



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.:	FL/A-23:08	SUBJECT PROPERTY:	138 McMonies Drive, Flamborough, Ontario
ZONE:	“R6-39” (Medium Density Residential Zone)	ZONING BY-LAW:	Zoning By-law former Town of Flamborough 90-145-Z, as Amended 15-186

APPLICANTS: Owner: Sarah MacLellan & Christopher Pera

The following variances are requested:

1. The proposed accessory structures (gazebo and deck) shall be permitted to be located 0 m from the westerly interior side lot line and the rear lot line, instead of the minimum required setback of 1.0 m.
2. The air conditioning unit shall be permitted to be located 0 m from the westerly interior side lot line instead of the minimum required setback of 0.6 m.
3. The lot coverage of all accessory buildings and structures shall be permitted to be 31.04 sq m, which is equal to 9.38% of the lot area, instead of the maximum permitted 5% of the lot area, which is 16.54 sq m.

PURPOSE & EFFECT: To facilitate the construction of new accessory structures (deck and gazebo) in the rear yard of the existing street townhouse.

Notes:

- i. The Zoning By-law permits a maximum height of 4.6 m for an accessory structure. The site plan notes a height of 2.91 m for the proposed gazebo, but elevation drawings including dimensions from grade to the highest portion of the proposed accessory structures have not been included. The applicant shall ensure that the height of the accessory structure, measured from grade, as defined in the Zoning By-law, to the highest point of the accessory structure does not exceed 4.6 m. If the height of the accessory structure exceeds 4.6 m, additional variances will be required.
- ii. With respect to lot coverage, the site plan does not indicate what building(s) or structure(s) comprise the existing accessory building/structure lot coverage figure of 18.58 sq m. This figure may include

FL/A-23:08

the area(s) of structure(s) which are excluded from lot coverage, such as decks. As a result, the relief requested may be inaccurate.

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:	3:00 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

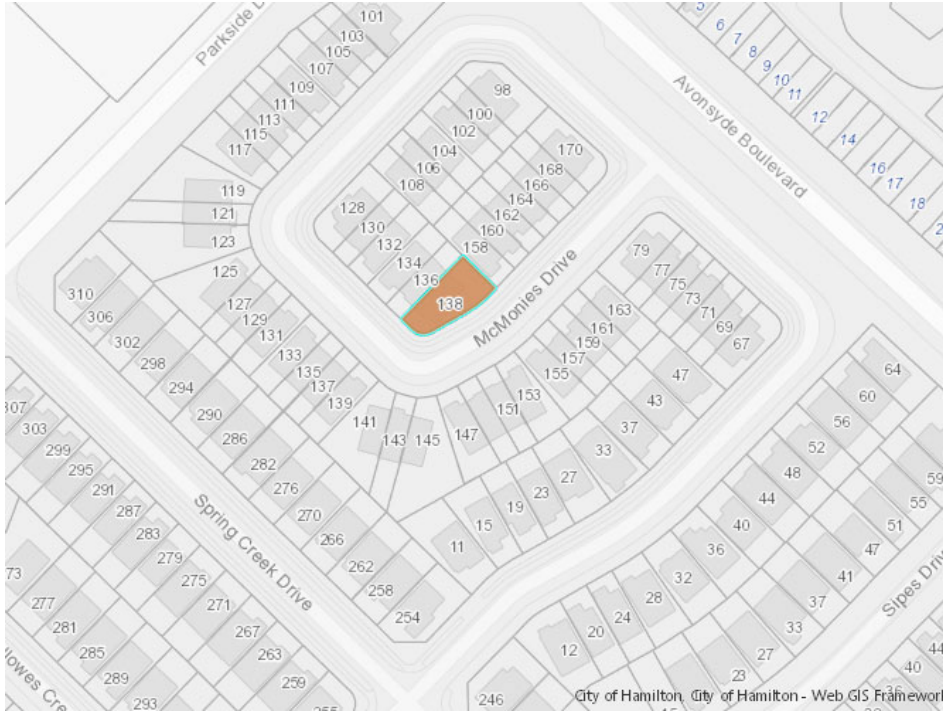
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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-23:08, 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.



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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.

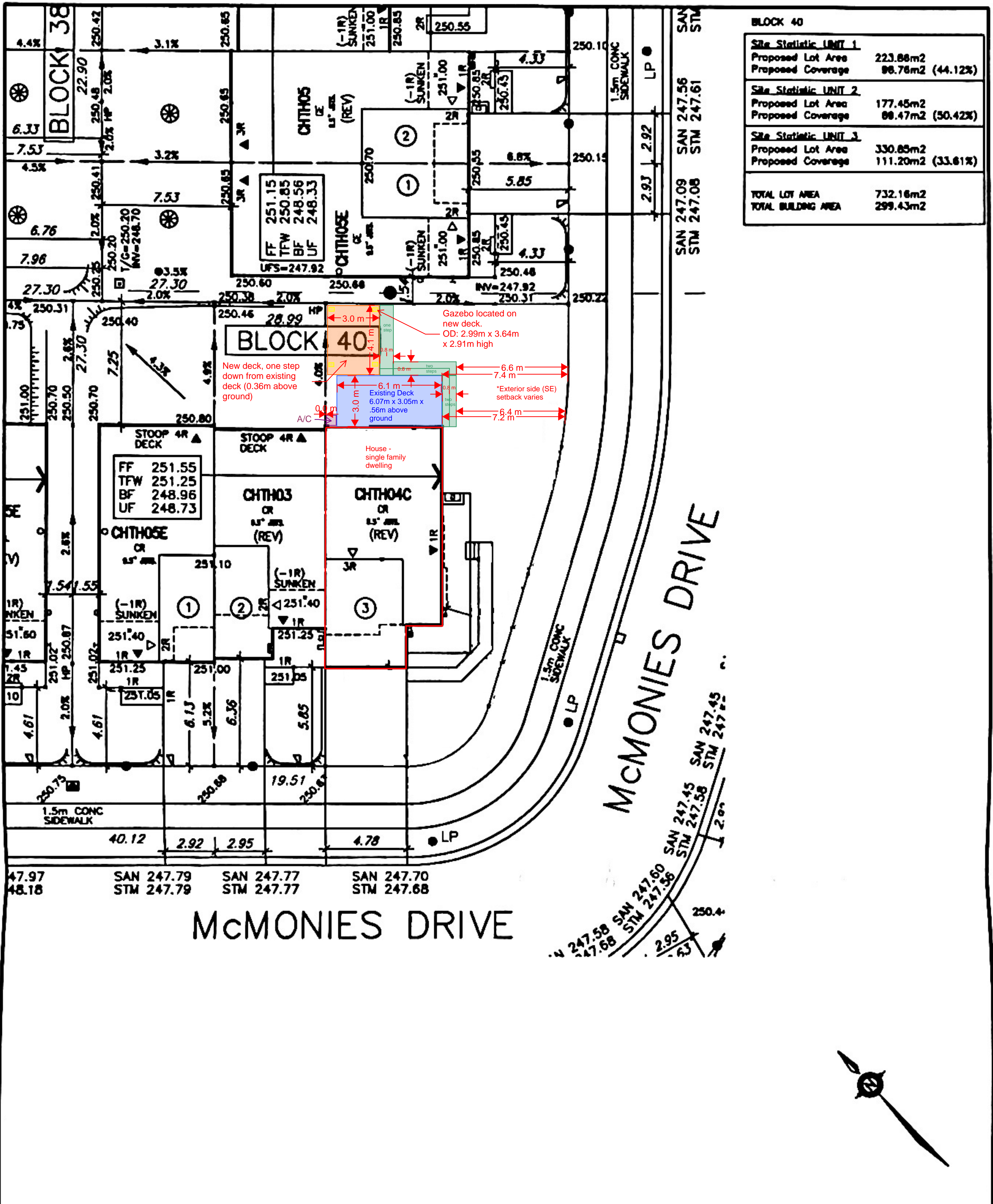
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



BLOCK 40	
Site Statistic UNIT 1	
Proposed Lot Area	223.88m ²
Proposed Coverage	86.78m ² (44.12%)
Site Statistic UNIT 2	
Proposed Lot Area	177.45m ²
Proposed Coverage	88.47m ² (50.42%)
Site Statistic UNIT 3	
Proposed Lot Area	330.89m ²
Proposed Coverage	111.20m ² (33.61%)
TOTAL LOT AREA	732.16m²
TOTAL BUILDING AREA	299.43m²

Zoning	Lot Number	Plan Number	Lot Area	Lot Frontage	Lot Depth
90-145-Z	Block 40		330.85 sq m	8.02 m	27.3 m
R6-39	Unit 3				

Description	Existing	Addition	Total	Setbacks	Existing	Proposed
Lot Coverage by accessory structures	18.58 sq m	12.46 sq m	31.04 sq m	Interior Rear	4.1 m	0 m
				Interior Side (NW)	0 m	0 m
				Exterior Side (SE)	7.2 m	6.4 m
				Front	No Change	

Client:
MATTAMY HOMES

Project Name:
**CRANBERRY HILL
WATERDOWN PHASE 2
HAMILTON**

Sheet Title
LOT No:
BLOCK 40

Scale:
1:300

Date:
NOV. 2015

Drawn by:
BILL YIP

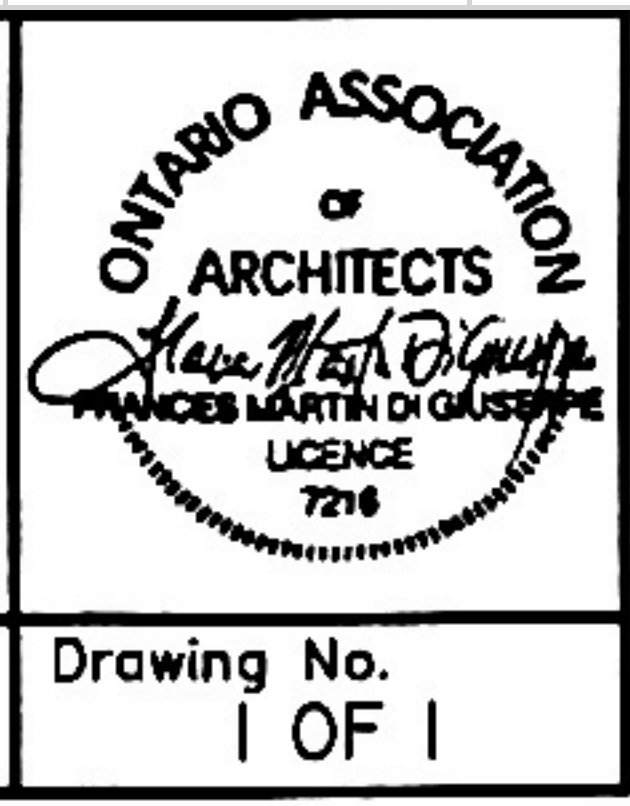
Checked by:

Q4 Architects Inc.

2171 Avenue Road, Suite 302
Toronto, Ontario M5M 4B4
TEL: (416) 322-6334
FAX: (416) 322-7294
EMAIL: info@q4architects.com

Project No.
13029

File:
WAT-SP2





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	MAILING ADDRESS	
Registered Owners(s)	Sarah MacLellan Christopher Pera		
Applicant(s)*	Sarah MacLellan Christopher Pera		
Agent or Solicitor			Phone:
			E-mail:

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:
 TD Canada Trust - Mortgage Lender

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:

- Gazebo setbacks off of rear and interior side yard lot line (0 m)
- Deck setbacks off of rear and interior side yard lot line (0 m)
- Lot coverage of accessory buildings and structures

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

Safety of my children playing on deck. We want the fence to border the two sides with no gap that they could fall into.

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**):

Part Block 40, Plan 62M1222, Part 24, Plan 62R2030

138 McMonies Dr. Waterdown, Ontario

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant Other

Other _____

8.1 If Industrial or Commercial, specify use _____

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 8.1 to 8.10 above?


8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

30 Dec 2021
Date


Signature Property Owner(s)

Sarah MacLellan, Christopher Pera
Print Name of Owner(s)

10. Dimensions of lands affected:
 Frontage 26.31 ft
 Depth 89.7 ft
 Area 3563 sq ft
 Width of street _____

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:
 Two story townhouse (end unit, corner lot) with existing deck structure in rear yard. Ground Floor Area: Aprox. 900 sqft, Gross Floor Area: Aprox. 1800 sqft. Existing deck is approx. 10ft x 20ft x 22" high

Proposed
 New deck addition off of existing deck. 10ft x 13.4ft x 14" high off ground.
 10ft x 12ft x 9.5 ft high Gazebo installed on new deck.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)
 Existing:
 Please see site plan attached.
 Existing accessory structures set backs: 0m to interior side (AC Unit); 4.1 m to rear (existing deck); ~7.2 - 7.4 m to exterior side (existing deck) (property line curves so this setback varies.)
 Proposed:
 New deck and gazebo are 0m to interior side (this is the side our house is connected to our neighbour's house); 0m to rear; ~6.4 - 6.6 to exterior side.

13. Date of acquisition of subject lands:
Jan. 2019
-
14. Date of construction of all buildings and structures on subject lands:
2016
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single family townhouse
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single family townhouses
17. Length of time the existing uses of the subject property have continued:
5 years
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers | <input checked="" type="checkbox"/> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Town of Flamborough Zoning By-Law No. 90-145-Z, zone R6-39
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
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
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.