



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-23:87</b>	<b>SUBJECT PROPERTY:</b>	114 CHAMBERS COURT, ANCASTER
<b>ZONE:</b>	"R4" (Residential 4)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Ancaster 87-57, as Amended 15-268

**APPLICANTS:**      **Owner:** DAMIAN PALUS & ALICJA CZAPLINSKA-PALUS

The following variances are requested:

1. An Accessory Building shall be permitted within a Minimum Rear Yard instead of the requirement that an Accessory Building over 12 square metres shall not be permitted within any Minimum Rear Yard or Minimum Side Yard;
2. Eaves or Gutters shall be permitted to project no closer than 0.5 metres from any lot line instead of the requirements that in no case shall any eave or gutter extend more than 30 centimetres into a required minimum setback area;

**PURPOSE & EFFECT:**      So as to permit a pool house and gazebo within the rear yard notwithstanding that:

**Notes:**

1. Note, as per discussion with applicant, the Gazebo as proposed is unenclosed and consists of a roof and posts with no walls. The portion of the Accessory Structure proposed as a Gazebo is not included within the Ground Floor Area calculation required under Section 7.8 (a)(iv) and the total Ground Floor Area for the proposed Accessory Building is 35 square metres. As such, the requested variance to increase the required Ground Floor Area for an accessory Building has not been included with the proposed variances.
2. Note, as per discussion with applicant, a portion of the Accessory Building is proposed within the Required Side Yard, which is not permitted as per Section 7.8 (a)(ii). As such, a variance has been included to address this deficiency.

## AN/A-23:87

3. Note, as per discussion with applicant, the eaves/ gutters of the proposed Accessory Building is indicated on the Site Plan to not exceed 0.3 metres into a required yard. It appears that the proposed eaves/ gutters would exceed this maximum as the proposed Accessory Building projects more than 0.3 metres into any required yard and any further projects for the eaves/gutters would exceed the minimum permitted under Section 7.8 (a)(viii). As such, a variance has been included to address this deficiency.

**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, May 18, 2023</b>
<b>TIME:</b>	<b>10:35 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 AN/A-23:87, 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: May 2, 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.

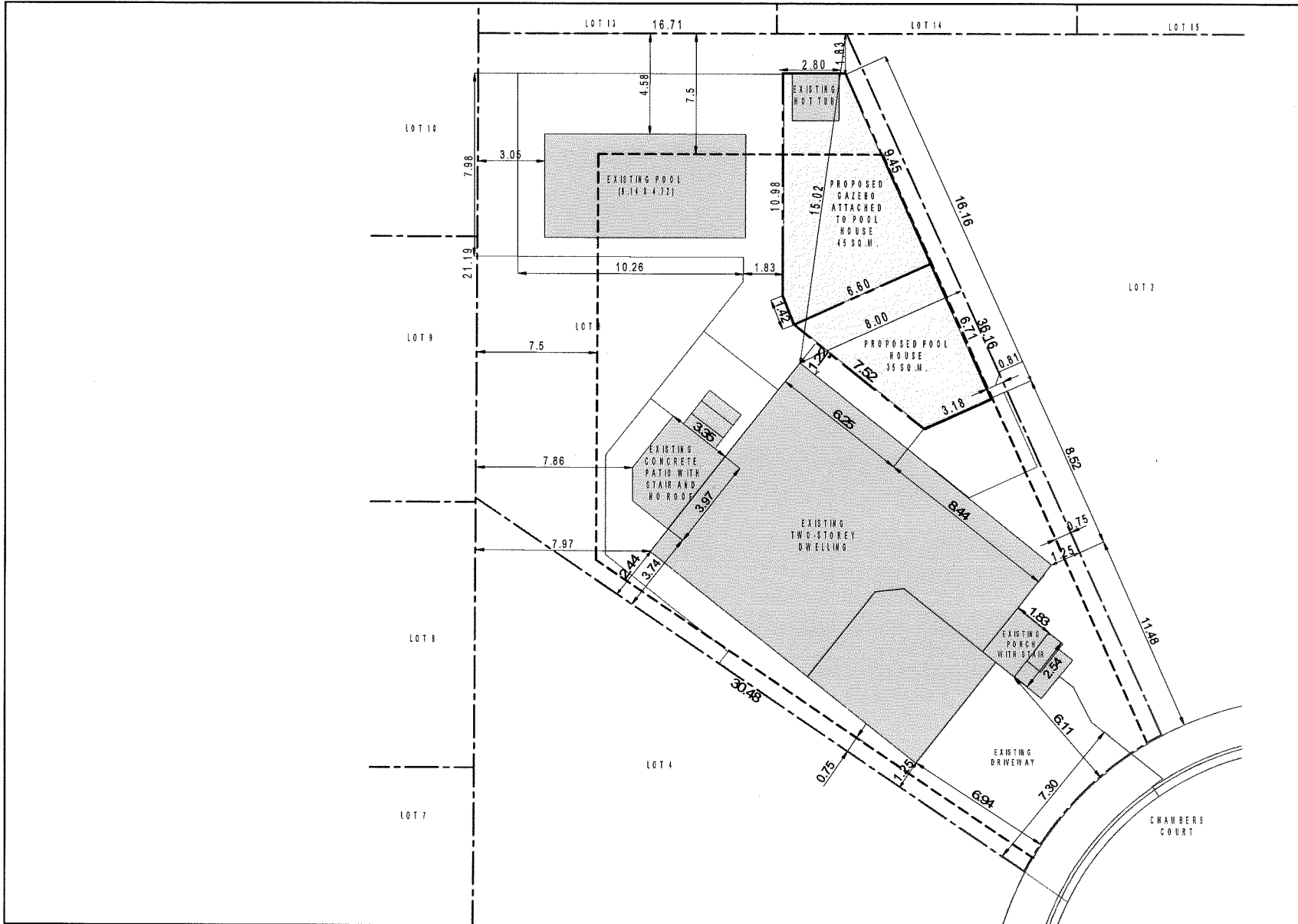
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 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.



**LEGEND**

- PROPERTY LINE
- - - SETBACK LINE
- SDD
- ▨ EXISTING PAVES STONES
- ▩ EXISTING CONCRETE
- ▧ EXISTING

**EXISTING SITE DATA:**  
 LOT AREA = 714.50 M.  
 COVERAGE = 23.9% (INCLUDES PORCH)

**ZONING: R4-548**  
**ACCESSORY BUILDING ZONING INFORMATION:**

- SETBACK SIDE YARD 0.75M
- SETBACK REAR YARD 1.5M
- MAX. GROUND FLOOR AREA: 45 SQ.M.
- MAX. LOT COVERAGE 30 SQ.M.
- GUTTER NOT TO EXTEND MORE THAN 3.3M INTO MIN. SETBACK AREA
- ACCESSORY BUILDINGS IN EXCESS OF 11.50 M. GROUND FLOOR AREA IS NOT TO BE LOCATED IN ANY MIN. REAR YARD
- MAX. HEIGHT 4.5M

**PROPOSED POOL HOUSE AND ATTACHED GAZEBO INFORMATION:**

- PROPOSED FLOOR AREA 80 SQ.M.
- PROPOSED HEIGHT: 4.5M

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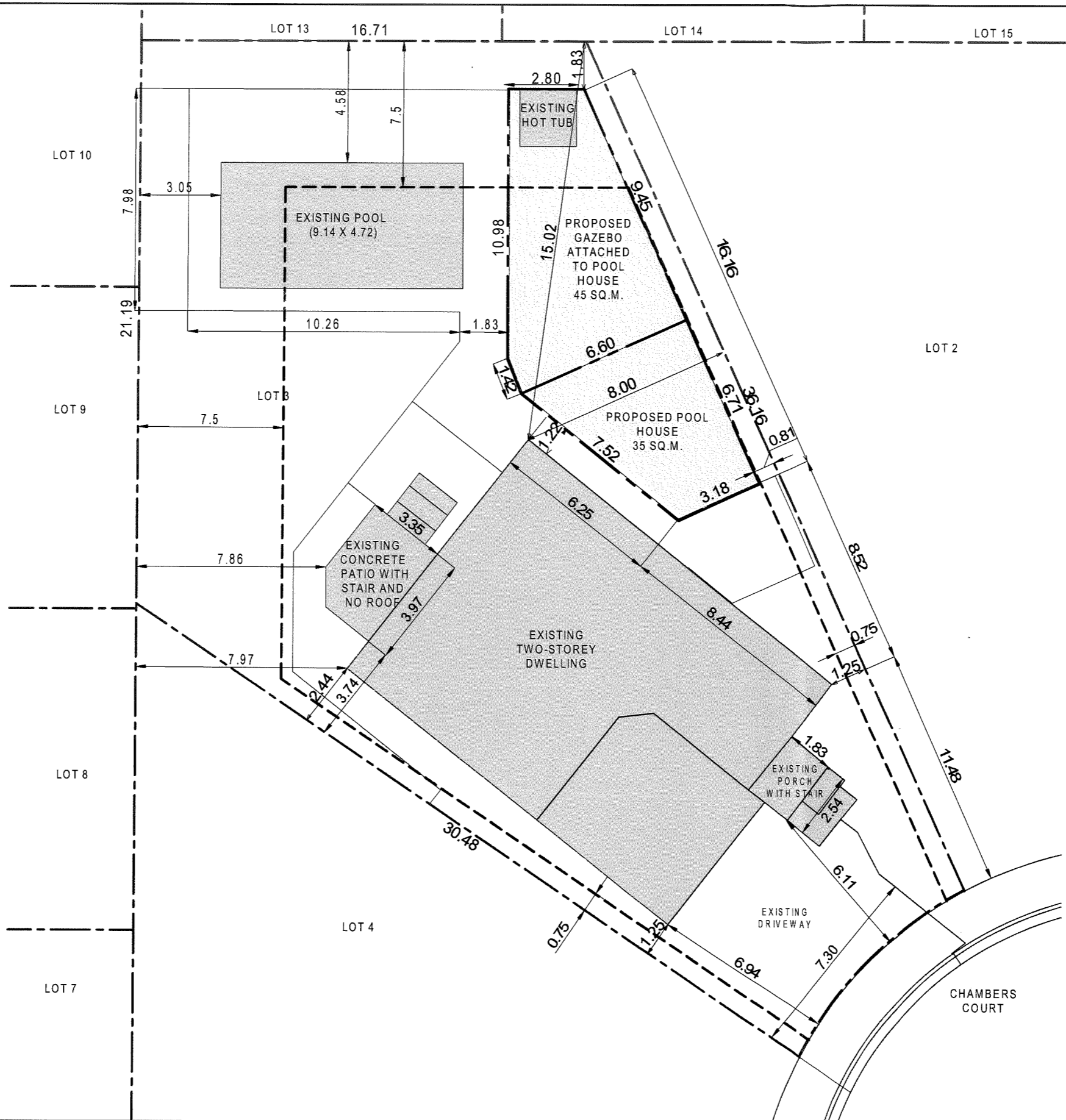
**PROJECT NAME:**  
 POOL HOUSE AND GAZEBO

**LOT AND PLAN NUMBER:**  
 PART 1  
 PLAN S211294  
 LOT 3

**PROJECT LOCATION:**  
 114 CHAMBERS COURT  
 ANCASTER

**FIGURE NAME:**  
 SITE PLAN

<b>PROJECT NUMBER:</b> 8001	<b>SCALE:</b> 1:8
<b>DRAWN BY:</b> DP	<b>REVIEWED BY:</b> DP
<b>DATE:</b> APRIL 2022	<b>FIGURE NUMBER:</b> SP01



- LEGEND**
- PROPERTY LINE
  - SETBACK LINE
  - SOD
  - EXISTING PAVER STONES
  - EXISTING CONCRETE
  - EXISTING

**EXISTING SITE DATA:**  
 LOT AREA = 724.8 SQ.M.  
 COVERAGE = 23.6% (INCLUDES PORCH)

**ZONING: R4-548**  
**ACCESSORY BUILDING ZONING INFORMATION:**

- SETBACK SIDE YARD 0.75M
- SETBACK REAR YARD 7.5M
- MAX. GROUND FLOOR AREA: 40 SQ.M.
- MAX. LOT COVERAGE 90 SQ.M.
- GUTTER NOT TO EXTEND MORE THAN 0.3M INTO MIN. SETBACK AREA
- ACCESSORY BUILDINGS IN EXCESS OF 12 SQ.M. GROUND FLOOR AREA IS NOT TO BE LOCATED IN ANY MIN. REAR YARD
- MAX. HEIGHT 4.5M

**PROPOSED POOL HOUSE AND ATTACHED GAZEBO INFORMATION:**

- PROPOSED FLOOR AREA 80 SQ.M.
- PROPOSED HEIGHT: 4.5M

PROJECT NAME:

POOL HOUSE AND GAZEBO

LOT AND PLAN NUMBER:

PART 3  
 PLAN 62M 1264  
 LOT 3

PROJECT LOCATION:

114 CHAMBERS COURT  
 ANCASTER

FIGURE NAME:

SITE PLAN

PROJECT NUMBER: 0001      SCALE: 1:6

DRAWN BY: DP      REVIEWED BY: DP

DATE: APRIL 2022      FIGURE NUMBER: SP01



**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	NA		Phone:
			E-mail:

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 [REDACTED]

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	114 Chambers Court, Ancaster, ON		
Assessment Roll Number	140.280.23480.0000		
Former Municipality	Ancaster		
Lot	3	Concession	
Registered Plan Number	62M1264	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:

### 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:

1. Allowing a larger accessory building to be constructed than allowed. As per by-law, max. floor area cannot exceed 40 sq.m. Proposed size of accessory building would be 80 sq.m.
2. Allowing to build the accessory building partly in the minimum rear yard. As per by-law, accessory building cannot be built in the minimum rear yard. The proposed accessory building would encroach 5.7 m into the minimum rear yard.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

The proposed accessory building is larger than allowed and encroaches into the rear yard set back.

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
8.75 m	IRREG, 35m, 30m	724.8 sq. m.	Court/ NA



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 Dwelling	6.94m	IRREG, 7.97m, 15.01m	IRREG, 1.25m, 8.0m, 2.44m	2019/2020
Front Covered Porch	6.11	NA	3.0m	2019/2020
Rear not Covered Patio	NA			2022
Inground Pool	NA	4.56m, 3.05m	8+m	2022

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Accessory Building (Pool House and Gazebo)	15+m	1.83m	0.81m	2023

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 Dwelling	165 sm	288 sm	2 plus basement	9m
Front Covered Porch	4.64sm	4.64m	1	9m
Rear not Covered Patio	13sm	13m	na	na
Inground pool	43sm	43sm	na	na

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Accessory Building (pool house/gazebo)	Pool house, 35 sqm, gazebo 45 sqm	80 sq. m.	1	4.5 m

- 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  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.):  
 Proposing to build an accessory building, seasonal pool house with an attached gazebo.
- 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:  
 2020
- 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:  
 3+ 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) Neighbourhood \_\_\_\_\_

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

- 7.6 What is the existing zoning of the subject land? R4-548 \_\_\_\_\_

- 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: \_\_\_\_\_

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 NA

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: 0

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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