



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>HM/A-22:384</b>	<b>SUBJECT PROPERTY:</b>	26 POULETTE STREET, HAMILTON
<b>ZONE:</b>	"R1a" (Low Density Residential – Small Lot)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: Siavash Hejazi & Katlyn Amanda MacNeil  
Agent: Heman Shih of Heman Shih Architect Inc.

The following variances are requested:

1. A southerly rear yard setback of 1.2m shall be permitted instead of the 7.5m minimum rear yard setback required.
2. A porch shall be permitted to project a maximum of 5.63m into the required westerly rear yard, instead of the maximum 1.5m projection permitted.
3. An inground swimming pool may be located a minimum of 1.2m from any lot line instead of the minimum required 1.25m.

**PURPOSE & EFFECT:** To facilitate the construction of a proposed 2 ½ storey building addition, proposed covered porch and proposed swimming pool

**Notes:**

1. Variance for northerly side yard setback was requested but was not required pursuant to section 15.2.2.2 d) of Hamilton Zoning By-law 05-200 making the northerly side lot line a 0m setback.
2. This irregular shaped lot is considered an interior lot which has frontage along two (2) streets. For purposes of the following review, please be advised that the lot lines along both Jackson Street West and Poulette Street are each considered Front Lot Lines. The southerly (23.95m) lot line and the (30.52m) westerly lot line are both considered Rear Lot Lines as they are located furthest from and opposite to each front lot line. All other lot lines (the two lot lines abutting 24 Poulette Street) are considered to be side lot lines.

**HM/A-22:384**

3. Note that pursuant to Section 5.6 c) i) of Hamilton Zoning By-law 05-200 only one parking space per unit is required for Semi Detached Dwellings. Should parking spaces #2 and number #3 continue to be provided, additional variances will be required.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

This application will be heard by the Committee as shown below:

<b>DATE:</b>	<b>Thursday, January 19, 2023</b>
<b>TIME:</b>	<b>3:40 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> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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.



 Subject Lands

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.

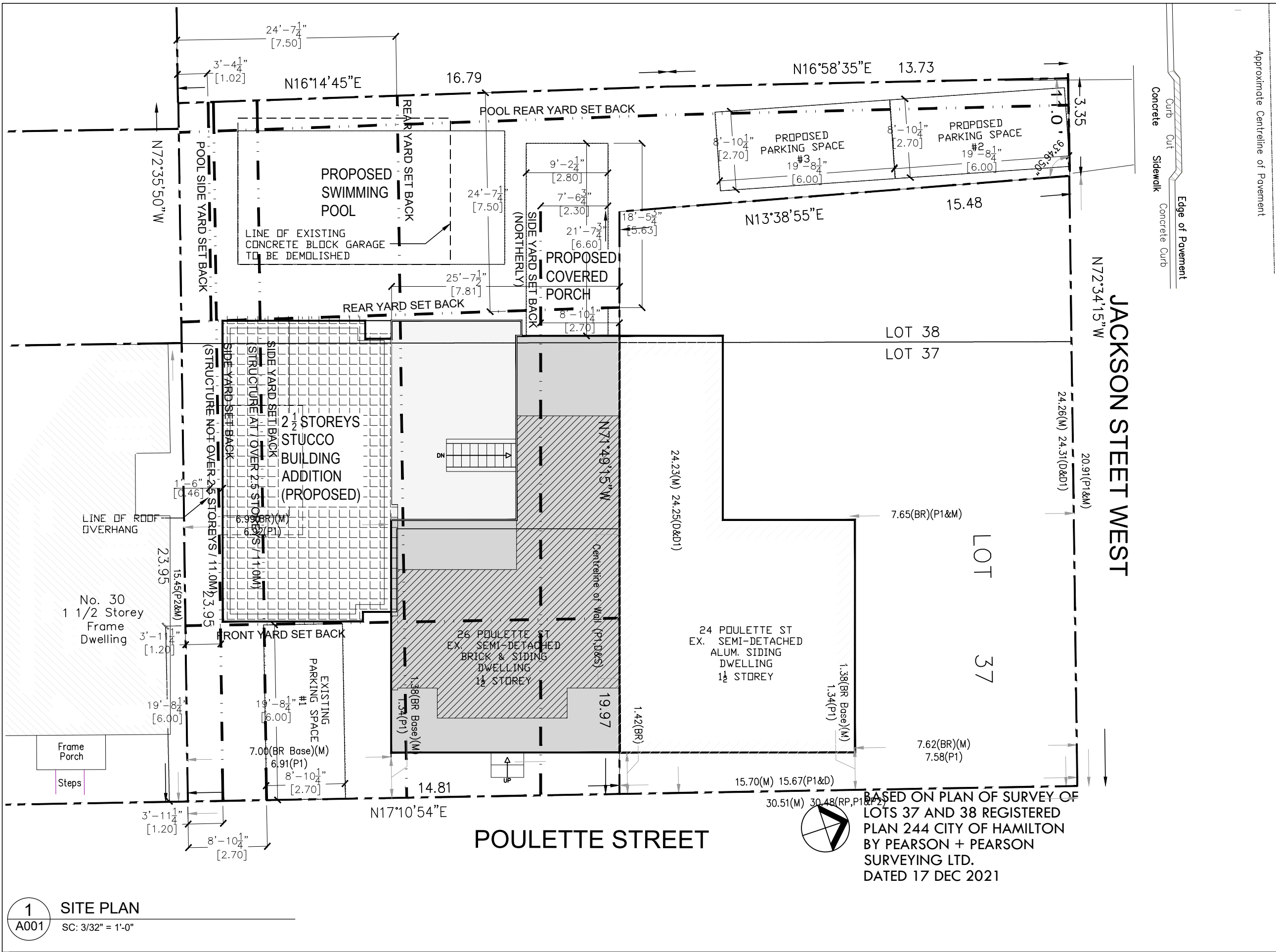
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 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.



2	ISSUED FOR COA	18NOV2022
1	ISSUED FOR ZONING REPORT	16SEPT2021
No.	Description	Date

REVISIONS:  
 All measurements are to be checked and verified on site by the contractor before proceeding with the work. Do not scale the drawings.



Project:  
**ZONING INVESTIGATION**

26 POULETTE STREET, HAMILTON

Drawn by: CY  
 Checked by: HS  
 Date: 14SEPT2021  
 Scale: 3/32" = 1'-0"

Sheet Title:  
**SITE PLAN**

Project No: 21368  
 Sheet No: **A001**

26 Trish Drive  
 Richmond Hill  
 ON L4E 5C5  
 T 905.773.8304  
 F 905.773.2716  
 heman@hemanshih.ca  
 www.hemanshih.ca

**hsai**  
**HEMAN SHIH**  
**ARCHITECT INC**

**1**  
**A001**  
**SITE PLAN**  
 SC: 3/32" = 1'-0"

PLOT DATE : 21.11.2022

SITE STATISTICS							
SEMI-DETACHED RESIDENTIAL BUILDING							
BY-LAW6593 SECTION			REQUIRED BY BY-LAW	EXISTING BUILDING	PROPOSED ADDITION	CONFORMING NON-CONFORMING	MINOR VARIANCE
	BUILDING AREA			86.80SM			
	LOT COVERAGE			20.90%	21.60%		
	POOL AREA				41.81SM		
10(2)	BUILDING STOREY		3 STOREYS MAX.	1.5 STOREYS	2.5 STOREYS	CONFORMS	
	BUILDING HEIGHT		14M MAX.	5.71M	8.89M	CONFORMS	
10(3)	FRONT YARD SETBACK	EASTERLY	6M MIN.	1.34M	6M	CONFORMS	
		NORTHERLY		N/A	N/A	N/A	
10(3)(ii)	SIDE YARD SETBACK	NORTHERLY	2.7M MIN.	0 M (SEMI-DETACHED)	7.81M	CONFORMS	
		EASTERLY		N/A	N/A	N/A	
10(3)(iii)	REAR YARD SETBACK	WESTERLY	7.5M MIN.	8.55M	7.5M	CONFORMS	
		SOUTHERLY		6.99M	1.2M		MV-1
10(4)	LOT AREA		36 SM MIN.		414.35SM	CONFORMS	
10(4)	LOT WIDTH		12M MIN.		14.81M	CONFORMS	
18(3)(vi)(b)	PROJECTIONS	FRONT YARD	1.5M MAX.		0M (POULETE STREET)	CONFORMS	
		SIDE YARD	0.6M MAX.		0M (NORTHERLY SIDEYARD)	CONFORMS	
		REAR YARD	1.5M MAX.		0M (WESTERLY REARYARD)	CONFORMS	
18(3)(vi)(e)	COVERED PORCH PROJECTION	REAR YARD(WESTERLY)	3M MAX./2.7M FROM LOT LINE		5.63M		MV-2
		REAR YARD(SOUTHERLY)	3M MAX./2.7M FROM LOT LINE		0M (NORTHERLY SIDEYARD)	CONFORMS	
		SIDE YARD(NORTHERLY)	2.7M MAX.		2.3M		MV-3
		SIDE YARD(EASTERLY)	2.7M MAX.		N/A	N/A	
18(4)(ic)	INGROUND POOL IN BACKYARD		1.0M MIN. FROM ANY LOT LINE		1.2M	CONFORMS	
18A TABLE 1	PARKING SPACE		1 PER UNIT MIN.	1 (PARKING SPACE #1)	2(PARKING SPACE #2 & #3) (TANDEM PARKING)	CONFORMS	
18A(1)(f)	MANOEUVRING SPACE		6M MIN.	PARKING SPACE #1=6M	PARKING SPACE #2=6M PARKING SPACE #3 OBSTRUCTED	CONFORMS	MV-4
18A(7)	PARKING SPACE SIZE		2.7M X 6.0M MIN.	2.7MX6M	2.7MX6M	CONFORMS	
18A(9)	PARKING/LOADING/MANOEUVRING SPACE		PROVIDED ON SITE	PROVIDED ON SITE	PROVIDED ON SITE	CONFORMS	
18A(10)	PARKING SPACE		UNOBSTRUCTED & READILY ACCESSIBLE		SPACE #3 IS OBSTRUCTED BY SPACE #2		MV-5
18A(14g)	PARKING AREA		NOT IN REQUIRED FRONTYARD		NOT IN NORTHERLY FRONT YARD AS PROPOSED ADDITION IS NOT LOCATED ALONG THIS FRONT LINE	CONFORMS	
18A(21)	ACCESS DRIVEWAY FOR PARKING & MANOEUVRING SPACE		LOCATED ON THE LOT OR ROW		LOCATED ON SITE	CONFORMS	
18A(22)	MANOEUVRING SPACE		NO OBSTRUCTIONS TO REQUIERD PARKING SPACE		PARKING SPACE #3 OBSTRUCTED		MV-6
18A(24)	ACCESS DRIVEWAY TO 5 OR LESS PARKING SPACES		2.8M MIN.		3.2M	CONFORMS	
18a(31)	PARKING AND DRIVEWAY SURFACE		GRAVEL OR SIMILAR SURFACE		ASPHALT	CONFORMS	

2	ISSUED FOR COA	18NOV2022
1	ISSUED FOR ZONING REPORT	16SEPT2021
No.	Description	Date

REVISIONS:

All measurements are to be checked and verified on site by the contractor before proceeding with the work. Do not scale the drawings.



Project:  
ZONING INVESTIGATION

26 POULETTE STREET, HAMILTON

Drawn by: CY  
Checked by: HS  
Date: 14SEPT2021  
Scale: 3/32" = 1'-0"

Sheet Title:  
SITE STATISTICS

Project No: 21368  
Sheet No: A000

26 Trish Drive  
Richmond Hill  
ON L4E 5C5  
T 905.773.8304  
F 905.773.2716  
heman@hemanshih.ca  
www.hemanshih.ca



PAPER SIZE : 11x17

1 SITE PLAN  
A001 SC: 3/32" = 1'-0"



**26 POULETTE STREET, HAMILTON, ONTARIO  
APPLICATION FOR A MINOR VARIANCE  
ADDITIONAL INFORMATION**

3.1 Nature and extent of relief applied for:

MV-1: Section 10(30)(iii)-To allow 1.2M in lieu of 7.5M min. rear yard setback from the southerly lot line for the proposed Addition.

MV-2: Section 18(3)(iv)(e)-To allow 5.4M in lieu of 3M max. encroachment onto the required westerly rear yard by the proposed Covered Porch.

MV-3: Section 18(3)(iv)(e)-To allow 2.4M in lieu of 2.7M min. from the lot line of the northerly side yard for the proposed Covered Porch.

MV-4: Section 18A(1)(f)-To allow Parking Space #3 to be obstructed by Parking Space #2.

MV-5: Section 18A(10)- To allow Parking Space #3 to be obstructed by Parking Space #2.

MV-6: Section 18A(22)- To allow Parking Space #3 to be obstructed by Parking Space #2.

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

MV-1: Proposed addition is fronting onto the lot line along Poulette Street. The required setback for the southerly rear yard with reference to Jackson Street West does not comply to the Addition. Although determined for the purpose of zoning review and compliance the southern yard is deemed to be a rear lot line, this lot line does function more as a side lot line than a rear lot line.

It should be noted the 'front' lot line along Jackson Street West is only 3.35 m wide and that strip of land only serves as a parking area and site drainage use. The existing and future front entrance is from Poulette Street , which should be considered as the primary front street.

The by-law is still meeting the intent with regards to providing adequate amenity area, landscaping as well as ensuring privacy and appropriate space for drainage purposes.

The amenity area with swimming pool and landscaping is proposed to the westerly backyard.

A 1.2m wide side yard is maintained along the southerly lot line for drainage and access use.

MV-2: The covered porch will provide only a roofed area to protect the owners from the elements while walking from the parking area into their house. This porch will be completely invisible from both Poulette and Jackson Streets.



MV-3: Same Reasons as MV-2

MV-4 to MV-6: Three parking spaces are proposed for the dwelling unit where only one is required. Parking Space #3 is proposed for parking of vehicle used for leisure and not for everyday use. Parking space #2 and #3 are intended to be tandem parking.

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

No.





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City Hall, 5<sup>th</sup> Floor,

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Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

APPLICATION FOR A MINOR VARIANCE/PERMISSION UNDER SECTION 45 OF THE PLANNING ACT

1. APPLICANT INFORMATION

Table with 3 columns: NAME, MAILING ADDRESS, and an empty column. Rows include Registered Owners(s), Applicant(s), and Agent or Solicitor.

1.2 All correspondence should be sent to [checkbox] Owner [checkbox] Applicant [checkbox] Agent/Solicitor

1.2 All correspondence should be sent to [checkbox] Purchaser [checkbox] Owner [checkbox] Applicant [checkbox] Agent/Solicitor

1.3 Sign should be sent to [checkbox] Purchaser [checkbox] Owner [checkbox] Applicant [checkbox] Agent/Solicitor

1.4 Request for digital copy of sign [checkbox] Yes\* [checkbox] No If YES, provide email address where sign is to be sent heman@hemanshih.ca

1.5 All correspondence may be sent by email [checkbox] Yes\* [checkbox] 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	26 POULETTE STREET		
Assessment Roll Number	010094503900000		
Former Municipality			
Lot	37 & 38	Concession	
Registered Plan Number	244	Lot(s)	PART OF LOTS 37 & 38
Reference Plan Number (s)		Part(s)	

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:

REFER TO ADDITIONAL SHEET ATTACHED

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

REFER TO ADDITIONAL SHEET ATTACHED

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
S:14.81M / N:3.35M	E-W=23.95M/N/S=30.52M	414.35SM	7M

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
1.5 STOREYS BRICK & SIDING SEMI-DETACHED	EAST:1.34M	WEST: 8.55M	NORTH:0M(SEMI-DETACHED)	
	NORTH: N/A	SOUTH: 6.99M	EAST: N/A	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
2.5 STOREY STUCCO	EAST: 6M	WEST: 7.5M	NORTH:7.81M	
	NORHT: N/A	SOUTH:1.2M	EAST: N/A	

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
	86.86SM	142.78SM	1.5	5.71M

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
	88.90SM	208.74SM	2.5	8.89M

- 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.):  
SEMI-DETACHED DWELLING

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

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## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

March 1st 2017 (approx)

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

SEMI-DETACHED DWELLING

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

SEMI-DETACHED DWELLING

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

30 years

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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) MIXED USE (MEDIUM DENSITY)

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

7.6 What is the existing zoning of the subject land? 'D'

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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: