

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.:	HM/A-22:388	SUBJECT PROPERTY:	46 EAST 24TH STREET, HAMILTON
ZONE:	"R1" (Low Density Residential)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: Andrea & Justin Boudreau
Agent: Len Angelici Design – L. Angelici

The following variances are requested:

1. Eaves and gutters associated with the Additional Dwelling Unit – Detached shall project 0.5m into the required 1.2m side yard (therefore being 0.7m from the side lot line) whereas the by-law permits eaves and gutters to project a maximum 0.45m into the required yard.
2. A maximum building height of 6.5m shall be provided instead of the maximum building height of 6.0m permitted for an Additional Dwelling Unit – Detached.
3. A second-floor balcony shall be permitted whereas the by-law prohibits a balcony or rooftop patio above the first-floor level of an Additional Dwelling Unit – Detached.
4. An unobstructed path having a minimum width of 0.9m shall be provided from a street whereas the by-law requires a minimum 1.0m wide unobstructed path leading from the entrance of the Additional Dwelling Unit – Detached to the street.
5. The landscaped strip required in the side yards of an Additional Dwelling Unit – Detached shall be permitted to contain a path/walkway whereas the by-law requires the side yards of an Additional Dwelling Unit – Detached to be landscaped and consisting of only sod, ground cover, permeable pavers or planting.

PURPOSE & EFFECT: To permit the construction of a new Additional Dwelling Unit – Detached in the rear yard of the existing Single Detached Dwelling.

Notes:

- i. Please be advised that the Hamilton Zoning By-law 05-200 requires an unobstructed pathway to be provided leading from the street to the entrance of an Additional Dwelling Unit – Detached. As the entrance of the Additional Dwelling Unit faces the rear lot line, and the side yards abutting the proposed building is required to be landscaped, variance #5 has been included to allow pathway surface materials to be provided within the side yard of the Additional Dwelling Unit building in order for the required pathway to lead around the building to the entrance of the building.
- ii. In addition to (i) above, variance #4 has been included as the existing side yard setback of the principal dwelling is shown to be 0.9m and therefore is unable to provide the minimum required 1.0m pathway width.
- iii. Please be advised that a minimum 12.0 square meters of landscaped area is required to be provided within the rear yard. Insufficient information has been provided in order to determine zoning compliance. Further variances may be required if compliance cannot be achieved.

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:	2:10 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

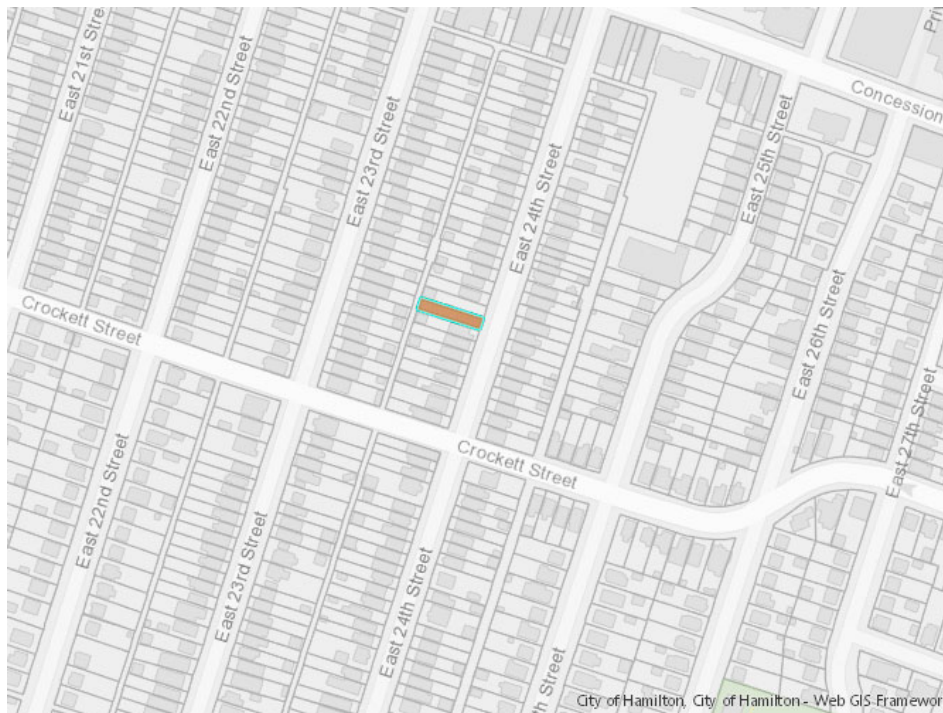
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-22:388, you must submit a written request to 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 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

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.

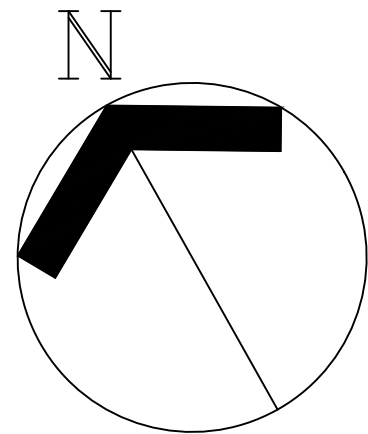
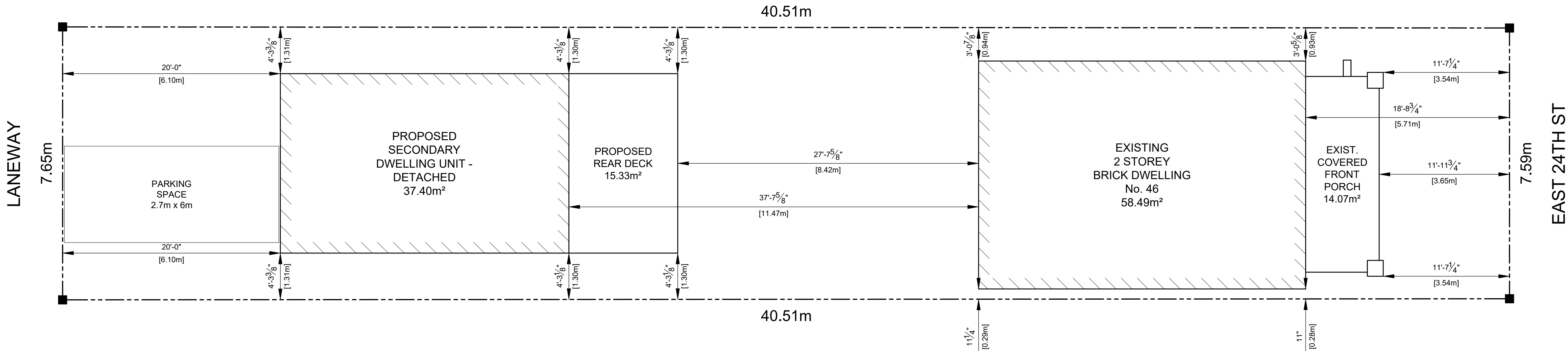
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



SITE DATA	
ZONE:	D
LOT AREA:	308.65m²
EXISTING DWELLING FOOTPRINT:	58.49m²
EXISTING FRONT PORCH:	14.07m²
PROPOSED SECONDARY DWELLING UNIT DETACHED:	40.62m²
LOT COVERAGE:	44.71%
BUILDING HEIGHT	
No. of STOREYS:	2
SECONDARY DWELLING SETBACKS	
WEST:	6.10m
EAST:	11.47m
SOUTH:	1.30m
NORTH:	1.30m

PROJECT NORTH		TRUE NORTH
01.	PRELIMINARY DRAWINGS	11/02/2022
No.	REVISION	DATE

1. ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
2. THIS DRAWING IS NOT TO BE SCALED, ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF LEN ANGELICI DESIGN AND MUST BE RETURNED UPON REQUEST
3. REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN.
4. CONTRACTOR SHALL REVIEW ALL DRAWINGS PRIOR TO COMMENCING CONSTRUCTION FOR ANY ERRORS OR OMISSIONS.
5. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR THE DESIGN OR PRE-ENGINEERED TRUSSES OR ANY PRE-ENGINEERED PRODUCTS.
6. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR HEATING, PLUMBING, OR ELECTRICAL DRAWINGS.
7. DRAWING MAY NOT BE CHANGED, ALTERED OR COPIED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN. FAILURE TO COMPLY WITH THIS STATEMENT IS NOT THE RESPONSIBILITY OF LEN ANGELICI DESIGN.
8. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

SEAL

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER

QUALIFICATION INFORMATION	
LEONARD ANGELICI	42391
NAME	BOIN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	124457
NAME	BOIN
11/02/2022	
DATE	SIGNATURE

Len Angelici Design

270 SHERMAN AVE N. UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT

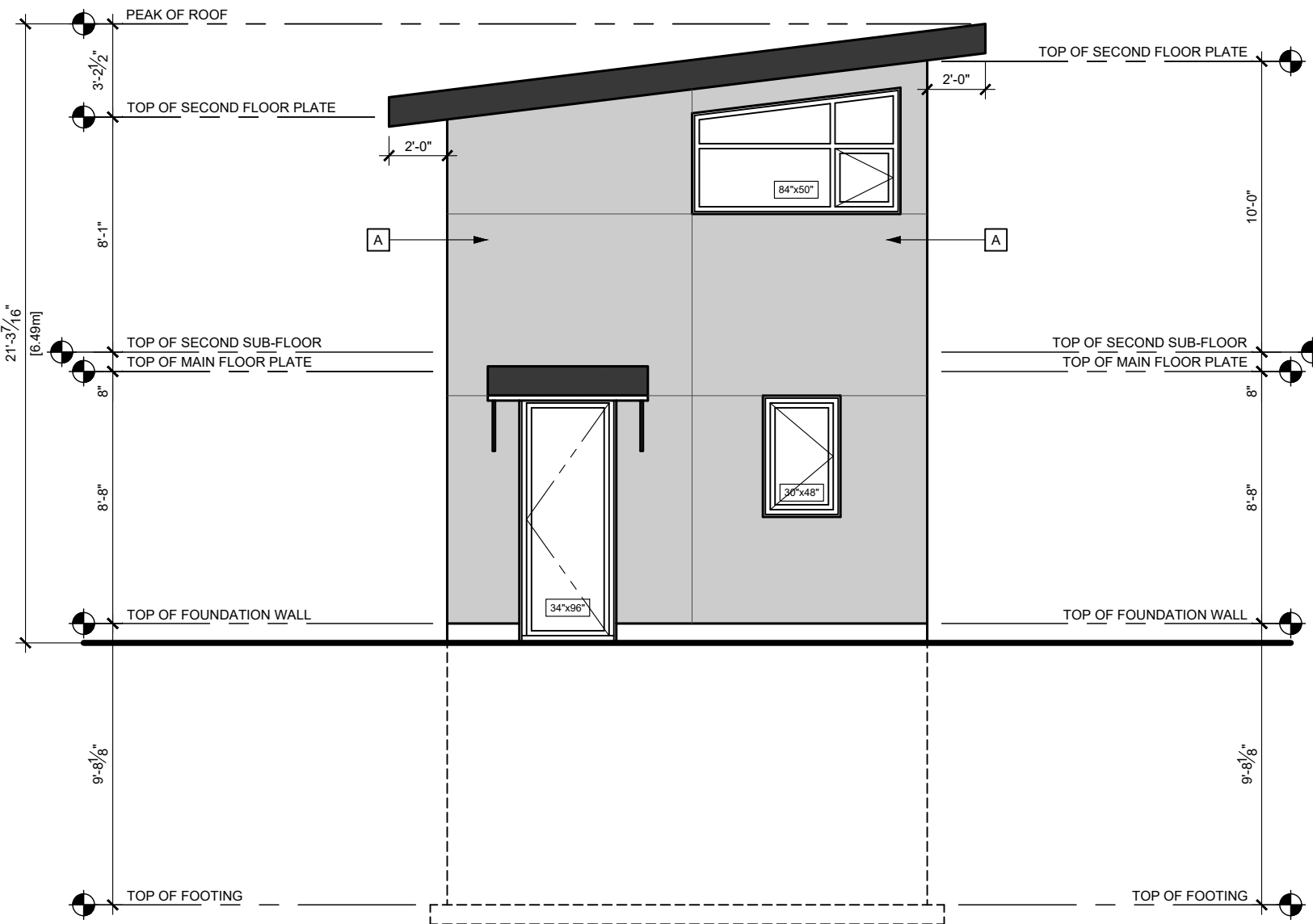
PROPOSED RESIDENCE

46 EAST 24TH ST
HAMILTON, ON

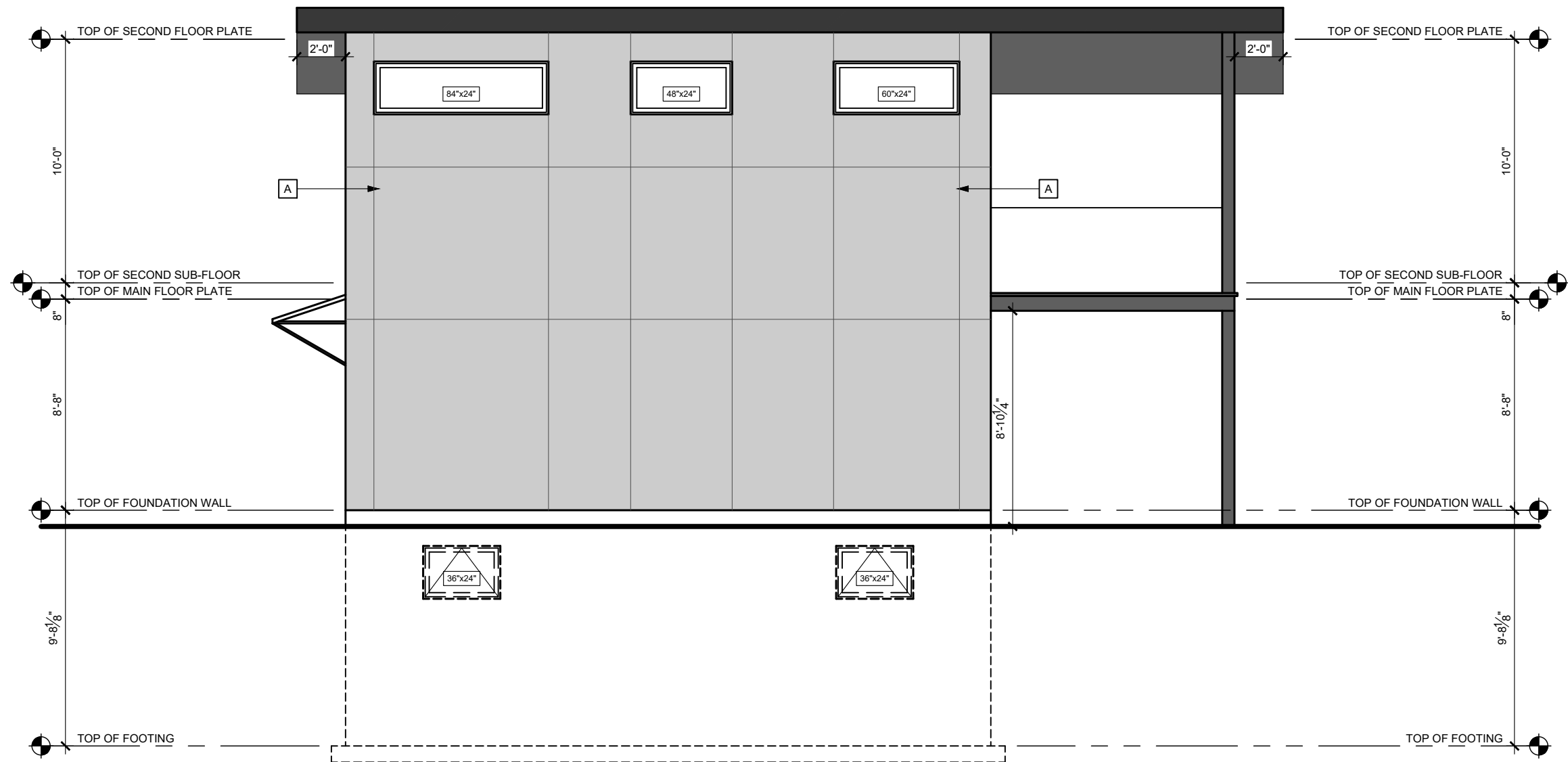
SHEET TITLE

SITE PLAN

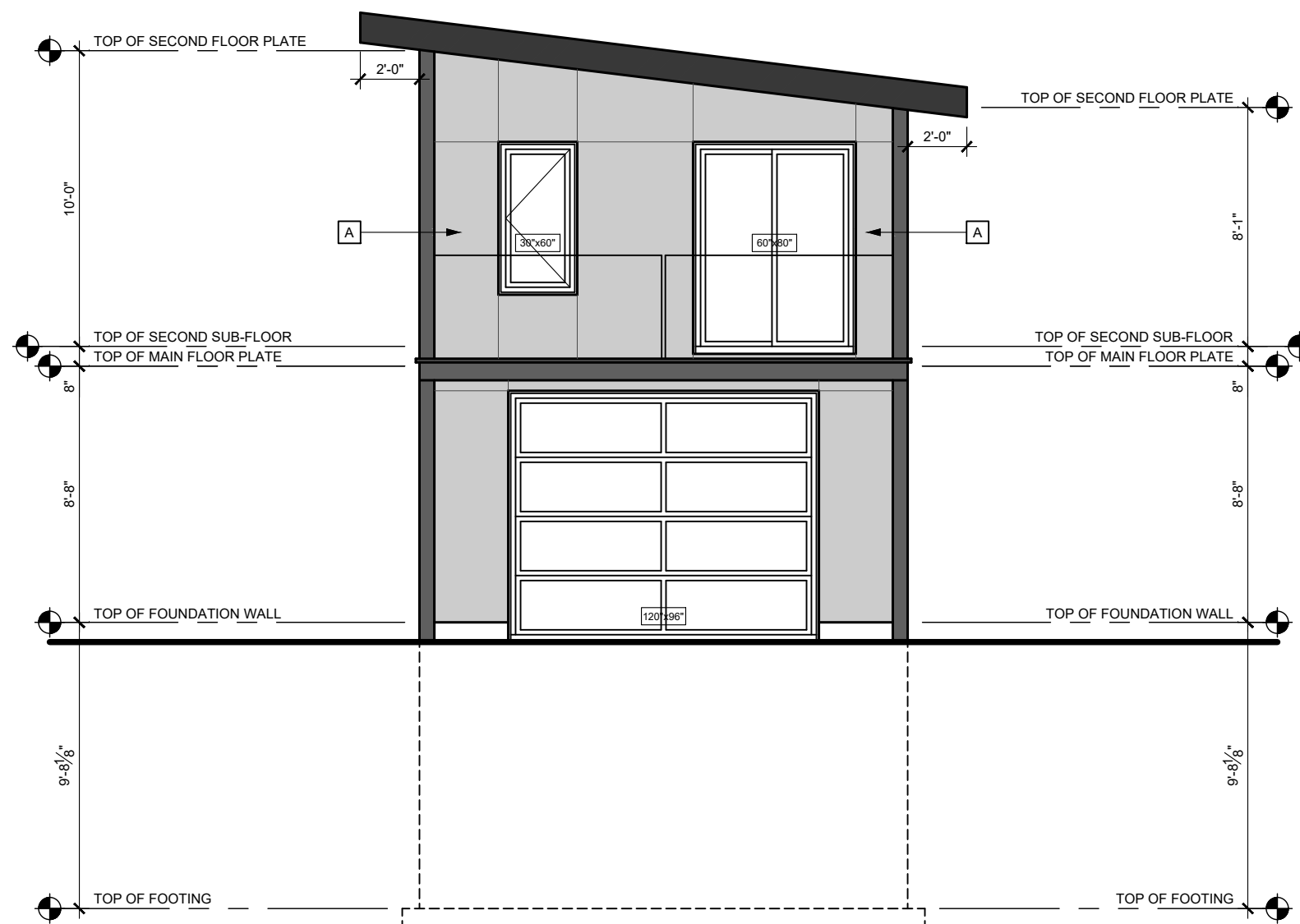
DRAWN BY	SP1
L. ANGELICI	
DATE	
11/02/2022	
SCALE	
3/16"=1'-0"	
PROJECT No.	
22088	



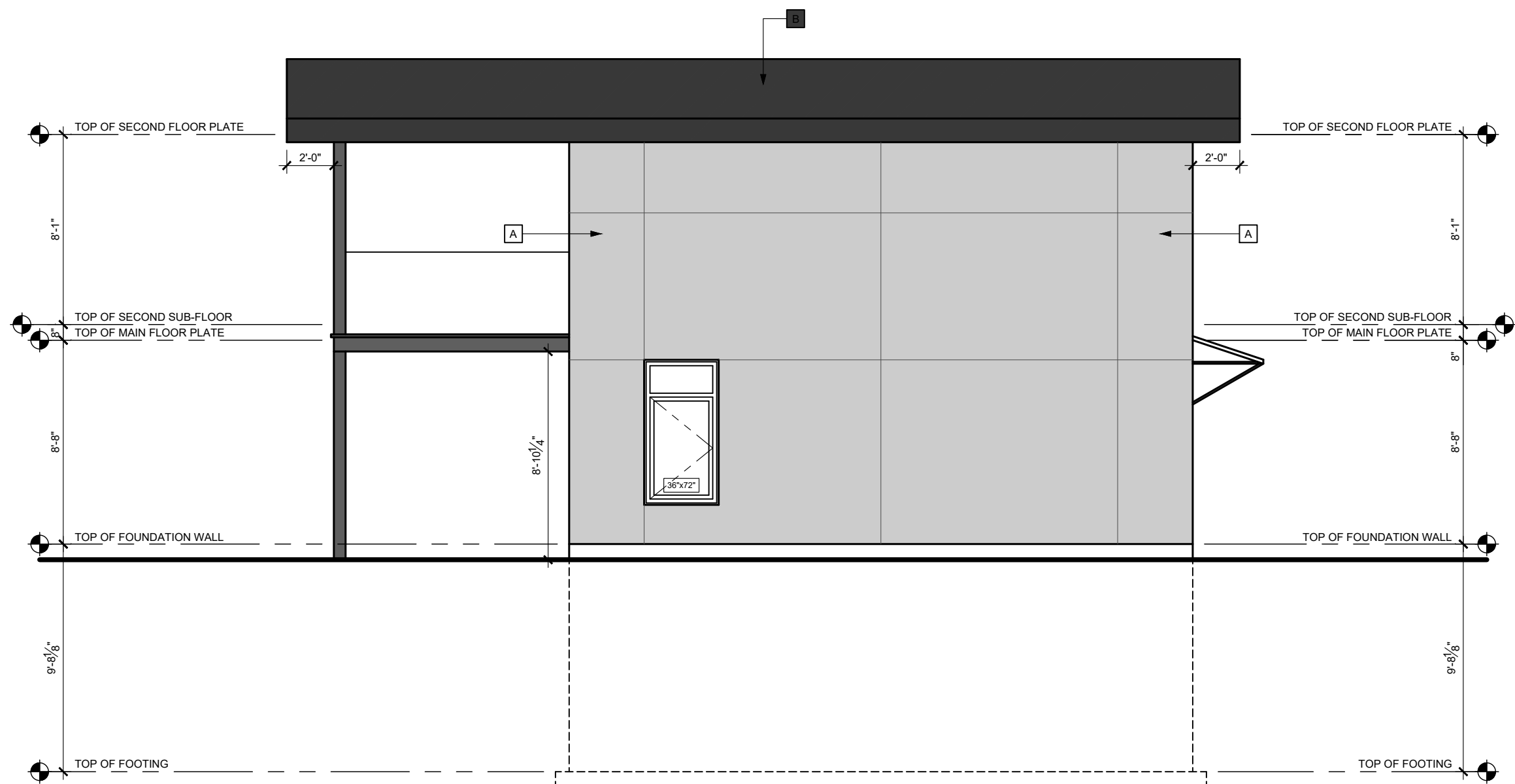
WEST ELEVATION
SCALE: $\frac{3}{16}$ " = 1' - 0"



SOUTH ELEVATION
SCALE: $\frac{3}{16}$ " = 1' - 0"



EAST ELEVATION
SCALE: $\frac{3}{16}$ " = 1' - 0"



NORTH ELEVATION
SCALE: $\frac{3}{16}$ " = 1' - 0"

EXTERIOR FINISH INDEX

- [A] STUCCO FINISH
[B] STANDING SEAM METAL ROOF

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	DRAWINGS FOR VARIANCE	11/02/2022

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NAME	BOB
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	124457
NAME	BOB
11/02/2022	SIGNATURE
DATE	

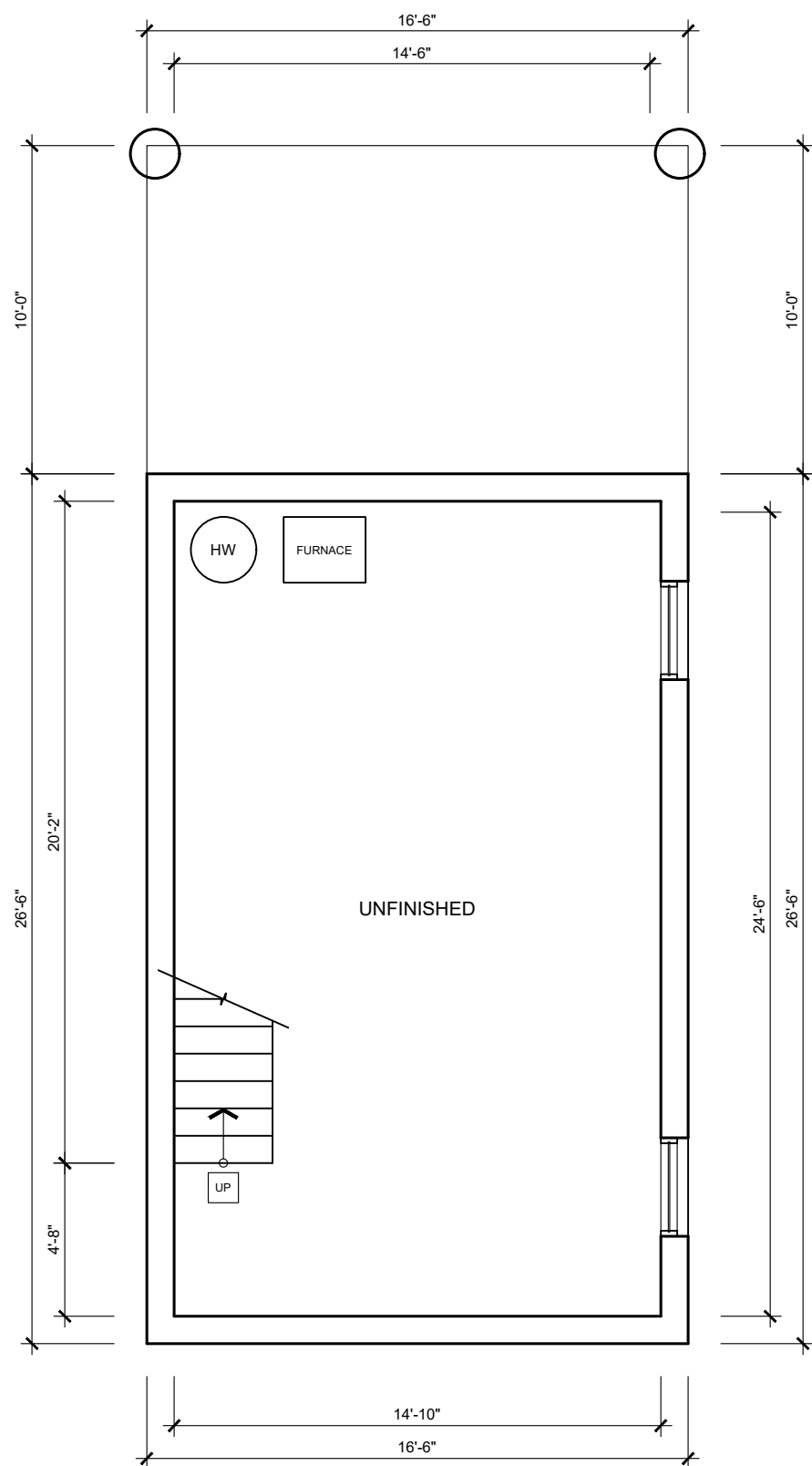
Len Angelici Design

270 SHERMAN AVE N. UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicdesign.ca

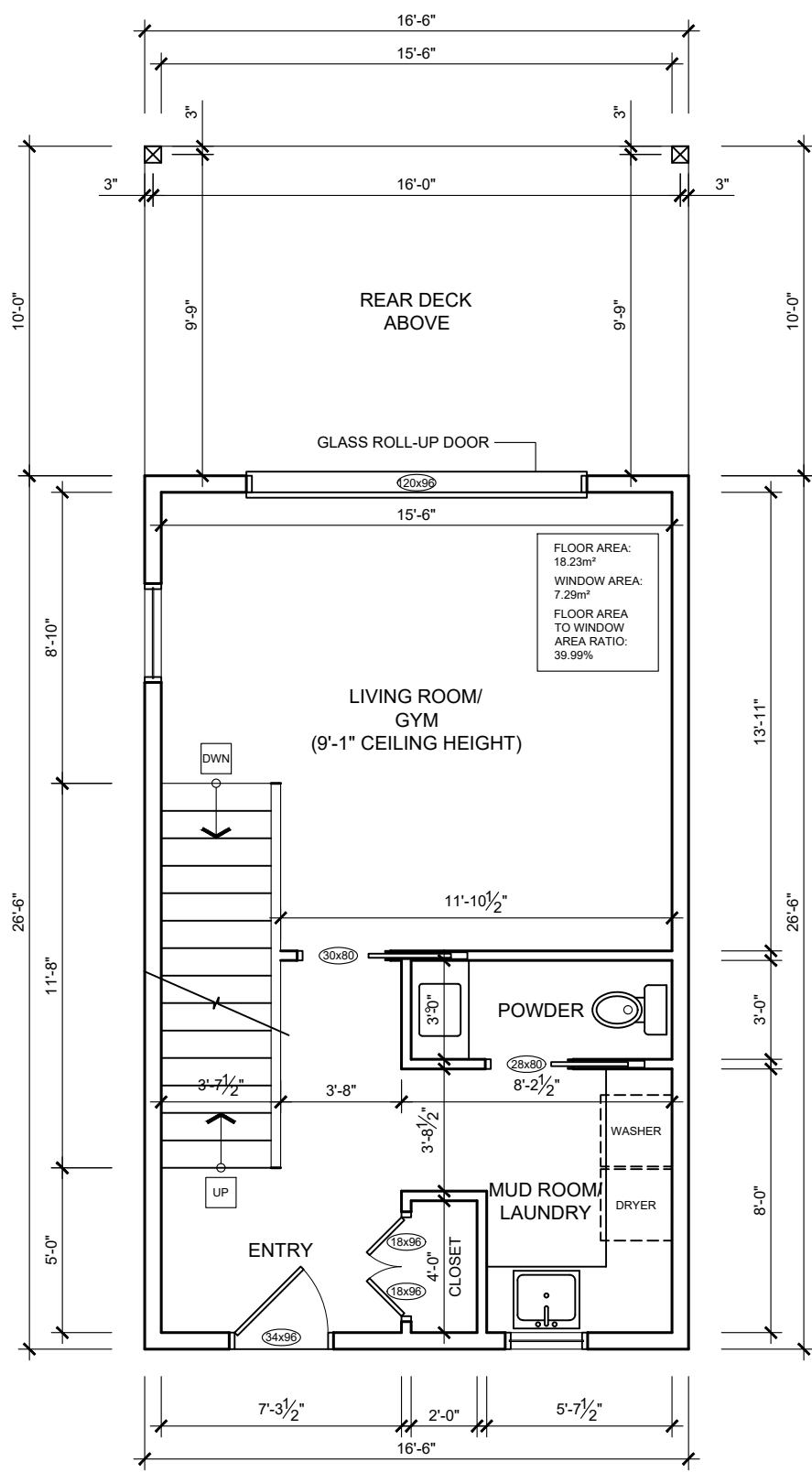
PROJECT
PROPOSED RESIDENCE 46 EAST 24TH ST HAMILTON, ON

SHEET TITLE
ELEVATIONS
DRAWN BY L. ANGELICI
DATE 11/02/2022
SCALE $\frac{3}{16}$ "=1'-0"
PROJECT No. 22088

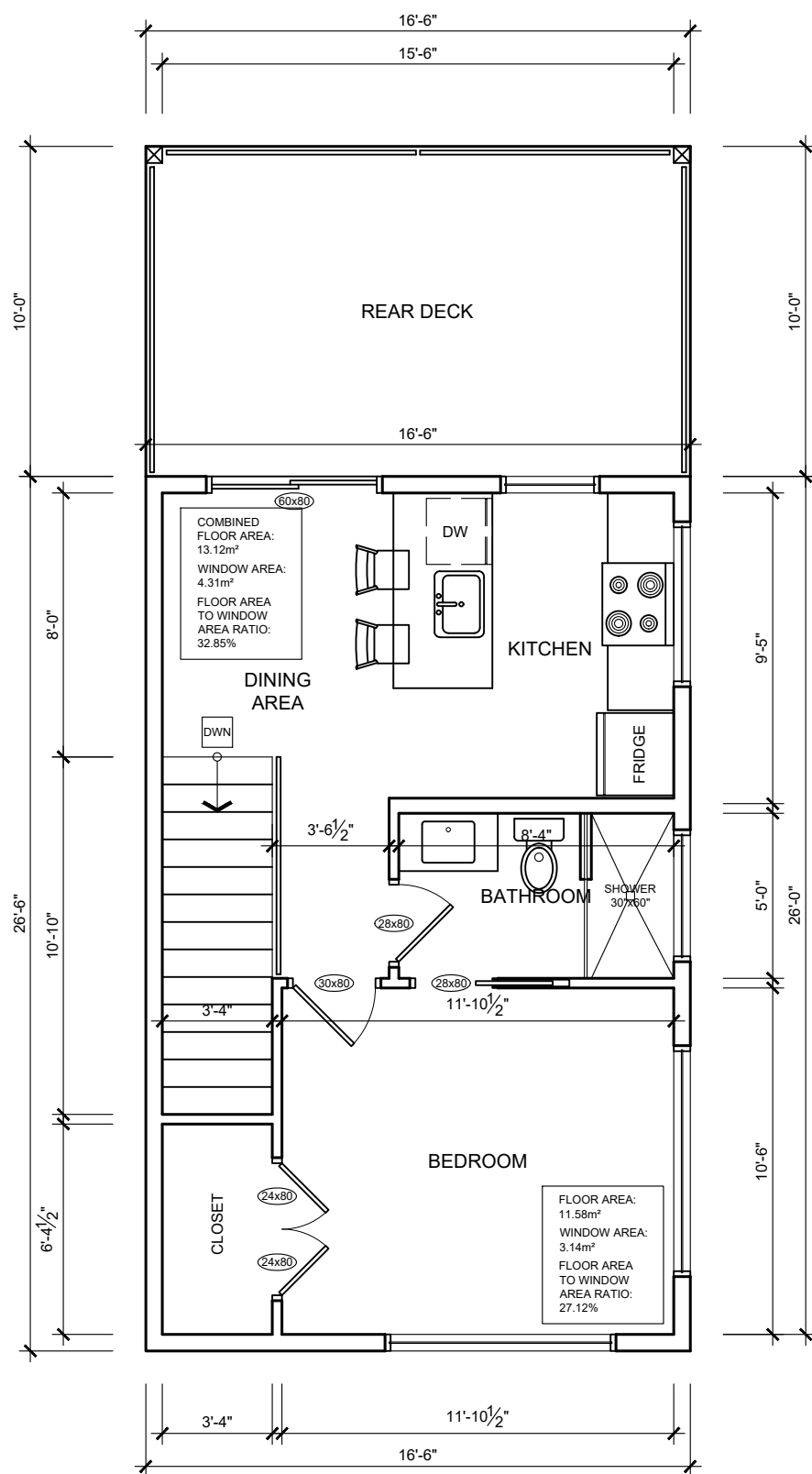
A1



BASEMENT PLAN
SCALE $\frac{3}{16}$ " = 1' - 0"



MAIN FLOOR PLAN
SCALE $\frac{3}{16}$ " = 1' - 0"



SECOND FLOOR PLAN
SCALE $\frac{3}{16}$ " = 1' - 0"

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	DRAWINGS FOR VARIANCE	11/02/2022

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NAME	BOIN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	124457
NAME	BOIN
11/02/2022	SIGNATURE
DATE	

Len Angelici Design

270 SHERMAN AVE N. UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT
PROPOSED RESIDENCE 46 EAST 24TH ST HAMILTON, ON

SHEET TITLE
PROPOSED FLOOR PLANS

DRAWN BY L. ANGELICI	A2
DATE 11/02/2022	
SCALE $\frac{3}{16}$ "=1'-0"	
PROJECT No. 22088	



Hamilton

Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
Email: 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	
Registered Owners(s)	ANDREA & JUSTIN BOUDREAU		
Applicant(s)*	LEN ANGELICI		
Agent or Solicitor			Phone:
			E-mail:

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:

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:

RELIEF FROM MAX HEIGHT OF 6m TO 6.49m
RELIEF FROM REQUIREMENT OF BALCONIES & ROOFTOP PATIOS TO PROHIBITED ABOVE THE FIRST FLOOR LEVEL TO PROPOSED REAR DECK AT 2ND FLOOR LEVEL

☒ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling
5. Why it is not possible to comply with the provisions of the By-law?

HEIGHT RESTRICTION DOES NOT ALLOW FOR 2 STORIES AND SLOPED ROOF DESIGN
THE MAIN LIVING AREA IS LOCATED ON SECOND FLOOR AND OWNERS WOULD LIKE A REAR DECK TO ACCESS IT
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**):

46 EAST 24TH ST
HAMILTON, ON
L8V 2X7
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?

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.

NOVEMBER 5, 2022
Date

DocuSigned by: Justin Boudreau 3E5D554726A4MB4...

DocuSigned by: Andrea Boudreau 03303793092F49C...

Signature Property Owner(s)

Justin Boudreau Andrea Boudreau

Print Name of Owner(s)

10. Dimensions of lands affected:
Frontage 7.59m
Depth 40.51m
Area 308.65m2
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:
PRINCIPAL DWELLING:
GROUND FLOOR AREA: 58.49m2
2 STORIES
WIDTH: 6.39m
LENGTH: 9.16m

Proposed
SECONDARY DWELLING UNIT:
GROUND FLOOR AREA: 37.40m2
GROSS FLOOR AREA: 77.89m2
2 STORIES
WIDTH: 5.03m
LENGTH: 8.08m

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

Existing:
PRINCIPAL DWELLING:
FRONT: 5.71m
RIGHT SIDE: 0.94m
LEFT SIDE: 0.28m
REAR: 25.64m

Proposed:
SECONDARY DWELLING UNIT:
FRONT(WEST): 6.10m
RIGHT SIDE (SOUTH): 1.30m
LEFT SIDE (NORTH): 1.30m
REAR (EAST): 11.47m

13. Date of acquisition of subject lands:
N/A
14. Date of construction of all buildings and structures on subject lands:
N/A
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
SINGLE FAMILY DWELLING
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
SINGLE FAMILY DWELLINGS
17. Length of time the existing uses of the subject property have continued:
SINCE CONSTRUCTION
18. Municipal services available: (check the appropriate space or spaces)
Water ☒ Connected ☒
Sanitary Sewer ☒ 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:

ZONE D: URBAN PROTECTED RESIDENTIAL 6592 FORMER HAMILTON
21. 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:
- 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
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.