



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-23:186	SUBJECT PROPERTY:	711 NORTH SERVICE RD & 105A EDGEWATER DR, STONEY CREEK
ZONE:	OS (Open Space)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended

APPLICANTS: **Owner:** NEWPORT YACHT CLUB STONEY CREEK INC.
 Agent: JOSEPH DE FILIPPIS

The following variances are requested:

1. To permit a minimum side yard of 2.0m for accessory buildings instead of the required minimum side yard of 15.0m.
2. To permit a minimum front yard of 12.0m for accessory buildings instead of the required minimum front yard of 15.0m.
3. To permit no minimum landscaping of lot area instead of the required minimum landscaping of 75% of lot area.

PURPOSE & EFFECT: To facilitate the construction of a cabana, pool house (accessory buildings) and a swimming pool.

Notes:

- i. Water is not considered landscaping. Subject lands are comprised of 83.37% water and 0.24% Landscaping.

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:	10:55 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

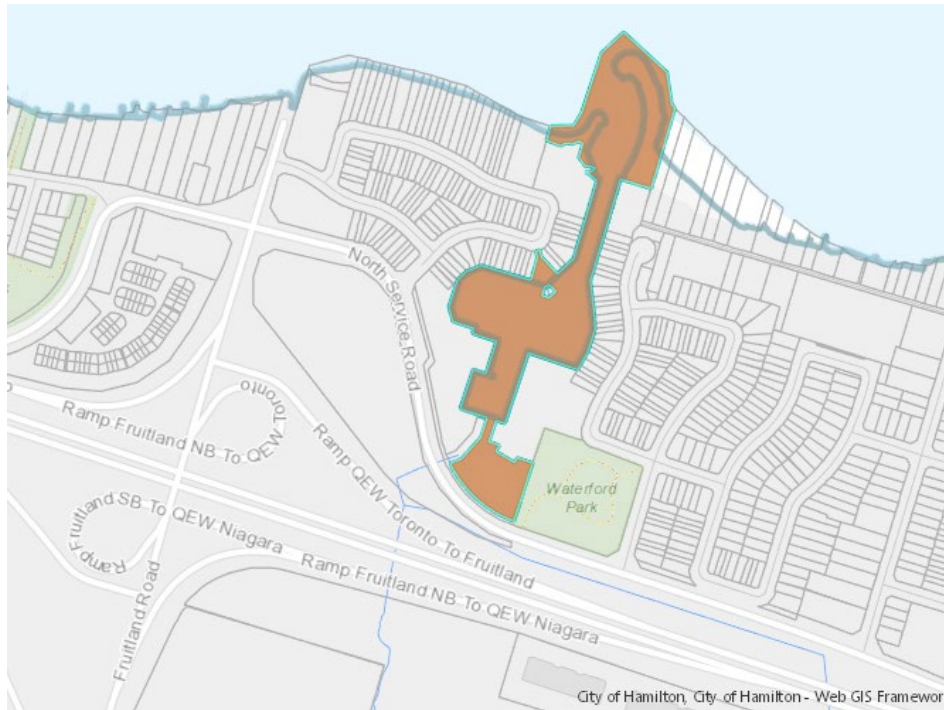
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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-23:186, 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.

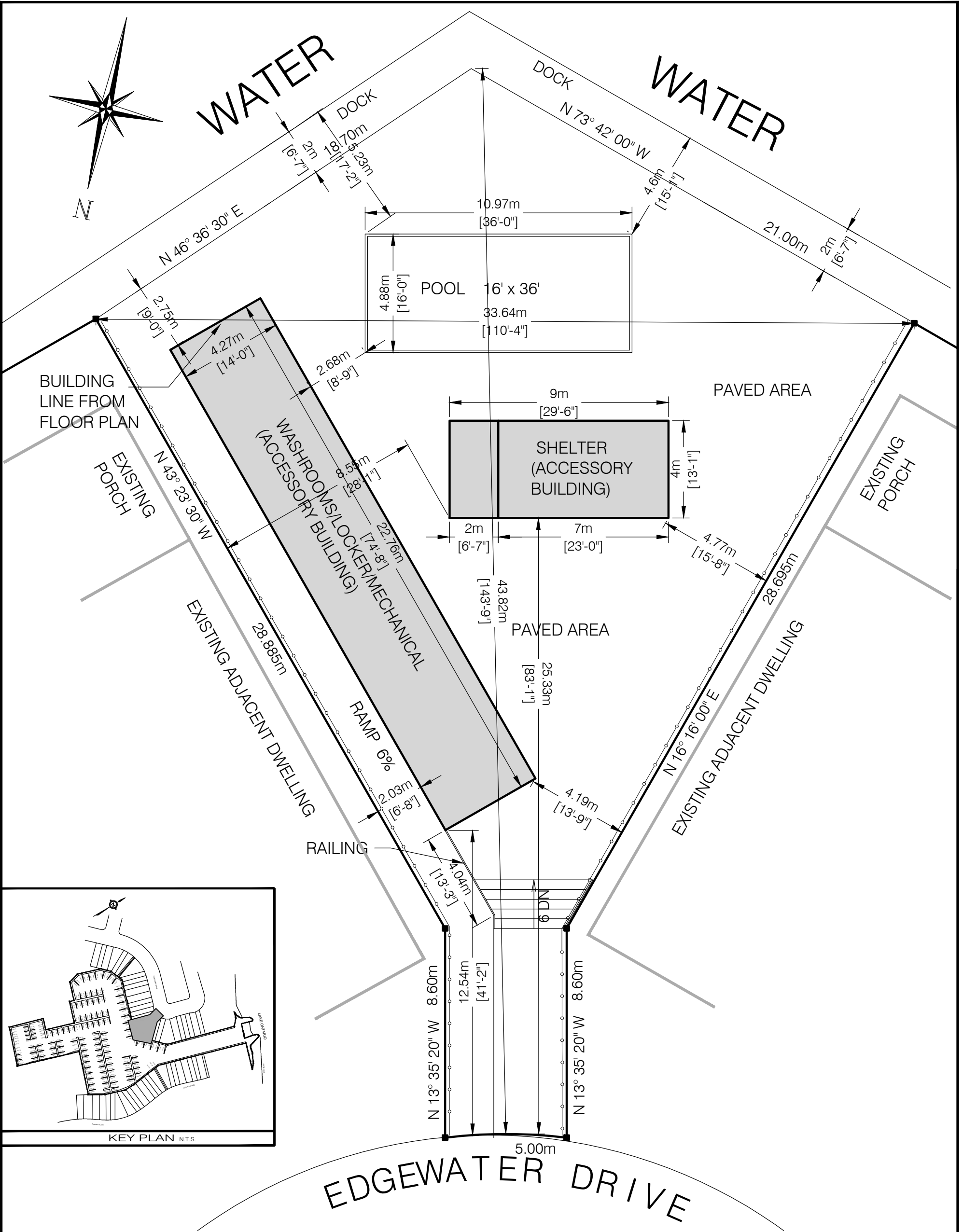


 Subject Lands

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.



SITE STATISTICS (OS - 2 ZONING)				
SITE INFORMATION	EXISTING		PROPOSED	
	AREA m² (ft²)	LOT COVERAGE %	AREA m² (ft²)	LOT COVERAGE %
TOTAL LOT AREA	24261.01 (261143.34)		24261.01 (261143.34)	
WATER AREA	20215.78 (217600.85)	83.33%	20215.78 (217600.85)	83.33%
LANDSCAPING (PLANTING)	621.76 (6692.57)	2.56%	0	0%
PATIOS	0	0%	348.41 (3750.25)	1.43%
DOCKS AND WALKWAYS	3423.47 (36849.92)	14.11%	3503.51 (37711.46)	14.44%
BUILDINGS	0	0%	133.11 (1432.78)	0.55%
POOL	0	0%	60.20 (648)	0.25%

BUILDING STATISTICS	
BUILDING INFORMATION	AREA m² (ft²)
WASHROOMS/LOCKER/MECHANICAL (ACCESSORY BUILDING)	97.11 (1045.28)
SHELTER (ACCESSORY BUILDING)	36.00 (387.50)
TOTAL BUILDING AREA	133.11 (1432.78)

NOTES:

1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.

2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

SITE SKETCH

SCALE: 1 : 200

NOTE:
SITE SKETCH DETAILS A PORTION OF THE PROPERTY. REFER TO DRAWING SP-2 FOR SKETCH OF ENTIRE PROPERTY.
SURVEY INFORMATION TAKEN FROM J.D. BARNES LTD. JANUARY 1992
REGISTERED PLAN 62M-649 PART 183

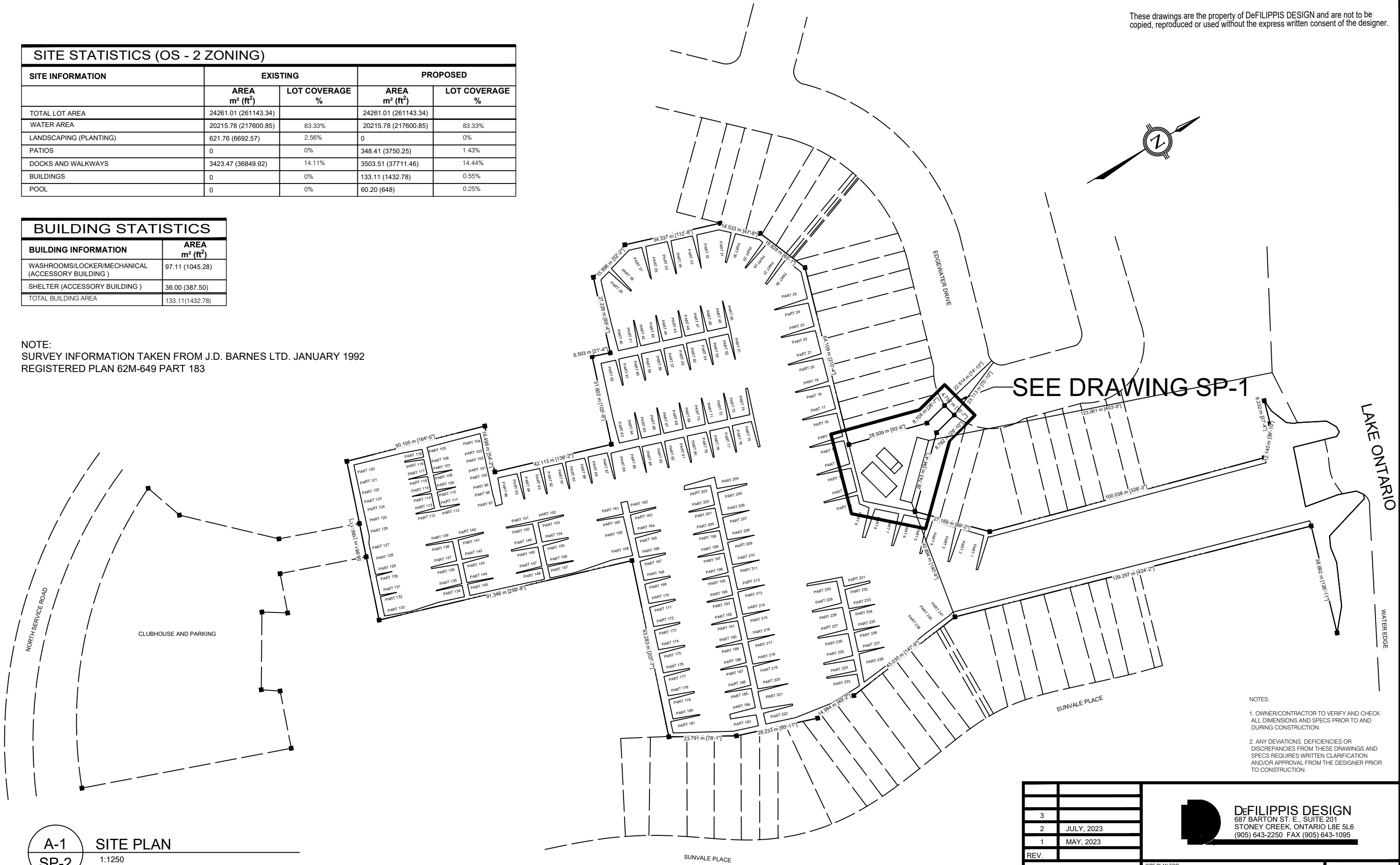
		PROPOSED SITE PLAN FOR: NEWPORT YACHT CLUB 711 NORTH SERVICE RD/105A EDGEWATER DR STONEY CREEK, ON	
2	JULY, 2023		
1	MAY, 2023		
REV.		SITE PLAN DETAIL	
JOB NO.			
CHKD. BY			
DRN. BY			
DATE:	JANUARY, 2021		
SCALE:	1 : 200		
DWG NO.	SP-1		

These drawings are the property of DeFILIPPIS DESIGN and are not to be copied, reproduced or used without the express written consent of the designer.

SITE STATISTICS (OS - 2 ZONING)				
SITE INFORMATION	EXISTING		PROPOSED	
	AREA m ² (ft ²)	LOT COVERAGE %	AREA m ² (ft ²)	LOT COVERAGE %
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TOTAL BUILDING AREA	133.11(1432.78)

NOTE:
SURVEY INFORMATION TAKEN FROM J.D. BARNES LTD. JANUARY 1992
REGISTERED PLAN 62M-649 PART 183



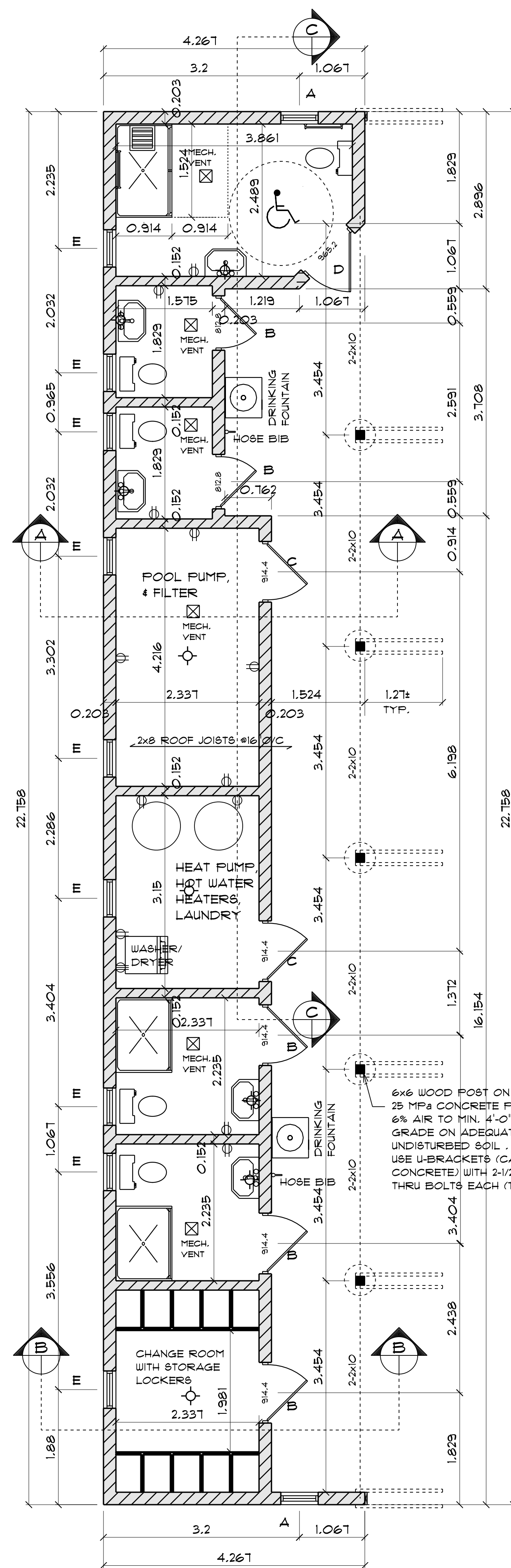
- NOTES:
- OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.
 - ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

3	
2	JULY, 2023
1	MAY, 2023
REV.	
JOB NO.	
CHKD. BY	
DRN. BY	
DATE: NOVEMBER, 2022	
SCALE: AS NOTED	
DWG NO.	SP-2

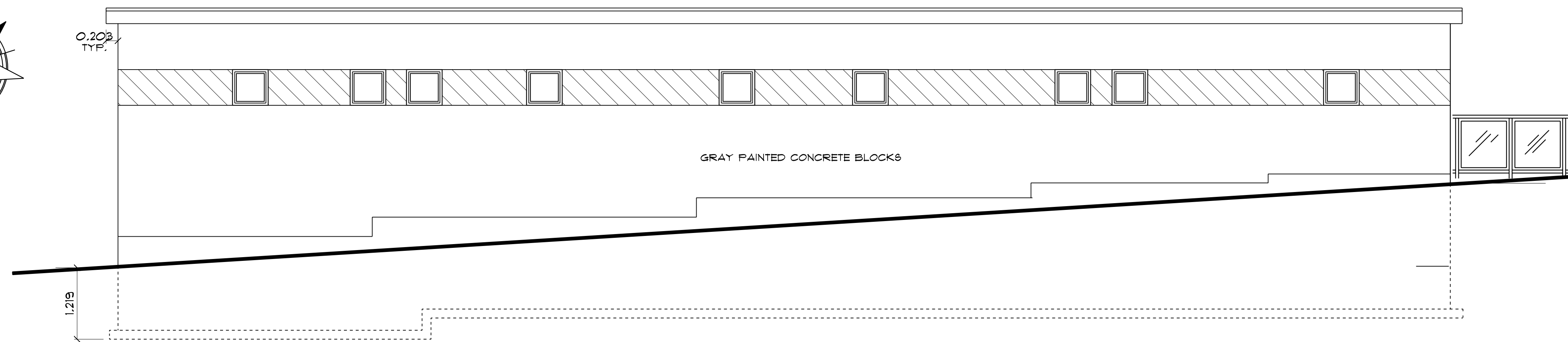
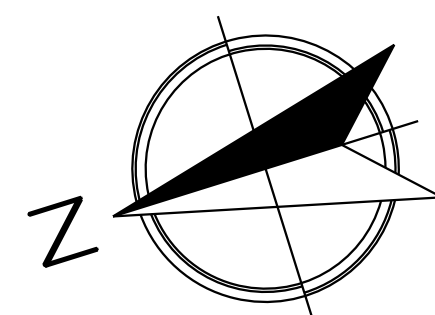
DeFILIPPIS DESIGN
687 BARTON ST. E., SUITE 201
STONE CREEK, ONTARIO L8E 5L6
(905) 643-2250 FAX (905) 643-1095

SITE PLAN FOR:
NEWPORT YACHT CLUB
711 NORTH SERVICE RD/105A EDGEWATER DR
STONE CREEK, ON

A-1
SP-2
SITE PLAN
1:1250

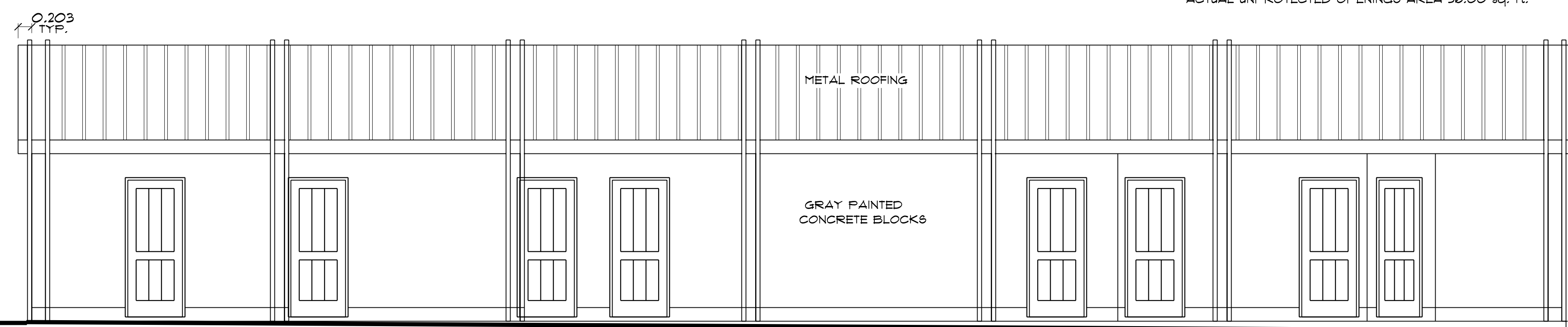


WASHROOM/ MECHANICAL/ LOCKER FLOOR PLAN

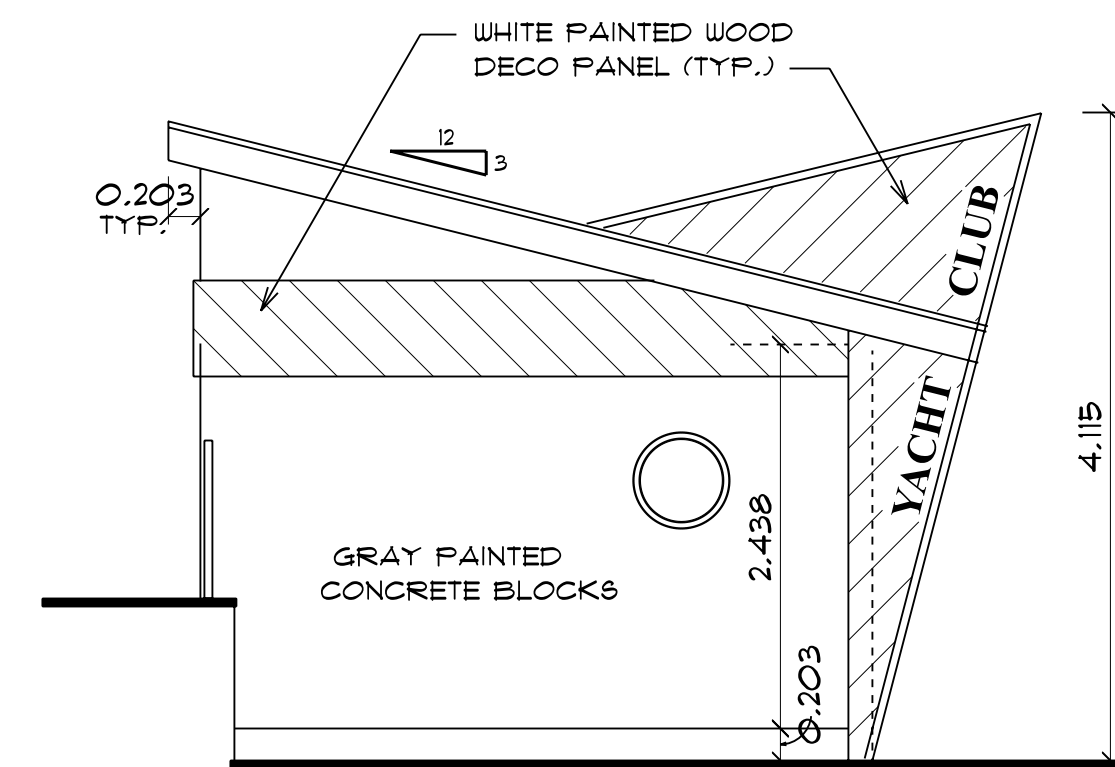


NORTHEAST ELEVATION

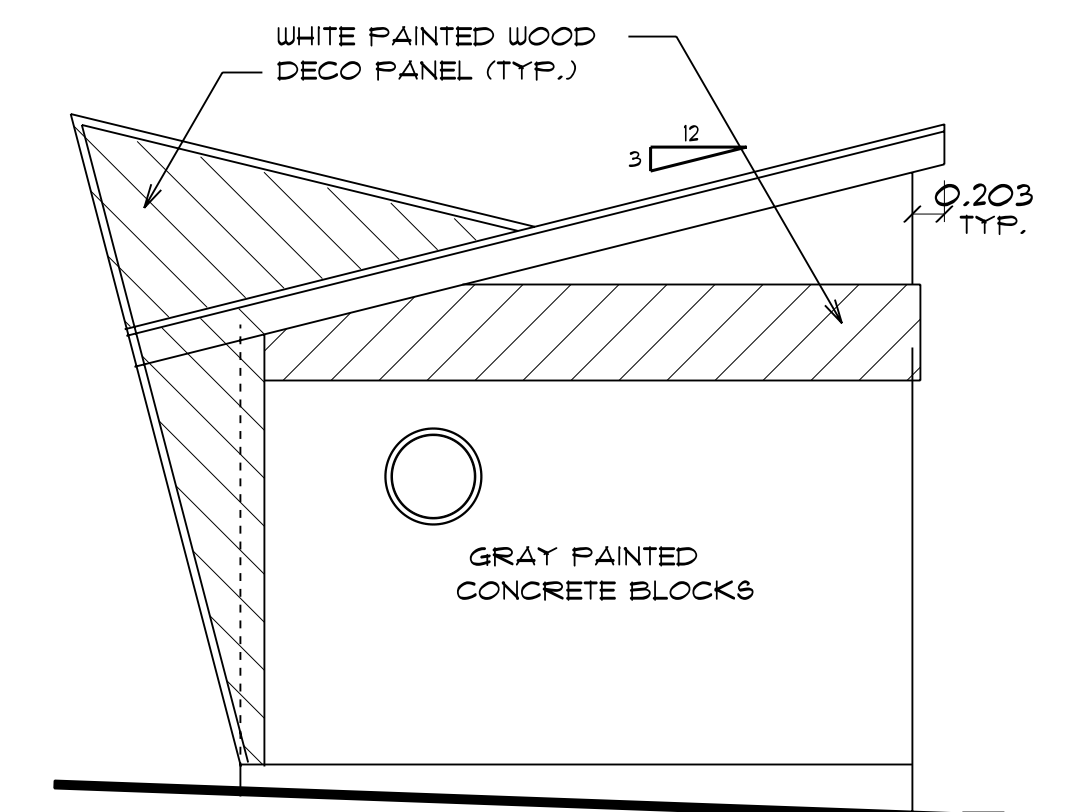
AREA OF EXPOSED BUILDING FACE 843.1 sq. ft.
LIMITING DISTANCE 6'-11"
ALLOWABLE UNPROTECTED OPENINGS AREA (9.5%) = 80.00 sq. ft.
ACTUAL UNPROTECTED OPENINGS AREA 36.00 sq. ft.



SOUTHWEST ELEVATION



NORTHWEST ELEVATION



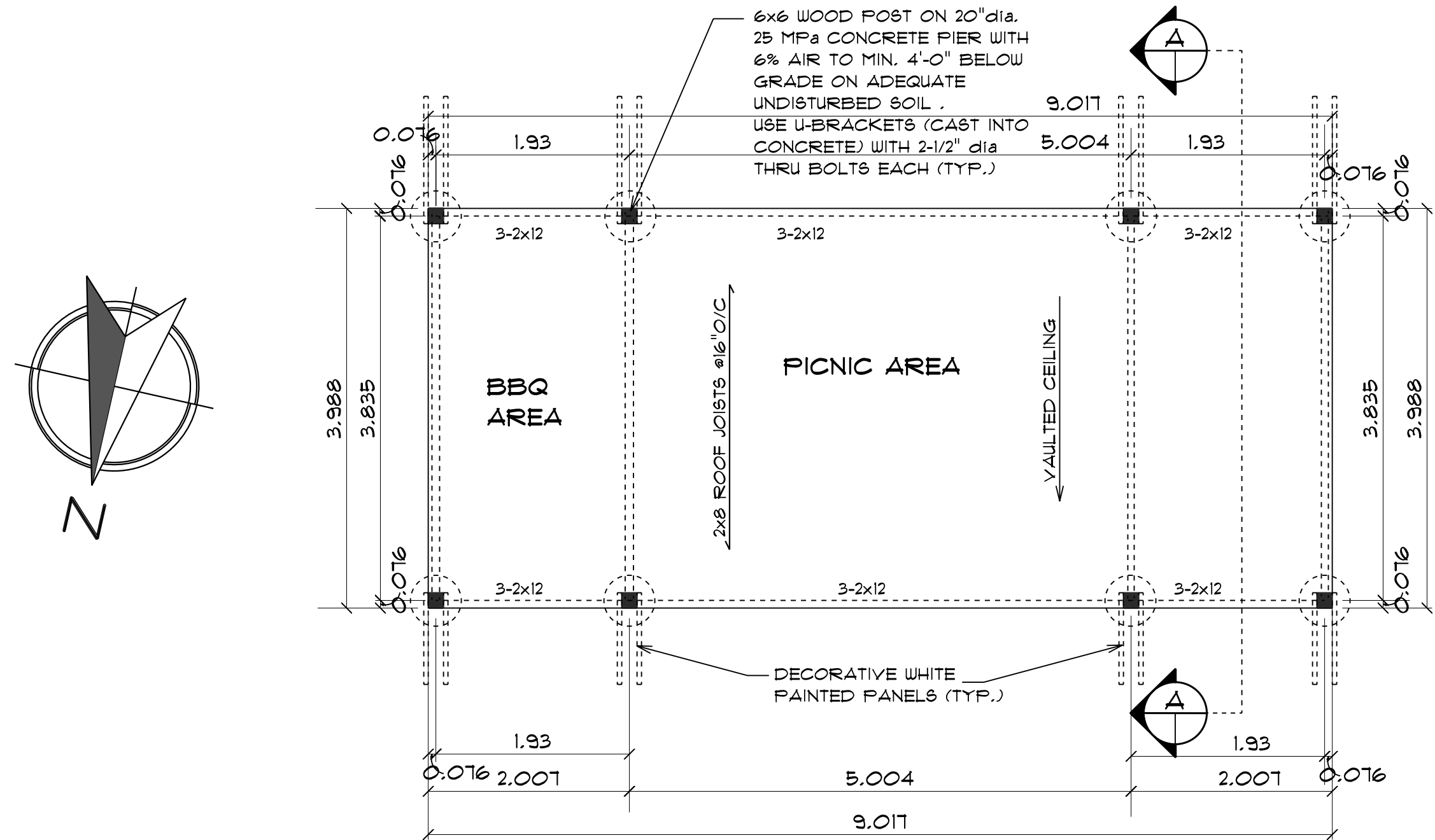
SOUTHEAST ELEVATION

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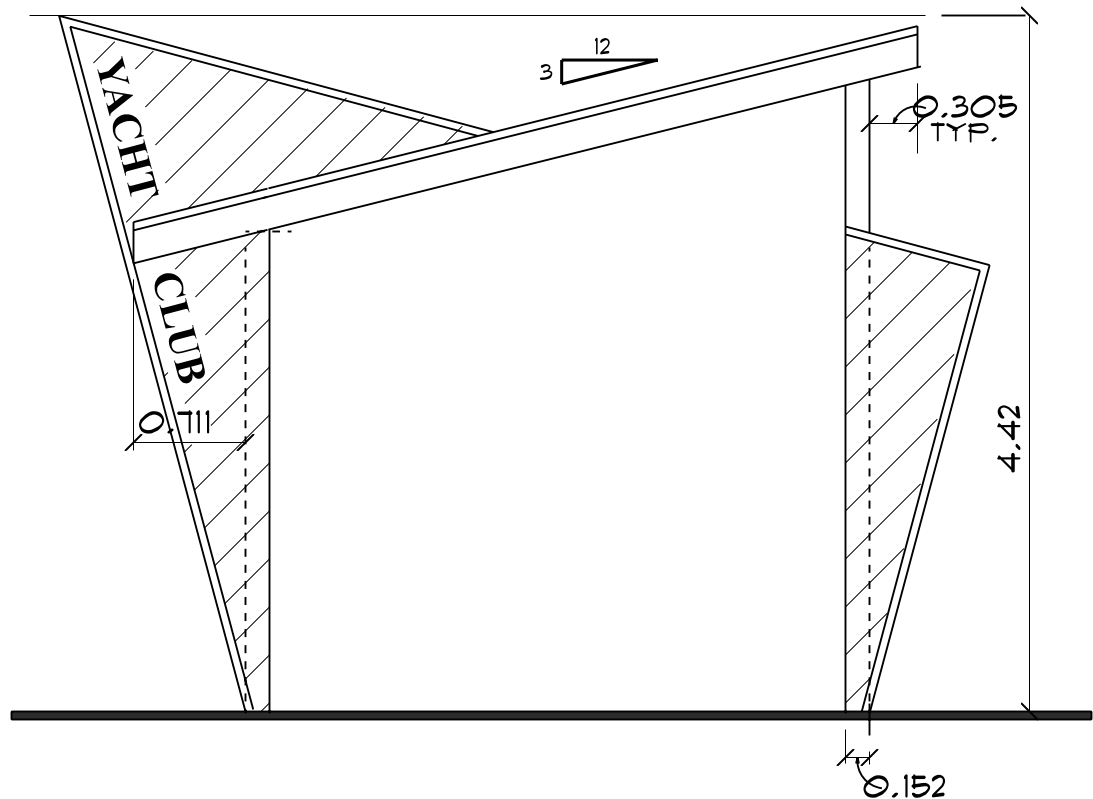
1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.
2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

3		 <div>DeFILIPPIS DESIGN 681 BARTON STREET, SUITE 201 STONEY CREEK, ONTARIO L8E 5L6 (905) 643-2250 FAX (905) 643-1035</div>	PROPOSED ACCESSORY BUILDING FOR: NEWPORT YACHT CLUB STONEY CREEK, ONTARIO
2			
1			
REV.	DATE		
JOB NO.			
CHKD. BY			
DRN. BY			
DATE: JAN. 2021.			
SCALE: 1:50			
DWG NO. SHEET 1			

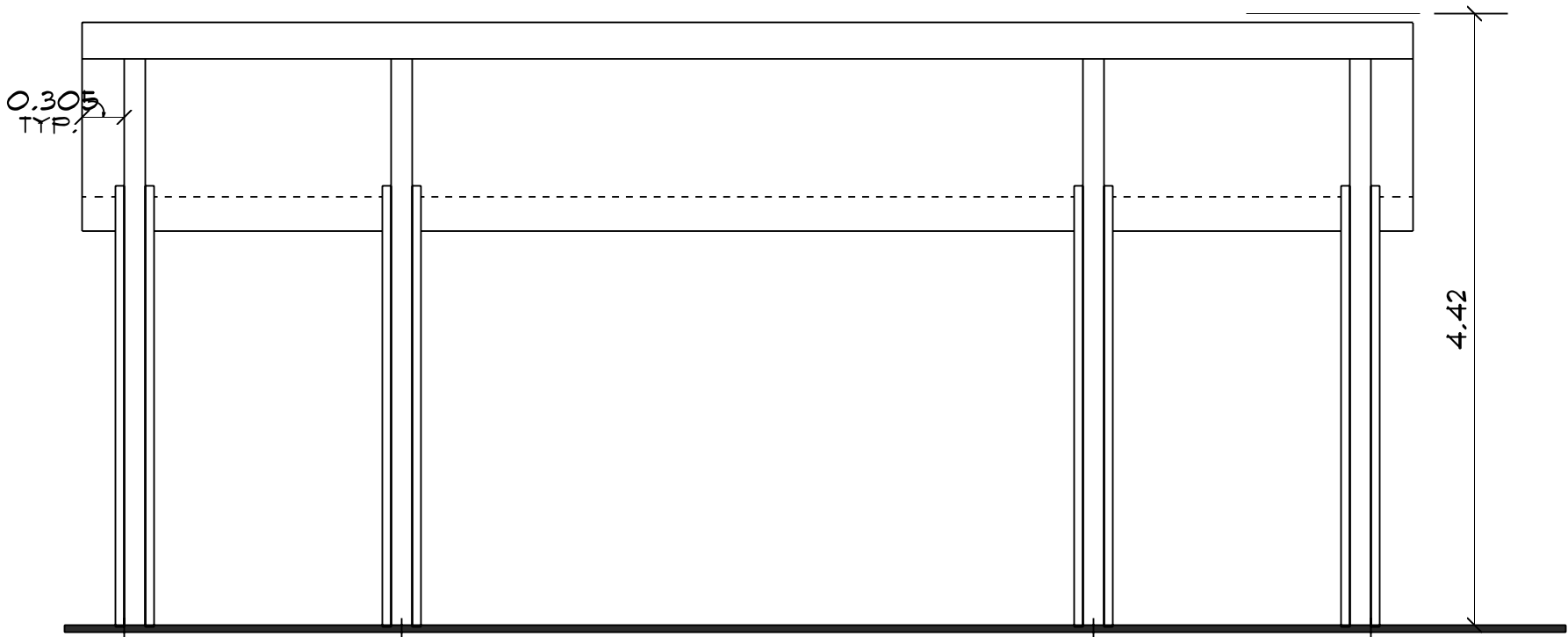
DO NOT SCALE



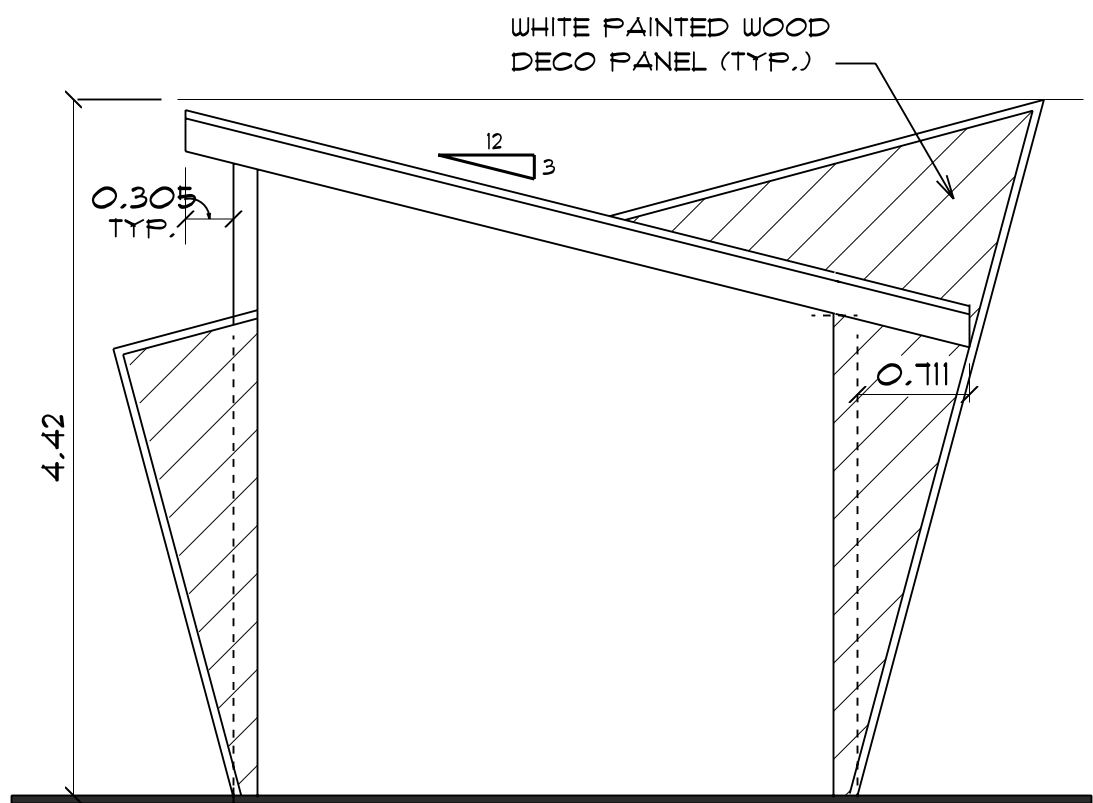
SHELTER FLOOR PLAN



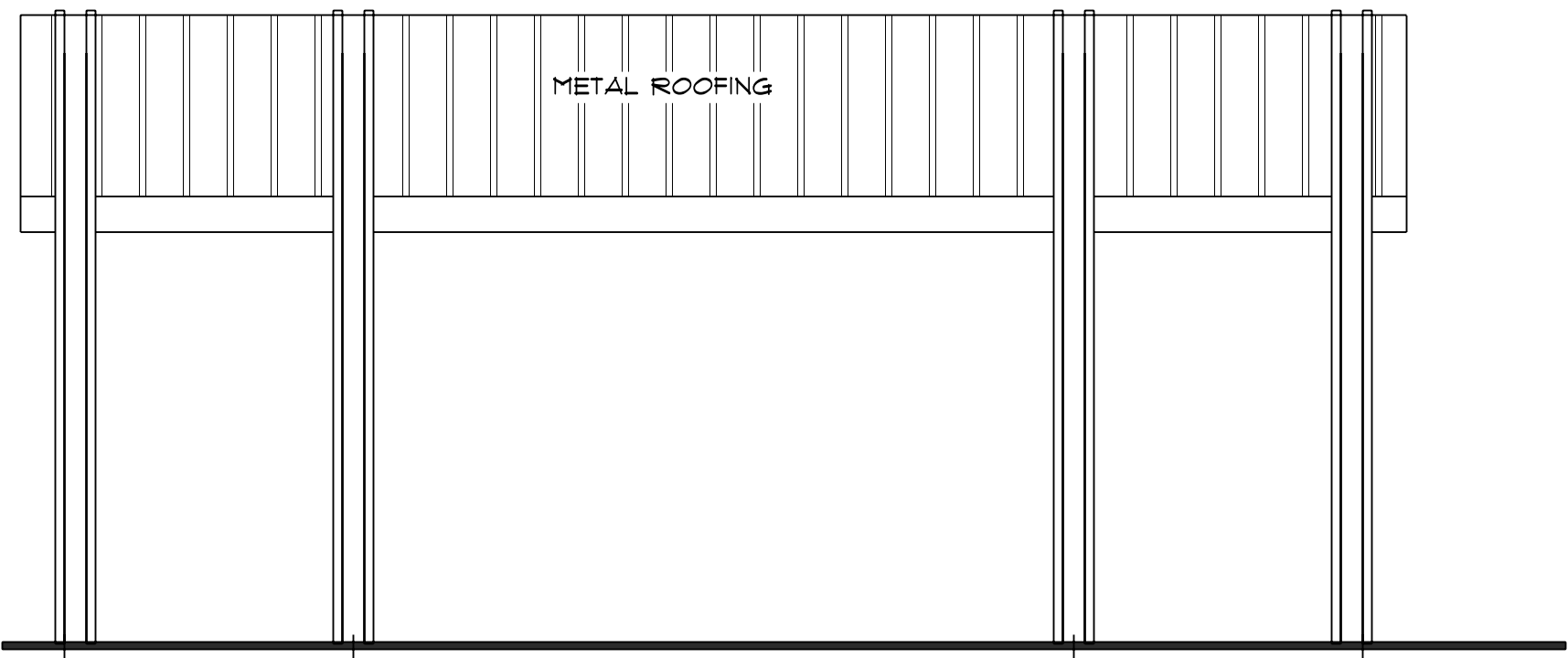
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

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3			DeFILIPPIS DESIGN 681 BARTON STREET, SUITE 201 STONEY CREEK, ONTARIO L8E 5L6 (905) 643-2250 FAX (905) 643-1035	
2				
1				
REV.	DATE			
JOB NO.		PROPOSED ACCESSORY BUILDING FOR:		
CHKD. BY				
DRN. BY		NEWPORT YACHT CLUB STONEY CREEK, ONTARIO		
DATE: JAN. 2021.				
SCALE: 1:50				
DWG NO. SHEET 2				

Planning Rationale – Additional Information

Project information

Newport Yacht Club is a private marina located in Stoney Creek. The Club is adding a swimming pool and wishes to build 2 accessory buildings to support the use of the pool. The first accessory building will be the WASHROOM/LOCKER/MECHANICAL accessory building and will be used to house a barrier free washroom /w shower, 2 washrooms with showers, 2 washrooms, locker room, storage, mechanical equipment. The second accessory building is the SHELTER accessory building which will be an open covered structure meant to accommodate a picnic area.

Description of Subject Lands

The subject lands are considered to be a through lot. As per the definition of front lot line in reference to through lots in the Stoney Creek Zoning By-law 3692-92 the front lot lines are considered to be both 711 North Service Road and 105 A Edgewater Dr.

The subject lands are 24,261.01-m² in area. Approx 83% of the property is water, and 14.5% of the property are walkways and docks.

The current and future use of the subject lands is a private marina. As per the definition of Marina in the Stoney Creek Zoning By-law 3692-92 swimming pools, locker rooms, picnic areas are part of a Marina.

Nature and extent of relief applied for (Section 3.1 from application)

1. The following minor variances are being requested:
 - i. To permit a minimum side yard of 2.0m for accessory buildings instead of the required minimum side yard of 15.0m.
 - ii. To permit no minimum landscaping of lot area instead of the required minimum landscaping of 75% of lot area.

(To note: Water is not considered landscaping. Subject lands are comprised of 83.37% water)

Why it is not possible to comply with the provisions of the By-law? (Section 3.2 from application)

Variance i - To permit a minimum side yard of 2.0m for accessory buildings instead of the required minimum side yard of 15.0m.

Variance ii - To permit a minimum front yard of 12.0m for accessory buildings instead of the required minimum front yard of 15.0m.

This is a unique property with many adjacent properties. The property is over 83% water and 14.5% walkways and docks. There is little space on the property for the pool and accessory buildings for lockers/washrooms and picnic areas (part of the definition of a marina in the Stoney Creek zoning by-law). This small area of the property can accommodate the accessory buildings with the requested relief.

The accessory buildings have been located to position the pool as close to water's edge as possible, away from surrounding buildings on adjacent properties, in addition to acting as a visual barrier.

The requested variance to permit a minimum front yard of 12 metres for accessory buildings and minimum side yard of 2.0m for accessory buildings is minor since it is consistent with the neighbouring buildings. It is considered desirable because the proposed reduction will allow accessory buildings which

meet the intended use of a marina on this unique property while also providing visual barriers from neighbouring properties.

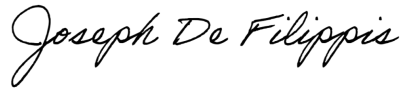
Variance iii – To permit no minimum landscaping of lot area instead of the required minimum landscaping of 75% of lot area.

This unique property is over 83% water and 14.5% walkways and docks. Relief from the minimum 75% of landscaping is requested because the existing property does not meet these minimums.

This requested variance is considered minor because the existing property has only approx. 2.5% landscaping. Relief to a minimum of 0% landscaping it will have little effect on the overall makeup of the property. It is considered desirable because the proposed reduction will allow accessory buildings which meet the intended use of a marina on this unique property.

Joseph De Filippis

DeFilippis Design Inc.

A handwritten signature in black ink that reads "Joseph De Filippis". The script is fluid and cursive, with the first letters of "Joseph" and "Filippis" being capitalized and prominent.

File Number: MDA-22-119
Folder: 2022 132012 00 PLAN (1132526)
Proposal:
Address: 711 North Service Road, Stoney Creek

Page: 1 of 6

Comment/Concern	Required Study/Report
Building Zoning and Engineering Ross McIntosh	
<u>COMMENTS:</u>	
<p>1. This application will facilitate the construction of two (2) new accessory buildings, a swimming pool and two spa tubs for the use of the Newport Yacht Club. The proposed accessory buildings are to be used as a cabana and a pool house for washroom facilities as well as mechanical storage.</p> <p>2. The property is currently zone OS-2 in the Stoney Creek Zoning By-law 3692-92 and the intended use is permitted within that zone.</p> <p>3. <u>OS - 2 Newport Marina being Part of Block 2, Registered Plan 62M-649, Schedule "A", Map No. 2:</u></p> <p><i>Notwithstanding the uses permitted in Section 11.2.2 of the Open Space "OS" Zone, those lands zoned "OS-2" by this By-law shall only be used for a private marina, excluding the dispensing of fuels and boat repairs.</i></p> <p>4. <u>Front Lot Line:</u></p> <p>The subject lands are considered to be a through lot. As per the definition of front lot line in reference to through lots, in the Stoney Creek Zoning By-law 3692-92, the front lot lines are considered to be both 711 North Service Road and 105 A Edgewater Dr.</p> <p><u>Lot Line- Front:</u> <i>Means a lot line that divides a lot from a street. In the case of a through lot, both lot lines adjacent to the street shall be deemed to be the front lot line (Stoney Creek Zoning By-law 3692-92).</i></p> <p>5. <u>Dual Zones:</u></p> <p>As the Stoney Creek Zoning By-law 3692-92 does not contain explicit regulations/interpretation respecting where a lot is divided into two (2) or more zones, the interpretation contained in Section 2.5 (f) of the Hamilton Zoning By-law 05-200 is to be used which states:</p> <p><i>"Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for each of the applicable zones."</i></p> <p>6. Please be advised that the property is under conservation management. Please contact the Hamilton Conservation Authority prior to development.</p>	

File Number: MDA-22-119
 Folder: 2022 132012 00 PLAN (1132526)
 Proposal:
 Address: 711 North Service Road, Stoney Creek

Page: 2 of 6

Comment/Concern	Required Study/Report
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7. Construction of the proposed development is subject to the issuance of a building permit(s) from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
8. Demolition of any existing buildings are subject to the issuance of a demolition permit(s) from the Building Division.
9. All new signs proposed for this development must comply with the regulations contained within the Hamilton Sign By-law 10-197. A building permit(s) is required for all signage.
10. All new fencing proposed for this development must comply with the regulations contained within the Hamilton Fence By-law 10-142.

11. The Minor Variances that will be required to facilitate the proposed development:

- i. To permit a minimum side yard of 2.0m for accessory buildings instead of the required minimum side yard of 15.0m.
- ii. To permit a minimum front yard of 12.0m for accessory buildings instead of the required minimum front yard of 15.0m.
- iii. To permit no minimum landscaping of lot area instead of the required minimum landscaping of 75% of lot area.
 (To note: Water is not considered landscaping. Subject lands are comprised of 83.37% water and 0.24% Landscaping).

12. The proposed development has been reviewed and compared to the standards of the "OS" and "OS-2" Zone as indicated in the following chart:

OS Zone – Open Space Zone
 (Section 11.2 of the 3692-92 Stoney Creek Zoning By-law)

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 11.2 – OS Requirements			
Minimum Lot Area [as per section 11.2.3 (a) of 3692-92 Stoney Creek Zoning By-law]	none	N/A	Conforms
Minimum Lot Frontage [as per section 11.2.3 (b) of 3692-92 Stoney Creek Zoning By-law]	none	N/A	Conforms

File Number: MDA-22-119
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Proposal:
Address: 711 North Service Road, Stoney Creek

Page: 3 of 6

Comment/Concern		Required Study/Report	
Maximum Lot Coverage [as per section 11.2.3 (c) of 3692-92 Stoney Creek Zoning By-law]	20% <u>Lot coverage:</u> "The percentage of the lot covered by all buildings, but shall not include swimming pools and decks"	>20%	Conforms
Minimum Front Yard [as per section 11.2.3 (d) of 3692-92 Stoney Creek Zoning By-law]	15m Subject lands are considered a through lot. Front lot lines are both 711 North Service Road & 105 A Edgewater Dr.	12.54m	Non-Conforming Minor Variance Required
Minimum Side yard [as per section 11.2.3 (e) of 3692-92 Stoney Creek Zoning By-law]	15m	Pool House: 2m Cabana: 4.77m	Non-Conforming Minor Variance Required
Minimum Rear Yard [as per section 11.2.3 (f) of 3692-92 Stoney Creek Zoning By-law]	15m	N/A	Conforms
Minimum Landscaping [as per section 11.2.3 (g) of 3692-92 Stoney Creek Zoning By-law]	75% of lot area <u>Landscaped Open Space:</u> "Any uncovered area of land including lawn and ornamental shrubs located in any yard, or in any inner or outer court, and includes paths, patios, play areas, decks or walkways but shall not include any parking spaces, parking areas, parking lots, driveways, or ramps." (Water is not considered part of landscaping)	<75% (Property is comprised of 83.37% water and 0.24% Landscaping)	Non-Conforming Minor Variance Required
Outside storage [as per section 11.2.3 (h) of 3692-92 Stoney Creek Zoning By-law]	No outside storage shall be permitted	No outside storage proposed	Conforms
Minimum Parking Requirements [as per section 11.2.3 (i) of 3692-92 Stoney Creek Zoning By-law]	Parking spaces shall be provided in accordance with section 4.10	N/A No new parking proposed	
Regulations for Parking [as per section 11.2.4 of 3692-92 Stoney Creek Zoning By-law]	No parking space or part thereof shall be located, and no land shall be used for the parking or storage of vehicles within 7.5m of any lot line	N/A No new parking proposed	
OS-2 Newport Marina being Part of Block 2, Registered Plan 62M-649, Schedule "A", Map No. 2	Notwithstanding the uses permitted in Section 11.2.2 of the Open Space "OS" Zone, those lands zoned "OS-2" by this By-law shall only be used for a private marina, excluding the dispensing of fuels and boat repairs.	Proposed buildings are accessory to the existing marina	Conforms

File Number: MDA-22-119
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Proposal:
Address: 711 North Service Road, Stoney Creek

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Comment/Concern		Required Study/Report	
[as per section 11.2.5 of 3692-92 Stoney Creek Zoning By-law]			
	By-Law Requirement	Provided	Conforming/ Non-Conforming
General Provisions for All Zones (Section 4 of the 3692-92 Stoney Creek Zoning By-law)			
Adequate Services [as per section 4.4.11 of 3692-92 Stoney Creek Zoning By-law]	<p>Except for Section 4.20 – Model Homes in Draft Plans of Subdivision, no buildings or structures may be erected, used or occupied unless:</p> <p>(i) Adequate watermain, storm and sanitary sewer systems are existing or have been provided for in a binding and secured development agreement and all regulatory approvals have been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate; or</p> <p>(ii) Where such services are not required or contemplated, an approved waste disposal system and potable water supply to sustain the use of land for buildings or structures are existing or have been provided for to the satisfaction of the Chief Building Official and all regulatory approvals have been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate, and</p> <p>(iii) The dedication of lands for parkland or payment of cash-in-lieu of parkland in accordance with the City of Hamilton Parkland Dedication and Cash-in-lieu of Parkland Policy has been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate</p>	<i>Applicant to Note.</i>	
Accessory Buildings and Structures (General Application) [as per section 4.5.1 of 3692-92 Stoney Creek Zoning By-law]	Accessory buildings and structures shall only be located and erected in compliance with all applicable yard requirements and provisions of the zones in which the lot is located except as specifically provided elsewhere in this By-law.	See above	
Storage [as per section 4.12 of	Outside storage, including the outdoor display or sale of goods, materials, or motor vehicles except as permitted elsewhere in this By-law is prohibited.	Not proposed within lands used for	Conforms

Comment/Concern		Required Study/Report	
3692-92 Stoney Creek Zoning By-law]	<u>Location</u> In no case shall outside storage be located on lands specifically provided as landscaped open space, required parking or loading spaces.	landscape, parking or loading	
Special Setbacks (from top of bank of Lake Ontario Shoreline) [as per section 4.13.2 of 3692-92 Stoney Creek Zoning By-law]	(a) Notwithstanding any other yard provisions of this By-law, a <u>minimum yard of 7.5 metres</u> for all single detached dwellings, semi-detached dwellings or duplexes, from the top of the bank of the Lake Ontario shoreline shall be provided where lakeshore protection works have been installed in accordance with the requirements of the Province of Ontario. In no case shall shoreline protection works be constructed to an elevation of less than 78 metres Geodetic Survey of Canada unless otherwise agreed to by the Ministry of Natural Resources of the Province of Ontario, the Hamilton Region Conservation Authority and the City of Stoney Creek. A minimum yard of 30 metres shall be established for all other uses. (b) In circumstances where shoreline protection works are not installed, the minimum yard shall be as above or as determined in consultation with the appropriate authority, but in no case less than 100 times the average annual erosion rate for the area. (c) Notwithstanding clause (a) or (b) above, any accessory buildings and structures shall be located in accordance with Section 6.1.4., Accessory Buildings in Residential Zones.	N/A 4.75m from Marina's shoreline <i>(Not Lake Ontario shoreline)</i>	Conforms
Swimming Pools and Hot Tubs [as per section 4.14.1 of 3692-92 Stoney Creek Zoning By-law]	<u>Permitted Location:</u> No swimming pool or hot tub shall be placed or located anywhere within the Defined Area except in accordance with the following provisions: (a) An outdoor swimming pool or hot tub may be located in any yard except the front yard; and (b) An outdoor swimming pool accessory to a permitted hotel, institutional use or commercial recreation centre, or as part of an outdoor recreation area or public park, may be located in a side or rear yard but not in the required side or rear yard and not in a front yard <u>Yard Requirements:</u> Above ground pool – 1.25m from the outside edge of the pool wall or deck to a lot line	Proposed in the rear yard N/A <i>Private Marina</i> N/A <i>Inground pool proposed</i>	Conforms

Comment/Concern		Required Study/Report	
	Inground pool – 1.25m from the water's edge to a lot line	3.94m	Conforms
	<u>Fencing Requirements:</u> <i>Outdoor swimming pools shall be enclosed with fencing in accordance with the provisions of the City of Stoney Creek Swimming Pool Fence By-Law.</i>		
Mechanical and Unitary Equipment [as per section 4.16 of 3692-92 Stoney Creek Zoning By-law]	Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations: (a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and, (b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.	Pool equipment is proposed to be enclosed within the pool house. The proposed pool house has a 2m setback from the side lot line.	Conforms
Yard Encroachments [as per section 4.19 of 3692-92 Stoney Creek Zoning By-law]	Every part of any required yard shall be open and unobstructed by any structure from the ground to the sky, except for: (a) Sills, belt courses, cornices, chimney breasts, bay windows, decorative brick facing or pilasters, which may project into any required yard a distance of not more than 0.5 metres; (b) Eaves or gutters, for other than an accessory building, which may project into any required yard a distance of not more than 0.5 metres; (c) Eaves or gutters for accessory buildings which may project into any required yard a distance of 0.25 metres;	N/A N/A Applicant to Note.	



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 ☐ 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 be sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	711 North Service Road/105A Edgewater Drive		
Assessment Roll Number			
Former Municipality	Saltfleet		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)	62R-11805	Part(s)	183

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:

- i. To permit a minimum side yard of 2.0m for accessory buildings instead of the required minimum side yard of 15.0m.
 - ii. To permit a minimum front yard of 12.0m for accessory buildings instead of the required minimum front yard of 15.0m.
 - iii. To permit no minimum landscaping of lot area instead of the required minimum landscaping of 75% of lot area.
- See attached for additional information.

☐ 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 for additional information.

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
		24261.01m ²	

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
		<i>None</i>		

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Accessory Building - Washrooms/Mechanical	12.54	N/A	2.03/4.19	
Accessory Building - Shelter	25.33	N/A	8.55/4.77	

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
		<i>None</i>		

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Accessory Building - Washrooms/Locker/Mechanical	96.54m ²	Same	1	4.1
Accessory Building - Shelter	36m ²	Same	1	4.42

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.):

Marina - No change from existing.

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

Townhouse dwellings

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)

Marina

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

Marina

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

Over 30 Years

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) _____

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

7.6 What is the existing zoning of the subject land? OS-2

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: ~~2062~~ _____

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: 0

8.2 Number of Dwelling Units Proposed: 0

8.3 Additional Information (please include separate sheet if needed):

Attachments:

Additional Sheets with Section 3 Information

SP-1 Site Sketch - Partial

SP-2 Site Plan

Building Floor Plans and Elevations

Zoning Compliance Review

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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