

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-23:22	SUBJECT PROPERTY:	58 BALMORAL N, HAMILTON
ZONE:	"R1a" (Low Density Residential – Small Lot)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: ANTHONY & SHELLY SPITHOFF

The following variances are requested:

1. To reduce the side yard setback to the addition from 1.2 metres to 0.616 metres.
2. To increase the encroachment of the eaves trough from 0.6 metres to 0.184 metres.
3. To increase the encroachment of the deck from 0.6 metres to 0.566 metres.

PURPOSE & EFFECT: The proposed setback of the addition does not comply with the requirement of the Zoning By-law. A minor variance is required for the following:

Notes:

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, March 9, 2023
TIME:	1:30 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

HM/A-23:22

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-23:22, 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: February 21, 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.

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.



EXISTING | ADDITION

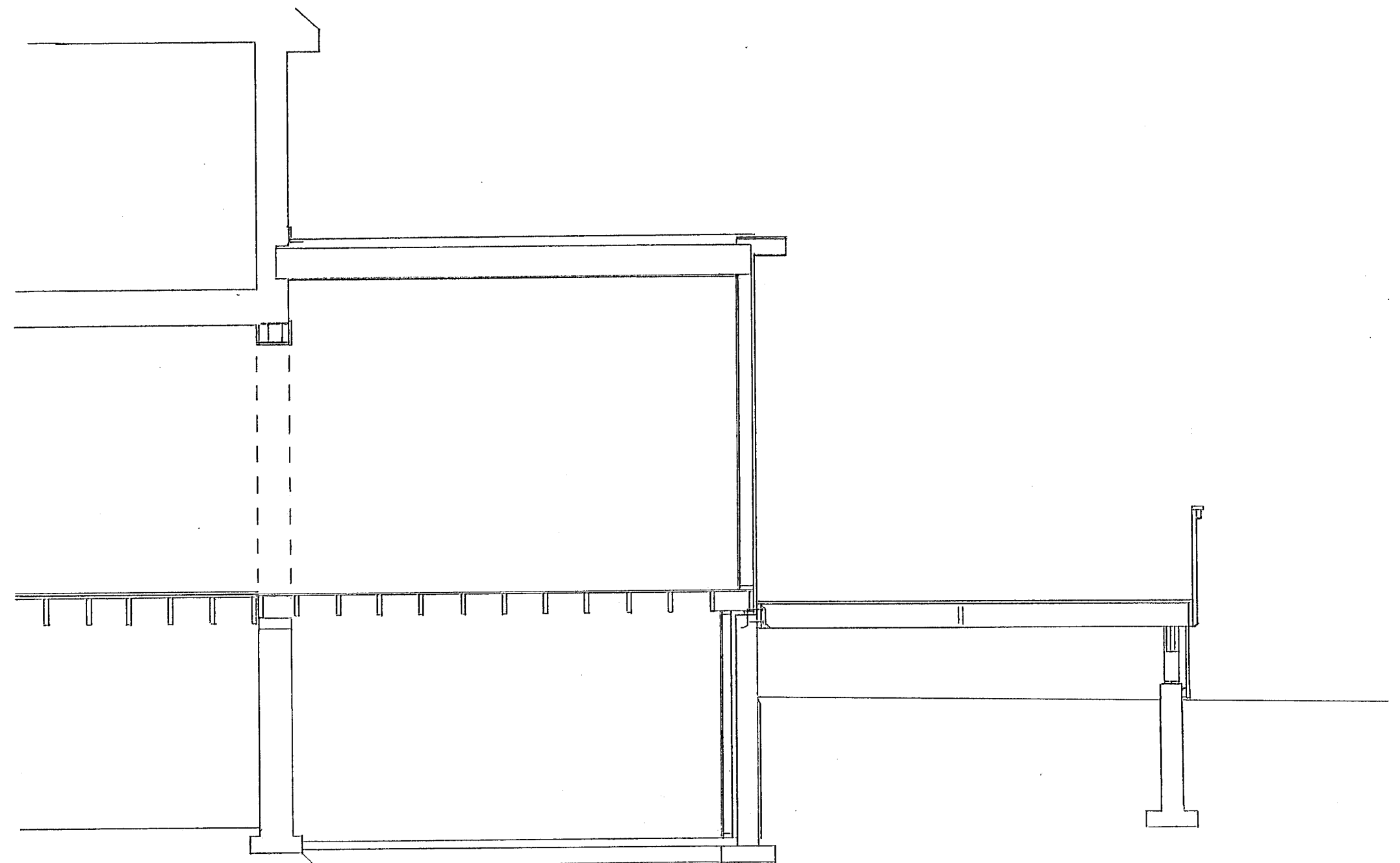
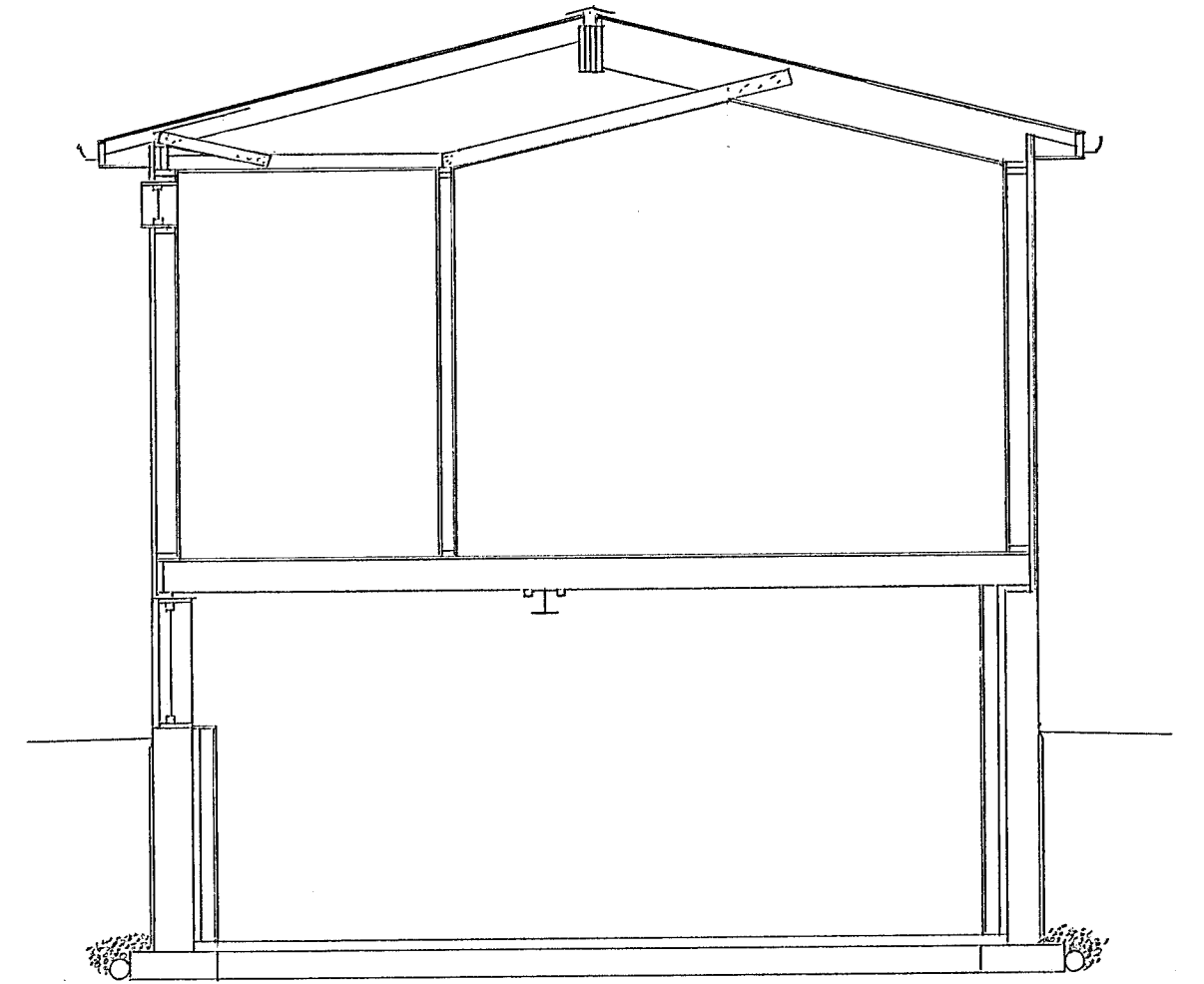
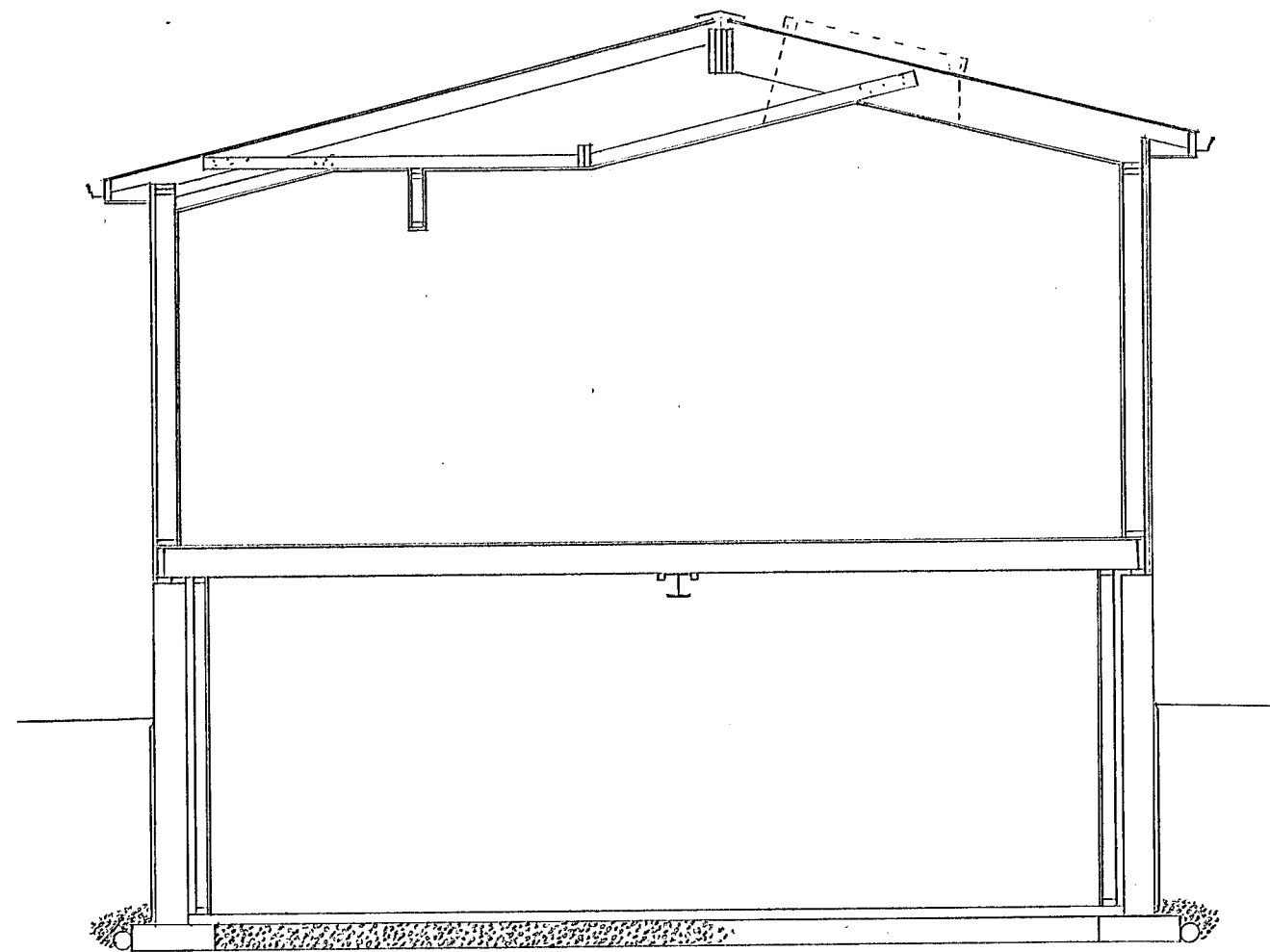
SOUTH ELEVATION

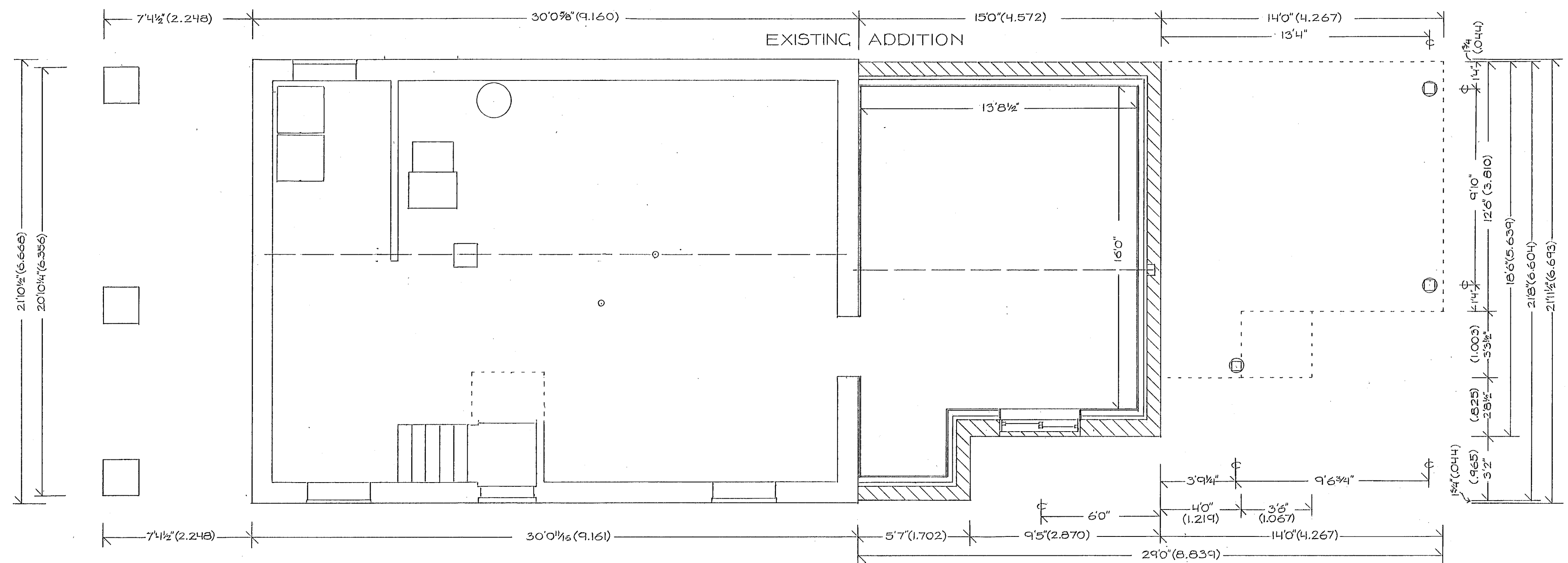
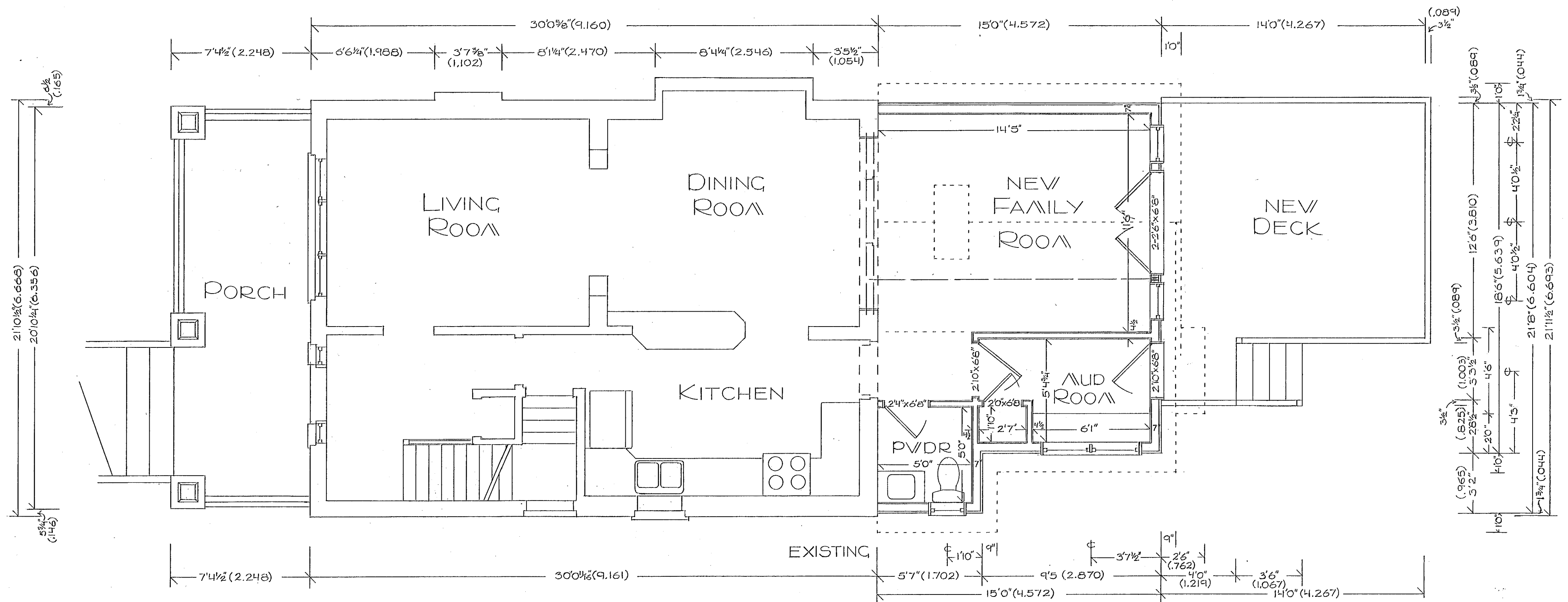


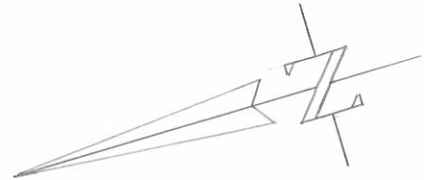
NORTH ELEVATION



REAR (EAST)
ELEVATION







SITE PLAN

INFORMATION FROM CITY SUPPLIED PREVIOUS
SITE PLAN, CITY INTERACTIVE ZONING MAP
& SITE MEASUREMENTS

Additional Property Identifier(s) and/or Other Information

SCHEDULE "A"

ALL AND SINGULAR that certain parcel or tract of land premises situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth (formerly in the County of Wentworth) and being composed of Lot 255, having a frontage of 30 feet on the east side of Balmoral Avenue, a depth of 104 feet, 2 inches on the south, and of 104 feet, 4 inches on the north side, to an alley, according to a plan of subdivision known as Kensington Addition, and duly registered in the Registry Office for the County of Wentworth, as no 600.

TOGETHER with a right-of-way over the north four feet of Lot 256 running back to a point 20 feet east of the rear of house now erected on the said lot, and subject to a right-of-way over the south four feet of Lot 255 running back to a point 20 feet east of the rear of the house erected on said lot; said two strips of land shall be and constitute a passageway of alleyway 8 feet in width for the joint use of the owners for the time being of the use erected on said Lots 255 and 256 for ingress and egress for foot passengers, automobiles and other vehicles. No automobile or other vehicle shall be permitted to stand in said passage either during the day or night a greater length of time than is sufficient to take on and let down passengers for the purposes aforesaid. On the above described parcel of land is erected dwelling house known as municipal number 58 Balmoral Avenue North, Hamilton, Ontario.

Site Statistics for House at 58 Balmoral Ave. North, Hamilton

Zoning Designation	D		
	required	actual	variance needed
Minimum lot width	12.0 m	9.144 m	existing
Minimum lot area	360 m ²	290.392 m ²	existing
Setback Requirements for House			
Front: to existing house	6.0 m	4.097 m	existing
to eave trough of existing house	6.0 m	3.665 m	existing
to existing porch	4.5 m	1.851 m	existing
to existing porch eave trough	4.5 m	1.495 m	existing
Rear: to existing house	7.5 m	18.286 m	
to eave trough of existing house	6.9 m	17.854 m	
to proposed addition plus 1.5” siding	7.5 m	13.680 m	
to proposed addition eave trough	6.9 m	12.781 m	
to proposed deck (railing)	0.6 m	13.725 m	
Side left : to existing house (10.084 height)	1.2 m	0.610 m	existing
to eave trough of existing house	0.6 m	0.178 m	existing
to existing alcove	0.6 m	0.248 m	existing
to eave of existing alcove	0.6 m	0.077 m	existing
to proposed addition with 1.5” siding	1.2 m	0.616 m	0.65 m
to proposed addition eave trough	0.75 m	0.184 m	0.65 m
to proposed deck	0.6 m	0.654 m	
to proposed deck cantilever railing	0.6 m	0.565 m	0.09 m
Side right: to existing house	1.2 m	1.836 m	
to eave trough of existing house	0.75 m	1.404 m	
to proposed addition with 1.5” siding	1.2 m	1.843 m	
to eave trough of proposed addition	0.75 m	1.411 m	
Maximum house building height			
Existing	14 m	10.084 m	
Proposed addition	14 m	4.521 m	
Setback and height requirements for existing Garage			
Rear wall to rear property line	1.2 m	0.17 m	existing
Rear eave to rear property line	0.6 m	0.00 m	existing
Side wall to right property line	1.2 m	0.610 m	existing
Side eave trough to right property line	0.6 m	0.280 m	existing
Maximum height	4.5 m	3.327 m	
Lot Coverage			
Area of existing house		62.226 m ²	
Area of existing garage		31.602 m ²	
Total existing lot coverage		93.828 m ²	
Existing lot coverage ratio to lot area		32.31 %	
Area of proposed addition to house		27.424 m ²	
Total area of house with proposed addition		121.252 m ²	
Proposed lot coverage to lot area ratio		41.75 %	
Ratio of glass to wall area			
Total wall area of addition (grade to ceiling)	606.27 ft ²	56.32 m ²	
Total glass area of addition	75.80 ft ²	7.04 m ²	
Percentage glass to wall area		12.50 %	



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)		
Applicant(s)		
Agent or Solicitor		

1.2 All correspondence should be sent to ☐ Purchaser ☒ Owner
☐ Applicant ☐ Agent/Solicitor

1.3 Sign should be sent to ☐ Purchaser ☒ Owner
☐ Applicant ☐ AgentSolicitor

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	58 Balmoral Ave N, Hamilton, Ontario		
Assessment Roll Number	040283049700000		
Former Municipality	Hamilton		
Lot	225	Concession	
Registered Plan Number	600	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:

Driveway is shared with neighbouring house - 4 feet over each other's half of driveway.

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:

Setbacks on left (north) side of house to proposed addition and proposed deck are less than required per zoning by-law (refer to attached site sketch and site statistics for details).

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

Setbacks for proposed addition and proposed deck are in line with existing house (built in 1921) which does not comply with current zoning by-law requirements for setbacks. Please refer to attached site sketch and site statistics for details.

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
9.144 m	31.775 m	290.392 m ²	7.3 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
House	4.097 m	18.286 m	0.61 m, 1.861 m	01/01/1921
Detached Garage	23 m	0.144 m	4.77 m, 0.61 m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
House	4.097 m	13.718 m	0.61 m, 1.861 m	
Detached Garage	no change	no change	no change	

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
House	62.226 m ²	169 m ²	3	see attached dwg
Garage	31.602 m ²	31.602 m ²	1	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
House	89.65 m ²	196 m ²	3	see attached dwg
Garage	no change	no change	1	

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 dwelling

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

November 3, 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:
Since existing house was built (1921)

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): n/a

Rural Settlement Area: n/a

Urban Hamilton Official Plan designation (if applicable) Urban - Neighbourhoods

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

Dwelling will remain a single family home, no change from previous & current use

7.6 What is the existing zoning of the subject land? Zoning designation D

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: Zoning designation D

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: n/a

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):

See attached drawings

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
