



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-23:83	SUBJECT PROPERTY:	46-48 BROCK STREET, HAMILTON
ZONE:	"D" (Urban Protected Residential – One- and Two-Family Dwellings)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 94-93

APPLICANTS: **Owner:** TROY AND MICHELLE SMITH
 Agent: LEONY DEGRAFF
 Applicant: M. THOMAS & M. VARWIG

The following variances are requested:

Variances for both properties:

1. A minimum lot width of 6.1 metres shall be provided instead of the required minimum lot width of 12.0 metres for a Single-Family Dwelling;
2. A minimum side yard setback of 0.61 metres shall be provided instead of the required minimum side yard setback of 1.2 metres;

Variances specific to the lot to be Retained (Lot #48):

3. A minimum of 0 parking spaces shall be provided instead of the minimum of 2 parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room;

Variances specific to the lot to be Conveyed (Lot #46):

4. A minimum front yard setback of 3.0 metres shall be provided instead of the minimum front yard setback of 6.0 metres;

PURPOSE & EFFECT: So as to permit the existing and proposed Single Family Dwelling prior to severing the lot into two parcels notwithstanding that:

Notes:

1. Please be advised, the plans provided indicate the lot dimensions to be 6.1 metres in width by 28.1 metres in length. As such, the area of both the lot to be Retained and the lot to be Conveyed is approximately 171.41 square metres. As per Section 10(4) of Hamilton Zoning By-Law 6593, for a single-family dwelling, residential care facility or lodging house, a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3875.13 square feet). The applicant has requested a variance to vary the permitted lot width to 6.1 metres, however lot area has not been requested for variance. Should lot area not conform to Section 10(4), additional variances may be required.
2. Insufficient information has been provided to determine Parking requirements for the proposed Single-Family Dwelling. Requirements such as, but not limited to, number of parking spaces, parking space dimensions, location of parking spaces and landscaping within the Front Yard. Should proposed parking not comply with the applicable requirements under Section 18a, additional variances may be required.
3. In addition to the above requirements, insufficient information has been provided regarding the eaves/ gutters of the existing and proposed Single Family Dwelling unit(s). As per Section 18 (3)(vi)(b), A canopy, cornice, eave or gutter may project, into a required front yard not more than 1.5 metre provided that no such projection shall be closer to a street line than 1.5 metres; into a required rear yard not more than 1.5 metre; into a required side yard not more than one-half of its width, or 1.0 metre, whichever is the lesser. Should the eaves/ gutter of both the existing and proposed Single Family Dwelling not meet the requirements of Section 18 (3)(vi)(b), 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:

DATE:	Thursday, May 18, 2023
TIME:	9:20 a.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-23:83, 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: May 2, 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.



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

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

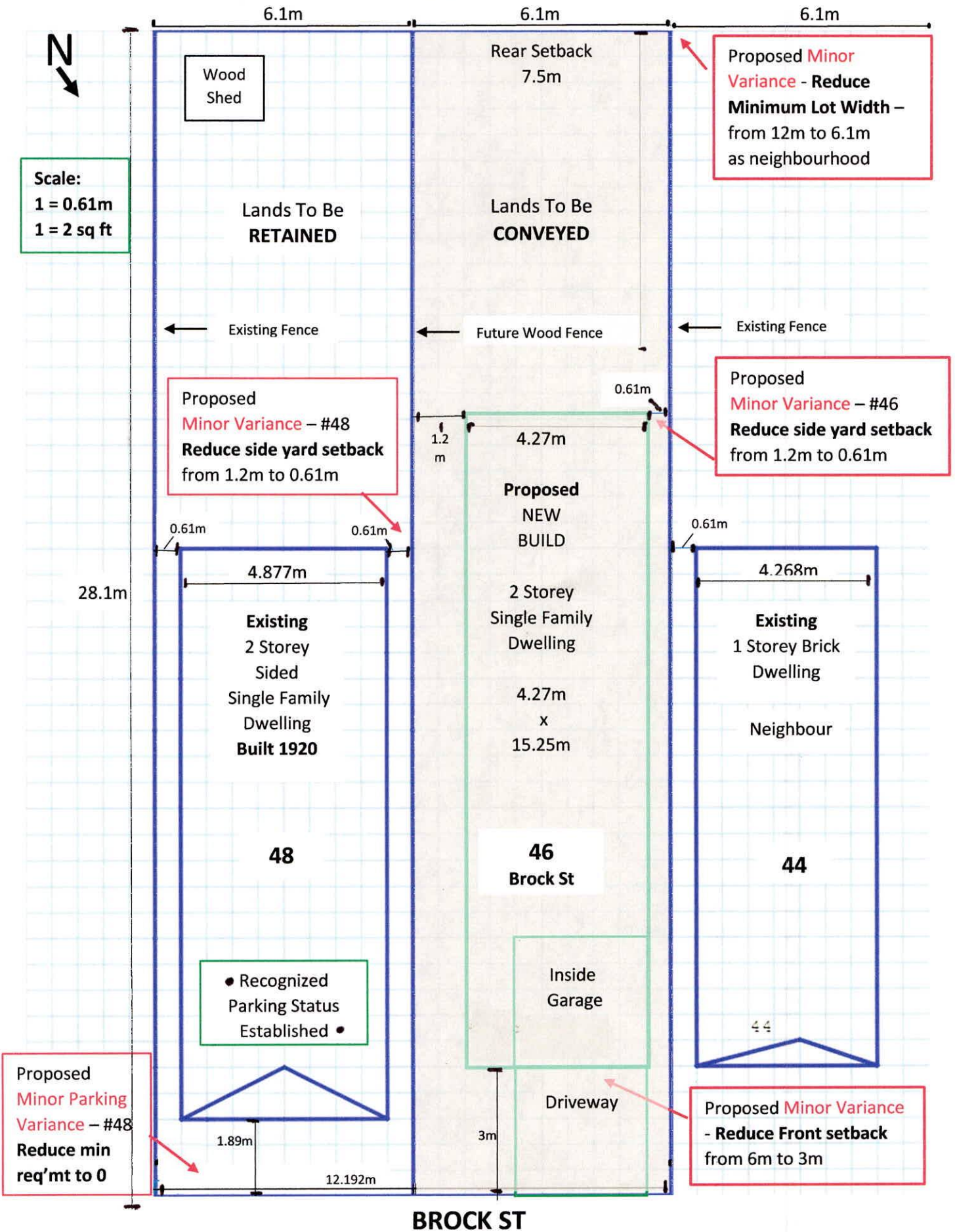
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

Application for Consent to Sever + Application for Minor Variances – Site Plan Sketch
 46 – 48 Brock St, Hamilton

A



3 April 2023

Hamilton City Hall
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Attention: Planning Dept, Committee of Adjustment

Re: Consent for Severance and Minor Variances at 46-48 Brock St, Hamilton

Dear Sir/Madam:

Thank you for considering our Application for Consent to Sever Land for the above noted property, with some minor variances requested. This cover letter is to provide you with summarized information about this property's history and our intentions.

Our 29 year old son grew up in Burlington and his spouse in Stoney Creek. While renting in Toronto, these young professionals realized they would need to move to Hamilton and commute, in order to have a chance at home ownership before starting a family. With a maximum pre-approval limit of \$450k, there aren't many single-family homes in their price range. As a Financial Planner myself and my husband a Red Seal Contractor, we were looking for creative ways to help our kids get into the real estate market in today's economy. When we found 46-48 Brock St listed for sale, on a double lot, we thought this could be the way for them. Keeping within their budget, we have invested the remainder and taken on the task and risk of severing this lot for them. If the costs and time frame are not too restrictive, we intend to see this project through from severance to building a home on the new lot, to turn over to the kids. We would then improve and sell the home on #48 to get our investment back. We are not wealthy developers, we are using our resources temporarily, to help out our next generation.

During our due diligence, we learned these **titles merged inadvertently** when the Lupton family owned them both, either in 1976 or upon the death of a joint owner in January 2002, or when the property was converted to LT system in December 2009. Attached you will find a *Parcel Register* for 17155-0263 (LT) labeled 'B' as well as an *Abstract Index* for 17155-0514 (R) labeled 'C', showing the history of the property ownership.

Around the time the house at 48 Brock St was built (1920) a house was also built at 46 Brock St. At some point that I have not been able to determine, the house burned down which left an empty lot at #46. Our request is to revert this property back to its original intention in the neighbourhood, as a standard size lot for the community and allow a new family to live at 46 Brock St. With the 'unmerging' of titles, we are requesting the established recognized parking status remains with the 1920's home at 48 Brock St. This property still receives two separate property tax bills and has two ARN numbers.

You will see in the attached visuals of the neighbourhood, labeled 'E' - all lots appear to be approximately 6.1m wide, not the 12m that Zone D District by-laws state as the minimum. Many side and front yard setbacks in the Brock St neighbourhood also do not meet the Zone D District requirements, which means the minor variances proposed are not out of place. The proposed new home would have architectural features and colouration that would allow it to be integrated into the existing neighbourhood and meet all standards of the OBC. The revitalized lot may even encourage other nearby neighbours to improve their own exteriors. We will communicate with our neighbours before applying for a building permit to ensure they are aware of our plans and that we will always keep their comfort top of mind during this project. We will provide them with a 24 hour contact number and post all information required.

Although there are several, we feel the Variances requested are minor in the context of the existing neighbourhood's lot sizes and setbacks, as well as desirable for the appropriate development of the land and neighbourhood. The proposal conforms to the general intent of the Zoning By-law in keeping the community organized and uniform. It also conforms

to the general intent of the City of Hamilton's Official Plan by concentrating new development within existing built-up areas and within the urban boundary through intensification and adaptive re-use of existing vacant land.

In closing, we simply want to revert the property back to its original intent, blend into the Brock St neighbourhood and help our kids thrive there. It's a wonderful neighbourhood for young families to grow in, with the bay and the Pier 7 & 8 development only a block away. With your assistance, we can help two young families call the Hamilton waterfront area their home.

Kindest regards,



Leony deGraaf Hastings
Appointed Agent for 46-48 Brock St
905-220-2146

769 Old York Rd
Burlington, ON L7P 4X8

Schedule of Attachments:

- A – Site Plan Sketch
- B – Parcel Register 17155-0263 (LT)
- C – Abstract Index for Property Identification 17155-0514 (R)
- D – Potential House Design on #46 – 15ft (4.572m) wide
- E – Visual of actual Neighbourhood setbacks in Zone D District
- F – Purchase and Sale Agreement – Troy & Michelle Smith to Mackenzie Thomas & Monique Varwig
- + - Minor Variance Application



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 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	46-48 Brock St, Hamilton, ON		
Assessment Roll Number	46 Brock St ARN #251802016405700		
Former Municipality	48 Brock St ARN #251802016405730		
Lot		Concession	
Registered Plan Number	171550263 (LT)	Lot(s)	+ 171550514 (R)
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:

Unknown, possible Utilities easement

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 Site Plan labeled 'A' - 5 Minor Variances requested in red boxes - Reduce minimum lot size from 12m to 6.1m as per all existing neighbourhood lots - Reduce west side yard setback on #46 - from 1.2m to 0.61m - Reduce west side yard setback on #48 from 1.2m to 0.61m - Reduce front set back on #46 from 6m to 3m - Parking Variance to reduce minimum parking requirement to 0 - grandfathered with house built in 1920 (merged on title) - All in preparation to build a 2 storey single family dwelling on newly severed lot at 46 Brock St

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The new dwelling on #46 would be too narrow at only 3.658m wide to accommodate building plans with garage and driveway parking with the current lot size and side and front setback requirements. Preferred new dwelling width of 4.268m - 4.572m if variances allowed. Most homes in area do not have a 1.2m side setback and ALL lots are approx 6m wide. Some houses in the neighborhood are too close to the road to accommodate parking on property, like #48.

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
6.1m 12m	28.1m	336 171.41m ²	7.315

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

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year _____

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Single detached dwelling to blend in with the surrounding architecture design- see attached sample labeled 'D'

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

Single detached, 2 storey dwelling

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Purchaser - Possession June 1, 2023

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

Single detached, 2 storey dwelling - burned down years ago - Titles inadvertently merged on death of joint owner or upon Land Registry

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

Vacant residential land

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

103 years at #48 - Unknown at #46

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: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

The proposal has merit and can be supported, as it is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Growth Plan and Hamilton-Wentworth Official Plan, which support residential intensification and infill. The proposed dwelling would have architectural features and colouration that would allow it to be integrated into the existing and growing Bay area neighbourhood. It would allow a young family to move to the area due to more affordable housing.

7.6 What is the existing zoning of the subject land? Zone D District

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: Zone D District

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
#46 - None - house burned down years ago	6m	7.5m	1.2m	01/01/1920
#48 - 2 Storey Single Fam Dwelling	approx 1.829m	7.5m	0.61	01/01/1920
#46 - Wood Shed	approx 27m	1m	1m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
#46 - 2 Storey Single Family Dwelling+	3m	8.5m	0.61m	08/15/2023
#48 - No Change	approx 1.89m	7.5m	0.61m	01/01/1920
#48 - No Change	approx 27m	1m	1m	

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
#46 - None	0	0	0	0
#48 - 2 storey single family dwelling	50.06m ²	87.37m ²	2	approx 11m
#48 - Wood Shed	5.94m ²	5.94m ²	0	2.438m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
#46 - 2 Storey, single family dwelling	55 - 65m ²	111.5m ² - 130m ²	2	< 11m
#48 - Dwelling - No Change	50.06m ²	87.37m ²	2	approx 11m
#48 - Wood Shed - No Change	5.94m ²	5.94m ²	0	2.438m

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)
- _____

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: 2

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

* See Cover Letter