



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>DN/A-23:52</b>	<b>SUBJECT PROPERTY:</b>	21 MCKAY COURT, DUNDAS
<b>ZONE:</b>	"R2" (Single Detached Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Dundas 3581-86, as Amended

**APPLICANTS:**      Owner: JASON ST-DENIS  
                                 Agent: PARK EIGHT INC. C/O BRENT WYBENGA

The following variances are requested:

1.      A minimum westerly side yard of 0.9m shall be permitted instead of the minimum 5.0m side yard required.
2.      An open stairway shall be permitted to project the entire width of the westerly side yard and therefore may be located as close as 0.0m from the westerly side lot line whereas the zoning By-law permits an open stairway to project into a required side yard not more than one-third of its width or 1.5m whichever is the lesser.

**PURPOSE & EFFECT:**      To facilitate the construction of a southerly side addition and open stairway to the existing single detached dwelling.

**Notes:**

The elevation plans provided do not show the height dimension from grade to the uppermost point of the building. Therefore, the applicant shall ensure that the maximum permitted 10.5m is not exceeded; otherwise, further variances shall be required.

Eaves and gutters are permitted to project into a side yard a maximum of one-half of its width or 1.0m whichever is lesser. Details regarding the eave projection were not shown on the submitted plans from which to determine compliance. Therefore, the applicant shall ensure compliance can be achieved; otherwise, further variances shall 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.**

## DN/A-23:52

This application will be heard by the Committee as shown below:

<b>DATE:</b>	<b>Thursday, April 6, 2023</b>
<b>TIME:</b>	<b>10:30 a.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 DN/A-23:52, 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: March 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.



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

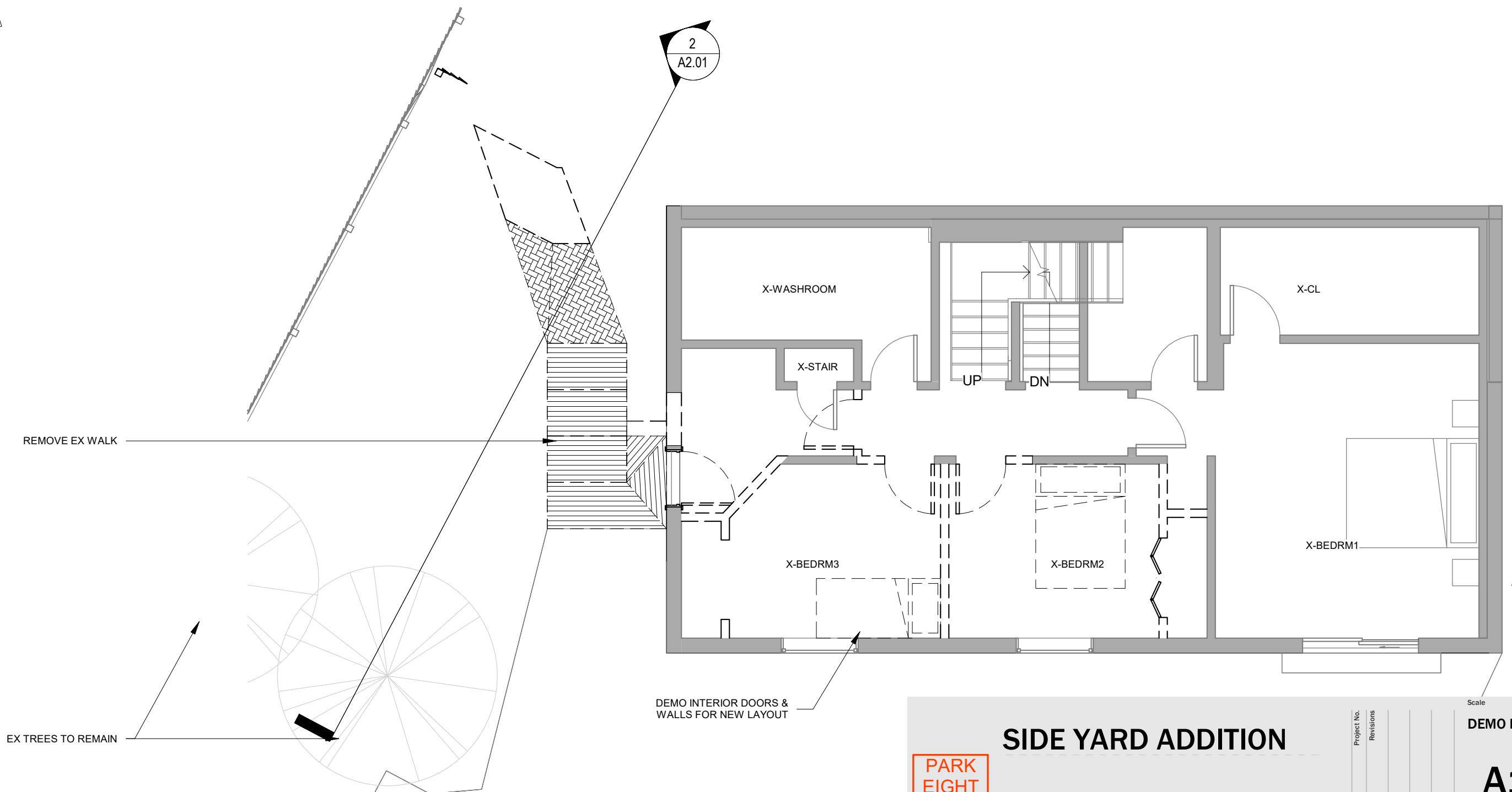
**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

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.

A2.01  
3

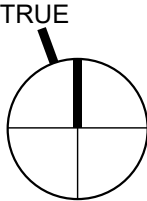
2  
A2.01



REMOVE EX WALK

EX TREES TO REMAIN

DEMO INTERIOR DOORS &  
WALLS FOR NEW LAYOUT



1 DEMO. - GRADE  
3/16" = 1'-0"

**PARK  
EIGHT**  
ENG // ARCH

# SIDE YARD ADDITION

21 MCKAY COURT, DUNDAS ONTARIO

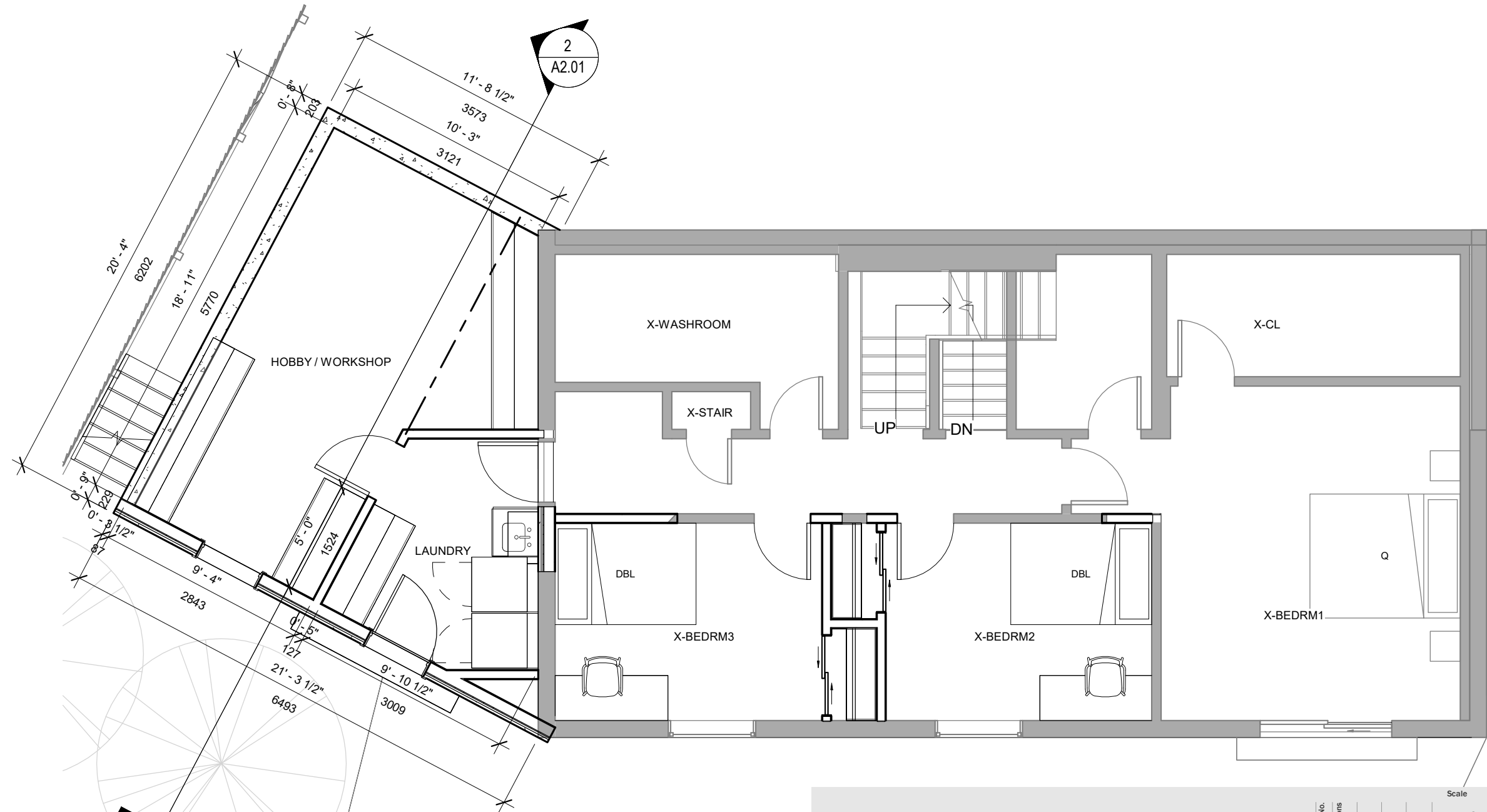
Project No.  
21777  
Revisions

Scale 3/16" = 1'-0"

DEMO PLAN - LVLO

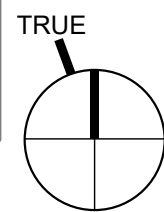
# A1.01

Sheet No. ©2021



1 PROP. - GRADE  
3/16" = 1'-0"

2  
A2.01



**PARK EIGHT**  
ENG // ARCH

**SIDE YARD ADDITION**

21 MCKAY COURT, DUNDAS ONTARIO

Project No.	21777
Revisions	

Scale 3/16" = 1'-0"

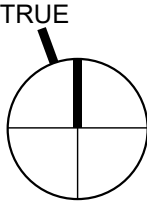
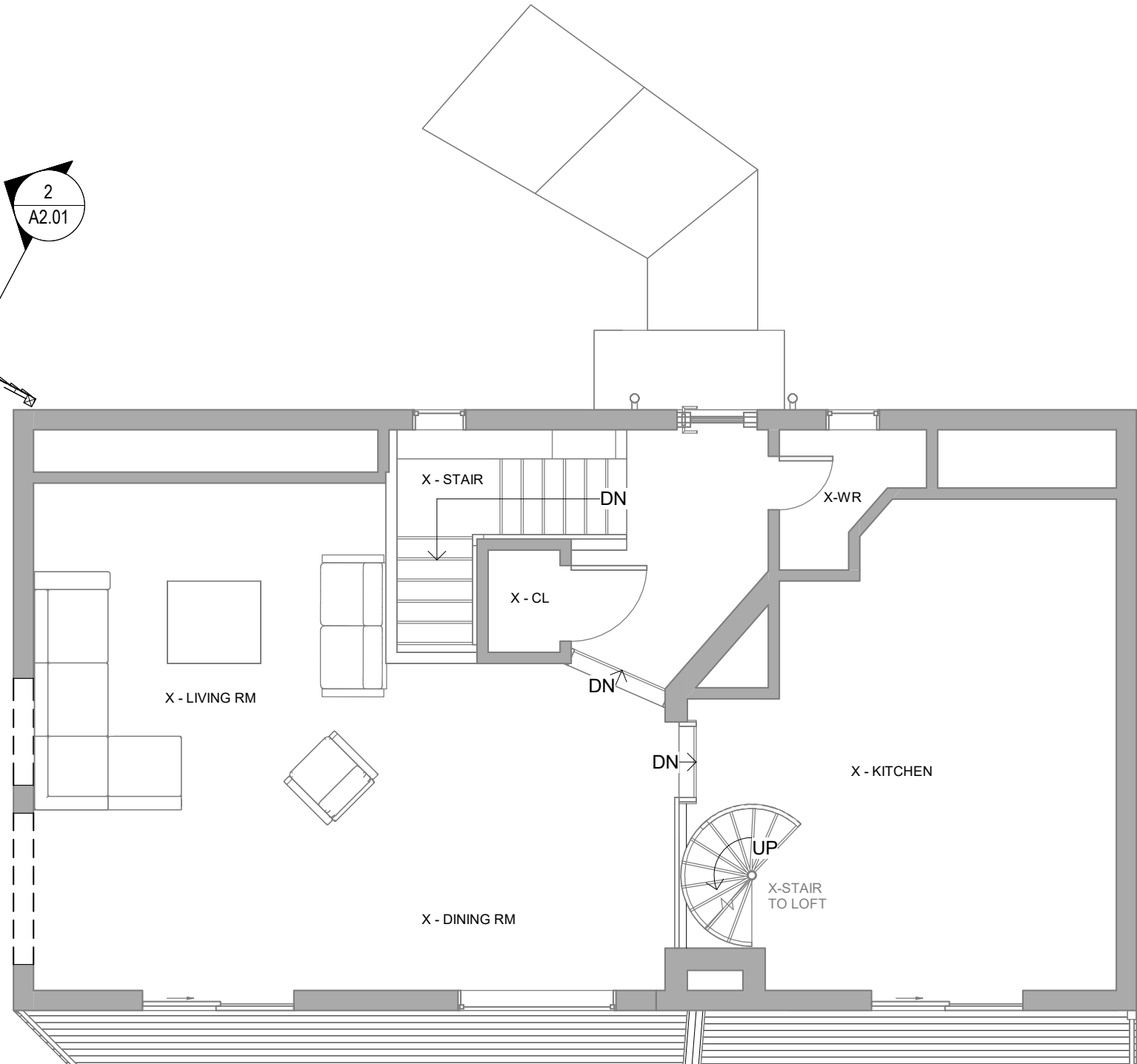
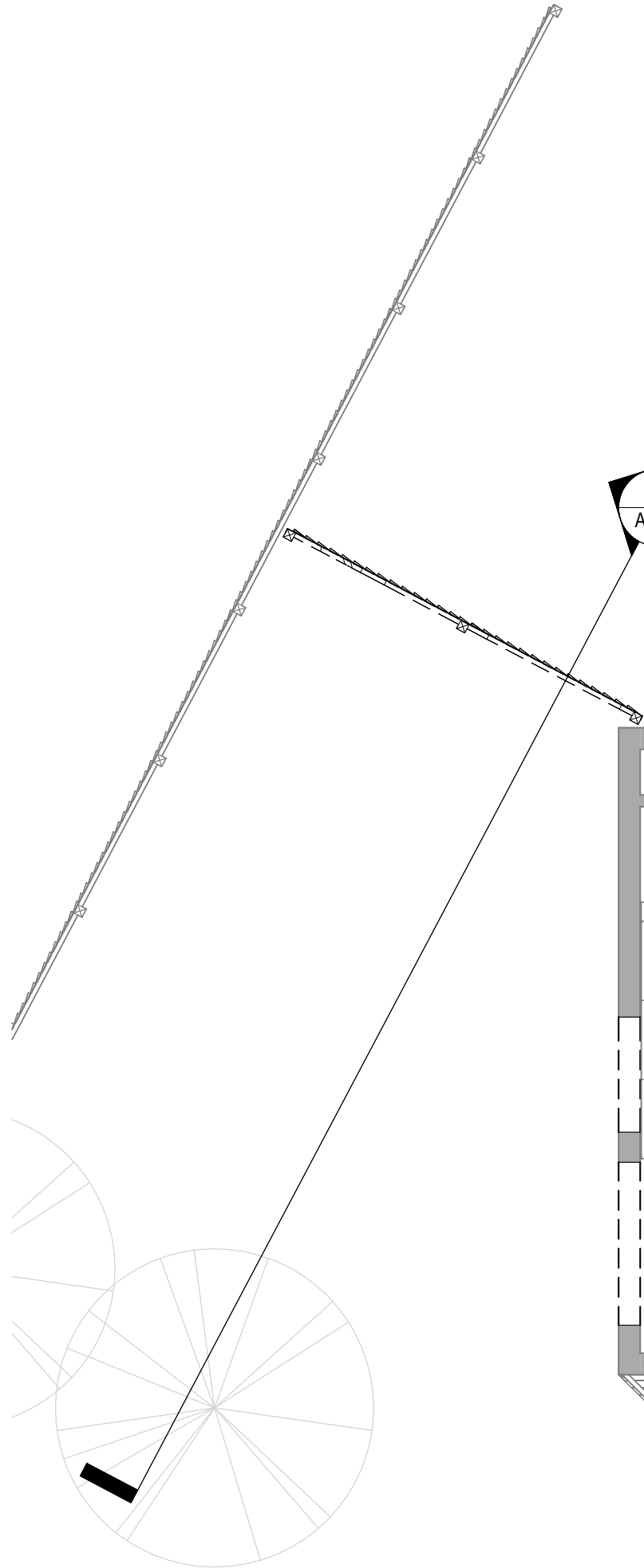
PROP. LVLO

**A1.02**

Sheet No. ©2021

A2.01  
3

2  
A2.01



1 DEMO. - FLOOR 1  
3/16" = 1'-0"

**PARK EIGHT**  
ENG // ARCH

# SIDE YARD ADDITION

21 MCKAY COURT, DUNDAS ONTARIO

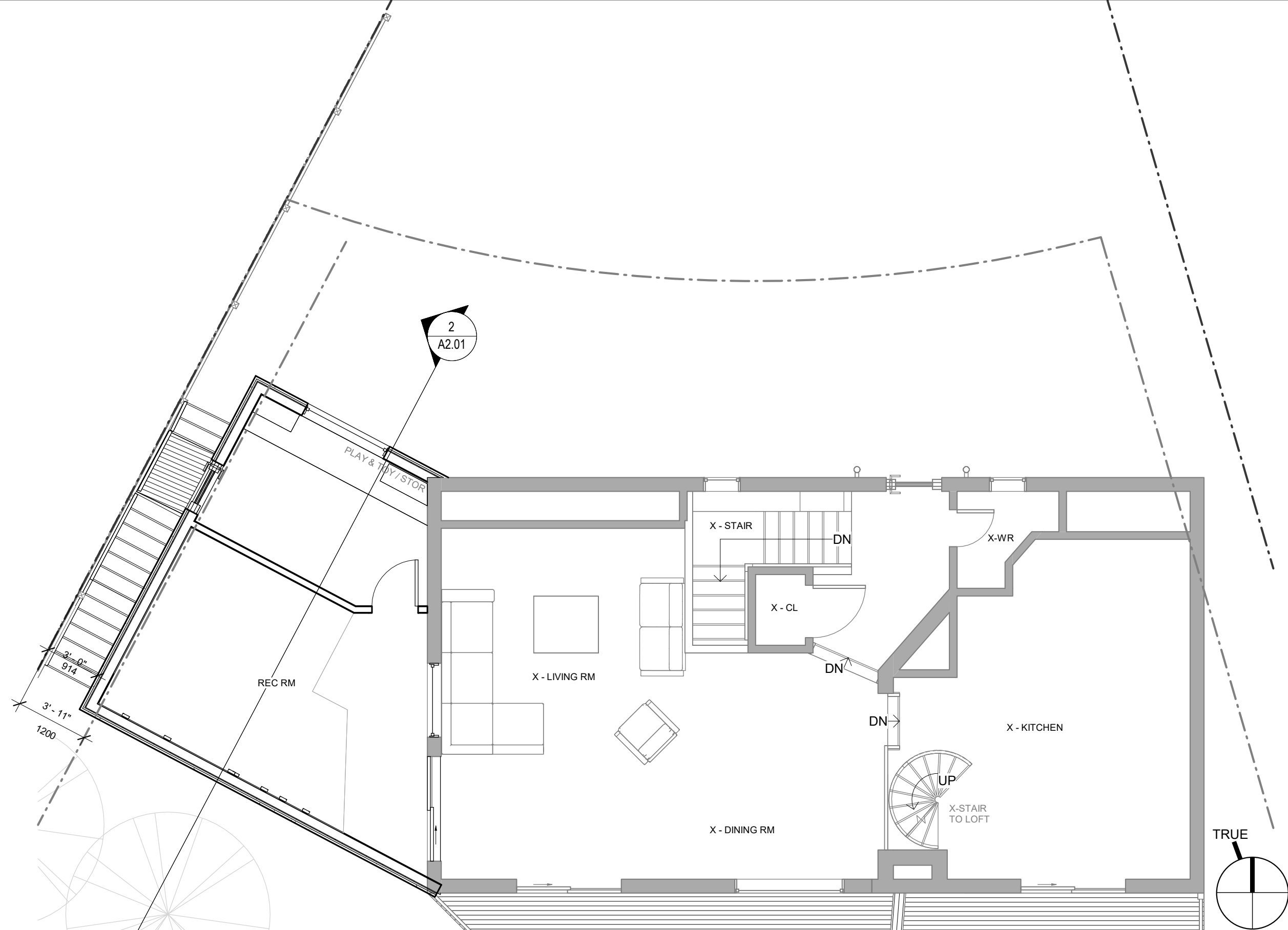
Project No.  
Revisions

Scale 3/16" = 1'-0"

DEMO PLAN - LVL1

# A1.03

Sheet No. ©2021



① LVL1 PROP.  
3/16" = 1'-0"

**PARK  
EIGHT**  
ENG // ARCH

**SIDE YARD ADDITION**

**21 MCKAY COURT, DUNDAS ONTARIO**

Project No.	Revisions
21777	

Scale 3/16" = 1'-0"

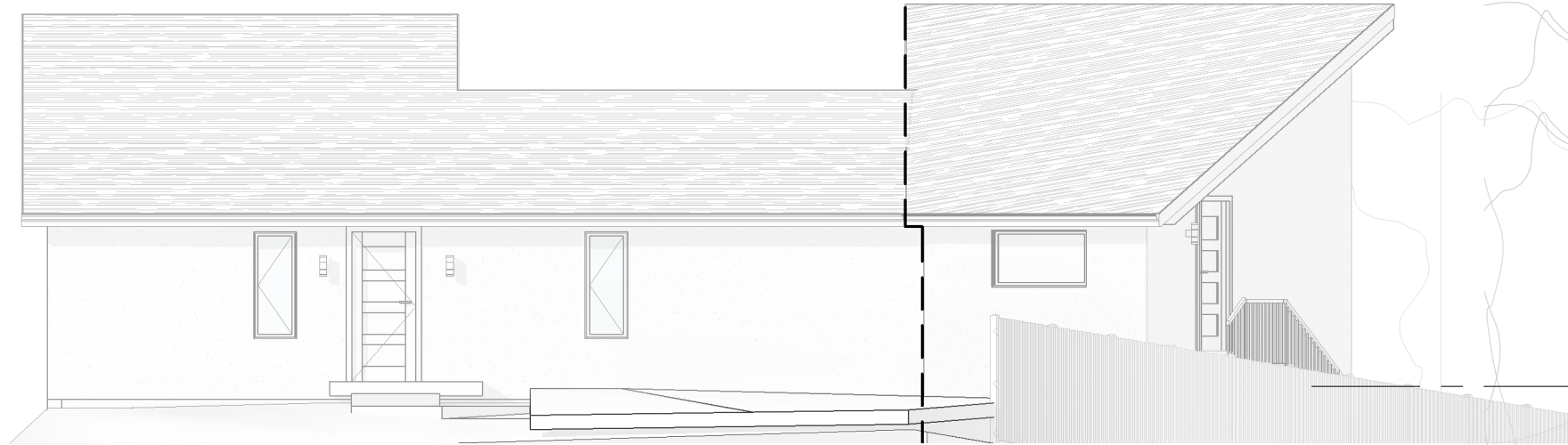
PROP. LVL1

**A1.04**

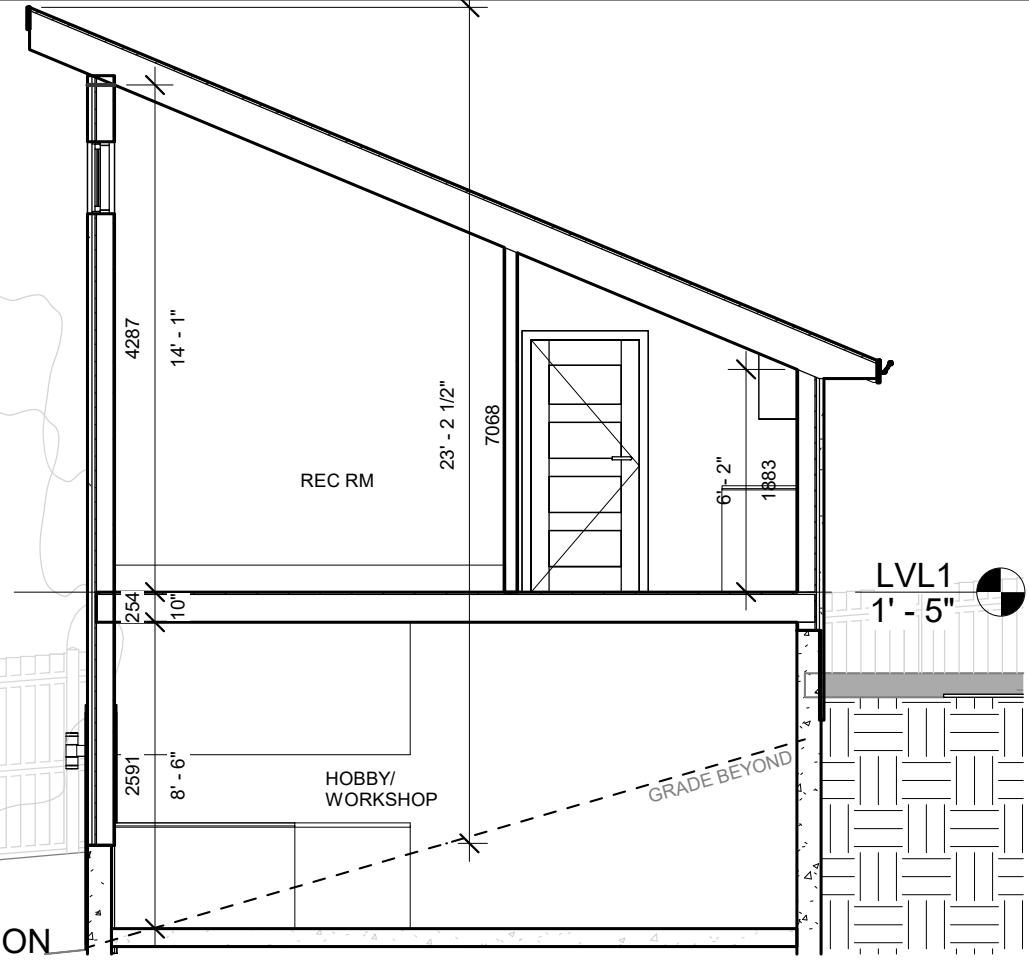
Sheet No. ©2021



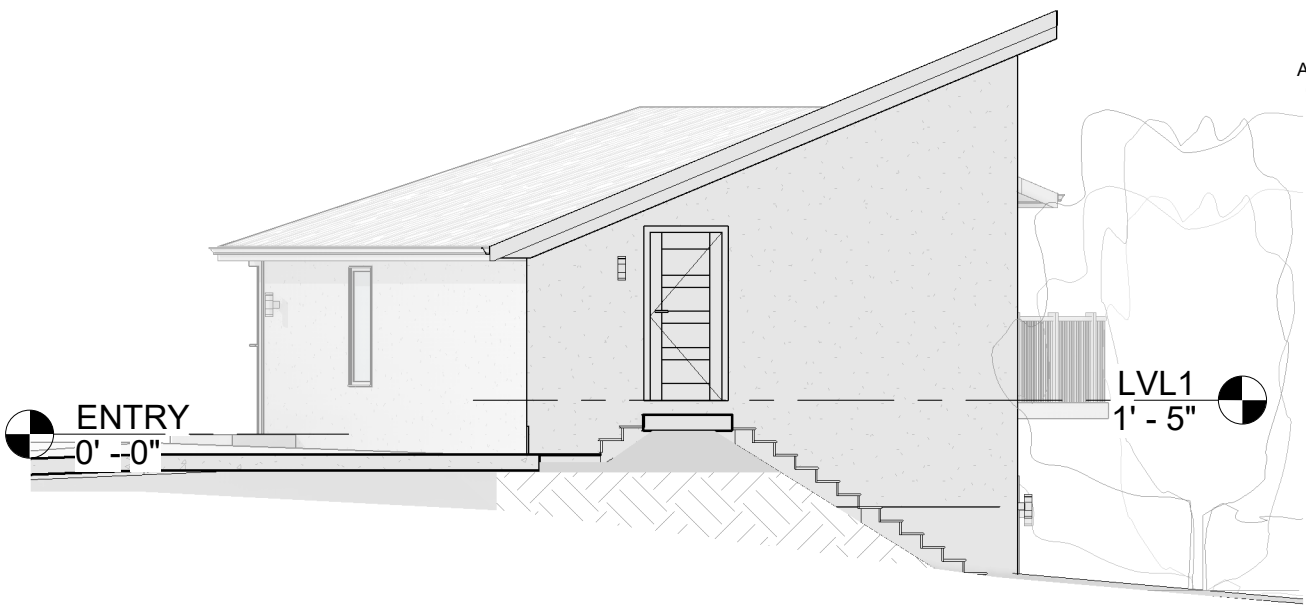
EXISTING ← PROP. ADDITION



1 FRONT ELEVATION PROPOSED  
1/8" = 1'-0"



2 ADD'N SECTION  
3/16" = 1'-0"



3 EAST EXTR ELEVATION  
1/8" = 1'-0"

TRANSOM WINDOWS ABOVE

ACCESS TO BASEMENT GARAGE / WORKSHOP

PROP. ADDITION ← EXISTING



4 REAR ELEVATION  
1/8" = 1'-0"

2  
A2.01

**PARK EIGHT**  
ENG // ARCH

**SIDE YARD ADDITION**

21 MCKAY COURT, DUNDAS ONTARIO

Project No. 21777  
Revisions

Scale As Indicated

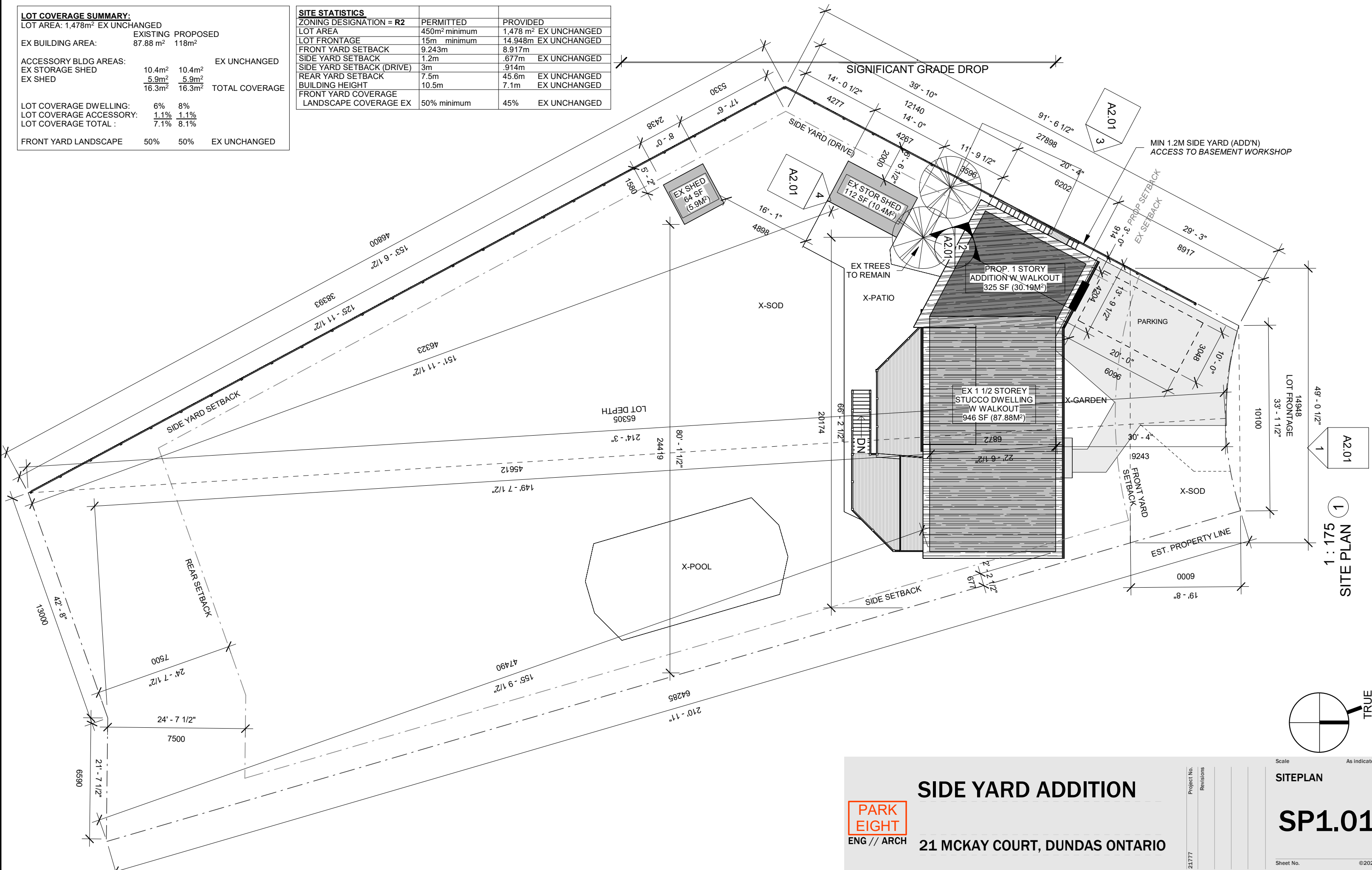
EXTERIOR ELEVATIONS

**A2.01**

Sheet No. ©2021

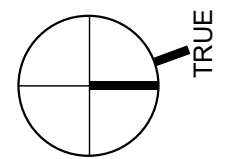
LOT COVERAGE SUMMARY:		
LOT AREA:	1,478m <sup>2</sup>	EX UNCHANGED
EX BUILDING AREA:	87.88 m <sup>2</sup>	EXISTING PROPOSED
ACCESSORY BLDG AREAS:	10.4m <sup>2</sup>	10.4m <sup>2</sup>
EX STORAGE SHED	5.9m <sup>2</sup>	5.9m <sup>2</sup>
EX SHED	16.3m <sup>2</sup>	16.3m <sup>2</sup>
		EX UNCHANGED
		TOTAL COVERAGE
LOT COVERAGE DWELLING:	6%	8%
LOT COVERAGE ACCESSORY:	1.1%	1.1%
LOT COVERAGE TOTAL :	7.1%	8.1%
FRONT YARD LANDSCAPE	50%	50%
		EX UNCHANGED

SITE STATISTICS			
ZONING DESIGNATION = R2	PERMITTED	PROVIDED	
LOT AREA	450m <sup>2</sup> minimum	1,478 m <sup>2</sup>	EX UNCHANGED
LOT FRONTAGE	15m minimum	14.948m	EX UNCHANGED
FRONT YARD SETBACK	9.243m	8.917m	
SIDE YARD SETBACK	1.2m	.677m	EX UNCHANGED
SIDE YARD SETBACK (DRIVE)	3m	.914m	
REAR YARD SETBACK	7.5m	45.6m	EX UNCHANGED
BUILDING HEIGHT	10.5m	7.1m	EX UNCHANGED
FRONT YARD COVERAGE			
LANDSCAPE COVERAGE EX	50% minimum	45%	EX UNCHANGED



# SIDE YARD ADDITION

21 MCKAY COURT, DUNDAS ONTARIO



Scale As Indicated

SITEPLAN

# SP1.01

Sheet No. ©2021

Project No.	21777
Revisions	

A2.01  
 1  
 NPLAN IS  
 571 : 1



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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

Table with columns: NAME, MAILING ADDRESS, E-mail: and rows: Registered Owners(s), Applicant(s), Agent or Solicitor

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

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

1.3 Sign should be sent to [ ] Purchaser [ ] Applicant [x] Owner [ ] Agent/Solicitor

1.4 Request for digital copy of sign [x] Yes\* [ ] No If YES, provide email address where sign is to be sent [redacted]

1.5 All correspondence may be sent by email [x] 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	21 McKay Court, Dundas Ont. L9H 6P1		
Assessment Roll Number			
Former Municipality	Dundas		
Lot	11	Concession	
Registered Plan Number	1105	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:

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

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
14.948m	65,305m	1,478m <sup>2</sup>	8.5m

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
Dwelling	9.243m [30' 4"]	45.612m [149' 7-1/2"]	.677 [2' 2-1/2"]/ 4.2 [13'-9"]	±1960's
Storage Shed	18.715m [61' 5"]	4.277m [14'-0"]	2m [6'-6 1/2" ]/ 20.17[66'-2"]	-
Shed	27.88m [91' 6"]	38.4m [126']	1.58m [5' 2" ]/ 24.4[80']	-

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	8.9m [29'-3"]	45.612m [149' 7-1/2"]	.677 [2' 2-1/2"]/ .914 [3'-0"]	-
Storage Shed	18.715m [61' 5"]	4.277m [14'-0"]	2m [6'-6 1/2" ]/ 20.17 [66'-2"]	unchanged
Shed	27.88m [91' 6"]	38.4m [126']	1.58m [5' 2" ]/ 24.4 [80']	unchanged

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
Dwelling	87.88m2 [946sf]	205m2 [2208sf]	1 1/2	±7.1m [23' 4"]
Storage Shed	10.4m2 [112sf]	-	1	±2.7m [9'-0"]
Shed	5.9m2 [63.5sf]	-	1	±2.44m [8'-0"]

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	118m2 [2107sf]	265m2 [2852sf]	1 1/2	±7.1m [23' 4"] match ex
Storage Shed	10.4m2 [112sf]	-	1	unchanged
Shed	5.9m2 [63.5sf]	-	1	unchanged

- 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 (unchanged)

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

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## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:  
December 2013

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

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

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7.4 Length of time the existing uses of the subject property have continued:  
40+ years

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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.

7.6 What is the existing zoning of the subject land? R2 RESIDENTIAL

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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:

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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

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):

## 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
- \_\_\_\_\_
- \_\_\_\_\_