

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.:	AN/A-22:379	SUBJECT PROPERTY:	58 Elm Hill Blvd, Ancaster
ZONE:	"ER" (Existing Residential)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended 18-105

APPLICANTS: Owner: Craig & Patricia Mintenko
Agent: SMPL Design Studio – Lindsey Bruce

The following variances are requested:

1. An attached garage shall be permitted within a flankage yard instead of the requirement that in no case shall an attached or detached or carport be located within a front yard or flankage yard.
2. A minimum flankage yard setback of 1.64 metres shall be provided instead of the minimum setback of 6.0 metres.
3. A minimum rear yard setback of 5.39 metres shall be provided instead of the minimum setback of 25 percent of the lot depth (7.62 metres) and no less than 7.5 metres.
4. A maximum projection of a garage beyond the side façade of a dwelling of 6.41 metres shall be provided instead of the maximum projection of 2.0 metres.
5. A walkway and asphalt driveway shall be permitted within a portion of the required 1.0-metre-wide sod area.

PURPOSE & EFFECT: So as to permit the construction of an addition (Garage) to the existing Single Detached Dwelling within the flankage yard notwithstanding that:

Notes:

- i) Be advised, insufficient information has been provided to determine parking at grade. The applicant has provided a percentage for parking at grade as it relates to the existing parking driveway, however should the parking space/ garage area be provided at grade, additional

information will be required to determine the percentage of parking at grade. Should the percentage of parking at grade exceed the required 35% of the total lot area, additional variances may be required.

- ii) As per section 10.3.1 of Ancaster Zoning By-Law 87-57, in no case shall an attached or detached garage or carport be located within a front yard or flankage yard. Relief from this requirement was not requested in the submitted Minor Variance package and as such a variance has been added to address this section.

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

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

DATE:	Thursday, February 2, 2023
TIME:	3:45 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

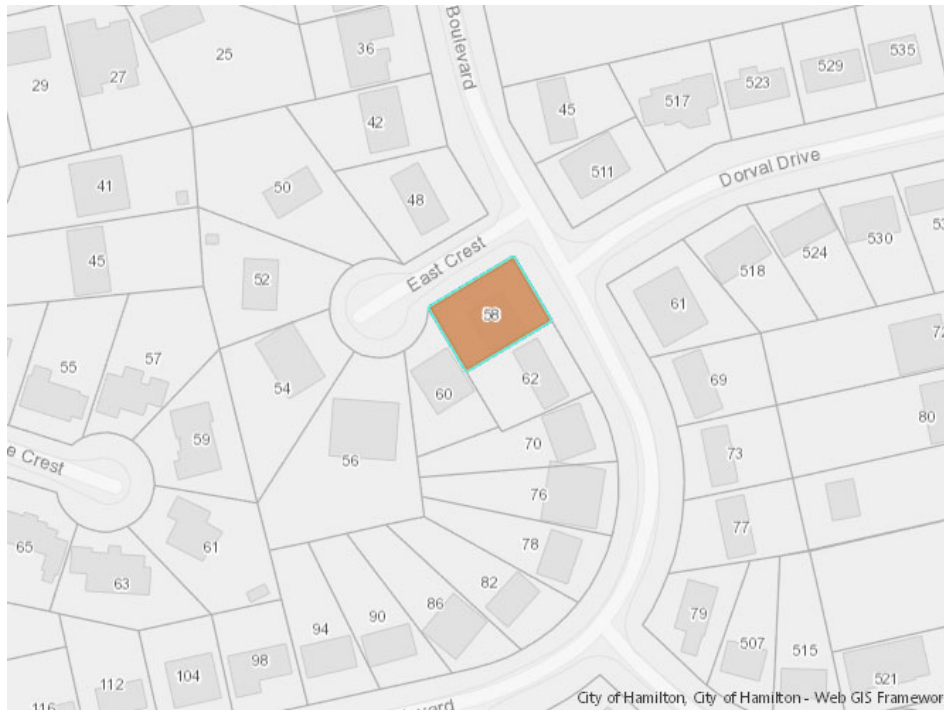
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



DATED: January 17, 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.

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

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

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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

58 Elm Hill Boulevard Ancaster, Ontario

- Project Description:
- Renovation
 - New Second Storey, Deck, Garage and Covered Porch

DO NOT SCALE DRAWINGS

Note:

1) Contractor to check all dimensions, specifications, ect on site and shall be responsible for reporting any discrepancy to the engineer and/ or designer.

2) These plans are to remain and the property of the designer and must be returned upon request. These plans must not be used in any other location without the written approval of the designer.

3) All works to be in accordance with the Ontario Building Code.



Square Footage:

Basement Renovation	801.16 ft ²	74.43 m ²
Main Floor Renovation	1260.03 ft ²	117.06 m ²
Proposed Second Floor	1024.48 ft ²	95.18 m ²
Proposed Garage	524.31 ft ²	48.71 m ²
Covered Patio	294.00 ft ²	27.31 m ²
Covered Porch	129.42 ft ²	12.02 m ²

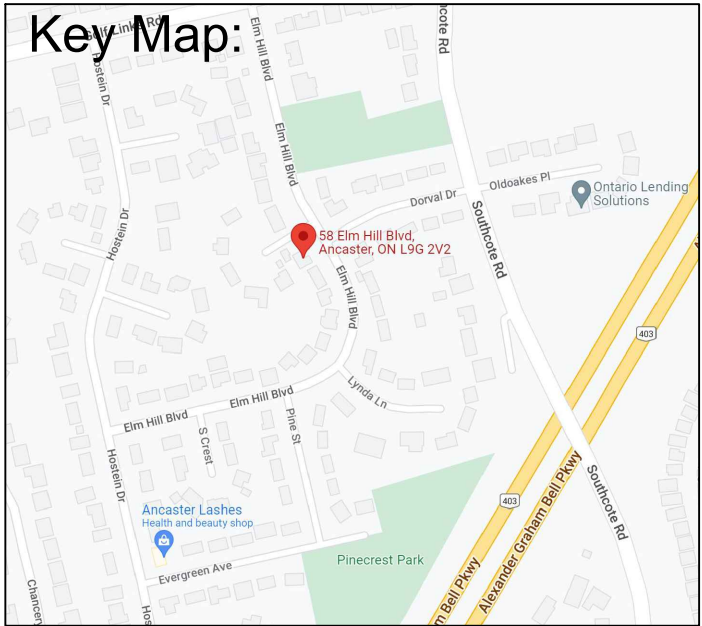
Architectural Design Firm: SMPL Design Studio

Address: 15 Colbourne St,
Hamilton, Ontario

Postal: L8R 2G2

Phone: 905-529-7675

Key Map:



DESIGN
STUDIO
smpl

Drawing Submissions:

Date:	Type:
2022.12.13	Planning

58 Elm Hill Boulevard
Ancaster, Ontario

Reviewed By JT
Drawn By SS
Plot Date

Page
A0.01

Cover Page

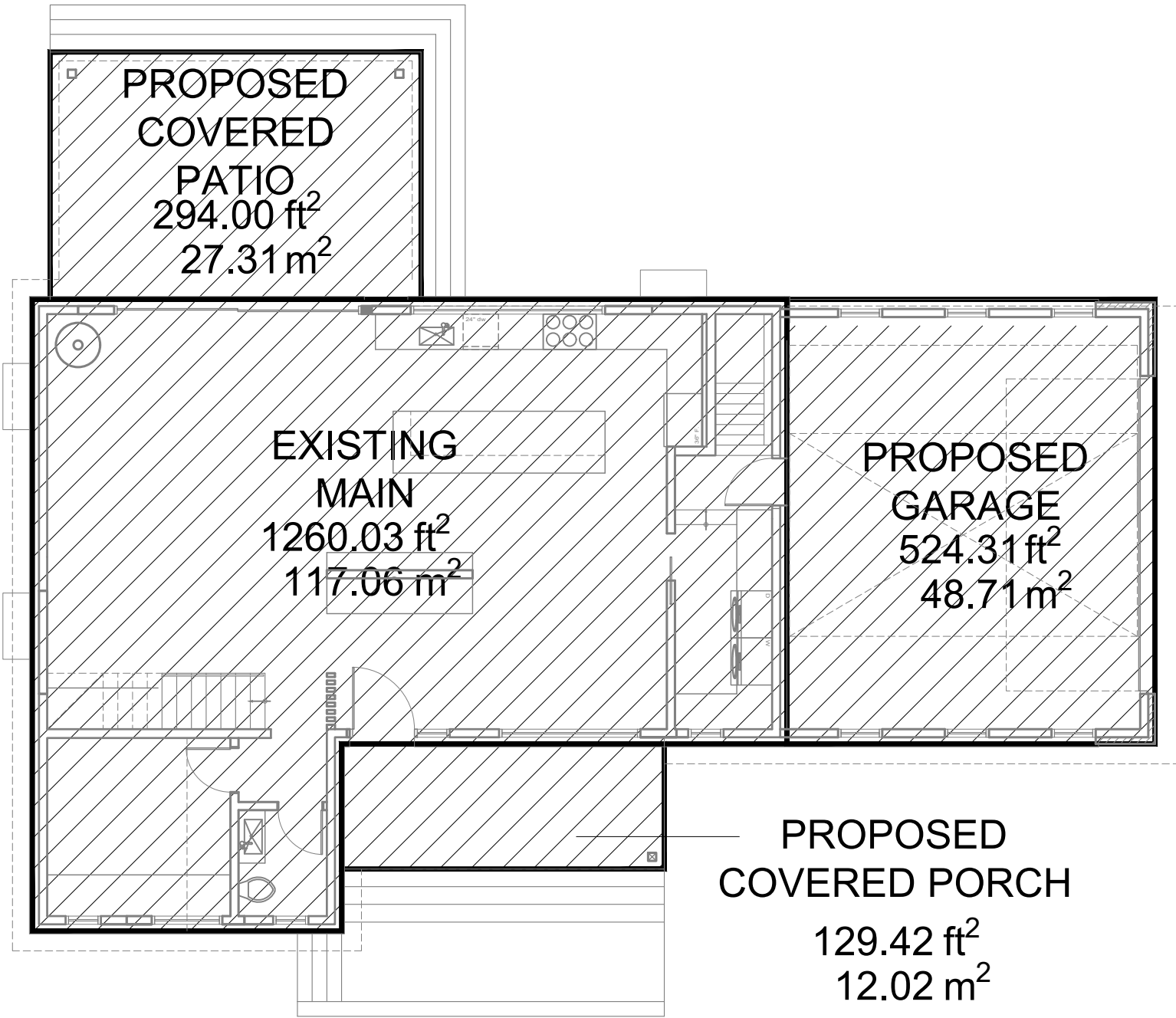
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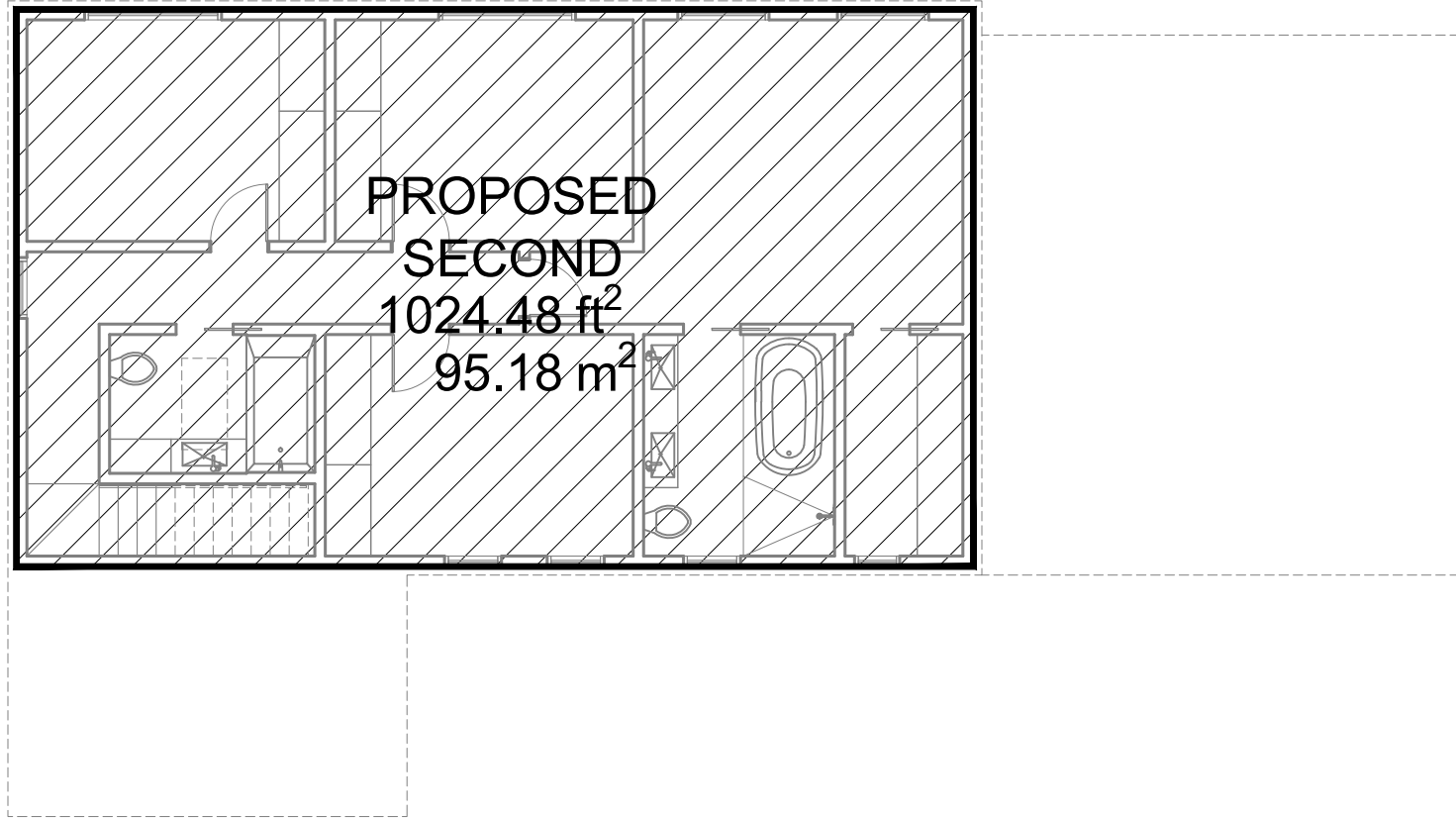
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1
Z1.01

Main Floor Zoning

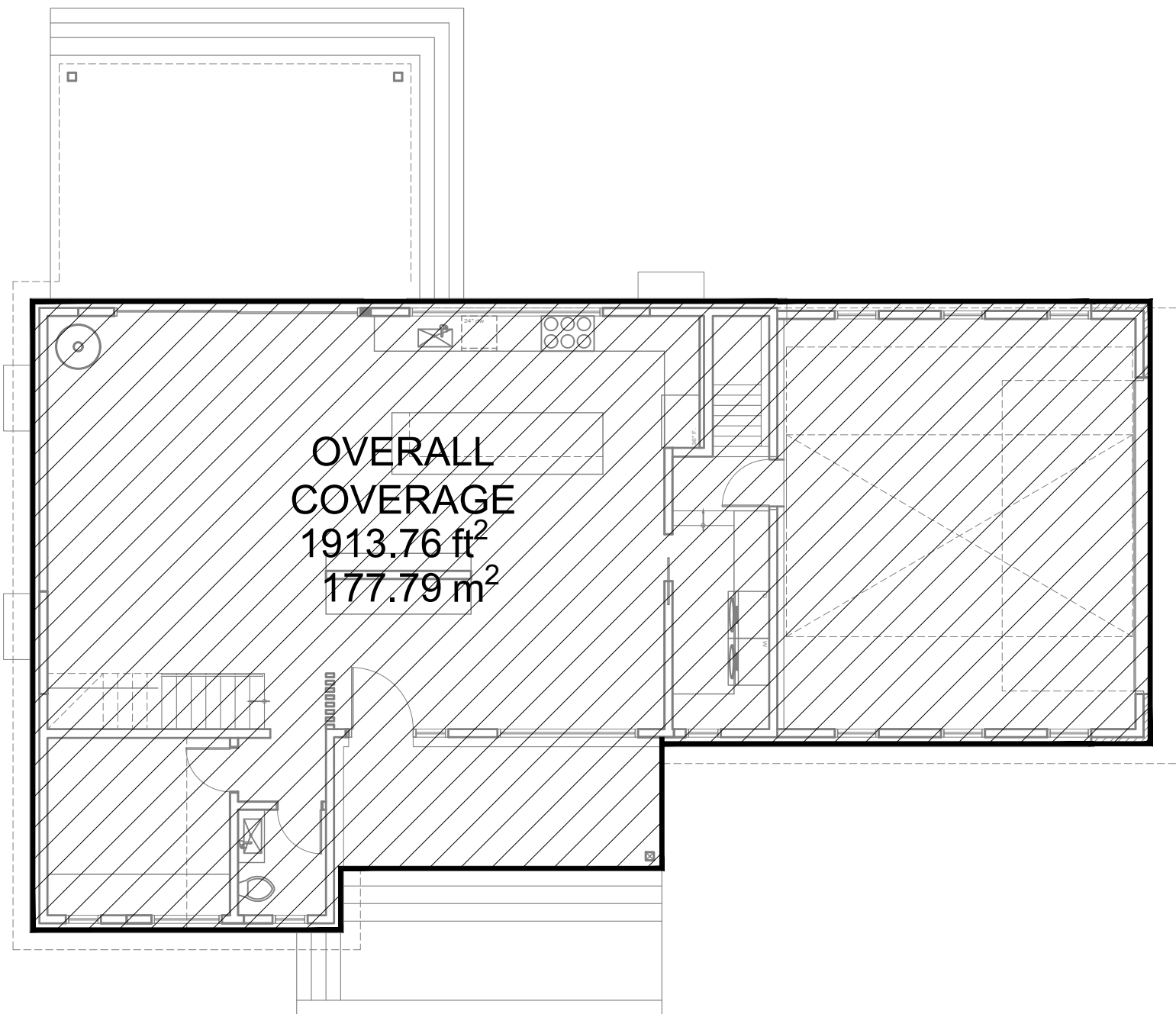
Scale 1:100



2
Z1.01

Upper Floor Zoning

Scale 1:100



3
Z1.01

Upper Floor Zoning

Scale 1:100

Design Studio

smpl

Drawing Submissions:	
Date:	Type:
2022.12.13	Planning

58 Elm Hill Boulevard
Ancaster, Ontario

Reviewed By	JT
Drawn By	SS
Plot Date	

Page

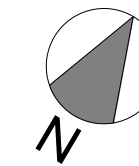
Z1.01

Zoning

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NOTE:
ALL DIMENSIONS SHOWN IN
MILLIMETERS UNLESS NOTED
OTHERWISE



EAST CREST

ELM HILL BOULEVARD

The logo features the word 'smpl' in a large, lowercase, sans-serif font. To its right is a vertical bar '|', followed by the words 'DESIGN' and 'STUDIO' stacked vertically in a smaller, uppercase, sans-serif font.

Date:	Type:
2022.12.13	Planning


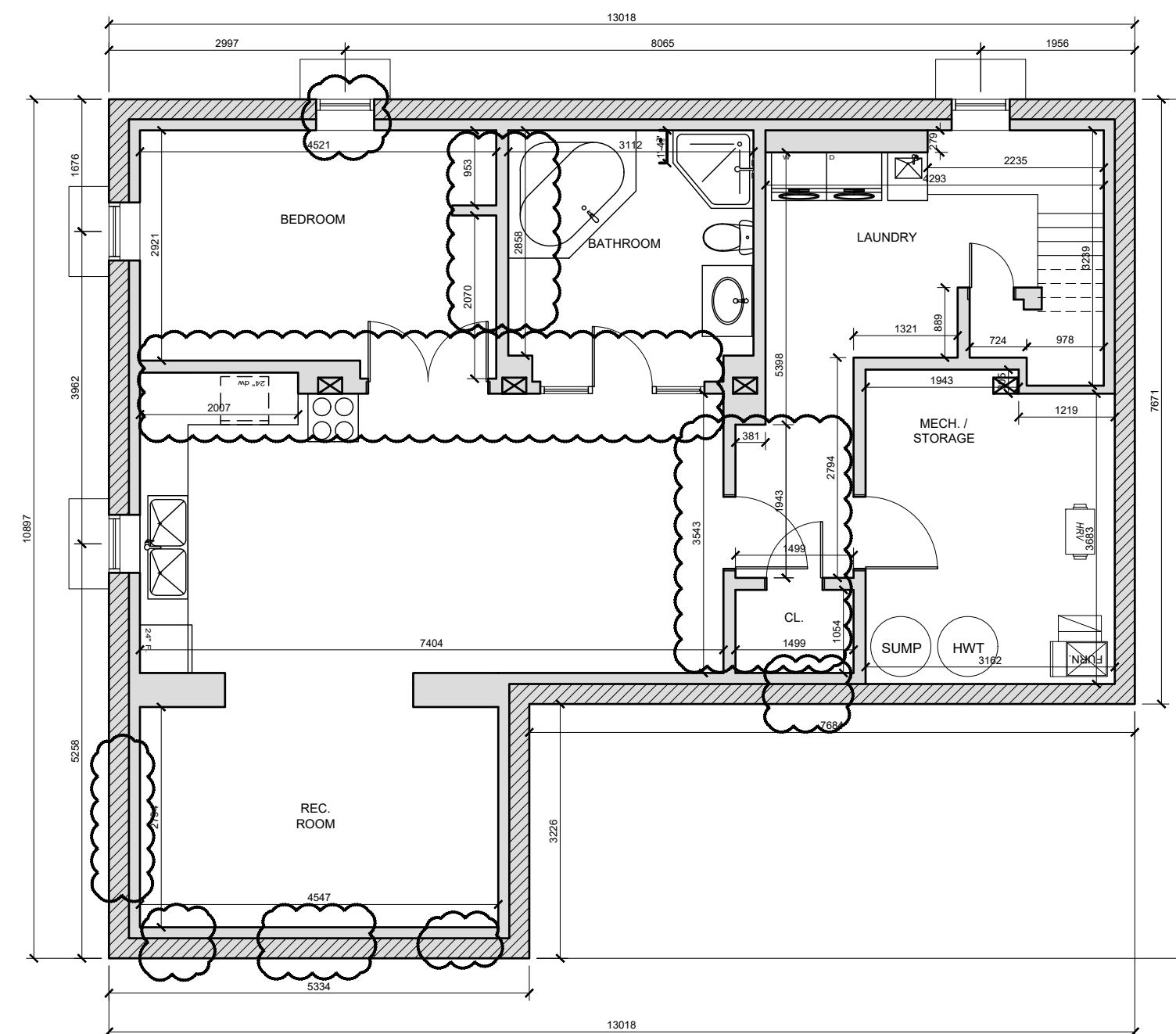
58 Elm Hill Boulevard
Ancaster, Ontario

Page
SP1.01

Site Plan

Note:

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Date:	Type:
2022.12.13	Planning

58 Elm Hill Boulevard
Ancaster, Ontario

Plot Date

A1.01

Existing
Basement

Existing Basement Plan

Scale 1:75

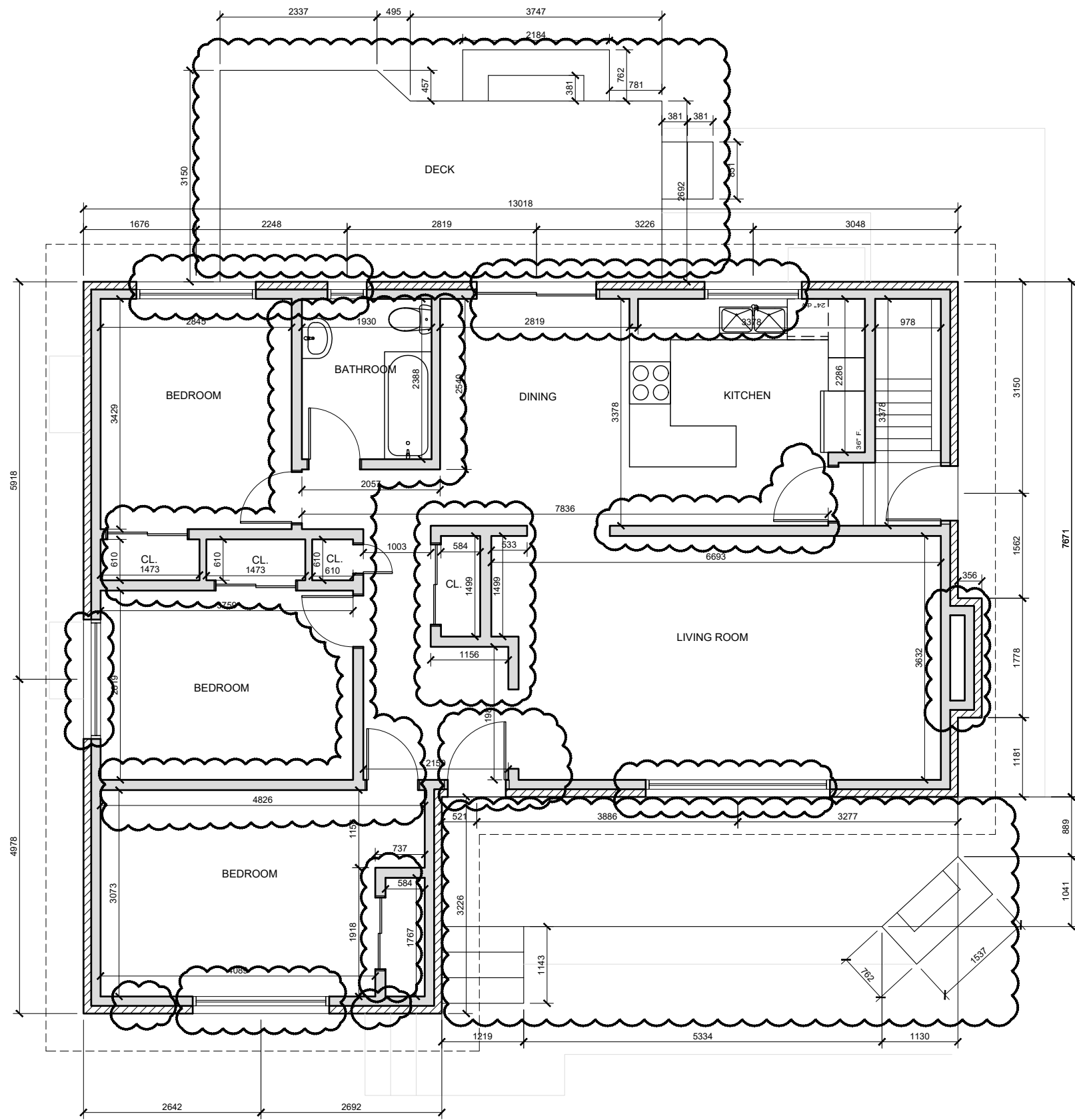
DO NOT SCALE DRAWINGS

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Drawing Submissions:	
Date:	Type:
2022.12.13	Planning

58 Elm Hill Boulevard
Ancaster, Ontario

Reviewed By	JT
Drawn By	SS
Plot Date	

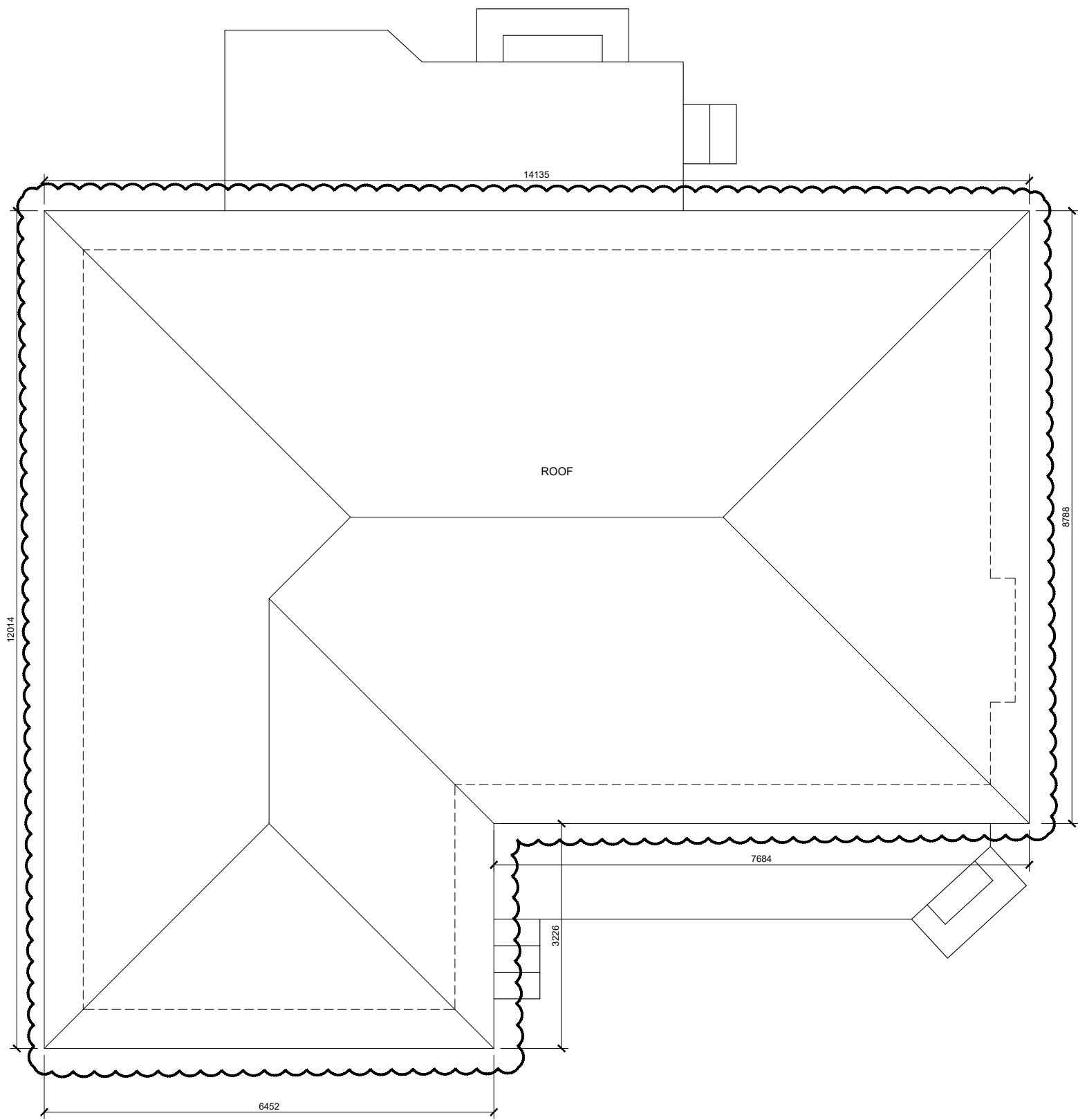
Page
A1.02

Existing
Main Floor

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Drawing Submissions:

Date:	Type:
2022.12.13	Planning

58 Elm Hill Boulevard
Ancaster, Ontario

Reviewed By	JT
Drawn By	SS
Plot Date	

Page
A1.03

Existing
Roof

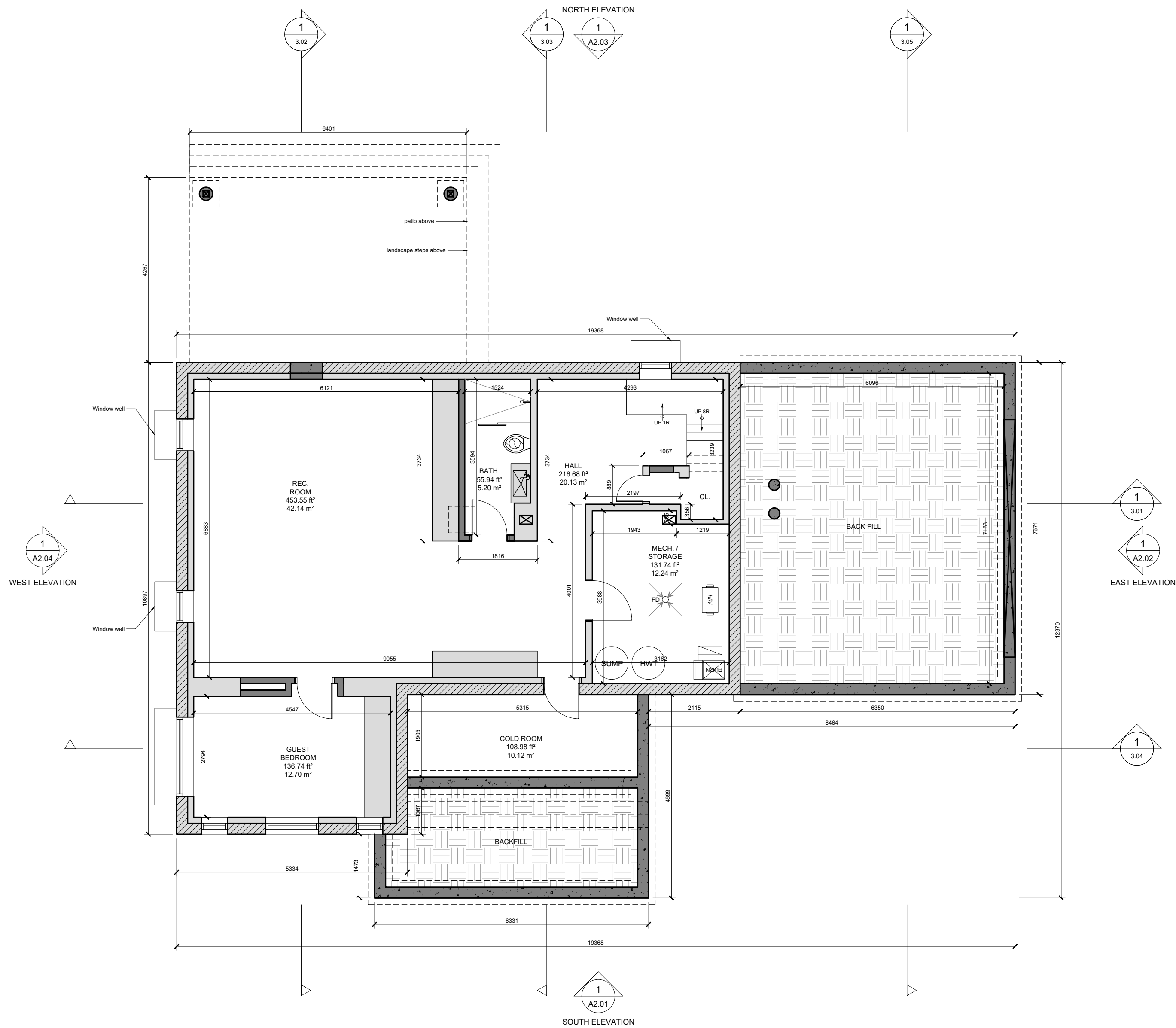
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Drawing Submissions:
Date: 2022.12.13
Type: Planning

58 Elm Hill Boulevard
Ancaster, Ontario

Reviewed By: JT
Drawn By: SS
Plot Date:

Page
A1.04

Proposed
Basement

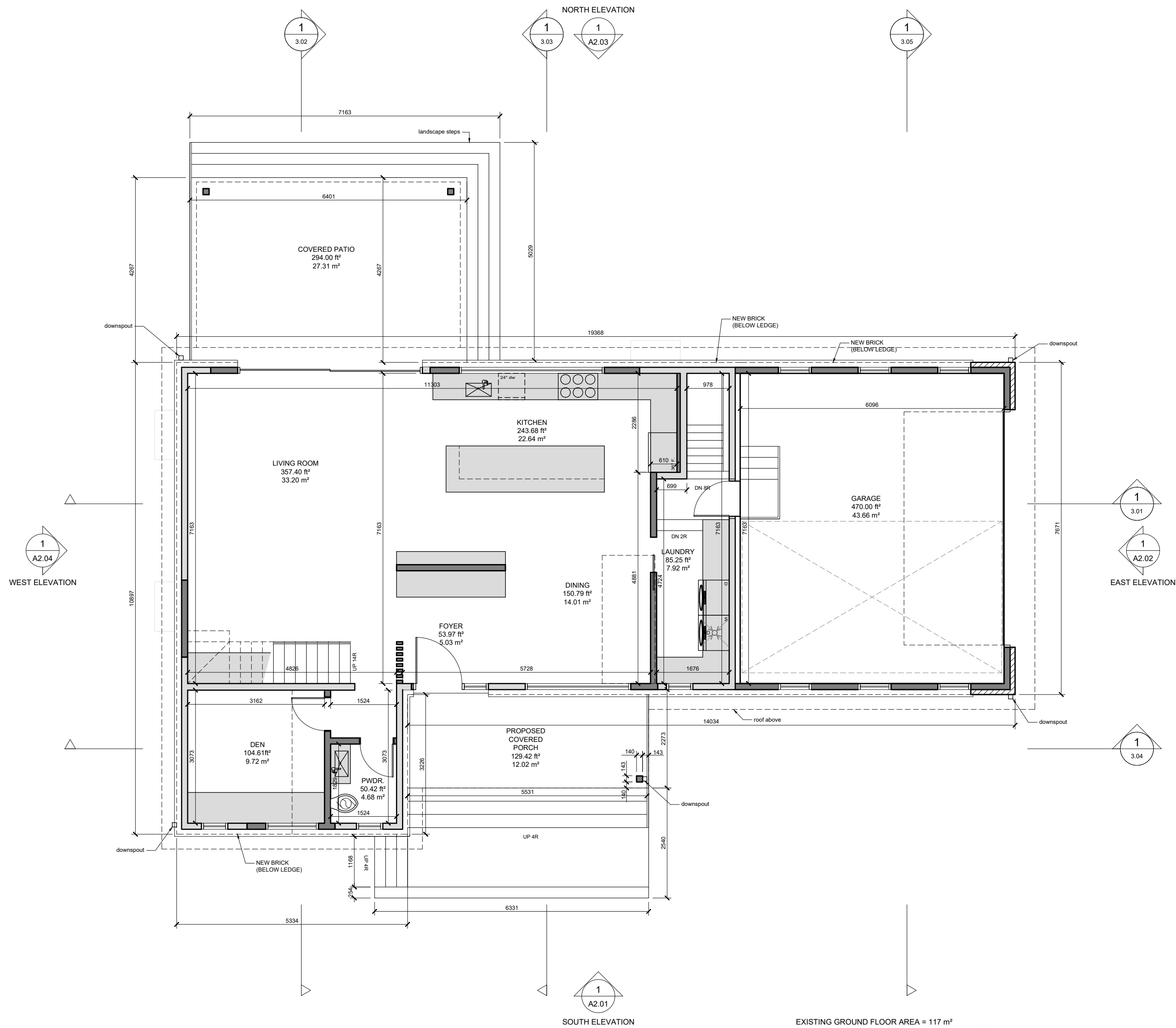
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Drawing Submissions:	
Date:	Type:
2022.12.13	Planning

58 Elm Hill Boulevard
Ancaster, Ontario

Reviewed By	JT
Drawn By	SS
Plot Date	

Page
A1.05

Proposed
Main Floor

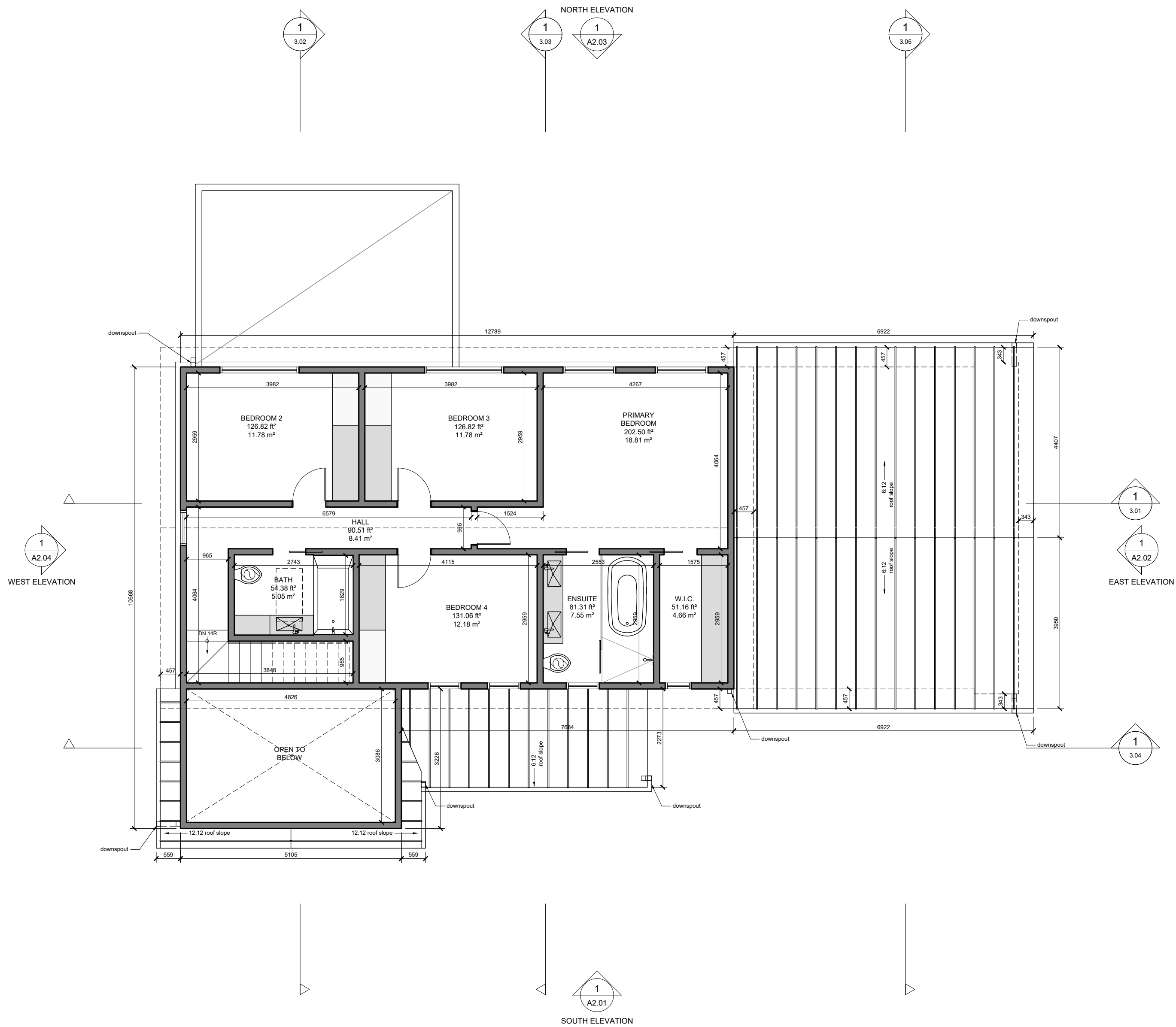
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Drawing Submissions:	
Date:	Type:
2022.12.13	Planning

58 Elm Hill Boulevard
Ancaster, Ontario

Reviewed By	JT
Drawn By	SS
Plot Date	

Page
A1.06

Proposed
Upper Floor

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Drawing Submissions:	
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2022.12.13	Planning

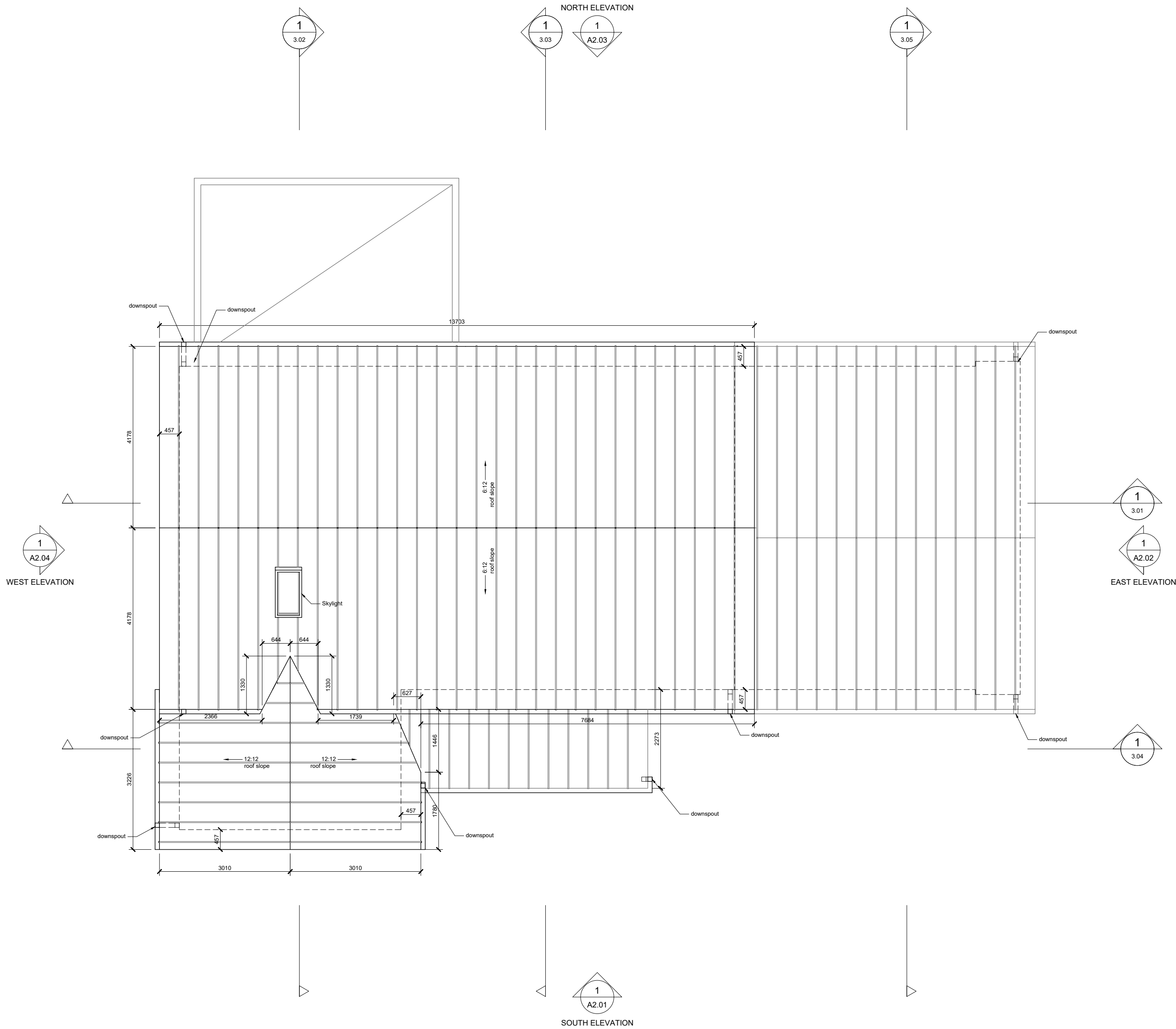
58 Elm Hill Boulevard
Ancaster, Ontario

Reviewed By	JT
Drawn By	SS
Plot Date	

Page

A1.07

Proposed
Roof Plan



DO NOT SCALE DRAWINGS

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smp

Drawing Submissions:	
Date:	Type:
2022.12.13	Planning

58 Elm Hill Boulevard
Ancaster, Ontario

Reviewed By	JT
Drawn By	SS
Plot Date	

Page
A2.01

Elevation

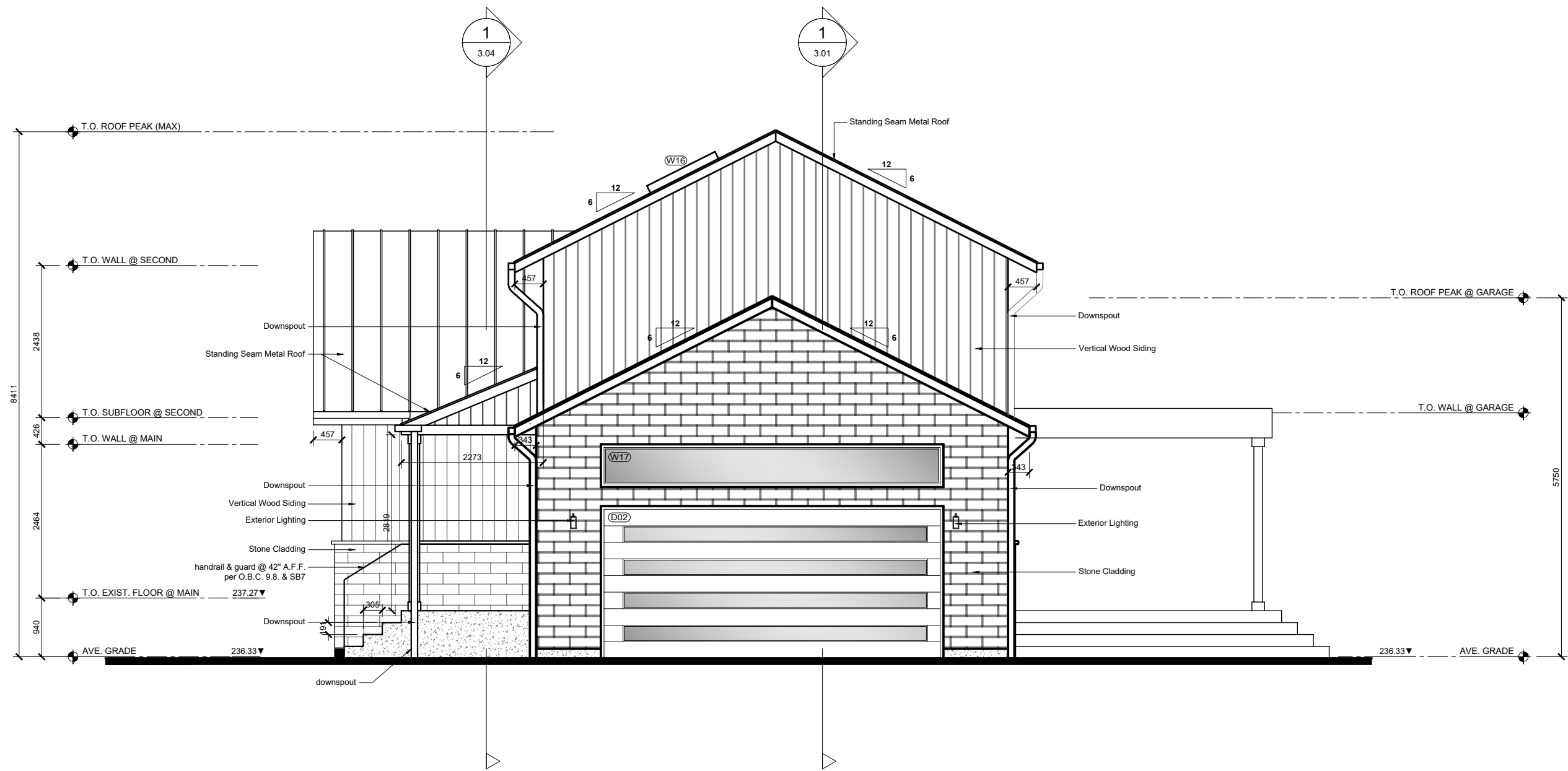
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DESIGN
STUDIO
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Drawing Submissions:	
Date:	Type:
2022.12.13	Planning

58 Elm Hill Boulevard
Ancaster, Ontario

Reviewed By	JT
Drawn By	SS
Plot Date	

Page
A2.02

Elevation

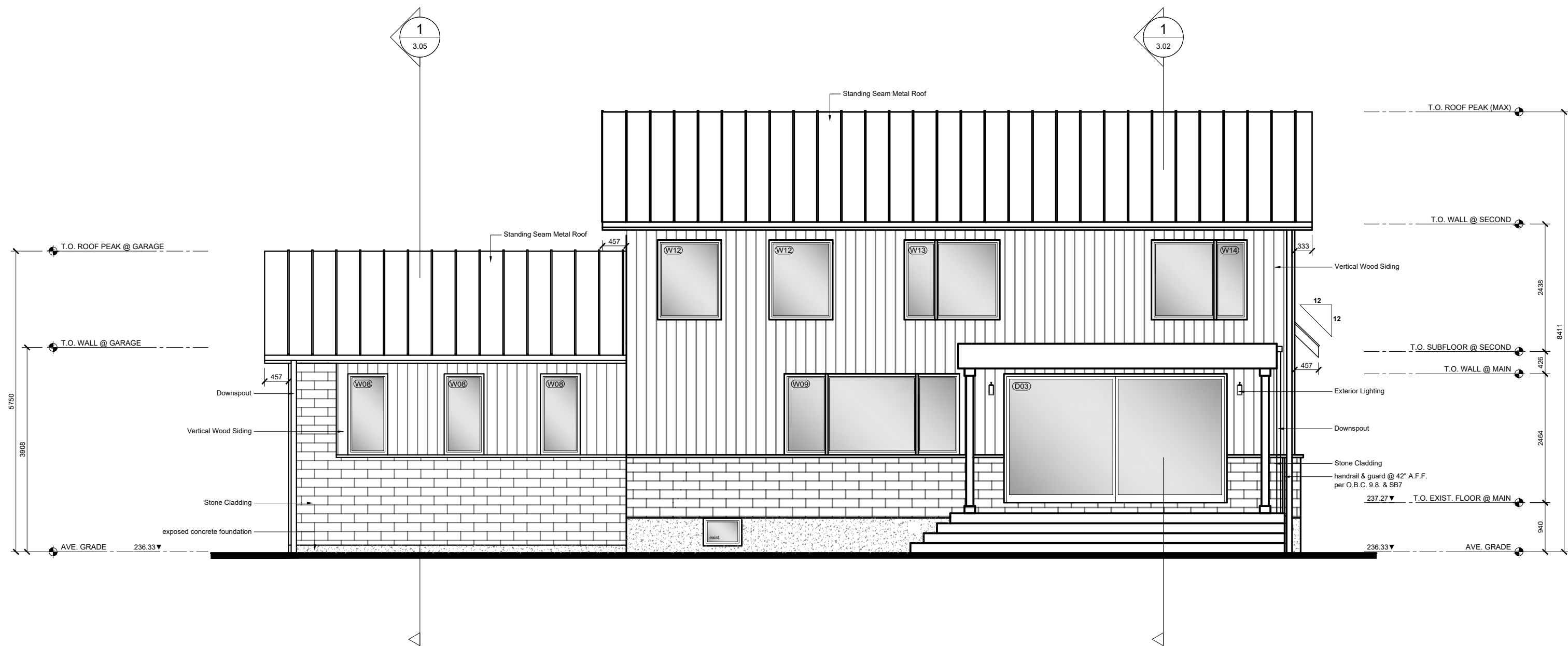
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Drawing Submissions:	
Date:	Type:
2022.12.13	Planning

58 Elm Hill Boulevard
Ancaster, Ontario

Reviewed By	JT
Drawn By	SS
Plot Date	

Page
A2.03

Elevation

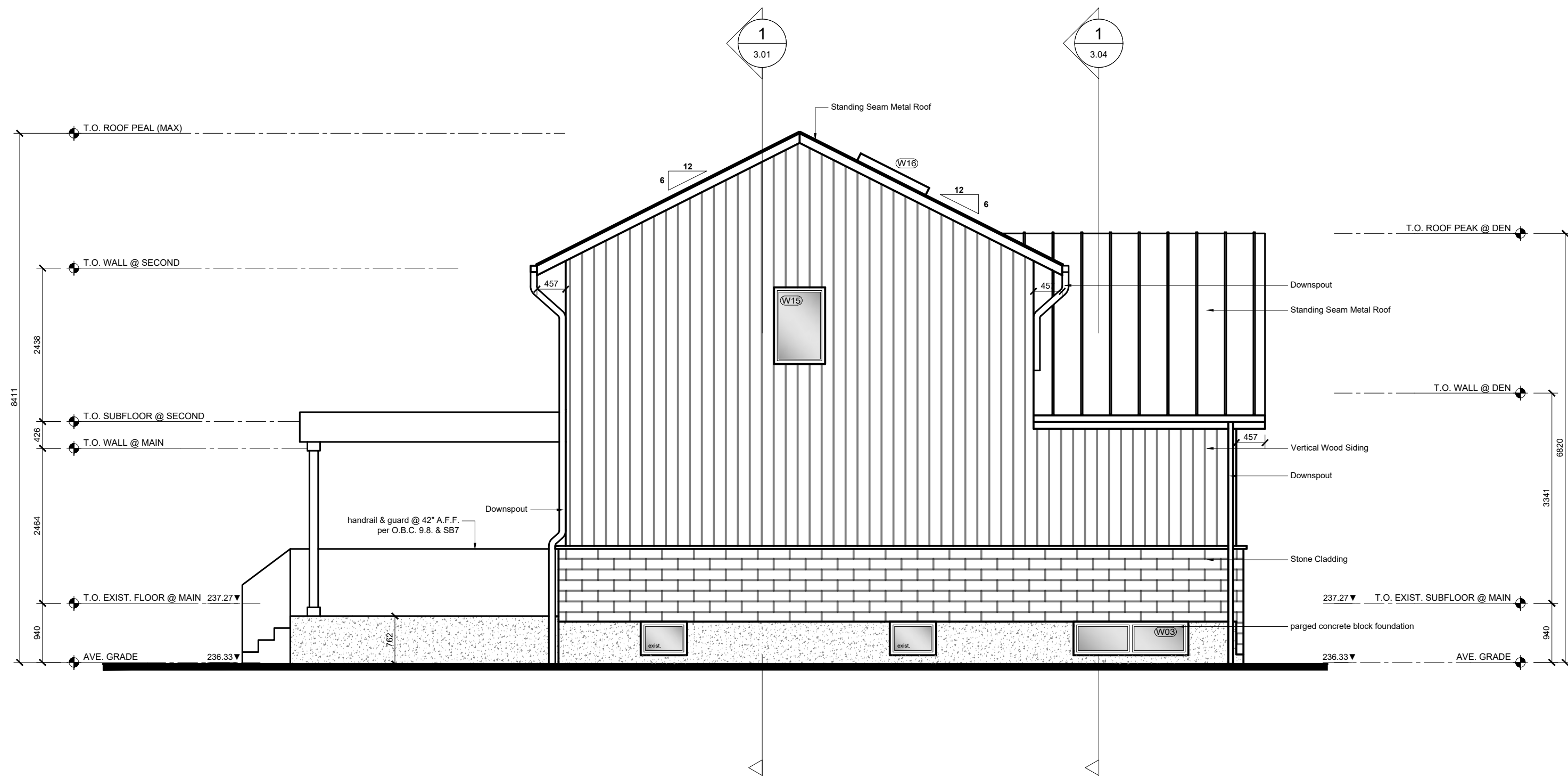
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DESIGN
STUDIO
smp

Drawing Submissions:	
Date:	Type:
2022.12.13	Planning

58 Elm Hill Boulevard
Ancaster, Ontario

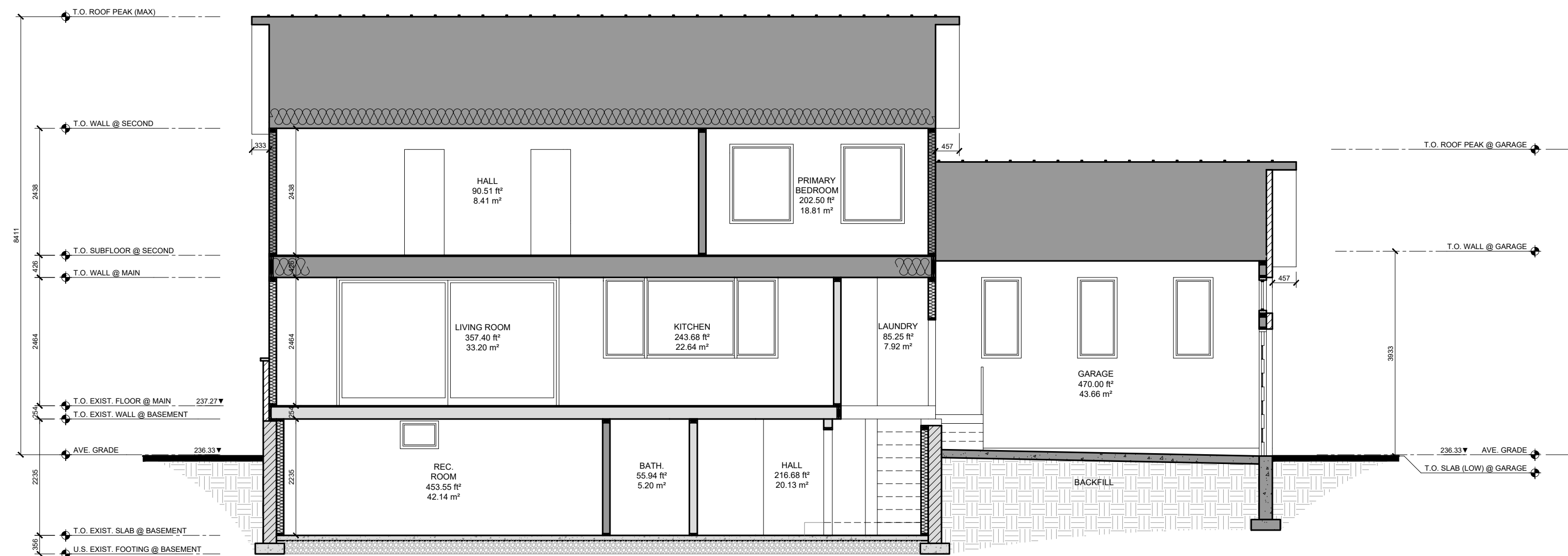
Reviewed By	JT
Drawn By	SS
Plot Date	

Page
A2.04

Elevation

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2022.12.13	Planning

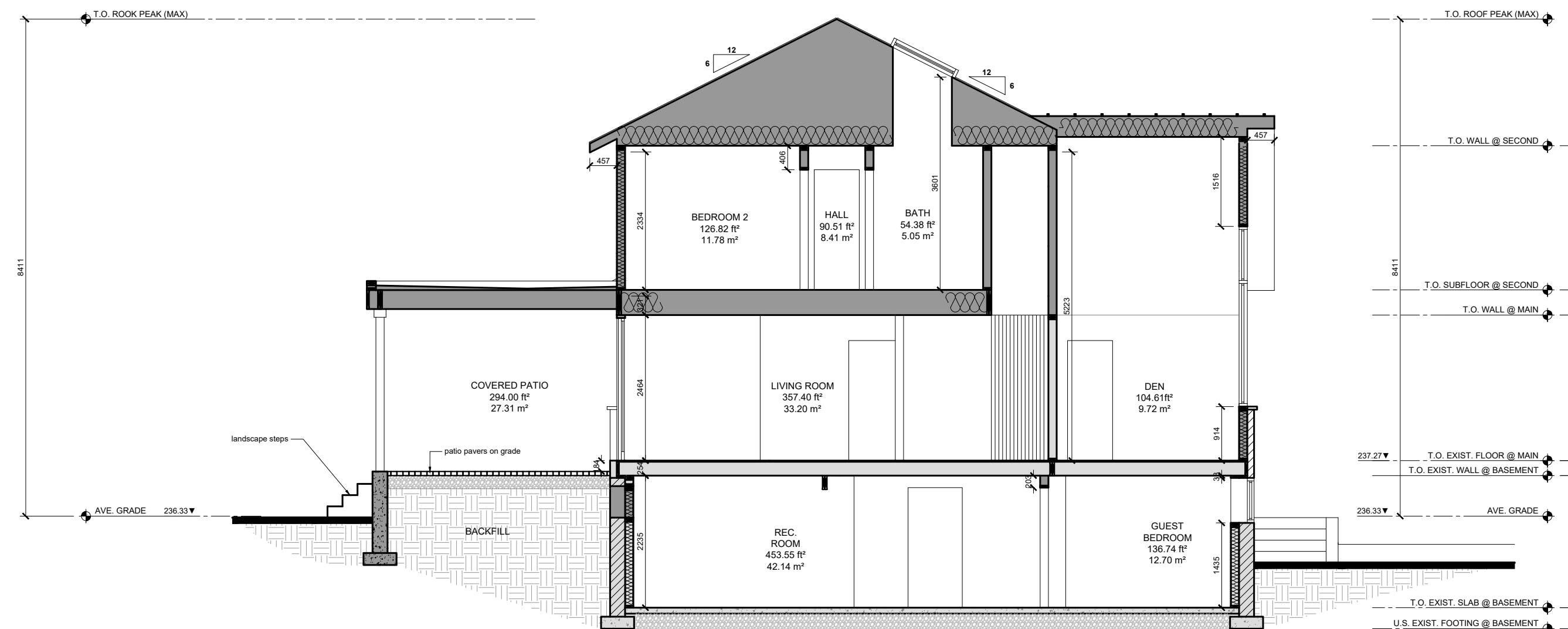
58 Elm Hill Boulevard
Ancaster, Ontario

Page
A3.01

Section

Note:

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DESIGN
STUDIO

Date:	Type:
2022.12.13	Planning

58 Elm Hill Boulevard
Ancaster, Ontario

Plot Date

A3.02

Section

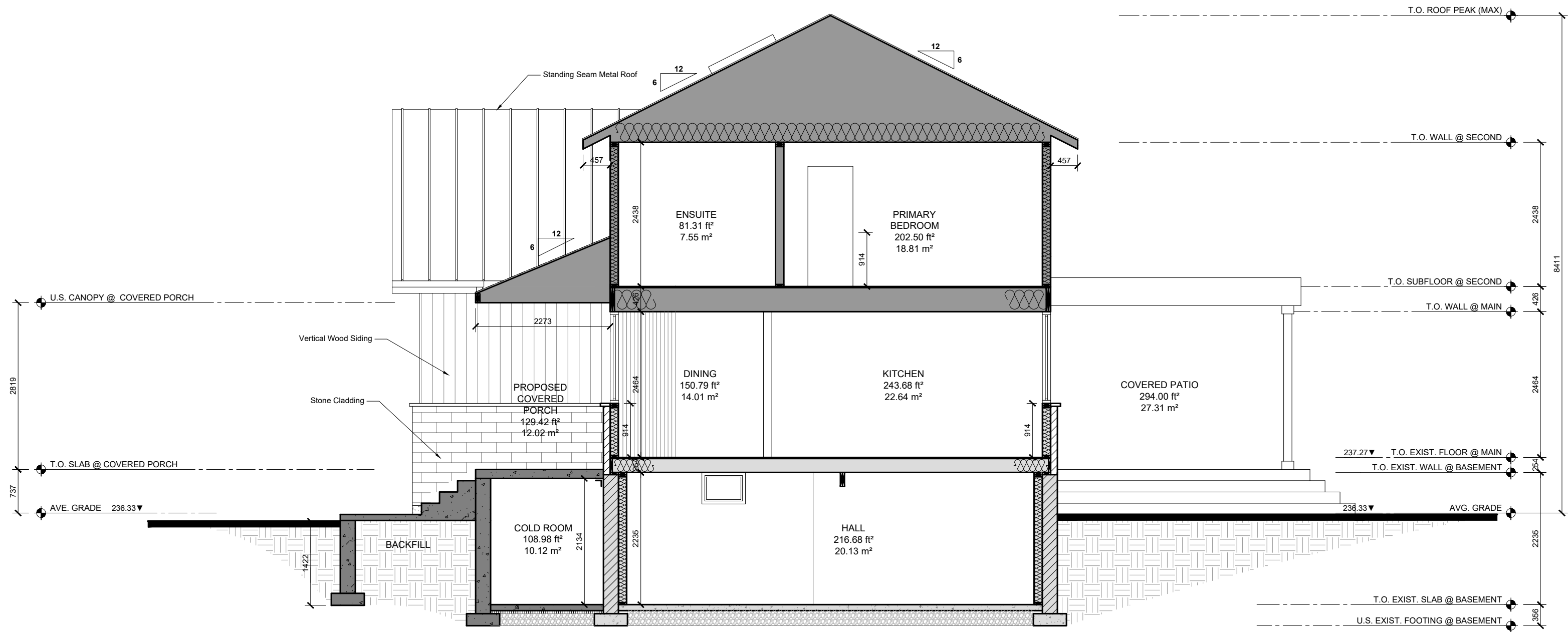
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A3.02

Building Section 002

Scale 1:75

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smpl DESIGN STUDIO

Drawing Submissions:

Date: 2022.12.13
Type: Planning

58 Elm Hill Boulevard
Ancaster, Ontario

Reviewed By JT

Drawn By SS

Plot Date

Page

A3.03

Section

December 21, 2022

Committee of Adjustment
City Hall, 5th Floor,
71 Main Street West
Hamilton, ON L8P 4Y5
cofa@hamilton.ca

RE: Minor Variance Application – 58 Elm Hill Blvd. Ancaster, ON L9G 2V2

SMPL Design Studio is the authorized architectural consultant for the property owners 58 Elm Hill Blvd. in the city of Hamilton. We are pleased to submit this application for a Minor Variance on their behalf.

The subject lands are designated Neighbourhoods on Schedule E-1 Urban Land Use Designation in the Urban Hamilton Official Plan. Additionally, the lands reside in the Existing Residential (ER) Zone in the Town of Ancaster Zoning By-law 87-57. The property fronts onto Elm Hill Blvd. with flankage on East Crest, and is surrounded by existing low density residential uses.

A previous Minor Variance application was submitted on November 17, 2022, however the proposal has since been revised and an additional variance is required. The revised list of variances is outlined below. This Minor Variance application is intended to achieve relief from the Ancaster Zoning By-law 87-57 with respect to the Existing Residential (ER) Zone to permit the development of the lands for the proposed renovation of the existing 1-storey residential dwelling with 2nd storey addition, new covered front porch, rear covered deck, and attached garage.

The following minor variances are requested:

1. To permit a **minimum flankage yard setback of 1.64m**, whereas 6.0m is required;
2. To permit a **minimum rear yard setback of 5.391m**, whereas 7.62m is required;
3. To permit a **maximum projection of the garage beyond the side façade of a dwelling of 6.401m**, whereas 2.0m is permitted, and,
4. To permit a **walkway within a portion of the required 1.0m sod border along the flankage lot line**, whereas walkways are not permitted.

The requested relief should be viewed in the context of retaining the existing dwelling. As the dwelling is to remain, there is limited space to propose additional built form. The relief requested from the required rear yard setback will allow the homeowners to enjoy outdoor amenity space on a new covered deck. The relief requested from the flankage yard setback and the garage projection will provide the homeowners with a garage, which they don't currently have. The relief requested to permit a short distance of hard surfacing within the 1.0m sod border along the flankage yard will allow easy travel from the proposed new garage to the front porch. The flankage yard abuts East Crest, which is a short municipal right-of-way ending in a cul-de-sac. The site plan as proposed with not negatively affect the streetscapes.

The requested relief is minor and will result in a form of development that is in keeping with the character of the surrounding area and will contribute to a built form that is desirable for the appropriate development of the land. Given that all other regulations of the By-law are met, the request is consistent with the Zoning By-law, and represents a use of land that is permitted in the City's Official Plan.

As such, the proposed variances satisfy the four tests as outlined in Section 45(1) of the *Planning Act* as the relief requested is minor in nature, is desirable for the appropriate development of the land, and meets the general intent and purpose of the Official Plan and Zoning Bylaw.

In support of our minor variance application, the following revised material is provided for review:

- Application Form, prepared by SMPL Design Studio, dated November 17, 2022;
- Plan of Survey, prepared by A.T. McLaren Limited, dated August 15, 2022; and,
- Architectural & Site Plan, prepared by SMPL Design Studio, dated December 13, 2022.

We look forward to working with staff in the review of this application. Should you have any questions or require anything further, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lindsey Bruce', with a stylized, flowing script.

Lindsey Bruce

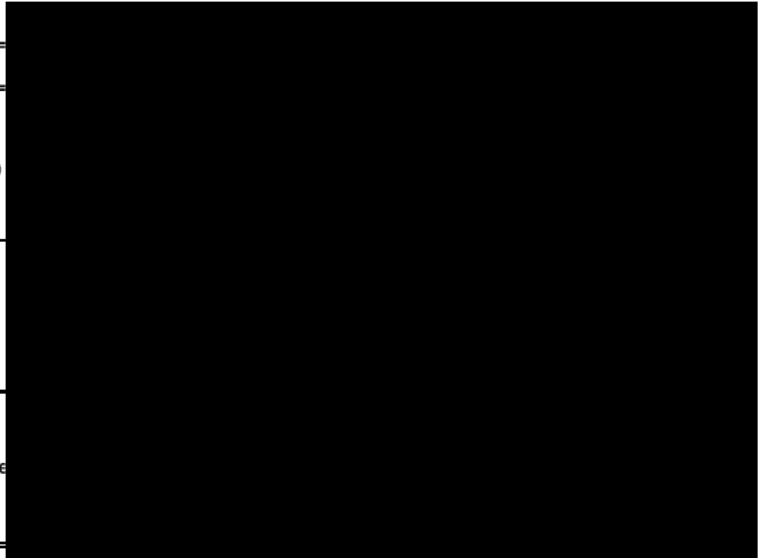
Director of Operations

lindsey@smpldesignstudio.com

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

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	Craig & Patricia Mintenko
Applicant(s)	Craig & Patricia Mintenko
Agent or Solicitor	SMPL Design Studio c/o Lindsey Bruce



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 _____

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	58 Elm Hill Blvd, Ancaster ON L9G 2V2		
Assessment Roll Number	25181403702280000000		
Former Municipality	Ancaster		
Lot	46	Concession	
Registered Plan Number	935	Lot(s)	
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:

N/A

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:

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

This project is an addition to the existing dwelling. Please see cover letter for details.

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

☐ Yes

☒ No

If yes, please provide an explanation:

N/A

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
22.86m	30.48m	695.86m ²	20m

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
Dwelling	9.088m	10.525m	1.768m X 7.702	Unknown
Shed (to remain)	N/A	3.268m	N/A X - 0.548m	Unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Ex Dwelling w 2nd Fl Addition & attached Garage	9.088m	10.525m	1.768m X 1.642m	Addition 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
Dwelling	117.06m ²	117.06m ²	1	Unknown
Shed	9.49m ²	9.49m ²	1	Unknown

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Ex Dwelling with 2nd floor addition	117.06m ²	212.24m ²	2	8.306m

- 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.):
Residential (single detached dwelling) _____

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
Unknown. _____

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

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

7.4 Length of time the existing uses of the subject property have continued:
Unknown. Longstanding residential use. _____

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

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods (Schedule E-1)

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

7.6 What is the existing zoning of the subject land? Existing Residential (ER) Zone

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:

N/A

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

☐ Yes ☒ No

If yes, please provide the file number:

N/A

7.10 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

7.11 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.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

8.3 Additional Information (please include separate sheet if needed):

N/A