



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-23:10	SUBJECT PROPERTY:	180 LAWNHURST DRIVE, HAMILTON
ZONE:	“C / S – 1822” (Urban Protected Residential)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 22-137

APPLICANTS: Owner: A. A. Afzal
 Agent: Property Pathways Inc. – R. De Coteau

The following variances are requested:

1. A minimum interior side yard setback of 0.62 metres shall be permitted instead of the required interior side yard setback of 1.2 metres.
2. A Secondary Dwelling Unit Detached shall be permitted to be located within the front yard instead of the requirement that a Secondary Dwelling Unit Detached shall only be permitted in a rear and/or interior side yard.
3. A Secondary Dwelling Unit Detached shall not be required to be set back from the front façade of the principle building instead of the required 5 metres set back from the front façade of the principle building.
4. The ground floor area of the Secondary Dwelling Unit Detaches shall be permitted to exceed 70% of the ground floor area of the principle dwelling instead of the requirement that the Secondary Dwelling Unit Detached shall not exceed 70% of the ground floor area of the principle dwelling when the ground floor area of the principle dwelling is less than or equal to 100 square metres.

PURPOSE & EFFECT: To facilitate a Secondary Dwelling Unit Detached.

Notes:

1. Please be advised the existing accessory structure (garage) is not legally existing, as the permit was revoked.

HM/A-23:10

2. The 22-137 Amending Zoning By-law permits a maximum height of 6.0 metres for a Secondary Dwelling Unit Detached. Insufficient information was provided to determine zoning compliance. Additional variances may be required.
3. The 22-137 Amending Zoning By-law requires a minimum 1.0-metre-wide unobstructed path with 2.1 metres of clearance from the street line to the entrance of the Secondary Dwelling Unit Detached. Insufficient information was provided to determine zoning compliance. Additional variances may be required.
4. The 22-137 Amending Zoning By-law permits eaves and gutters to extend a maximum of 30 centimeters into a required minimum setback. Insufficient information was provided to determine zoning compliance. Additional variances may be required.
5. The 22-137 Amending Zoning By-law requires a landscape strip to be provided within the required side yard. Insufficient information was provided to determine zoning compliance. Additional variances may be required.
6. The 22-137 Amending Zoning By-law permits a maximum of two bedrooms contained within a Secondary Dwelling Unit Detached. Insufficient information was provided to determine zoning compliance. 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 16, 2023
TIME:	1:15 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

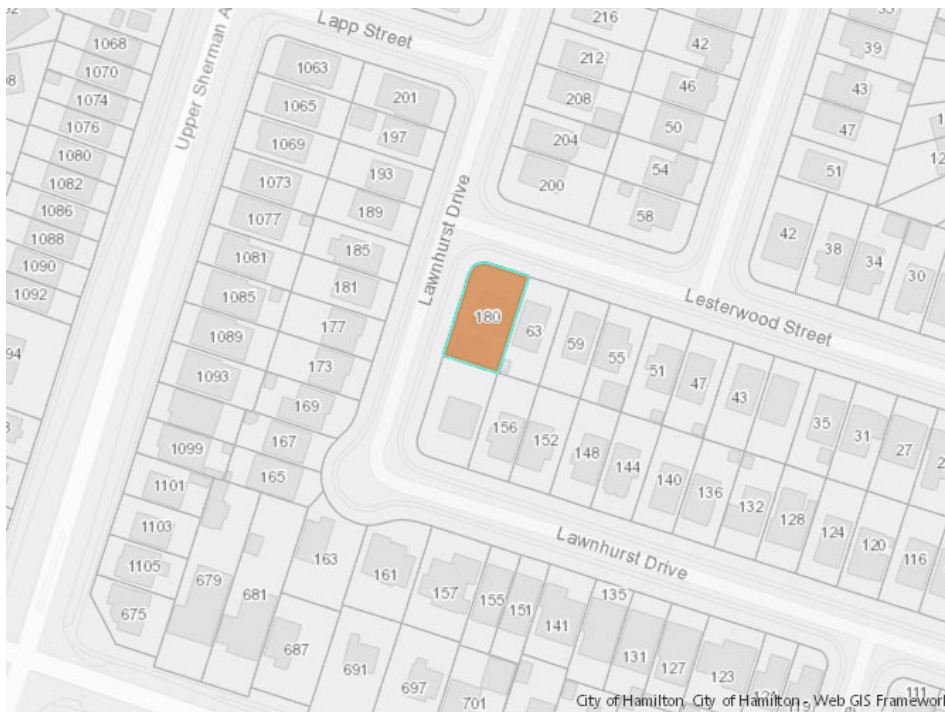
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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 HM/A-23:10, 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 31, 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.

EX. SIDEWALK

EXISTING ASPHALT DRIVEWAY

EX. ELECTRIC POLE

LOT BOUNDARY 13m

NOTE:
ALL MEASUREMENTS ON SITE PLAN ARE IN METRIC

SITE STATISTICS

ADDRESS: 31 189 Lawnhurst Dr,
MUNICIPALITY: Hamilton,
POSTAL CODE: ON L8V 4P2
ZONE: C
BYLAW: 70-200, Exception 1, By-law (77-333), Exception 2
Bylaw (75-177)
MIN. LOT AREA: 540 sq m
MIN. LOT WIDTH (m): 17.55 m
MIN. LOT DEPTH (m): 31 m
MAX. LOT COVERAGE: N/A
ACTUAL LOT COVERAGE: N/A
MAX BUILDING HEIGHT (m): No Change
SETBACKS (m):
FRONT: No Change
REAR: No Change
SIDES: No Change
PARKING: 3 PARKING SPACES
ACCESSORY BUILDINGS: 1 A.D.U



LOT BOUNDARY
R = 4.50m

TOTAL FRONT YARD
AREA = 87sq m
TOTAL FRONT YARD LANDSCAPE
AREA = 30 sq m (63%)

PARKING 1

GRASS

GRASS

LAWN HURST DRIVE

EX. SIDEWALK

NEW SIDEWALK

NEW ASPHALT DRIVEWAY

EXISTING ASPHALT DRIVEWAY

EX. CONC. PATIO

EX. WOODEN FENCE

EX. WIREMESH FENCE

PARKING 2

PARKING 3

EXISTING DECK

EXISTING ABOVE GROUND POOL TO BE REMOVED

NO. 180
EXISTING 1 STOREY
SIDING & STONE FINISH
GARAGE.

NEW LANDSCAPE
AREA
22.5 sq m
244 sq ft

EX. WOODEN FENCE

FRONT YARD

LOT BOUNDARY 17.55m

1 Site Plan

SCALE: 1/8" = 1'-0"

- The Contractor shall check the drawings and verify all dimensions of the work and shall report promptly all discrepancies, errors and omissions to the Designer at least one week before ordering or installing construction materials or making any material changes to the work involving such discrepancies, errors or omissions. Should the Contractor fail to observe these conditions, the additional expense for remedial work shall not become the responsibility of the Designer under any circumstance.
- Read all drawings in conjunction with the General Notes and Specifications.
- Drawings are not to be scaled.

PROPERTY PATHWAYS
OUR PATH, YOUR WAY

Designer: Ronald De Coteau
Phone: (647) 870-1701
Email: enquire@propertypathways.com
Website: propertypathways.com

The undersigned has reviewed and taken responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
Required unless design is exempt under 2.17.5.1. of the Ontario Building Code
PROPERTY PATHWAYS INC. 118431
NAME SIGNATURE BCIN

No	Description	Issue Date
01	ISSUED FOR PERMIT	2022-03-02

Additional Dwelling Unit

Site Plan
Permit Set

180 Lawnhurst Dr, Hamilton, ON L8V 4P2

Checked By:	R. De Coteau
Project no.	220222
Date	2022-03-02
Drawn By:	A. Awotungase
Scale:	As Indicated

SP1.01



Hamilton

Committee of Adjustment

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

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS
Registered Owners(s)	Ahsin Ali Afzal	
Applicant(s)*	Property Pathways Inc	
Agent or Solicitor	Property Pathways Inc.	

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:
Canadian Imperial Bank of Commerce
PO Box 115, Commerce Court Postal
Station
Toronto ON M5L 1E5

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:

1. Requested to allow a reduced south side yard setback of 0.62m from 1.2m
2. Requested to allow a reduced building separation of 5.49m from 7.5m

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

1. A minimum 1.2 metre setback shall be provided from the interior Side Lot Line and Rear Lot Line.
2. A minimum distance of 4.0 metres shall be provided between the side wall of the principal dwelling and a Secondary Dwelling Unit – Detached
3. A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling

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**):

PCL 87-1, SEC M148 , FREEHOLD ; LT 87, PL M148 ; S/T LT49008 HAMILTON
180 Lawnhurst Drive, Hamilton, ON

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use N/A

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 9.1 to 9.10 above?

Previous use of the subject property aided in determining the above answers.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, 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.

12/7/2022
Date

Ahsin
Signature Property Owner

Ahsin Ali Afzal
Print Name of Owner

10. Dimensions of lands affected:

Frontage 26.5 m
Depth 17.55 m
Area 540 sq. m
Width of street 20.0 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: _

Primary Dwelling -
Ground Floor - 1015 sq.f
Gross Floor - 188.96 sq.m
No. of Storeys - 1
Width - 33.0'

Accessory Building -
Ground Floor - 661 sq.f
Gross Floor - 61.4sq.m
No. of Storeys - 1
Width - 22'

Proposed

Primary Dwelling -
Ground Floor - 1015 sq.f
Gross Floor - 188.96 sq.m
No. of Storeys - 1
Width - 33.0'

Accessory Building -
Ground Floor - 661 sq.f
Gross Floor - 61.4 sq.m
No. of Storeys - 1
Width - 22'

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

Existing:

Left Side Set Back - 4.59
Right Side Set Back - 0.62
Front Yard Set Back - 3.11'
Rear Yard Set Back - 5.28

Primary Dwelling - Left Side Set Back - 9.08
Right Side Set Back - 11.74
Front Yard Set Back - 6.11
Rear Yard Set Back - 1.91

Proposed:

Left Side Set Back - 4.59
Right Side Set Back - 0.62
Front Yard Set Back - 3.11
Rear Yard Set Back - 5.28

Primary Dwelling - Left Side Set Back - 9.08
Right Side Set Back - 11.74
Front Yard Set Back - 6.11
Rear Yard Set Back - 1.91

13. Date of acquisition of subject lands:
10/01/2021
-
14. Date of construction of all buildings and structures on subject lands:
1975
-
15. Existing uses of the subject property:
 Two-family dwelling
16. Existing uses of abutting properties:
 Residential
17. Length of time the existing uses of the subject property have continued:
 Since date built
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|------------|-----------|------------|
| Water | <u>Yes</u> | Connected | <u>Yes</u> |
| Sanitary Sewer | <u>Yes</u> | Connected | <u>Yes</u> |
| Storm Sewers | <u>Yes</u> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
 N/A
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 N/A
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
 N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
 N/A
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.