



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)

**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>HM/A-23:06</b>	<b>SUBJECT PROPERTY:</b>	49 GREENFORD DRIVE, HAMILTON
<b>ZONE:</b>	“D” (Urban Protected Residential – One- and Two-Family Dwellings)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended 67-144, 10661 & 10662

**APPLICANTS:**      Owner: S. & G. Awan  
                                 Agent: Architect Caprija Corporation – M. Raja

The following variances are requested:

1. A minimum rear lot line setback of 0.94 m shall be permitted for the Detached Secondary Dwelling Unit instead of the minimum required 1.2 m rear lot line setback.
2. The landscape strips within each required side yard adjacent to the Detached Secondary Dwelling Unit shall not be required to be provided.
3. The Detached Secondary Dwelling Unit shall be permitted to be located 1.22 m from the northerly flankage lot line, which is closer than the principal dwelling’s flankage lot line setback of 4 m, instead of being required to be located further from the flankage street than the principal dwelling.
4. The 1.0m wide unobstructed path leading from a street line to the entrance of the Detached Secondary Dwelling Unit shall not be required to be provided.
5. The Detached Secondary Dwelling Unit shall be located 7.42 m from the principal dwelling instead of the minimum required separation distance of 7.50 m.
6. A total lot coverage for all accessory buildings equal to 33.62% of the lot area shall be permitted instead of the maximum permitted 25% of the lot area.
7. A minimum landscaped area of 12.0 sq m shall not be required to be provided within the rear yard.

**PURPOSE & EFFECT:** To facilitate the construction of an addition to the existing detached accessory building in the rear yard, which will contain a Detached Secondary Dwelling Unit:

**Notes:**

i. This review is based upon the site plan submitted and the statistics included therein. As full plans (floor plans and elevations) of all existing and proposed buildings have not been submitted and the site plan does not include all necessary details, this zoning review is incomplete and additional variances may be required in future. This review is based upon the following design requirements being implemented:

- All lawfully established parking spaces shall be maintained unaltered and no new parking spaces shall be established;
- All existing driveways shall remain unaltered;
- The Detached Secondary Dwelling Unit shall contain no more than two (2) bedrooms;
- Any eave of the Detached Secondary Dwelling Unit shall project no more than 0.3 m from the rear wall or north side wall
- The Detached Secondary Dwelling Unit shall not exceed 6 m in height and shall not include balconies or rooftop patios
- The gross floor area, as defined, of the Detached Secondary Dwelling Unit shall not exceed 75 sq m

If the proposal deviates from any of the above design aspects, additional variances may be required. Additional review will be required in future due to incompleteness in the submission, which may result in additional variances.

- ii. With respect to lot coverage, the variance has been written as requested by the applicant. However, please note that the maximum permitted lot coverage of 25% of the lot area is for all accessory buildings, and not all buildings. Sufficient information has not been provided to accurately determine the lot coverage of all accessory buildings. As such, this variance may not be required.
- iii. With respect to the required unobstructed path leading from a street line to the entrance of the Detached Secondary Dwelling Unit, this has not been shown in the site plan. Additionally, building entrance locations for the Detached Secondary Dwelling Unit have not been identified. As such, a variance has been identified for not providing the required path. The required path may not traverse or occupy portions of a driveway without approval of a variance permitting this.
- iv. With respect to landscaping, the site plan does not identify proposed landscaped areas or surface materials in the rear yard. Aerial photography appears to indicate significant hard surfaced areas within the rear yard, including within the required side yards adjacent to the Detached Secondary Dwelling Unit. Please note that a swimming pool does not constitute landscaped area.
- v. Please note that the north arrow in the site plan is inaccurate and should be corrected in future submissions. Additionally, the street abutting the northerly flankage lot line is Neil Avenue and not Greenford Drive.

**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>2:25 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 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 HM/A-23:06, 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

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## 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.

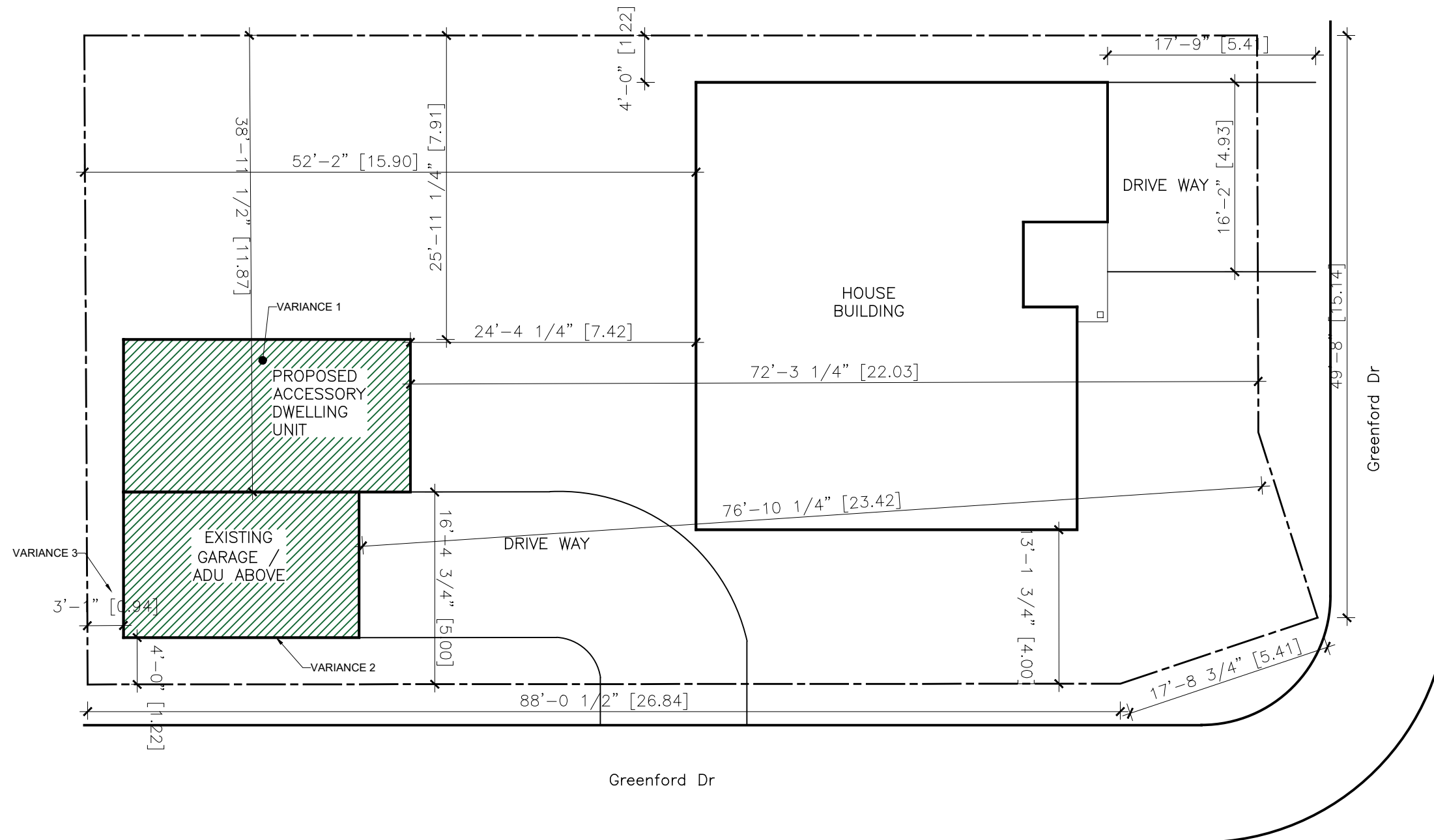
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

# ACCESSORY DWELLING UNIT

49 Greenford Dr, Hamilton, ON L8G 2G6



Area Statement		
BUILDING AREA	1238	1238
GARAGE AREA	249.36	249.36
ADU		320
TOTAL AREA	1487.36	1807.36
SITE AREA	5549.92	5549.92
PERCENTAGE	26.80%	32.56%



ALL DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM THE DESIGNER.

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE DESIGNER.

DRAWINGS NOT TO BE SCALED AND REPRODUCED.

ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

THESE DRAWINGS ARE PREPARED ONLY FOR MENTIONED BELOW APPROVAL, NOT TO BE USED FOR ANY OTHER PURPOSE AND CONSTRUCTION

1	ISSUED FOR MINOR VARIANCE	DEC. 2022
No.	ISSUED	DATE

STRUCTURE/MEP ENGINEER:

ARCHITECT **MAZHAR RAJA**

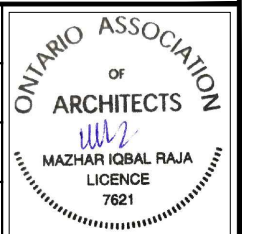
**CAPRIJA CORPORATION**  
 Architecture, Construction and  
 Project Management Consultants  
 1465 CLARK BLVD., MILTON, L9T 6M5  
 Tel: 647 693 6108, 647 969 9595  
 CAPRIJA Email: info@caprija.com; Web: www.caprija.com

CLIENT  
 49 Greenford Dr, Hamilton, ON  
 L8G 2G6

PROJECT  
**ACCESSORY DWELLING UNIT**

DRAWING  
**SITE PLAN**

PROJECT NO	<b>222090</b>
DRAWN	SH
PLOTTED DATE	DEC. 20, 2022
SCALE	AS NOTED
CHECKED	MR



DWG. NO. **A1**

**1** SITE PLAN  
 A1 SCALE: 3/32" = 1'-0"



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Committee of Adjustment

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

71 Main St. W.,

Hamilton, ON L8P4Y5

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

1. APPLICANT INFORMATION

Table with 3 columns: NAME, MAILING ADDRESS, and an empty column. Rows include Registered Owners(s), Applicant(s), and Agent or Solicitor.

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

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

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

If YES, provide email address where sign is to be sent info@caprija.com

1.5 All correspondence may be sent by email [checkbox] Yes\* [checkbox] 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	49 Greenford Dr, Hamilton, ON L8G 2G6		
Assessment Roll Number	050441070600000		
Former Municipality			
Lot	25	Concession	
Registered Plan Number	PLAN 1304	Lot(s)	
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:

N/A

### 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:

- 1) Relief for lot coverage to 33.62% is requested where as permitted lot coverage is 25%.
- 2) Relief to build ADU over the existing detached garage which is not aligned with the house building. Setback of garage is 1.22m and the house setback is 3.56m. Relief for 2.34m for setback is
- 3) Relief for rear setback 0.94m (same as existing garage) where as required is 1.2m

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

It is not possible to build ADU-Detached otherwise.  
The garage is already built and same footing and first floor structure can be used for ADU on the side and on second floor.  
The new addition would be aligned with the existing garage.

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
15.14	26.84	406.36	



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
Main House Building	5.41	15.90	1.22, 4.0	01/01/1995
Garage	23.42	0.94	11.87, 1.22	01/01/2010

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Accessory Dwelling Unit	22.03	0.94	7.91, 1.22	05/01/2023

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
Main House Building	114.97	172.45	2	9
Garage	23.17	23.17	1	4

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Accessory Dwelling Unit	29.27	75	2	6

- 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.):

Residential - Two Unit Dwelling

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Residential

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2012

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:

30 years (approx.)

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) \_\_\_\_\_

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

It's all residential area and the proposed use is the same. Further, the proposed ADU is supporting the target of increased density of the urban areas.

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

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: Un-known \_\_\_\_\_

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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: \_\_\_\_\_

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):

The proposed use, Two Unit Dwelling, will help to increase the density in urban area.

Year of the construction is estimated.