



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-22:386</b>	<b>SUBJECT PROPERTY:</b>	90 SHERMAN AVE N AND 4 ROSEMONT AVE, HAMILTON
<b>ZONE:</b>	"R1a & C/S-1822" (Low Density Residential – Small Lot & Urban Protected Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200 & former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: Margaret A. & William R. Curlew  
Agent: A.J. Clarke & Associates – Liam Doherty RPP

The following variances are requested:

#### 4 Rosemont Ave

1. To permit a three-family dwelling as a permitted use.
2. A minimum lot area of 102.0m<sup>2</sup> shall be provided instead of the minimum lot area of 360.0m<sup>2</sup>.
3. A minimum front yard depth of 0m shall be provided instead of the minimum front yard of 6.0m.
4. A minimum interior yard of 0.0m shall be provided instead of the minimum interior yard of 1.2m.
5. A minimum rear yard of 0m shall be provided instead of the minimum rear yard of 7.5m.
6. No parking spaces shall be provided instead of four required parking spaces.

#### 90 Sherman Ave. North

1. A minimum lot area of 125.0m<sup>2</sup> shall be provided instead of the minimum lot area of 270.0m<sup>2</sup>.
2. A minimum lot width of 6.0m shall be provided instead of the minimum lot width of 9.0m.
3. A minimum interior yard of 0.6m shall be provided instead of the minimum interior yard of 1.2m.

## HM/A-22:386

4. A minimum flankage yard of 0m shall be provided instead of the minimum flankage yard of 3.0m.
5. A minimum rear yard of 0.8m shall be provided instead of the minimum rear yard of 7.5m.
6. A balcony may project into a required rear yard 0.8m (therefore being 0.0m from the rear lot line) whereas the by-law permits a balcony to encroach into any required yard to a maximum of 1.0 metres, except into a required side yard of not more than one-third of its width or 1.0 metres.
7. No parking spaces shall be provided instead of two required parking spaces.

**PURPOSE & EFFECT:** To create two separate lots in accordance with land severance application HM/B-22:64.

**Notes:**

- i. These variances are necessary to facilitate lands severance application HM/B-22:64.
- ii. Our records indicate that the last recognized use of the building known municipally as 4 Rosemont Avenue is a three (3) family dwelling and the last recognized use of the building known municipally as 90 Sherman Ave N is a single-family dwelling.

**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, February 2, 2023</b>
<b>TIME:</b>	<b>1:45 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.

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-22:386, you must submit a written request to [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.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.



 **Subject Lands**

DATED: January 17, 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.

## **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.

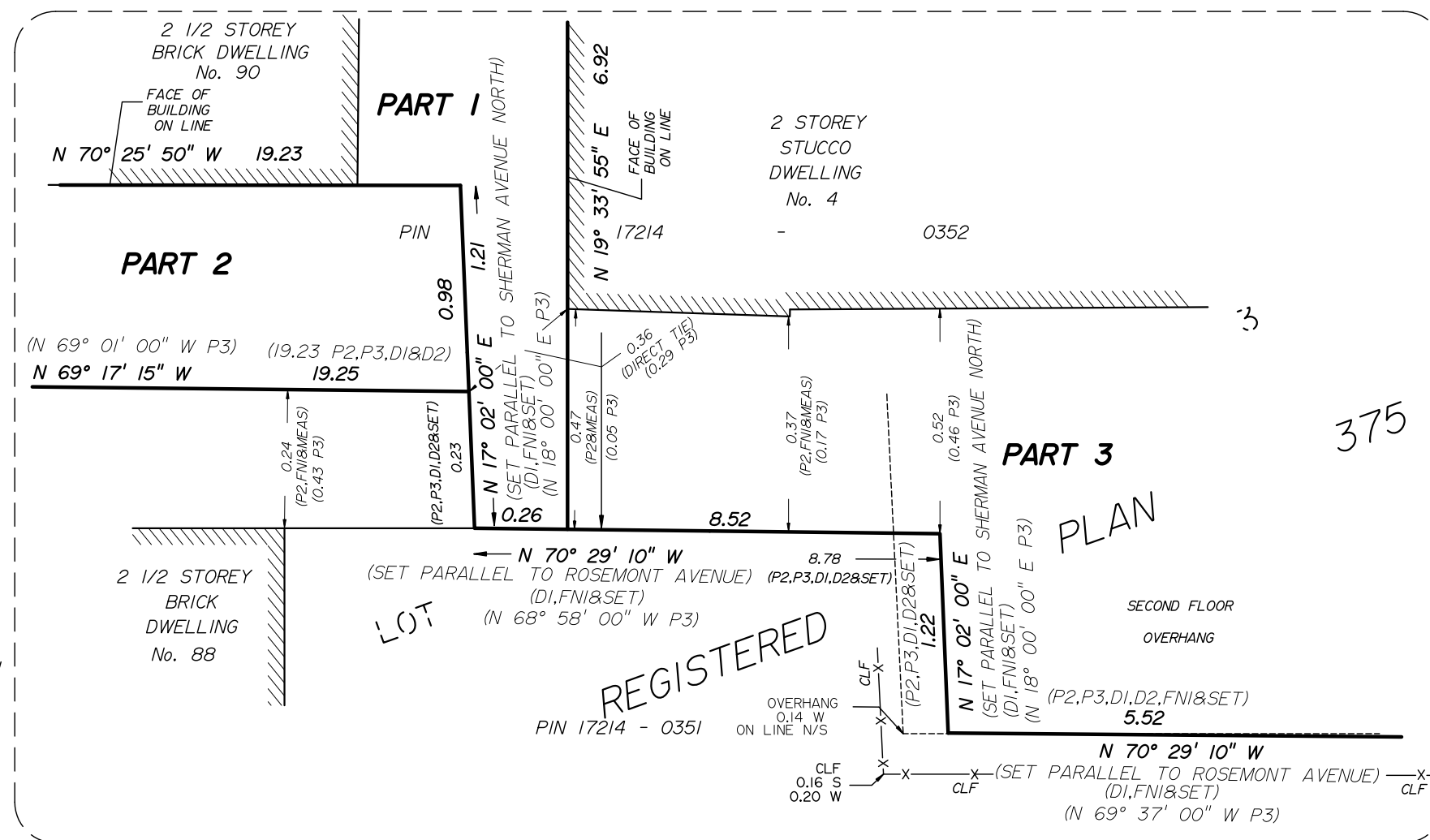
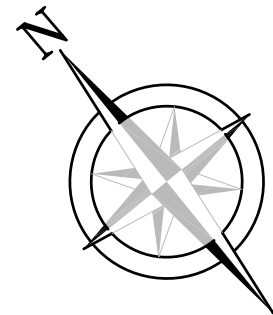
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### **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.



SCHEDULE			
PART	PART OF LOT	REGISTERED PLAN	ALL OF PIN
1	3	375	17214-0352
2			
3			

PART 2 IS SUBJECT TO A RIGHT-OF-WAY AS IN INST. No. CD214448 AND INST. No. AB299094

I require this plan to be deposited under the Land Titles Act.

PLAN 62R-

Received and Deposited

Date

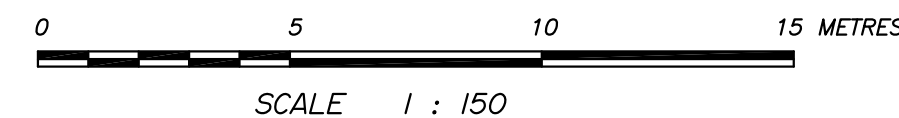
Date

Andrew Musil, O.L.S.  
Ontario Land Surveyor

Representative for Land Registrar for the Land Titles Division of Wentworth (No. 62)

METRIC: Distances and Coordinates shown on this plan are in metres and can be converted to feet by dividing by 0.3048.

PLAN OF SURVEY OF  
PART OF LOT 3  
REGISTERED PLAN 375  
CITY OF HAMILTON



J.H. Gelbloom Surveying Limited  
Ontario Land Surveyor  
2022

LEGEND

■	Survey Monument Found	N	North
□	Survey Monument Set	S	South
SIB	Standard Iron Bar	E	East
SSIB	Short Standard Iron Bar	W	West
IB	Iron Bar		
(OU)	Origin Unknown		
I353	Glenn E. Giddy, O.L.S.		
I497	Ashenhurst Nouwens Ltd., O.L.S.		
HAM	City of Hamilton Survey Department, O.L.S.		
D1	Instrument No. CD214448		
D2	Instrument No. AB299094		
P1	Registered Plan 375		
P2	Plan of Survey by A.T. McLaren, O.L.S. dated April 11, 1975		
P3	Plan of Survey by Mackay & Mackay, O.L.S., dated August 16, 1955		
P4	Plan of Survey by Glenn E. Giddy, O.L.S., dated September 6, 1988		
P5	Plan of Survey by Ashenhurst Nouwens Ltd. O.L.S., dated May 11, 1987		
FNI	Field Notes from A.T. McLaren dated April 10, 1975.		
CLF	Chain Link Fence		
WIF	Wrought Iron Fence		

BEARING NOTE

BEARINGS ARE GRID, DERIVED FROM SPECIFIED CONTROL POINTS LISTED IN THE FOLLOWING TABLE, AND ARE REFERENCED TO THE THE CENTRAL MERIDIAN 81° WEST LONGITUDE, ZONE 17, ONTARIO COORDINATE SYSTEM (6° UTM, NAD83 (CSRS) (2010).

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD 83 (CSRS) (2010). COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP A	4 789 722.75	594 409.52
ORP B	4 789 676.29	594 395.29
ORP C	4 789 690.91	594 453.76

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

Distances shown on this plan are Ground Distances and can be converted to Grid Distances by Multiplying the Combined Scale Factor of 0.999701.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- This survey and plan are correct and in accordance with the Surveys Act, the Surveyors Act, the Land Titles Act and the regulations made under them.
- The survey was completed on the ??th day of ????????, 2022.

Date

Andrew Musil, O.L.S.

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER



J. H. Gelbloom Surveying Limited  
Ontario Land Surveyor  
476 Morden Road, Unit 102, Oakville, Ont., L6K 3W4  
office@jhgsurveying.ca  
Phone:(905) 338-8210 Fax:(905) 338-9446

Party Chief: L.K.	Project: 22-186
Drawn By: N.A.	Checked By: A.M.



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

December 1, 2022

The City of Hamilton  
Committee of Adjustment  
71 Main Street West  
Hamilton, Ontario  
L8P 4Y5

Sent via  
**Email**

Attn: Committee of Adjustment Clerk  
5<sup>th</sup> Floor

**Re: Minor Variance Application  
90 Sherman Avenue North and 4 Rosemont Avenue**

We are the agent for the owners of the above noted property. The two properties were inadvertently merged on title, and the owners are seeking to re-divide them. A severance was approved by the Committee on July 28<sup>th</sup> 2022. Condition #5 is that the owners obtain any necessary variances.

Please find attached an Application for a Minor Variance package. The materials include:

- One (1) copy of the completed application form, signed and notarized
- One (1) copy of the Survey or Site Sketch
- One (1) of additional information
  - Severance Application Staff Report
  - Severance Decision
- Payment information for the \$3,465 fee
  - Margaret A. Parker, 647-968-1403

I trust that this meets your requirements. If further materials are needed please contact me directly.

Regards,

Liam Doherty, RPP  
Senior Planner  
905-528-8761 ext. 287  
liam.doherty@ajclarke.com  
Cell: 905-818-1871

**HM/B-22:64 – 90 Sherman Ave. N., Hamilton**

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
5. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).

Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.



**HM/B-22:64 – 90 Sherman Ave. N., Hamilton**

**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT**

**Development Planning – Urban**

The purpose of this application is to permit the conveyance of a parcel of land due to the proposed retained and conveyed parcels inadvertently merging on title.

**Urban Hamilton Official Plan**

The subject property is designated “Neighbourhoods” within Schedule E-1 Land Use Designations within the Urban Hamilton Official Plan. Policies F.1.14.3.1 and E.3.4.3, amongst others, are applicable, and permit the proposed dwellings. The severed and retained lands have frontage onto a public road and are fully serviced by municipal services. Staff note that no changes are proposed to the severed and retained lands and the severance is due to the land merging on title. Staff are of the opinion that as no change is being proposed, the existing character of the neighbourhood is to be maintained.

**Recommendation:**

In conclusion, Staff recommends that application be **approved**.

**Zoning:**

1. Our records indicate that the building known as 90 Sherman Avenue North is a Single-Family Dwelling which is permitted, and the building known as 4 Rosemont Street to be a legally established non-conforming three (3) family dwelling. Please be advised that a successful application for a minor variance will be required through the Committee of Adjustment in order to permit the legal non-conforming use to remain at 4 Rosemont Street following this proposed severance.
2. Each parcel of land within the current ‘C’ District is required to provide a minimum lot width of 12.0m and a minimum lot area of 360 square metres. As such, a successful application for minor variance will be required to permit a reduced lot width and area on the lands to be conveyed and retained.
3. The current ‘C’ district requires a minimum rear yard depth of 7.5m and a minimum side yard width of 1.2m. It appears a successful application for minor variance will also be required in order to permit a reduced rear yard depth for 90 Sherman Avenue North and a reduced Side Yard width for 4 Rosemont Street.
4. Information respecting parking on the lands to be conveyed and retained has not been indicated in order to determine zoning compliance at this time.



5. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

**CONDITIONS:**

1. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
2. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).

**Development Engineering:**

Based on the application, the two properties have merged on title inadvertently and there are no proposed changes. Provided there are no alterations to the grading, servicing or foundations, then Development Engineering Approvals has no comments.

**Transportation Planning:**

1. Transportation Planning has no objection to the land severance application.

**Growth Management:**

No comments.

**See attached for additional comments.**



Stephen Clark, Urban Forest Health Technician  
Hamilton City Centre, 77 James Street North, Suite 400  
Hamilton, On L8R 2K3  
Phone (905) 546-2424 Ext. 4219, Fax (905) 546-4473  
Email – Stephen.Clark@hamilton.ca

# Hamilton

Forestry & Horticulture Section  
Environmental Services Division  
Public Works Department

**Date:** July 20, 2022

**To:** Jamila Sheffield, Committee of Adjustment Secretary/Treasurer  
Development Planning  
City Hall – 71 Main Street West – 5<sup>th</sup> Floor

**From:** Stephen Clark, Urban Forest Health Technician

**Subject:** 90 Sherman Avenue North, Hamilton  
File: SC/B-22:64

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## PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, July 28, 2022, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

## SCOPE

There are municipal tree assets on site although it is determined that no impacts are anticipated at this time therefore no Tree Management Plan is required.

**Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.**

## TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

## LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

## SUMMARY

- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- **Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.**

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 4219

Regards,

A handwritten signature in blue ink that reads "Stephen Clark". The signature is written in a cursive, flowing style.

Stephen Clark  
Urban Forest Health Technician

HM/B-22:64  
90 Sherman Ave. N., Hamilton



Adjacent City Owned Property PIN: 172140318

**Real Estate Comments:** Real Estate has no concerns with the proposed severance. Please take note that 4 Rosemont Avenue has zero setback from the adjacent alleyway, and there are windows on the north face of the building. Real Estate recommends that the Applicant consult with Corridor Management with respect to the proximity of the windows to the alley and the use of the adjacent City alleyway.

APPLICATION NO.:	HM/B-22:64	SUBJECT PROPERTY:	90 SHERMAN AVENUE N, HAMILTON
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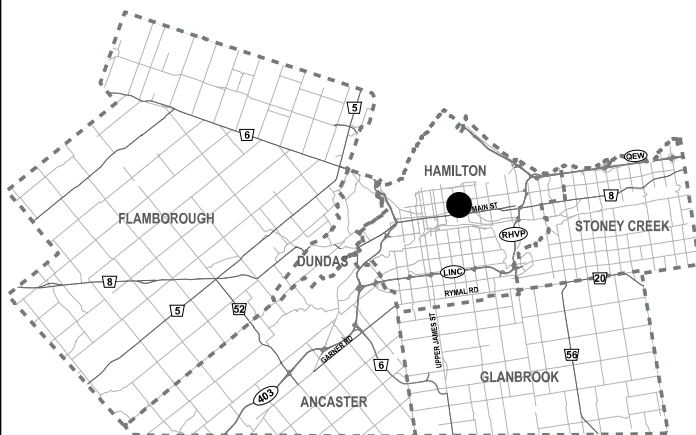
**APPLICANTS:** Agent T. Thabet  
Owners M. & W. Curlew

**PURPOSE & EFFECT:** These properties were merged on title and the owner is seeking to sever the properties into separate parcels of land. Both homes will remain, and no changes are being proposed.

	Frontage	Depth	Area
SEVERED LANDS:	13.75 m±	6.55 m±	95.98 m <sup>2</sup> ±
RETAINED LANDS:	19.85 m±	6.55 m±	130.15 m <sup>2</sup> ±



● Site Location



**City of Hamilton**

## Committee of Adjustment

### Subject Property

90 Sherman Avenue North, Hamilton (Ward 3)



Lands to be Retained



Lands to be Severed

**File Name/Number:**

HM/B-22:64

**Date:**

July 13, 2022

**Technician:**

VS

Map Not To Scale

**Appendix "A"**



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**HM/B-22:27 – 341 Barton St. E., Hamilton**

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division –Plan Examination Section).
5. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
6. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
7. The applicant must enter into and register on title of the lands, a **Consent Agreement**, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure

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

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS
<b>Registered Owners(s)</b>		
<b>Applicant(s)</b>		
<b>Agent or Solicitor</b>		

- 1.2 All correspondence should be sent to ☐ Owner ☐ Applicant  
☒ Agent/Solicitor
- 1.2 All correspondence should be sent to ☐ Purchaser ☐ Owner  
☐ Applicant ☒ Agent/Solicitor
- 1.3 Sign should be sent to ☐ Purchaser ☒ Owner  
☐ Applicant ☐ 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	90 Sherman Avenue North & 4 Rosemont Avenue		
Assessment Roll Number	251803026605050 & 251803026502900		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	375	Lot(s)	Part of Lot 3
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:

Right of Way Easement, shown as Part 2 on the draft R-Plan.

### 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:

Please see attached sheet.

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

The buildings are constructed, and were constructed legally.

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
6.29 m	33.53 m	230.45	20.1 m

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 (#90)	5.82 m	14.58 m	0.02 & 0.70 m	1900?
Dwelling (#4)	19.51 m	0.03 m	0.02 & 0.01 m	1950?

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Same				
Same				

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 (#90)	71 m <sup>2</sup>	177.5 m <sup>2</sup>	2 1/2	7.5m approx
Dwelling (#4)	89.7 m <sup>2</sup>	179.4 m <sup>2</sup>	2	10m approx

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Same				
Same				

- 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, Converted Dwelling

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

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:  
march 15 2018

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

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Single Detached Dwellings, Converted Dwellings.

7.4 Length of time the existing uses of the subject property have continued:  
Over 100 years.

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) Neighbourhoods

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

The property provides a use and density in conformity of the Neighbourhoods designation.

7.6 What is the existing zoning of the subject land? R1a and C/S-1822

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:

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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:

Approved, July 28th 2022. File #HM/B-22:64.

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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: 5

8.2 Number of Dwelling Units Proposed: 2 (#90) and 3 (#4)

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

The parcel was inadvertently consolidated on title. The parcel was two parcels. It has two municipal addresses and two Assessment Roll Numbers. A severance was approved to re-divide the properties. Approval of any and all required Minor Variances is a condition of approval of the severance.

The three-family dwelling known as 4 Rosemont Avenue is a legally established non-conforming use. A variance is required to permit the use to continue.

There are no physical changes proposed to either building or to the site.



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

November 29, 2022

Committee of Adjustment  
71 Main Street West  
Hamilton, Ontario  
L8P 4Y5

Sent via  
**Delivery and Email**

**Re: List of Nature and Extent of Relief Requested  
90 Sherman Avenue North and 4 Rosemont Avenue**

	90 Sherman Avenue North – R1a			4 Rosemont Avenue C/S-1822		
Area on Sketch	Parts 1 and 2			Part 3		
Provision	Required	Deficiency	Provided	Required	Deficiency	Provided
Permitted Use				Single Dwelling Unit	+2	Three Family Dwelling
Minimum Lot Area	270.0 m <sup>2</sup>	-142.38 m <sup>2</sup>	127.62 m <sup>2</sup>	360.0 m <sup>2</sup>	-257.17 m <sup>2</sup>	102.83 m <sup>2</sup>
Min. Lot Width	9.0 m	-2.71 m	6.29 m	-		-
Min. Front Yard	-			6.0 m	-5.97 m	0.03 m
Min. Interior Yard	1.2 m	-0.51 m	0.69 m	1.2 m	-1.2 m	0.00 & 0.02 m
Min. Flankage Yard	3.0 m	-2.98 m	0.02 m	-		-
Min. Rear Yard	7.5 m	-6.68 m	0.82 m	7.5 m	-7.49 m	0.01 m
Parking	2 spaces	-2	0 spaces	2 spaces	-2	0 spaces

Regards,

Liam Doherty, RPP  
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