



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.:	SC/A-23:56	SUBJECT PROPERTY:	12 SHADOWDALE DRIVE, STONEY CREEK
ZONE:	"R2" (Single Residential 2)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended

APPLICANTS: Owner: GEORGE AND NADA MACKAY

The following variances are requested:

Lot to be Conveyed:

1. A minimum frontage of 0.0 metres shall be provided instead of the minimum required 15 metre frontage onto a street;
2. Uses permitted under Section 6.3.2 shall be permitted on a lot without frontage on a street instead of the requirement that no person shall erect any building or structure on a lot or use any lot in any zone unless such lot has frontage on a street;

PURPOSE & EFFECT: So as to permit the severance of the existing lot of a Single Detached Dwelling and conveyance of land to be created for a proposed Single Detached Dwelling notwithstanding that:

Notes:

- i) This application shall be heard in conjunction with Consent application SC/B-23:13
- ii) It is noted, the applicant has requested the previous variance to be amended from a 4.5 metre frontage to a 0.0 metre frontage for the lot to be conveyed. In addition, the applicant has proposed a 4.5-metre-wide Access and Maintenance Easement along the Southerly Lot Line which will grant access through the retained lot to Shadowdale Drive. The variance has been amended as per the applicant's request. Be advised, confirmation of the Access and Maintenance Easement on a registered survey shall be a Condition of Severance should the requested Variance be granted.

SC/A-23:56

- iii) In addition to the above comment, an additional variance has been provided to address Section 4.6 regarding general Access requirements for all lots located within Stoney Creek Zoning By-Law 3692-92.
- iv) Be advised, Insufficient Information was provided to determine the parking requirements for the lot to be conveyed. Should parking not meet the requirements of Section 4.10 and 6.1.8 relating to Parking space location, size, access and number (note, 2 parking spaces are required for each Single Detached Dwelling), 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:	10:30 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 SC/A-23:56, 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

SC/A-23:56

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

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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.

OWNER:	MUNICIPAL ADDRESS
GEORGE MacKAY 12 SHADOWDALE DRIVE, CITY OF HAMILTON	
LEGAL DESCRIPTION	
BLOCK 125, PLAN 62M-665	
CITY OF HAMILTON	
ZONING	
R2 SINGLE RESIDENTIAL	
ITEM	
LOT WIDTH	
LOT AREA	
LOT COVERAGE	
FRONT YARD SETBACK	
REAR YARD SETBACK	
SIDE YARD SETBACK (N)	
SIDE YARD SETBACK (S)	

Total Site Area = 7233.01 m²
(1.8 ac)

THIS SURVEY WAS PREPARED FOR GEORGE MacKAY AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

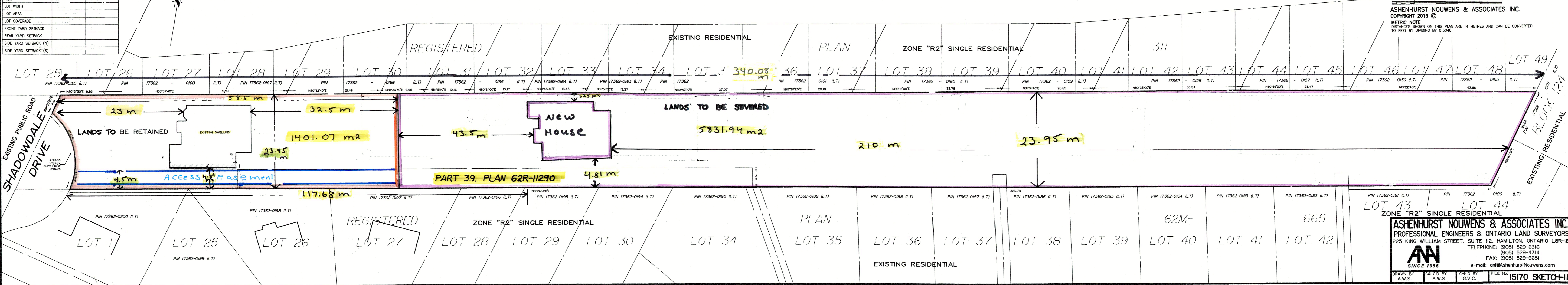
SKETCH SHOWING PROPOSED SEVERANCE & REZONING
BLOCK 125, REGISTERED PLAN 62M-665
IN THE
CITY OF HAMILTON

SCALE 1 : 300
0 5 10 15 20 METRES

ASHENHURST NOUWENS & ASSOCIATES INC.
COPYRIGHT 2015 ©

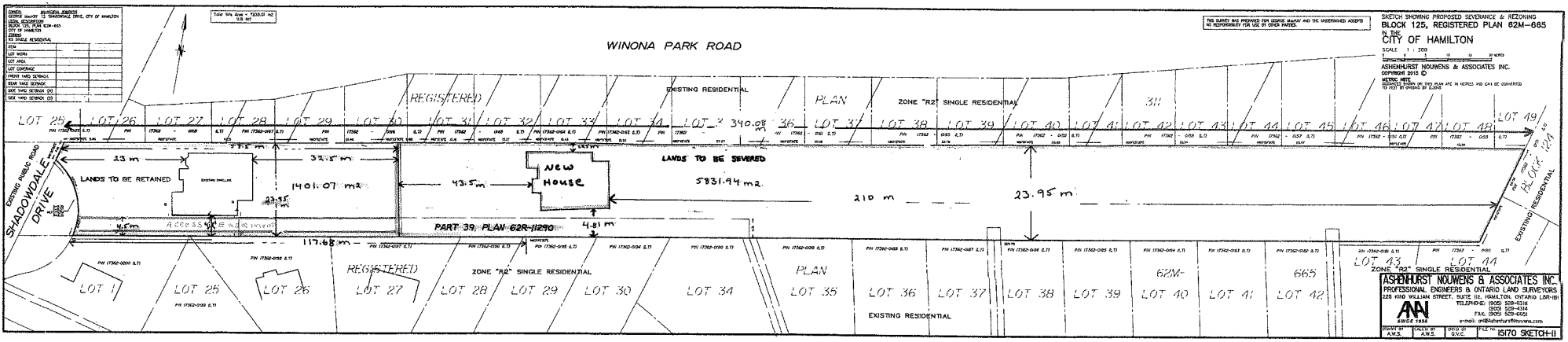
METRIC NOTE
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

WINONA PARK ROAD



ASHENHURST NOUWENS & ASSOCIATES INC.
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS
225 KING WILLIAM STREET, SUITE 112, HAMILTON, ONTARIO L8R-1B1
TELEPHONE: (905) 529-6316
(905) 529-4314
FAX: (905) 529-6651
e-mail: an@AshenhurstNouwens.com

DRAWN BY A.W.S. CALC'D BY A.W.S. CHK'D BY G.V.C. FILE No. 15170 SKETCH-II



April 14, 2023

To the Committee Of Adjustments.

Regarding
George & Nancy Mackay
12 Shadowdale Dr
Stoney Creek, Ontario L8E 5Z4

SC/B-23:1312
And
SC/A-23:5612

We had a Committee Of Adjustment Hearing on April 6, 2023 but at that time we Tabled our meeting.

We are wondering if we can Table this until the May 18th 2023 meeting date.

We would like to make the following changes or amendments to our application.

SC/A-23:5612 Application For Minor Variance

We would like to Change section 3.1 of the application

We would like to have the side set back variance removed of .31 meters and modify the variance to no frontage on a public road and subject to the 4.5 meter wide access easement. Existing side yard will be maintained as an access and maintenance easement.

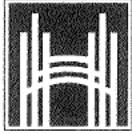
The front variance should be modified from 4.5 meters to zero because the 4.5 meters access easement will provide a legal means of access to the site.

This will resolve the 3.1 meter issue and keep the dwelling in tact as is.

Section 4.1

Lot Frontage 23.95 Meters Lot Depth change to 340.08 Meters
Lot area .73HA Width of Street approx. 12 Meters

Side yard Setbacks change to 4.81 Meters on south side of existing house



Hamilton

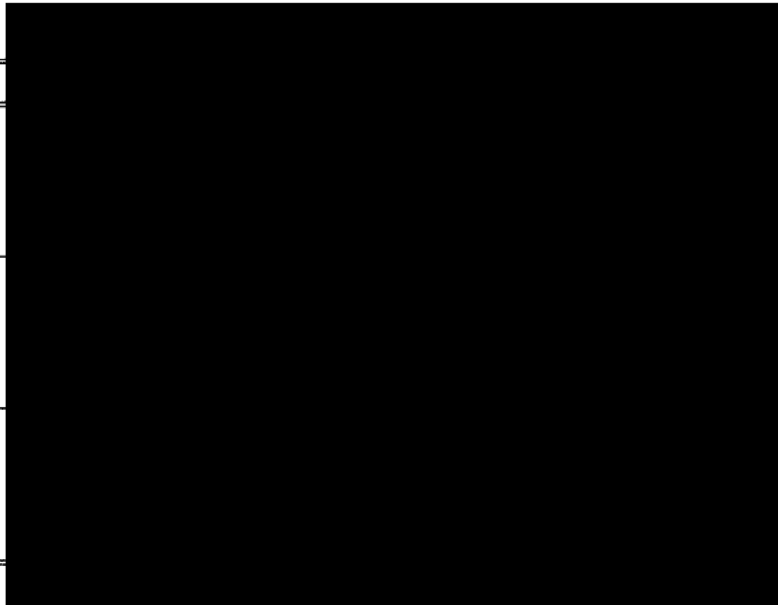
Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

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
Registered Owners(s)	George & Nada Mackay
Applicant(s)	George & Nada Mackay
Agent or Solicitor	



1.2 All correspondence should be sent to

- Purchaser
- Applicant
- Owner
- Agent/Solicitor

1.3 Sign should be sent to

- Purchaser
- Applicant
- Owner
- AgentSolicitor

1.4 Request for digital copy of sign

- Yes*
- No

If YES, provide email address where sign is to be sent george@hdshowroom.com

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	12 Shadowdale Dr Stoney Creek, Ontario L8E 5Z4		
Assessment Roll Number	00302008795		
Former Municipality	Stoney Creek, Ontario		
Lot	Block 125	Concession	
Registered Plan Number	2518003020087	Lot(s)	
Reference Plan Number (s)	62R-11290	Part(s)	44,45 & 58

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:

side set back variance removed of .31 meters and modify the variance to no frontage on a public road and subject to the 4.5 meter wide access easement. Existing side yard will be maintained as an access and maintenance easement. The front variance should be modified from 4.5 meters to zero because the 4.5 meters access easement will provide a legal means of access to the site. This will resolve the 3.1 meter issue and keep the dwelling in tact as is.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Lot Configuration/placement of structure limits ability to provide sufficient space for access. Lot Configuration is unique (100 by 78 feet) Therefore access easement would be the best solution.

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
23.95 METERS	340.08 METERS	.73 HA	approx 12 METERS
23.95 meters	340.08 meters	.73 HA	approx 12 meters

Minor Variance Application

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Revised

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
Single Family Home	23 Meters	32.5 Meters	1.25 & 3.1 meters	2004
			Change to	
			1.25 & 4.81 meters	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single Family Home	117.68 Meters	210 Meters	1.25 & 4.81 Meters	

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
Single Family Home	1800 Sq Ft	2900 Sq FT	2 Storey	30 ft

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single Family Home	3000 sq ft	3600 sq ft	1 storey	20 ft

4.4 Type of water supply: (check appropriate box)

publicly owned and operated piped water system
 lake or other water body
 privately owned and operated individual well
 other means (specify)

4.5 Type of storm drainage: (check appropriate boxes)

publicly owned and operated storm sewers
 ditches
 swales
 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

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

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:

2004

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:

Approx 19 years

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) Neighbourhoods

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

Residential use in neighbourhood

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

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: 2

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
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