



**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>SC/A-22:413</b>	<b>SUBJECT PROPERTY:</b>	1097 NORTH SERVICE ROAD, STONEY CREEK, Ontario
<b>ZONE:</b>	“RR” (Rural Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Stoney Creek 3692-92, as Amended

**APPLICANTS:** Owner: J. & D. Colalillo  
Agent: Arcadis IBI Group – J. Marcus

The following variances are requested:

Lots 1 & 2:

1. A minimum lot frontage of 8.3 metres instead of the required of 15.0 metres.
2. A minimum rear yard setback of 1.3 metres instead of the required 7.5 metres.

**PURPOSE & EFFECT:** To create three separate lots in accordance with land severance application SC/B-22:134.

**Notes:**

- i. These variances are necessary to facilitate lands severance application SC/B-22:134.

**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 16, 2023</b>
<b>TIME:</b>	<b>1:25 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</b>

	<b>details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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**

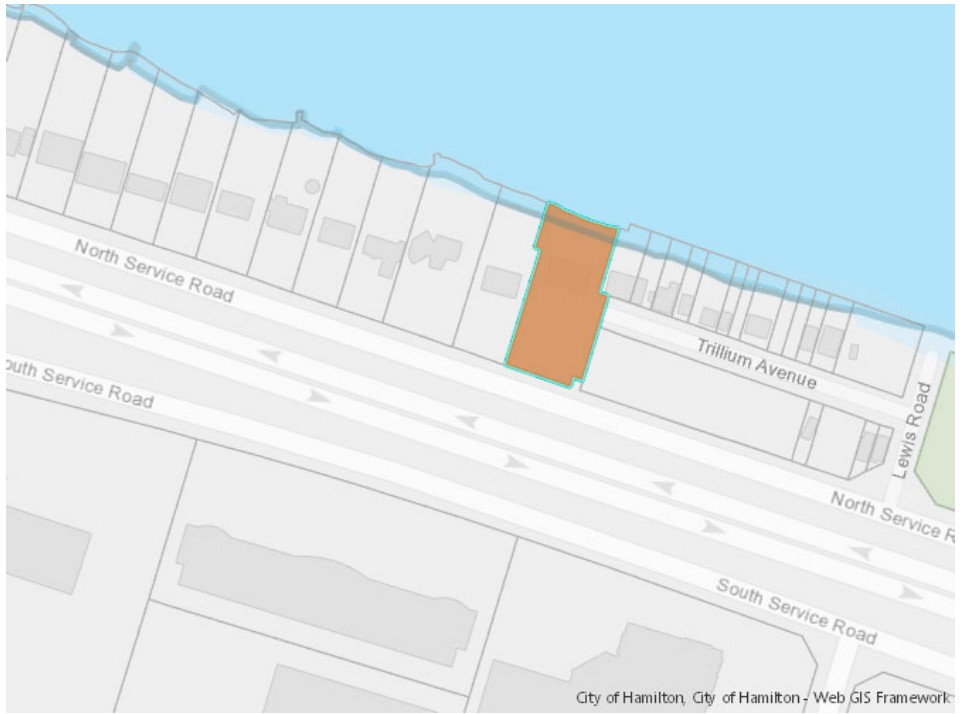
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

**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 SC/A-22:413, 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 31, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public, and may include posting electronic versions.



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## 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.

LAKE ONTARIO

PLAN OF SURVEY OF  
 LOT 13 AND  
 PRIVATE OF RIGHT-OF-WAY  
 REGISTERED PLAN 675  
 AND  
 PART OF LOT 7  
 BROKEN FRONT CONCESSION AND  
 GEOGRAPHIC TOWNSHIP OF SALT FLEET  
 (FORMERLY TOWN OF STONEY CREEK)  
 IN THE  
 CITY OF HAMILTON

SCALE 1 : 250  
 5 2.5 0 10 METRES

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

I REQUIRE THIS PLAN TO BE DEPOSITED  
 UNDER THE LAND TITLES ACT.

RECEIVED AND DEPOSITED  
 DATE: April 9, 2021  
 DATE: April 9, 2021  
 REPRESENTATIVE FOR:  
 LAND REGISTRAR FOR THE LAND TITLES  
 DIVISION OF WENTWORTH (62)

SCHEDULE			
PART	LOT	CONCESSION/PLAN	PIN No.
1	ALL OF LOT 13		
2			
3			
4			ALL OF 17362-0085(LT)
5			
6	PART OF PRIVATE RIGHT-OF-WAY	REGISTERED PLAN 675	
7			
8			
9			ALL OF 17362-0084(LT)
10	PART OF PRIVATE RIGHT-OF-WAY PART OF LOT 7		
11	PART OF LOT 7	BROKEN FRONT CONCESSION	

THIS PLAN IS COMPRISED OF ALL OF PIN 17362-0084(LT) AND PIN 17362-0085(LT)  
 PARTS 4, 5, 6, 7 & 8 SUBJECT TO EASEMENT AS IN CD128942  
 PART 4 SUBJECT TO EASEMENT AS IN VM160760

INTEGRATION NOTE

UTM ZONE 17, CENTRAL MERIDIAN 81°00' WEST LONGITUDE, NAD83 (ORIGINAL)  
 COORDINATES ARE TO AN URBAN ACCURACY PER SEC. 14 (2) OF ONT. REG. 216/10

POINT ID	NORTHING	EASTING
ORP (A)	4786398.737	609040.415
ORP (B)	4786483.521	608972.968

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH  
 CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

BEARING NOTE  
 BEARINGS ARE GRID BEARINGS DERIVED FROM (GNSS) OBSERVATIONS ON  
 FROM OBSERVED REFERENCE POINTS (ORP) (A) AND (B) SHOWN HEREON HAVING  
 A BEARING OF N71°53'15"W REFERRED TO UTM NAD83 (ORIGINAL) COORDINATE  
 SYSTEM, ZONE 17, CENTRAL MERIDIAN 81° WEST LONGITUDE.

DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND DISTANCES AND CAN  
 BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY AN AVERAGED  
 COMBINED SCALE FACTOR OF 0.999816.

BEARING COMPARISONS  
 BEARINGS ON PLAN 62R-18967 HAVE BEEN ROTATED 00°59'45"  
 COUNTER-CLOCKWISE FOR COMPARISONS  
 BEARINGS ON REGISTERED PLAN 675 HAVE BEEN ROTATED 01°41'45" COUNTER-  
 CLOCKWISE FOR COMPARISONS  
 BEARINGS ON PLANS 62R-6027, 62R-4446 AND 62R-6027 HAVE BEEN  
 ROTATED 00°49'45" COUNTER-CLOCKWISE FOR COMPARISONS  
 BEARINGS ON PLANS 62R-6906 HAVE BEEN ROTATED 00°42'00"  
 COUNTER-CLOCKWISE FOR COMPARISONS

- LEGEND
- DENOTES FOUND
  - DENOTES PLANTED
  - IB DENOTES IRON BAR
  - SIB DENOTES STANDARD IRON BAR
  - RIB DENOTES ROUND IRON BAR
  - M DENOTES MEASURED
  - OU DENOTES ORIGIN UNKNOWN
  - WIT DENOTES WITNESS
  - P1 DENOTES PLAN 62R-6906
  - P2 DENOTES PLAN 62R-6027
  - P3 DENOTES PLAN 62R-4446
  - P4 DENOTES PLAN 62R-428
  - P5 DENOTES REGISTERED PLAN 675
  - P6 DENOTES PLAN 62R-18967
  - P7 DENOTES PLAN 62R-20713
  - BF DENOTES BOARD FENCE
  - CLF DENOTES CHAIN LINK FENCE
  - MF DENOTES METAL FENCE
  - 824 DENOTES A. T. MCLAREN, O.L.S.
  - 812 DENOTES A. J. CLARKE, O.L.S.
  - 1213 DENOTES J. D. PETERS, O.L.S.
  - CITY DENOTES CITY OF HAMILTON
  - D1 DENOTES INSTRUMENT No. CD194975

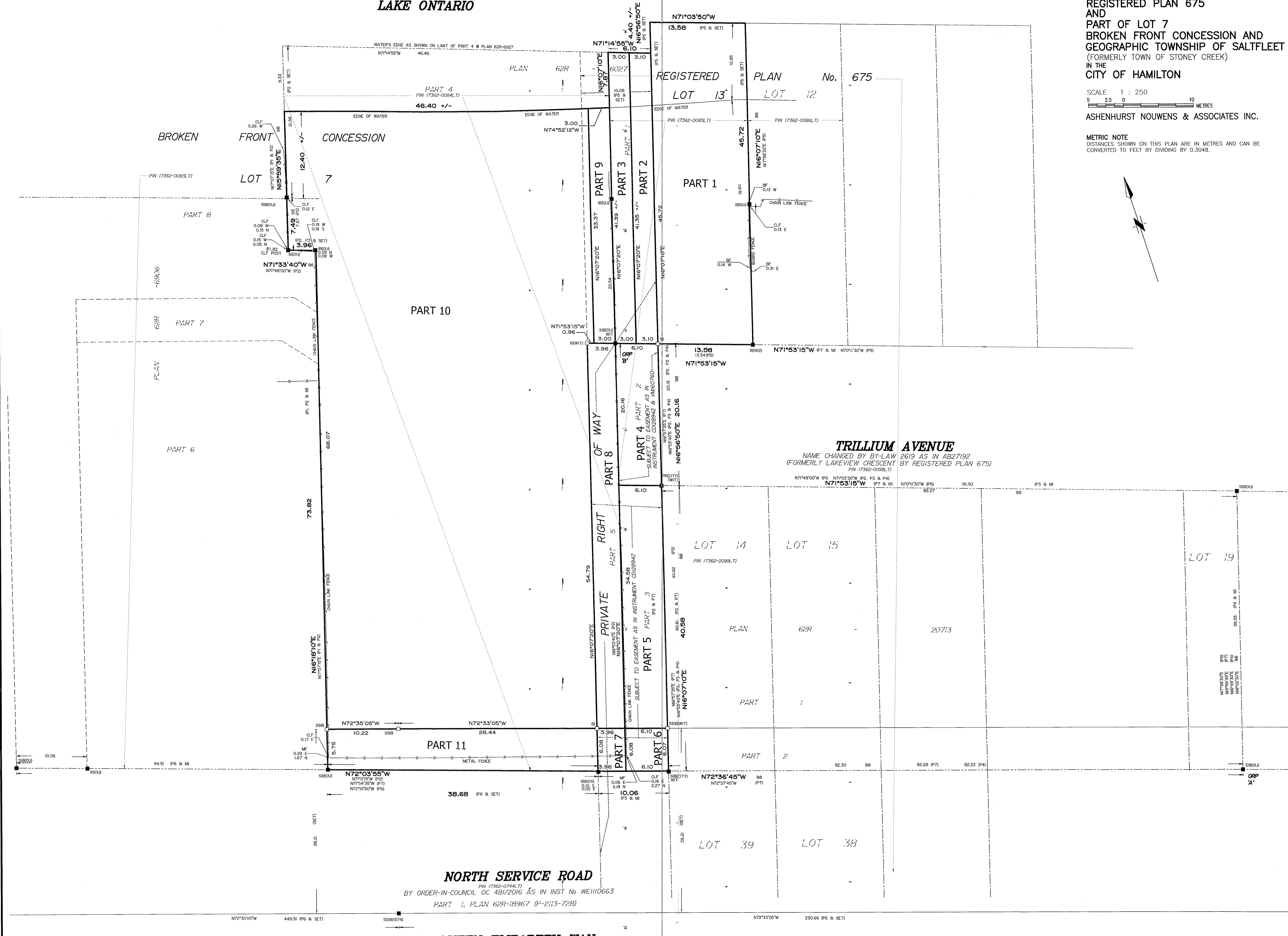
NOTE  
 ALL FOUND BARS ARE 1922 UNLESS NOTES OTHERWISE

SURVEYOR'S CERTIFICATE  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY'S ACT,  
 THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON THE 13TH DAY OF SEPTEMBER, 2020

DATE: April 9, 2021  
 HARRY KALANTZAKOS  
 ONTARIO LAND SURVEYOR

**ASHENHURST NOUWENS & ASSOCIATES INC.**  
 PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS  
 225 KING WILLIAM STREET, SUITE 204, HAMILTON, ONTARIO L8R 1B1  
 TELEPHONE: (905) 529-6316  
 (905) 529-4314  
 FAX: (905) 529-6651  
 e-mail: onl@AshenurstNouwens.ca

DRAWN BY M.S.	CALCD BY H.K.	CHKD BY H.K.	FILE No. 19164 R-PLAN
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**NORTH SERVICE ROAD**  
 PIN 17362-0744(LT)  
 BY ORDER-IN-COUNCIL OC 481/2016 AS IN INST No WE110663  
 PART 1, PLAN 62R-18967 (P-2113-728)

**QUEEN ELIZABETH WAY**  
 BY ORDER-IN-COUNCIL OC 2042/ 69 PLAN 1808 MISC - P-2113-331  
 PART 2, PLAN 62R-18967 (P-2113-728)

**TRILLIUM AVENUE**  
 NAME CHANGED BY BY-LAW 2619 AS IN AB27192  
 (FORMERLY LAKEVIEW CRESCENT) BY REGISTERED PLAN 675  
 PIN 17362-0084(LT)

December 21, 2022

Ms. Jamila Sheffield, ACST  
Secretary Treasurer-Committee of Adjustment  
City of Hamilton  
71 Main Street West, 5th Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**1097 NORTH SERVICE ROAD, STONEY CREEK  
CONSENT AND MINOR VARIANCE APPLICATION**

On behalf the property owners, Jim and Denise Colalillo, we are pleased to submit Consent and Minor Variance applications for the above noted property.

The proposed applications would facilitate the creation of three total lots on the subject lands; two lots with frontage on Trillium Avenue, and one lot with frontage on North Service Road. The subject lands currently contain a two-storey single detached dwelling, constructed in 2021, which would be located within proposed Lot 1. Proposed Lots 2 & 3 would contain future single detached dwellings.

Trillium Avenue has a width of 20m, and its westerly terminus abuts the easterly boundary of the subject lands. Rather than a cul-de-sac, which is common in suburban areas, this existing condition terminates as a straight line and therefore the proposed configuration of Lots 1 & 2 results in deficient lot width and requires a variance. The main development width of the lots would be more than 20m. This proposed lot configuration also means that the respective westerly lot lines of Lots 1 & 2 would be a rear lot line for the purposes of zoning interpretation. This zoning interpretation means that the yard abutting Lake Ontario is interpreted as a side yard.

While the existing and future dwelling orientation will be consistent with the existing development pattern in the area, the rear yard setback would require a variance due to this zoning interpretation.

In support of the applications please find enclosed the following information:

- One (1) digital copy of the completed Consent and Minor Variance application forms;
- One (1) digital copy of the Consent and Minor Variance sketches;
- One (1) digital copy of the Reference Plan; and,
- One (1) copy of the Planning Opinion memo supporting the proposed variances.

Ms. Jamila Sheffield, ACST – December 21, 2022

Please note that the application review fee will be submitted under separate cover.

Should you require any additional information please do not hesitate to contact the undersigned.

Yours truly,

**Arcadis IBI Group**

A handwritten signature in black ink, appearing to read 'Jared Marcus', with a stylized flourish at the end.

Jared Marcus, CPT  
Associate, Manager – Planning

Cc: Jim and Denise Colalillo



December 21, 2022

Chair and Members of Committee of Adjustment c/o Jamila Sheffield  
Secretary - Treasurer, Committee of Adjustment  
City of Hamilton  
71 Main Street West - 5th Floor  
Hamilton, Ontario  
L8P 4Y5

Dear Ms. Sheffield:

**1097 NORTH SERVICE ROAD, STONEY CREEK  
CONSENT AND MINOR VARIANCE APPLICATIONS**

Arcadis IBI Group has been retained by Jim and Denise Colalillo to provide a planning opinion on the Minor Variance application to the City of Hamilton Committee of Adjustment pertaining to 1097 North Service Road.

The subject lands are located on the north side of the North Service Road with an approximate frontage of 42.6m and an area of approximately 4,395m<sup>2</sup>. The property is generally rectangular in shape and backs onto Lake Ontario with an approximate depth of 93.5m. The property also abuts Trillium Avenue on the east with an approximately frontage of 20.1m. The front half of the subject lands are generally vacant, and a new dwelling was constructed on the west side of the property in 2021.

A Consent application has been submitted concurrently with the Minor Variance application which proposes to sever a lot containing the existing dwelling and would create two retained parcels of land for a total of three lots. The new lots will be subject to the construction of two new single detached dwellings.

Two of the new lots would have frontage on Trillium Avenue and one lot would have frontage on the North Service Road. Variances are proposed to facilitate the new lots, and existing and proposed dwellings on Lots 1 & 2. This letter provides information, rationale, and analysis to support the submission.

**1.0 PROPOSED VARIANCES**

The subject lands are zoned Rural Residential (RR) in the former City of Stoney Creek Zoning By-law No. 3692-92; based on our review of the By-law the following variances are required:

Lots 1 & 2:

1. A minimum lot frontage of 8.3 metres instead of the required of 15.0 metres; and,
2. A minimum rear yard setback of 1.3 metres instead of the required 7.5 metres.

Planning Act Section 45 (1) Compliance

Section 45 (1) of the Planning Act permits the Committee of Adjustment to grant Minor Variances from the Zoning By-law provided that they meet what is known as the four (4) tests. The four tests are:



Chair and Members of Committee of Adjustment c/o Jamila Sheffield – December 21, 2022

1. Is the variance minor in nature?
2. Is the variance desirable and appropriate?
3. Does the variance maintain the general intent and purpose of the Official Plan? and,
4. Does the variance maintain the general intent and purpose of the Zoning By-law?

The following will provide an analysis of the proposed variances against the four tests.

### **1.1 Variance 1: Minimum Lot Frontage**

The current zoning requires a minimum lot frontage of 15 metres. Proposed Lots 1 & 2 along Trillium Avenue will require a variance to permit a reduced lot frontage of 8.3 metres for Lot 1 and 11.8 metres for Lot 2.

#### **1. Are the Variances Minor in Nature?**

The determination of minor is not a matter of quantum of the variance, but rather a consideration of the overall impact of the proposed variance.

The proposed lots are oriented in a manner similar to the prevailing development pattern in the area, with dwellings facing in a southerly direction and the private amenity space backing onto Lake Ontario. The westerly side yards for the proposed dwellings are considered a rear yard (more description to follow below), but irrespective of the technical interpretation of these yards they will function as a side yard. The easterly yards of each dwelling will be considered as side yards.

Given that all lots require legal frontage on a municipal right of way, the front part of the lots have been angled in a modified 'L' shape so that each of the lots will have a connection to Trillium Avenue. The westerly terminus of Trillium Avenue abuts the easterly lot line of the subject lands as a straight line, rather than a cul-de-sac, and it is this existing condition that results in the deficient lot width.

It is commonly accepted that the requirement for a minimum lot frontage is to ensure that development lots have an adequate width to support an appropriately sized dwelling, as well as to ensure compatibility with existing development in the area. While the variance requests a reduction to the minimum lot frontage requirement, the orientation of the lot as described above results in an actual development area of approximately 21m for each of the lots. Further, proposed Lot 1 already contains a single detached dwelling that was constructed in 2021 and fits within this proposed lot width. Therefore, the proposed reduction to the lot width will not impact the character of the area and will maintain an appropriately sized building area on the future Lot 2.

As such, it is our opinion that the requested variance to the lot frontage is minor in nature and do not impact the overall character of the neighbourhood.

Chair and Members of Committee of Adjustment c/o Jamila Sheffield – December 21, 2022



*Figure 1: Surrounding Context around Subject Lands (identified in red), Retrieved from City of Hamilton Mapping*

**2. Are the Variances Desirable and Appropriate?**

The variances are desirable and appropriate because they are compatible within the existing neighbourhood and built form. As illustrated in **Figure 1** and discussed above, the existing development pattern in the area features lots that back onto Lake Ontario and face towards the North Service Road. The proposed lots are oriented the same and the reduced lot frontage is only necessary to facilitate legal access to a municipal road. Further, the existing dwelling located on proposed Lot 1 is an example that a future dwelling will be compatible with the area. As such, the proposed reductions to the lot frontage requirement will facilitate the proposed consent, which maintains the character and built form of the neighbourhood, while simultaneously allowing for mild intensification and are therefore desirable and appropriate.

**3. Do the Variances maintain the general intent and purpose of the Official Plan?**

The subject lands are designated as 'Neighbourhoods' in Schedule E- Urban Structure and Schedule E-1 – Urban Land Use Designations. These policies allow for residential uses. In addition, the subject lands are located within the Urban Lakeshore Area Secondary Plan and are designated Low Density Residential 2b, which permits a maximum density 32 units per net residential hectare. The proposed lot is intended to be developed with three single detached dwellings and the resulting density of 6.8 units per net hectare complies with the maximum density. The proposed development matches the low-density character of the neighbourhood.

**4. Do the variances maintain the general intent and purpose of the Zoning By-law?**

The proposed variance to the minimum lot frontage meets the intent and purpose of the Zoning By-law. The subject lands are located in an established neighbourhood, where there is a wide range of lot sizes and frontages. The purpose of a minimum lot

Chair and Members of Committee of Adjustment c/o Jamila Sheffield – December 21, 2022

frontage is to ensure there is adequate width to appropriately sized dwelling which is compatible within the context of the area. As discussed above, the developable area of each of proposed Lots 1 & 2 exceeds 21m in width and therefore the intent of the By-law has been met.

## **1.2 Variance 2: Minimum Rear Yard**

The current zoning requires a minimum rear yard setback of 7.5 metres. Proposed Lots 1 & 2 require a variance to permit a reduced minimum rear yard setback of 1.25 metres.

### **1. Are the Variances Minor in Nature?**

The determination of minor is not a matter of quantum of the variance, but rather a consideration of the overall impact of the proposed variance.

As described previously, the orientation of the proposed lots means that the westerly lot lines for both Lots 1 & 2 are interpreted to be a rear lot line, while the orientation of the lots and the building envelopes provides that the private amenity space would back onto Lake Ontario, which in this case is considered as a side yard.

There is existing 2-storey dwelling that along the westerly side yard that was constructed in 2021 and has an existing setback of approximately 1.3m. Given that this dwelling was previously approved in a similar orientation as the future lots we can conclude that the proposed variances will result in no new adverse impact for Lot 1, and similarly, that a future dwelling constructed on Lot 2 would follow the same orientation and create no new adverse impact. Both lots will still maintain an appropriately sized private amenity space in the side yard.

Therefore, the variance can be considered minor in nature.

### **2. Are the Variances Desirable and Appropriate?**

The requested variance is desirable and appropriate for the neighbourhood, as most dwellings located in this area follow the same orientation of dwellings backing onto Lake Ontario with side yards on their east and west. There will be no adverse impact as a result of the variance.

### **3. Do the Variances maintain the general intent and purpose of the Official Plan?**

The variance meets the general intent of the Official Plan and Secondary Plan. As the neighbourhood is designated Low Density Residential, the proposed variance is to accommodate a single detached dwelling, which is a permitted use. The reduced rear yard reflects the existing neighbourhood character and maintains the “rhythm” of the street.

### **4. Do the variances maintain the general intent and purpose of the Zoning By-law?**

The variance meets the general intent of the former Zoning By-law, as the proposed reduction to the rear yard setback allows the proposed building to be consistent with the existing development orientation in the neighbourhood. The reduced rear yard set back maintains the overall character of the area. The existing dwelling located on proposed Lot 1 was approved with the proposed yard variance when the interpretation was a side lot line, so now that the lot line is interpreted to be a rear lot line there will be no change in condition and no new adverse impact.

## **2.0 CONCLUSION AND RECOMMENDATIONS**

Chair and Members of Committee of Adjustment c/o Jamila Sheffield – December 21, 2022

Based on our review of the existing context, the proposed plan and applicable planning policy and legislation, it is our opinion that the proposed applications should be approved. The proposed development complies with, conforms to, and implements the requirement of the Planning Act, the UHOP, the Urban Lakeshore Secondary Plan and the By-law and each of the variances, individually and collectively, meet the four tests as required under the Planning Act.

Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Regards,

**Arcadis IBI Group**



Jared Marcus, CPT  
Associate, Manager – Planning



Hamilton

Committee of Adjustment

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

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

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

APPLICATION FOR A MINOR VARIANCE/PERMISSION UNDER SECTION 45 OF THE PLANNING ACT

1. APPLICANT INFORMATION

Table with 3 columns and 3 rows: Registered Owners(s), Applicant(s), Agent or Solicitor. Includes a 'NAME' header and a large black redaction box covering the right side of the table.

1.2 All correspondence should be sent to [ ] Purchaser [ ] Owner [ ] Applicant [x] Agent/Solicitor

1.3 Sign should be sent to [ ] Purchaser [x] Owner [ ] Applicant [ ] AgentSolicitor

1.4 Request for digital copy of sign [ ] Yes\* [x] No

If YES, provide email address where sign is to be sent \_\_\_\_\_

1.5 All correspondence may be sent by email [x] 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	1097 North Service Road		
Assessment Roll Number	251800302013400		
Former Municipality	Stoney Creek		
Lot	7	Concession	Broken Front
Registered Plan Number	675	Lot(s)	13
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:

WE1553082 - Access easement in favour of 32 Trillium, Inst. CD128942 & VM160760 - I

### 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:

To permit a minimum lot frontage of 8.3m instead of the required 15m;  
To permit a minimum rear yard of 1.25m instead of the required 7.5m.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Proposed Lots 1 & 2 are oriented to Lake Ontario, however due to the nature of their front lot lines being located on Trillium Avenue each of their westerly lot lines would be considered as a rear lot line even though the function is a side lot line.  
Similarly, while each lot would have a reduce frontage, the actual width of each lot is approximately 21m where a dwelling would be located.

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
42.6m	93.6m	4105sq.m	20m

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	48.1m	23.3m	22.3m & 1.2m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Lot 2 - single detached dwelling	19.7m	1.3m	3.0m & 2.8m	
Lot 3 - single detached dwelling	28.5m	1.3m	1.3m & 10m	

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	324sq.m			

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Lot 1 - single detached dwelling	224sq.m	448sq.m	2	
Lot 3 - single detached dwelling	218sq.m	436sq.m	2	

- 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

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year \_\_\_\_\_

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

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

November 2016

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 2b

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

Application proposes a land use and density that conforms with the Urban Lakeshore Area Secondary Plan

7.6 What is the existing zoning of the subject land? \_\_\_\_\_

7.8 Has the owner previously applied for relief in respect of the subject property?

(Zoning By-law Amendment or Minor Variance)

Yes

No

If yes, please provide the file number: \_\_\_\_\_

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7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes       No

If yes, please provide the file number: application filed concurrently

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

Yes       No

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

## **8 ADDITIONAL INFORMATION**

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 2

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

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
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