



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**

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**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
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<b>APPLICATION NO.:</b>	<b>AN/A-23:170</b>	<b>SUBJECT PROPERTY:</b>	376 PHILIP PLACE, ANCASTER
<b>ZONE:</b>	“ER” (Existing Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Ancaster 87-57, as Amended

**APPLICANTS:**      **Owner:** DEREK SOHAIL, USHA DANIEL, SHOPHAN DANIEL, & SUZEEN DANIEL  
**Agent:** SADDIQUE KHAN

The following variances are requested:

1. A minimum lot area of 604 square metres for lot A shall be provided whereas the bylaw requires a minimum lot area of 695 square metres.
2. A minimum lot area of 663 square metres for Lot B shall be provided whereas the bylaw requires a minimum lot area of 695 square metres.
3. A minimum lot frontage of 12.06 metres for Lot B shall be provided whereas the bylaw requires a minimum lot frontage of 18 metres.
4. A minimum rear yard setback of 2.0 metres for Lot B shall be provided whereas the by-law requires a minimum of 25% of the lot depth and no less than 7.5 metres.

**PURPOSE & EFFECT:**      So as to permit the construction of two new Single Detached Dwellings, each on their own individual lot.

**Notes:**

1. Notwithstanding the definition of “lot line – front” the 12.06 metres lot line for Lot B shall be considered the front lot line.
2. Insufficient information was provided to determine zoning compliance for front yard setback, rear yard setback and parking. Additional variances may be required if compliance with Section 7, 9 and 10 of Ancaster Zoning By-law 87-57 cannot be achieved.

## AN/A-23:170

**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, July 27, 2023</b>
<b>TIME:</b>	<b>10:10 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

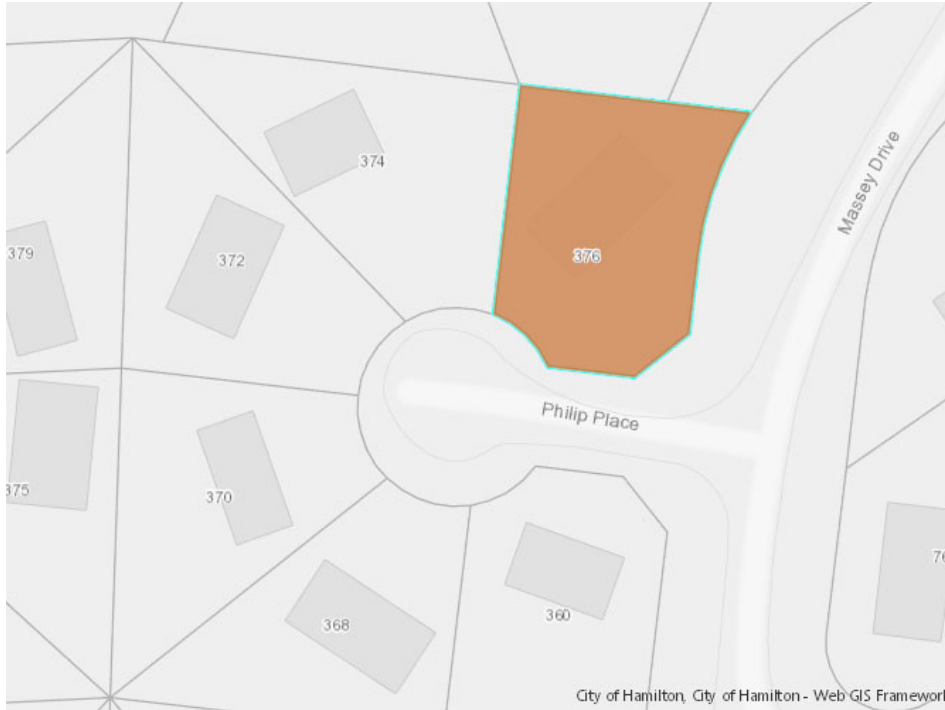
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

**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-23:170, 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: July 11, 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.

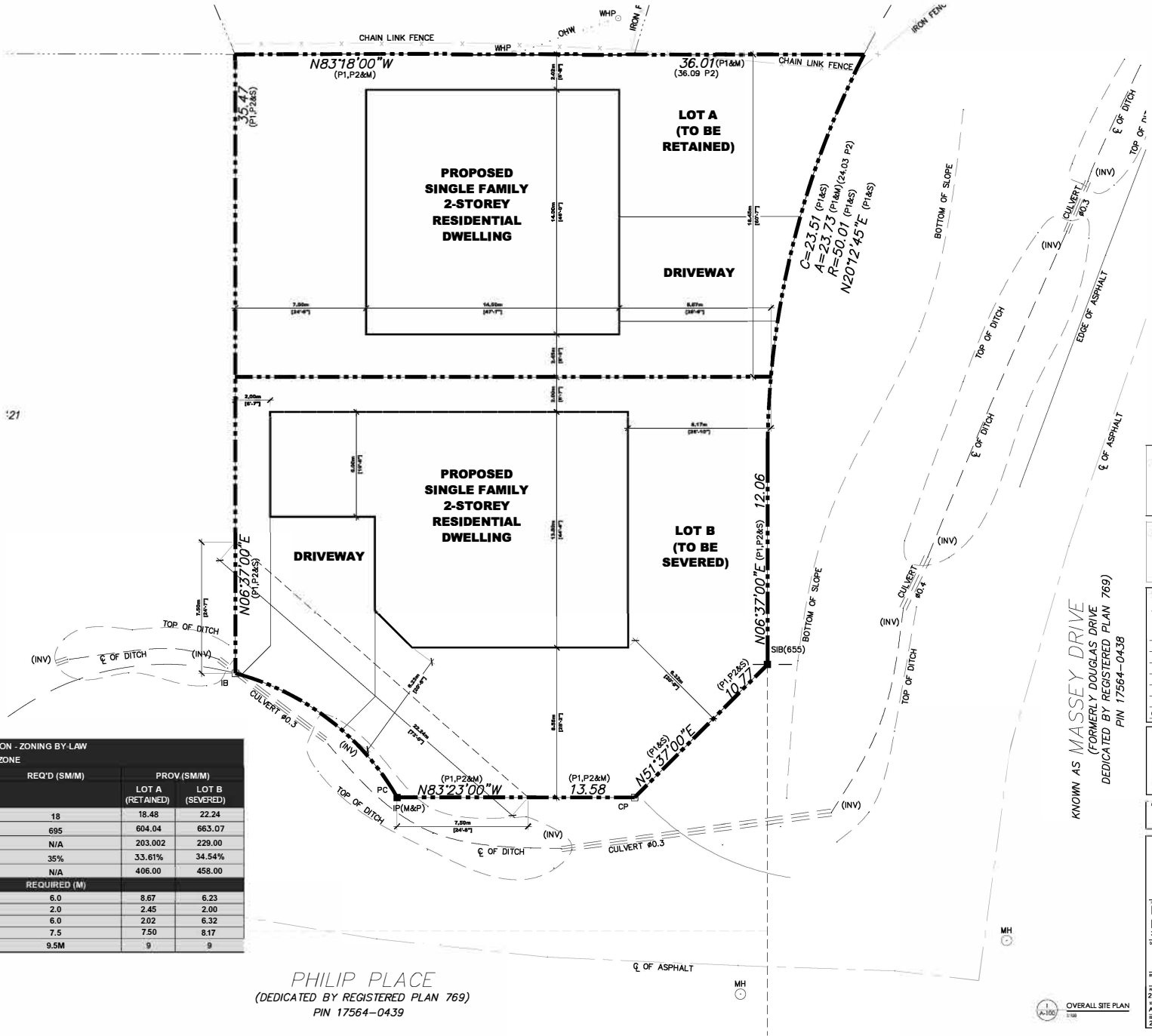
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 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.



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ZONING INFORMATION - ZONING BY LAW  
ER ZONE

Table 13.2

	REQ'D (SM/M)	PROV. (SM/M)	
		LOT A (RETAINED)	LOT B (SEVERED)
LOT FRONTAGE (M)	18	18.48	22.24
LOT AREA (SM)	695	604.04	663.07
BUILDING AREA (SM)	N/A	203.002	229.00
LOT COVERAGE (%)	35%	33.61%	34.54%
GROSS FLOOR AREA (SM)	N/A	406.00	458.00
SETBACKS		REQUIRED (M)	
MIN. FRONT YARD - ABUTTING STREET	6.0	8.67	6.23
MIN. SIDE YARD	2.0	2.45	2.00
MIN. FLANKAGE YARD	6.0	2.02	6.32
MIN. REAR YARD	7.5	7.50	8.17
BUILDING HEIGHT - MAXIMUM	9.5M	9	9

PHILIP PLACE  
(DEDICATED BY REGISTERED PLAN 769)  
PIN 17564-0439

**GARBAGE AND RECYCLING**  
THIS PROPERTY IS ELIGIBLE FOR MUNICIPAL COLLECTION OF GARBAGE, RECYCLABLE MATERIAL AND LEAF AND YARD WASTE. RECYCLING IS STRONGLY ENCOURAGED. ALL WASTE TO BE STORED WITHIN THE BUILDING UNTIL REGULAR DAY OF WASTE COLLECTION. SITE SUPERINTENDENT WILL MOVE ALL GARBAGE/RECYCLABLES TO A DESIGNATED AREA ON SITE FOR PICKUP.

**LIGHTING NOTE**  
LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS. MUST PROVIDE HOUSING OF WHERE NEEDED, TO COMPLETELY ELIMINATE GLARE TO ADJACENT PROPERTIES. ALL LIGHT FIXTURES TO BE WALL MOUNTED ONLY.

**GENERAL NOTES:**  
DO NOT SCALE DRAWINGS. USE ONLY DRAWINGS MARKED "ISSUED FOR CONSTRUCTION". VERIFY CONFIGURATIONS & DIMENSIONS ON SITE BEFORE BEGINNING WORK. NOTIFY ARCHITECTURE IMMEDIATELY OF ANY ERRORS, OMISSIONS OR DISCREPANCIES.

NO.	REV.	DESCRIPTION	DATE
1	BP	ISSUED FOR PRECONSULTATION	23-04-24
			2023
			17-06-20



DATE: 270281 Ontario Inc.  
1447 Bruce Street St. Catharines, ON L2R 6K4



PHILLIP PLACE DEVELOPMENT  
376 Philip Place, Ancaster ON  
DATE: 23-04-24  
OVERALL SITE PLAN

SW | BP | PRECONSULTATION-REV. 1  
DATE: 23-05-24  
DATE AS NOTED: 23-05-24  
A-100

OVERALL SITE PLAN  
DATE: 23-05-24

Mrs Jamila Sheffield  
Secretary Treasurer  
Committee of Adjustment  
City of Hamilton  
71 Main Street West, 5th Floor  
Hamilton, ON, L8P 4Y5

June 25, 2023

Dear Ms. Sheffield,

**Re: 376 Philip Place, Ancaster, Consent to Sever and Minor Variance Application**

We Derek Sohail, Usha Daniel, Shophan Daniel and Suzeen Daniel are the owners of the land municipally known as 376 Philip Place Ancaster, in the City of Hamilton. Please accept the enclosed Applications for Consent to Sever and Minor Variance to facilitate the severance of the subject property. The subject lands are in the Existing Residential "ER" Zone of the Former Town of Ancaster Zoning By-law 87-57.

**Important Notes: Please note that the attached site plan was already reviewed before submission of this application and supported by the City of Hamilton Zoning, Planning and Transportation planning departments. (written confirmations can be provided if required).**

**Purpose of the Application**

The purpose of the Consent Application is to sever an existing +/- 1,267.11 m<sup>2</sup> parcel with lot frontage of +36.01 m into two (2) lots. The retained lot is proposed to have a lot area of 604.04 m<sup>2</sup> and a frontage of 18.48m. The severed lot will have a lot area of 663.04 m<sup>2</sup> with 22.24m of frontage. The proposed severance is illustrated on the enclosed Severance Sketch.

A Minor Variance Application is required to bring the severed and retained parcels into conformity with the Zoning By-law. The purpose of the Minor Variance Application is to facilitate the Consent to Sever Application with the proposed variance being:

The subject lands are designated as "Neighbourhoods" in the Urban Hamilton Official Plan with this designation permitting the proposed use of the lands. As outlined in Chapter E, Section 3.3.2 of the Official Plan, development and redevelopment shall ensure the height, massing and arrangement of buildings and structures are compatible with existing and future uses of the surrounding area. Chapter B, Section 2.4.1.3(c) indicates that lands designated Neighbourhoods are to accommodate 40% of the City's growth. The intent of these policies is to encourage and accommodate compatible forms of development which is exemplified in the subject application. The proposed severance is in keeping with the neighbourhood's residential land use and will continue to be used as such. It is our opinion the proposed application meets the general intent of the Urban Hamilton Official plan.

The subject lands are located in an Existing Residential "ER" Zone of the Former Town of Ancaster Zoning By-law 87-57. The variance being requested is to provide a decreased minimum Lot area of 663.07m<sup>2</sup> for the severed and Lot area of 604.04m<sup>2</sup> for retained lots. The intent of the zoning provision is to ensure that the built form and lot fabric are compatible with the surrounding neighbourhood. The requested variance will meet this intent as it will allow the subject lands to have frontages more similar to the properties located directly adjacent to the subject lands. The two severed lots will have lot frontages greater than the minimum requirement of 18m where the retained lot will have lot frontage of 18.48m

and the severed lot will have lot frontage of 22.24m. In addition, the proposed severance will maintain the existing and permitted use of Single Detached Dwellings and the proposal complies to all other zoning provisions. It is therefore our opinion that the proposed application meets the general purpose and intent of the Town of Ancaster Zoning Bylaw 87-57.

ZONING INFORMATION - ZONING BY LAW			
ER ZONE			
Table 13.2	REQ'D (S/M/M)	PROV.(S/M/M)	
		LOT A (RETAINED)	LOT B (SEVERED)
LOT FRONTAGE (M)	18	18.48	22.24
LOT AREA (SM)	695	604.04	663.07
BUILDING AREA (SM)	N/A	203.002	229.00
LOT COVERAGE (%)	35%	33.61%	34.54%
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SETBACKS		REQUIRED (M)	
MIN. FRONT YARD - ABUTTING STREET	6.0	8.67	6.23
MIN. SIDE YARD	2.0	2.45	2.00
MIN. FLANKAGE YARD	6.0	2.02	6.32
MIN. REAR YARD	7.5	7.50	8.17
BUILDING HEIGHT - MAXIMUM	9.5M	9	9

Lastly, as it pertains to the requested reduction in minimum flankage yard for the severed lands, we believe this to be a technical variance due to definitions of Zoning By-law No. 87-57. It should be noted that the proposed yard acts and functions as a side yard to the neighbouring 374 Phillip Place property. The proposed yard of 2.0m is consistent with the minimum side yard requirement of the Existing Residential "ER" Zone and would therefore be appropriate given the intent and function of this yard setback.

The requested variance is minor in nature as it is necessary to facilitate the Consent to Sever Application, will not result in any adverse impacts on the surrounding neighbourhood, represents an appropriate form of development, and conforms to all other zone provisions.

Based on the above, both the applications represent good land use planning and satisfy Sections 45(1) and 53(1) of the Planning Act and provides for additional housing consistent with the policy statement, appropriate and desirable for the existing neighbourhood, and the City of Hamilton.

Regards.

*Derek Sohail*

Derek Sohail

*Usha Daniel*

Usha Daniel

*Shophan*

Shophan Daniel

*Suzeen*

Suzeen Daniel



Hamilton

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		

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

1.3 Sign should be sent to  Purchaser  Applicant  Owner  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	376 Philip Place Ancaster ON L9G 3G8		
Assessment Roll Number	14026008200		
Former Municipality	Hamilton		
Lot	182	Concession	
Registered Plan Number	769	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:

Lot Area required is 695 sq.m whereas Lot 'A' (Retained) is 663.07 sq.m and Lot 'B' (Severed) is 604.04 sq.m. Flankage on Lot B is 2.02m instead of 6.0m

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

In order to meet all the other zoning setback requirements, it is really hard to meet lot area requirement.

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
29.68	35.47	1243.27	7.0m

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 Storey Bungalow	15.33m	6.2m	8.63m flankage & 4.65 m int	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
2 Storey Dwelling (Lot A)	8.67m	7.5m	2.45m & 6.32, int.	
2 Storey Dwelling (Lot B)	6.23m	8.17m	2.02m flankage & 2.0m int	

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
One storey Bungalow	49.85 sq.m.	101.43 sq.m	1	4.87m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Two storey Dwelling Lot A	203	406	2	9.0m
Two Storey Dwelling Lot B	229	458	2	9.0m

- 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:
- Mar. 11, 2022
- 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:
- 40+

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) Neighborhoods Designations

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

The application conforms with the Official plan as it maintains the same use.

7.6 What is the existing zoning of the subject land? Existing Residential 'ER'

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: AN/A-22:175

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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: Not assigned yet

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
- \_\_\_\_\_
- \_\_\_\_\_