



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>HM/A-23:149</b>	<b>SUBJECT PROPERTY:</b>	130 WINSTON AVENUE, HAMILTON
<b>ZONE:</b>	"C/S-1335 & C/S-1335a" (Urban Protected Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:**      **Owner:** YAAKOV MOREL  
                                 **Agent:** N-CUBED SERVICES INC. C/O DUY NGUYEN

The following variances are requested:

1. A rear yard depth of 5.7 shall be provided instead of the minimum required rear yard depth of 7.5m.
2. A maximum floor area ratio of 0.65 shall be permitted whereas the by-law permits a maximum floor area ratio of 0.45.
3. Three (3) parking spaces shall be provided instead of the minimum required four (4) parking spaces.
4. Two (2) parking spaces shall be provided in the front yard whereas the by-law permits a maximum of one (1) parking space in the front yard.
5. No onsite manoeuvring shall be provided for the parking spaces located within the front yard instead of the minimum required 6.0m manoeuvring aisle width and the requirement that a manoeuvring space shall be provided and maintained on the lot.

**PURPOSE & EFFECT:**      To permit the construction of a new rear yard addition and deck.

**Notes:**

- i. Please be advised that eaves and gutters are permitted to project into a required side yard not more than one-half its width or 1.0m, whichever is the lesser. As such, the eaves and gutters associated with the new addition are required to be at least 0.6m from the side lot line. Insufficient information has been provided to determine zoning compliance and further variances may be required if compliance cannot be achieved.

- ii. Respecting variance #3, the minimum number of parking spaces required for a Single-Family Dwelling is calculated at a rate of two (2) parking spaces for the first eight (8) habitable rooms, plus an additional 0.5 spaces for each habitable room in excess of eight (8). Floor plans have not been provided to confirm the number of habitable rooms however, 11 habitable rooms are indicated on the submitted site plan.
- iii. Please be advised that the by-law requires each parking spaces to be a minimum 2.7m wide and 6.0m in length. As the dimensions of each parking space have not been indicated, further variances will be required if compliance cannot be achieved.
- iv. Please be advised that a minimum of 50% of the front yard area is required to be maintained as landscaped area and not more than 50% of the front yard area is permitted to be used for parking purposes. Details respecting the front yard landscaping has not been provided to confirm zoning compliance. Further variance may be required if compliance cannot be achieved.

**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, June 29, 2023</b>
<b>TIME:</b>	<b>9:15 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 HM/A-23:149, 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: June 13, 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

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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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.

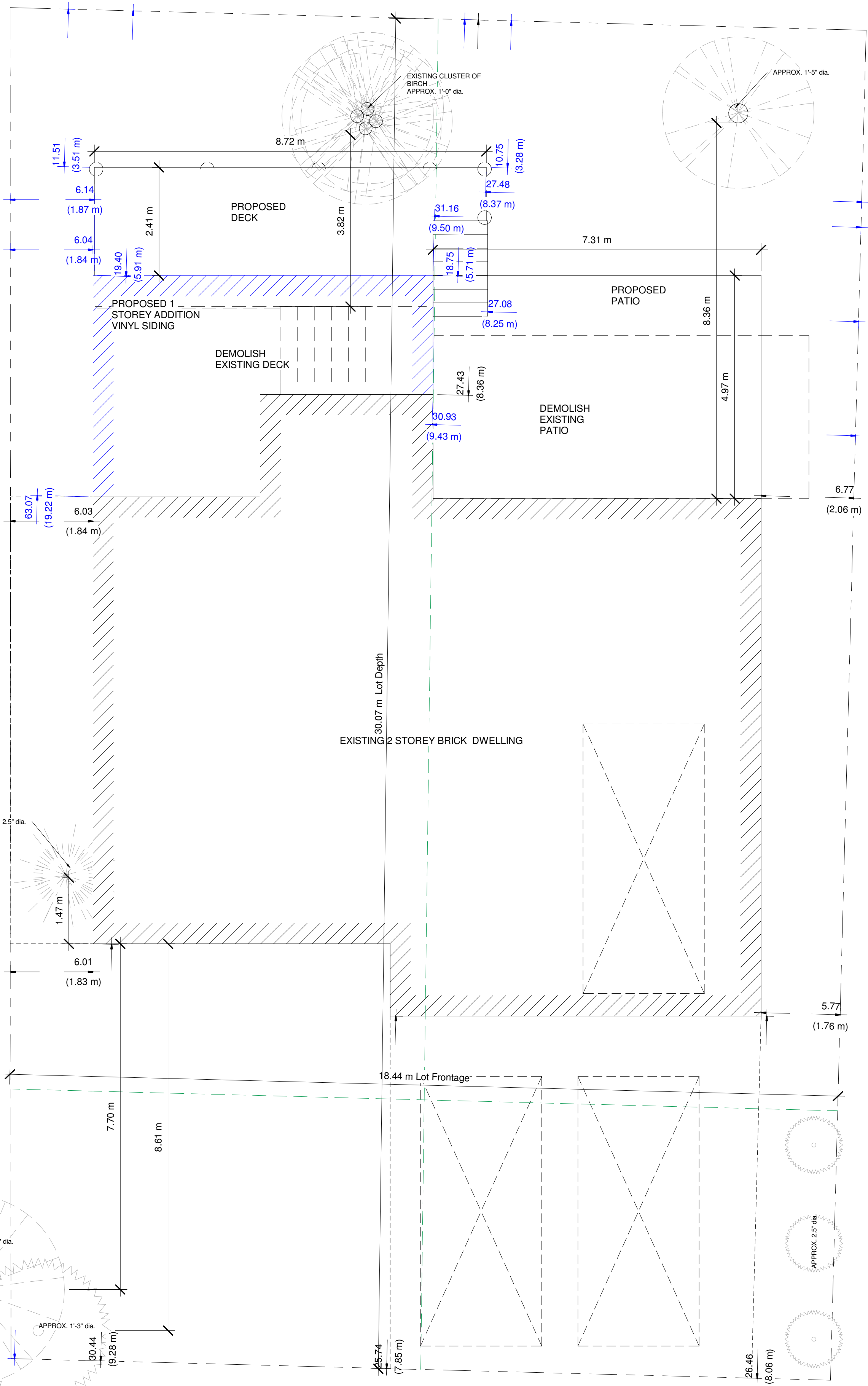
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 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.



City of Hamilton: Zoning By-Law No.6593 C/S-1335 C/S-1335a  
130 Winston Ave.

Areas	Area						
	Existing		Addition		Total		
	sqft	sqm	sqft	sqm	sqft	sqm	
Lot Area	6038.46	560.99	-	-	-	-	
Gross Floor Area	Basement	886.00	82.31	322.00	29.91	1208.00	112.23
	Ground Floor	1386.00	128.76	322.00	29.91	1708.00	158.68
	Second Floor	986.00	91.60	0.00	0.00	986.00	91.60
GFA Subtotal	3258.00	302.68	644.00	59.83	3902.00	362.51	

NOTE: GFA MEASURED TO THE EXTERIOR FACE OF EXTERIOR WALLS.

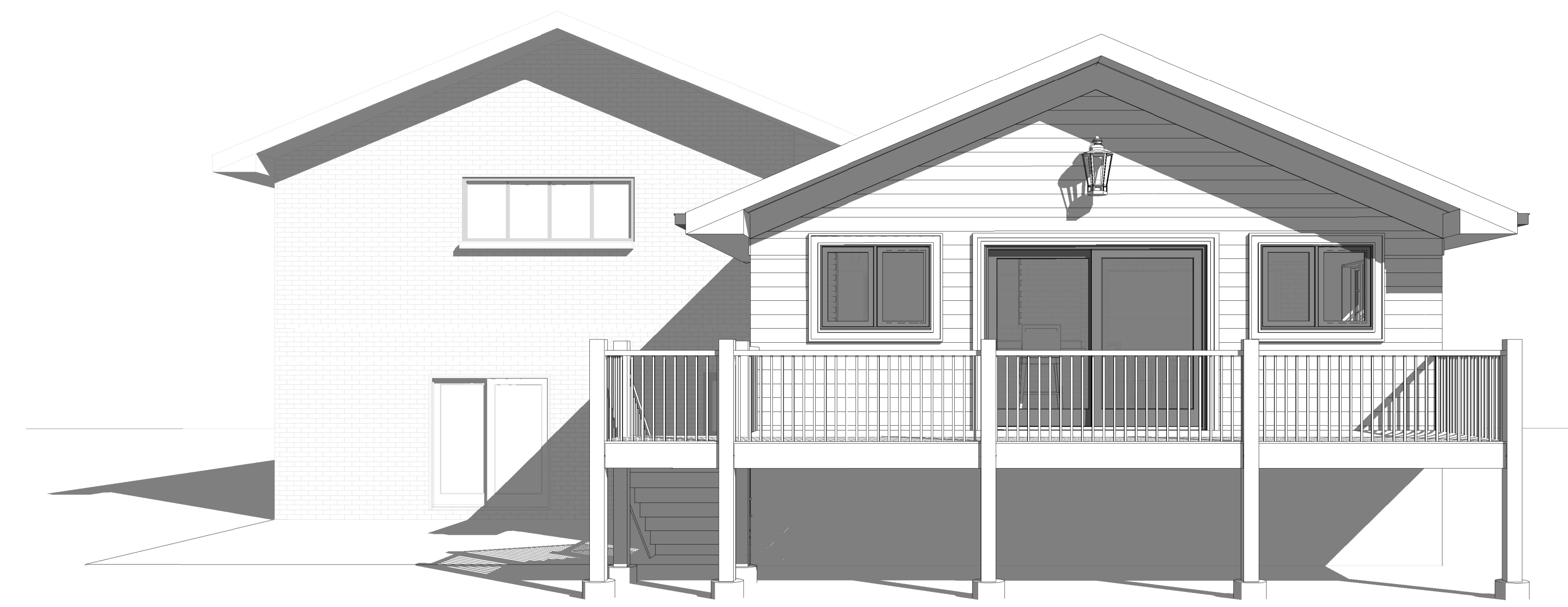
GFA Ratio	Required	Existing	Proposed
Max. House GFA	45.00%	53.95%	64.62%

Distances		Required		Existing		Proposed		Proposed Deck	
		ft	m	ft	m	ft	m	ft	m
Min. Building Setbacks	W - Rear Yard Setback to House	24.61	7.50	27.10	8.26	16.73	5.17	10.76	3.28
	E - Front Yard Setback	19.69	6.00	25.76	7.85	65.06	19.22	-	-
	S - Side Yard to House	3.94	1.20	6.00	1.83	6.04	1.84	6.14	1.87
	N - Side Yard to House	3.94	1.20	5.77	1.76	30.94	9.43	27.07	8.25

Parking Requirements	Required	Existing	Proposed
Number of Parking Spaces	4	3	3

\*Unchanged

Number of Habitable Rooms (includes basement rooms)



3D View 4

No.	Description	Date
1	Issue for Permit	2023-04-18

CLIENT



897 King St W ~ Hamilton ON ~ 905-865-5355

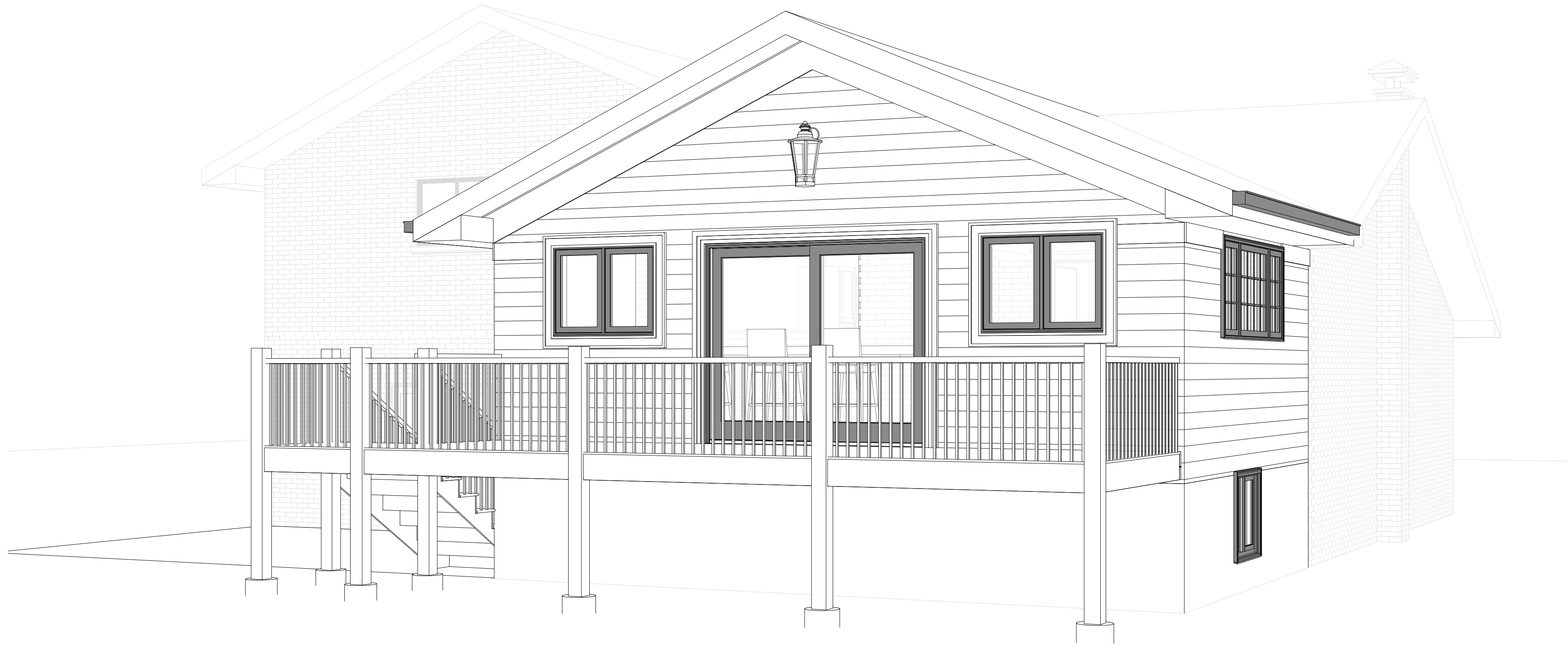
**Rear Addition**  
130 Winston Ave

Site Plan	
Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

**SP1.01**

Scale 3/16" = 1'-0"

1 Site Plan  
3/16" = 1'-0"



No.	Description	Date

CLIENT



897 King St W ~ Hamilton ON ~ 905-865-5355

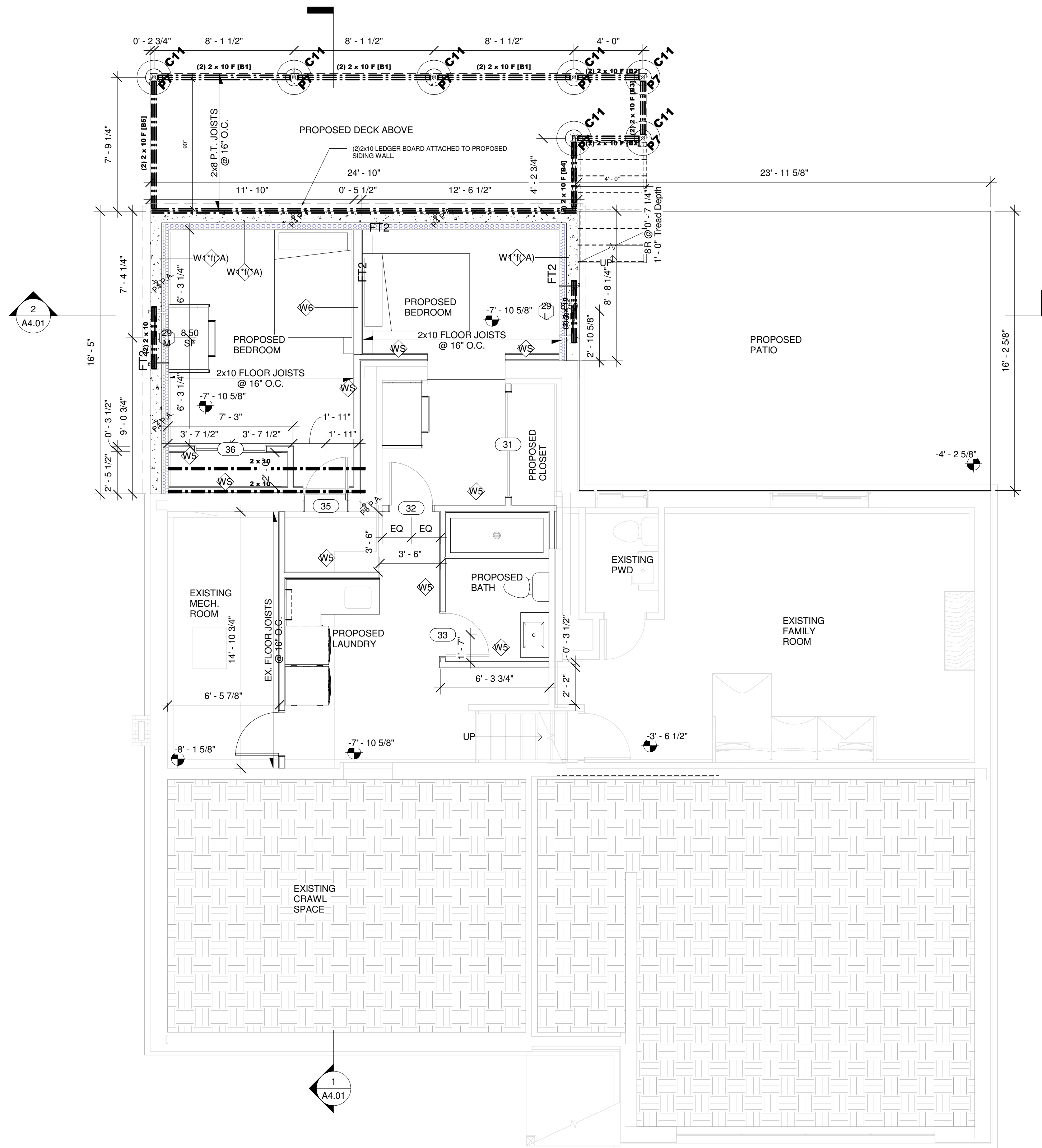
**Rear Addition**  
130 Winston Ave

3D VIEWS

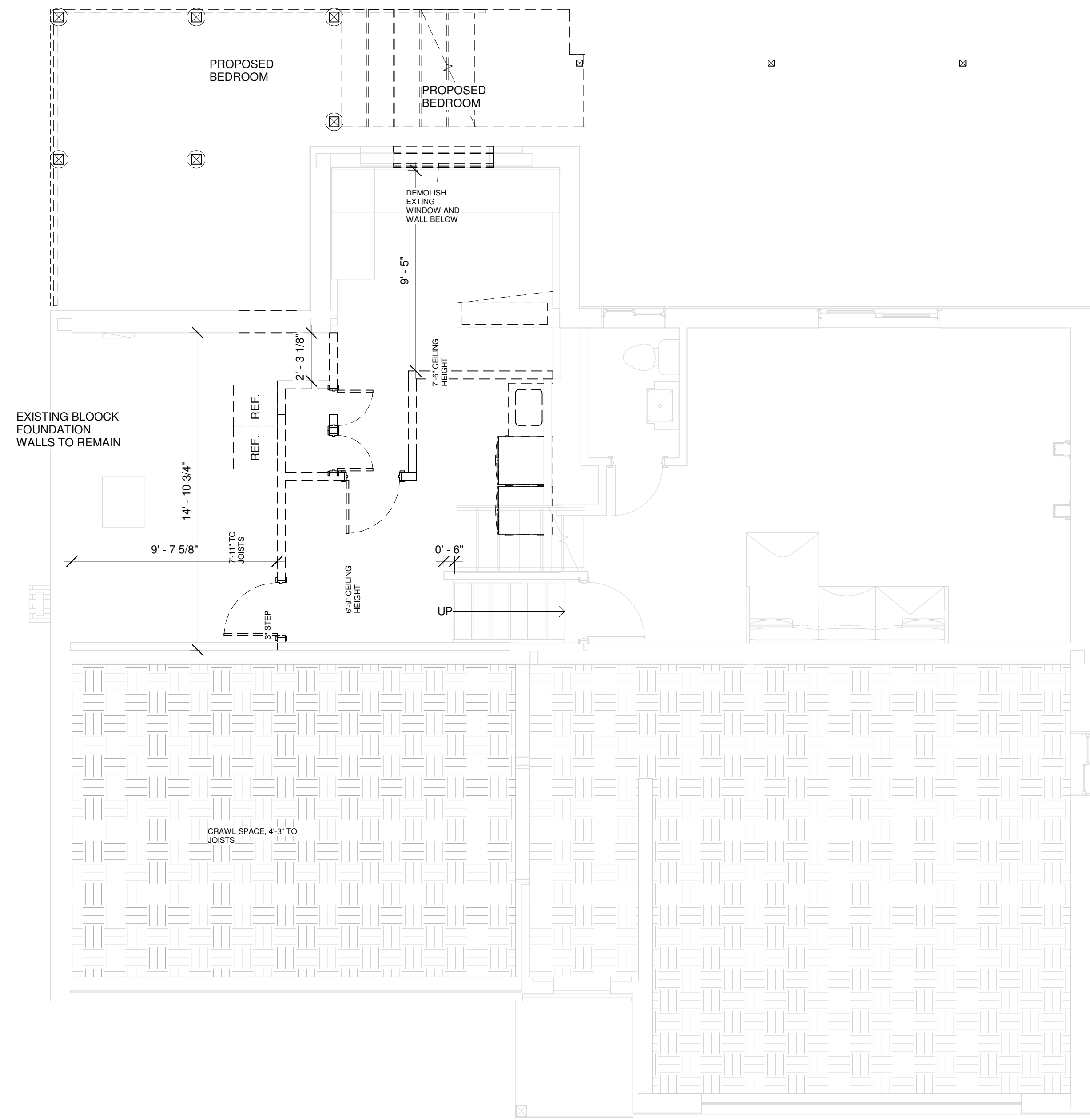
Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

**A0.01**

Scale



1 Basement Proposed  
1/4" = 1'-0"



2 Basement Existing/Demo  
1/4" = 1'-0"

No.	Description	Date
1	Issue for Permit	2023-04-18

CLIENT



897 King St W ~ Hamilton ON ~ 905-865-5355

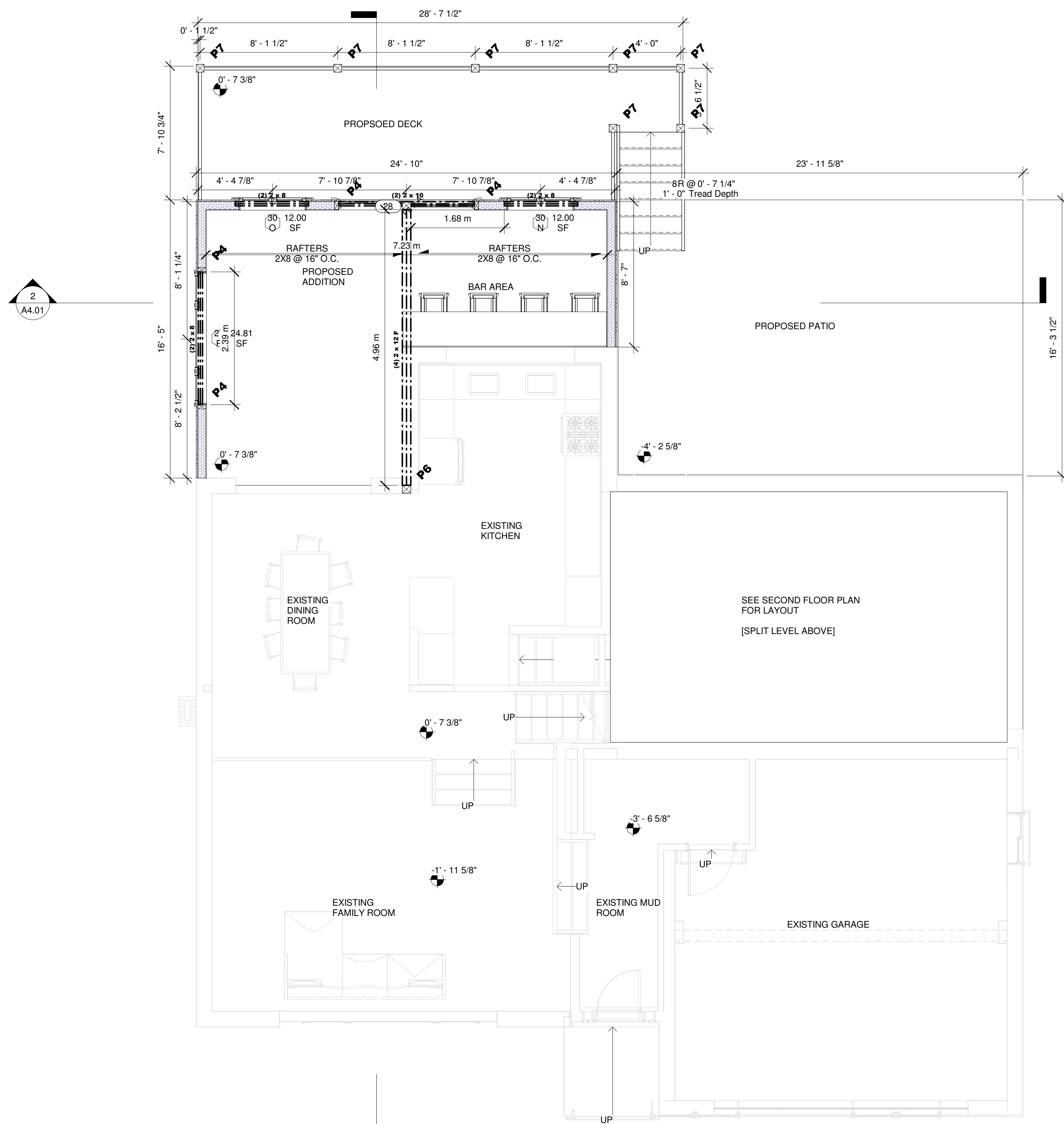
**Rear Addition**  
130 Winston Ave

**Basement Plan**

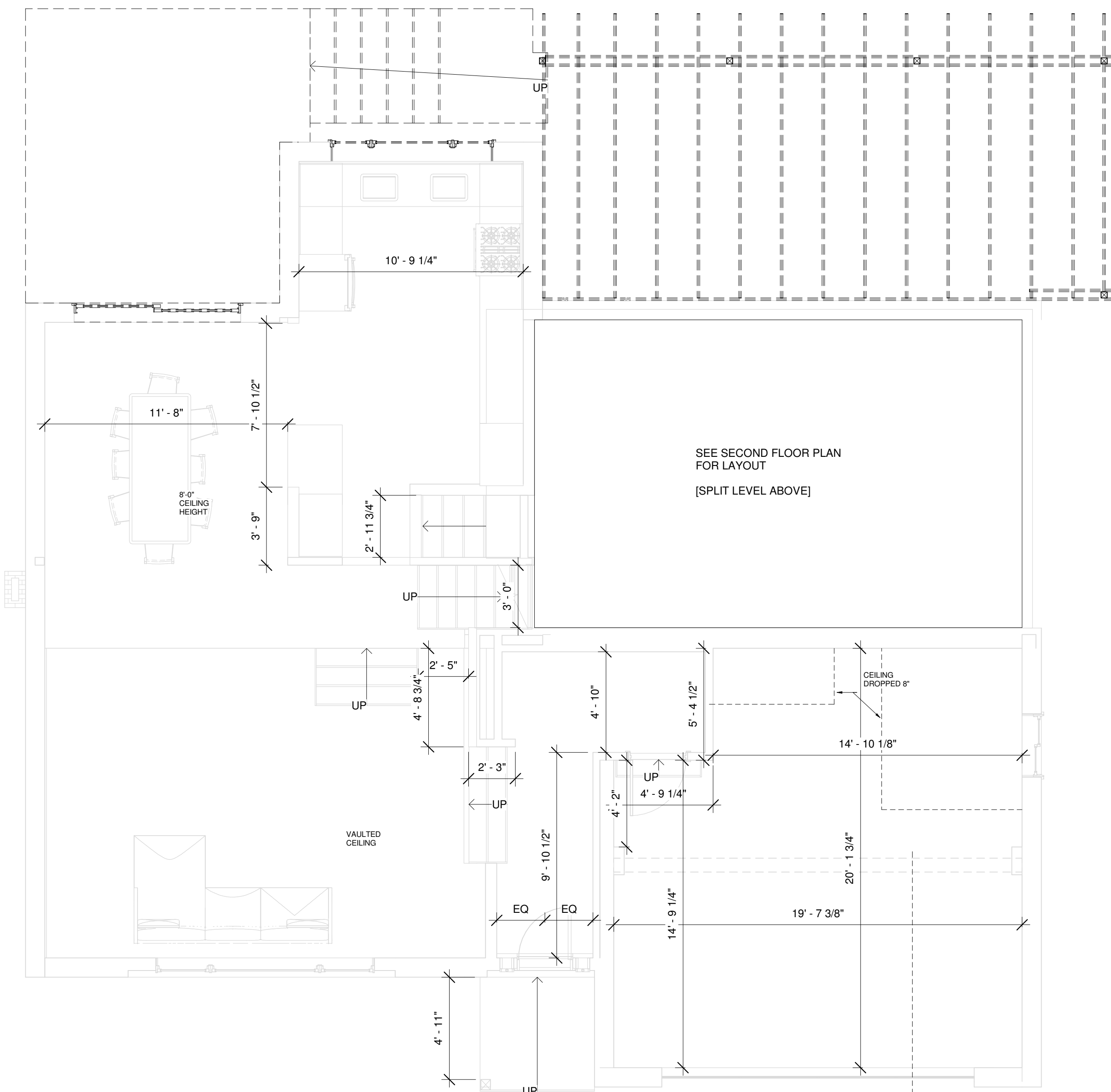
Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

**A1.01**

Scale 1/4" = 1'-0"



1 First Floor  
1/4" = 1'-0"



2 First Floor Existing/Demo  
1/4" = 1'-0"

No.	Description	Date
1	Issue for Permit	2023-04-18

CLIENT



897 King St W ~ Hamilton ON ~ 905-865-5355

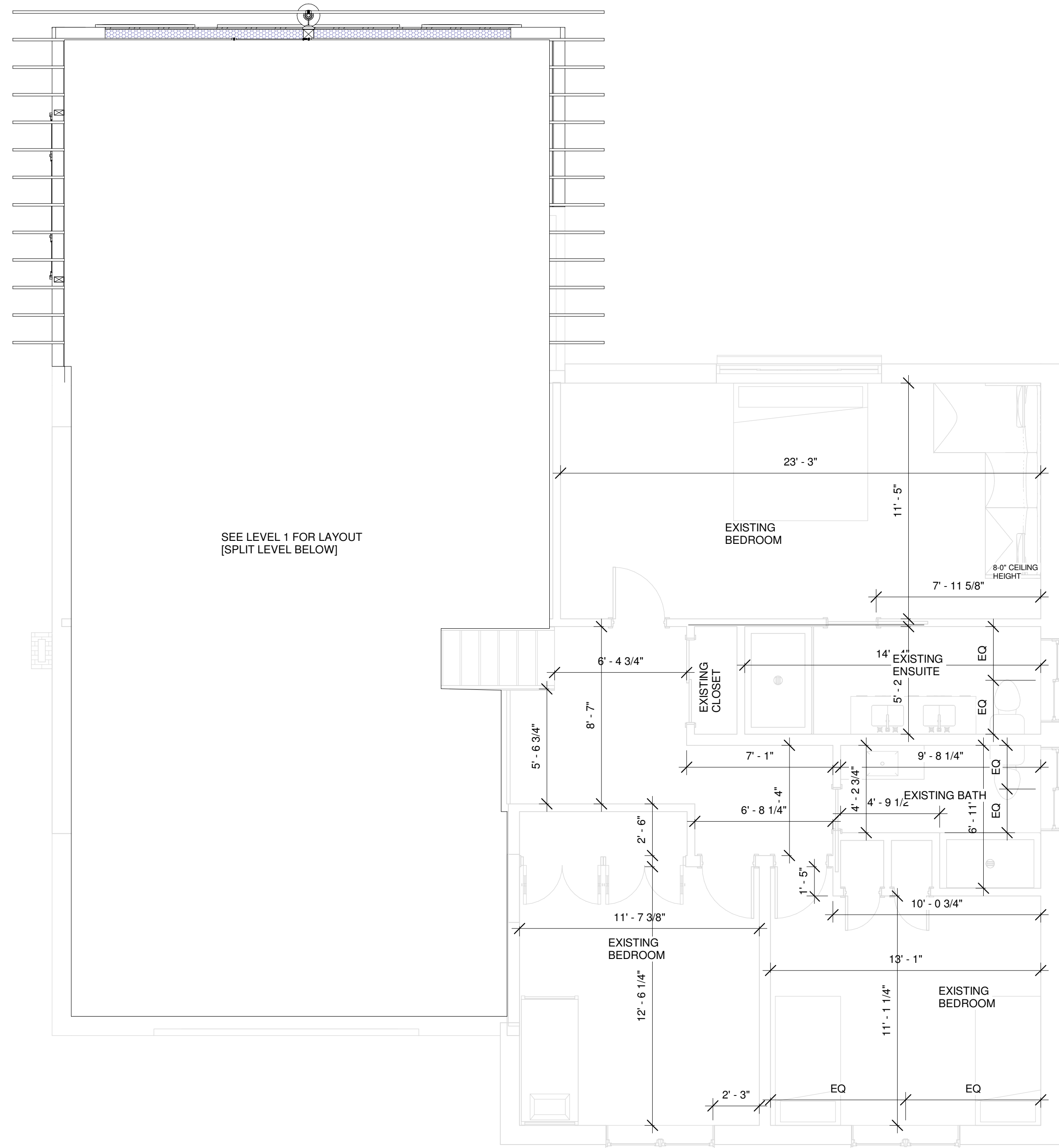
**Rear Addition**  
130 Winston Ave

First Floor Plan

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

**A1.02**  
Scale 1/4" = 1'-0"





1 Level 2 Existing  
1/4" = 1'-0"

No.	Description	Date
1	Issue for Permit	2023-04-18

CLIENT



897 King St W ~ Hamilton ON ~ 905-865-5355

**Rear Addition**  
130 Winston Ave

Second Floor Plan

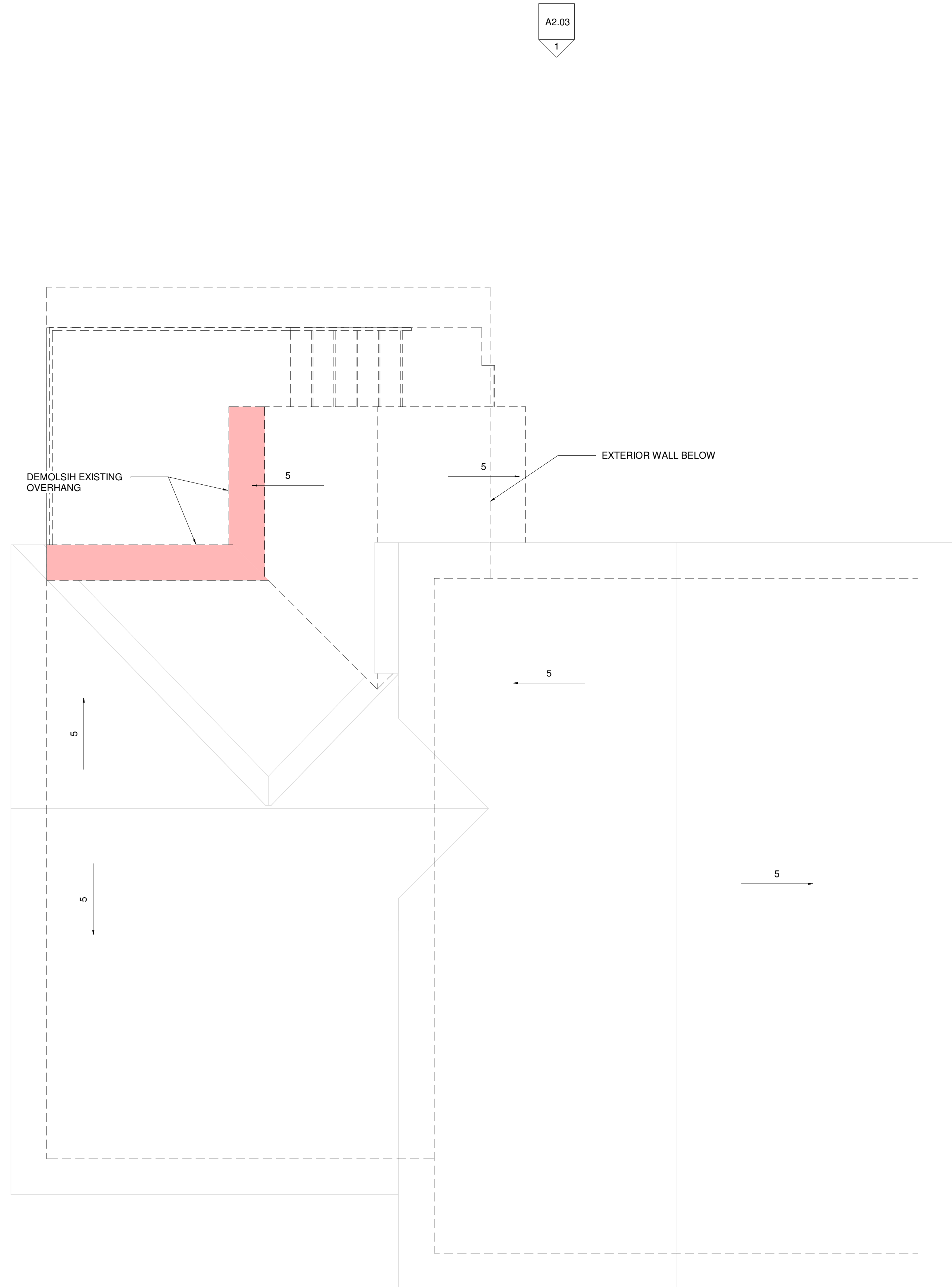
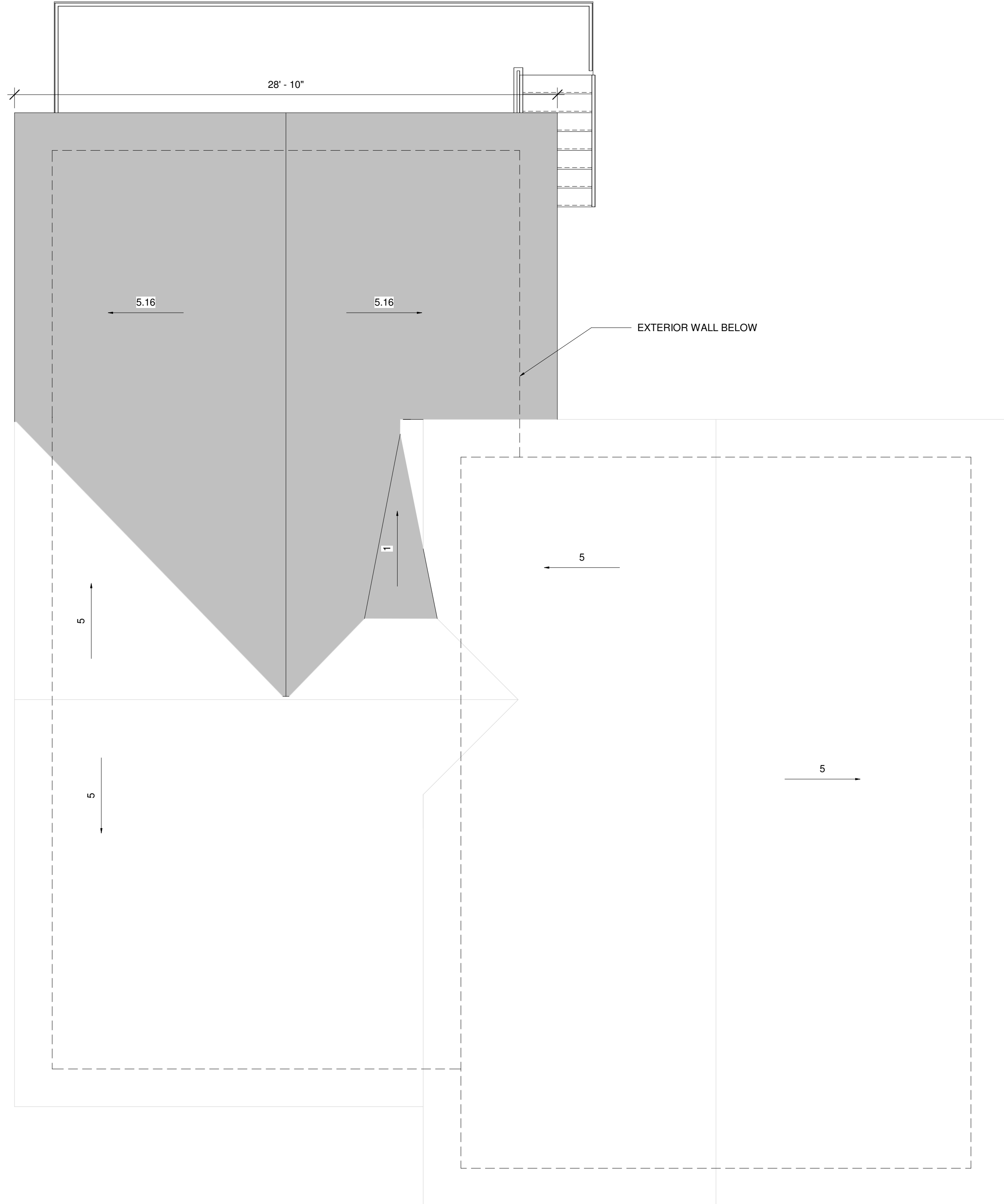
Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

**A1.03**

Scale 1/4" = 1'-0"

DEMOLISHED   
 EXISTING   
 PROPOSED

② ROOF PHASING  
1/2" = 1'-0"



① Roof Plan  
1/4" = 1'-0"

③ Roof Plan EXISTING/DEMO  
1/4" = 1'-0"

No.	Description	Date
1	Issue for Permit	2023-04-18

CLIENT



897 King St W ~ Hamilton ON ~ 905-865-5355

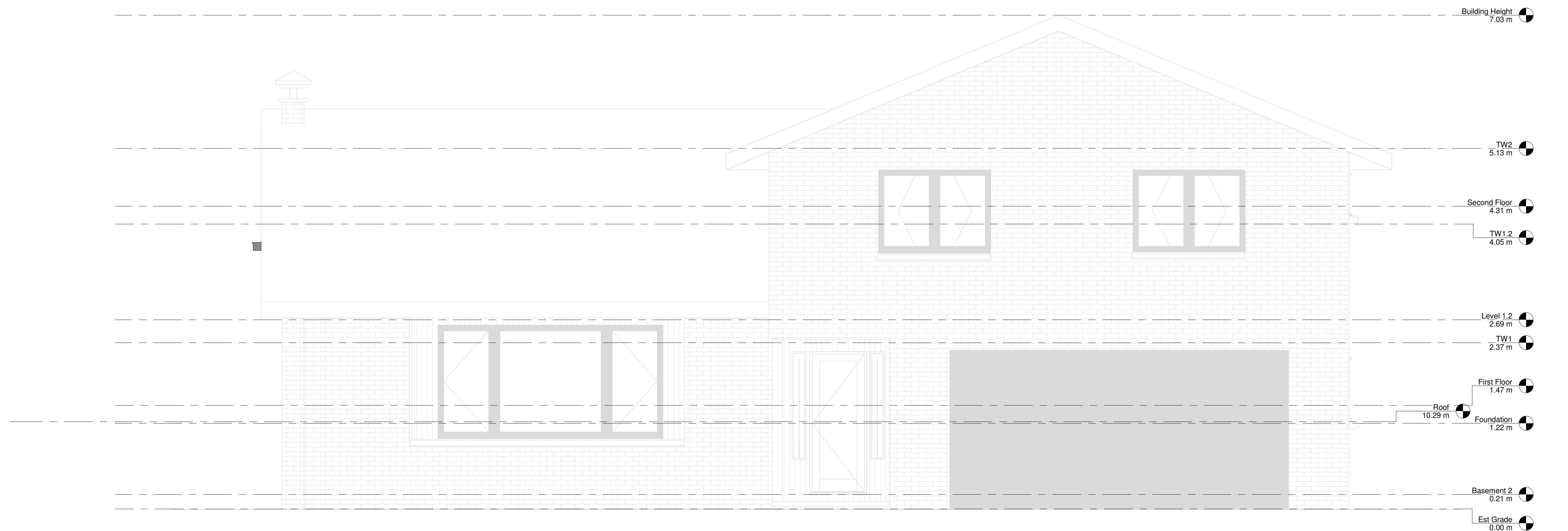
**Rear Addition**  
130 Winston Ave

**Roof Plan**

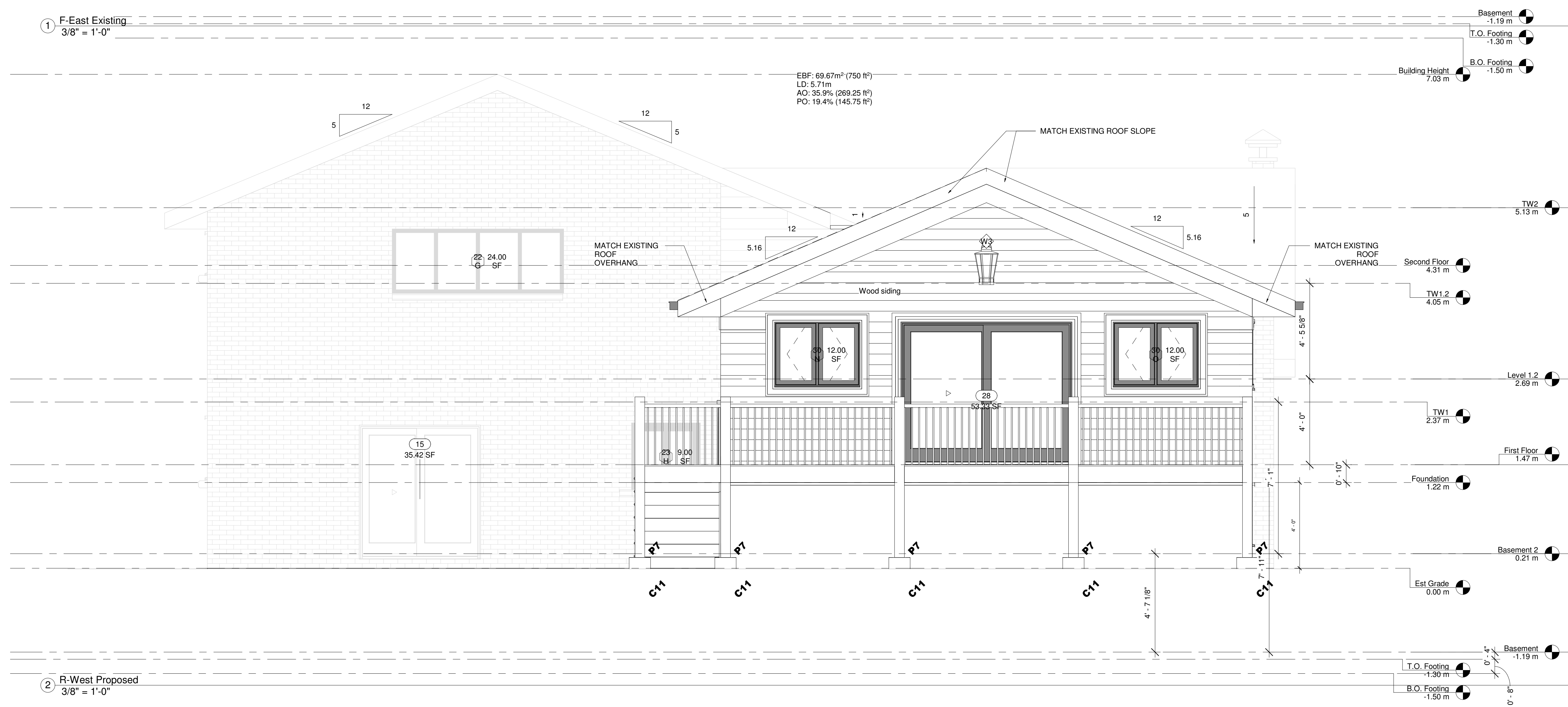
Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

**A1.04**

Scale As indicated



① F-East Existing  
3/8" = 1'-0"



② R-West Proposed  
3/8" = 1'-0"

No.	Description	Date
1	Issue for Permit	2023-04-18

CLIENT



897 King St W ~ Hamilton ON ~ 905-865-5355

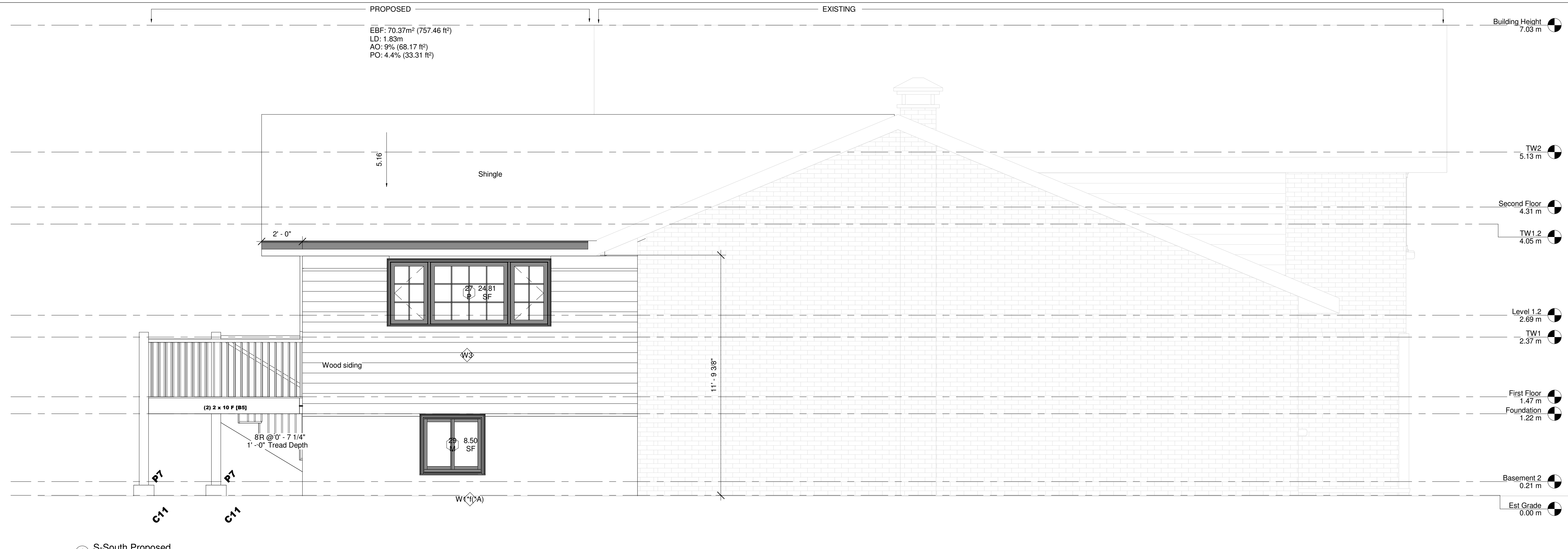
**Rear Addition**  
130 Winston Ave

Elevations

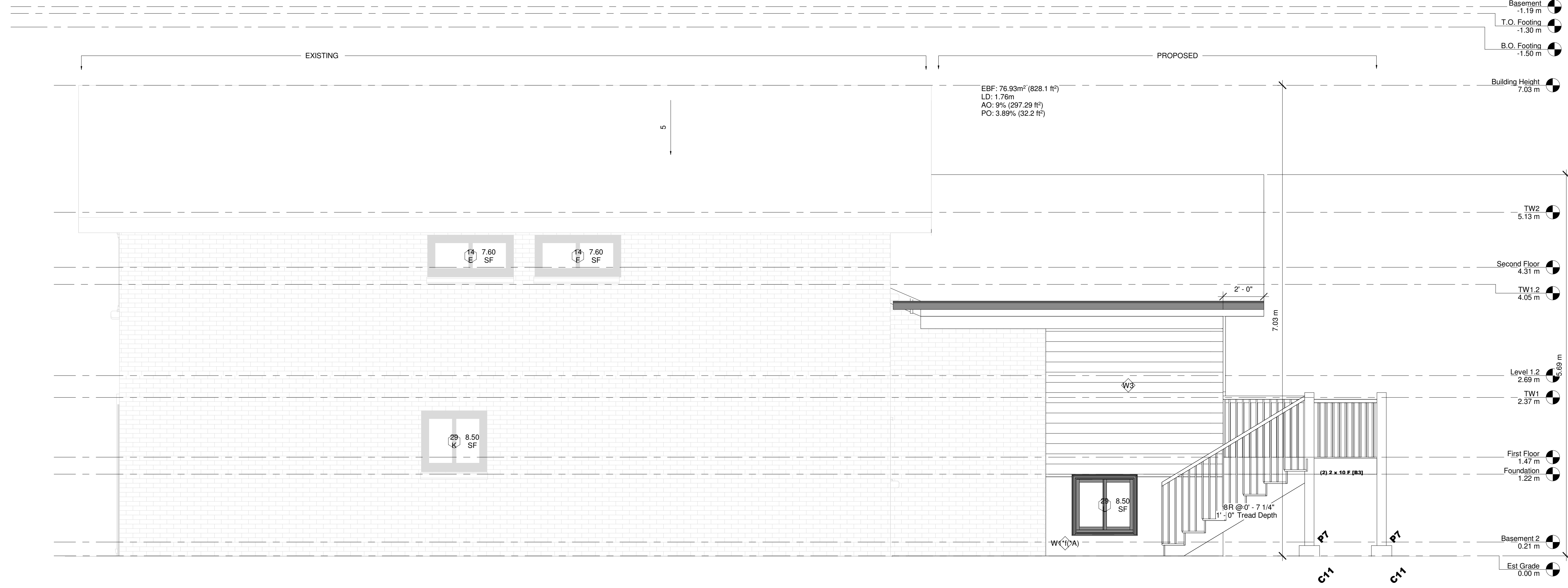
Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

**A2.01**

Scale	3/8" = 1'-0"
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① S-South Proposed  
3/8" = 1'-0"



② S-North Proposed  
3/8" = 1'-0"

- Building Height 7.03 m
- TW2 5.13 m
- Second Floor 4.31 m
- TW1.2 4.05 m
- Level 1.2 2.69 m
- TW1 2.37 m
- First Floor 1.47 m
- Foundation 1.22 m
- Basement 2 0.21 m
- Est Grade 0.00 m

- Basement -1.19 m
- T.O. Footing -1.30 m
- B.O. Footing -1.50 m

- Building Height 7.03 m
- TW2 5.13 m
- Second Floor 4.31 m
- TW1.2 4.05 m
- Level 1.2 2.69 m
- TW1 2.37 m
- First Floor 1.47 m
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- Basement -1.19 m
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No.	Description	Date
1	Issue for Permit	2023-04-18

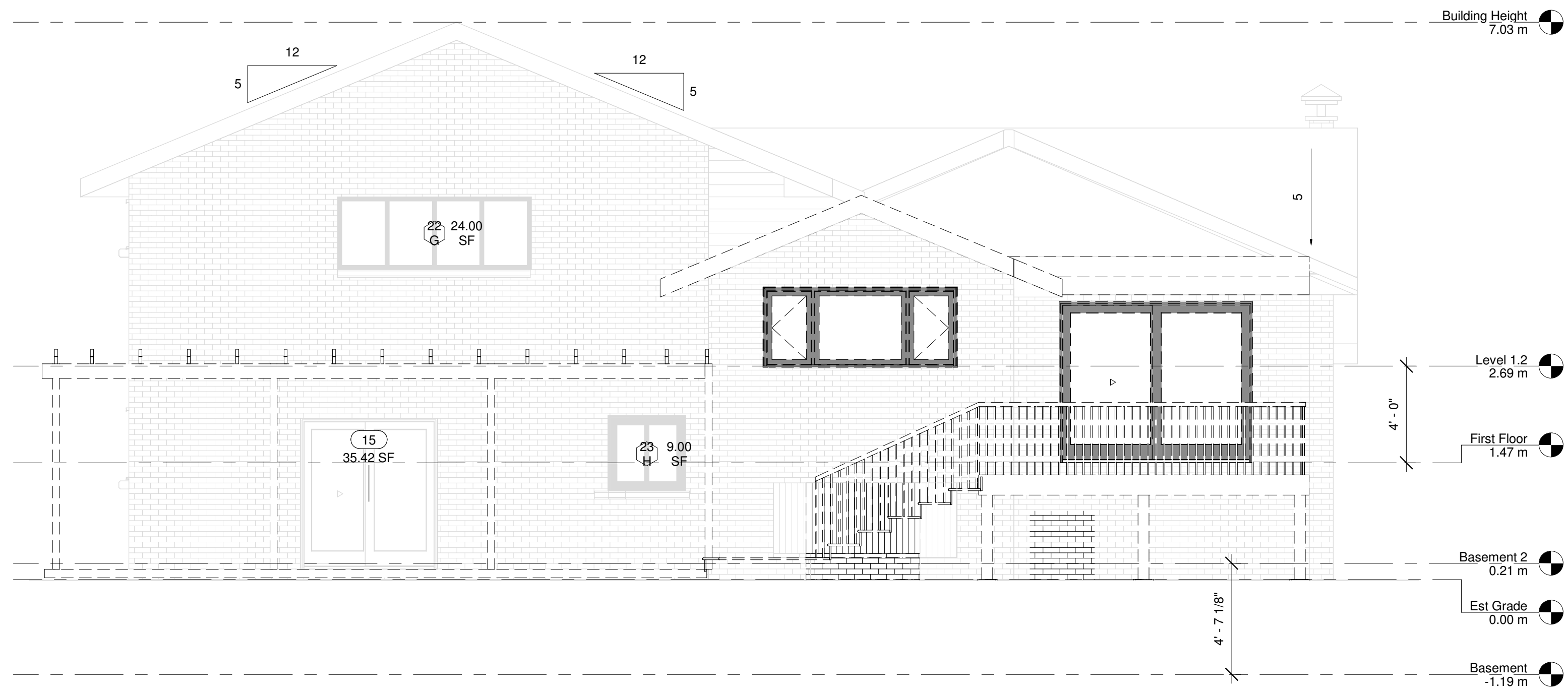
CLIENT



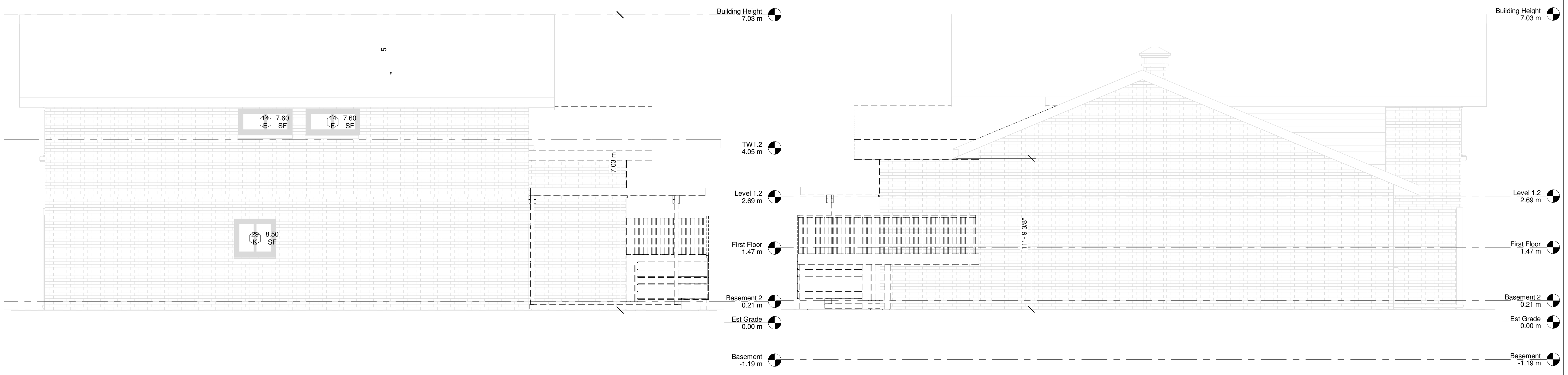
897 King St W ~ Hamilton ON ~ 905-865-5355

**Rear Addition**  
130 Winston Ave

Elevations	
Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker
<b>A2.02</b>	
Scale	3/8" = 1'-0"



① R- West Existing  
1/4" = 1'-0"



③ S-North Existing  
1/4" = 1'-0"

② S-South Existing  
1/4" = 1'-0"

No.	Description	Date
1	Issue for Permit	2023-04-18

CLIENT



897 King St W ~ Hamilton ON ~ 905-865-5355

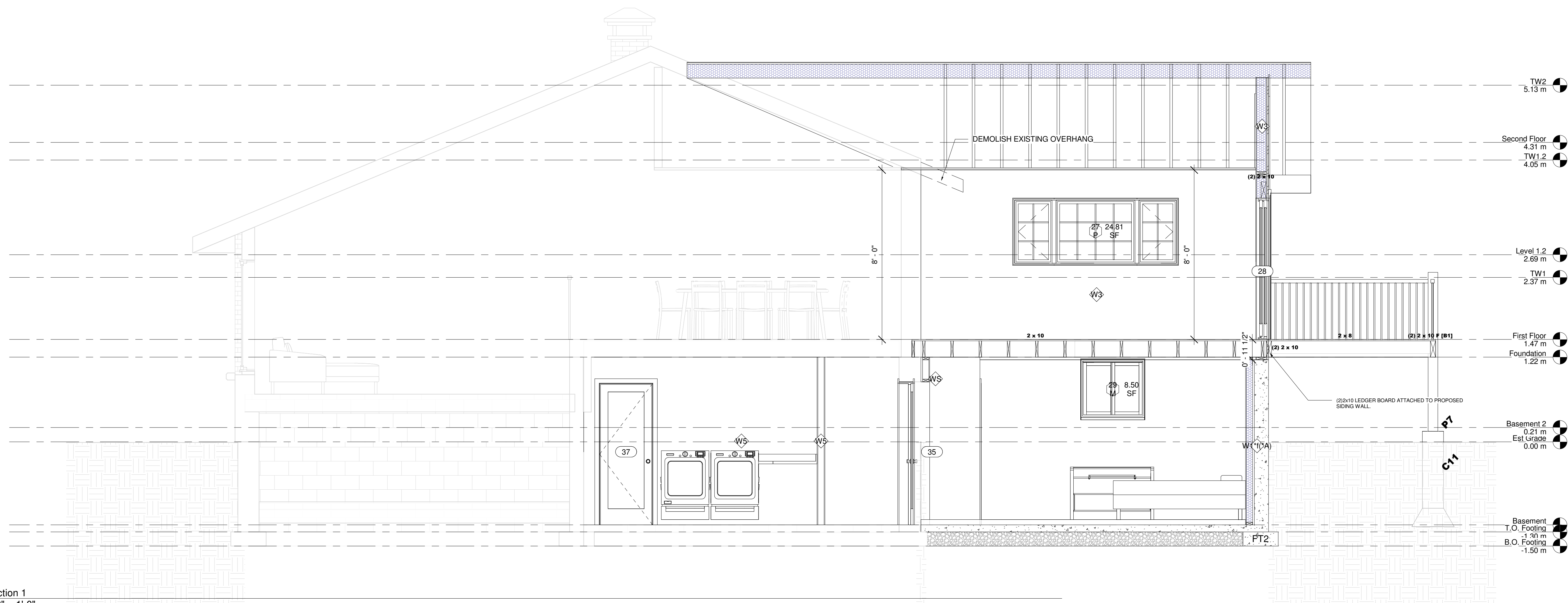
**Rear Addition**  
130 Winston Ave

Existing Elevations

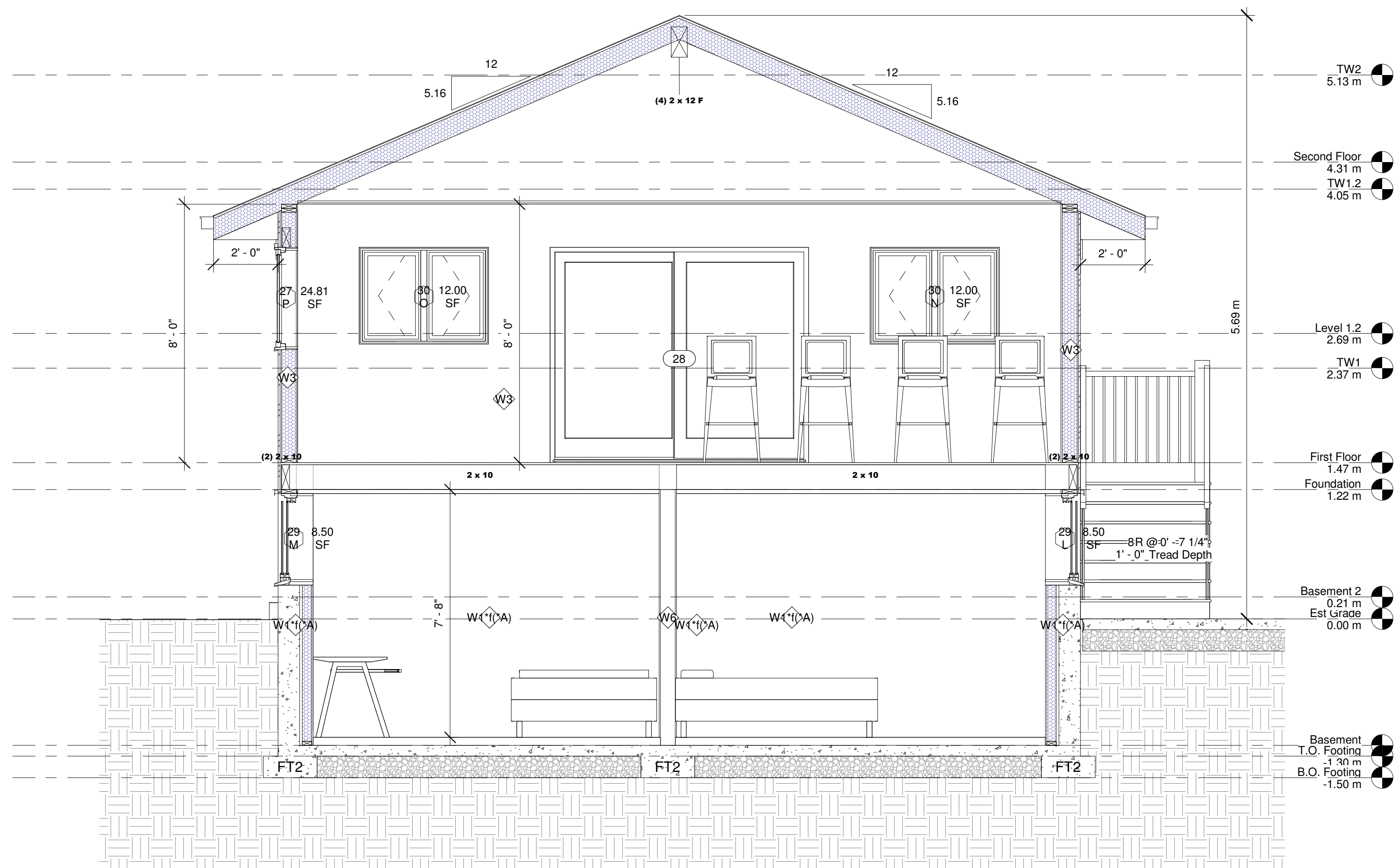
Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

**A2.03**

Scale 1/4" = 1'-0"



1 Section 1  
3/8" = 1'-0"



2 Section 2  
3/8" = 1'-0"

No.	Description	Date
1	Issue for Permit	2023-04-18

CLIENT	
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897 King St W ~ Hamilton ON ~ 905-865-5355

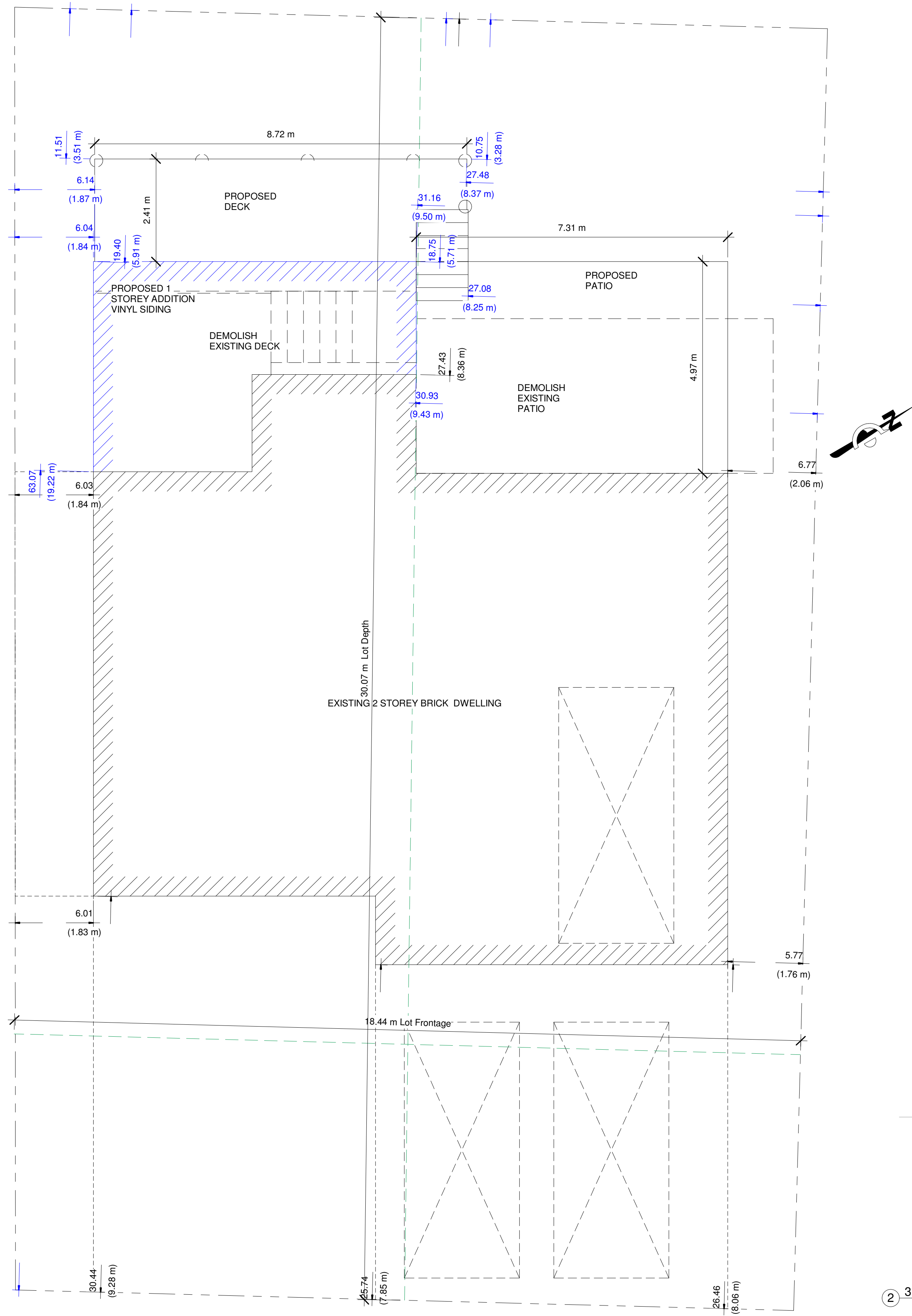
**Rear Addition**  
130 Winston Ave

Building Sections

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

**A4.01**

Scale 3/8" = 1'-0"



City of Hamilton: Zoning By-Law No.6593 C/S-1335 C/S-1335a  
130 Winston Ave.

Areas	Area						
	Existing		Addition		Total		
	sqft	sqm	sqft	sqm	sqft	sqm	
Lot Area	6038.46	560.99	-	-	-	-	
Gross Floor Area	Basement	886.00	82.31	322.00	29.91	1208.00	112.23
	Ground Floor	1386.00	128.76	322.00	29.91	1708.00	158.68
	Second Floor	986.00	91.60	0.00	0.00	986.00	91.60
	GFA Subtotal	3258.00	302.68	644.00	59.83	3902.00	362.51

NOTE: GFA MEASURED TO THE EXTERIOR FACE OF EXTERIOR WALLS.

GFA Ratio	Required	Existing	Proposed
Max. House GFA	45.00%	53.95%	64.62%

Distances	Required		Existing		Proposed		Proposed Deck		
	ft	m	ft	m	ft	m	ft	m	
Min. Building Setbacks	W - Rear Yard Setback to House	24.61	7.50	27.10	8.26	16.73	5.17	10.76	3.28
	E - Front Yard Setback	19.69	6.00	25.76	7.85	65.06	19.22	-	-
	S - Side Yard to House	3.94	1.20	6.00	1.83	6.04	1.84	6.14	1.87
	N - Side Yard to House	3.94	1.20	5.77	1.76	30.94	9.43	27.07	8.25

Parking Requirements	Required	Existing	Proposed
Number of Parking Spaces	4	3	3

\*Unchanged

Number of Habitable Rooms (Includes basement rooms)



② 3D View 4

① Site Plan  
3/16" = 1'-0"

No.	Description	Date
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897 King St W - Hamilton ON - 905-865-5355

**Rear Addition**  
130 Winston Ave

Site Plan

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

**SP1.01**

Scale 3/16" = 1'-0"

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS
<b>Registered Owners(s)</b>		
<b>Applicant(s)</b>		
<b>Agent or Solicitor</b>		

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  AgentSolicitor

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	130 Winston Avenue Hamilton, ON L8S 2S6		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number		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:

Increase the Gross Floor Area Ratio from 53.95% to 64.62% when 45.00% is required.  
Reduce the rear yard setback from the required 7.5m to 5.71m.

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 bedrooms in the basement requires the GFA ratio to increase and the layout requires the rear yard setback to be reduced.

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
18.44m	30.07m	560.99	7.7m

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 Unit	7.85m	8.26m	1.83m, 1.76m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Addition to Dwelling Unit	19.22m	5.71m	1.84m, 9.43m	

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 Unit	128.76 m2	302.68 m2	3	6.98m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Addition To Dwelling Unit	29.91 m2	59.83 m2	2	5.57m

- 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.):  
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:

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:

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? C/S-1335 C/S-1335a

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

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
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