

**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>AN/A-22:180</b>	<b>SUBJECT PROPERTY:</b>	64 LOVERS LANE, ANCASTER, Ontario
<b>ZONE:</b>	"ER" (Existing Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Ancaster 87-57, as Amended 18-105

**APPLICANTS:** Owner: Mihajilo Kancko  
Agent: A.J. Clarke & Associates – R. Ferrari

The following variances are requested:

1. A minimum front yard setback of 10.0 metres shall be permitted, instead of the requirement that the required front yard setback shall be within twenty (20) percent of the average front yard setback (17.38 metres) of the one nearest principle dwelling facing the same street (i.e. between 13.90 metres and 20.38 metres).
2. A minimum southerly side yard setback of 4.7 metres shall be permitted, instead of the minimum 6.0 metre side yard setback required for a flankage yard.
3. A minimum rear yard setback of 4.29 metres shall be permitted, instead of the minimum 16.0 metre rear yard setback required.
4. A maximum lot coverage of 37.80 percent shall be permitted, instead of the maximum 35% lot coverage required.

**PURPOSE & EFFECT:** To permit the construction of new two-storey single family dwelling including a deck and accessory structure(s) [in-ground pool, cabana and hot tub] in the rear yard notwithstanding that:

**Notes:**

1. Please note that the Site Plan statistics indicate a total proposed lot coverage of 38 percent, whereas a maximum lot coverage of 35 percent is permitted. It is noted that the area of all buildings is indicated as 473.34 square metres, which is 37.72 percent of the area of the lot (i.e. lot area indicated as

1254.84 square metres). As such, a variance has been added to address this. Should the lot coverage be more than 37.80 percent, an additional variance may be required.

2. Specific details regarding the bay windows of the proposed single-family dwelling were not indicated on the submitted site plan. Please note as per a Divisional interpretation for Bay Windows, the proposed bay windows do not meet the form and intent of a bay window as it does not meet the following criteria:
  - a) A bay window is a window first and foremost
  - b) A bay window is a projection of the window from the building wall
  - c) A bay window may have a foundation to assist in the support of the window
  - d) A bay window cannot be a wall or similar feature such as an alcove or other extension of a room and its floor area

In addition to the above criteria, a bay window is composed of three windows joined, or mulled, to make a single large unit. The center window is flanked by narrower casement or double-hung windows. Two vertical uprights, called mullion posts, separate the three windowpanes. The submitted drawing does not appear to indicate three windows for the proposed bay windows but rather shows the wall of the primary dwelling projecting towards the flankage lot line with a single window along the wall facing the southern lot line. As such, the bay window appears to not meet criteria a) and d) as it functions more as an alcove or extension of the wall and appears to extend the ground floor area as per the submitted site plan. Variance #2 has been written as such to address this.

3. That should the variance requested to permit a reduced minimum front, side and rear yard setback be approved, as per Section 7.12(a), sills, cornices, bay windows etc. shall be permitted to project into the new minimum yard(s) a distance of not more than 0.60 metres. Additional variances may be required if compliance with Section 7.12(a) is not possible.
4. Specific details regarding the projection of eaves/gutters of the proposed single-family dwelling were not indicated on the submitted site plan. Please note that should the variance requested to permit a reduced minimum front, side and rear yard setback be approved, as per Section 7.12(b), eaves and gutters shall be permitted to project into the new minimum side yard a distance of not more than 0.60 metres, or into the minimum front yard and rear yard a distance of not more than 1.5 metres. Additional variances may be required if compliance with Section 7.12(b) is not possible.
5. Please note that should the variance requested to permit a reduced minimum front yard setback be approved, the proposed front porch and steps will not project into the minimum front yard and will therefore comply with Section 7.12(d).
6. Please note that as per Section 7.13(a), on any corner lot in any Zone, no obstruction, whether permanent or temporary, that blocks vision between a height of 75 centimetres and 2.4 metres above the centre line grade of the street, is permitted within a daylighting triangle of 10 metres. Additional variances may be required if compliance with Section 7.13(a) is not possible.
7. Please note that should the variance requested to permit a reduced minimum rear yard setback, the proposed accessory structure (in-ground pool) will not be located in a required rear yard and will therefore comply with Section 7.18(a)(vi). However, the distance from the proposed in-ground pool

to the rear lot line has not been indicated. As per Section 7.18(a)(vi)(A), accessory buildings in excess of 12 square metres ground floor area shall not be less than 7.5 metres from the rear lot line for any lot located in an Existing Residential “ER” Zone. Additional variances may be required if compliance with Section 7.18(a)(vi)(A) is not possible.

8. Please note that elevation drawings were not provided to confirm the height of the proposed accessory structure(s) (cabana). As per Section 7.18(a)(iv), the maximum height for an accessory building is 4.5 metres. Additional variances may be required if compliance with Section 7.18(a)(iv) is not possible.
9. A building permit is required for the construction of the proposed development. Be advised that Ontario Building Code regulations may require specific setback and construction types.

**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>4:00 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.

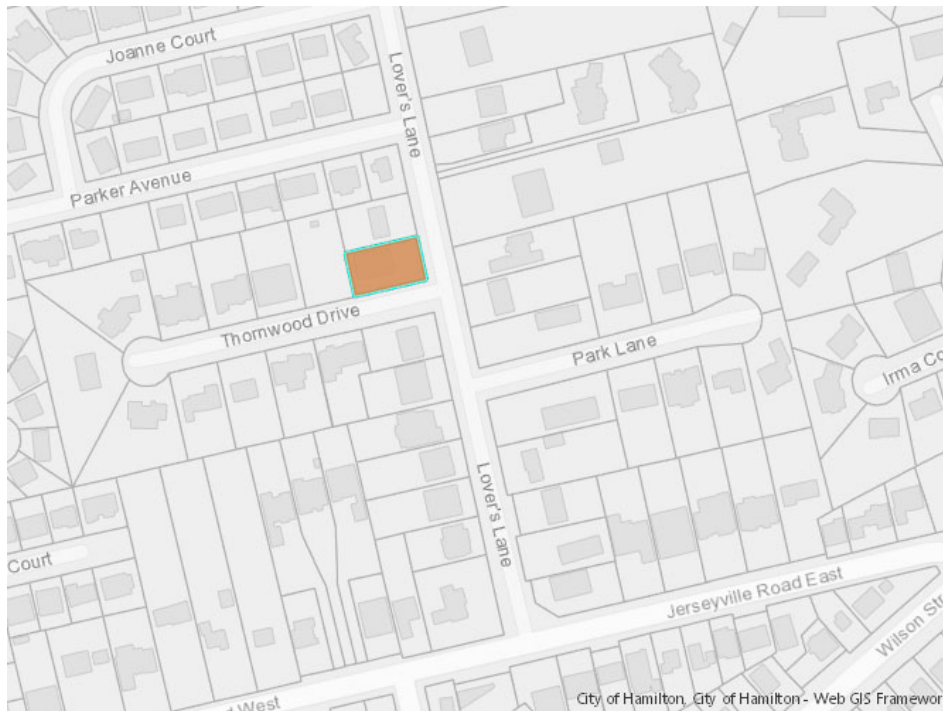
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-22:180, 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**

---

**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.



**SITE DATA**

ZONED: ER (ANCASTER)

LOT AREA ..... 1,254.84 m<sup>2</sup> (13,507 ft<sup>2</sup>)

MAXIMUM LOT COVERAGE REGULATION ONE-STOREY  
TWO-STOREY LOTS WITH AN AREA LESS THAN OR EQUAL TO  
1,650 SQUARE METRES MAXIMUM 35 PERCENT OF LOT AREA.

EXISTING TOTAL BLDG COVERAGE (18.6%) ..... 232.72 m<sup>2</sup> ( 2,505 ft<sup>2</sup>)  
TOTAL ALLOWED BLDG COVERAGE (35%) ..... 439.25 m<sup>2</sup> ( 4,728 ft<sup>2</sup>)  
TOTAL PROP. BLDG COVERAGE (38%) ..... 473.34 m<sup>2</sup> ( 5,095 ft<sup>2</sup>)

TOTAL PROP. PATIO COVERAGE (6.6%) ..... 82.78 m<sup>2</sup> ( 891 ft<sup>2</sup>)  
TOTAL PROP. DRIVEWAY COVERAGE (6.6%) ... 127.74 m<sup>2</sup> ( 1375 ft<sup>2</sup>)

EXISTING FRONT YARD SETBACK ..... 18.55m (60.9')  
ALLOWABLE FRONT YARD SETBACK ..... 13.76m (45.1')  
PROPOSED FRONT YARD SETBACK ..... 10.00m (32.8')

EXISTING REAR YARD SETBACK ..... 4.79m (15.7')  
ALLOWABLE REAR YARD SETBACK ..... 16.00m (52.5')  
PROPOSED REAR YARD SETBACK ..... 4.29m (14.1')

EXISTING SIDE YARD SETBACK (INTERIOR) ..... 3.86m (12.7')  
ALLOWABLE SIDE YARD SETBACK (INTERIOR) ..... 2.75m ( 9.0')  
PROPOSED SIDE YARD SETBACK (INTERIOR) ..... 2.75m ( 9.0')

EXISTING SIDE YARD SETBACK (FLANKAGE) ..... 6.75m (22.2')  
ALLOWABLE SIDE YARD SETBACK (FLANKAGE) ..... 6.00m (19.7')  
PROPOSED SIDE YARD SETBACK (FLANKAGE) ..... 5.30m (17.39')

ALLOWABLE BUILDING HEIGHT ..... 9.50m (31.2')  
PROPOSED BUILDING HEIGHT ..... 9.00m (29.5')

VARIANCE REQUIRED FOR  
PROPOSED REAR YARD  
SETBACK AT 1 STOREY  
BEDROOM  
PROPOSED S.B. = 4.29M  
WHERE 16M IS REQUIRED.  
EXISTING HOUSE IS AT 4.8M

( NOTE : 1.8M SETBACK  
PREVIOUSLY APPROVED  
BY HAMILTON C of A. )

NOTE:  
WITH THE SOUTHWEST REAR  
YARD PORTION OF THE  
STRUCTURE ....  
SHOWN AS CROSS HATCHED,  
BEYOND THE BY-LAW  
REQUIRED 16 METRE SETBACK,  
BEING ONE STOREY.

THIS SITE PLAN INFORMATION  
TAKEN FROM SURVEY BY.....

YOUNG & YOUNG SURVEYING INC.  
A Subsidiary of Mauro Group Inc.  
2 HOLLAND DRIVE, UNIT 5,  
BOLTON, ONTARIO, L7E 1E1  
PHONE 905.951.8000 , FAX  
905.857.4811  
www.youngsurveying.ca -  
info@youngsurveying.ca

THE SURVEY WAS COMPLETED  
ON JUNE 5, 2021.  
BY GANESH SUNDAR, B.Eng.,  
ONTARIO LAND SURVEYOR

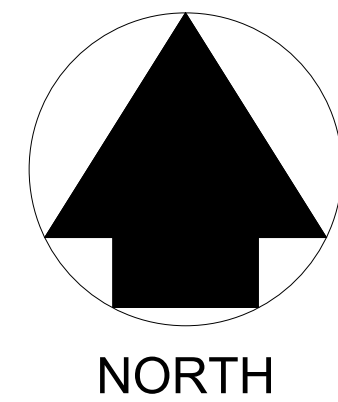
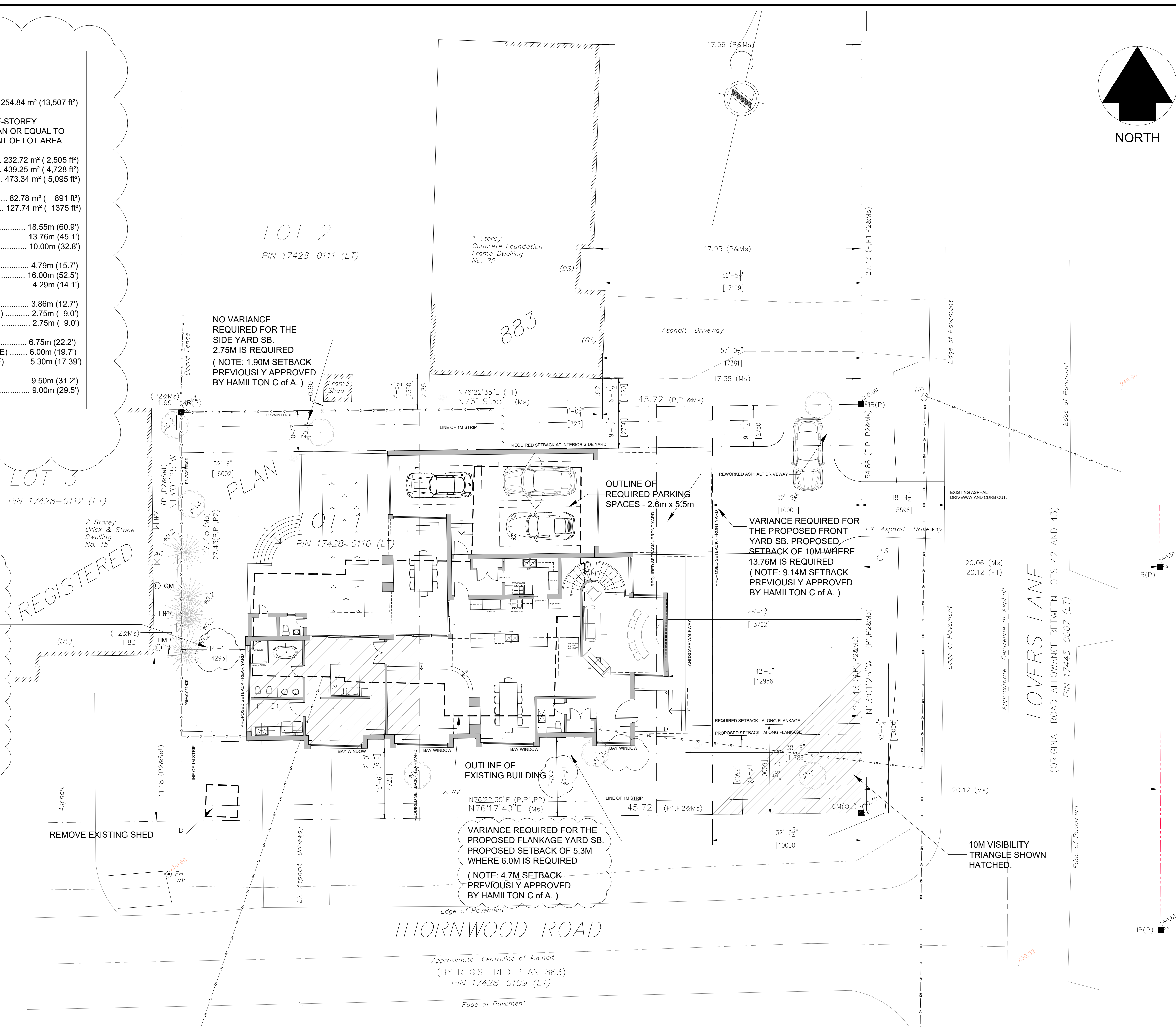
SURVEYOR'S REAL PROPERTY  
REPORT PART ONE (1)  
SHOWING TOPOGRAPHIC  
FEATURES OF...  
LOT 1  
REGISTERED PLAN 883  
CITY OF HAMILTON  
REGIONAL MUNICIPALITY OF  
HAMILTON-WENTWORTH

### BEARING NOTE

BEARINGS ARE UTM GRID, DERIVED FROM GPS OBSERVATION USING  
THE "TOPNET" GPS NETWORK OBSERVATIONS, UTM ZONE 17, NAD83  
(CSRS) (1997.0).

### BEARING ROTATION NOTE

ADJUST FOR BEARING COMPARISONS, A ROTATION OF 0°37'25"  
COUNTER-CLOCKWISE WAS APPLIED TO REGISTERED PLAN 883  
TO CONVERT TO UTM ZONE 17, NAD 83 (CSRS).



RESERVED

4	REVISED FOR C of A	SEPT 13 - 2022
3	REVISED RY SB NOTE AS PER GRACE WONG	JULY 18 - 2022
2	REVISED FOR C of A	JULY 8 - 2022
1	ISSUED FOR C of A	MAY 19 - 2022

No.	REVISION	DATE
-----	----------	------

NOTE:  
THE CONTRACTOR WILL CHECK AND VERIFY ALL  
DIMENSIONS AND JOB CONDITIONS ON THE JOB SITE  
AND REPORT ANY DISCREPANCY TO THE DESIGNER  
PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

ALL DRAWINGS ARE THE PROPERTY OF THE DESIGNER  
AND MAY NOT BE COPIED, REPRODUCED OR ALTERED  
WITHOUT WRITTEN PERMISSION FROM THE DESIGNER.  
ANY PROPOSED ALTERATIONS TO THE CONSTRUCTION  
AS SHOWN ON THE DESIGN DRAWINGS, MUST BE  
VERIFIED BEFORE COMMENCEMENT BY THE DESIGNER

THESE DRAWINGS ARE NOT TO BE USED FOR  
CONSTRUCTION PURPOSES UNLESS INDICATED AS  
"ISSUED FOR CONSTRUCTION".

ALL STRUCTURAL INFORMATION AS PER STRUCTURAL  
ENGINEER EXCEPT FOR ROOF TRUSSES, FLOOR JOISTS  
AND BEAMS AS SPECIFIED BY TRUSS, JOIST AND BEAM  
MANUFACTURER. SEE MANUFACTURERS ENGINEERED  
DRAWINGS.

**ARCHIMAGE DESIGN**  
& drafting services inc.

1281 Richmond Road, Burlington, Ontario  
905 331 8453, info@archimage.ca, www.archimage.ca

**FOR COMMITTEE  
OF ADJUSTMENT**

PROJECT:

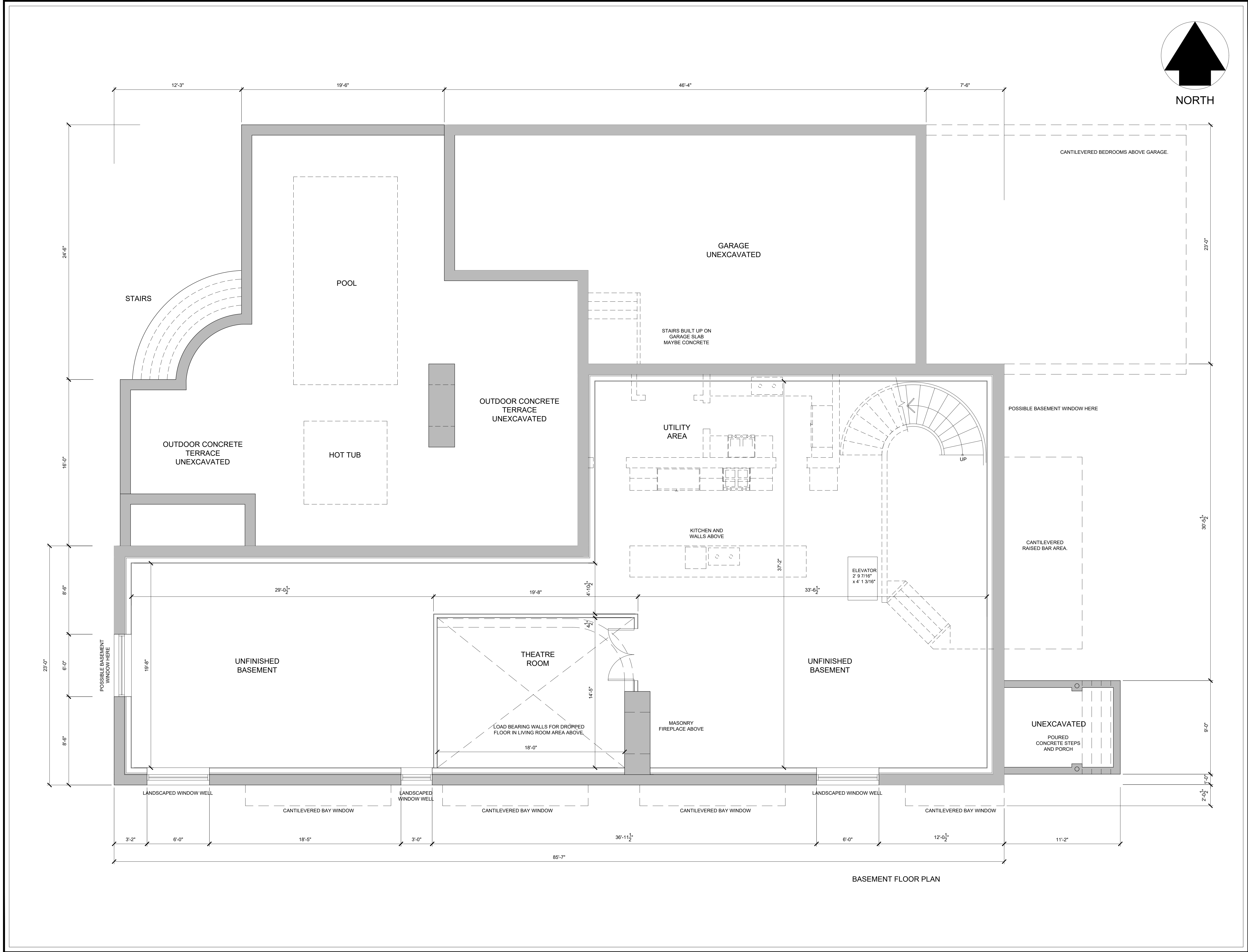
**KANCKO  
RESIDENCE**

64 LOVERS LANE  
ANCASTER, ONTARIO

SHEET TITLE:

**PROPOSED  
SITE PLAN  
3/32"=1'-0"**

SCALE: AS NOTED	DATE: JUNE, 2021
DRAWN BY: AWG	SHEET NO:
CHECKED BY: AWG	<b>SP1</b>
FILE NO: MK-21-06	01 of 06



RESERVED

3	REVISED FOR C of A	SEPT 13 - 2022
2	REVISED FOR C of A	JULY 8 - 2022
1	ISSUED FOR C of A	MAY 19 - 2022
No.	REVISION	DATE

NOTE:  
THE CONTRACTOR WILL CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS ON THE JOB SITE AND REPORT ANY DISCREPANCY TO THE DESIGNER PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

ALL DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND MAY NOT BE COPIED, REPRODUCED OR ALTERED WITHOUT WRITTEN PERMISSION FROM THE DESIGNER. ANY PROPOSED ALTERATIONS TO THE CONSTRUCTION AS SHOWN ON THE DESIGN DRAWINGS, MUST BE VERIFIED BEFORE COMMENCEMENT BY THE DESIGNER.

THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES UNLESS INDICATED AS "ISSUED FOR CONSTRUCTION".

ALL STRUCTURAL INFORMATION AS PER STRUCTURAL ENGINEER EXCEPT FOR ROOF TRUSSES, FLOOR JOISTS AND BEAMS AS SPECIFIED BY TRUSS, JOIST AND BEAM MANUFACTURER. SEE MANUFACTURERS ENGINEERED DRAWINGS.

ARCHIMAGE DESIGN  
& drafting services inc.

1281 Richmond Road, Burlington, Ontario  
905 331 8453, info@archimage.ca, www.archimage.ca

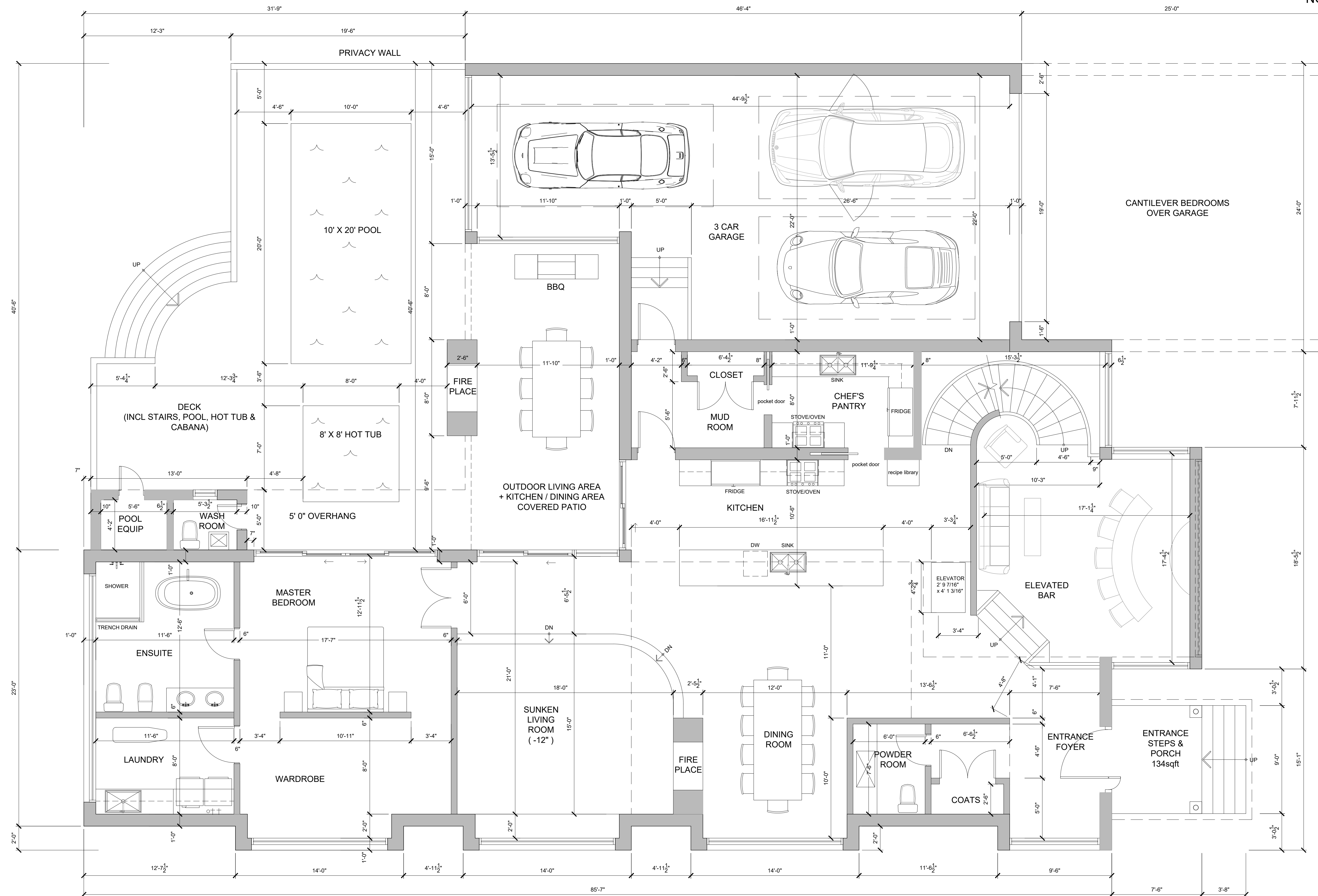
FOR COMMITTEE  
OF ADJUSTMENT

PROJECT:  
  
KANCKO  
RESIDENCE  
  
64 LOVERS LANE  
ANCASTER, ONTARIO

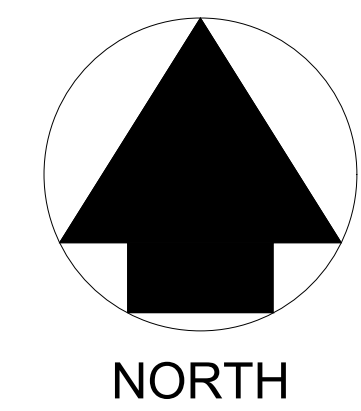
SHEET TITLE:  
  
PROPOSED  
BASEMENT FLOOR  
1/4"=1'=0"

SCALE: AS NOTED	DATE: JUNE, 2021
DRAWN BY: AWG	SHEET NO:
CHECKED BY: AWG	A1.1
FILE NO: MK-21-06	
	02 of 06





GROUND FLOOR PLAN



RESERVED

3	REVISED FOR C of A	SEPT 13 - 2022
2	REVISED FOR C of A	JULY 8 - 2022
1	ISSUED FOR C of A	MAY 19 - 2022
No.	REVISION	DATE

NOTE:  
THE CONTRACTOR WILL CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS ON THE JOB SITE AND REPORT ANY DISCREPANCY TO THE DESIGNER PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

ALL DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND MAY NOT BE COPIED, REPRODUCED OR ALTERED WITHOUT WRITTEN PERMISSION FROM THE DESIGNER. ANY PROPOSED ALTERATIONS TO THE CONSTRUCTION AS SHOWN ON THE DESIGN DRAWINGS, MUST BE VERIFIED BEFORE COMMENCEMENT BY THE DESIGNER.

THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES UNLESS INDICATED AS "ISSUED FOR CONSTRUCTION".

ALL STRUCTURAL INFORMATION AS PER STRUCTURAL ENGINEER EXCEPT FOR ROOF TRUSSES, FLOOR JOISTS AND BEAMS AS SPECIFIED BY TRUSS, JOIST AND BEAM MANUFACTURER. SEE MANUFACTURERS ENGINEERED DRAWINGS.

**ARCHIMAGE DESIGN**  
& drafting services inc.

1281 Richmond Road, Burlington, Ontario  
905 331 8453, info@archimage.ca, www.archimage.ca

**FOR COMMITTEE  
OF ADJUSTMENT**

PROJECT:

**KANCKO  
RESIDENCE**

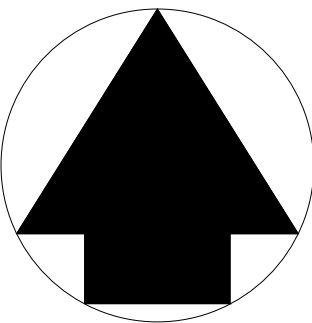
64 LOVERS LANE  
ANCASTER, ONTARIO

SHEET TITLE:

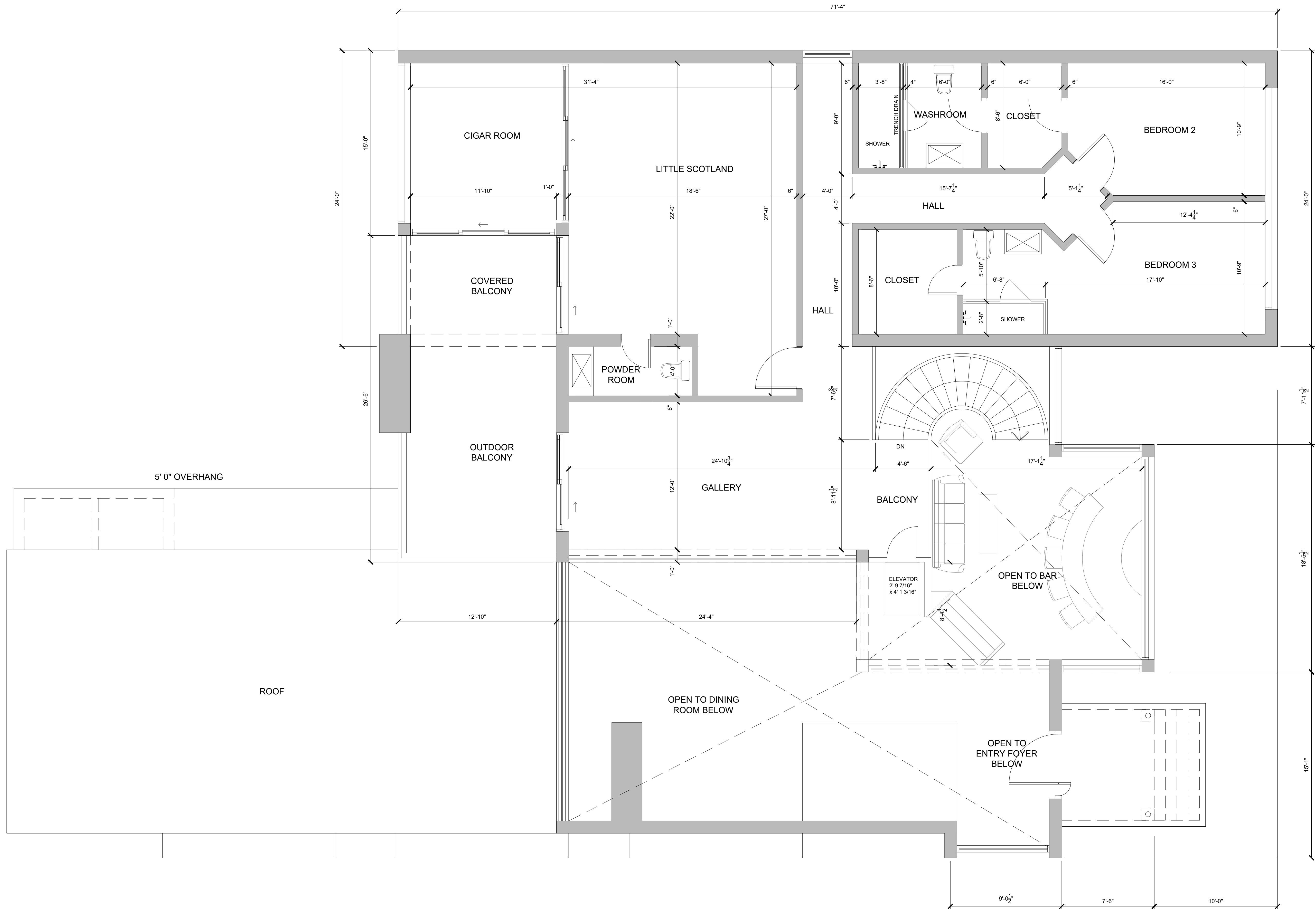
**PROPOSED  
GROUND FLOOR  
1/4"=1'=0"**

SCALE: AS NOTED	DATE: JUNE, 2021
DRAWN BY: AWG	SHEET NO:
CHECKED BY: AWG	<b>A1.2</b>
FILE NO: MK-21-06	03 of 06





NORTH



SECOND FLOOR PLAN

RESERVED

3	REVISED FOR C of A	SEPT 13 - 2022
2	REVISED FOR C of A	JULY 8 - 2022
1	ISSUED FOR C of A	MAY 19 - 2022

No.	REVISION	DATE
-----	----------	------

NOTE:  
THE CONTRACTOR WILL CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS ON THE JOB SITE AND REPORT ANY DISCREPANCY TO THE DESIGNER PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

ALL DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND MAY NOT BE COPIED, REPRODUCED OR ALTERED WITHOUT WRITTEN PERMISSION FROM THE DESIGNER. ANY PROPOSED ALTERATIONS TO THE CONSTRUCTION AS SHOWN ON THE DESIGN DRAWINGS, MUST BE VERIFIED BEFORE COMMENCEMENT BY THE DESIGNER.

THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES UNLESS INDICATED AS "ISSUED FOR CONSTRUCTION".

ALL STRUCTURAL INFORMATION AS PER STRUCTURAL ENGINEER EXCEPT FOR ROOF TRUSSES, FLOOR JOISTS AND BEAMS AS SPECIFIED BY TRUSS, JOIST AND BEAM MANUFACTURER. SEE MANUFACTURERS ENGINEERED DRAWINGS.

**ARCHIMAGE DESIGN**  
& drafting services inc.

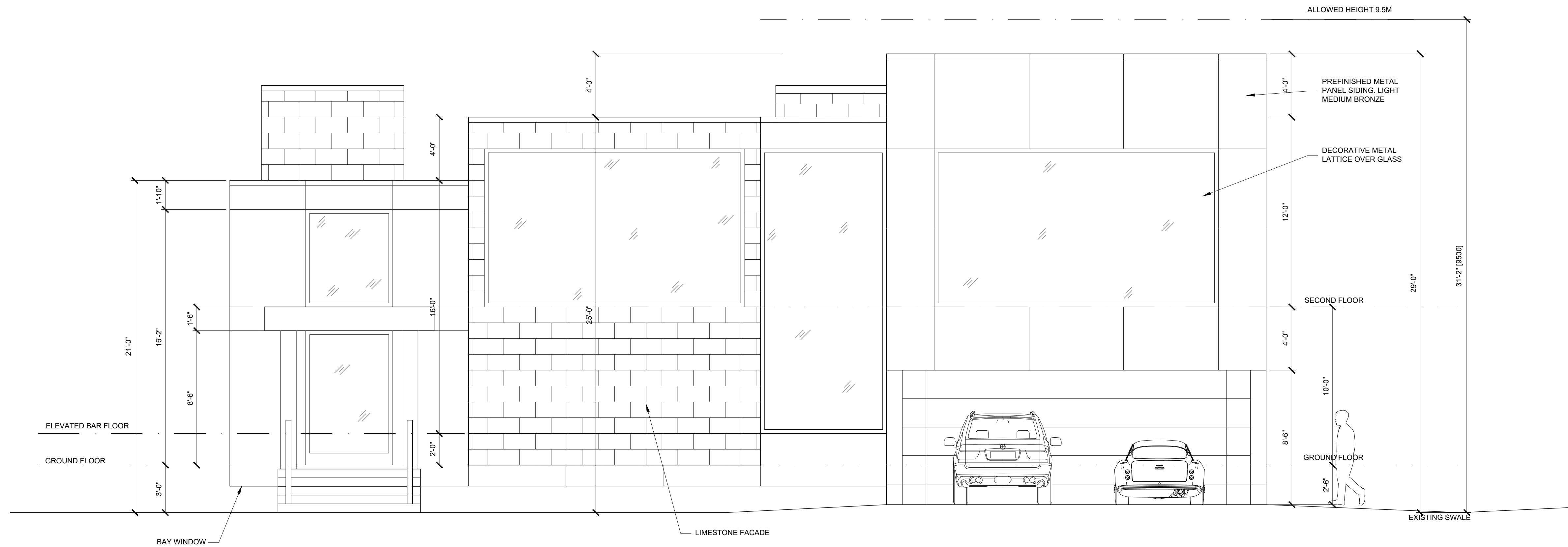
1281 Richmond Road, Burlington, Ontario  
905 331 8453, info@archimage.ca, www.archimage.ca

**FOR COMMITTEE  
OF ADJUSTMENT**

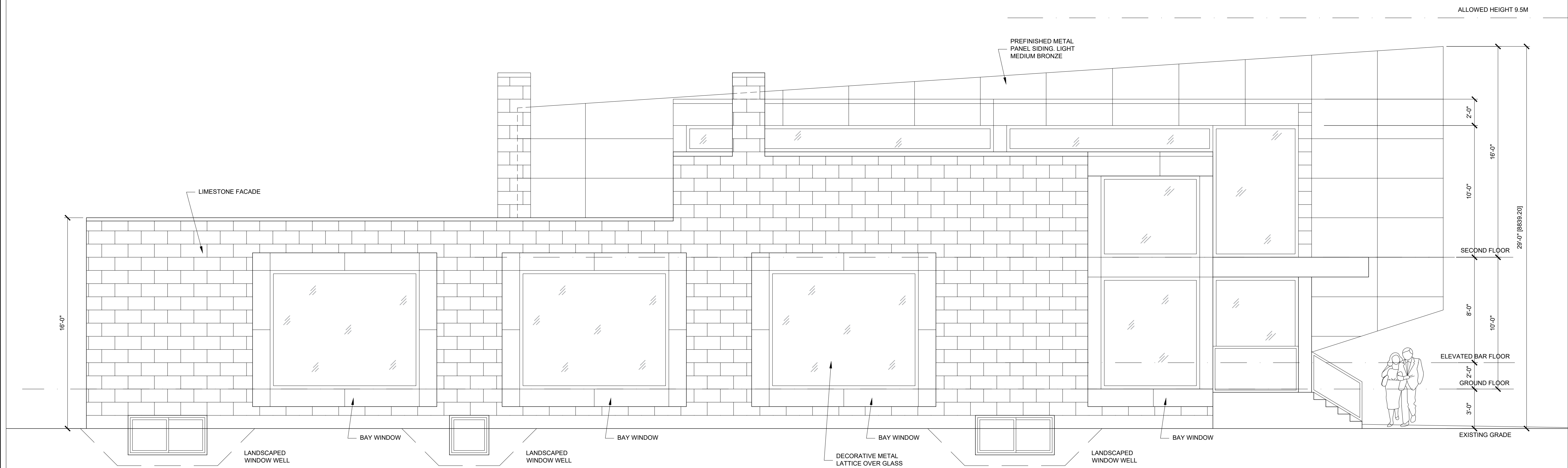
PROJECT:  
**KANCKO  
RESIDENCE**  
  
64 LOVERS LANE  
ANCASTER, ONTARIO

SHEET TITLE:  
  
**PROPOSED  
SECOND FLOOR  
1/4"=1'=0"**

SCALE: AS NOTED	DATE: JUNE, 2021
DRAWN BY: AWG	SHEET NO:
CHECKED BY: AWG	<b>A1.3</b>
FILE NO: MK-21-06	04 of 06



FRONT ELEVATION - EAST



LEFT ELEVATION - SOUTH

RESERVED

No.	REVISION	DATE
3	REVISED FOR C of A	SEPT 20 - 2022
2	REVISED FOR C of A	JULY 8 - 2022
1	ISSUED FOR C of A	MAY 19-2022

NOTE:  
THE CONTRACTOR WILL CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS ON THE JOB SITE AND REPORT ANY DISCREPANCY TO THE DESIGNER PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

ALL DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND MAY NOT BE COPIED, REPRODUCED OR ALTERED WITHOUT WRITTEN PERMISSION FROM THE DESIGNER. ANY PROPOSED ALTERATIONS TO THE CONSTRUCTION AS SHOWN ON THE DESIGN DRAWINGS, MUST BE VERIFIED BEFORE COMMENCEMENT BY THE DESIGNER.

THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES UNLESS INDICATED AS "ISSUED FOR CONSTRUCTION".

ALL STRUCTURAL INFORMATION AS PER STRUCTURAL ENGINEER EXCEPT FOR ROOF TRUSSES, FLOOR JOISTS AND BEAMS AS SPECIFIED BY TRUSS, JOIST AND BEAM MANUFACTURER. SEE MANUFACTURERS ENGINEERED DRAWINGS.

**ARCHIMAGE DESIGN**  
& drafting services inc.

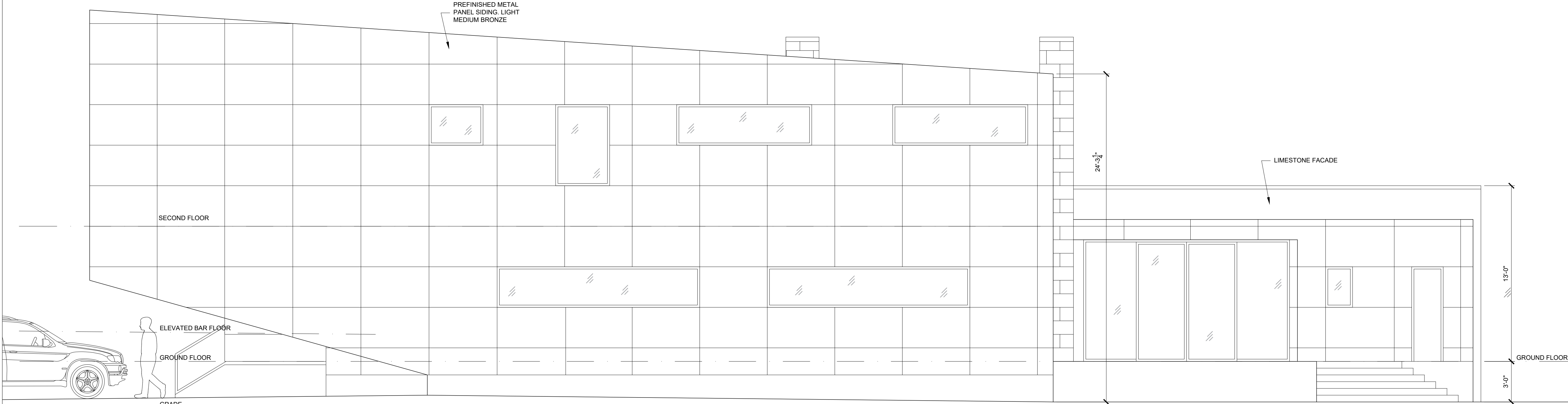
1281 Richmond Road, Burlington, Ontario  
905 331 8453, info@archimage.ca, www.archimage.ca

**FOR COMMITTEE  
OF ADJUSTMENT**

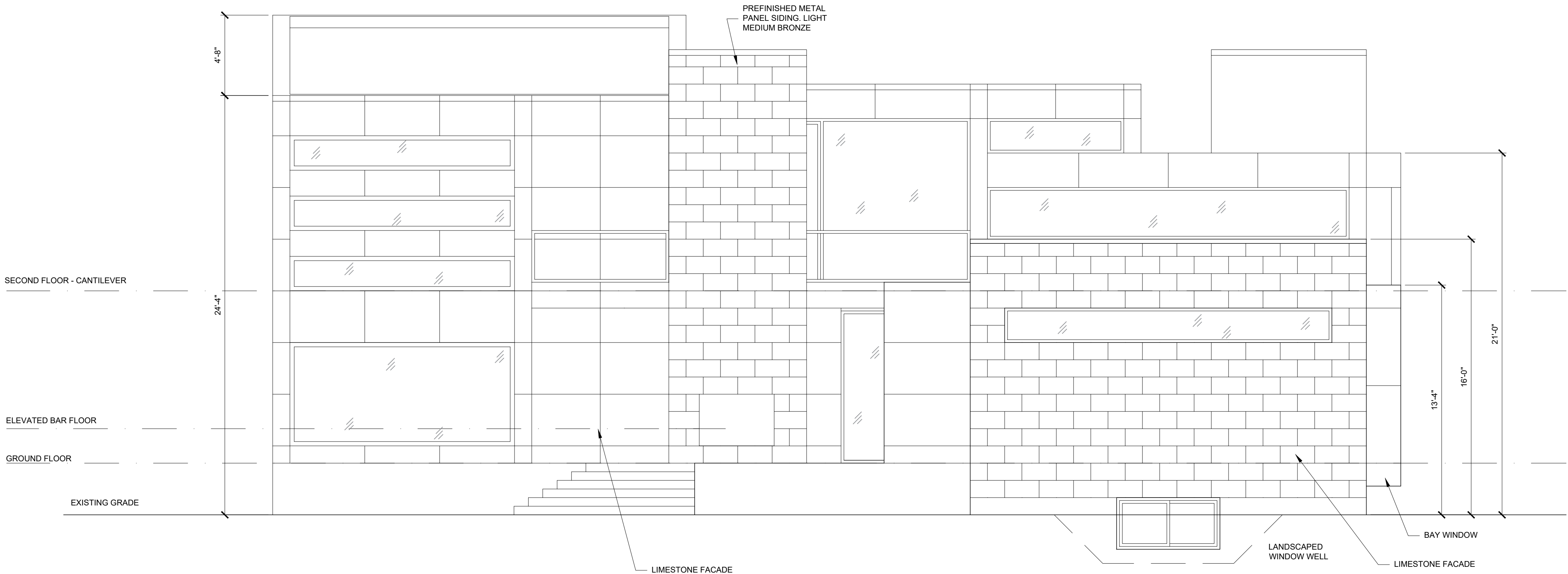
PROJECT:  
**KANCKO  
RESIDENCE**  
  
64 LOVERS LANE  
ANCASTER, ONTARIO

SHEET TITLE:  
**PROPOSED  
SOUTH AND EAST  
ELEVATIONS  
1/4"=1'-0"**

SCALE: AS NOTED	DATE: JUNE, 2021
DRAWN BY: AWG	SHEET NO:
CHECKED BY: AWG	<b>A2.1</b>
FILE NO: MK-21-06	05 of 06



RIGHT ELEVATION - NORTH



REAR ELEVATION - WEST

RESERVED

3	REVISED FOR C of A	SEPT 20 - 2022
2	REVISED FOR C of A	JULY 8 - 2022
1	ISSUED FOR C of A	MAY 19-2022
No.	REVISION	DATE

NOTE:  
THE CONTRACTOR WILL CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS ON THE JOB SITE AND REPORT ANY DISCREPANCY TO THE DESIGNER PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

ALL DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND MAY NOT BE COPIED, REPRODUCED OR ALTERED WITHOUT WRITTEN PERMISSION FROM THE DESIGNER. ANY PROPOSED ALTERATIONS TO THE CONSTRUCTION AS SHOWN ON THE DESIGN DRAWINGS, MUST BE VERIFIED BEFORE COMMENCEMENT BY THE DESIGNER.

THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES UNLESS INDICATED AS "ISSUED FOR CONSTRUCTION".

ALL STRUCTURAL INFORMATION AS PER STRUCTURAL ENGINEER EXCEPT FOR ROOF TRUSSES, FLOOR JOISTS AND BEAMS AS SPECIFIED BY TRUSS, JOIST AND BEAM MANUFACTURER. SEE MANUFACTURERS ENGINEERED DRAWINGS.

**ARCHIMAGE DESIGN**  
& drafting services inc.

1281 Richmond Road, Burlington, Ontario  
905 331 8453, info@archimage.ca, www.archimage.ca

**FOR COMMITTEE  
OF ADJUSTMENT**

PROJECT:

**KANCKO  
RESIDENCE**

64 LOVERS LANE  
ANCASTER, ONTARIO

SHEET TITLE:

**PROPOSED  
NORTH AND WEST  
ELEVATIONS  
1/4"=1'=0"**

SCALE:	DATE:
AS NOTED	JUNE, 2021
DRAWN BY:	SHEET NO:
AWG	<b>A2.2</b>
CHECKED BY:	
AWG	
FILE NO:	
MK-21-06	06 of 06



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

The City of Hamilton  
Planning and Economic Development Department  
Development Planning  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario L8P 4Y5

October 18, 2022

Delivered via e-mail: [Jamila.Sheffield@hamilton.ca](mailto:Jamila.Sheffield@hamilton.ca)

Attn: Jamila Sheffield  
Secretary Treasurer – Committee of Adjustment

**Re: 64 Lovers Lane, Hamilton**  
**Minor Variance Application Resubmission – AN/A-22:180**

---

Dear Madam:

A.J Clarke and Associates Ltd., has been retained by the owner of 64 Lovers Lane for the purposes of providing a planning opinion on this matter before the Committee of Adjustment. In addition, we have been retained by the property owner as the authorized agent for this matter before the Committee.

The proposal is to seek variances to facilitate the construction of one (1) new single detached dwelling on the subject lands. The following variances are being sought to facilitate the construction of the dwelling.

1. To permit a minimum front yard setback of 10m, whereas a minimum of 13.27m required.
2. To permit a minimum rear yard setback of 4.7m, whereas a minimum of 7.5m is required.
3. To permit a minimum exterior side yard setback of 5.0m, whereas 6.0m is required.
4. To permit a maximum lot coverage of 38% (473.34m<sup>2</sup>), whereas a maximum lot coverage of 35% (439.25m<sup>2</sup>) is required.

In response to staff's comments issued on July 14<sup>th</sup>, 2022, the minimum rear yard setback the exterior side yard was increased. The front yard setback remains the same. An additional variance for lot coverage is necessary to facilitate the proposal. This variance has been confirmed to be necessary through an additional round of review.

The purpose of this revised resubmission is to provide justification for the proposed variances and to resubmit a revised site plan to facilitate the application.

### **Background**

Initially, the subject lands were approved for a minor variance application in July of 2021, to permit the following variances:

1. *To permit a minimum front yard setback of 9.15m, whereas a minimum of 13.27m required.*
2. *To permit a minimum rear yard setback of 1.9m, whereas a minimum of 7.5m is required.*
3. *To permit a minimum interior side yard setback of 1.9m, whereas 2.74m is required.*





**4. To permit a minimum exterior side yard setback of 4.7m, whereas 6.0m is required.**

These variances were supported by City Staff and the Committee. The proposal was appealed by neighboring parties to the OLT. The OLT overturned the Committee's decision.

A Revised proposal was provided to the Committee of Adjustment and was heard at the July 2022 Committee hearing. The application has since been tabled which is when A.J Clarke and Associates Ltd. was retained to take over the file.

**Planning Opinion**

The revised proposal is much smaller both in scale than what was previously approved by the Committee and supported by Staff. Further, the proposal has been presented to the surrounding neighbours to provide their opinions on the revised proposal. It should be noted that four (4) letters of support were submitted to the Committee respecting the proposed variances.

The subject lands are 1,278 m<sup>2</sup> in size, having 54.86m of frontage onto Lovers Lane in Ancaster. The Official Plan designates the property as Neighbourhoods in Schedule E-1 and is zoned Existing Residential "ER" Zone in the City of Ancaster Zoning By-law No. 87-57.

A single detached dwelling is permitted within the Neighbourhoods Designation. The design of the proposed dwelling should be compatible with the neighbourhood. Accordingly, the following policies are applicable:

- B.3.3.1.5** *Ensure that new development is compatible with and enhances the character of the existing environment and locale.*
- B.3.3.2.3** *Urban design should foster a sense of community pride and identity by:*
- a) respecting existing character, development patterns, built form, and landscape;*
  - b) promoting quality design consistent with the locale and surrounding environment;*
  - e) conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;*
  - f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;*
  - g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;*

With respect to the requested variances, the proposal represents an opportunity to revitalize the housing stock of this neighbourhood by providing for a new dwelling that is in keeping with the prevailing



characteristics of this neighbourhood, in terms of building scale and setbacks. The setback variances facilitate a dwelling that is mutually capable of existing in harmony with the surrounding dwellings in this neighbourhood and is compatible with its surroundings. For instance, the proposed exterior side and front setback are generally in keeping with the prevailing streetscape on the west side of Lovers Lane. The rear yard setback is not dissimilar to the rear yard setback of the existing dwelling on the subject property, which is proposed to be demolished.

The proposal is not anticipated to negatively impact the neighbourhood from a noise, nuisance, traffic or overlook perspective.

As part of the Justification for the proposed variances, *compatibility* of the proposal with the neighbourhood will be considered. The definition of compatibility is as follows and is contained in Chapter G of the Urban Hamilton Official Plan

***Compatibility/compatible:*** means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”.

Variances are subject to Section 45 (1) of the *Planning Act*. Known as the four tests. The four tests of a minor variance are as follows:

1. Is the proposed variance in keeping with the general purpose and intent of the Official Plan?
2. Is the proposed variance in keeping with the general purpose and intent of the Zoning By-law?
3. The proposed variance desirable in nature?
4. Is the proposed variance minor in nature?

An evaluation of each proposed variance and the four tests follows below:

**1. To permit a minimum front yard setback of 10m, whereas a minimum of 13.27m required.**

Staff provided the following opinion in their comments issued on July 14<sup>th</sup>, 2022:

*The intent of the provision is to ensure a consistent streetscape, and provide adequate space for landscaping, parking, and drainage. Staff acknowledge that the applicant reduced their requested setback variance, however, it was only by 0.85 metres and with the side of the dwelling that would require the reduction in the setback being adjacent to the northern property line, it will still project approximately 7.4 m beyond dwelling unit on adjacent property as this is a corner lot, this will create a boxed in feeling for the adjacent property.*

The proposed variance applies to the cantilevered portion of the second floor which is setback 10m from the front lot line. It should be noted that a majority of the ground floor of the dwelling is setback 12.9m from the front lot line and the garage entrance is situated approximately 17m from the front property line.



The intent of the front yard setback provision is to ensure that new development is generally in keeping with the surrounding streetscape. To this end, the required front yard setback is determined by calculating the front yard setback of the existing dwelling to the north (17.38m) and requiring that the new setback be within 20% of the setback (resulting in a minimum requirement of 13.76m).

Firstly, the ground floor of the proposed dwelling is generally in keeping with this requirement. Thereby not producing any impacts to the streetscape. In analyzing the west side of Lovers Lane, the majority of the front yard setbacks range between 6.68m to 12m. As such, the 10m setback of the second floor proposed is in keeping with the established range of front yard setbacks in the neighbourhood. The dwellings on the east side of Lovers Lane were not analyzed as these dwellings are situated on much larger lots and thus have larger setbacks than what is generally seen on the west side of Lovers Lane. Images which depict the aforementioned setbacks are provided below:

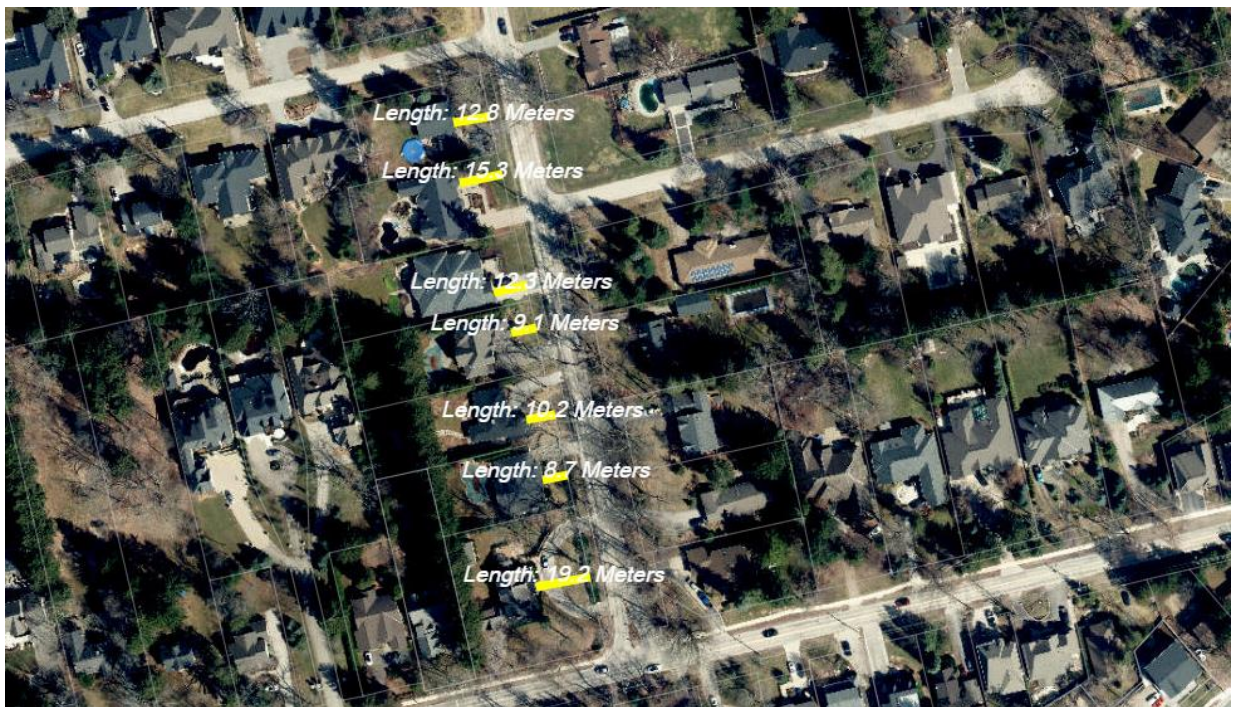
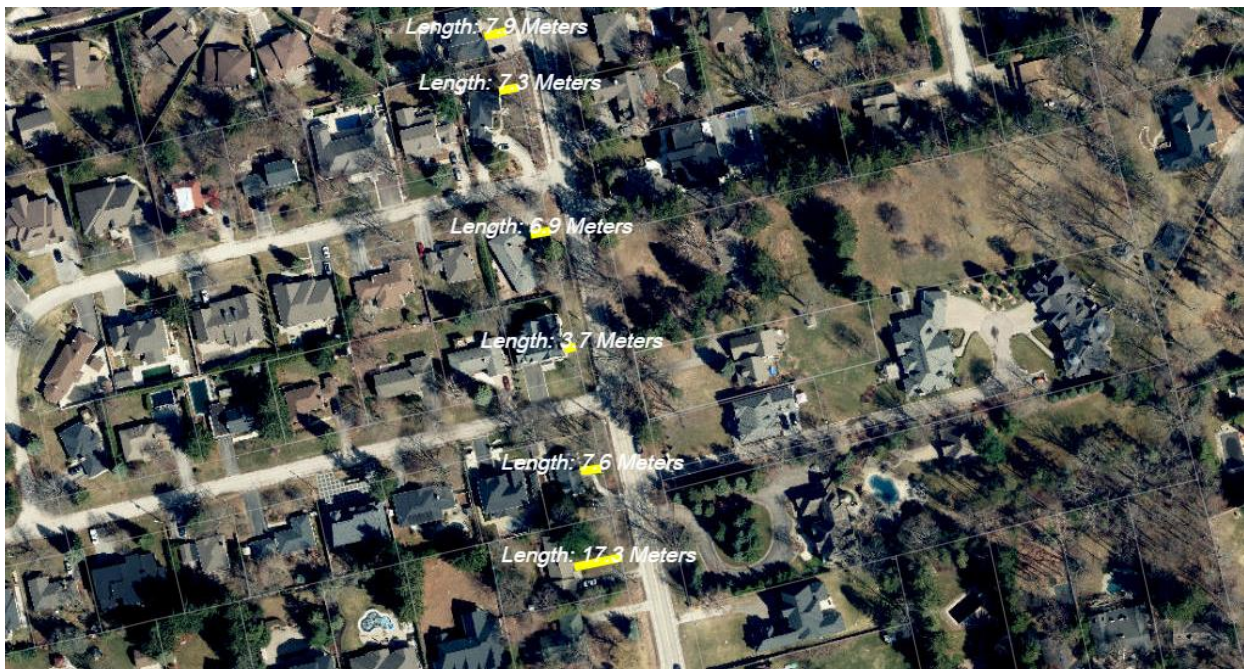


Figure 1 – West Side of Lovers Lane, south of Thornwood Road





**Figure 2 – Front Setbacks on Lovers Lane, North of Thornwood Road**



**Figure 3 – Front Setbacks on Lovers Lane, North of Thornwood Road**





As noted by the attached visuals, the immediate neighbour, which maintains a front yard setback of approximately 17m is the outlier on the west side of Lovers Lane, yet the proposed front yard setback is based on this singular dwelling. As far as the streetscape, the reduction is consistent with the prevailing streetscape and character found on the west side of Lovers Lane.

Respecting impact on the immediate neighbor, the northern property line contains a row of mature trees which will be maintained such that the projection of the second floor will not be seen by the immediate neighbour. The maintenance of these trees will be controlled through the future site plan control application and will mitigate any visual or overlook impacts on the adjacent neighbours front yard. Should Tree Protection not be feasible, there is an opportunity along the northern lot line to create compensation plantings to mitigate any overlook from the projection.

As the proposed setback is generally in keeping other found within the neighbourhood, the proposal is compatible and maintains the intent of the Official Plan and Zoning By-law. The variance is desirable for the use of the subject lands as the front yard setback provides adequate space for amenity, landscaping and parking. There are no perceived impacts to the immediate neighbour, as such the variance is minor in nature.

**2. To permit a minimum rear yard setback of 4.7m, whereas a minimum of 16.0m is required.**

Staff provided the following opinion in the comments issued on July 14<sup>th</sup>, 2022:

*“the proposed dwelling is closer to the lot line than the existing dwelling which will continue to create the boxed in feeling as the land use on the rear of the property is residential and if a different style of dwelling was proposed on the lot, a rear yard setback of 3.71 m [amended to 4.7m] does not provide adequate amenity and landscaped space”*

It should be noted that this variance represents a pinch point on the subject lands where the rear of the proposed dwelling is 4.2m setback from the adjacent property line. The majority of the rear yard accommodates a private amenity area that is setback approximately 14m from the rear property line. As such, there are no anticipated impacts on the private amenity area resulting from the variance. The reduced setback for a portion of the building improves the private amenity area by reducing the visibility of the private amenity area from the street. Further, the 4.7m setback interfaces with the driveway of the adjacent dwelling at 15 Thornwood Road, thereby negating any impacts on the private amenity area of 15 Thornwood Road. It should also be noted that the existing dwelling already maintains a similar setback in the rear yard (approximately 4.7m) that has existed on this lot since the original dwelling was constructed. As such, the proposed setback is not dissimilar to what is already established on site.

I note in the original iteration of staffs comments dated July 14<sup>th</sup>, that Development Engineering Staff provided the following comment:

***Development Engineering:***



*Development Approvals requires a minimum 6.0m rear yard setback as per the City's Lot Grading Policy to provide a useable rear yard amenity area. The proposed rear yard setback of 3.7m does not satisfy this requirement. Therefore, we recommend that the minor variance be denied.*

There is no credence to this requirement. The City's Lot Grading Policy States as follows:

*"the lesser of the distance regulated by the Zoning By-law or 6.0 metres."*

If approved, the lot grading policy will defer to the approved variances and will thereby be in keeping with the City's Lot Grading Policy.

Through the future Site Plan Control Application, a grading plan will be necessary ensure that adequate drainage is maintained for the subject lands. Further, the provision for adequate amenity space is a planning matter. There is adequate amenity space proposed for the single detached dwelling.

Through the above, the variance maintains the intent of the Official Plan and Zoning By-law as adequate amenity area is achieved in the rear yard. In addition, the variance is desirable as it creates a private amenity area for the future occupants of the dwelling. The variance will not impact the neighborhood and is therefore minor in nature. A future grading plan will ensure that adequate drainage is maintained.

Accordingly, the variance is appropriate and maintains the four tests.

**3. To permit a minimum exterior side yard setback of 5.3m, whereas 6.0m is required.**

Planning Staff provided the following comment, dated July 14<sup>th</sup>:

*The variance would alter the streetscape by allowing the applicant to build a dwelling approximately 6.5 metres beyond the adjacent dwelling and would be closer to the street than the other dwellings along Thornwood Drive, creating a boxed in feeling for the entire street. This variance is not minor nor the intent of the zone, thus staff recommend this variance be **denied**.*

This opinion provided by staff does not consider that the subject lands is a corner lot which interfaces with an interior lot to the west. Opposite of the subject lands is a corner lot containing a dwelling with an approximate 6.0m setback from the exterior side lot line. As such, the proposed setback is similar to what already exists on the street. The rear yard maintains a number of mature trees that will screen the rear yard from the dwelling at 15 Thornwood.

The subject lands are situated on a corner lot and the exterior lot line interfaces with Thornwood Road, south of the property. The intent of this provision is to provide adequate space for drainage and landscaping area to be afforded to the site. The provision is also intended to give adequate room for sightlines on corner lots. The proposal achieves the above noted measures and is generally in keeping with the established neighborhood character. Therefore, the variance maintains the purpose and intent of the Official Plan and Zoning By-law. The existing dwelling at 64 Lovers Lane is approximately 5.9m from the property line, as such the reduced exterior yard setback is an established feature of this neighborhood.



The lot directly opposite of the subject lands achieve approximately 5.9m setback from the lot line, similar to what is proposed. As such, the variance is compatible with the immediate neighborhood and the variance is desirable and minor in nature.

**4. To permit a maximum lot coverage of 38% (473.4m<sup>2</sup>), whereas a maximum lot coverage of 35% (439.25m<sup>2</sup>) is required.**

One additional variance is required to be added to the application for the purposes of lot coverage. The bulk of the building has not changed from what was proposed to the Committee of Adjustment in July of 2022, however, the variance has been clarified and is needed to facilitate the proposal.

The variance is to permit a maximum lot coverage of 38%, whereas a maximum of 35% is permitted. Note that decks and swimming pools are not included in the calculation of lot coverage. Generally, the intent of the By-law is to prevent the overbuilding of lots and to ensure that the lot is balanced impervious surface with adequate landscaping area. The increased lot coverage does not represent an overbuilding of the subject lot, adequately addresses the balance of landscaping and impervious surface on the subject lands. As justified above, adequate setbacks are provided to facilitate the use. The increase represents approximately 34m<sup>2</sup> or (approx. 365 sq.ft.), which is minor in nature. At the Site Plan Stage, a SWM Report will be prepared to ensure that Stormwater is adequately controlled on site. Accordingly, the variance maintains the four tests.

**Revised Resubmission**

In support of the revised application materials the following materials have been provided:

1. A digital copy of the Site Plan SP1 prepared by Archimage Design, revised September 13, 2022, prepared by Archimage Design.
2. A Digital Copy of Drawing A.1.2, Ground Floor Plan, September 13, 2022 prepared by Archimage Design.
3. Miscellaneous Drawings depicting the lot coverage of portions of the proposed building.
4. Figures Depicting the Front Yard Setbacks along the West side of Lovers Lane.

We trust that the submissions above are in order. Should you have any questions respecting the above, please do not hesitate to contact this office.

Prepared By:

A handwritten signature in blue ink that reads "Ryan Ferrari".

Ryan Ferrari, MCIP, RPP  
Senior Planner

**A. J. Clarke and Associates Ltd.**

Encl.



Cc: Misco Kancko, 64 Lovers Lane





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

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		
Registered Owners(s)	Mihajilo Kancko		
	NIK MISKOVIC		
Applicant(s)*	NIK MISKOVIC		
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:

Mihajilo Kancko  
Sandra Lovicki  
256 Emick Drive  
Ancatser  
L9K 0EL

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:

setback requirements

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

To establish a more practical design of the house
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**):

64 Lovers Lane, Ancatser  
Lot 1 Plan 883
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?

Relestate transaction with lawyers.  
Title search

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 ☒

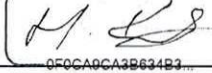
9. ACKNOWLEDGEMENT CLAUSE

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.

5/20/2022

Date

DocuSigned by:



050CA0CA3B634B3

Signature Property Owner(s)

Mihajilo Kancko

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage

27.4 m 90'

Depth

45.6 m 150'

Area

1252.9 sq m 13,507 sq/ft

Width of street

20 m

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:

Single family 1 storey 2456 sq/ft  
+ 132 sq/ft porch  
+ 50 shed

Proposed

5,132 sq/ft . ground floor

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

Existing:

Front yard 18.5 60.9 ft Height 9.5 m  
Rear yard 15.7  
Side yard 9.0 ft

Proposed:

Front yard 32.8 Height 9m  
Rear yard 12.2  
Side yard 9.0 ft

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?

Title search completed by lawyers under rela estate transaction. Existing lot since early 1900s

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.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature Property Owner(s)

\_\_\_\_\_

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>27.4m</u>
Depth	<u>45.6m</u>
Area	<u>1252 m</u>
Width of street	<u>20m</u>

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:\_\_\_\_\_

single family dwelling 1 storey  
2456 sq ft  
132 sq ft (existing porch + 50 sq/ft exisitng shed

Proposed

5132 sq ft total building area

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

Existing:\_\_\_\_\_

Front: 60.9 ft  
Rear: 15.7 ft  
Side Yard: 9.0 ft  
Height: 9.5m

Proposed:\_\_\_\_\_

Front yard: 32.8 ft  
Rear yard: 12.2 ft  
Side yard: 9.0 ft  
Height: 9m