



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**

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**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
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<b>APPLICATION NO.:</b>	<b>HM/A-22:396</b>	<b>SUBJECT PROPERTY:</b>	70 NEW STREET, HAMILTON, Ontario, L8P 4J4, CAN
<b>ZONE:</b>	"D" (Urban Protected Residential – One- and Two-Family Dwelling)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: C. Causgrove-Carter  
Agent: Weekes Engineering – G. Weekes

The following variances are requested:

1. A minimum side yard width of 0.61 metres shall be permitted for a building or structure above two and a half storeys or 11.0 metres in height instead of the minimum required side yard width of 2.7 metres for a building or structure above two and a half storeys or 11.0 metres in height.
2. A minimum lot width of 6.18 metres and lot area of 248m<sup>2</sup> shall be permitted for a single-family dwelling instead of the minimum required 12.0 metre lot width and minimum required 360.0m<sup>2</sup> lot area.
3. The maneuvering space for both of the required parking spaces may be provided partially off site instead of being provided and maintained only on the lot.
4. One (1) parking space shall be provided instead of the minimum required two (2) parking spaces for a single detached dwelling.

**PURPOSE & EFFECT:** To permit the construction of one (1) single detached dwelling and one (1) accessory building on a proposed new lot and one (1) accessory building on a new lot containing an existing single detached dwelling.

**Notes:**

1. Please be advised an application for consent/severance HM/B-22:127 for the proposed property has been submitted. Addressed as per variance No. four (4).

## HM/A-22:396

2. Please be advised the proposed accessory buildings shall not be constructed prior to the principle dwelling.
3. Insufficient information has been provided regarding the proposed parking space size. Additional variances may be required if compliance with Section 18A (7) can not be met.

**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>2:40 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> <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-22:396, 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.

LOT 10  
REGISTERED PLAN 166  
CITY OF HAMILTON

SCALE 1:200  
0 5 10 15 METRES

B.A. JACOBS SURVEYING LTD.  
ONTARIO LAND SURVEYOR

METRIC NOTE:  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE  
CONVERTED TO FEET BY DIVIDING BY 0.3048.

BEARING NOTE:  
BEARINGS HEREON ARE GRID BEARINGS AND ARE DERIVED FROM  
THE NORTHERLY LIMIT OF MAIN STREET WEST AS SHOWN ON  
CITY PLAN No. P-906 SURVEYS, BEING N 72°36'24" W AND  
ARE BASED ON THE ONTARIO COORDINATE SYSTEM, CENTRAL  
MERIDIAN 79°30' WEST LONGITUDE, ZONE 10.

LEGEND:  
■ DENOTES SURVEY MONUMENT FOUND  
□ DENOTES SURVEY MONUMENT PLANTED  
SIB DENOTES STANDARD IRON BAR  
SSIB DENOTES SHORT STANDARD IRON BAR  
IB DENOTES IRON BAR  
CC DENOTES CUT CROSS  
CP DENOTES CONCRETE PIN  
WIT DENOTES WITNESS  
(OU) DENOTES ORIGIN UNKNOWN  
P1 DENOTES PLAN 62R-14011  
P2 DENOTES PLAN BY G.E. GIDDY O.L.S. (JUNE 10, 1994)  
P3 DENOTES CITY PLAN No. P-906 SURVEYS  
P4 DENOTES PLAN 62R-16395  
P5 DENOTES REGISTERED PLAN 166  
P6 DENOTES PLAN 62R-7660  
(655) DENOTES J.T. PETERS O.L.S.  
(824) DENOTES A.T. McLAREN O.L.S.  
(1137) DENOTES R.G. McKIBBIN O.L.S.  
(1353) DENOTES G.E. GIDDY O.L.S.  
(1511) DENOTES G.V. CONSOLI O.L.S.  
A.C. DENOTES AIR CONDITIONER  
B.F. DENOTES BOARD FENCE  
U.P. DENOTES UTILITY POLE

SURVEYOR'S REAL PROPERTY REPORT  
PART 2 - REPORT SUMMARY

DESCRIPTION OF LAND  
BEING ALL OF LOT 10, REGISTERED PLAN 166, KNOWN AS  
MUNICIPAL No. 70 NEW STREET, CITY OF HAMILTON

REGISTERED EASEMENTS AND/OR RIGHTS OF WAY  
NO EASEMENTS LISTED ON THE PARCEL REGISTER FOUND IN THE  
LAND REGISTRY OFFICE.

BOUNDARY FEATURES  
NOTE LOCATION OF THE FENCES AS THEY RELATE TO THE  
BOUNDARIES OF THE SUBJECT PROPERTY.  
A PORTION OF THE CONCRETE CURB IS BEYOND THE WESTERLY  
BOUNDARY OF THE SUBJECT PROPERTY.

COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS  
NOT CERTIFIED BY THIS REPORT

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2186184



THIS PLAN IS NOT VALID  
UNLESS IT IS AN UNDOUBTED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR  
IN ACCORDANCE WITH  
REGULATION 1026, SECTION 29(3).

THIS REPORT WAS PREPARED FOR LEXI CARTER

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE  
WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE  
REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON JUNE 13, 2022.

JUNE 13, 2022  
DATE

BRYAN JACOBS  
ONTARIO LAND SURVEYOR



B.A. JACOBS SURVEYING LTD.  
152 JACKSON STREET EAST, SUITE 102  
HAMILTON, ONTARIO (L8N 1L5)  
PHONE: 905-621-1535 bjacobs@rogers.com

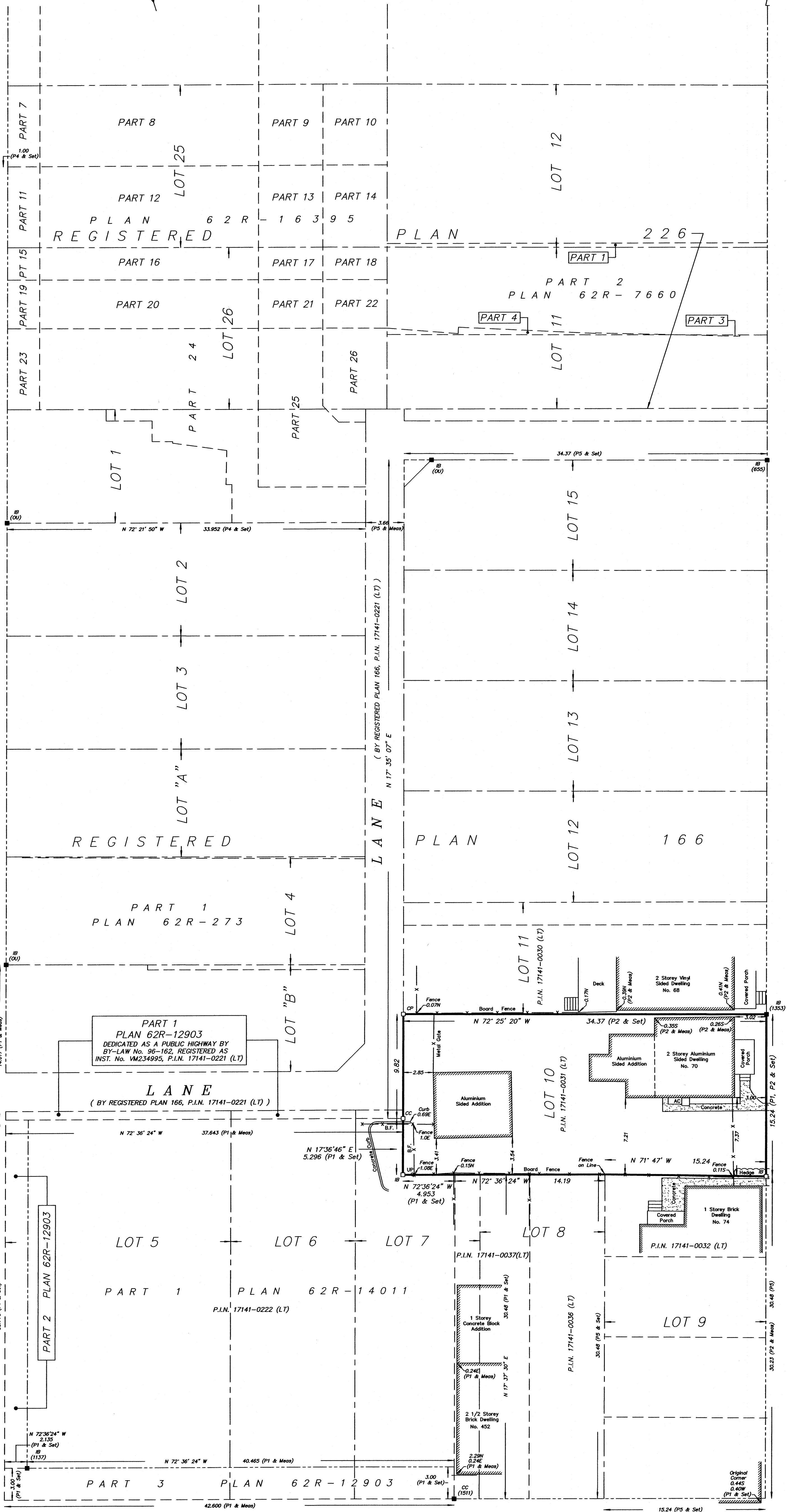
© - COPYRIGHT

JOB No. 22s04

DUNDURN STREET SOUTH

(FORMERLY GARTH STREET, ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 18 AND 19, P.I.N. 17141-0254 (LT))

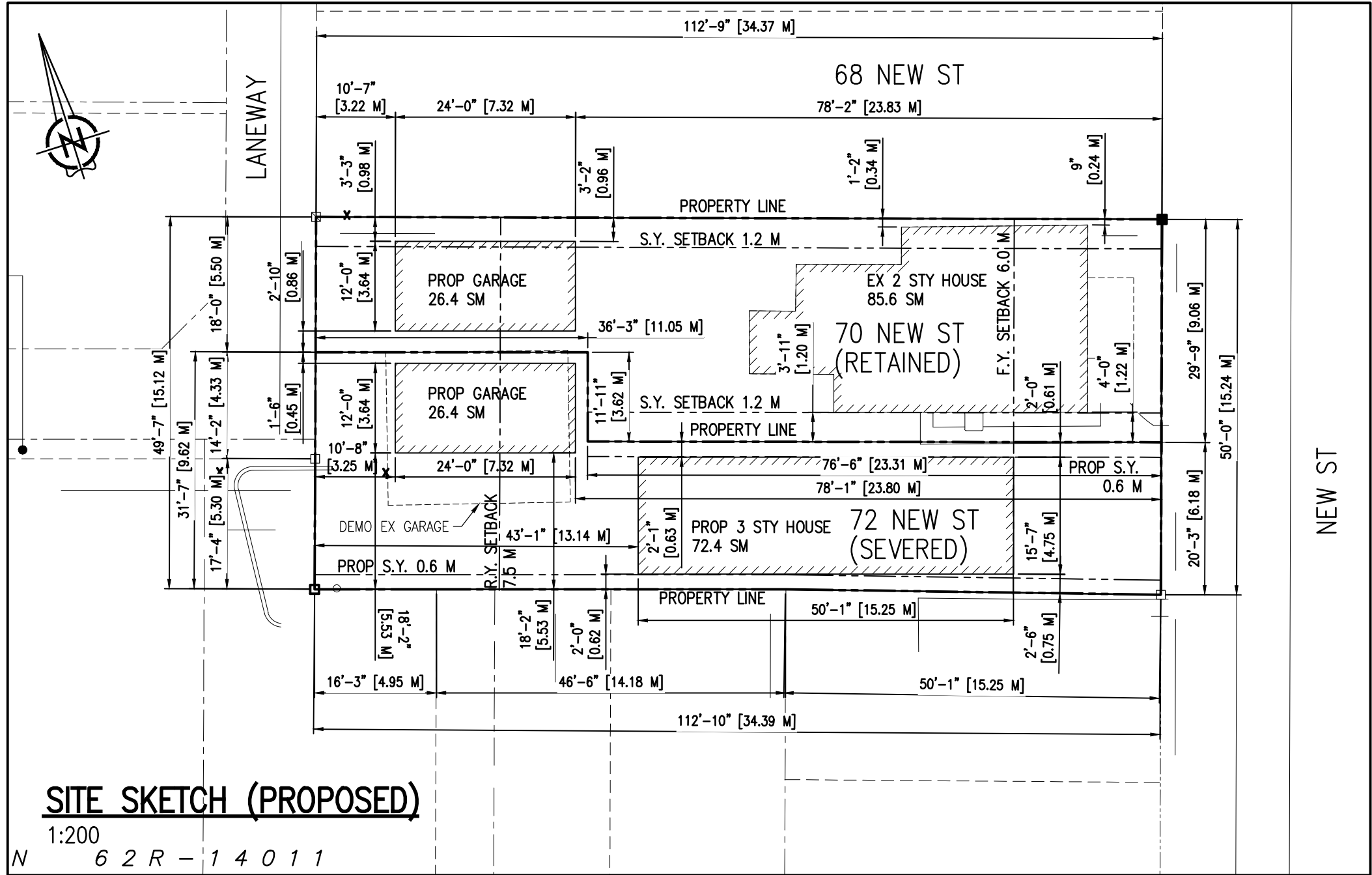
N 17° 38' 22" E (P1 & Meas)



N 72° 36' 24" W (REFERENCE BEARING) 72.05 (Meas) 72.02 (P3)

MAIN STREET WEST  
(ROAD ALLOWANCE BETWEEN CONCESSIONS 2 AND 3, TOWNSHIP OF BARTON, P.I.N. 17141-0212 (LT))





## SITE SKETCH (PROPOSED)

1:200

N 6 2 R - 1 4 0 1 1

### ZONING NOTES

ZONING CLASSIFICATION 'D' - PER FORMER CITY OF HAMILTON BY-LAW 6593  
PROPERTY LINE PER B.A. JACOBS, PROJECT #22s04.

	REQUIRED	PROVIDED (70 NEW)	PROVIDED (72 NEW)
MIN LOT AREA	270 SM	272 SM	248 SM
MIN LOT WIDTH	18 M	9.1 M	6.2 M
MAX HEIGHT	3 STYS/14M	2 STYS	3 STYS
MIN ACCESSORY SETBACK	0.45 M WALL 0.225 M EAVES	0.45 M WALL 0.225 M EAVES	0.45 M WALL 0.225 M EAVES
MIN PARKING	2	1	1

REV	Y-M-D	DESCRIPTION	BY	CHECKED
0	2022-10-05	FOR REVIEW	E SELINGER	-
1	2022-12-06	FOR LOT SEVERANCE	E SELINGER	DG WEEKES
2	2022-12-09	FOR MINOR VARIANCE	E SELINGER	DG WEEKES
3	YYYY-MM-DD	-	-	

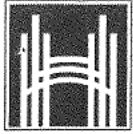


130 FERGUSON AVE N  
HAMILTON ON L8R1L7  
905-218-5482  
www.WeekesEngineering.com

70 NEW ST

HAMILTON, ON L8P4J4  
PROPOSED LOT SEVERANCE

W.E. Prj #:	1514	DWG:	SP-101	SHT: 1	REV: 2
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Hamilton

**Committee of Adjustment**

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

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

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

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**

UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)		
Agent or Solicitor		

- 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 [gweekes@weekesengineering.com](mailto:gweekes@weekesengineering.com)
- 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	70 New Street (Proposed Severance to form 72 New Street)		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	166	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:

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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:

Side Yard Setbacks and Lot Frontage for a proposed lot severance.

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

Existing House (70 New Street) is too wide to allow for a wider severance of the proposed 72 New Street lot.

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
15.24 m	34.37 m	520 sm	



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
House (70 New Street)	3.0 m	17.6 m	0.24 m	>100 years ago
Garage (70 New Street)	24.0 m	2.8 m	3.4 m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Ex House (70 New Street)	Ex to remain	Ex to remain	0.24 m	>100 years ago
Garage (70 New Street)	23.8 m	3.2 m	0.45 m	TBD
House (72 New Street)	6.0 m	13.1 m	0.61 m	TBD
Garage (72 New Street)	23.8 m	3.2 m	0.45 m	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
House (70 New Street)	85.6 sm	171.2 sm	2	~7 m
Garage (to be demolished)	45.9 sm	45.9 sm	1	~4.0 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
House (70 New Street)	Ex to remain		2	
Garage (70 New Street)	26.4 sm	26.4 sm	1	Max 4.0 m
House (72 New Street)	72.4 sm	217.2 sm	3	Max 14.0 m
Garage (72 New Street)	26.4 sm	26.4 sm	1	Max 4.0 m

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 dwellings (two lots) \_\_\_\_\_

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
Single detached dwellings \_\_\_\_\_

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:  
October 2021 \_\_\_\_\_

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

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Single Family Dwelling \_\_\_\_\_

7.4 Length of time the existing uses of the subject property have continued:  
>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) \_\_\_\_\_

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 (Former Hamilton Zoning By-Law 6593)

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:

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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: 1

8.2 Number of Dwelling Units Proposed: 2

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

Existing Lot is a Single Family Dwelling with detached garage.

The proposal is to sever a portion of the lot to the south to build another Single Family Dwelling.

The existing detached garage straddles the proposed severance line, and is to be demolished to make room for two separate detached garages, one each on the retained and severed lots.