



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.:	HM/A-23:195	SUBJECT PROPERTY:	119 CAMPBELL AVENUE, HAMILTON
ZONE:	R1a (Small lot Low Density Residential)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: **Owner:** KEVIN LEBLANC
 Agent: ACADIA DESIGN CONSULTANTS C/O MAXIM MERCHASIN

The following variances are requested:

1. To permit the existing Garden Shed (accessory building) to be located in the flankage yard.
2. To permit a rear yard setback of 0.5m for the existing Garden Shed (accessory building) instead of the minimum required rear yard setback of 1.2m.
3. To permit an interior side yard setback of 0.3m for the existing Garden Shed (accessory building) instead of the minimum required interior side yard setback of 1.2m.
4. To permit a flankage yard setback of 2.7m for the existing Garden Shed (accessory building) instead of the minimum required rear yard setback of 3.0m.
5. To permit an aggregate Gross Floor Area of 9.4% for all accessory buildings instead of the maximum required aggregate Gross Floor Area for all accessory buildings of 7.5%.

PURPOSE & EFFECT: To facilitate the legalization of the existing rear yard Garden Shed.

Notes:

- i. Be advised, in accordance with the requested variance to reduce the minimum required rear, flankage and side yards, the eaves and gutters indicated on the submitted drawings of the existing Garden Shed (accessory building) comply with the encroachment requirements under Section 4.8.
- ii. An Order to Comply, dated November 23, 2022, in regard to the existing Garden shed (accessory

building) remains outstanding.

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, August 24, 2023
TIME:	10:35 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 HM/A-23:195, 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.

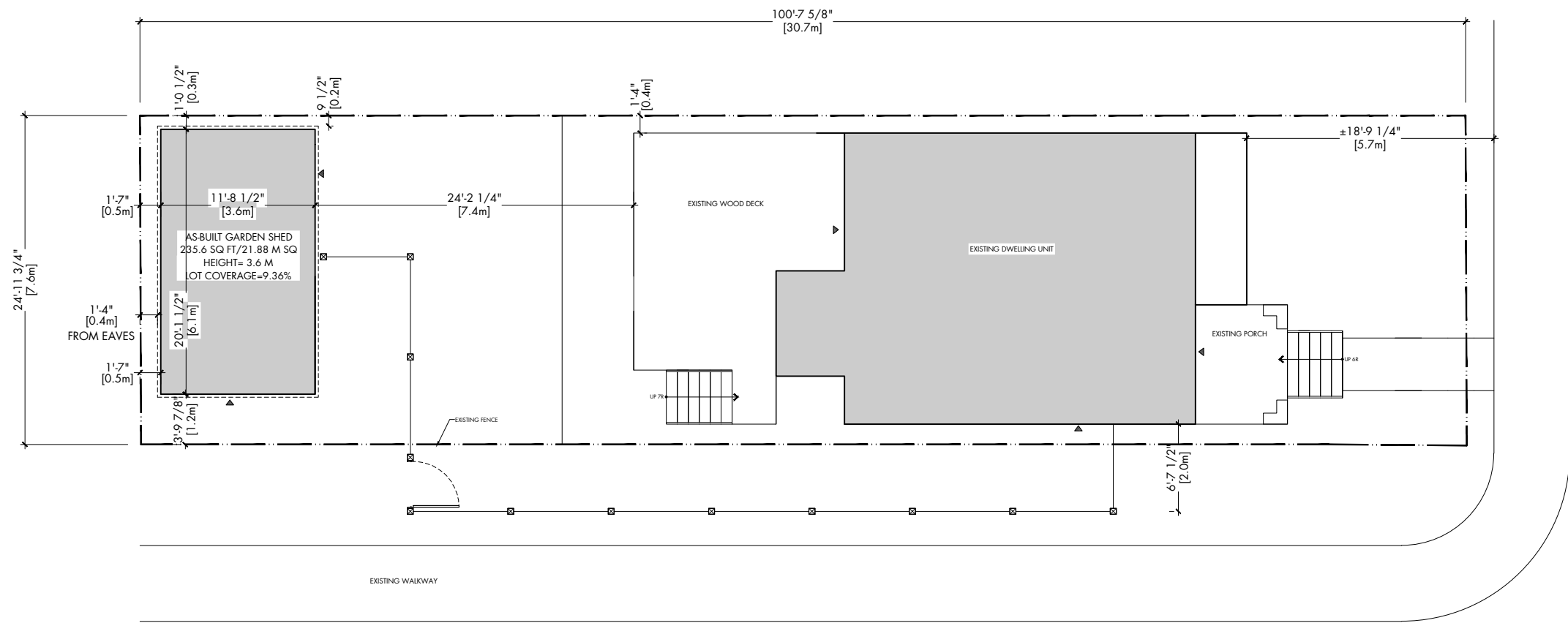


Subject Lands

DATED: August 8, 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.



EXISTING LOT AREA IS 233.8 SQ M

CARLISLE STREET

CAMPBELL AVENUE



May 30, 2023



Phone: +1 (647) 478-9292
Fax: +1 (877) 347-3479
www.AcadiaDC.ca

ALL DRAWINGS & SPECIFICATIONS ARE PROPERTY OF ACADIA DESIGN CONSULTANTS INC. AND MUST NOT BE USED FOR OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF ACADIA

REVISIONS & ISSUES:

#	DATE	DESCRIPTION
1	26-05-2023	ISSUED FOR CLIENT REVIEW
2	29-05-2023	ISSUED FOR CLIENT APPROVAL
3	30-05-2023	ISSUED FOR PERMIT

DRAWN BY: NA
CHECKED BY: MM

EXISTING KEY PLAN

A1.01

Scale: AS NOTED

Date: 30-05-2023

Project: 119 CAMPBELL AVE.
GARDEN SHED

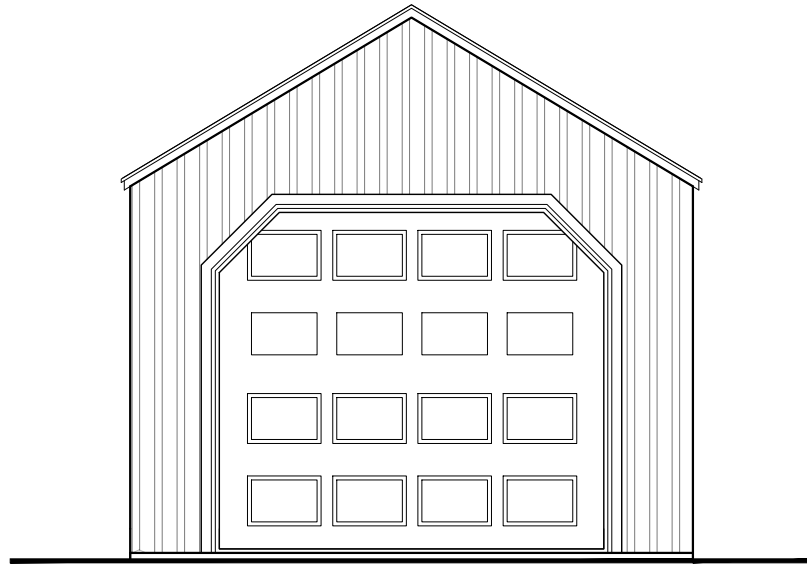
119 CAMPBELL AVENUE
HAMILTON ONTARIO, L8H 2G1

A map of the area around 100 Campbell Ave. The map shows several streets: Argyle Ave at the top, Campbell Ave running horizontally, and Edgar St, Fraser Ave, and Skn God running vertically. Various businesses are marked with icons and labels: European Textiles - Kids, Quilting & Fashion Fabric store (blue icon), European Textiles - Decorating Centre Fabric store (blue icon), The Hearty Hooligan Vegan • \$S (orange icon), The Millionaire's Daughter Furniture store (blue icon), Ottawa Textiles Window treatment store (blue icon), Greta's Flair Lingerie Lingerie store (blue icon), KNC Nails (black icon), Cafe Limoncello Italian • \$S (orange icon), Crow's Nest Barbershop (black icon), Simply Italian Bakery (SIB) (orange icon), Municipal Car Park 2 B (blue 'P' icon), Municipal Car Park 2 C (blue 'P' icon), and Angela McNamara (red icon). A red pin is also visible on Campbell Ave near the intersection with Argyle Ave.

A1	COVER PAGE
A2	EXISTING KEY PLAN
A3	EXISTING FLOOR PLAN
A4	ELEVATIONS
A5	ELEVATIONS
A6	BUILDING SECTION

APPROVED
By Ross McIntosh at 12:37 pm, Jun 23, 2023

PERMIT DRAWINGS FOR AN AS-BUILT GARDEN SHED.



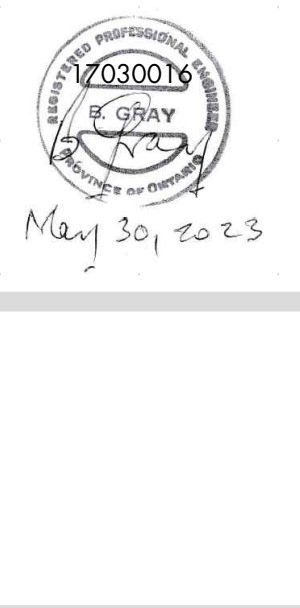
A line drawing of a building facade. The roof is covered in a pattern of small, overlapping rectangles representing tiles. Below the roof is a horizontal line representing the eaves. The main wall is composed of vertical lines, suggesting vertical siding or planks. On the left side of the wall is a square window with a double-line border. On the right side is a door with a vertical frame and a horizontal handle. The entire drawing is composed of black outlines on a white background.

City of Hamilton
Planning & Economic Development
Planning Division

Examined By: _____ Date: _____

R. McIntosh

Zoning Only for Director of Planning Division



DO NOT SCALE
CONTRACTOR MUST VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF THE WORK. ALL DRAWINGS & SPECIFICATIONS ARE PROPERTY OF CADIA DESIGN CONSULTANTS INC. AND MUST BE RETURNED UPON COMPLETION OF THE WORK. DRAWINGS ARE NOT TO BE USED FOR OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.

[illegible]

DRAWN BY:	CHECKED BY:
NA	MM

OVER PAGE

A1

TS

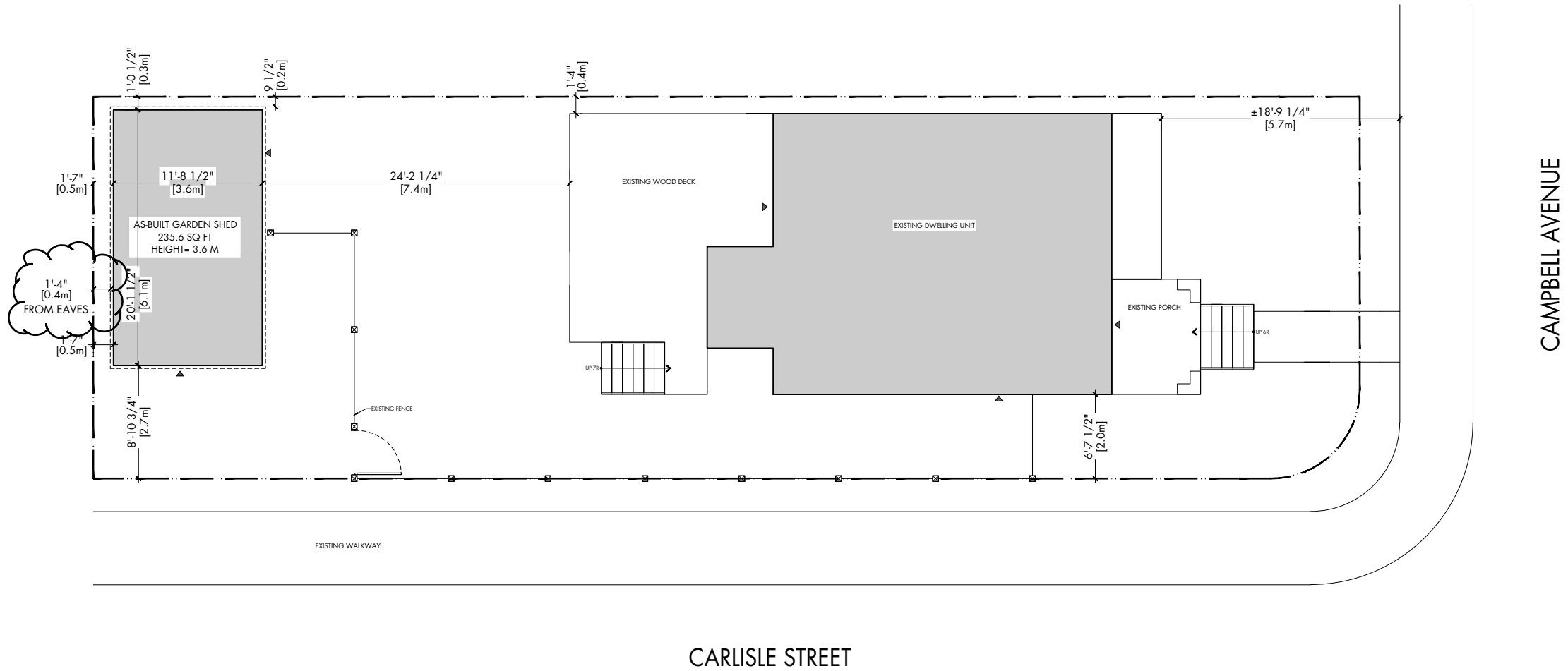
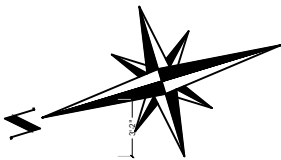
0-05-2023

19 CAMPBELL AVENUE
HAMILTON ONTARIO,
L8H 2G1

APPROVED
By Ross McIntosh at 4:15 pm, Jul 18, 2023

City of Hamilton
Planning & Economic Development
Planning Division

Examined By: *R. McIntosh* Date: _____
Zoning Only for Director of Planning Division



CARLISLE STREET

CAMPBELL AVENUE

May 30, 2023

ACADIA
design-consultants
Phone: +1 (647) 478-9292
Fax: +1 (877) 347-3479
www.AcadiaDC.ca

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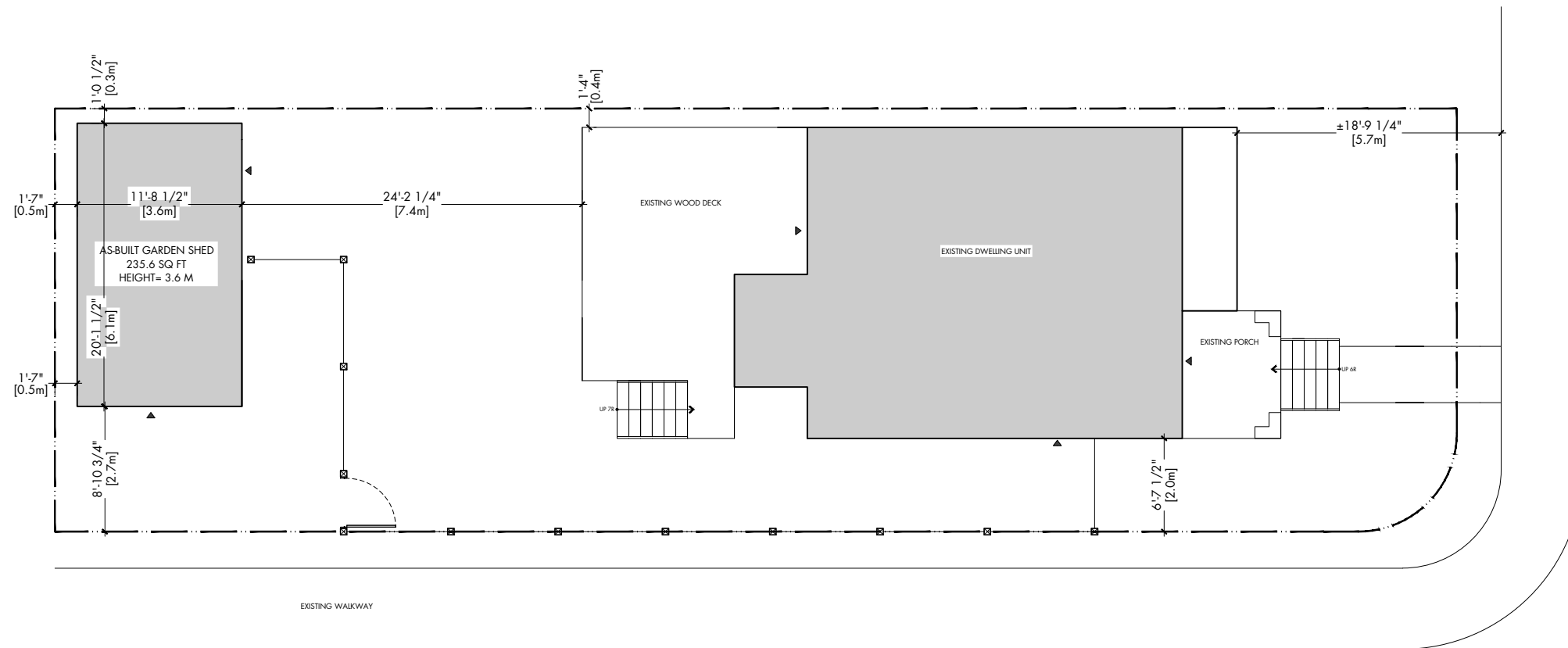
EXISTING KEY PLAN

A1.01

Scale: AS NOTED

Date: 30-05-2023

Project: 119 CAMPBELL AVE.
GARDEN SHED
119 CAMPBELL AVENUE
HAMILTON ONTARIO, L8H 2G1



CARLISLE STREET

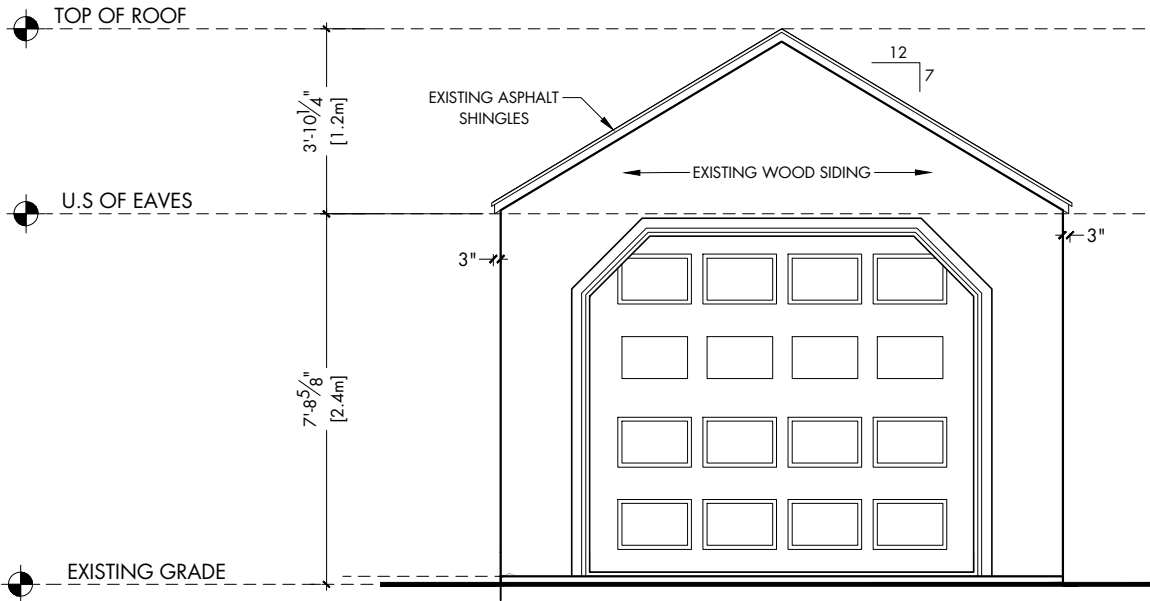
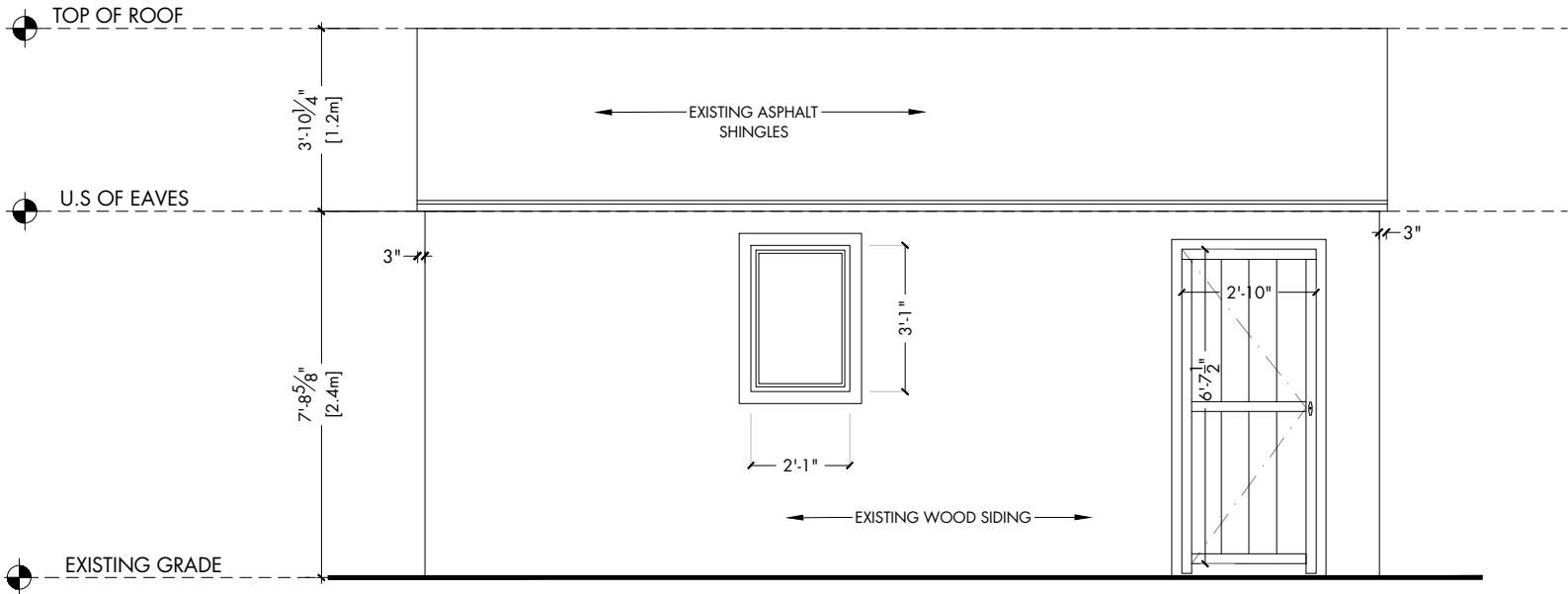
Examined By: Date:

R. McIntosh

Zoning Only for Director of Planning Division

APPROVED

By Ross McIntosh at 4:15 pm, Jul 18, 2023



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DRAWN BY: CHECKED BY:
NA MM

ELEVATIONS

A2.01

AS NOTED

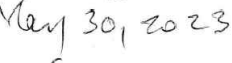
30-05-2023

119 CAMPBELL AVE.
GARDEN SHED

119 CAMPBELL AVENUE
HAMILTON ONTARIO, L8H 2G1



May 30, 2023



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[illegible]

EXISTING FLOOR PLAN

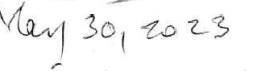
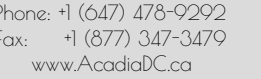
$$1/4'' = 1'-0''$$

30-05-2023

119 CAMPBELL AVENUE
HAMILTON ONTARIO,
L8H 2G1



DOOR SCHEDULE					
DOOR TAG	QTY	INT/EXT	DOOR WIDTH	HEADER SIZE	NOTES
D1	1	EXTERIOR	34"	2-2X6 SPF	WOOD DOOR
NOTE: DOOR ROUGH OPENING TO BE MIN. 1-1/2" LARGER THEN DOOR SIZE					



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[illegible]

DRAWN BY: NA
CHECKED BY: MM

ELEVATIONS

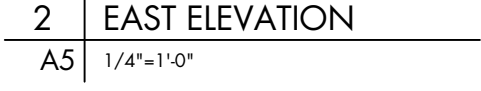
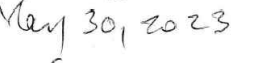
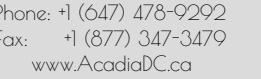
Drawing:

A4

Scale: $1/4" = 1'-0"$

Date: 30-05-2023

Project: 119 CAMPBELL AVENUE
HAMILTON ONTARIO,
L8H 2G1



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[illegible]

Drawing:

Scale:

Date:

19 CAMPBELL AVENUE
HAMILTON ONTARIO,
L8H 2G1



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CONSENT OF THE DESIGNER.

REVISIONS & ISSUES:

[illegible]

DRAWN BY: NA
CHECKED BY: MM

SECTION

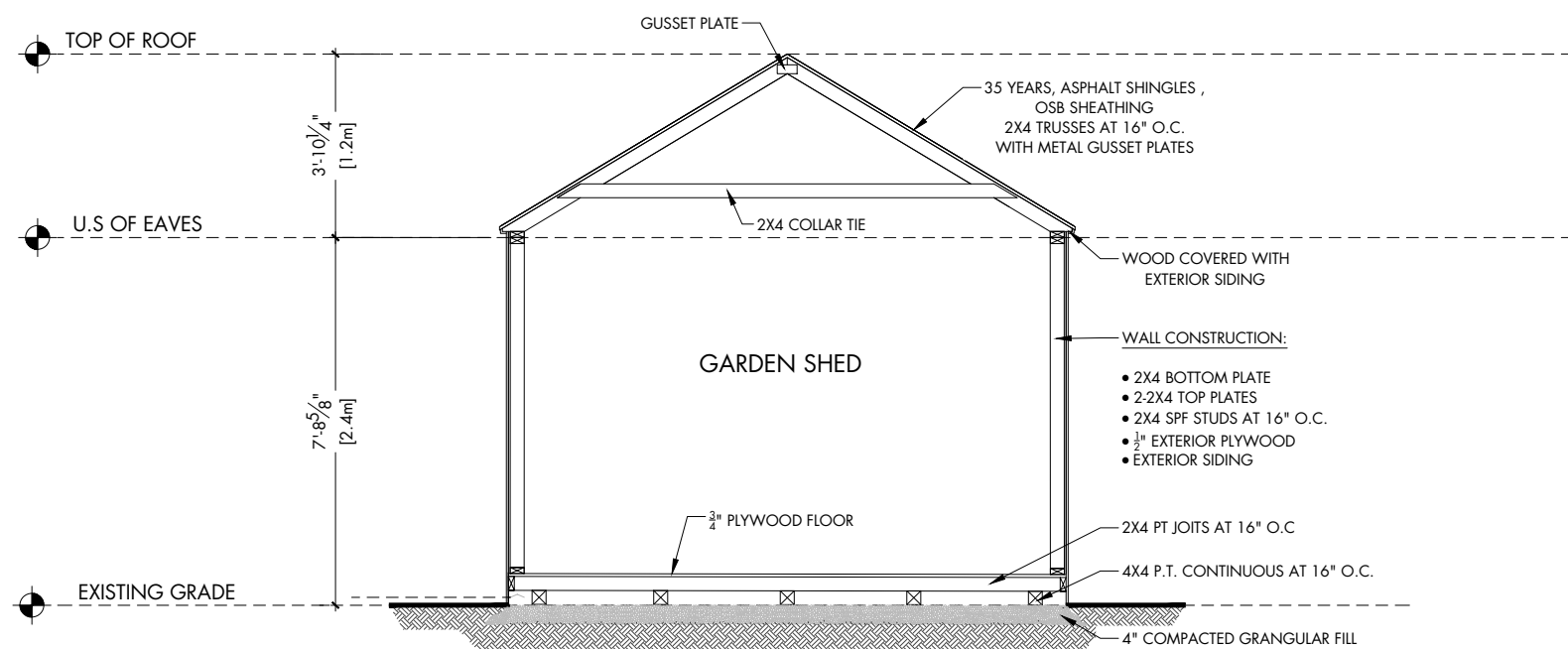
Drawing:

A6

Scale: $1/4" = 1'-0"$

Date: 30-05-2023

Project: 119 CAMPBELL AVENUE
HAMILTON ONTARIO,
L8H 2G1



1	SECTION
A6	1/4"=1'-0"

119 Campbell Ave Hamilton Non-Conforming

3.1 Nature and extent of relief applied for:	3.2 Why it is not possible to comply with the provisions of the By-law?
Garden Shed located in Flankage Yard	b) Accessory Buildings shall not be permitted within a front or flankage yard.
0.4m from rear lot line 0.2m from interior side lot line 2.7m from flankage lot line Eaves project 0.076m	h) Notwithstanding Subsection 4.6a), an eave or gutter of any Accessory Building may encroach into any required yard to a maximum of 0.45 metres. Eaves/gutters of Garden Shed are permitted to encroach a maximum distance of 2.55m from the flankage lot line.
Approx. Accessory Buildings Aggregate GFA = 9.5% Applicant shall provide Figure as well as the exact lot area (shed GFA already provided) in order to determine the exact Percentage Accessory building GFA (Refer to drawings A1.01)= 9.36% Lot Area:233.8sq.m	a) The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 45 square metres or 7.5% total lot coverage, whichever is the lesser. Approx. Lot Area = 235 sq.m Garden Shed GFA= 21.9 sq.m
0.5m proposed setback (Building setback from Rear Lot line)	d) All accessory buildings with a Gross Floor Area greater than or equal to 18 square metres shall conform to the following regulations: i) Building Setback from a Rear Lot Line = Minimum 1.2 metres
0.3m proposed setback (Building setback from Side lot Line)	ii) Building Setback from a Side Lot Line =Minimum 1.2 metres
2.7m Proposed setback (Building setback from Flankage Lot line)	iii) Building Setback from Flankage Lot Line: 1. Except as required in a Flankage Lot Line Subsection 4.8.1.1 e), Accessory Buildings shall conform to the regulations for the principal use. [as per section 15.2.2.1(e) of Hamilton Zoning By-law 05-200] Minimum Setback from a Flankage Lot Line = 3.0m



Timothy Ritter <rittertimothy44@gmail.com>

Fwd: 105 Beach Blvd

1 message

gail Ritter <sinderela@live.com>

Fri, Jun 2, 2023 at 6:13 AM

To: Tim Ritter <rittertimothy44@gmail.com>

Sent from my iPad

Begin forwarded message:

From: "Dent, Mike" <Mike.Dent@hamilton.ca>
Date: June 1, 2023 at 12:56:05 PM EDT
To: gail Ritter <sinderela@live.com>
Subject: RE: 105 Beach Blvd

Hi Tim,

I spoke to my supervisor and we will keep the permit open until we can get clarity from Parks on how they will be proceeding.

Regards,

Mike Dent
Building Inspector
Planning and Economic Development
Building Division, City of Hamilton
905-546-2424x6752

-----Original Message-----

From: gail Ritter <sinderela@live.com>
Sent: May 29, 2023 5:49 PM
To: Dent, Mike <Mike.Dent@hamilton.ca>
Subject: 105 Beach Blvd

Hi Mike

Hope you are doing well.

I was in at city hall today to fill out another extension for the permit.

As you know I was dealing with the encroachment for about a year and then after having my lawyer ask some questions the encroachment department say it is not there area that I need to work with the parks division.

I copied you on the email that I sent to them and they have gotten back saying they are looking into it and will advise later in June This is really weighing on my mind, I just went through cancer and had to do more treatment to help with my healing.

If you have any suggestions or can help with my extension go through it would be greatly appreciated and bring this issue to an end.

Thanks so much

Tim Ritter

Sent from my iPad

Tim Ritter

[http://mail.google.com/mail/?ui=10101...0-64670-100...](mailto:mail.google.com/mail/?ui=10101...0-64670-100...)



Timothy Ritter <rittertimothy44@gmail.com>

Fwd: Encroachment Agreement and Building Permit Application at 105 Beach Blvd, Hamilton ON

1 message

gail Ritter <sinderela@live.com>

Wed, Apr 5, 2023 at 7:16 PM

To: Tim Ritter <rittertimothy44@gmail.com>

Sent from my iPad

Begin forwarded message:

From: Spencer Cuddy <spencercuddy@huntlegal.ca>**Date:** February 15, 2023 at 12:34:48 PM EST**Subject: Re: Encroachment Agreement and Building Permit Application at 105 Beach Blvd, Hamilton ON**

Thank you Cetina

We will follow up accordingly

On Wed, Feb 15, 2023 at 11:06 AM Farruggia, Cetina <Cetina.Farruggia@hamilton.ca> wrote:

Hello Spencer,

Thank you for your email. Upon review, can you please confirm the location of the proposed/existing encroachments?

My section only handles encroachments over road allowances. It looks like this may be referring to rear encroachments over city parkland. If that is the case then you will need to connect with parkseast@hamilton.ca for consent.

Thank you,

Cetina Farruggia HBSc, B.Ed., PMP*Right-of-Way Coordinator*

Geomatics and Corridor Management

Public Works Department | Engineering Services Division

City of Hamilton

100 King Street West, 2nd Floor

Hamilton, ON L8P 1A2

Tel: 905-546-2424 x5803

Email: cetina.farruggia@hamilton.ca



From: Spencer Cuddy <spencercuddy@huntlegal.ca>

Sent: Tuesday, February 14, 2023 2:36 PM

To: Encroachment Applications <EncroachmentApplications@hamilton.ca>

Cc: Timothy Ritter <rittertimothy44@gmail.com>; Gail Ritter <sinderela@live.com>

Subject: Encroachment Agreement and Building Permit Application at 105 Beach Blvd, Hamilton ON

Good morning,

As you may be aware, my client's the Ritters and Nakamuras are hoping for some clarity and assistance with their ongoing application. We have already discussed the matter in some detail with the building department, specifically with Corey Benn and emails with Jennifer Turcotte, Chris Atchison and Mike Dent.

We have been made aware from their department that in order for the permit to be issued, the Ritters and Nakamuras must first enter into an encroachment agreement drafted and approved with the Public Works department.

Kindly review our letter and ancillary document attached.

Please let my office and my clients know if there is some productive dialogue we can enter into to move forward accordingly.

--

Best regards,

Spencer Cuddy BHSc., J.D.

Hunt & Cuddy

Barristers & Solicitors

562 Maple Avenue

Burlington, ON, L7S 1M6

Phone: (905) 634-5581

Fax: (905) 634-7808

spencercuddy@huntlegal.ca

--

Best regards,



Timothy Ritter <rittertimothy44@gmail.com>

RE: 105 Beach Blvd

1 message

Elizabeth Reimer <ereimer@conservationhamilton.ca>

Fri, Jan 27, 2023 at 11:55 AM

To: Timothy Ritter <rittertimothy44@gmail.com>

Cc: "Turcotte, Jennifer" <Jennifer.Turcotte@hamilton.ca>, "Dent, Mike" <Mike.Dent@hamilton.ca>

Hello Tim,

HCA staff can advise that the constructed deck is in the Hamilton Conservation Authority's regulated area, and work in the regulated area requires written authorization. HCA is in the process of completing a Shoreline Management Plan for the Lake Ontario shoreline. The report is not finalized, but the draft report suggests that the asphalt trail represents the limit of the dynamic beach hazard. Site-specific studies elsewhere along the beach have suggested this as well. Therefore, HCA staff are satisfied that the deck is outside of the hazards associated with Lake Ontario.

Please note that the HCA will only issue written authorization if the legal owner of the property has provided written consent for the construction. Therefore, the portion of the deck that is outside of your property boundary will require written permission from the City of Hamilton, or will have to be removed if the City does not provide permission.

Jennifer and/or Mike, can you confirm whether the City is prepared to provide permission for the deck to remain on City property? Will a Minor Variance provide this permission, or does the City have separate agreements in place for private structures on City property?

Let me know if you have any further questions or concerns.

Regards,

Elizabeth Reimer

Conservation Planner

Hamilton Conservation Authority

838 Mineral Springs Road, P.O. Box 81067

Ancaster, ON L9G 4X1

Phone: 905-525-2181 Ext. 165**Email:** ereimer@conservationhamilton.ca

www.conservationhamilton.ca



A Healthy Watershed for Everyone

The contents of this e-mail and any attachments are intended for the named recipient(s). This e-mail may contain information that is privileged and confidential. If you have received this message in error or are not the named recipient(s), please notify the sender and permanently delete this message without reviewing, copying, forwarding, disclosing or otherwise using it or any part of it in any form whatsoever.

From: Timothy Ritter <rittertimothy44@gmail.com>
Sent: Wednesday, January 25, 2023 7:40 PM
To: Elizabeth Reimer <ereimer@conservationhamilton.ca>
Cc: Turcotte, Jennifer <Jennifer.Turcotte@hamilton.ca>; Dent, Mike <Mike.Dent@hamilton.ca>
Subject: Re: 105 Beach Blvd

Thanks Elizabeth for getting back to me

No the deck is not completely on our property, however I am working on getting a Minor Variance to be able to have the deck out from the house to extend the living space of the home.

Part of this Variance is getting approval from conservation that where we have the deck, is not encroaching onto the conservation area.

The deck is well back from the path and pretty well further back than every other property building and or patios along the path.

I am asking if it is ok to have the deck where it is.

Thank you again for getting back to me

Tim Ritter

On Mon, Jan 23, 2023 at 10:17 AM Elizabeth Reimer <ereimer@conservationhamilton.ca> wrote:

Hello Tim,

I had a quick look at the drawings you had sent in August. From the A.T. McLaren survey (dated 1978), if I am interpreting the drawing correctly, the property line is 6+ feet from the corner of the building (I can't quite read the numbers, maybe 6.49'). Can you confirm that the deck is entirely on your property? I apologize if this has already been addressed, I just don't see anything in the file here that confirms the deck location relative to the property limit.

Thanks,
Elizabeth

From: Timothy Ritter <rittertimothy44@gmail.com>

Sent: Saturday, January 21, 2023 1:42 PM

To: Elizabeth Reimer <ereimer@conservationhamilton.ca>; Laura Stinson <lstinson@conservationhamilton.ca>

Cc: Turcotte, Jennifer <Jennifer.Turcotte@hamilton.ca>; Dent, Mike <Mike.Dent@hamilton.ca>

Subject: Re: 105 Beach Blvd

Good Morning

I had sent this email back in Aug 2022 asking if you could review and give me the OK that it is not impacting the environment of the beach, where I have my deck is on the highway side of the path that runs along the beach between the water edge and Beach Blvd in Hamilton

Could one of you two please get back to me

I have asked Mike for an extension on the permit and he was kind enough to allow me more time.

Would appreciate your help with this matter

Have a great weekend

Thank you in advance

Tim Ritter

105 Beach Blvd

On Mon, Aug 1, 2022 at 11:38 AM Timothy Ritter <rittertimothy44@gmail.com> wrote:

Hope you had a nice weekend

Since August of 2021 I have been waiting for confirmation that the land at 105 Beach Blvd. in Hamilton is not part of the Conservation area. I have sent multiple emails and packages, along with phone messages, but am currently in a position where I am waiting on your approval to obtain my building permit for a small deck situated 23' from the walking pathway. We understand there have been delays worldwide during this time, and hope this message finds you both well, but would appreciate hearing from either of you as soon as possible.

Please reach out to me as well copying Mike Dent

Sincerely

Timothy Ritter



Hamilton

July 18, 2023

FILE: ALR
FOLDER: 23-123343-01 ALR
ATTENTION OF: Ross McIntosh
TELEPHONE NO: (905) 546-2424
EXTENSION: 2077

Karen Melocotones
364 SUPERTEST RD
NORTH YORK, ON M3J 2M2

Attention:

Re: **APPLICABLE LAW REVIEW – ZONING BYLAW (Revision)**
Present Zoning: R1a Low Density Residential – Small Lot Zone
Address: 119 CAMPBELL AVE, HAMILTON, ON

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

COMMENTS:

1. The application is to facilitate the legalization of the existing rear yard Garden Shed.
2. The following comments are based on the regulations of the underlying ***R1a Low Density Residential – Small Lot Zone*** pursuant to the City of Hamilton Zoning By-law No. 05-200.
3. The Order to Comply for the existing Garden Shed, Folder # 22 153150 00, dated November 23, 2022, remains outstanding.
4. All new fences proposed for this development must comply with the regulations contained within Sign By-law 10-142.
5. The designer shall ensure that the fire access route conforms to the Ontario Building Code.
6. The existing Garden Shed has been reviewed and compared to the standards of the R1a zone, as indicated in the following chart:

R1a Zone – Low Density Residential (Small Lot)

(Section 15.2 of Hamilton Zoning By-law 05-200)

	Required	Provided	Conforming/ Non-Conforming
Section 15.2.2 – R1a Regulations			
Minimum Lot Area [as per section 15.2.2.1(a) of Hamilton Zoning By-law 05-200]	270.0 m ²	Existing SFD	Conforms
Minimum Lot Width [as per section 15.2.2.1(b) of Hamilton Zoning By-law 05-200]	9.0 m	Existing SFD	Conforms
Minimum Setback from the Front Lot Line [as per section 15.2.2.1(c) of Hamilton Zoning By-law 05-200]	3.0m	Existing SFD	Conforms
Minimum Setback from a Side Lot Line [as per section 15.2.2.1(d) of Hamilton Zoning By-law 05-200]	1.2m	Existing SFD	Conforms
Minimum Setback from a Flankage Lot Line [as per section 15.2.2.1(e) of Hamilton Zoning By-law 05-200]	3.0m	Existing SFD	Conforms
Minimum Setback from a Rear Lot Line [as per section 15.2.2.1(f) of Hamilton Zoning By-law 05-200]	7.5m	Existing SFD	Conforms
Maximum Building Height [as per section 15.2.2.1(g) of Hamilton Zoning By-law 05-200]	10.5m	Existing SFD	Conforms
Parking [as per section 15.2.2.1(h) of Hamilton Zoning By-law 05-200]	i) In accordance with the requirements of Section 5 of this By-law. ii) Notwithstanding Section 5.6 c) i., 2 parking spaces shall be required for a Single Detached Dwellings	N/A	
Accessory Buildings [as per section 15.2.2.1(i) of Hamilton Zoning By-law 05-200]	In accordance with the requirements of Section 4.8 of this By-law.	See below	

R1a Zone – Low Density Residential (Small Lot)

(Section 15.2 of Hamilton Zoning By-law 05-200)

	Required	Provided	Conforming/ Non-Conforming
General Provisions- <i>In accordance with the requirements of Section 4 of Hamilton Zoning By-law 05-200</i>			
Accessory Buildings in All Zones [as per section 4.8. of Hamilton Zoning By-law 05-200]	An accessory building may only be erected or used in accordance with the following: a) Unless otherwise provided for in this By-law, Accessory Buildings shall not be used as a dwelling unit.	Garden Shed	Conforms
	b) Accessory Buildings shall not be permitted within a front or flankage yard.	Garden Shed located in Flankage Yard	Non-Conforming <i>Minor Variance Required</i>
	g) All Accessory Buildings shall have a maximum height of 4.5 metres.	3.6m	Conforms
	h) Notwithstanding Subsection 4.6a), an eave or gutter of any Accessory Building may encroach into any required yard to a maximum of 0.45 metres. Eaves/gutters of Garden Shed are permitted to encroach a maximum distance of 2.55m from the flankage lot line.	0.4m from rear lot line 0.2m from interior side lot line 2.7m from flankage lot line <i>Eaves project 0.076m</i>	Non-Conforming <i>Minor Variance Required</i>
Accessory Buildings to Single Detached Dwellings [as per section 4.8.1.1 of Hamilton Zoning By-law 05-200]	a) The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 45 square metres or 7.5% total lot coverage, whichever is the lesser. Approx. Lot Area = 235 sq.m Garden Shed GFA= 21.9 sq.m	Exact Details not Provided Approx. Accessory Buildings Aggregate GFA = 9.5% Applicant shall provide Figure as well as the exact lot area (shed GFA already provided) in order to determine the exact percentage	Non-Conforming <i>Minor Variance Required</i>
	d) All accessory buildings with a Gross Floor Area greater than or equal to 18 square metres shall conform to the following regulations: i) Building Setback from a Rear Lot Line = Minimum 1.2 metres	0.5m	Non-Conforming <i>Minor Variance Required</i>
	ii) Building Setback from a Side Lot Line = Minimum 1.2 metres	0.3m	Non-Conforming <i>Minor Variance Required</i>

R1a Zone – Low Density Residential (Small Lot)
(Section 15.2 of Hamilton Zoning By-law 05-200)

	Required	Provided	Conforming/ Non-Conforming
	iii) Building Setback from Flankage Lot Line: 1. Except as required in a Flankage Lot Line Subsection 4.8.1.1 e), Accessory Buildings shall conform to the regulations for the principal use. [as per section 15.2.2.1(e) of Hamilton Zoning By-law 05-200] Minimum Setback from a Flankage Lot Line = 3.0m	2.7m	Non-Conforming <i>Minor Variance Required</i>

ACKNOWLEDGEMENT CLAUSE (FOR ZONING COMPLIANCE REVIEW APPLICATIONS IN SUPPORT OF A ZONING BY-LAW AMENDMENT, SITE PLAN, OR MINOR VARIANCE APPLICATION)

I/We hereby acknowledge and understand the above noted comments and further acknowledge that the supporting documentation submitted with this Zoning Compliance Review application has not been changed or modified between the date of this letter and the date of application for the subsequent Zoning By-law Amendment, Site Plan, or Minor Variance application.

If the supporting documentation has been changed or modified, a new application for Zoning Compliance Review may be required prior to acceptance of a formal application for Zoning By-law Amendment, Site Plan, or Minor Variance application.

Owner	Owner Signature	Date

MAXIM MERCHASIN		July 18, 2023
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Applicant (I have the authority to bind the Owner)	Applicant Signature	Date

Agent (I have the authority to bind the Owner)	Agent Signature	Date

Karen Melocotones
364 SUPERTTEST RD
NORTH YORK, ON M3J 2M2



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			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

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	119 CAMPBELL AVENUE HAMILTON ON		
Assessment Roll Number	040314094000000		
Former Municipality			
Lot	23 Corner	Concession	
Registered Plan Number	395 BLK E	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:

see attached sheet.

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

see attached sheet.

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
+/- 30', 9.14M	+/- 100', 30.48M	+/- 2985 Sq Ft/ 277.3 Sq	39.37 Ft, +/- 12M

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
ACCESSORY STRUCTURE	NA	0.5M	2.7M	
Dwelling Unit		5.7 M	0.4M and 2M	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
N/A	N/A	N/A	N/A	

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	630sq ft/ 58.52 M Sq	882 Sq ft/ 81.9 M Sq	2	20'-6"/6.24 M
Accessory Structure	235.658 21.895m	235.658 21.895m	1	3.6m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
N/A	N/A	N/A	N/A	N/A

- 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.):
N/A

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
SINGLE DETACHED DWELLINGS

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

March 2021

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
SFD

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
SFD

7.4 Length of time the existing uses of the subject property have continued:
Unknown

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: N/A

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? R1a- Low Density Residential (small lot)

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: R1a- Low Density Residential (small lot)

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: N/A

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:

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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