



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>AN/A-23:24</b>	<b>SUBJECT PROPERTY:</b>	424 HIGHWAY NO. 52 S, ANCASTER
<b>ZONE:</b>	"A1" (Agriculture Zone)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended 15-173

**APPLICANTS:** Owner: ROSE & SAM AGRO  
Agent: DEFILIPPIS DESIGN C/O NICK FEFILIPPIS

The following variances are requested:

1. A maximum gross floor area and lot coverage of 11.6% of the area (212 sq m) for all accessory buildings shall be permitted instead of the maximum gross floor area and lot coverage of 5% of the lot area (94.1 sq m).

**PURPOSE & EFFECT:** To construct two (2) new accessory buildings (cabana and detached garage), maintain the existing shed and install a new swimming pool accessory to the existing single detached dwelling, the exterior of which will be altered through the construction of a new front porch and new rear basement access:

**Notes:**

- i. This review is based upon the proposed garage containing a minimum of 1 parking space with unobstructed minimum dimensions of 2.8 m in width by 5.8 m in length and the proposed cabana having a height no greater than 6 m. If the proposal differs, 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:

<b>DATE:</b>	<b>Thursday, March 9, 2023</b>
<b>TIME:</b>	<b>2:45 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**

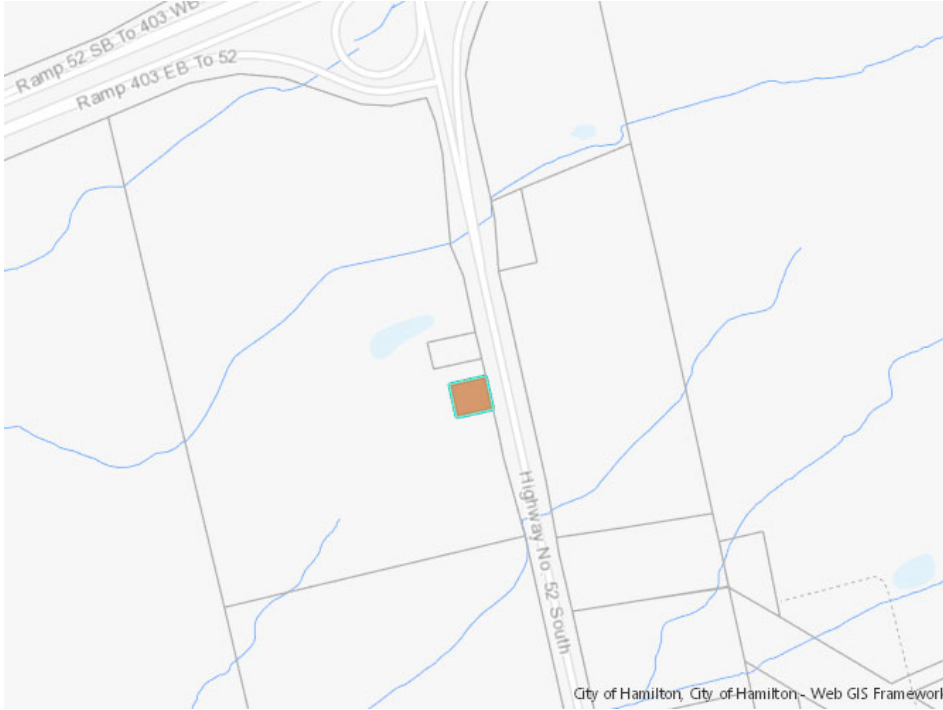
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.


**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 AN/A-23:24, 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: February 21, 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.



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## 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.

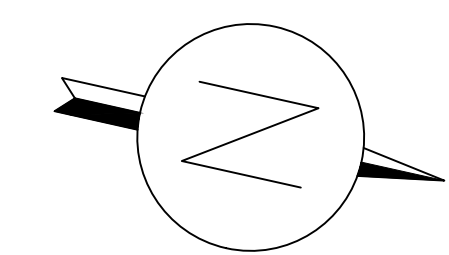
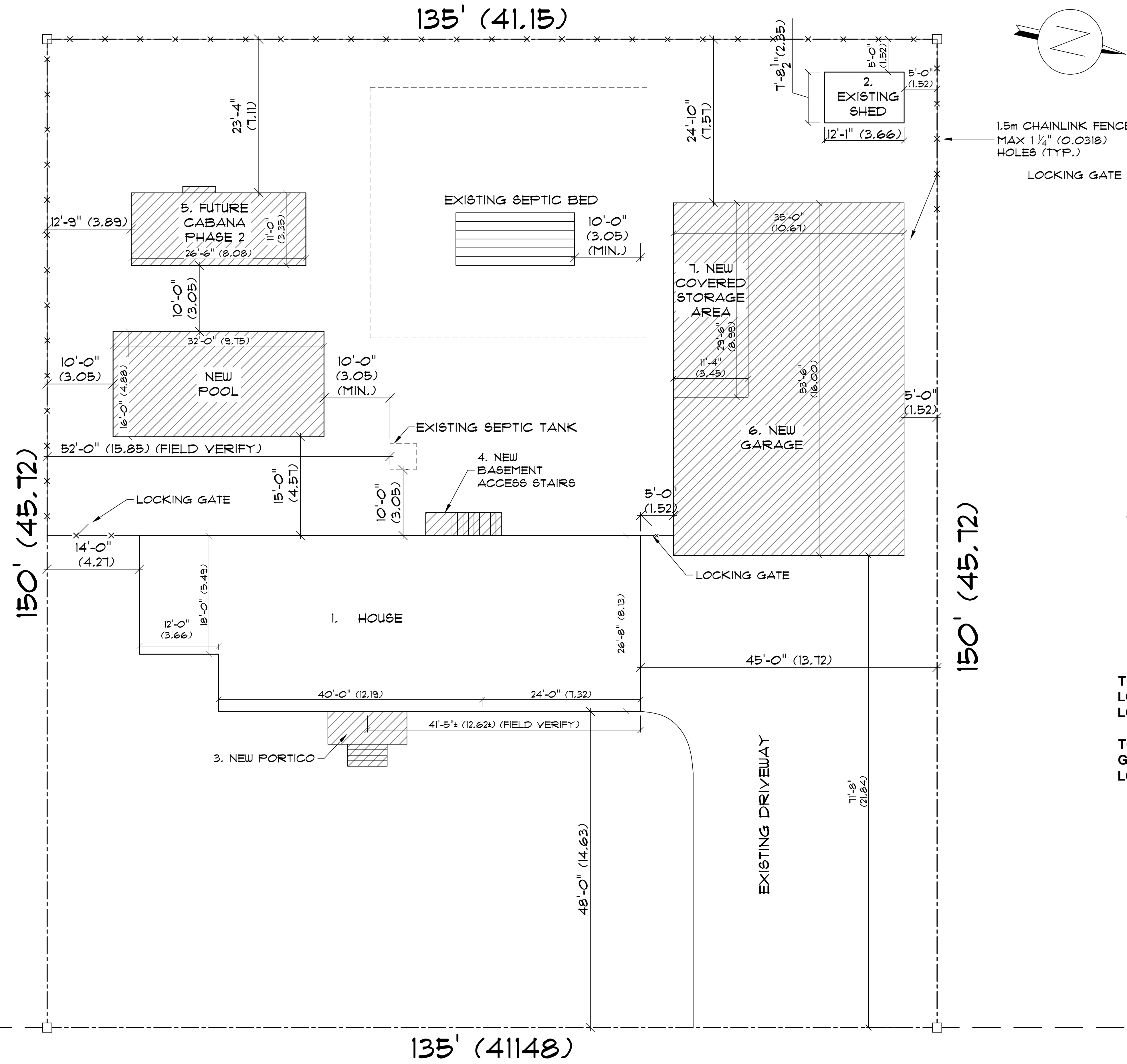
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 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.



**SITE STATISTICS**

1. EXISTING DWELLING	1922.67 sq ft	(178.70 sqm)
2. EXISTING SHED	93.14 sq ft	(8.66 sqm)
3. NEW FRONT PORCH WITH STEPS	84.00 sq ft	(7.80 sqm)
4. NEW BASEMENT ACCESS STAIRS	52.50 sq ft	(4.88 sqm)
5. NEW CABANA	304.75 sq ft	(28.00 sqm)
6. NEW GARAGE	1538.20 sq ft	(143.00 sqm)
7. NEW COVERED STORAGE AREA	334.33 sq ft	(32.00 sqm)
<b>TOTAL GROUND FLOOR AREA:</b>	<b>4330.00 sq ft</b>	<b>(402.31 sqm)</b>
<b>LOT AREA:</b>	<b>20250.00 sq ft</b>	<b>(1882.00 sqm)</b>
<b>LOT COVERAGE:</b>	<b>21.4%</b>	
<b>TOTAL ACCESSORY BUILDINGS GROUND FLOOR AREA (2+5+6+7):</b>	<b>2271.00 sq ft</b>	<b>(212.00 sqm)</b>
<b>LOT COVERAGE OF ACCESSORY BUILDINGS:</b>	<b>11.5%</b>	

NOTES:  
 1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.  
 2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

PREPARED FROM INFO PROVIDED BY OWNER

3	FEBRUARY, 2023
2	AUGUST, 2022
1	JULY, 2022
REV.	
JOB NO.	
CHKD. BY	
DRN. BY	
DATE: MAY, 2022	
SCALE:	
DWG NO. SP-1	



SITE PLAN FOR:  
**AGRO RESIDENCE**  
 424 HW NO. 52 S  
 ANCASTER, ON

**SITE PLAN**

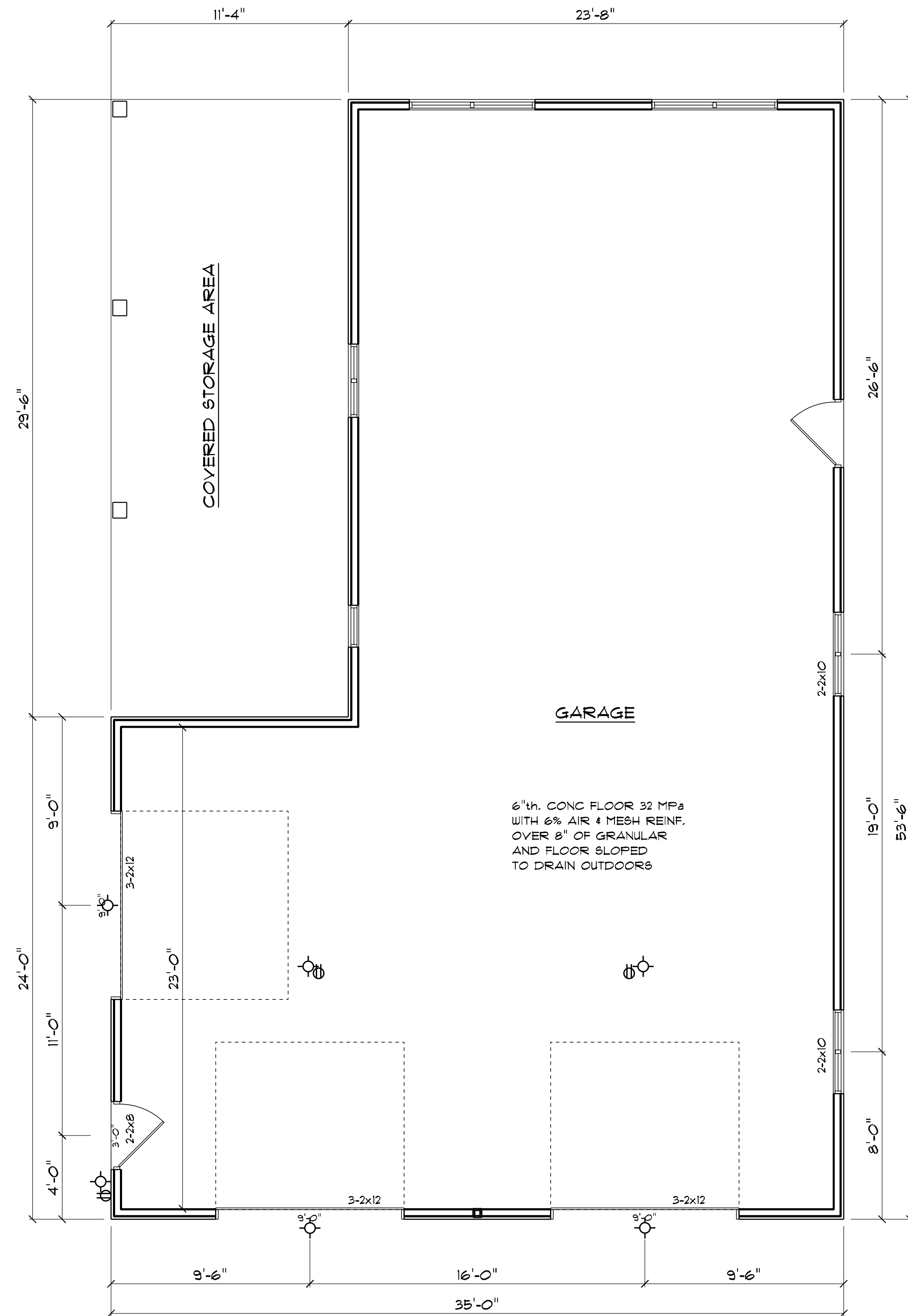
424 HIGHWAY NO. 52 SOUTH

135' (41.148)

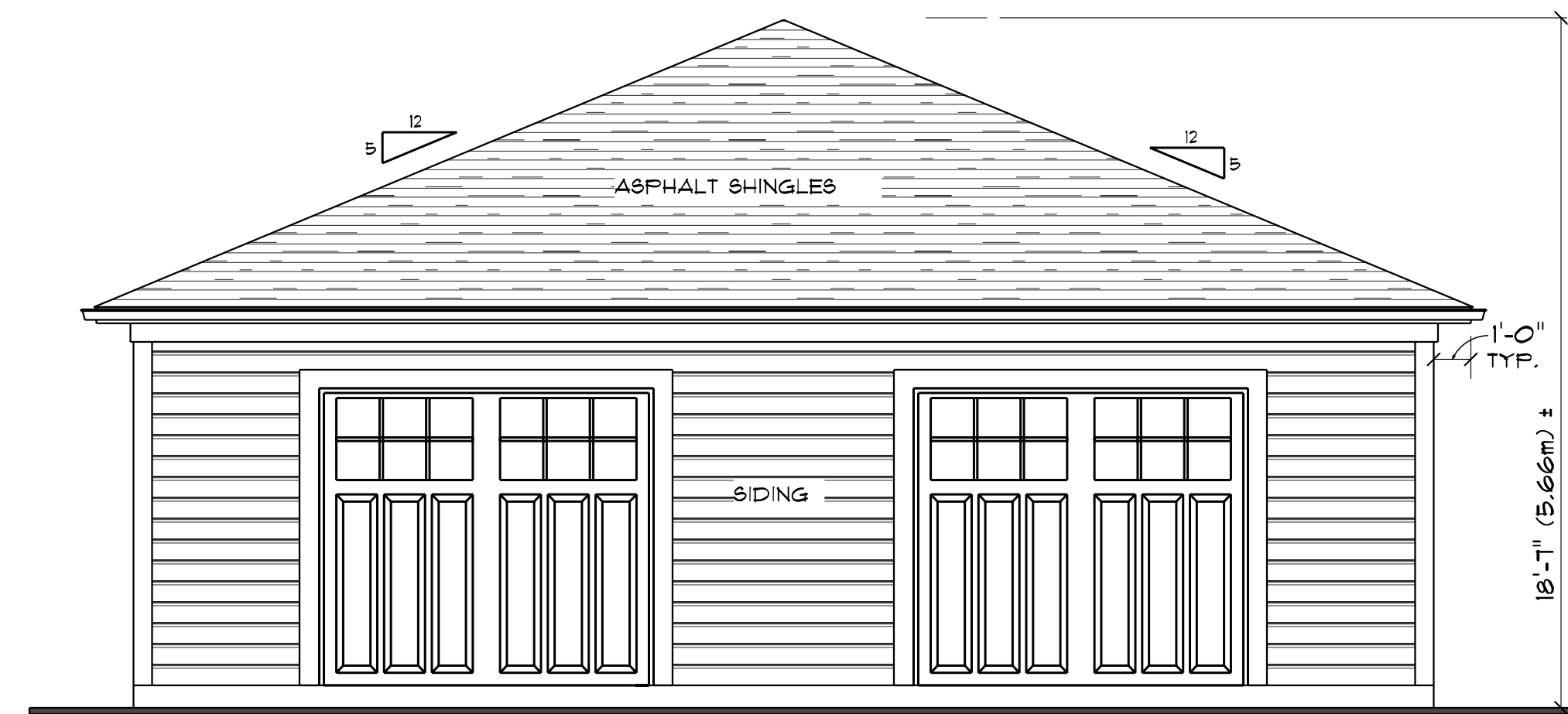
150' (45.72)

150' (45.72)

DO NOT SCALE  
DRAWINGS



FIRST FLOOR PLAN




FRONT ELEVATION

These drawings are the property of DeFILIPPIS DESIGN and are not to be copied, reproduced or used without the express written consent of the designer.

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2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

 <b>DeFILIPPIS DESIGN</b> 687 BARTON STREET, SUITE 201 STONEY CREEK, ONTARIO L8E 5L6 (905) 643-2250 FAX (905) 643-1095		
<b>ACCESSORY BUILDING TO AGRO RESIDENCE</b>		
SCALE: 1/4"=1'-0"	APPROVED BY:	DRAWN BY:
DATE: SEP. 2022		REVISED: OCT/2022
	424 HWY No 52 S, ANCASTER, ONTARIO	REVISED: OCT/2022
SH   OF		DRAWING NUMBER:



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**

	NAME	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)		
Agent or Solicitor		

- 1.2 All correspondence should be sent to  Owner  Applicant  
 Agent/Solicitor
- 1.2 All correspondence should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor
- 1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor
- 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	424 HWY 52 SOUTH, ANCASTER		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		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:

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**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:

SEE ATTACHED SHEET

Second Dwelling Unit  Reconstruction of Existing Dwelling

ACCESSORY BUILDINGS

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

REMOVING OF EXISTING HOUSE

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
41.18m	45.72m	403.9m <sup>2</sup>	20m



**VARIANCES REQUESTED FOR  
424 HIGHWAY 52 SOUTH, ANCASTER**

1. Construct an accessory garage (No. 6 & 7) of 175 sq.m., a pool cabana (No. 5) of 28 sq.m. and an existing accessory shed (No. 2) of 9 sq.m., for a total of 212 sq.m.
2. A lot coverage for accessory buildings of 11.5% where only 5% is permitted.

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
		<i>SEE SITE SKETCH</i>		

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
<i>ACCESS GARAGE</i>		<i>SEE SITE SKETCH</i>		
<i>POOL CHANG</i>				

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
<i>SINGLE FAMILY</i>		<i>SEE SITE PLAN</i>		
<i>ACCESS SHED</i>				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
		<i>SEE SITE PLAN</i>		

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 FAMILY WITH ACCESSORY BUILDINGS

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

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands: APRIL 2021

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
ACCESS. DWLG TO AGRICULTURAL

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
ACCESS SINGLE FAMILY TO AGRICULTURAL

7.4 Length of time the existing uses of the subject property have continued:  
30 years plus

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

Rural Hamilton Official Plan designation (if applicable): AGRICULTURAL

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) \_\_\_\_\_

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

EXPANSION OF AN EXISTING PERMITTED USE

7.6 What is the existing zoning of the subject land? A1

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:

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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

*N/A*

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:

*ONE*

8.2 Number of Dwelling Units Proposed:

*ONE*

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
- \_\_\_\_\_
- \_\_\_\_\_