m into a required side yard (therefore being 0.3m from the side lot line), whereas the by-law prohibits steps to project into a required side yard.

**PURPOSE & EFFECT:** To permit the establishment of a secondary dwelling unit within the existing single detached dwelling.

**Notes:**

**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>2:35 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.



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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](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.

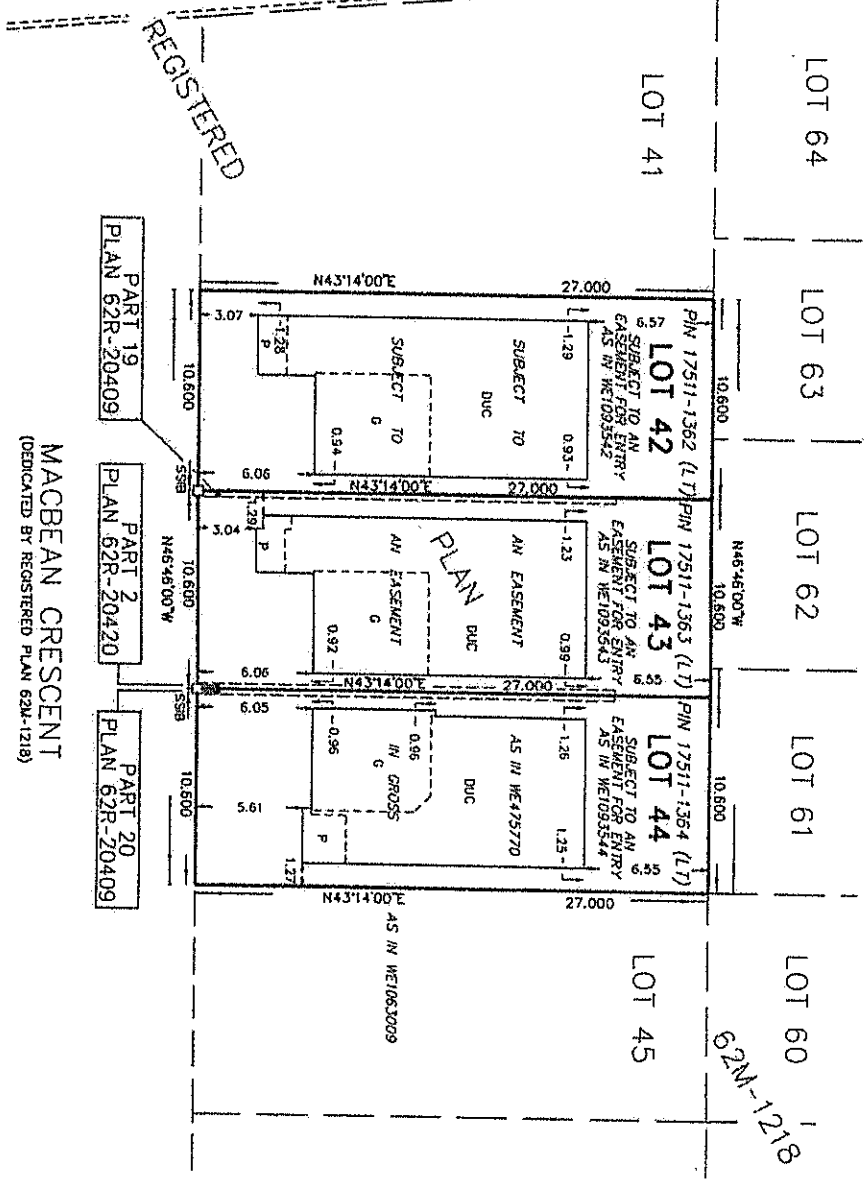
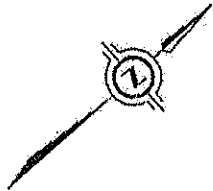
#### 2. In person Oral Submissions

**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.

NORTH WATERDOWN DRIVE  
(DEDICATED BY REGISTERED PLAN 62M-1218)



MONUMENTATION USED TO RE-ESTABLISH THE BOUNDARIES OF THE LOTS SHOWN ARE REFERENCE POINTS 101, 103 & 121 WHICH ARE ON RECORD WITH J.D. BARNES LIMITED

SURVEYOR'S REAL PROPERTY REPORT  
PART 1 - PLAN SHOWING  
LOTS 42, 43 AND 44  
REGISTERED PLAN 62M-1218  
CITY OF HAMILTON



J.D. BARNES LIMITED  
© COPYRIGHT  
METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

- PART 2 - SURVEY REPORT
- DESCRIPTION
  - LOTS 42, 43 AND 44 - REGISTERED PLAN 62M-1218
  - REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY
  - LOT 42 - SUBJECT TO AN EASEMENT FOR ENTRY AS IN WE1093542
  - LOT 43 - SUBJECT TO AN EASEMENT FOR ENTRY AS IN WE1093543
  - LOT 44 - SUBJECT TO AN EASEMENT FOR ENTRY AS IN WE1093544
  - LOTS 42, 43 AND 44 - SUBJECT TO AN EASEMENT IN CROSS AS IN WE1063009 AND SUBJECT TO AN EASEMENT AS IN WE1093770

ADDITIONAL REMARKS  
PLAN PREPARED FOR ROSEHAVEN HOMES

NOTES  
BEARINGS ARE GRID AND ARE REFERRED TO THE NORTHEASTERN LIMIT OF MACBEAN CRESCENT AS SHOWN ON REGISTERED PLAN 62M-1218, HAVING A BEARING OF N46°46'00"W.

- DENOTES SURVEY MONUMENT SET
  - SSB DENOTES SHORT STANDARD IRON BAR
  - C DENOTES DWELLING UNDER CONSTRUCTION
  - P DENOTES PORCH
- ALL BUILDINGS ARE TAKEN TO CONCRETE FOUNDATION
- ALL SET SSB MONUMENTS WERE USED DUE TO LACK OF OVERSOURCEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF OREG. 525/91.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
  - THE SURVEY WAS COMPLETED ON THE 16th DAY OF JUNE, 2016.

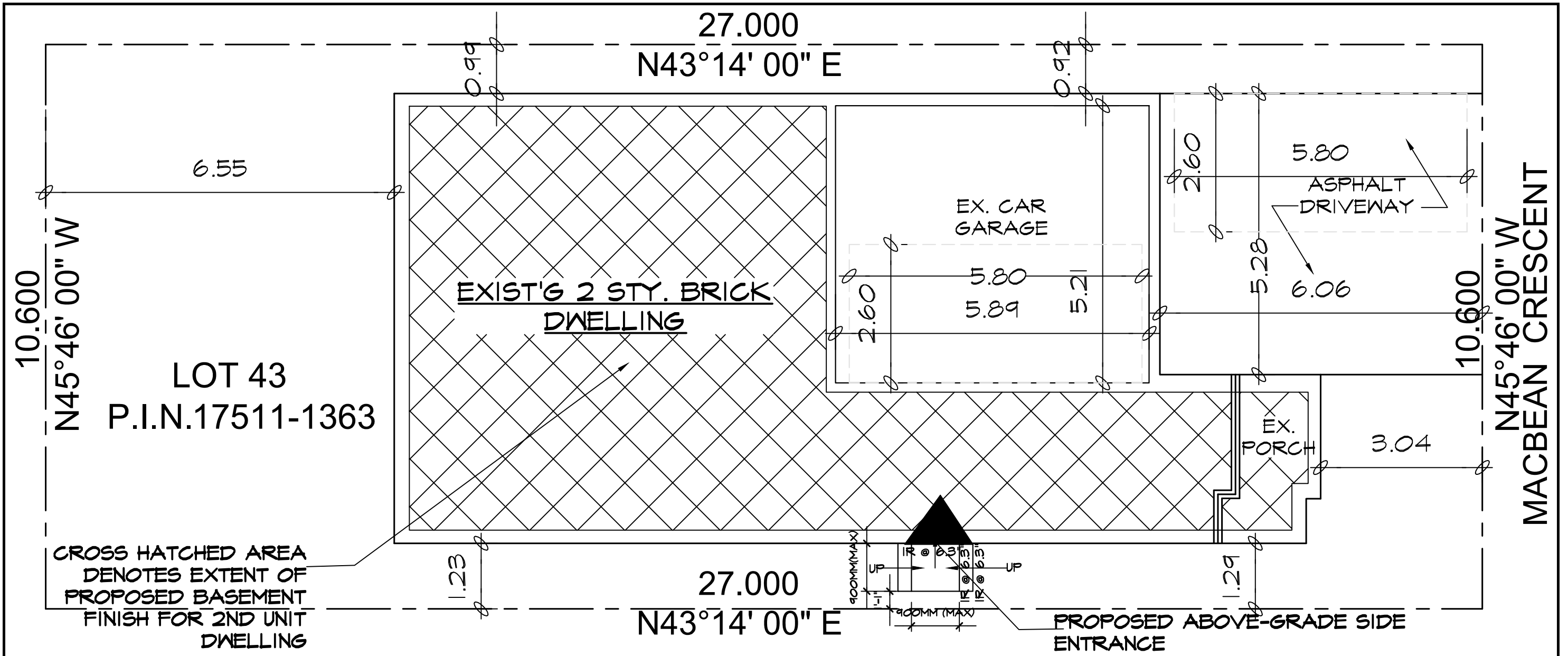
DATE: Sep 12, 2016  
THOMAS J. SAIB  
ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO LAND SURVEYORS  
PLAN REGISTRATION 62M  
1979753

THIS PLAN IS NOT VALID UNLESS IT IS ACCOMPANIED BY THE ORIGINAL COPY REPRODUCED BY THE SURVEYOR IN ACCORDANCE WITH REGULATION 107, SECTION 2(2)(i).

J.D. BARNES  
LAND INFORMATION SPECIALISTS  
15-30-879-00-042

SEP 12, 2016



CROSS HATCHED AREA DENOTES EXTENT OF PROPOSED BASEMENT FINISH FOR 2ND UNIT DWELLING

EXISTING		PROPOSED
BUILDING AREA (G.F) (INCL. GARAGE+FRONT PORCH)	=130.98 SQ.M. [1409.42 SQ.FT.]	TOTAL BASEMENT FINISH AREA=66.64 SQ.M. [717.10 SQ.FT.] (EXCLUDING FURNACE)
LOT COVERAGE	=45.76 %	EX. LOT COVERAGE & GROSS FLOOR AREA UNCHANGED
FLOOR AREA GROUND FLOOR	=91.17 SQ.M. [981.02 SQ.FT.]	
FLOOR AREA 2ND FLOOR	=117.1 SQ.M. [1260.00 S Q.FT.]	
GROSS FLOOR AREA (GRD+2ND FL EXCL. GARAGE & PORCH)	=208.27 SQ.M. [2,241.02 SQ.FT.]	
BASEMENT AREA (UNFINISHED)	=85.3 SQ.M. [917.91 SQ.FT.]	

SITE DATA	M/SM
ZONING	R1-64
PLAN NO:	62M-1218
LOT NO:	43
LOT AREA	286.2 SQ.M.

**ARCHISYSTEM INC.**  
 CONSULTING ARCHITECTS  
 CERTIFICATE OF PRACTICE # 5465

80 EASTERN AVENUE, UNITA-9  
 BRAMPTON, ON, L6W0B6  
 Tel: 905-858-2565 Cell: 647-295-2565  
 www.thearchisystem.com  
 e-mail: archisystem@gmail.com

Project  
**PROPOSED BASEMENT FINISH FOR 2ND UNIT DWELLING & PROPOSED ABOVE GRADE SIDE ENTRANCE AT 40 MACBEAN CRES, WATERDOWN, ON, L8B 0S5.**

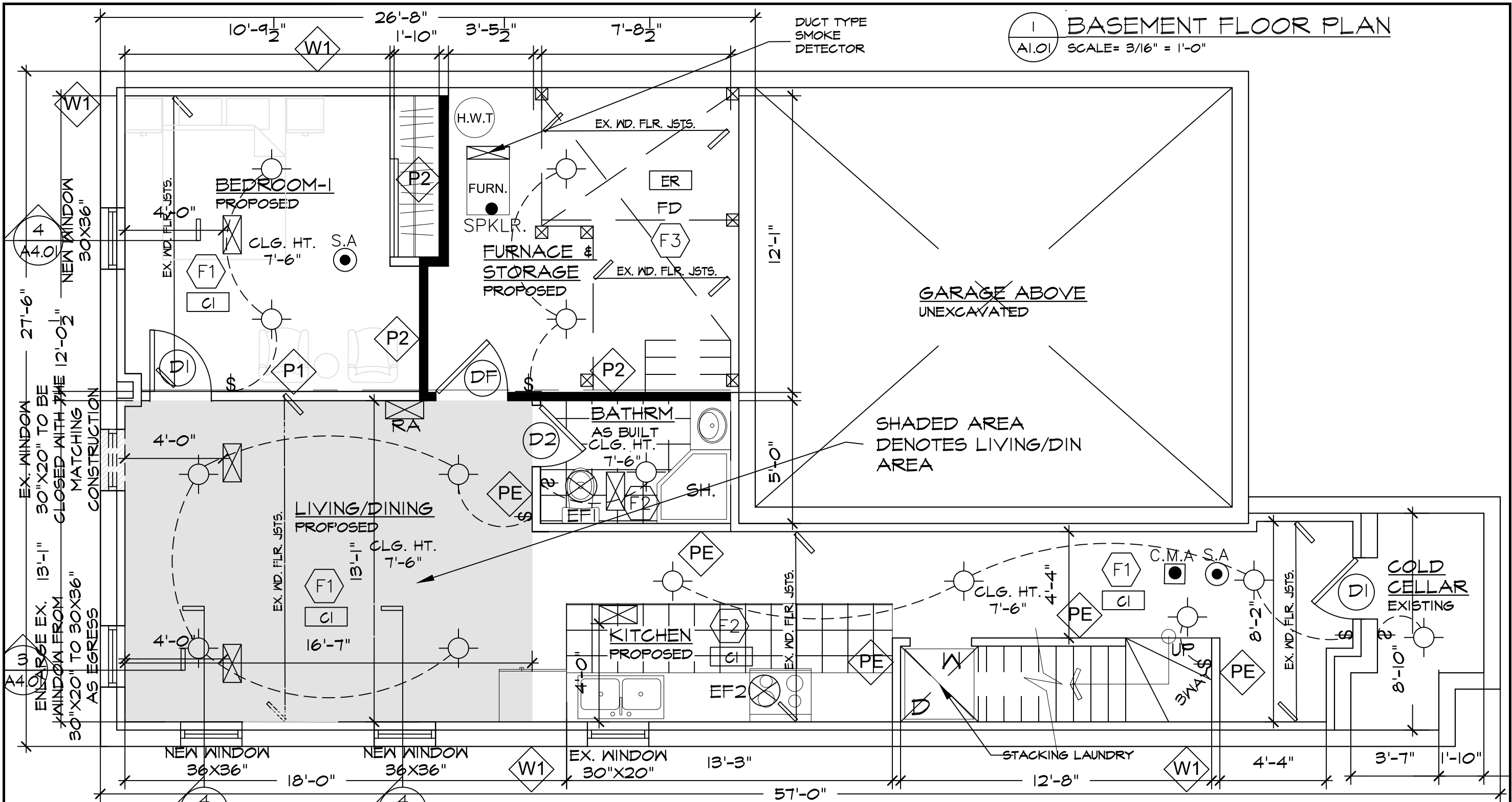
Owners  
 NIKITA PALIWAL

Sheet title:  
**SITE PLAN**

Revisions	Drawn By:	Checked By:
△	TM	AM
△	Scale:	Date:
△	AS NOTED	21.10.2021
△		D'wg. no.
△		SP1.01
△		REV. NO: -

**1 SITE PLAN**  
 SCALE= 1:100

**1 BASEMENT FLOOR PLAN**  
 A1.01 SCALE = 3/16" = 1'-0"



**CALCULATION OF GLASS AREA**  
 AS PER OBC 9.7.2.3 & 11- C107

ROOM TYPE	ROOM LABEL	AREA OF ROOM	AREA OF WINDOWS REQUIRED	AREA OF WINDOWS PROVIDED
A	BEDROOM-1	135.65 SQ.FT	5% = 6.78 SQ.FT.	36"x36"=9 SQ.FT
B	LIV/DIN/KIT	216.96 SQ.FT	10% = 21.69 SQ.FT.	36"x36"=9 SQ.FT 36"x36"=9 SQ.FT 30"x36"=7.5 SQ.FT TOTAL=25.5 SQ.FT

**ARCHISYSTEM INC.**  
 CONSULTING ARCHITECTS  
 CERTIFICATE OF PRACTICE # 5465

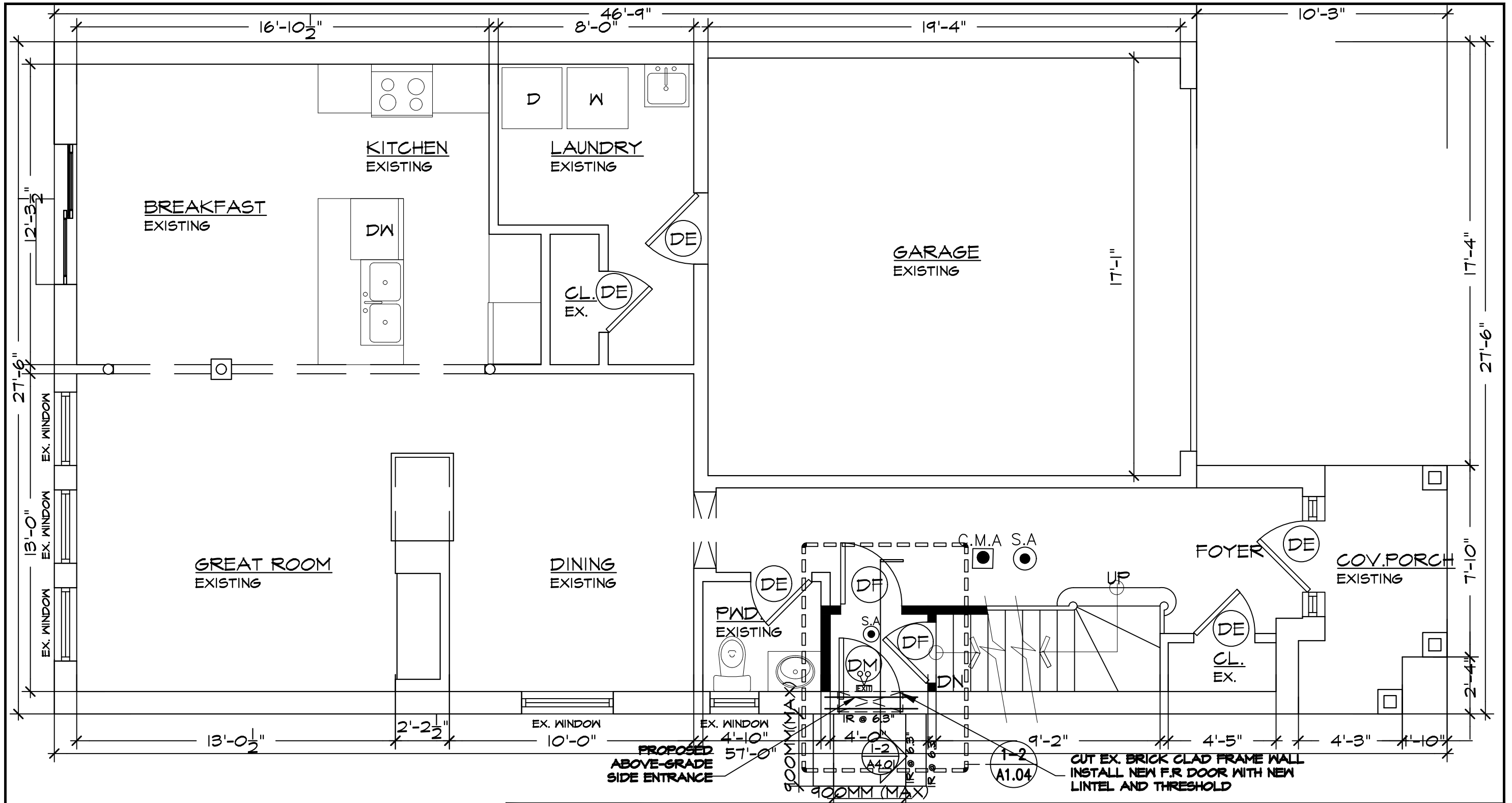
80 EASTERN AVENUE, UNITA-9  
 BRAMPTON, ON, L6W0B6  
 Tel: 905-858-2565 Cell: 647-295-2565  
 www.thearchisystem.com  
 e-mail: archisystem@gmail.com

**Project**  
 PROPOSED BASEMENT FINISH FOR 2ND UNIT DWELLING & PROPOSED ABOVE GRADE SIDE ENTRANCE AT 40 MACBEAN CRES, WATERDOWN, ON, L8B 0S5.

**Owners**  
 NIKITA PALIWAL

**Sheet title:**  
 BASEMENT FLOOR PLAN

<b>Revisions</b>	<b>Drawn By:</b> TM	<b>Checked By:</b> AM
	<b>Scale:</b> AS NOTED	<b>Date:</b> 21.10.2021
		<b>D'wg. no.</b> A1.01
		<b>REV. NO.:</b> -



1 GROUND FLOOR PLAN  
A1.02 SCALE = 3/16" = 1'-0"

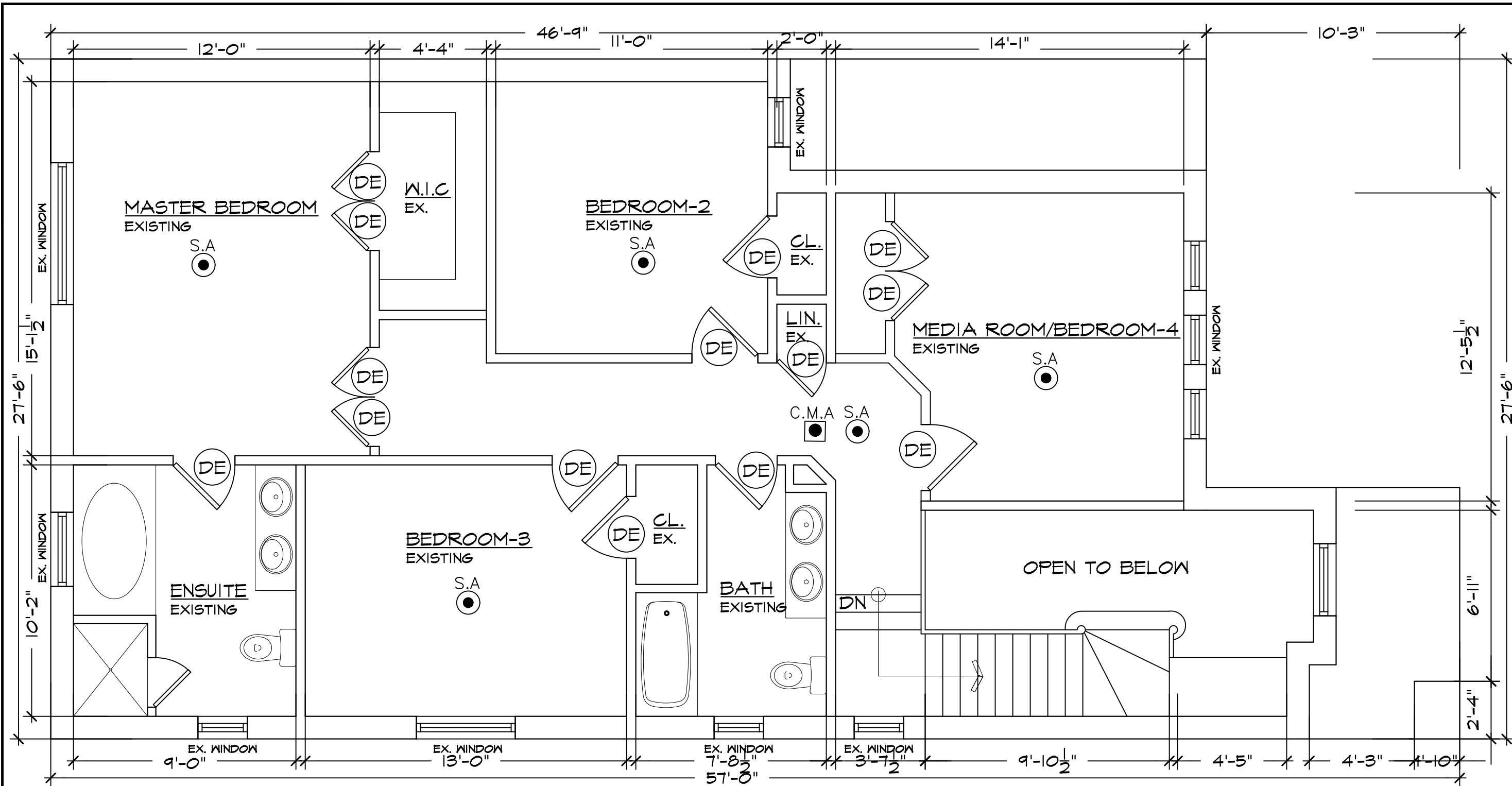
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Project  
 PROPOSED BASEMENT  
 FINISH FOR 2ND UNIT  
 DWELLING & PROPOSED  
 ABOVE GRADE SIDE  
 ENTRANCE AT 40  
 MACBEAN CRES,  
 WATERDOWN, ON, L8B 0S5.

Owners  
 NIKITA PALIWAL

Sheet title: GROUND FLOOR PLAN		
Revisions	Drawn By: TM	Checked By: AM
	Scale: AS NOTED	Date: 21.10.2021
		D'wg. no. <b>A1.02</b>
		REV. NO: -



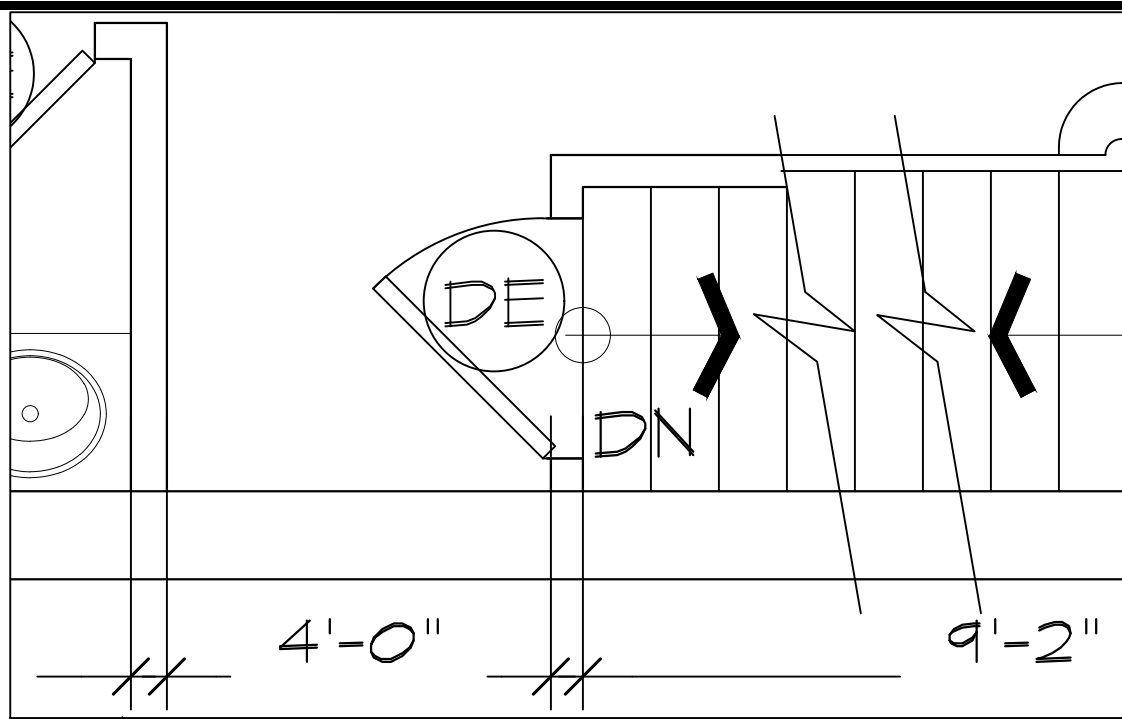
1 SECOND FLOOR PLAN  
A1.03 SCALE = 3/16" = 1'-0"

**ARCHISYSTEM INC.**  
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CERTIFICATE OF PRACTICE # 5465  
80 EASTERN AVENUE, UNITA-9  
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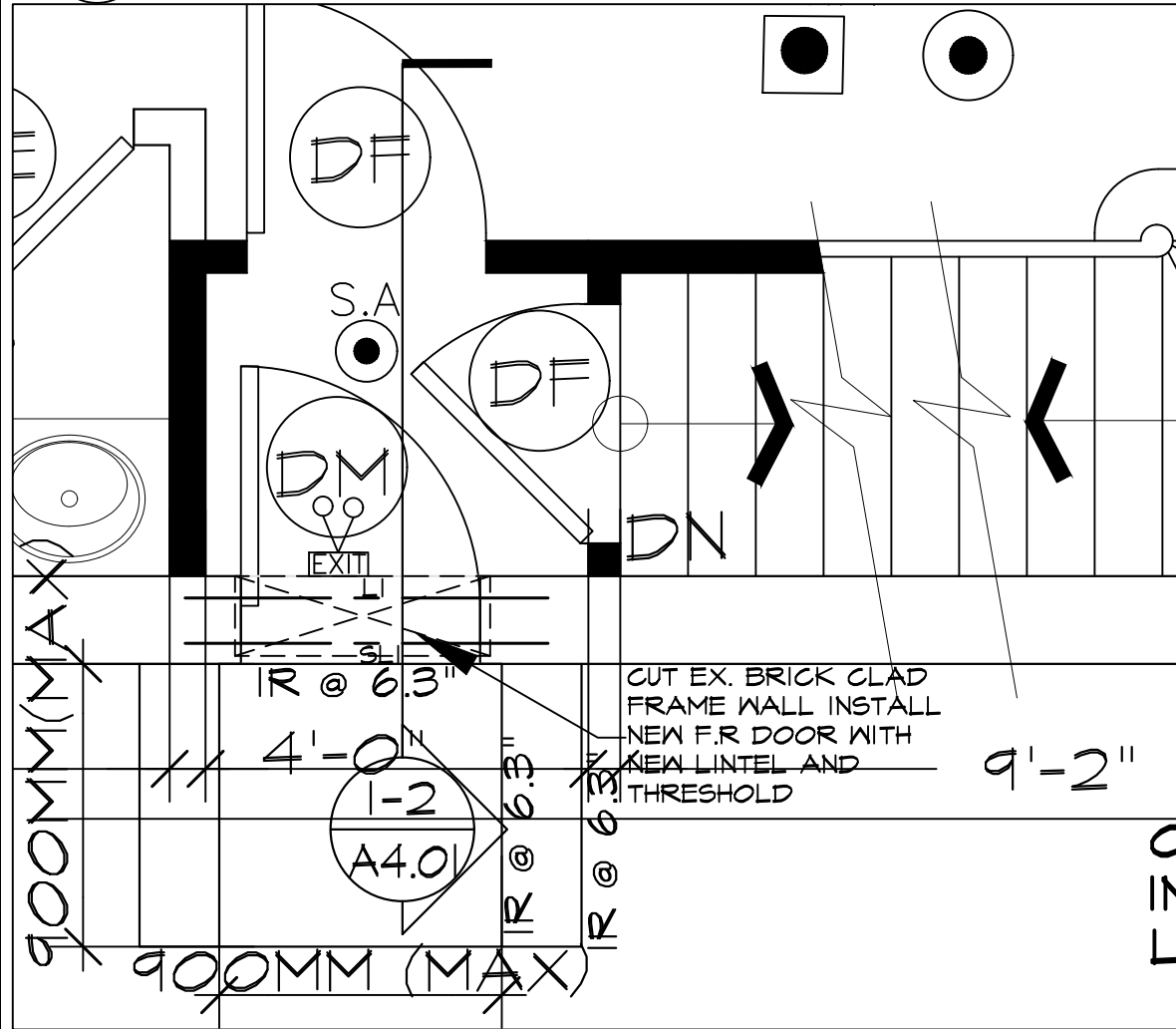
Project  
PROPOSED BASEMENT  
FINISH FOR 2ND UNIT  
DWELLING & PROPOSED  
ABOVE GRADE SIDE  
ENTRANCE AT 40  
MACBEAN CRES,  
WATERDOWN, ON, L8B 0S5.  
Owners  
NIKITA PALIWAL

Sheet title: <b>SECOND FLOOR PLAN</b>		
Revisions	Drawn By: TM	Checked By: AM
	Scale: AS NOTED	Date: 21.10.2021
		D'wg. no. <b>A1.03</b>
		REV. NO: -

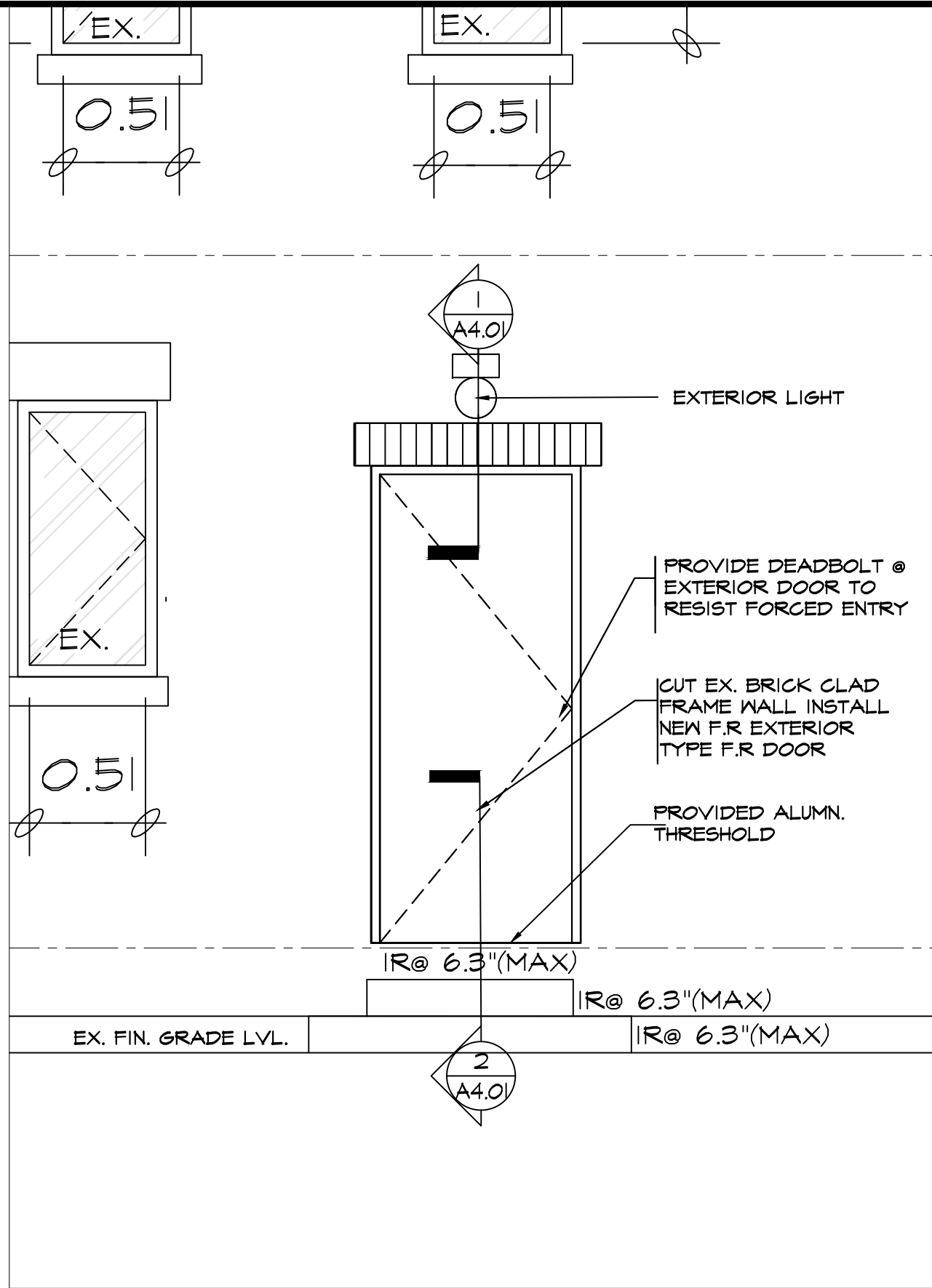




1 ENLARGED EX. GR. FL. PLAN  
 A1.04 SCALE= 3/8" = 1'-0"



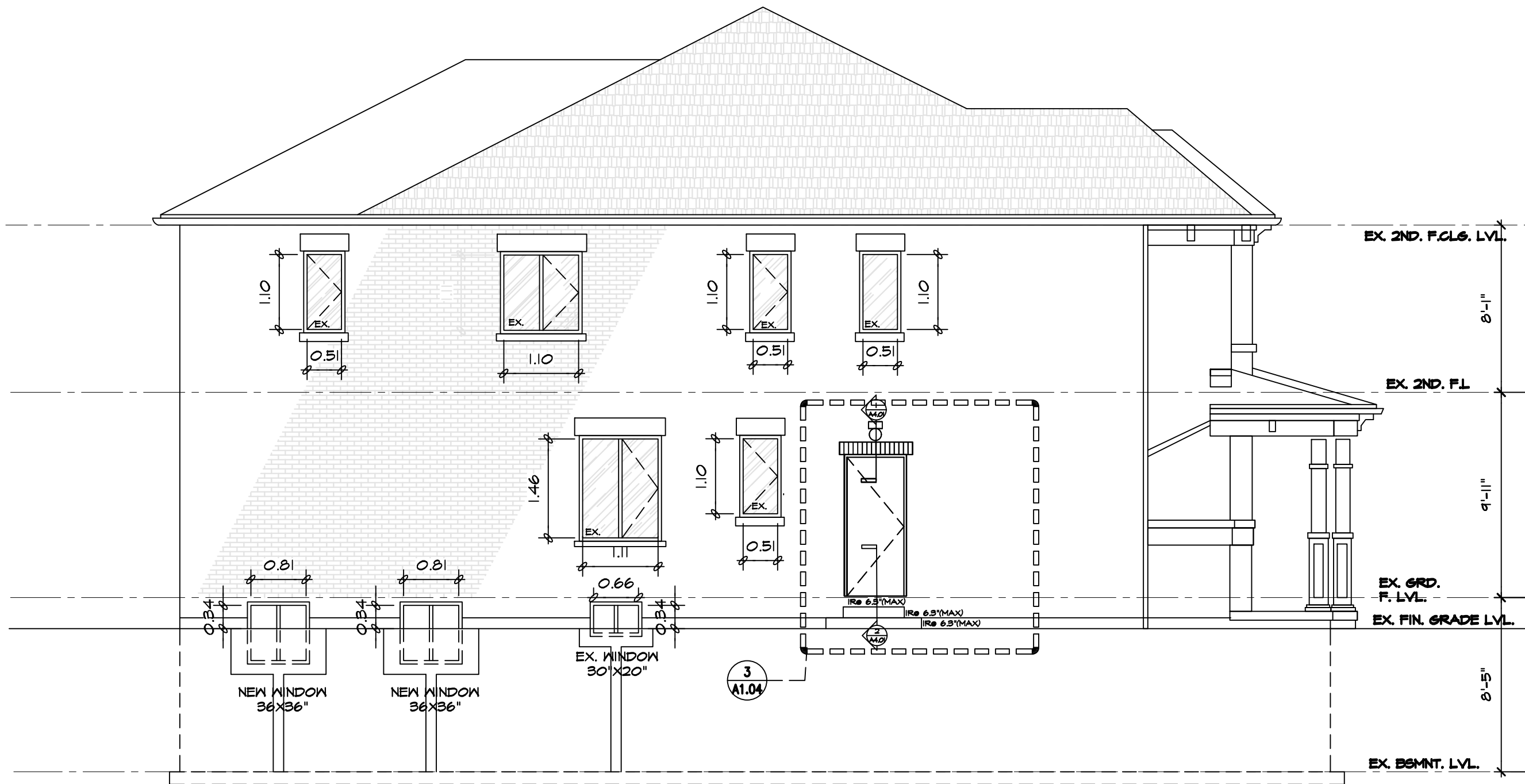
2 ENLARGED PROPOSED GR. FL. PLAN  
 A1.04 SCALE= 3/8" = 1'-0"



3 PARTIAL ELEVATION  
 A1.04 SCALE= 1/2" = 1'-0"

Sheet title: STAIRCASE PLANS		Checked By: AM	Date: 21.10.2021	Dwg. no. A1.04	REV. NO.: -
Revisions	Drawn By: TM	Scale: AS NOTED			
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Project  
 PROPOSED BASEMENT  
 FINISH FOR 2ND UNIT  
 DWELLING & PROPOSED  
 ABOVE GRADE SIDE  
 ENTRANCE AT 40  
 MACBEAN CRES,  
 WATERDOWN, ON, L8B 0S5.  
 Owners  
 NIKITA PALIWAL



1 LEFT SIDE ELEVATION  
A2.01 SCALE=3/16"=1'-0"

**CALCULATION OF UNPROTECTED OPENINGS OBC 2012 (9.10.15.4)**

TOTAL EXPOSED WALL AREA	=94.23 SQ.M
EXISTING U/PROTECTED WINDOW AREA	=5.31 SQ.M
NEW U/P WINDOW AREA	=0.55 SQ.M
TOTAL U/P WINDOW AREA	=5.86 SQ.M
LIMITING DISTANCE	=1.2 M
%AGE ALLOWED @ 2.5M <100 SQ.M	=7%=6.6 SQ.M
%AGE OF TOTAL UNPROTECTED WINDOWS PROPOSED	=6.2% =5.86 SQ.M

**ARCHISYSTEM INC.**

CONSULTING ARCHITECTS  
CERTIFICATE OF PRACTICE # 5465

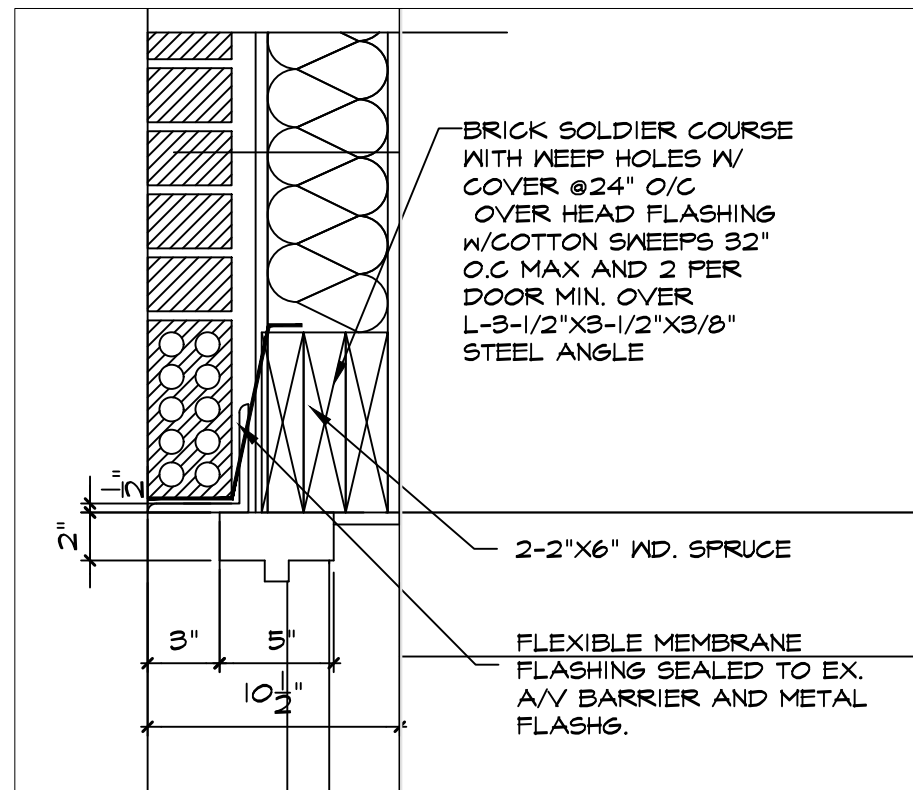
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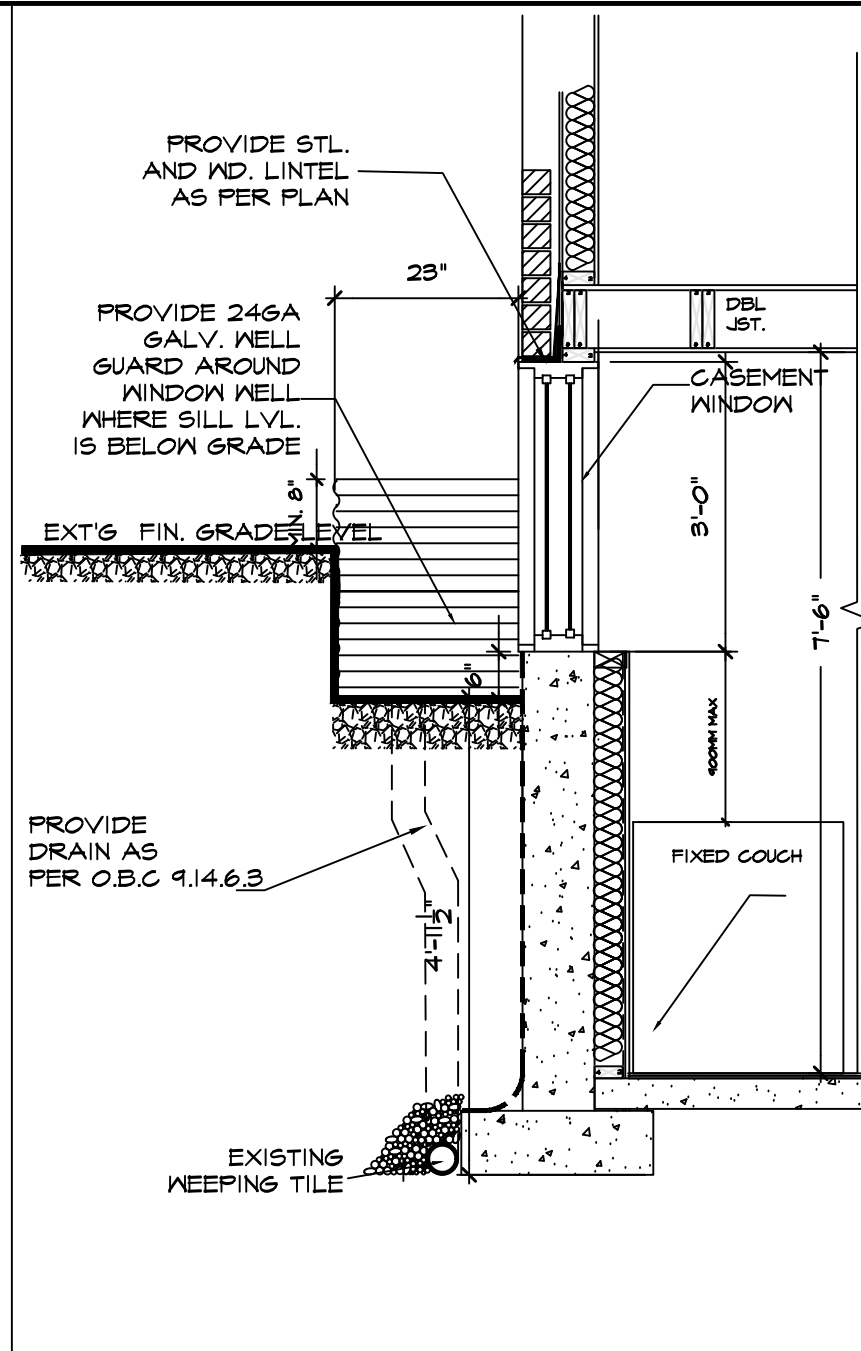
Owners  
NIKITA PALIWAL

Sheet title:  
LEFT SIDE ELEVATION

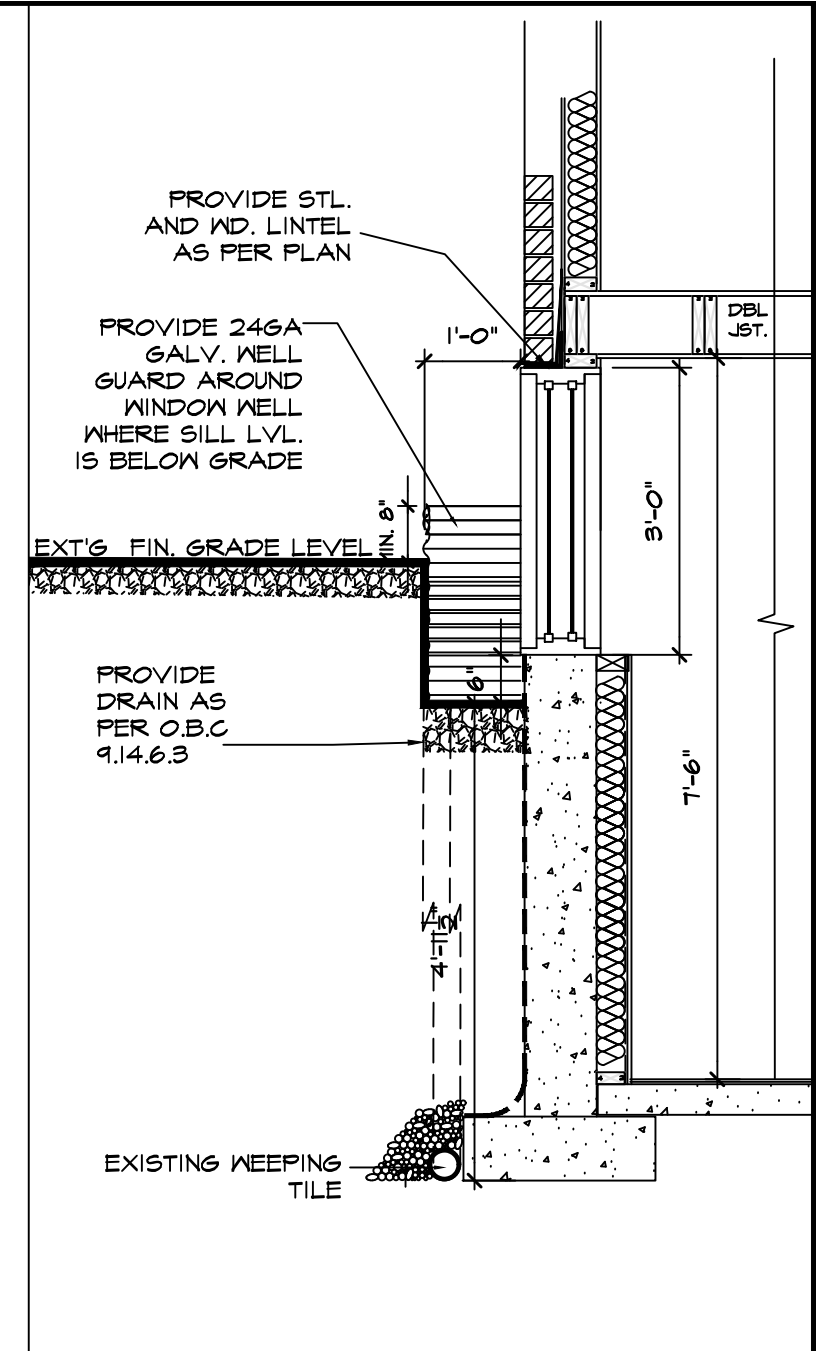
Revisions	Drawn By: TM	Checked By: AM
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-		D'wg. no.
-		<b>A2.01</b>
-		REV. NO: -



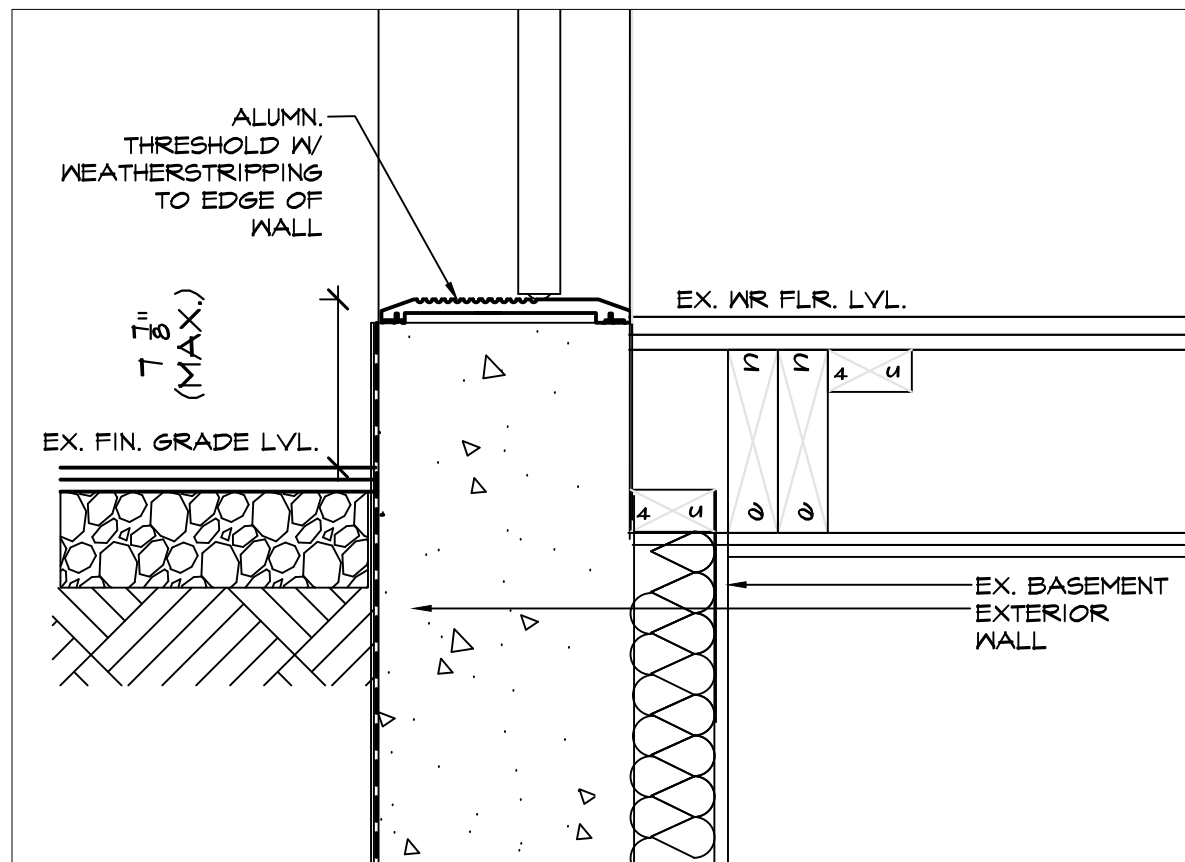
1 SECTION DETAIL AT DOOR LINTEL  
A4.01 SCALE= 1 1/2" = 1'-0"



3 SECTION DETAIL OF EGRESS WINDOW  
A4.01 SCALE: 3/4" = 1'-0"



4 SECTION DETAIL OF BELOW GRADE WINDOW  
A4.01 SCALE: 3/4" = 1'-0"



2 SEC. DET. AT SILL LVL.  
A4.01 SCALE= 1 1/2" = 1'-0"

Project PROPOSED BASEMENT FINISH FOR 2ND UNIT DWELLING & PROPOSED ABOVE GRADE SIDE ENTRANCE AT 40 MACBEAN CRES, WATERDOWN, ON, L8B 0S5.  Owners NIKITA PALIWAL	Sheet title: STAIR SECTIONS	
	Revisions	Drawn By: TM
	1	Checked By: AM
		Scale: AS NOTED
		Date: 21.10.2021
		D'wg. no.  A4.01
		REV. NO: -

**WALL TYPE & NOTES LEGEND**

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE DEMOLISHED

**EXTERIOR WALL TYPES**

**W1** EXISTING 10" TH. FOUR CONC. EXISTING VAPOUR BARRIER & INSULATION (R-20) FRICTION-FIT B/W 2"x4" WD. STUDS @ 16" O/C T/B PLATES 6 MIL POLY A.V.B 1/2" GNB TAPED & PLASTERED PROVIDE MOISTURE RESISTANT GB AT WATER-BOURNE AREAS E.G. WASHROOM KIT OR LAUND. ETC.

**INTERIOR PARTITION WALL TYPES**

- PE** EX. NON-LOAD BEARING PARTITION WALL TO REMAIN
- P1** NEW N.L.B 4-1/2" PARTITION WALL IN 1/2" G.N.B B/S 2"x4" WD. STUDS @ 16" O/C TAPED, SANDED AND PAINTED. PROVIDE WATER-RESISTANT GNB IN WASHROOMS AND WATER-BOURNE AREAS
- P2** PROPOSED 1 HR NON LOAD BEARING F.R PARTITION WALL (RE: S83 (W4D) STUDS SPACED 610 MM O/C, 12.7 MM TYPE X GYPSUM BOARD, STC-53.
- NEW NON-LOAD BEARING 4-1/2" PARTITION WALL IN 1/2" G.N.B B/S 2"x4" WD. STUDS @ 16" O/C TAPED, SANDED AND PAINTED. PROVIDE WATER-RESISTANT GNB IN WASHROOMS AND WATER-BOURNE AREAS.**

**CEILING TYPES**

- C1** 45 MIN. F.R.R. S.T.C-53, CEILING TYPE F4H WITH ABSORPTIVE MATERIAL, WITH RESILIENT METAL CHANNEL SPACED 610 MM O.C, 12.7 TYPE X GYPSUM W/ SMOOTH PLASTER AT WATER BOURNE AREAS
- ER** EXPOSED RAFTERS .

**DOOR/WINDOWS SCHEDULE**

TYPE	SIZE		DESCRIPTION/TYPE
	WIDTH	HEIGHT	
DM	2'-10"	6'-8"	H.M. EXTERIOR DOOR W/ BOLTED LOCK FIXED GLAZED (11 SQ.FT) WINDOW W/ SELF CLOSING DEVICE
DF	2'-10"	6'-8"	INTERIOR TYPE 20 MIN. F.R.R DOOR WITH BOLTEDED LOCK ON BOTH SIDES, HINGES AND DOOR STOP W/ SELF CLOSING DEVICE
DFI	2'-10"	6'-8"	INTERIOR TYPE DOOR WITH BOLTED LOCK ON BOTH SIDES, HINGES AND DOOR STOP W/ SELF CLOSING DEVICE
DI	2'-6"	6'-8"	INTERIOR TYPE MDF paneled DOOR WITH LATCHED LOCK, HINGES AND DOOR STOP
D2	2'-2"	6'-8"	SAME AS ABOVE CLOSET DBL. DOOR
DE	EXISTING DOOR TO REMAIN SIZE SAME AS DI		
EX	EXISTING WINDOW TO REMAIN		

**LINTEL SCHEDULE**

LINTEL	OPENINGS	SIZE
STEEL LINTEL	UPTO 54" OPENINGS	3.5"x3.5"x0.3125"
SLI	UPTO 66" OPENINGS	4.0"x3.5"x0.3125"
WOOD LINTEL	UPTO 42" OPENINGS	2-2"x6"
LI	UPTO 66" OPENINGS	2-2"x8"
	UPTO 78" OPENINGS	3-2"x10"
	UPTO 90" OPENINGS	3-2"x12"

NOTE: PROVIDE MIN. 6" BEARING OF LINTEL AT B/S OF WALL

**ELECT/HVAC. LEGEND**

- WIRED SMOKE ALARM/ DETECTOR IN COMMON AREAS. USE INTERCONNECTED STROBE TYPE FOR ALL SLEEPING AREAS UNIT MUST CONFORM TO CAN/ULC-5531, CSA-6.19-01 & CAN/ULC-552 & NFPA-72
- CARBON MONOXIDE ALARM/DETECTOR CONFORMING TO CAN/CSA-6.19 OR UL-2034
- HVAC AIR GRILL
- RETURN-AIR GRILL

- EXISTING DOOR TO REMAIN
- PROPOSED H.C FLUSH DOOR U/N
- FLOOR DRAIN
- LAMINATED WD. FLOORING
- CERAMIC TILES. FLOORING
- EX. CONC. FLOORING

**ABBREVIATIONS LEGEND**

- CL. CLOSET
- CLG. CEILING
- CONC. CONCRETE
- COV. COVERED
- DN DOWN
- DO DITTO
- ELECT. ELECTRICAL
- EX. EXISTING
- FLR. FLOOR
- GALV. GALVANIZED
- H.C HOLLOW CORE
- HT. HEIGHT
- I/S INSIDE
- JST. JOIST
- MAX. MAXIMUM
- MIN. MINIMUM
- MNTD. MOUNTED
- N.L.B NON-LOAD BEARING
- P.F. PRE-FINISHED
- STL. STEEL
- SQ.M. SQUARE METER
- SQ.FT. SQUARE FOOT
- WD. WOOD
- W.I. WALK IN

**SPECIFICATIONS**

**1. GENERAL REQUIREMENTS**

- CONFORM TO REQUIREMENTS OF ALL AUTHORITIES HAVING JURISDICTION.
- ALL MATERIALS SHALL BE FURNISHED AND ALL WORK SHALL BE PERFORMED IN STRICT ACCORDANCE WITH THE GRADES, OR STANDARDS OF MATERIALS, STANDARDS OF WORKMANSHIP AND MANUFACTURE'S SPECIFICATIONS LISTED OR MENTIONED.
- CONTRACTOR TO VERIFY ALL DIMENSIONS AND SITE CONDITIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCING THE WORK. CONTRACTOR TO VERIFY STRUCTURE OF WALLS, FLOOR AND CEILING AT NEW ENTRANCES, WINDOWS, CANOPY AND EXTERIOR CLADDING.
- INSPECT THE EXISTING SITE AND NOTE ANY CONDITIONS WHICH WOULD AFFECT THE WORK. NO CLAIM FOR AN ADDITION TO THE CONTRACT AMOUNT WILL BE CONSIDERED RESULTING FROM FAILURE TO BECOME FAMILIAR WITH ALL, APPARENT EXISTING SITE CONDITIONS.
- UNLESS OTHERWISE SPECIFIED, PROVIDE AND MAINTAIN ALL NECESSARY PROTECTION, INCLUDING HOARDING, BARRICADES, WARNING LIGHTS AND SIGNS, BEFORE AND DURING DEMOLITION WORK.
- PROTECT ALL MECHANICAL AND ELECTRICAL EQUIPMENT AND PIPING THAT IS TO REMAIN.
- PROTECT ALL EXISTING FINISH SURFACES WHICH ARE NOT SUBJECT TO DEMOLITION.
- MAINTAIN PROPER ACCESS TO PREMISES.
- MAKE GOOD DAMAGE TO SUCH STRUCTURES RESULTING FROM WORK UNDER THIS SECTION AT NO COST TO OWNER.
- EXERCISE CAUTION IN DISMANTLING OR DISCONNECTING WORK ADJACENT TO EXISTING WORK DESIGNATED TO REMAIN.
- MAKE GOOD ANY DEMOLITION TO THE EXISTING WORK BEYOND THAT NECESSARY FOR CARRYING OUT NEW WORK, AT NO EXPENSE TO THE OWNER.
- CARRY OUT DEMOLITION AS SCHEDULED, IN A ORDERLY AND CAREFUL MANNER.
- AT COMPLETION OF WORK, THE PREMISES SHALL BE LEFT BROOM CLEAN.
- REPORT TO THE ARCHITECT AND INTERIOR DESIGNER ANY DISCREPANCIES BETWEEN ARCHITECTURAL AND INTERIOR DESIGN DRAWINGS. CONTRACTOR TO MAINTAIN AT THE JOB SITE AN UPDATED SET OF DRAWINGS AND RECORD ANY CHANGES TO BUILDING PERMIT DRAWINGS.

**2. SITE WORK**

MAINTAIN PROPER ACCESS TO THE SITE. PROVIDE ADEQUATE PROTECTION TO CURBS, SIDEWALKS AND LIGHTS. MAKE GOOD ANY DAMAGE AT NO COST TO THE OWNER.

- REMOVE FROM THE SITE AND LEGALLY DISPOSE OF ALL RUBBISH, AND SURPLUS MATERIALS RESULTING FROM THE WORK.
- CONCRETE

- CONCRETE MATERIALS SHALL CONFORM TO REQUIREMENTS OF CAN/CSA A23.1-M90, 266-M78
- BEFORE COMMENCING WORK, ENSURE THAT SURFACES ARE ACCEPTABLE TO RECEIVE AND MAINTAIN CONCRETE FINISHING AND THAT SPECIFIED INSTALLATION WILL BE ACHIEVED.
- PATCHING CONCRETE SHALL BE THOROUGHLY COMPACTED INTO PLACE AND FINISHED IN SUCH A MANNER AS TO MATCH ADJOINING CONCRETE. RUB DOWN TO GIVE UNIFORM, SMOOTH, FLUSH, MONOLITHIC SURFACE FREE OF ALL DEFECTS IN APPEARANCE TO ARCHITECTS APPROVAL.

**4. MASONRY**

- MAINTAIN DIMENSIONS, LINES AND LEVELS OF EXISTING WORK.
- TAKE SPECIAL CARE OF ERECTING BLOCK WALLS TO WHICH OTHER SECTIONS WILL APPLY FINISHES, TO ENSURE TOLERANCES REQUIRED OF FOLLOWING SECTIONS CAN BE MET WITH REASONABLE CONSTRUCTION PROCEDURES ( E.G. THIN SET APPLICATION OF GRANITE TILES.)
- ALL MASONRY SHALL BE PATCHED AND REPAIRED USING METHODS AND MATERIALS TO MATCH EXISTING WORK.

**5. METALS**

- CONFORM TO REQUIREMENTS OF CAN/CSA-G40.21 & M92 (HOT DIP GALV. PARTS)
- WORK TO BE EXECUTED BY FIRM THOROUGHLY FAMILIAR WITH LAWS, BY-LAWS AND REGULATIONS WHICH GOVERN, AND CAPABLE OF WORKMANSHIP OF BEST GRADE AND FIELD PRACTISE KNOWN TO BE RECOGNIZED MANUFACTURE'S SPECIALIZING IN THIS WORK.

PAINT PRIMER TO BE ZINC CHROMATE CONFORMING TO CGSB 1-6P-40D. FINISH COLOUR TO BE AS PER APPROVED SAMPLE BY INTERIOR DESIGNER.

**6. WOOD AND PLASTICS**

- MATERIALS SHALL BE CAREFULLY CHECKED, UNLOADED STORED AND HANDLED TO PREVENT DAMAGE. PROTECT MATERIALS WITH SUITABLE NON-STAINING WATERPROOF COVERINGS.
  - SUPPLY ALL LABOUR, MATERIALS, EQUIPMENT, SERVICES AND PERFORM ALL OPERATIONS REQUIRED TO COMPLETE ALL ROUGH CARPENTRY WORK, TO THE FULL INTENT OF THE DRAWINGS AND AS HEREIN SPECIFIED.
  - ALL INTERIOR ROUGH CARPENTRY APPLIED TO WALLS, FLOORS, AND CEILING IS TO HAVE A FLAME SPREAD RATING OF 150 OR LESS.
- 7. THERMAL AND MOISTURE PROTECTION**
- MAINTAIN EXISTING LEVELS OF INSULATION.
  - ALL MATERIALS AND METHODS USED IN APPLICATION SHALL BE IN STRICT ACCORDANCE WITH THE PRINTED INSTRUCTIONS OF THE MANUFACTURER.
  - INSTALL INSULATION TO MAINTAIN CONTINUITY OF THERMAL PROTECTION TO BUILDING ELEMENTS AND SPACES.
  - INSTALL LOOSE INSULATION IN LOCATIONS AND THICKNESS SHOWN, AND FOR PACKING WHERE REQUIRED TO MAINTAIN THE INTEGRITY OF THE THERMAL BARRIER. SEAL JOINTS TO PREVENT THE TRANSFER OF MOISTURE.
  - SEALANTS AND COLOUR TO BE SELECTED BY INTERIOR DESIGNER.
  - CLEAN JOINTS AND SPACES TO BE CAULKED AND ENSURE THEY ARE DRY AND FREE OF DUST, LOOSE MORTAR, OIL, GREASE AND OTHER FOREIGN MATERIAL. CLEAN FERROUS MATERIALS OR RUST, MILL, SCALE AND FOREIGN MATERIALS BY WIRE BRUSHING, GRINDLING OR SANDING.
  - UPON COMPLETION, REMOVE MASKING AND SEALANT SMEARS AND DROPPINGS FROM ADJACENT AND OTHER SURFACES.
  - PATCH AND REPAIR EXISTING WORK, REQUIRED DUE TO THE WORK OF THE CONTACT. USE THE EXACT SAME METHODS AND MATERIALS TO MATCH THE EXISTING WORK. WHERE IT IS NOT POSSIBLE, SUBMIT PROPOSALS TO THE INTERIOR DESIGNER FOR APPROVAL.

**8. DOORS AND WINDOWS**

**STEEL DOORS AND FRAMES:**

- SUBMIT SHOP DRAWINGS IN ACCORDANCE WITH GENERAL CONDITIONS, SHOW EACH TYPE OF FRAME, DOOR, HARDWARE BLANKING, REINFORCING TAPPING AND DRILLING ARRANGEMENTS, METAL GAUGES, THICKNESS AND FINISHES. SUBMIT DOOR AND FRAME SCHEDULE IDENTIFYING EACH UNIT. APPROVAL TO BE MADE BY INTERIOR DESIGNER.
- MANUFACTURE SOLID CORE VENEERED AND PLASTIC LAMINATED FACED WOOD DOORS TO ARCHITECTURAL WOODWORK MANUFACTURERS ASSOCIATION OF CANADA LATEST REVISIONS, FOR PREMIUM GRADE SPECIALTY DOORS.
- SUBMIT SHOP DRAWINGS IN ACCORDANCE WITH GENERAL CONDITIONS ILLUSTRATING DOOR CONSTRUCTION FOR THE INTERIOR DESIGNER TO REVIEW.

**WOOD DOORS AND FRAMES:**

- EXECUTE THE GYPSUM WALLBOARD WORK COMPLETE IN ALL RESPECTS AND FREE OF DEFECTS IN MATERIALS AND WORKMANSHIP AFFECTING APPEARANCE AND PERFORMANCE.
- EXAMINE AND CO-ORDINATE WORK WITH THE OTHER TRADES AND ENSURE THAT ANCHORS, GROUNDS, ELECTRICAL CONDUIT, WIRING AND MECHANICAL WORK, WHICH IS TO BE INSTALLED IN OR BEHIND WORK UNDER THIS CONTRACT HAS BEEN INSTALLED, TESTED AND APPROVED.
- CONFORM TO CURRENT C.S.A. STANDARDS A82.30 AND A82.31, EXEPT AS SPECIFIED OTHERWISE HEREIN.
- FINISHED GYPSUM WALLBOARD SURFACES SHALL BE TRUE PLANES WITHIN 1/8 INCH WHEN CHECKED WITH 12 FEET STRAIGHT EDGE PLACED ANYWHERE ON THE SURFACE. SURFACES SHALL BE FREE FROM WAVES, IRREGULATIONS AND OTHER DEFECTS. VERTICAL SURFACES, PLUMB AND TRUE TO LINE, HORIZONTAL SURFACES LEVEL.

**ELECTRICAL SYMBOLS LEGEND**

- 120 VOLT DUPLEX RECEPTACLE
- 220 VOLT 20 AMP. OUTLET
- 120 VOLT DUPLEX RECEPTACLE WATERPROOF
- WALL SWITCH
- EMERGENCY LIGHT
- CEILING MOUNTED LIGHT
- RECESSED INCANDESCENT POT LIGHT
- CLG. MTD. EXHAUST FAN POWERED BY ELECT. LIGHT SWITCH CONTD. TO O/S DAMPERED VENT MIN. 50CFM
- CABINET MTD. EXHAUST FAN POWERED BY ELECT. LIGHT SWITCH CONTD. TO O/S DAMPERED VENT MIN. 200 CFM

NOTE: ALL NEW ELECTRICAL SERVICES CONFORMING TO O.B.C.1997 SECTION 9.34

**ARCHISYSTEM INC.**  
 CONSULTING ARCHITECTS  
 CERTIFICATE OF PRACTICE # 5465

80 EASTERN AVENUE, UNITA-9  
 BRAMPTON, ON, L6W0B6  
 Tel: 905-858-2565 Cell: 647-295-2565  
 www.thearchisystem.com  
 e-mail: archisystem@gmail.com

Project  
**PROPOSED BASEMENT FINISH FOR 2ND UNIT DWELLING & PROPOSED ABOVE GRADE SIDE ENTRANCE AT 40 MACBEAN CRES, WATERDOWN, ON, L8B 0S5.**

Owners  
**NIKITA PALIWAL**

Sheet title:  
**NOTES & LEGENDS**

Scale:  
 AS NOTED

Project No:  
 21.10.2021

D'wg. no.  
**A0.02**

Revisions

1	
2	

REV. NO: 1



# Hamilton

March 3, 2022

FILE:  
 FOLDER: 21-148449-00 ALR  
 ATTENTION OF: Matthew Stavroff  
 TELEPHONE NO: (905) 546-2424  
 EXTENSION: 5716

NIKITA PALIWAL  
 40 MACBEAN CRES  
 WATERDOWN, ON L8B 0S5

**Attention:**

**RE: APPLICABLE LAW REVIEW – ZONING BYLAW COMPLIANCE REVIEW**  
**PRESENT ZONING: R1-31**  
**ADDRESS: 40 MACBEAN CRES. FLAMBOROUGH**

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

**COMMENTS:**

1. The applicant is proposing to establish a Secondary Dwelling Unit within the existing Single Detached Dwelling.
2. The proposed use of a single detached dwelling containing a Secondary Dwelling Unit is permitted pursuant to Section 5.43 and Section 6.2.3 of Flamborough Zoning By-law 90-145-Z.
3. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation prior to any development.
4. The proposed development has been reviewed and compared to the standards of the R1-31 zone as indicated in the following chart:

	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Section 5.43 – Secondary Dwelling Unit Requirements</b>			
<b>General Regulations</b> [Section 5.43.1 of Flamborough Zoning By-law 90-145-Z]	(c) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.	A maximum of one (1) Secondary Dwelling unit is intended within a Single Detached Dwelling.	<b>Conforms</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	(k) Parking shall be provided in accordance with Section 5.21 of this by-law.	<i>Parking reviewed further below in this table.</i>	
	A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit; and,	One (1) driveway is proposed on-site.	<b>Conforms</b>
	The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.	<i>This regulation is no longer applicable.</i>	<b>Not Applicable</b>
	(p) There shall be no outside stairway above the first floor other than a required exterior exit.	No outside stairway proposed.	<b>Conforms</b>
	(q) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line.	The entrance to the Secondary Dwelling Unit appear to be located within the interior side yard.	<b>Conforms</b>
<b>Section 5.21 – Parking Requirements</b>			
<b>Minimum Number of Parking Spaces</b> [Section 5.21.1 of Flamborough Zoning By-law 90-145-Z]	<p><u>Single Detached Dwelling:</u> Minimum one (1) parking space.</p> <p style="text-align: center;">PLUS</p> <p><u>Secondary Dwelling Unit:</u> Minimum one (1) parking space per unit.</p> <p><i>*Tandem parking is never permitted for an SDU (i.e., it cannot be located behind the required parking for a Single detached dwelling.</i></p>	<p>Two (2) parking spaces are proposed on-site (one within attached garage and one in front yard driveway).</p> <p>The driveway parking space does not appear to interfere or obstruct the parking space located within the garage.</p>	<b>Conforms</b>
<b>Minimum Parking Space Size</b> [Section 5.21.4 of Flamborough Zoning By-law 90-145-Z]	Each parking space shall have a minimum width of 2.6 metres and minimum length of 5.8 metres.	2.6m x 5.5m	<b>Non-Conforming</b>
<b>Driveways</b> [Section 5.21.5(a) of Flamborough Zoning By-law 90-145-Z]	In all Residential zones, the required parking spaces shall be prohibited within the required front yard or required exterior side yard except that a driveway within the required front yard or required exterior side yard which is provided for any single detached, link, semi-detached, converted, duplex, triplex or quadruplex dwellings, townhouse or street townhouse or mobile home	<p>Parking for the Secondary Dwelling unit is provided in the front yard located on the driveway which is permitted pursuant to 5.43(l).</p> <p>Furthermore, this driveway is less than 12.0m in width.</p>	<b>Conforms</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>may be used to provide additional parking supplementary to the parking required in this By-law, and;</p> <p>Provided that the maximum width of the driveway, or cumulative width of the driveways, shall not exceed 12 metres;</p> <p><u>Pursuant to Section 5.43(l):</u> Notwithstanding Section 5.21.5, parking for a Secondary Dwelling Unit and Secondary Dwelling Unit – Detached may be provided in the required front yard in accordance with Section 5.21 of this by-law.</p>		
<p><b>Driveway Surface Treatment</b> [Section 5.21.7 of Flamborough Zoning By-law 90-145-Z]</p>	All parking spaces, areas and driveways shall be provided and maintained with a stable surface which is treated in a manner to prevent the raising of dust or loose particles and shall be drained in a manner to prevent the pooling of surface water or the flow of surface water to adjacent lots	Asphalt	<b>Conforms</b>
<b>Section 5.12 - Minimum Landscape Requirements</b>			
<p><b>Landscaped Open Spaces</b> [Section 5.12.1 of Flamborough Zoning By-law 90-145-Z]</p>	Within any Residential R1, R2, R3, R4, R5 and R6 zone, a minimum of 50% of the front yard shall be landscaped.	Insufficient information has been provided in order to determine zoning compliance.	<b>Unable to Determine Compliance</b>
<b>Yard Encroachments – Steps</b>			
<p><b>Yard Encroachments</b> [Section 5.30 of Flamborough Zoning By-law 90-145-Z]</p>	Steps may only encroach into a required front, required rear or required exterior side yard to a maximum of 1.5m	<p>The proposed steps (associated with the new access door to the Secondary dwelling unit are intended within an Interior Side yard.</p> <p>As Section 5.30 does not specifically permit steps to be provided into an interior side yard, these steps are required to meet the minimum required side yard setback for the principal building.</p> <p>As such, the steps are required to be at least 1.2m from the side lot line.</p> <p>The proposed steps appear to be +/-1ft from the side lot line.</p>	<b>Non-Conforming</b>

5. A building permit will be required in the normal manner in order to legally establish the proposed Secondary Dwelling Unit. Be advised that Ontario Building Code regulations may require specific setback and construction types.
6. Sign details have not been provided. All signage shall conform to Hamilton Sign By-law 10-197. A building permit is required for all signage.
7. All new fences proposed for this development must comply with the regulation contained within the Fence By-law 10-142.
8. The designer shall ensure that the fire access route conforms to the Ontario Building Code.
9. This review is based on the plans submitted with the application.

Yours truly

A handwritten signature in black ink, appearing to read "Matt Skumell". The signature is written in a cursive, flowing style.

---

for the Manager of Zoning and Committee of Adjustment





**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	
<b>Registered Owners(s)</b>	Nikita Paliwal Manu Siddharth Paliwal		
<b>Applicant(s)*</b>	Nikita Paliwal		
<b>Agent or Solicitor</b>			<b>Phone:</b>  <b>E-mail:</b>

**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:

Scotiabank, 4 King Street West, 2nd Floor, Unit 3400, Toronto, ON M5H 1B6

**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:

Yard Encroachments - Steps

Second Dwelling Unit       Reconstruction of Existing Dwelling

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

Section 5.30 does not specifically permit steps to be provided into an interior side. As such, the steps are required to be at least 1.2m from the side lot line. Our proposed steps are approx. +/-1ft from the side lot line due to lot restrictions.

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**):

Lot # 43, P.I.N. 17511-1363  
Plan Number: 62M-1218  
Zoning: R1-64

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?

Since the builder received permission to build community houses and it is a newer (2017) construction project. I assume all these questions have been investigated by Professional Engineers earlier.

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.

09-September-2022  
Date

Nikita Paliwal  
Signature Property Owner(s)  
Nikita Paliwal  
Print Name of Owner(s)

Digitally signed by Nikita Paliwal  
Date: 2022.09.11 23:21:34 -0400

*Paliwal 23 Nov. 22*  
*Manu Siddharth Paliwal*

10. Dimensions of lands affected:

Frontage 10.6  
Depth 27  
Area 286.2 sq. m.  
Width of street \_\_\_\_\_

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: \_

NA

Proposed

NA

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

Existing:

Right Side - 1.29m  
Left Side - 0.99m  
Front Side - 3.04m  
Rear Side - 6.55m

Proposed:

Above grade side entrance proposed (2 steps each of 6.3") on the right side of the house which leaves +/- 1 ft left from the lots side line to the stairs

13. Date of acquisition of subject lands:  
\_\_\_\_\_
14. Date of construction of all buildings and structures on subject lands:  
\_\_\_\_\_
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:  
4+ years
18. Municipal services available: (check the appropriate space or spaces)  
Water Available \_\_\_\_\_ Connected \_\_\_\_\_  
Sanitary Sewer Available \_\_\_\_\_ Connected \_\_\_\_\_  
Storm Sewers \_\_\_\_\_
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 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 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.