

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.:	FL/A-22:411	SUBJECT PROPERTY:	1268 HWY 6, FLAMBOROUGH, Ontario
ZONE:	"A2, P7, & P8" (Rural Zone, Conservation/ Hazard Land Rural)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 15-173

APPLICANTS: Owner: F. & M. Mangialardi
Agent: Jennifer Lawrence & Associates – J. Lawrence

The following variances are requested:

1. A minimum front yard setback of 4.43 m shall be provided instead of the minimum required front yard setback of 10 m.
2. A minimum setback of 4.43 m shall be provided from the provincial highway right-of-way instead of the minimum required 14 m.
3. A single detached dwelling shall be maintained on a lot with no frontage on a street instead of the requirement for a minimum frontage of 4.5 m abutting a street.

PURPOSE & EFFECT: To construct additions to the existing single detached dwelling.

Notes:

- i. The survey submitted identifies a parcel of land (Part 2, Plan 62R-20332) situated between the subject lot and Highway 6. It is insufficiently clear whether this parcel is owned by same owner as 1268 Highway 6m or owned by a separate party and whether this parcel is subject to any easements providing access to the Highway 6 right-of-way from the subject lands. As such, the variances noted above provide relief for the most restrictive scenarios.
- ii. Elevation drawings were not included with the submission so compliance with the maximum permitted building height of 8.5 m could not be determined. The applicant shall verify that the proposed additions do not exceed 8.5 m, otherwise additional variances may be required.

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:	4:15 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

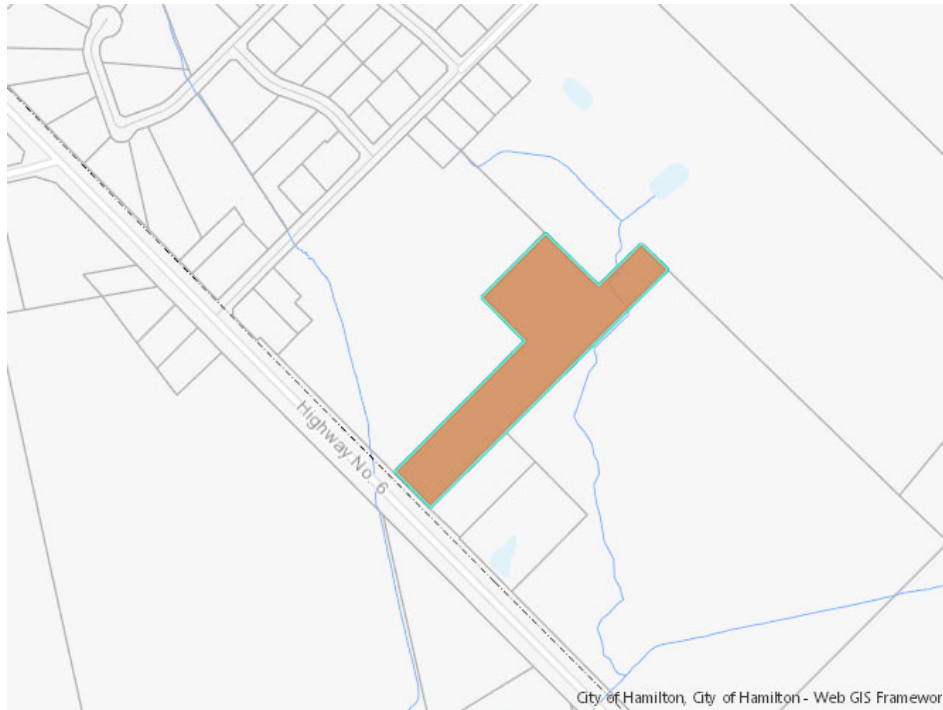
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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 FL/A-22:411, 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.



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.

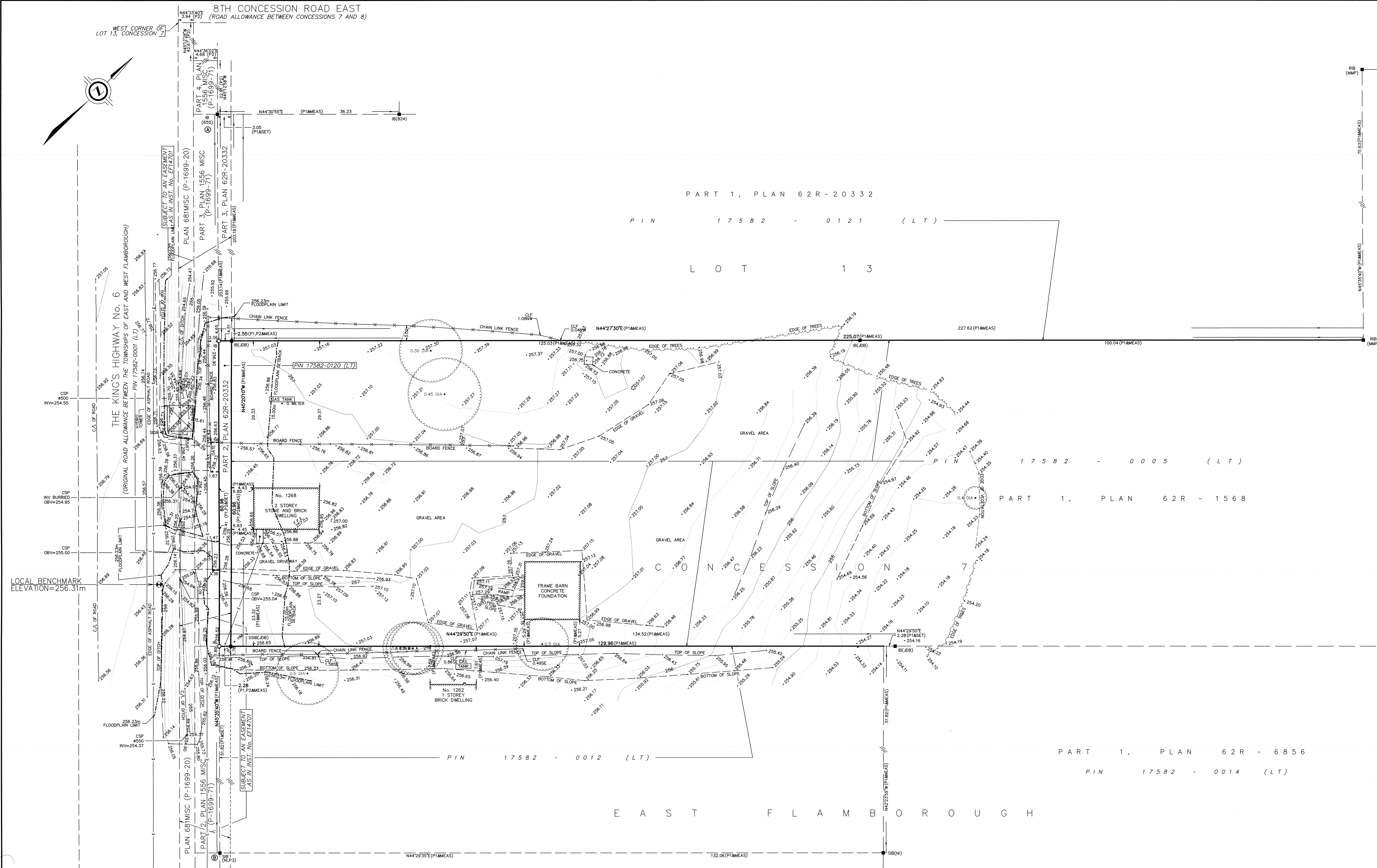
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



PLAN OF SURVEY ILLUSTRATING TOPOGRAPHY OF
PART OF LOT 13
CONCESSION 7
(GEOGRAPHIC TOWNSHIP OF EAST FLAMBOROUGH)
CITY OF HAMILTON
SCALE 1 : 300
© COPYRIGHT
J.D. BARNES LIMITED
METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

ELEVATION NOTE
ELEVATIONS ARE OF GEODETIC ORIGIN (CGVD-1928-78), AND ARE DERIVED FROM
GNSS OBSERVATIONS AND NATURAL RESOURCES CANADA'S GEOD MODEL HT2.0.

LOCAL BENCHMARK
SPIKE SET IN GRAVEL SHOULDER ON SOUTH SIDE OF THE DRIVEWAY ONTO THE
SUBJECT PROPERTY, APPROXIMATELY 2.4 METRES FROM THE EDGE OF ASPHALT
ROAD, AS SHOWN ON THE FACE OF THE PLAN.
ELEVATION=256.31m

NOTES
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B,
BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS)
(2010.0).
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY
THE COMBINED SCALE FACTOR OF 0.999643.

INTEGRATION DATA		
OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17, NAD83 (CSRS) (2010.0).		
COORDINATES TO AN URBAN ACCURACY PER SECTION 14 (2) OF OREG 216/10.		
POINT ID	EASTING	NORTHING
ORP (A)	581 904.90	4 801 820.90
ORP (B)	582 130.21	4 801 599.89
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		
THE RESULTANT TIE BETWEEN ORP (A) AND ORP (B) IS 315.92 N45°35'40"E		

- LEGEND**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT SET
 - SB DENOTES STANDARD IRON BAR
 - SSB DENOTES SHORT STANDARD IRON BAR
 - RIB DENOTES ROUND IRON BAR
 - IB DENOTES WITNESS
 - P1 DENOTES PLAN OF SURVEY BY J.D. BARNES LIMITED, DATED NOVEMBER 2, 2022 (REF. NO. 21-30-766-00-A)
 - P2 DENOTES PLAN 62R-20332
 - P3 DENOTES PLAN 1556 MISC (P-1699-71)
 - MEAS DENOTES MEASURED
 - JDB DENOTES J.D. BARNES LIMITED
 - S5S DENOTES S.T. PETERS, O.L.S.
 - 824 DENOTES A.T. MCLAREN, O.L.S.
 - MMP DENOTES MACKAY, MACKAY & PETERS LIMITED
 - NI DENOTES NOT IDENTIFIABLE
 - CLF DENOTES CHAIN LINK FENCE
 - N=NORTH / S=SOUTH / E=EAST / W=WEST
 - HM DENOTES HYDRO MARKER
 - G METER DENOTES GAS METER
 - HP DENOTES HYDRO POLE
 - CSP DENOTES CORRUGATED STEEL PIPE
 - BM DENOTES BENCH MARK
 - E DENOTES OVERHEAD HYDRO CABLE
 - DENOTES GEODETIC TREE
 - DIA= DIAMETER OF TRUNK IN METRES

BEFORE DIGGING, UNDERGROUND SERVICES SHOULD BE LOCATED ON
SITE BY THE RESPECTIVE AGENCIES.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THAT
LOCAL BENCHMARKS HAVE NOT BEEN ALTERED OR DISTURBED AND
THAT THE RELATIVE ELEVATIONS AGREE WITH THE INFORMATION
SHOWN ON THIS PLAN.

PRIMARY CONTOURS ARE AT 1.00m INTERVALS.
SECONDARY CONTOURS ARE AT 0.25m INTERVALS.

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 THE 1st DAY OF NOVEMBER, 2022.

December 8, 2022
DATE
SUNIL PERERA
ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2199116

THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1026, Section 29(3).

J.D. BARNES LIMITED
LAND INFORMATION SPECIALISTS
401 WHEELABRATOR WAY, SUITE A, MILTON, ON L9T 3C1
T: (905) 875-9955 F: (905) 875-9956 www.jdbarnes.com

DRAWN BY: MB CHECKED BY: SP REFERENCE NO: 21-30-766-00-C
FILE: G:\21-30-766\00\Drawings\21-30-766-00-C.dwg DATED: 12/07/2022
PLOTTER: 12/8/2022

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 frankm@libertygrp.ca

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	1268 Highway 6		
Assessment Roll Number	17582-0005 (LT)		
Former Municipality	Flamborough		
Lot	13	Concession	7
Registered Plan Number		Lot(s)	
Reference Plan Number (s)	62R-1568, 62R-20332	Part(s)	1 and 2

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:

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:

Requesting relief from the minimum front yard setback of 10m. The house, prior to the pr

☐ Second Dwelling Unit ☒ Reconstruction of Existing Dwelling

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

The previous owner built an addition onto the existing house without permission from the

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
60.96m	411m	3.2ha	approx. 27m

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	6.83-6.85m	393.1m	23.3m and 29.3m	unknown
Barn	60m	341.3m	5.27m and 42m	unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Second Storey Addition to House	6.83-6.85m	393.1m	23.3m and 29.3m	2018

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	109.5 sq.m.	109.5 sq.m.	1.5	8.94m
Barn	130 sq.m.	167 sq.m.	1	unknown

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Existing House with Addition	109.5 sq.m.	219 sq.m.	2	8.94m

- 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)

overland flow

- 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

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
single detached dwelling to the south, gas station to the north

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
May 7, 2021

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

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

7.4 Length of time the existing uses of the subject property have continued:
60+ years

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

Rural Hamilton Official Plan designation (if applicable): Rural

Rural Settlement Area: n/a

Urban Hamilton Official Plan designation (if applicable) n/a

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

7.6 What is the existing zoning of the subject land? A2, P7, P8 (house is within the A2 zone)

7.8 Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)

☐ Yes ☒ No

If yes, please provide the file number:

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:

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

☐ Yes

☐ No

7.11 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being “received” for processing.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

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

The current landowner purchased the property on May 7, 2021 only to discover that the