



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.:	HM/A-22:395	SUBJECT PROPERTY:	29 MAGILL ST, HAMILTON
ZONE:	"D" (Urban Protected Residential)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owner: Demetry Tselepakis
Agent: Ecovue Consulting Services

The following variances are requested:

Retained Lands:

1. A lot area of 255 square metres shall be provided instead of the minimum required lot area of 360 square metres.
2. A lot width of 7.9 metres shall be provided instead of the minimum required lot width of 12. metres.

PURPOSE & EFFECT: To permit the severance of the subject lands in accordance with Consent Application HM/B-20:38.

Notes:

- i. Land Severance application No. HM/B-20:38 and related minor variances (HM/A-21:65) were previously approved by LPAT Decision PL200573.

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:	2:45 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-22:395, 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.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

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.



Hamilton Harbour



EXISTING 1 STOREY DWELLING
35 Magill St

PORCH

STEPS

EXISTING WALKWAY CONCRETE

EXISTING DRIVEWAY CONCRETE

N73°51'50"W
20.75m

N74°33'30"W
13.30m

CONDITIONALLY APPROVED
RETAINED LOT
AREA = 255.61m²

EXISTING 1 STOREY DWELLING
29 Magill St
Ground Floor Area = 112.3m²
Height = 6.0m

PORCH

STEPS

N16°03'30"E
7.96m

N16°03'30"E
7.37m

CONDITIONALLY APPROVED
SEVERED LOT
AREA = 249.25m²

METAL SHED
TO BE REMOVED

N72°20'05"W
23.01m

N73°41'10"W
10.92m

EXISTING 1 STOREY DWELLING
25 Magill St

PORCH

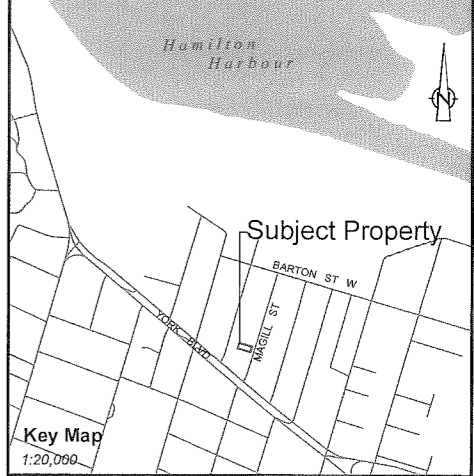
STEPS

EXISTING WALKWAY CONCRETE

MAGILL STREET

CONCRETE SIDEWALK

CONCRETE SIDEWALK



LEGEND

- Subject Property
- Lands to be Retained
- Lands to be Conveyed
- Existing Street Centre Line

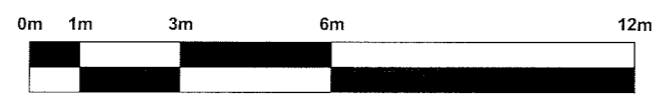
ECOVUE consulting services inc.

EcoVue Consulting Services Inc.
311 George St. N., Suite 200
Peterborough ON K9J 3H3
Tel: 705-876-8340 Fax: 705-742-8343
www.ecovueconsulting.com

DRAWN BY: MC	PROJECT No.: 19-1975
APPROVED BY:	HORIZ. SCALE: 1:150
REVISION DATE: DECEMBER 07, 2022	PLOT DATE: DECEMBER 07, 2022

Demetry Tselepkis
29 MAGILL STREET
LOT 9
REGISTERED PLAN 251
CITY OF HAMILTON

CONSENT SKETCH CS1

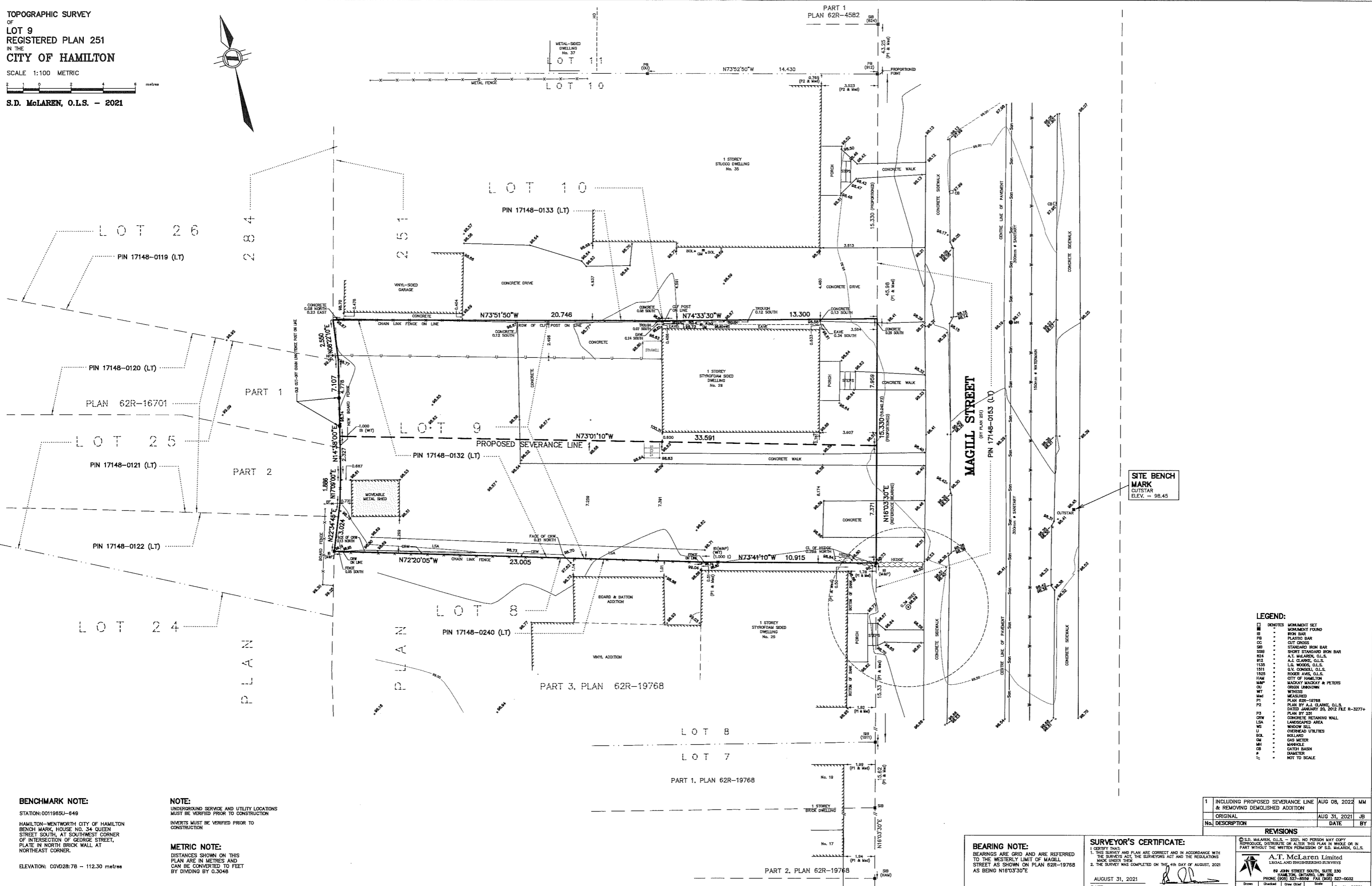
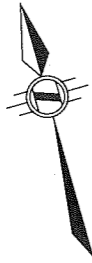


TOPOGRAPHIC SURVEY
OF
LOT 9
REGISTERED PLAN 251
IN THE
CITY OF HAMILTON

SCALE 1:100 METRIC



S.D. McLAREN, O.L.S. - 2021



SITE BENCH MARK
CUTSTAR
ELEV. = 98.45

LEGEND:

□	MONUMENT SET
■	MONUMENT FOUND
RB	IRON BAR
PS	PLASTIC BAR
CC	CITY CROSS
SB	STANDARD IRON BAR
SSB	SHORT STANDARD IRON BAR
824	A.T. McLAREN, O.L.S.
1155	L.S. WOODS, O.L.S.
1511	G.V. CONSOLI, O.L.S.
1555	ROSEY AHE, O.L.S.
HAM	CITY OF HAMILTON
M&P	MAGRAY MACKAY & PETERS
OR	ORIGIN UNKNOWN
WT	WITNESS
M&S	MEASURED
P1	PLAN 62R-19768
P2	PLAN BY A.L. CLARKE, O.L.S. DATED JANUARY 20, 2012 FILE R-3277+
P3	PLAN BY 251
CRW	CONCRETE RETAINING WALL
LSA	LANDSCAPED AREA
NS	NEOSUN SILL
U	OVERHEAD UTILITIES
BSL	BOLLARD
GM	GAS METER
BM	MARKER
CB	CATCH BASIN
#	DIAMETER
N	NOT TO SCALE

BENCHMARK NOTE:
STATION: 0011985U-649
HAMILTON-WENTWORTH CITY OF HAMILTON BENCH MARK, HOUSE NO. 34 QUEEN STREET SOUTH, AT SOUTHWEST CORNER OF INTERSECTION OF GEORGE STREET, PLATE IN NORTH BRICK WALL AT NORTHEAST CORNER.
ELEVATION: 03V028-78 = 112.30 metres

NOTE:
UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION
INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION

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

BEARING NOTE:
BEARINGS ARE GRID AND ARE REFERRED TO THE WESTERLY LIMIT OF MAGILL STREET AS SHOWN ON PLAN 62R-19768 AS BEING N18°03'30"E

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 4th DAY OF AUGUST, 2021.
AUGUST 31, 2021
DATE
S. DAN McLAREN, O.L.S.

1	INCLUDING PROPOSED SEVERANCE LINE & REMOVING DEMOLISHED ADDITION	AUG 08, 2022	MM
	ORIGINAL	AUG 31, 2021	JB
No.	DESCRIPTION	DATE	BY

REVISIONS

© S.D. McLAREN, O.L.S. - 2021. NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLAREN, O.L.S.

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
89 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L9M 2S9
PHONE (905) 527-8554 FAX (905) 527-0032

Drawn	Checked	Drawn	Scale	Dwg. No.
JB	MM	JB	1:100	30758



311 George St. N. Suite 200
Peterborough, ON K9J 3H3
T 705.876.8340 | F 705.742.8343
www.ecovueconsulting.com

December 6, 2022

City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Attn: Jamila Sheffield
Secretary-Treasurer

Re: **Application for Minor Variance**
Lot 9, Reg. Plan 251 (29 Magill Street), City of Hamilton
EcoVue Reference: 19-1975

Dear Ms. Sheffield,

The enclosed application for Minor Variance, related to the above-noted property, is required to permit a decreased lot area and lot width resulting from a severance that was granted conditional approval by the Ontario Land Tribunal (OLT) on July 7, 2021 (decision is enclosed).

As you are aware, applications HM.A.20.132 (Minor Variance) and HM.B.20.38 (Consent) were denied by the Committee of Adjustment in late 2020 and early 2021. A subsequent appeal to the OLT was made by the applicant, and the decision was overturned by the OLT on July 7, 2021, which granted conditional approval to both the Minor Variance and the Consent. The Minor Variance involved a number of variances related to relief from various lot regulations of City of Hamilton Zoning By-law No. 6593, including lot area and width.

In the time since the decision, the applicant retained a surveyor to complete the draft Reference Plan for the Consent. The survey information revealed that the dimensions of the existing subject property differ from what was identified on previous plans that were submitted with the original applications. In particular, the lot area (505 square metres) and width (15.33 metres) differ from the previously submitted sketch (512 square metres and 15.4 metres, respectively).

Notwithstanding the discrepancy, the proposed development will still meet most of the approved variances, as shown on the enclosed table. Only the lot area and width of the proposed **retained** lot will be deficient. Therefore, the applicant is seeking relief from **only** these two lot regulations as they relate to the proposed retained lot.




It is important to note that this application only involves correcting the aforementioned measurement error. All other aspects of the development – including the Consent and all other variances – have been approved and can be implemented on-site in compliance with all applicable provisions of the City of Hamilton Zoning By-law No. 6593.

We trust that this provides sufficient context for the purposes of processing the application. Should you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

ECOVUE CONSULTING SERVICES INC.



J. Kent Randall B.E.S. MCIP RPP
Principal Planner



Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



CORRECTION NOTICE

OLT CASE NO(S): OLT-22-004727 (Formerly PL200573)

DECISION ISSUE DATE(S): July 07, 2021

CORRECTION NOTICE ISSUE DATE: January 11, 2023

RE: Tselepakis v. Hamilton (City)

Correction to: Paragraph 18, c. - from 7.6. metres as the minimum lot width, to 7.36 metres

Originally:

[18] To enable this development proposal the following minor variances are required for the proposed lot to be severed:

...
...

- c. Minimum lot width of 7.6 m whereas 12.0 m is required.

Corrected to:

[18] To enable this development proposal the following minor variances are required for the proposed lot to be severed:

...
...

- c. Minimum lot width of 7.36 m whereas 12.0 m is required.

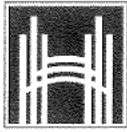
"Euken Lui"

EUKEN LUI
REGISTRAR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.



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/PERMISSION UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Registered Owners(s)	Demetry Tselepakis	
Applicant(s)	Same as above	
Agent or Solicitor	ECOVUE CONSULTING SERVICE	

- 1.2 All correspondence should be sent to Owner Applicant
 Agent/Solicitor
- 1.2 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor
- 1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor
- 1.4 Request for digital copy of sign Yes* No
If YES, provide email address where sign is to be sent _____
- 1.5 All correspondence may be sent by email Yes* No
If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	29 Magill Street		
Assessment Roll Number	2518101050013000000		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	251	Lot(s)	9
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:

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:

Relief from minimum Lot Area (255 sq. m from 360 sq. m) and Lot Width (7.96 m from 12



Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Will facilitate infill lot - lot area and width are consistent with area

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
15.33 m	32 m	504.9	15 m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single Detached Dwelling	3.59 m	10.35 m	0.48 m (north) 0.6 m (south)	unknown

Proposed:

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

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
Single Detached Dwelling	112 sq. m	112 sq. m	1	6.0 m

Proposed:

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

- 4.4 Type of water supply: (check appropriate box)
- publicly owned and operated piped water system
 - privately owned and operated individual well

- lake or other water body
 - other means (specify)
-

- 4.5 Type of storm drainage: (check appropriate boxes)
- publicly owned and operated storm sewers
 - swales

- ditches
 - other means (specify)
-

- 4.6 Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
 - privately owned and operated individual septic system
 - other means (specify)
-

4.7 Type of access: (check appropriate box)

- provincial highway
 - municipal road, seasonally maintained
 - municipal road, maintained all year
 - right of way
 - other public road
-

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
single detached dwelling

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 3, 2019

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:

unknown

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) "Low Density Residential" (West Harbour-Setting Sail Secondary Plan)

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" District (Urban Protected Residential - One and Two Family Dwellings)

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:

HM/B-20:38

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):

Required to correct previously granted minor variance for lot area (277 sq m) and width

+