



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-23:127	SUBJECT PROPERTY:	61 Phyllori Court, Stoney Creek
ZONE:	"R2" (Single Residential)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended

APPLICANTS: Owner: Ms. Annie Cornelus
Agent: Stoney Brook Design Build Ltd. c/o Tony Brucculieri

The following variances are requested:

1. The accessory building shall be permitted to be located in the front yard whereas the zoning By-law does not permit an accessory building the front yard.
2. The accessory building shall be permitted to be located a distance of 1.2m from the front lot line instead of the minimum required 8.0m setback from the front lot line.
3. The accessory building shall be permitted to maintain a maximum building height of 6.0m whereas the zoning By-law permits a maximum building height of 4.5m for accessory buildings.
4. Eave or gutter projections shall be permitted to be located as close as 0.8m from the front lot line whereas the zoning By-law permits eaves or gutter for accessory building to project into any required yard a distance of 0.25m.

PURPOSE & EFFECT: To facilitate the construction of a new accessory building (private garage) for the existing dwelling.

Notes:

No setback dimension was shown from the front lot line. Therefore, the applicant shall ensure that the requested variances #2 and #4 are correct. Otherwise, further variances shall be required.

The height dimension was not shown from grade as defined in the zoning By-law. Therefore, the applicant shall ensure that requested variance #3 is correct. 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.

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

DATE:	Thursday, June 15, 2023
TIME:	9:35 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-23:127, 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 30, 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

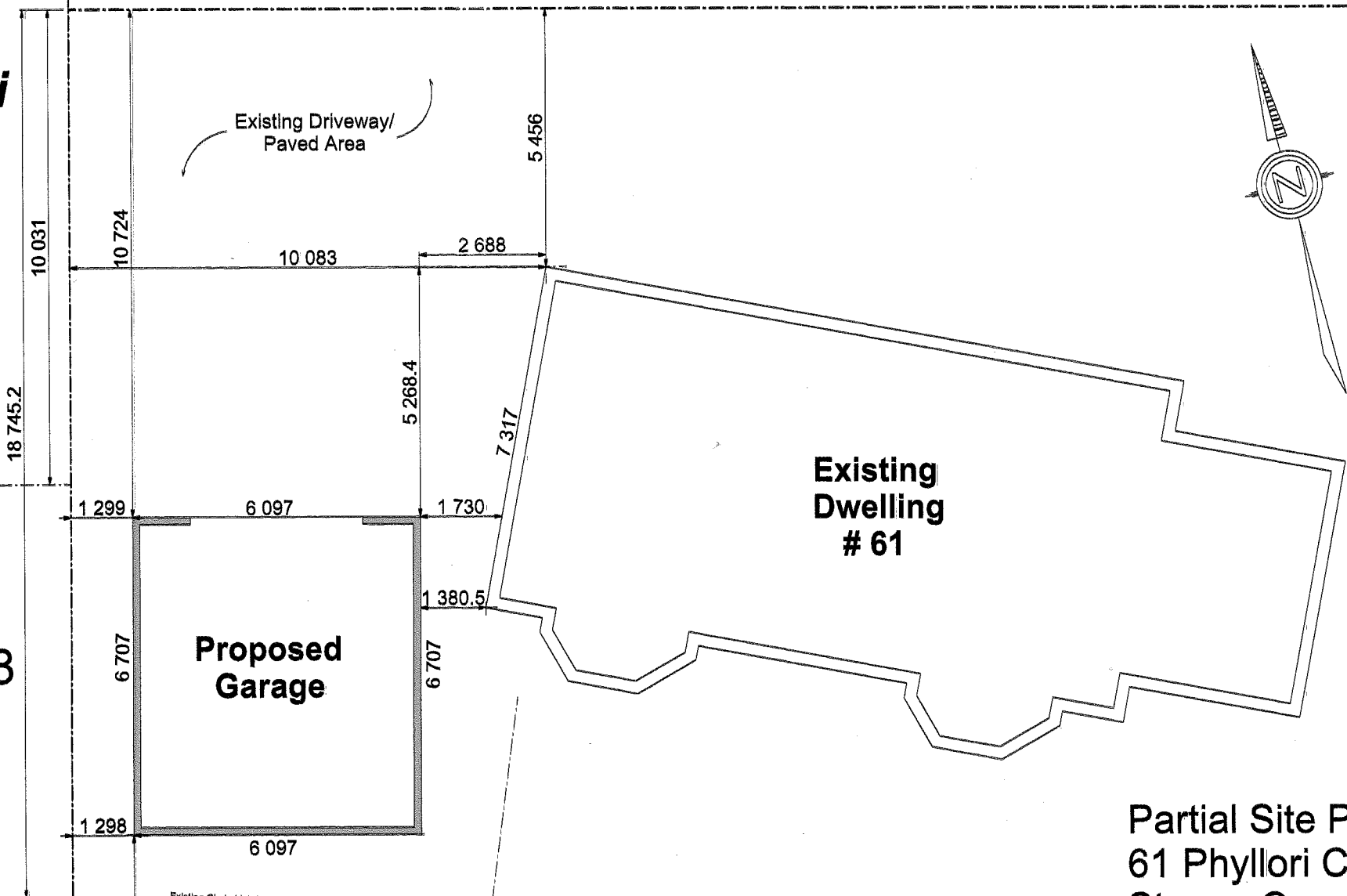
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

76 219

Phyllori Court



Lot 8

Existing Dwelling # 61

Proposed Garage

44 969

**LOT 29
REGISTRAR'S COMPILED
PLAN 1419**

**Partial Site Plan
61 Phyllori Court
Stoney Creek, ON
Scale: 1"=10'**

Phyllori Court

76 219

Lot 8

10 951
10 724
16 745.2

Existing Driveway/
Paved Area

10 083

2 688

5 456

Existing
Swimming Pool

Existing
Dwelling
61



Proposed
Garage

1 289

6 087

1 730

1 380.5

6 707

1 289

6 087

68 805.5

44 969

44 969

**LOT 29
REGISTRAR'S COMPILED PLAN 1419**

Site Plan
61 Phyllori Court
Stoney Creek, ON
Scale: 1"=20'

76 219

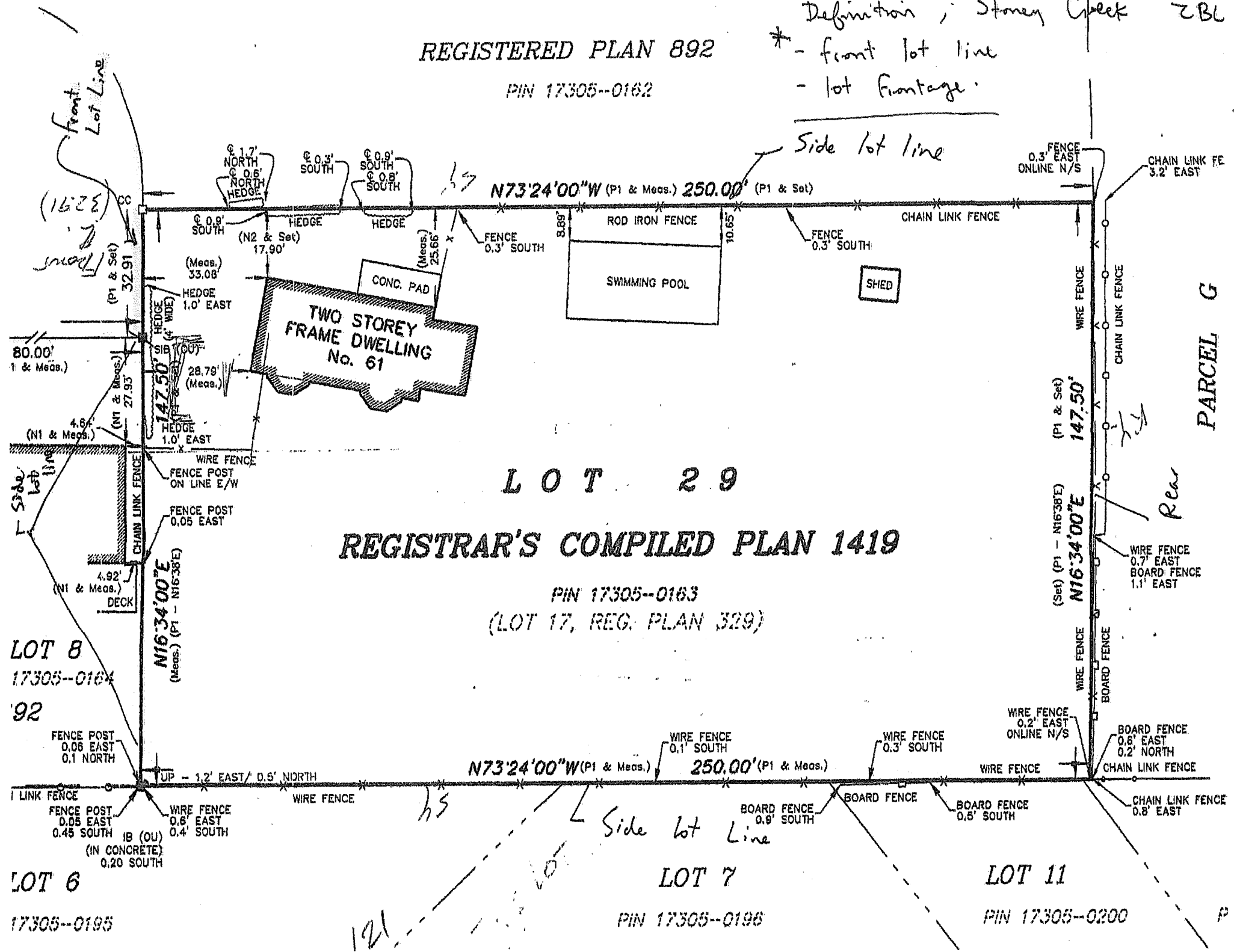
21 528.4

REGISTERED PLAN 892

PIN 17305--0162

Definition ; Stone Creek ZBL
* - front lot line
- lot frontage.

FOR REFERENCE



LOT 29

REGISTRAR'S COMPILED PLAN 1419

PIN 17305--0163

(LOT 17, REG. PLAN 329)

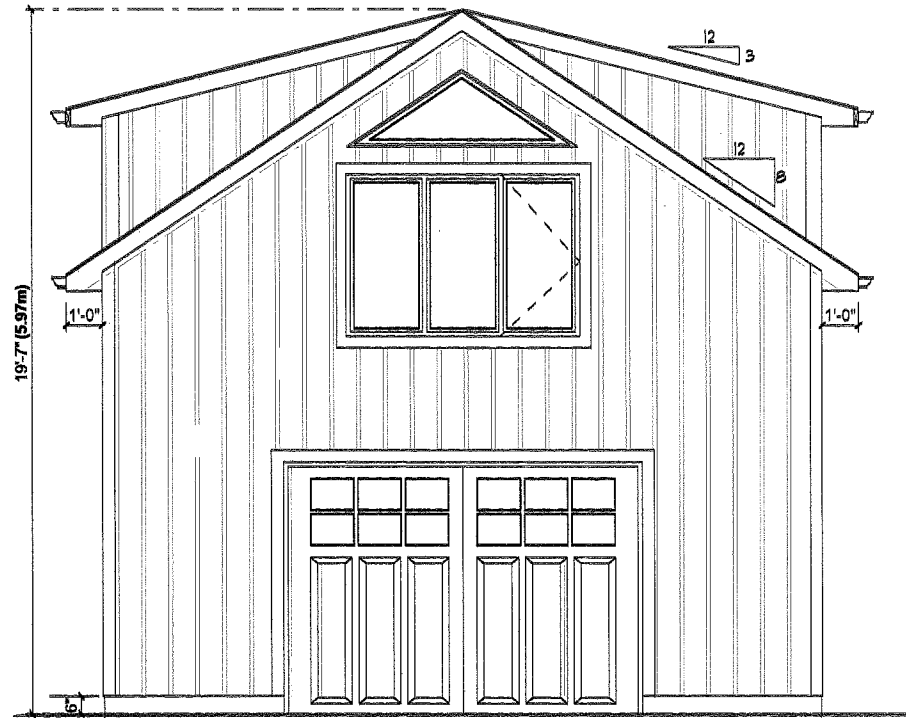
LOT 8
17305--0164
'92

LOT 6
17305--0195

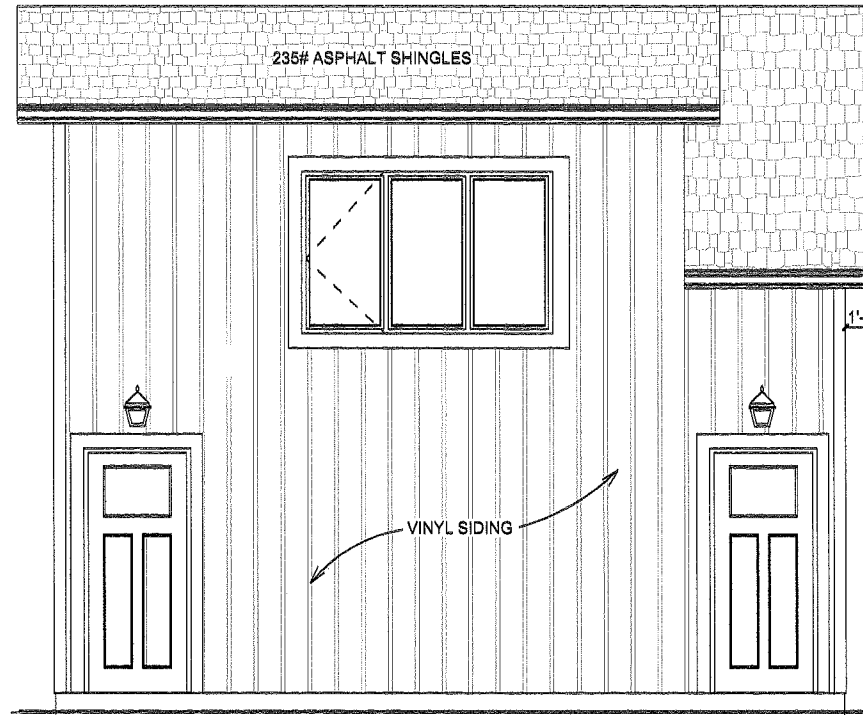
LOT 7
PIN 17305--0196

LOT 11
PIN 17305--0200

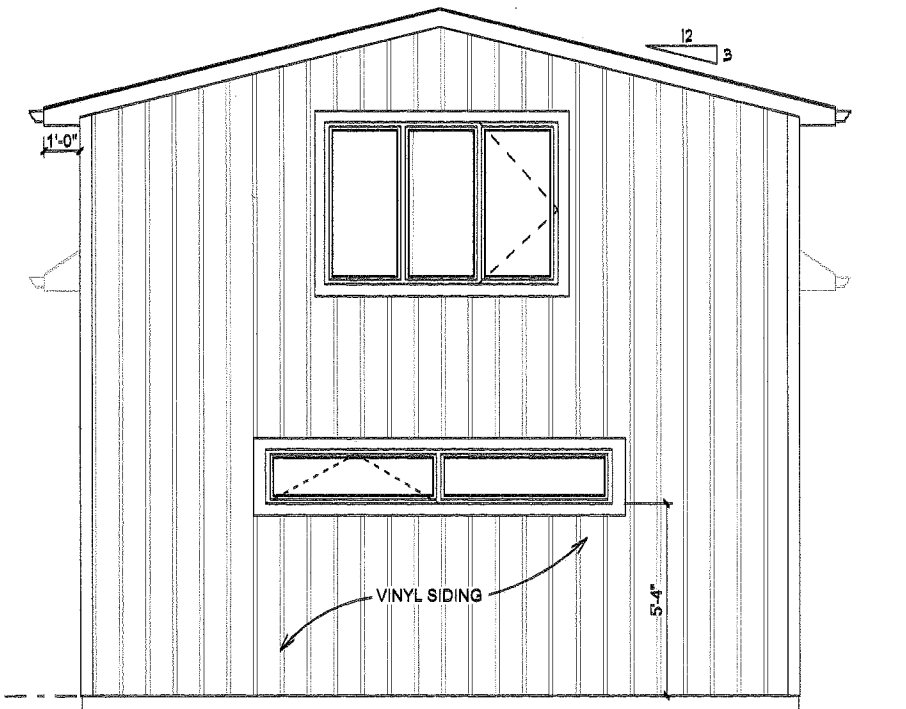
PARCEL G



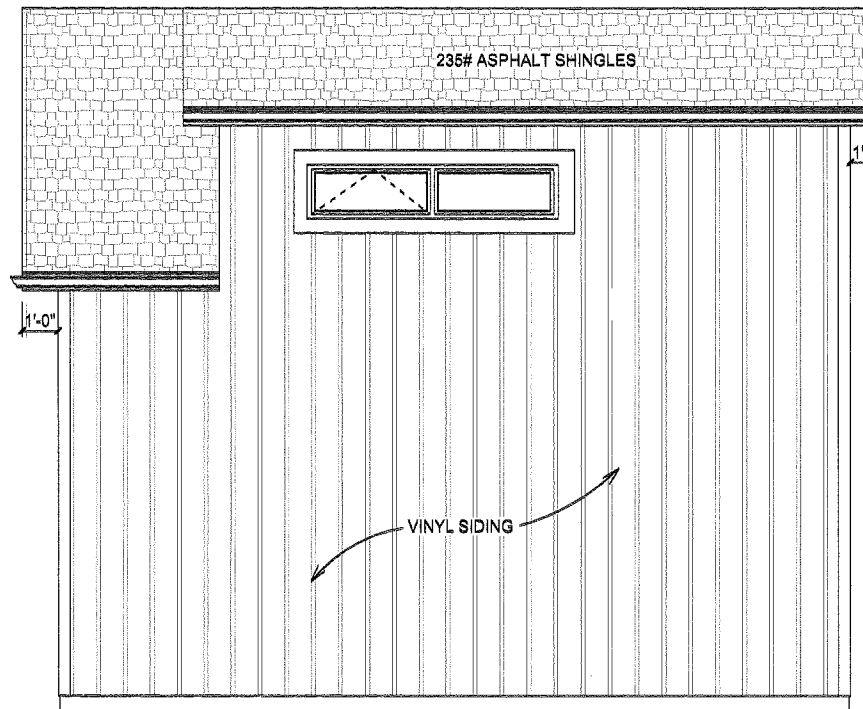
North (Front) Elevation



East (Left) Side Elevation



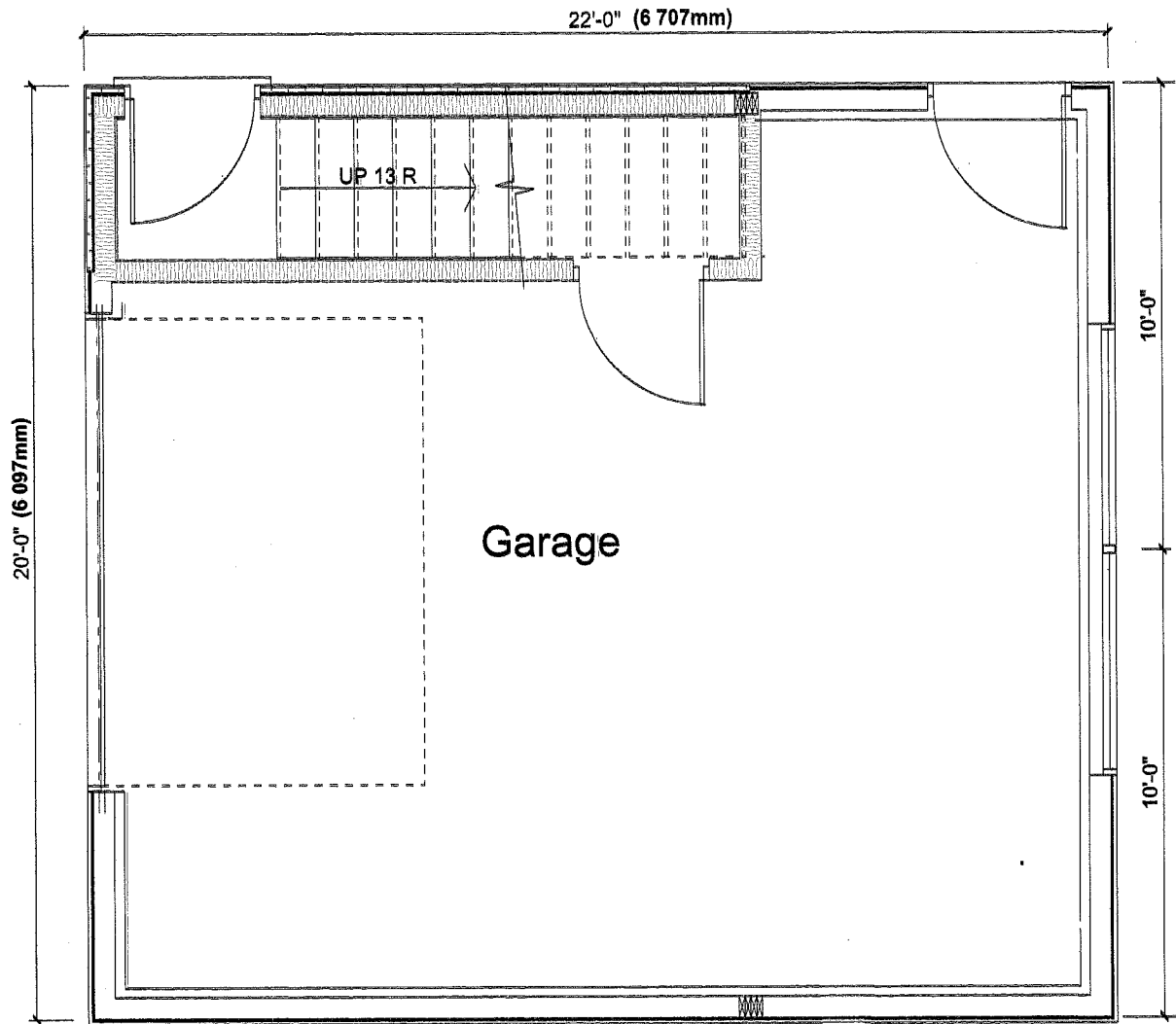
South (Rear) Elevation



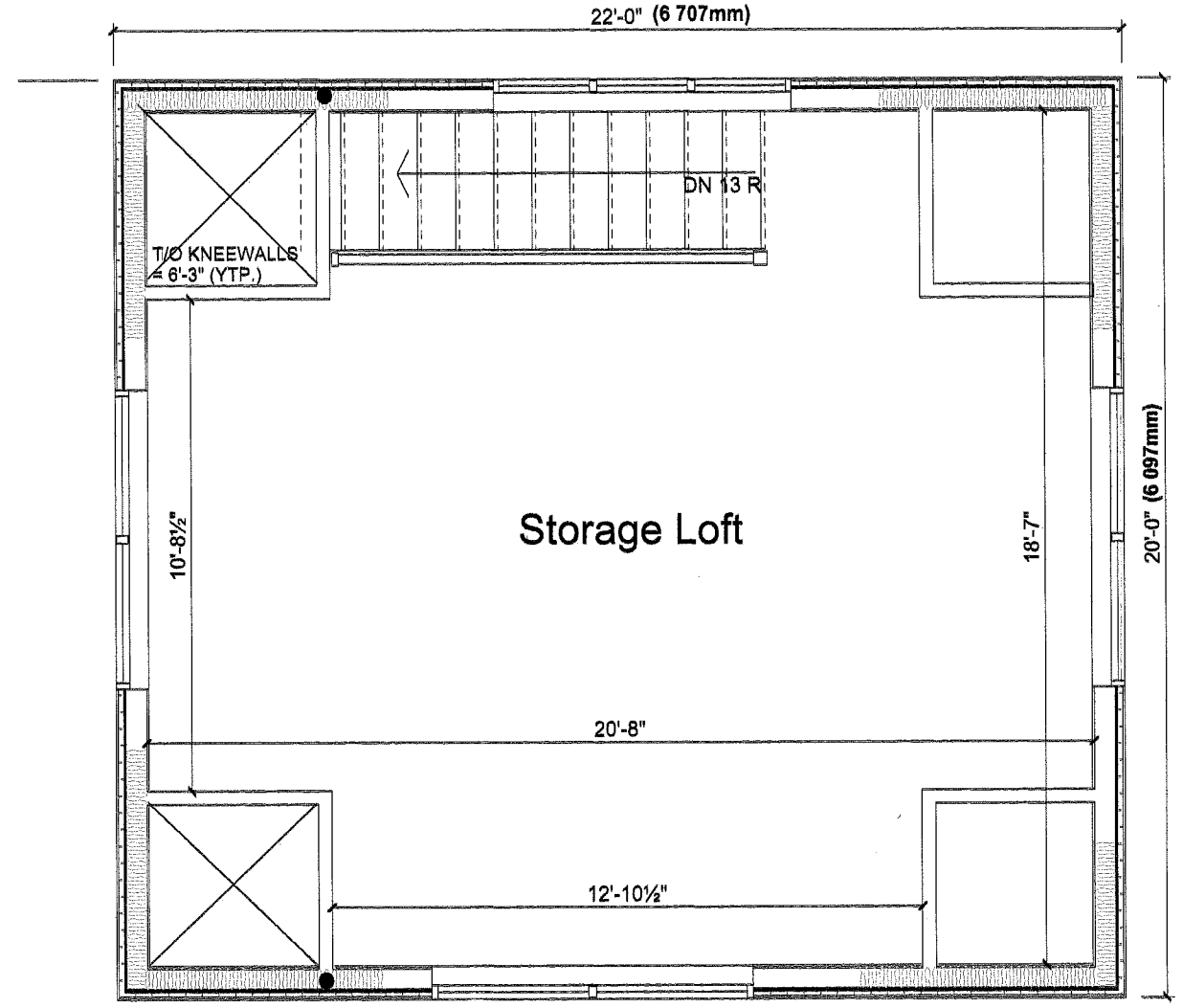
West (Right) Side Elevation

**61 Phyllori Court
Hamilton, ON**

Scale: 3/16" = 1'-0"
Date: May 9, 2023



Ground Floor Plan - 440sf (40.9m²)
 Gross Floor Area = 767sf (75.0m²)



2nd Floor Plan - 367sf (34.1m²)

**61 Phyllori Court
 Hamilton, ON**

Scale: 1/4" = 1'-0"
 Date: May 9, 2023



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 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 [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	61 Phyllori Court		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	29	Concession	
Registered Plan Number	1419	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:

Requesting relief from the required maximum height of 4.5m to allow a height of 5.97m.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Additional height is req'd for storage as the existing dwelling does not have a usable base

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
10.03m (32.91')	76.219m (250.00')	3,427.49m ² (36,893.5sf)	n/a

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	10.08m (33.08ft)	49.33m (161.8ft)	5.46m (17.90ft north) 29.67m (97.33ft south)	n/a
No accessory structures				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Detached Accessory Structure	n/a	68.82m (225.74ft)	West SY:1.3m (4.26ft) South SY:27.53m (90.32ft) North SY:10.72m (35.18ft)	

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	127.83m ² (1,376sf)	229.09m ² (2,466sf)	2	7.47m (24'-6")
No Accessory Structures				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
No Change to SFD				
Detached Accessory Structure	40.88m ² (440sf)	75m ² (807sf)	1.5	5.97m (19'-7")

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 plus a detached Accessory Structure.
-

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

7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
n/a
-

- 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:
Since construction.
-

- 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 Zone
-

- 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: One

8.2 Number of Dwelling Units Proposed: One

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
- _____
- _____