

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-23:216	SUBJECT PROPERTY:	937 FENNELL AVENUE E, HAMILTON
ZONE:	"C2" (Neighbourhood Commercial)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: **Owner:** DONNA MRKOVICH
 Agent: LR DESIGNS C/O ID OKON-UMOREN

The following variances are requested:

1. A minimum building height of 8.0m shall be permitted for the existing building instead of the minimum building height of 9.0m required for residential uses within buildings existing at the date of the passing of the By-law.

PURPOSE & EFFECT: To facilitate the establishment of a dwelling unit on the ground floor of the existing mixed-use building.

Notes:

The applicant requested a variance to permit the proposed residential unit on the first floor. However, our Division has interpreted that the Residential restriction does not require the entire ground floor to be maintained as commercial so long as a commercial use is maintained. Therefore, the proposed dwelling unit on the ground floor is permitted and the requested variance is not required.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 7, 2023
TIME:	11:10 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-23:216, 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.



DATED: August 22, 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.

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

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

2. In person Oral Submissions

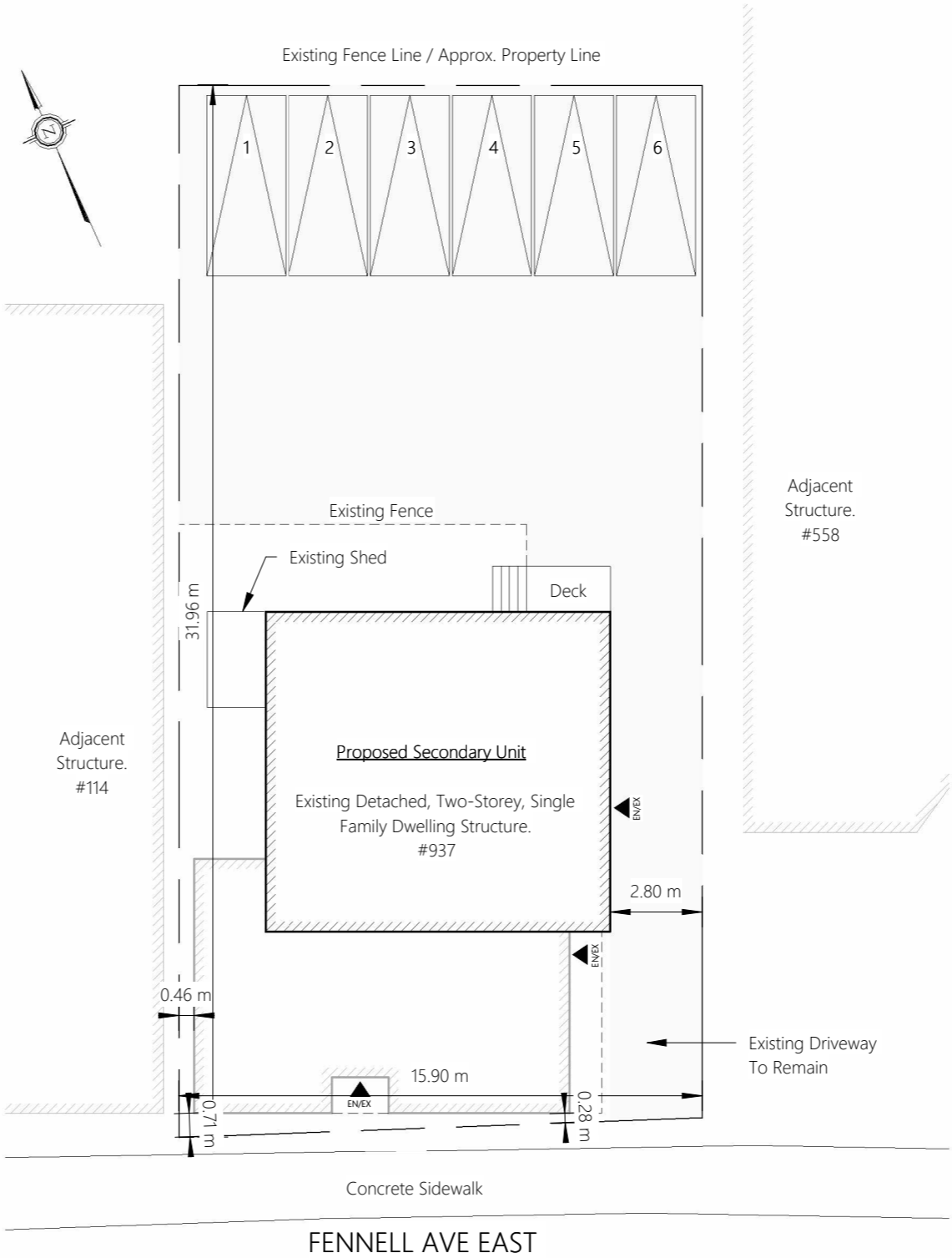
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

Sheet List	
Sheet Number	Sheet Name
A0.1	Cover Sheet
A1.1	Existing Basement Floor Plan
A1.2	Existing First Floor Plan
A1.3	Existing Second Floor Plan
A1.4	Proposed Basement Floor Plan
A1.5	Proposed First Floor Plan
A1.6	Proposed Second Floor Plan
A1.7	Existing Rear Elevation
A2.1	Details & Notes
A2.2	Wall Types & Notes

Building Area	
Commercial Unit:	1,487.88 sq. ft
Residential Unit #1:	1,177.19 sq. ft
Residential Unit #2:	950.23 sq. ft



No Proposed Changes To Existing Site Conditions.

Site Plan Data Obtained From Site Plan Prepared By Belf Inc.

Proposed Secondary Unit

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 5. All lumber must be spruce-pine-fir no. 1/ no. 2 grade or better, except as otherwise stated.
- copyright, Id Okon-Umoren, Arch. Tech, BCIN Designer

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents

QUALIFICATION INFORMATION

Required unless design is exempt under 3.2.5.1 Division C of the Ontario Building Code.

Id Okon-Umoren		106001
NAME	SIGNATURE	BCIN
REGISTRATION INFORMATION		
Required unless design is exempt under 3.2.4.1 Division C of the Ontario Building Code.		
Le Révé Designs Inc		120700
NAME		BCIN

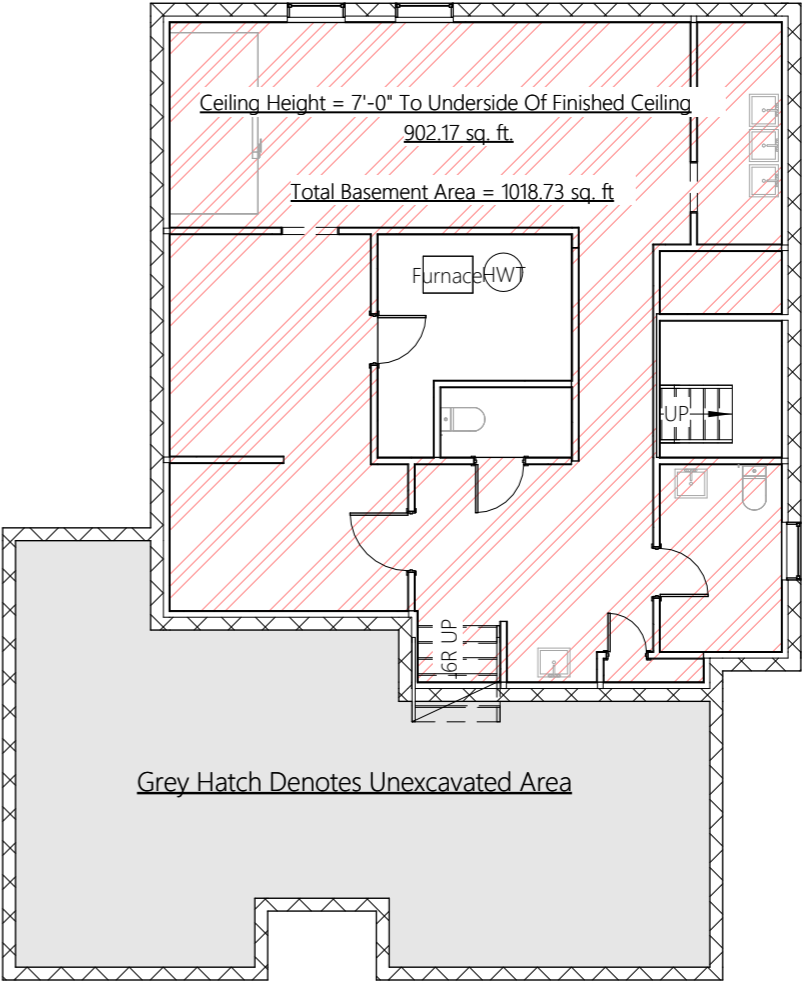
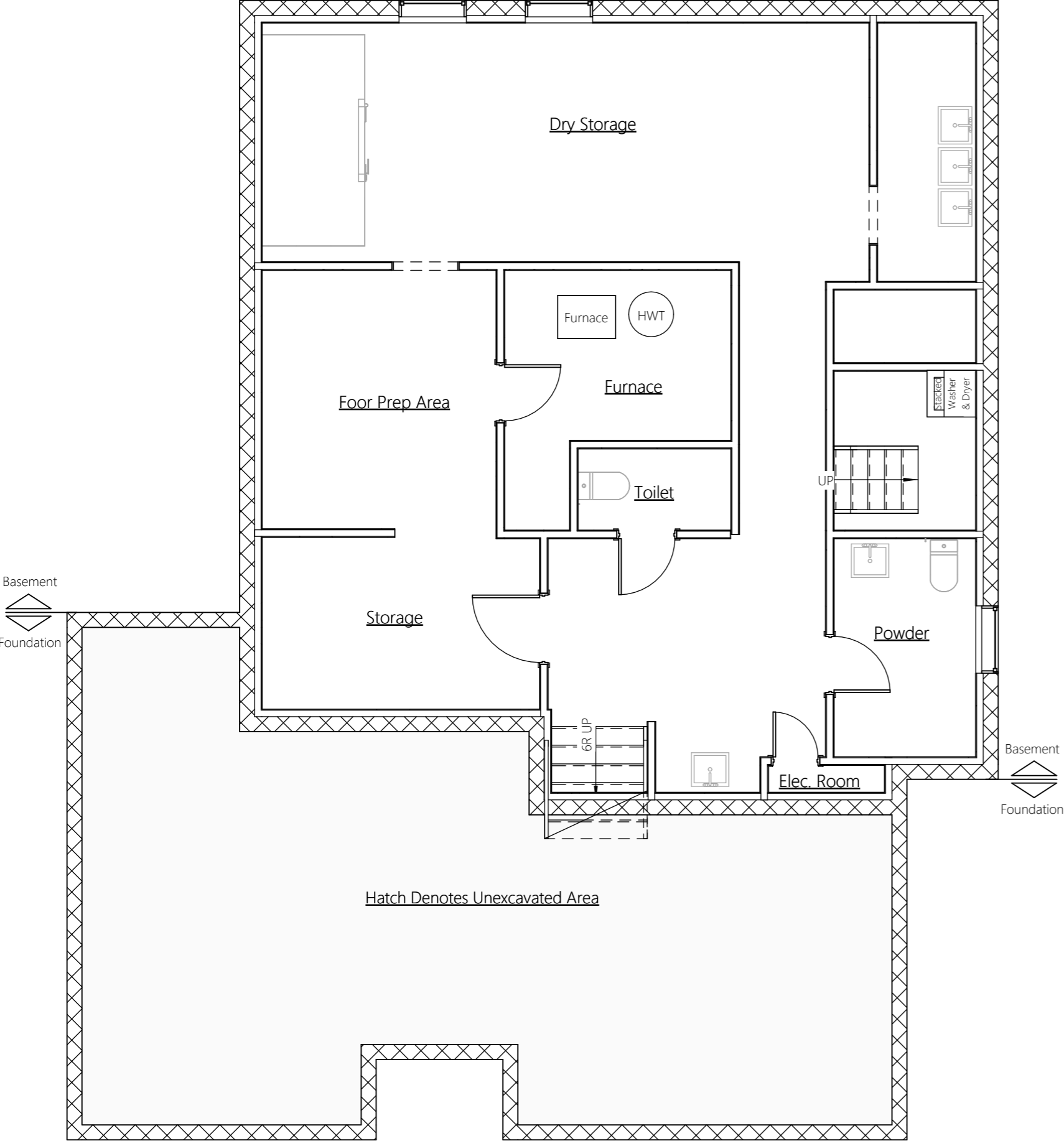
937 Fennell Ave East, Hamilton, ON

A0.1

Project Number: 01018
Date: Jun 5, 2023
Drawn By: i.o
Checked By: a.o
SCALE: 1/16" = 1'-0"

Cover Sheet

For Reference Only. Existing Basement Layout & Dimensions Were Provided By Others.



2 Ceiling Height
Scale: 1" = 10'-0"

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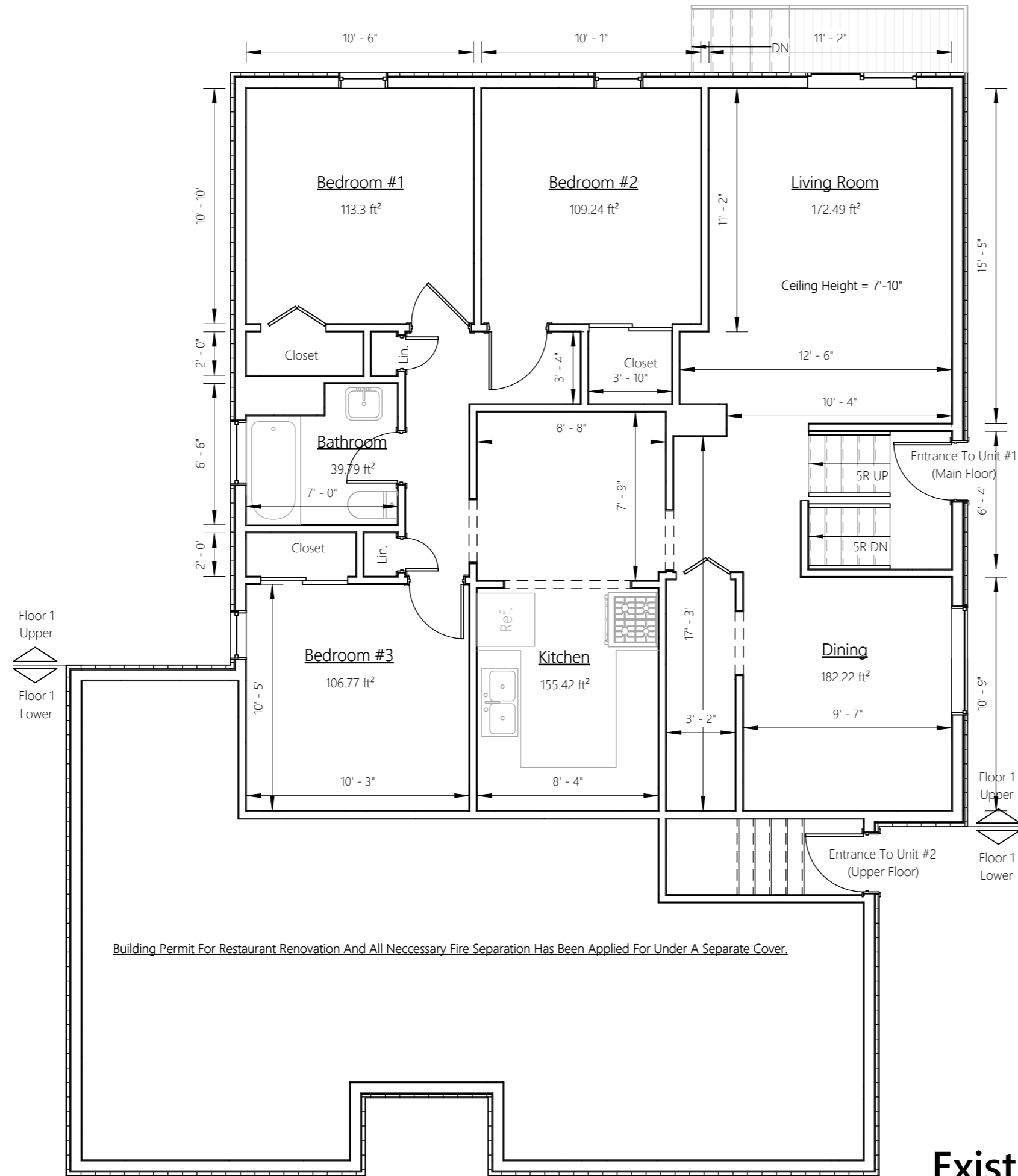
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NAME	SIGNATURE	BCIN
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Le Révé Designs Inc		120700
NAME		BCIN

937 Fennell Ave East, Hamilton, ON

A1.1

Project Number: 01018
Date: Jun 5, 2023
Drawn By: i.o
Checked By: a.o
SCALE: As indicated

Existing Basement Floor Plan



Proposed Secondary Unit

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	BCIN
REGISTRATION INFORMATION	
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Le Réve Designs Inc.	120700
NAME	BCIN

937 Fennell Ave East, Hamilton, ON

A1.2

Project Number: 01018

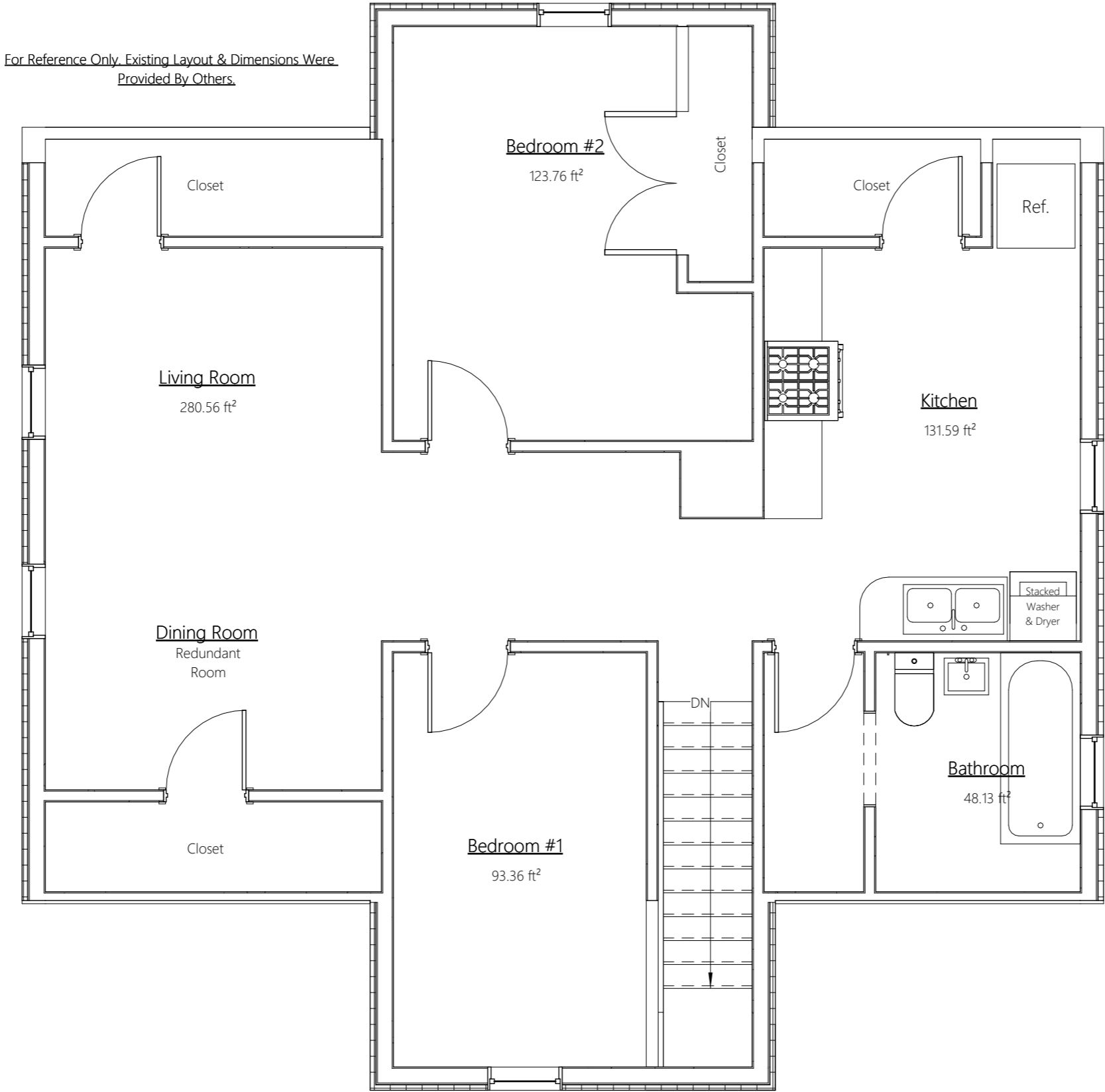
Date: Jun 5, 2023

Drawn By: i.o

Checked By: a.o

SCALE: 3/16" = 1'-0"

Existing First Floor Plan



Existing Second Floor Plan

Proposed Secondary Unit

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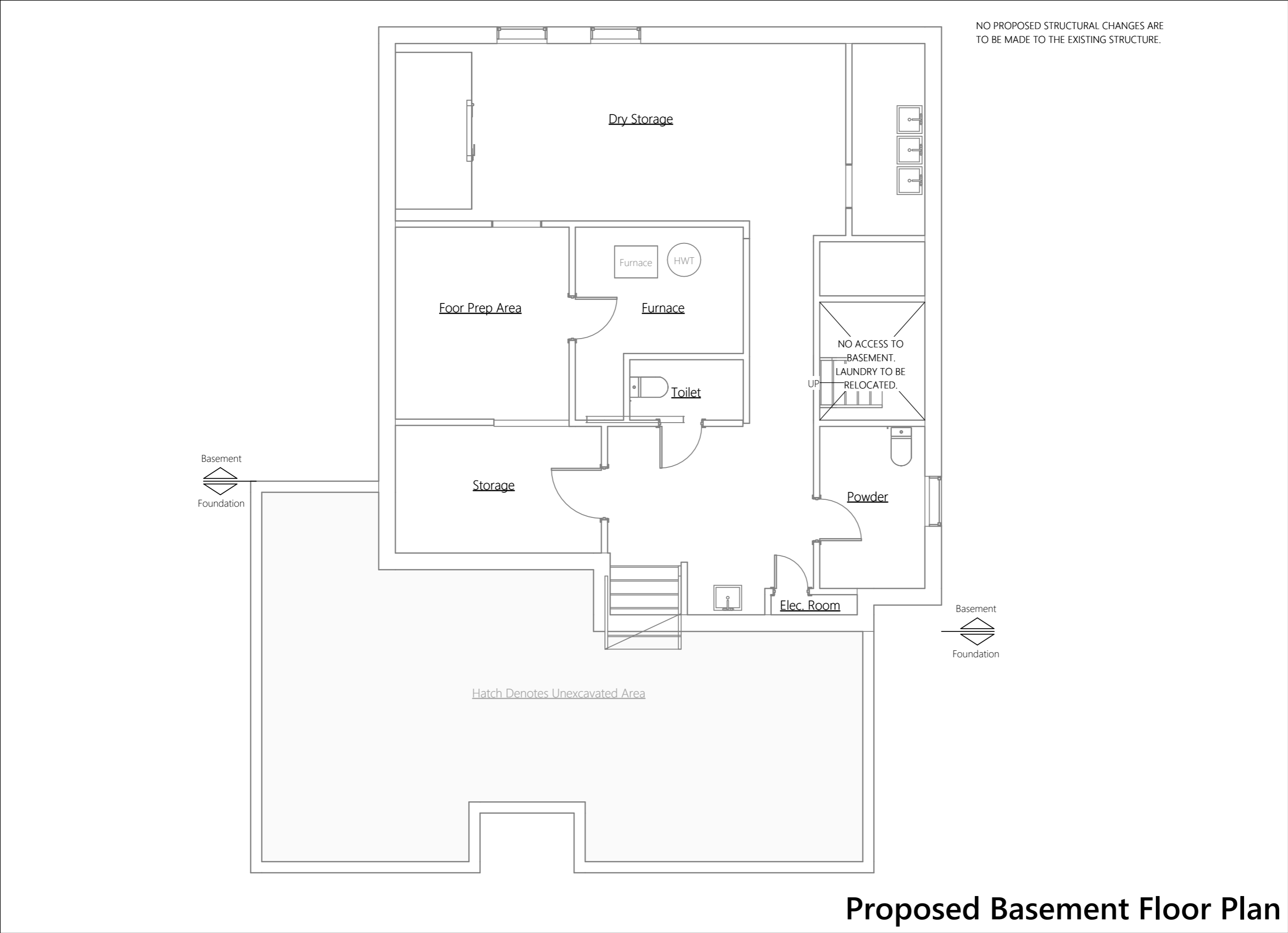
Id Okon-Umoren	106001
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REGISTRATION INFORMATION	
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Le Réve Designs Inc.	120700
NAME	BCIN

937 Fennell Ave East, Hamilton, ON

A1.3

Project Number: 01018
Date: Jun 5, 2023
Drawn By: i.o
Checked By: a.o
SCALE: 1/4" = 1'-0"



NO PROPOSED STRUCTURAL CHANGES ARE TO BE MADE TO THE EXISTING STRUCTURE.

Proposed Secondary Unit

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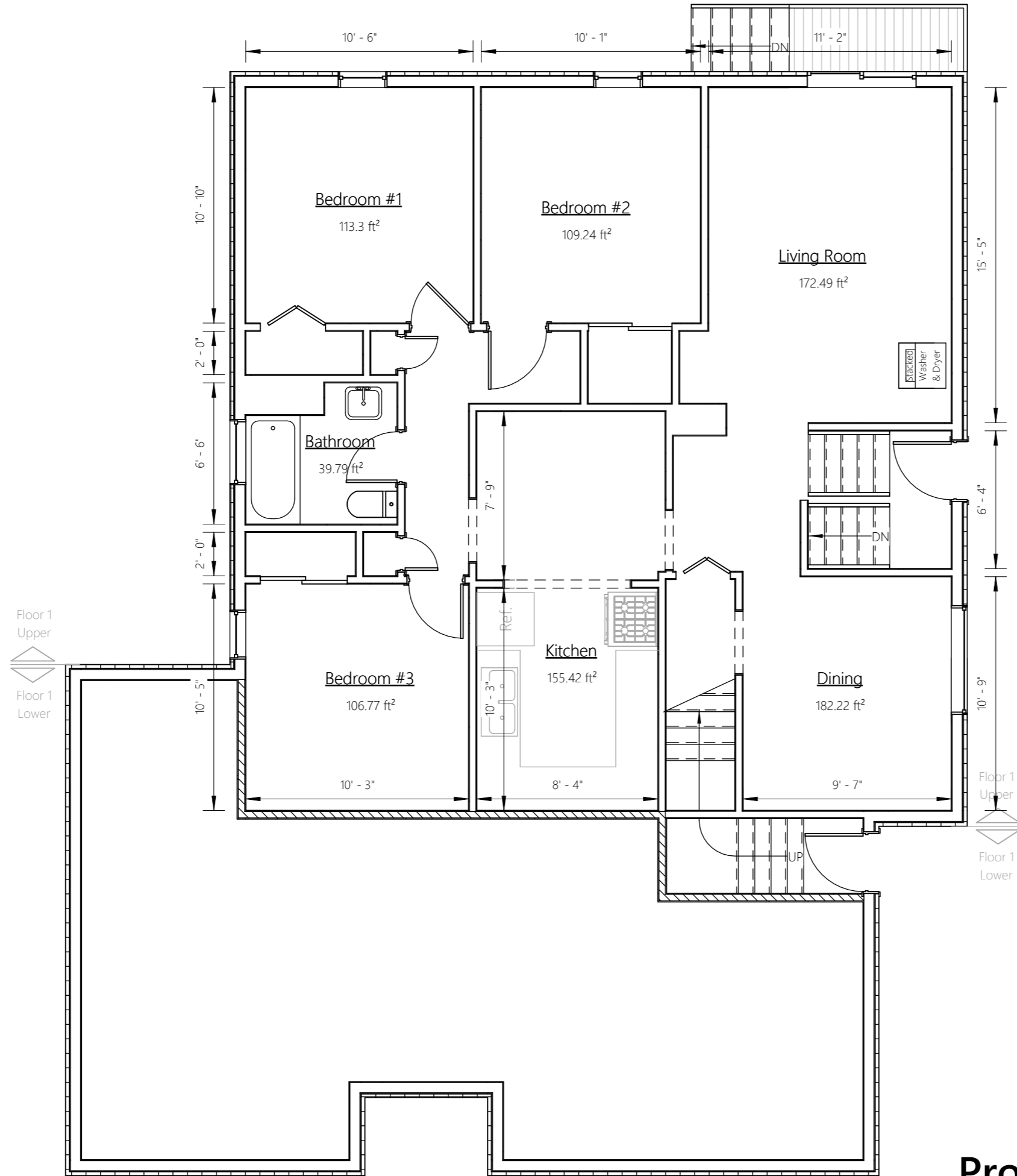
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REGISTRATION INFORMATION		
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NAME		BCIN

937 Fennell Ave East, Hamilton, ON

A1.4

Project Number: 01018
Date: Jun 5, 2023
Drawn By: i.o
Checked By: a.o
SCALE: 3/16" = 1'-0"



Proposed First Floor Plan

Proposed Secondary Unit

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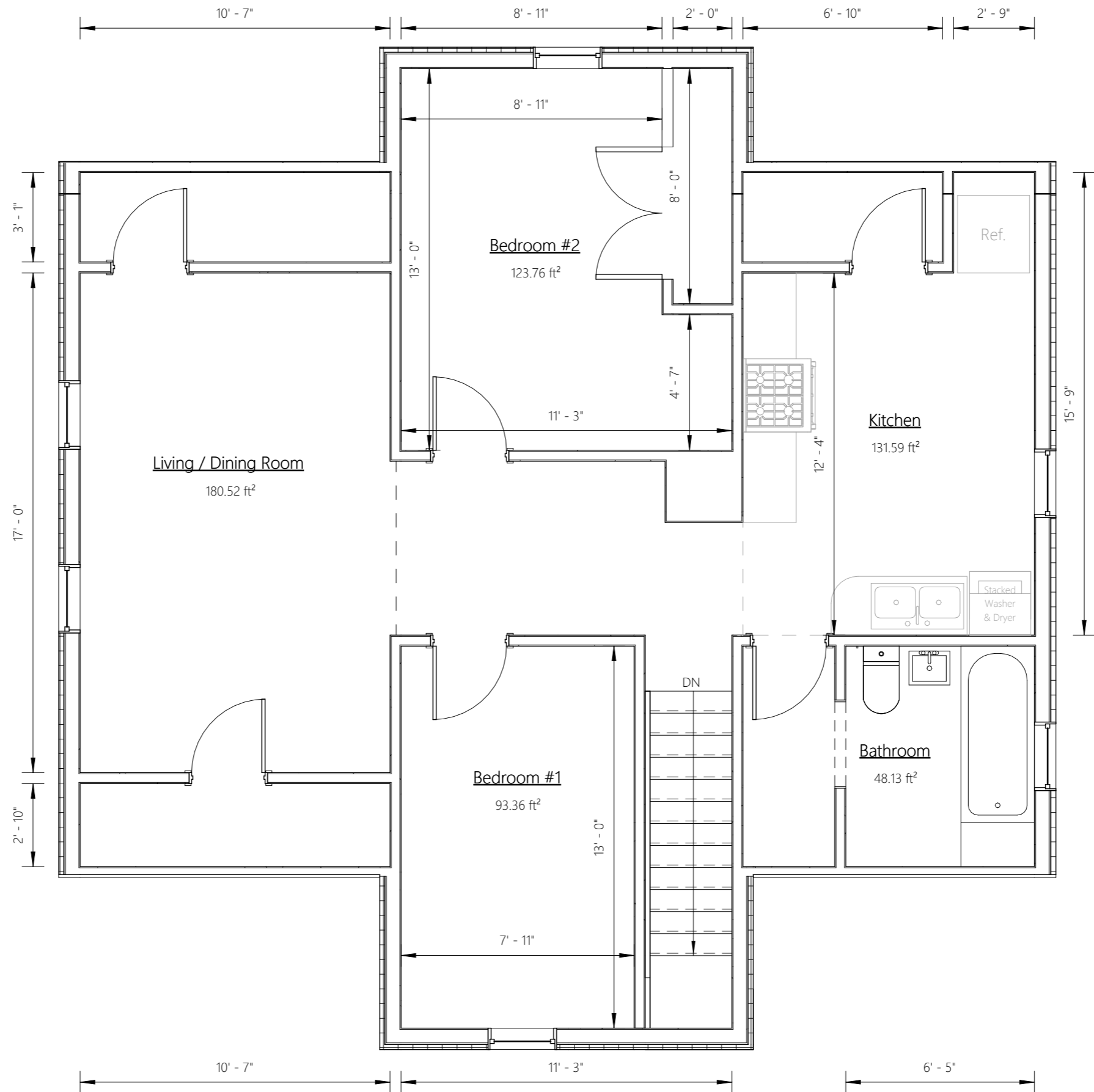
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Id Okon-Umoren	106001	
NAME	SIGNATURE	BCIN
REGISTRATION INFORMATION		
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Le Réve Designs Inc	120700	
NAME	BCIN	

937 Fennell Ave East, Hamilton, ON

A1.5

Project Number: 01018
Date: Jun 5, 2023
Drawn By: i.o
Checked By: a.o
SCALE: 3/16" = 1'-0"



Proposed Second Floor Plan

Proposed Secondary Unit

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REGISTRATION INFORMATION	
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Le Réve Designs Inc.	120700
NAME	BCIN

937 Fennell Ave East, Hamilton, ON

A1.6

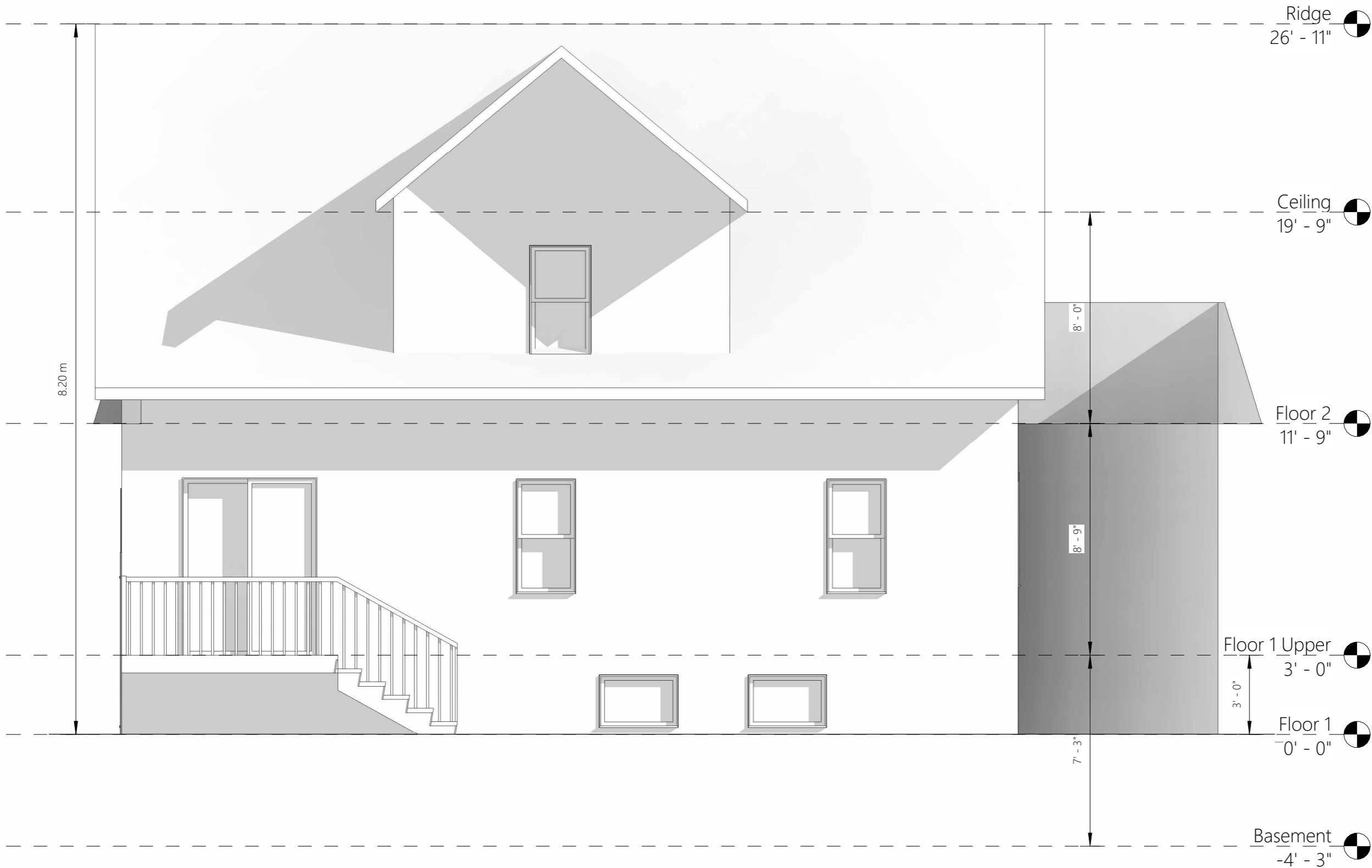
Project Number: 01018

Date: Jun 5, 2023

Drawn By: i.o

Checked By: a.o

SCALE: 1/4" = 1'-0"



Existing Rear Elevation

Proposed Secondary Unit

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Id Okon-Umoren	106001
NAME	SIGNATURE
BCIN	REGISTRATION INFORMATION
Required unless design is exempt under 3.2.4.1 Division C of the Ontario Building Code.	
Le Révé Designs Inc.	120700
NAME	BCIN

937 Fennell Ave East, Hamilton, ON

A1.7

Project Number: 01018

Date: Jun 5, 2023

Drawn By: i.o

Checked By: a.o

SCALE: 1/4" = 1'-0"

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 ☐ AgentSolicitor

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	937 FENNELL AVENUE EAST		
Assessment Roll Number			
Former Municipality	HAMILTON		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

☐ Yes ☒ No

If YES, describe the easement or covenant and its effect:

3. PURPOSE OF THE APPLICATION

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

A DWELLING UNIT IS NOT PERMITTED ON THE FIRST FLOOR AND WE ARE PROPOSING TO ADD A UNIT ON THE FIRST FLOOR. The minimum height allowed for this is 9m and the existing height is 8.20m

☒ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

THE BUILDING HEIGHT IS LESS THAT THE MINIMUM ALLOWED BEFORE A DWELLING UNIT IS PERMITTED ON THE FIRST FLOOR.

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
15.90m	31.96m	503.37	20

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
MIXED USE STRUCTURE	1.37m	16.9m	0.46m & 2.80m	01/01/1970

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
MIXED USE STRUCTURE	1.37m	16.9m	0.46m & 2.80m	10/02/2023

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
MIXED USE STRUCTURE	168.24	256.84	2	8.20

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
MIXED USE STRUCTURE	168.24	256.84	2	8.20

- 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.):

Mixed Use (Duplex at the rear and restaurant at the front)

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

Mixed Use (Residential at the rear and restaurant at the front)

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2002

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

Mixed Use

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

Mixed Use

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

21 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? C2

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: C2

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

☐ Yes

☒ No

If yes, please provide the file number: _____

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

☐ Yes

☒ No

7.11 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being “received” for processing.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 2

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

Existing mixed use structure with a restaurant in front and a 2 storey dwelling behind.
The scope of work is to transform the residential portion to a duplex.

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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