



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.:	HM/A-23:33	SUBJECT PROPERTY:	8 WALL STREET, HAMILTON
ZONE:	"C/S-1822" (Urban Protected Residential, Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 22-195

APPLICANTS: Owner: VINCENT DIMAURO
 Agent: ANTHONY BARTOLINI

The following variances are requested:

1. The in-ground swimming pool shall be permitted to be located 1.65 m from the front lot line abutting Darlington Drive instead of the minimum required 6 m;
2. The pool equipment shall be permitted to be located 0.61 m from the street line abutting Darlington Drive instead of the minimum required 3 m; and,
3. A minimum of 30% of the gross area of the front yard will be landscaped area instead of the minimum required 50%.

PURPOSE & EFFECT: To construct an in-ground swimming pool in the front yard of the existing dwelling:

Notes:

- i. The submitted application included a request for relief concerning the height of a fence. It does not appear that this restriction derives from a zoning by-law, and instead appears to be a requirement from the City's Fence By-law 10-142. The Committee of Adjustment does not have authority to grant relief from the Fence By-law. Municipal Law Enforcement staff administer the City's Fence By-law and can provide direction with obtaining any relief or exception from any Fence By-law requirement.
- ii. The variance identified respecting front yard landscaped area includes an approximate percentage, as figures for the front yard area and the surface elements therein have not been included in the site plan.

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 30, 2023
TIME:	2:40 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 HM/A-23:33, 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: March 14, 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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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.



Committee of Adjustment
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 71 Main St. W.,
 Hamilton, ON L8P4Y5

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 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)	Vincent DiMauro	
Applicant(s)		
Agent or Solicitor	Anthony Bartolini	

- 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	8 Wall St, Hamilton, ON L9C 2R7		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number	M-29	Lot(s)	30
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:

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:

Inground pool located in the front yard abutting Wall Street.
6FT Tall Wood fence located 5.189m setback from the street line.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

6 ft tall wood fence - 0.211m closer to the street line than permitted & an inground pool located in the front yard.

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
65' or 19.81m	110' or 33.52m	6834.6SQFT or 634.9sqm	+/- 28' or 8.534m

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	30'-7" or 9.32m		7'-9" or 2.362m	1970

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Inground Pool	1.647M		2.684M & 4.838M	

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			1	N/A

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Inground Pool	43.1SQM			

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.):
 Residential

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:
 1970

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
 Residential House

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
 Residential House

7.4 Length of time the existing uses of the subject property have continued:
 since 1970

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: Hamilton

Urban Hamilton Official Plan designation (if applicable) _____

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

7.6 What is the existing zoning of the subject land? Part 9 - Residential

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:

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: 1 _____

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

Review Coordinators Response to Permit submission file 22 150546 000 00 R9

1. Although the house is orientated towards Wall St. This does not appear to be the front property line. a minimum rear yard depth of 7.5m is required which cannot be provided if Wall St was the front property line. As such, The front property line is on Darlington Dr, which places the proposed pool in the front yard which is not permitted. A minor Variance will be required for the placement of the pool in this location (x1355 or cofa@hamilton.ca -RA

2.No fence meeting the height requirements of a pool enclosure can be within 5.4m of the street line, as it will block visibility at the corner. -RA

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
- _____
- _____