

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-23:205	SUBJECT PROPERTY:	113 HUXLEY AVENUE S, HAMILTON
ZONE:	"R1a" (Low Density Residential – Small Lot)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: **Owner:** SHARI ALFANO & WAYNE PICYK
 Agent: X-DESIGN INC. C/O SHERI CRAWFORD

The following variances are requested:

1. To permit an additional dwelling unit-detached in the Flankage Yard.
2. To permit the proposed additional dwelling unit-detached to be closer to the flankage street than the principal dwelling by a distance of 0.29m.
3. To permit a minimum rear yard setback of 0.52m for the proposed additional dwelling unit detached instead of the required 1.2m rear yard setback for an additional dwelling unit- detached.
4. To permit a minimum distance of 3.35m between the rear wall of the principal dwelling and the proposed additional dwelling unit-detached instead of the required 7.5m.

PURPOSE & EFFECT: To facilitate a second storey addition to the existing three car detached garage, which will accommodate the proposed additional dwelling unit-detached.

Notes:

- i. Applicable Law Review conducted on May 1,2023, indicates that the recognized use of the site is a 2-family dwelling. In the situation where an existing 2 family dwelling exists with a proposed detached dwelling, the 2-family dwelling will now be considered a single family dwelling with an additional dwelling unit (ADU).

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:	11:20 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

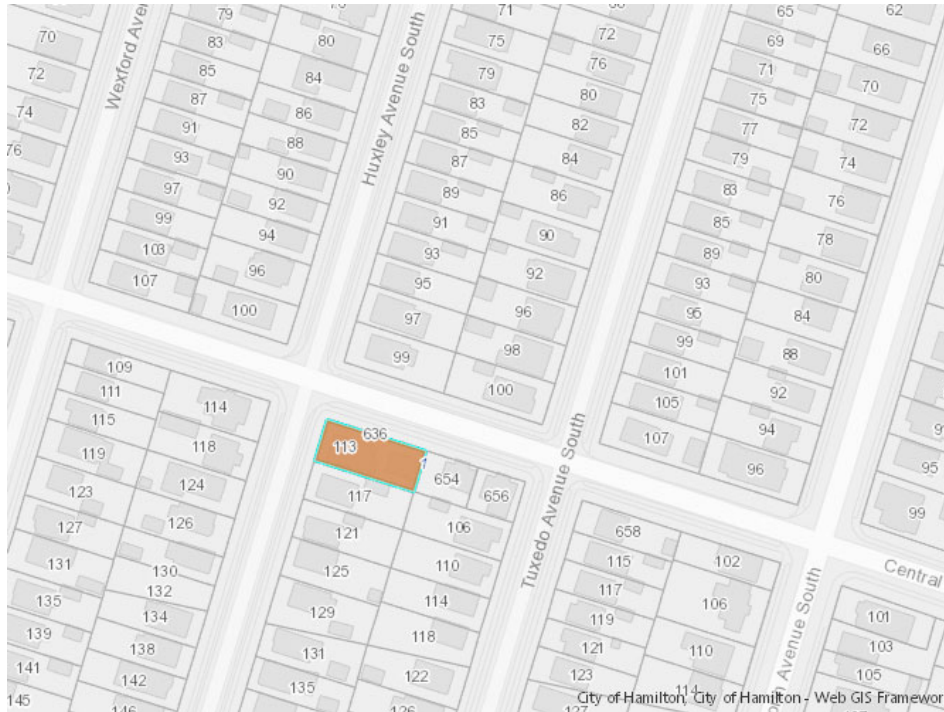
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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-23:205, 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 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.

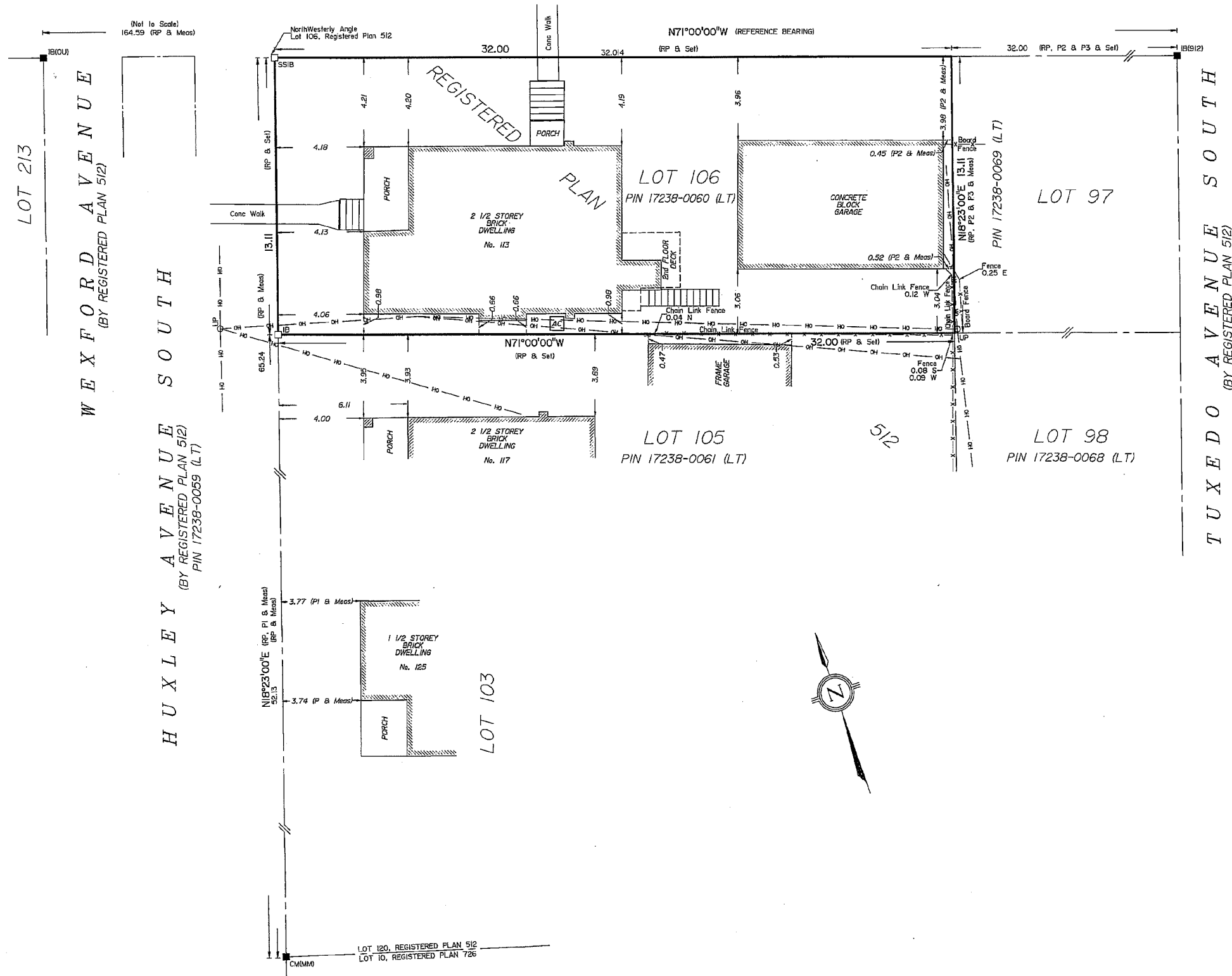
2. In person Oral Submissions

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.

CENTRAL AVENUE
(FORMERLY UXBRIDGE AVENUE BY REGISTERED PLAN 512)
PIN 17238-0126 (LT)



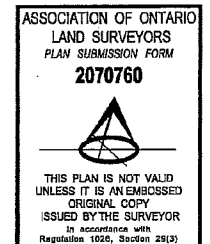
SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF SURVEY OF
LOT 106
REGISTERED PLAN 512
(TUXEDO GARDENS SURVEY)
IN THE
CITY OF HAMILTON

SCALE & NOTES
Scale 1:150
10 METRES
BARICH GRENKIE SURVEYING LTD.
A DIVISION OF GEOMAPLE
© COPYRIGHT 2019

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED
TO FEET BY DIVIDING BY 0.3048

BEARING NOTE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF
CENTRAL AVENUE (FORMERLY MAPLE AVENUE) AS SHOWN ON REGISTERED
PLAN 512 HAVING A BEARING OF N71°00'00\"W.

LEGEND	
■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT PLANTED
IB	DENOTES IRON BAR
SIB	DENOTES STANDARD IRON BAR
CM	DENOTES CONCRETE MONUMENT
OU	DENOTES ORIGIN UNKNOWN
MM	DENOTES MACKAY & MACKAY ENGINEERS AND SURVEYORS, O.L.S.
912	DENOTES A.J. CLARKE, O.L.S.
RP	DENOTES REGISTERED PLAN 512
P1	DENOTES BUILDING LOCATION SURVEY BY G.E. GIDDY, O.L.S. DATED APRIL 23, 1987.
P2	DENOTES BUILDING LOCATION SURVEY BY A.J. CLARKE, O.L.S. DATED NOVEMBER 12, 1987.
P3	DENOTES BUILDING LOCATION SURVEY BY A.J. CLARKE, O.L.S. DATED APRIL 29, 1987.
OH	DENOTES OVERHEAD UTILITY CABLES
UP	DENOTES UTILITY POLE
AC	DENOTES AIR CONDITIONING UNIT



SURVEYOR'S REAL PROPERTY REPORT
PART 2
DESCRIPTION SUMMARY - LANDS DESCRIBED IN PIN 17238-0060 (LT).

REGISTERED EASEMENTS/RIGHTS-OF-WAY - NONE FOUND ON
TITLE.

ADDITIONAL REMARKS - MAKE NOTE OF THE LOCATION OF FENCES AS
SHOWN ON THE FACE OF THE PLAN.

THIS PLAN WAS PREPARED FOR WAYNE PICYK AND THE UNDERSIGNED ASSUMES
NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE
SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON FEBRUARY 19, 2019.

FEBRUARY 28, 2019

Matthew D. Cosmo
MATTHEW DI COSMO
ONTARIO LAND SURVEYOR

Barich Grenkie
Surveying Ltd.
297 HWY No. 8 (UNIT 101) - STONEY CREEK, ON
(905) 662-6767

DWN BY: AWS
CHK BY: MD
JOB No. 19-2472

A DIVISION OF GEOMAPLE

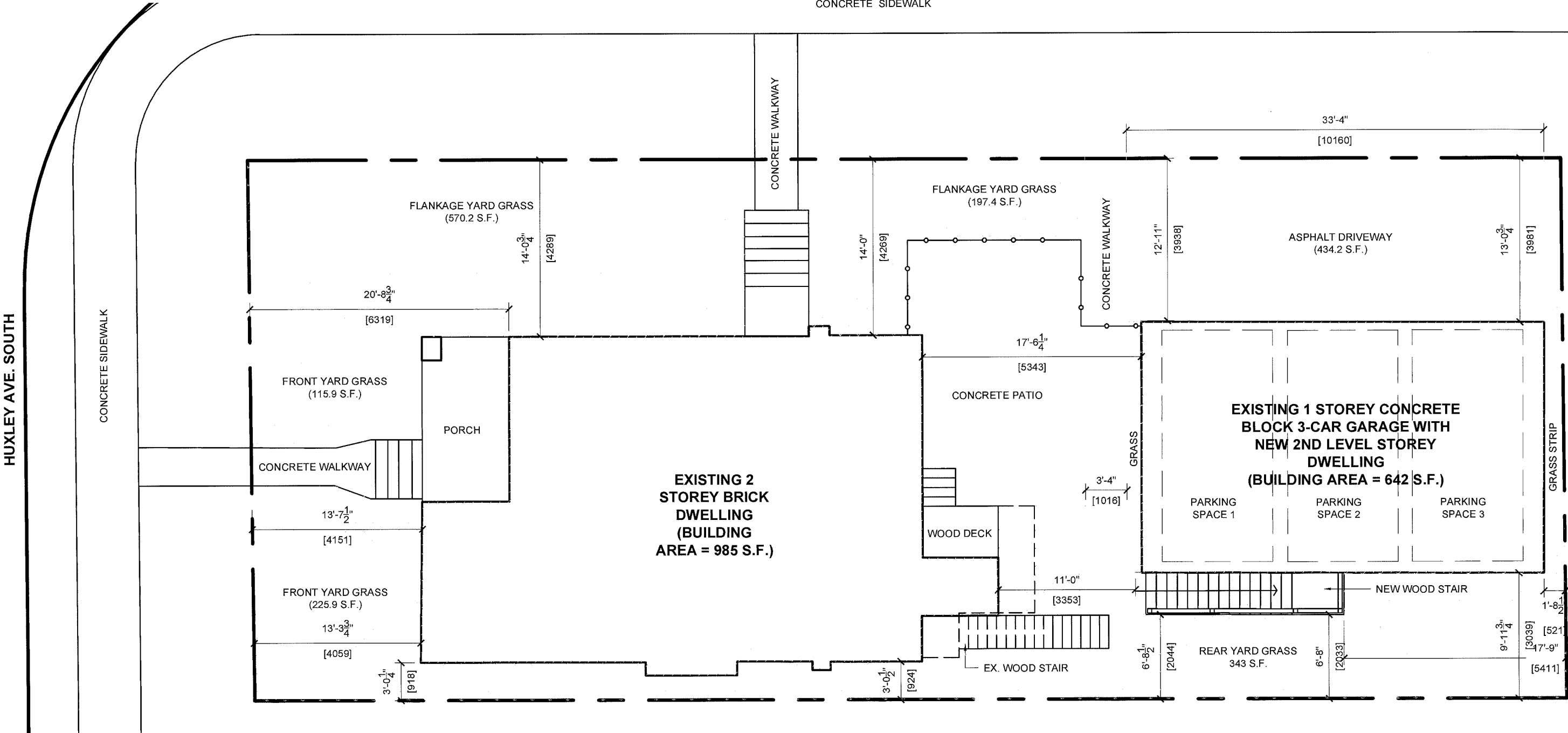


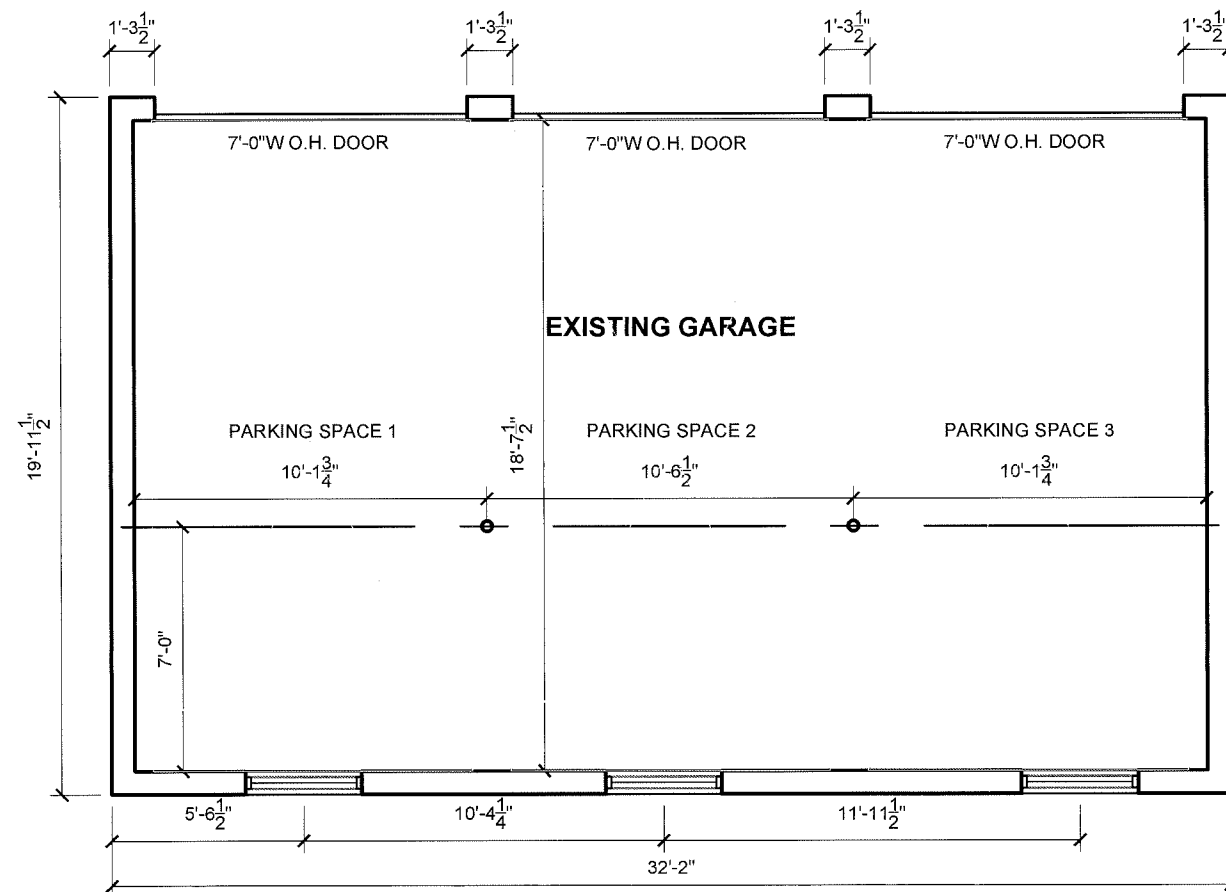
DESCRIPTION	BY-LAW 05-200	SITE (EXISTING)
ZONING	R1a - Low Density Residential	
EXISTING DUPLEX DWELLING (15.2.2.1)		
LOT AREA	270 s.m.	900 s.m. (9687.52 s.f.)
LOT DEPTH		97.18m (318.83')
LOT WIDTH	9m (29.5')	42m (137.6')
FLANKAGE YARD	3m (9.84')	
SIDE YARD	1.2m (3.94')	1.77m (5.8') & 3.05m (10')
FRONT YARD	3m (9.84')	9.84m (23')
REAR YARD	7.5m (24.6')	14.33m (47')
BUILDING HEIGHT	10.5m	
ACCESSORY BUILDING (4.8)		
AGGREGATE FLOOR AREA	Lesser of 45 s.m. or 7.5% of lot coverage	
REAR YARD SETBACK	1.2m (3.94') min.	0.52m & 2.03m (existing)
SIDE YARD SETBACK	1.2m (3.94') min.	0.52m & 2.03m (existing)
FLANKAGE YARD SETBACK	6m	3.981M (existing)
BUILDING HEIGHT	4.5m	6.6m (21.67')
ADDITIONAL DWELLING UNIT - DETACHED (15.2.2.7 & 4.33) 22-197		
# OF UNITS	4	3
SIDE AND REAR LOT	1.2m (3.94')	0.52m & 2.03m (existing)
DISTANCE FROM DWELLING	7.5m - 24.6'	3.353m (existing)
BUILDING HEIGHT	6m (19.69')	(21'9") 6.62m
UNIT AREA	Lesser of 75 s.m. or 25%	65% (existing)
GROUND FLOOR AREA	70% of 985 s.f (91.5 s.m) max. = 689.5 s.f.	642 s.f. (59.64 s.m.)
LANDSCAPING	50% Front Yard + 50% Flankage Yard Landscape Strip in Side Yard 12 s.m. landscaped area in rear yard	See chart on Site Plan
DRIVEWAY WIDTH	3m	10.16m
PARKING	1 per Unit = 3 spaces	3 spaces

SITE AREAS	QTY
LANDSCAPING - FLANKAGE YARD	TOTAL AREA = 1442 S.F. 197.4 + 570.2 + 19.3 = 786.9 S.F. (54%)
LANDSCAPING FRONT YARD	TOTAL AREA = 390.8 115.9 SF +225.9 SF = 341.8 (87%)
LANDSCAPING REAR YARD	TOTAL AREA = 1475.9 S.F. 343 SF (23%)

CENTRAL AVE.

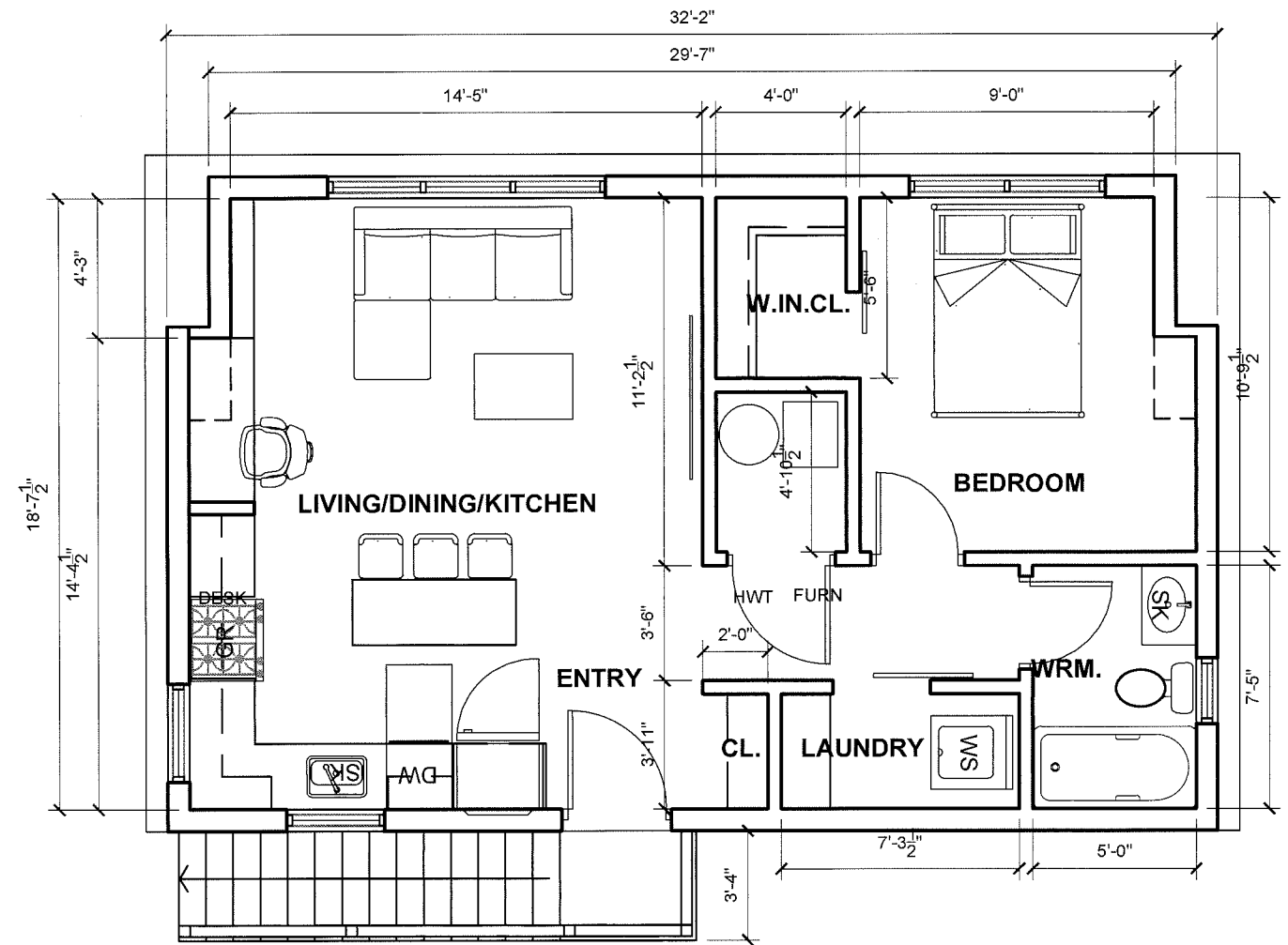
CONCRETE SIDEWALK





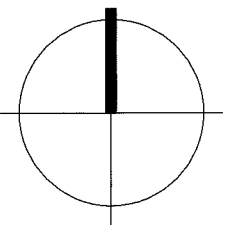
GROUND FLOOR AREA (EXISTING) = 574.5 S.F.

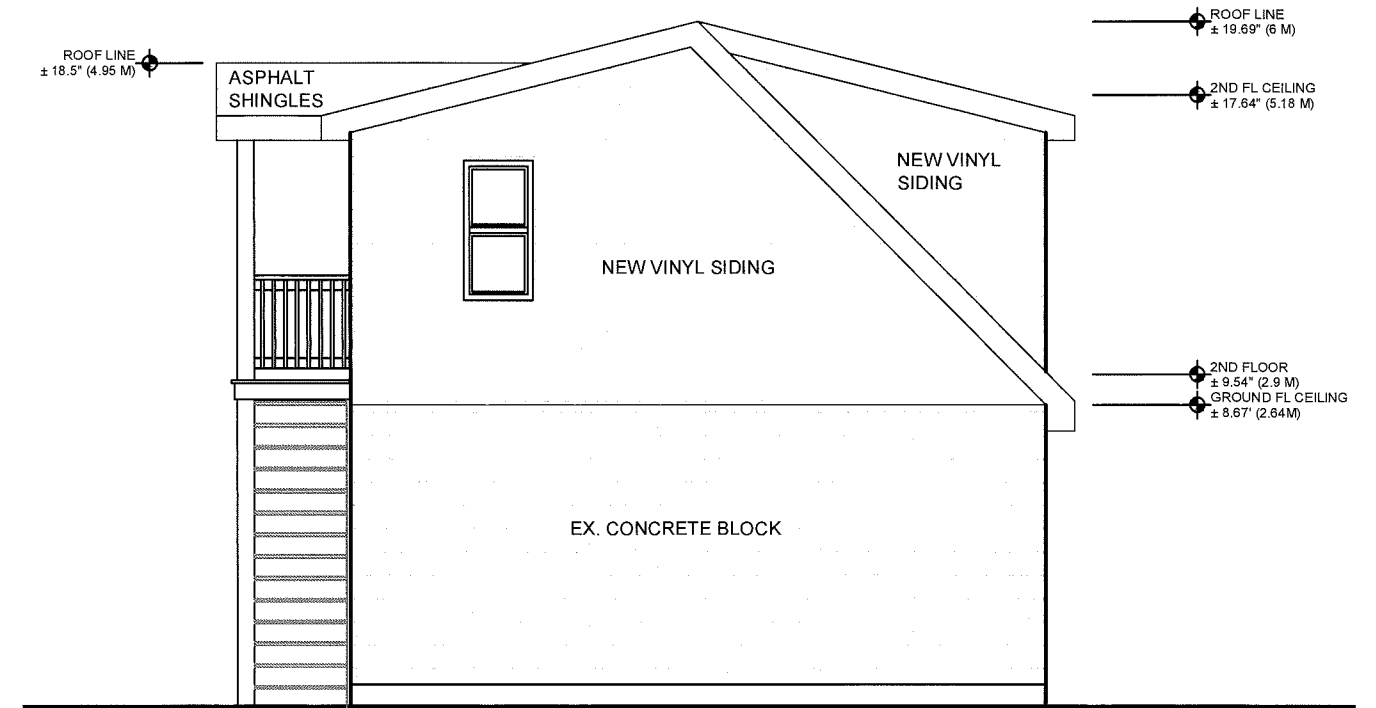
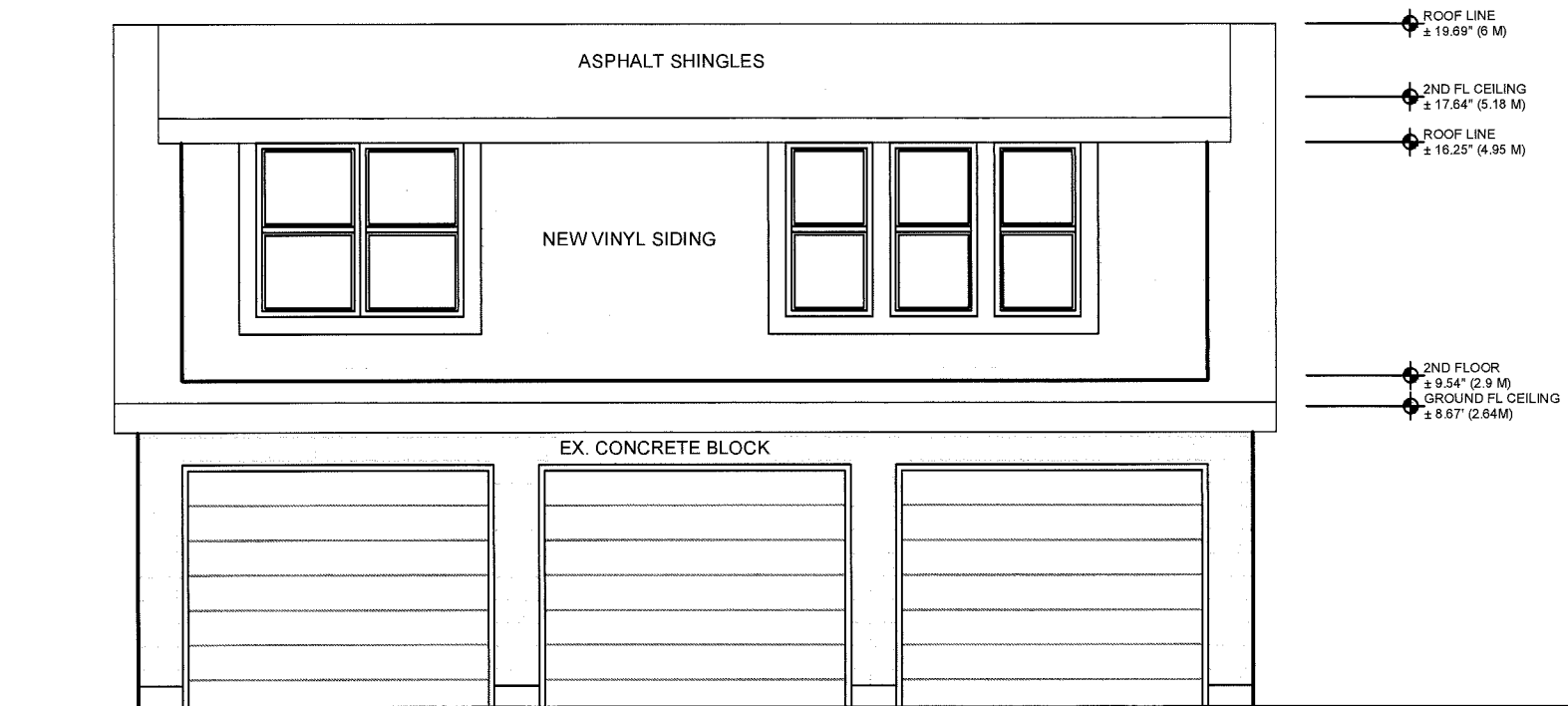
1 GROUND FLOOR PLAN
Scale: 3/16"=1'-0"



2ND FLOOR AREA (NEW) = 563.5 S.F.

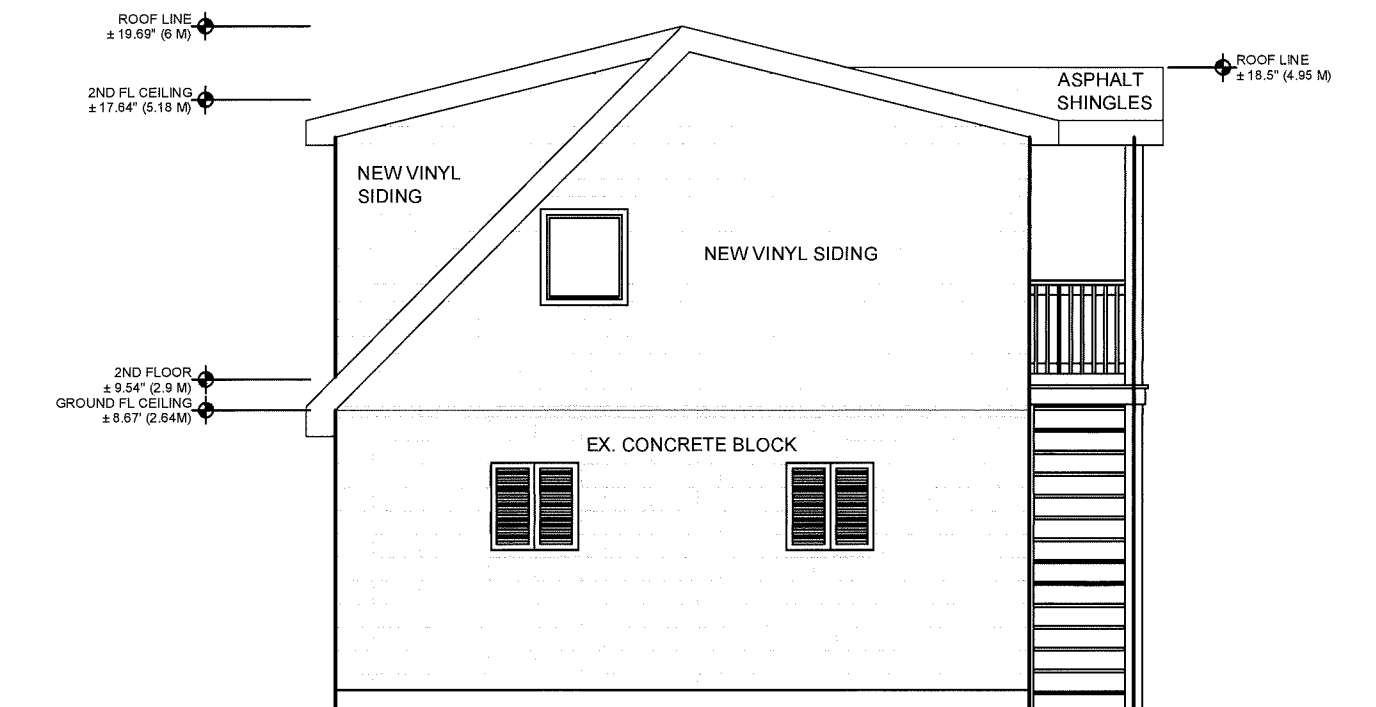
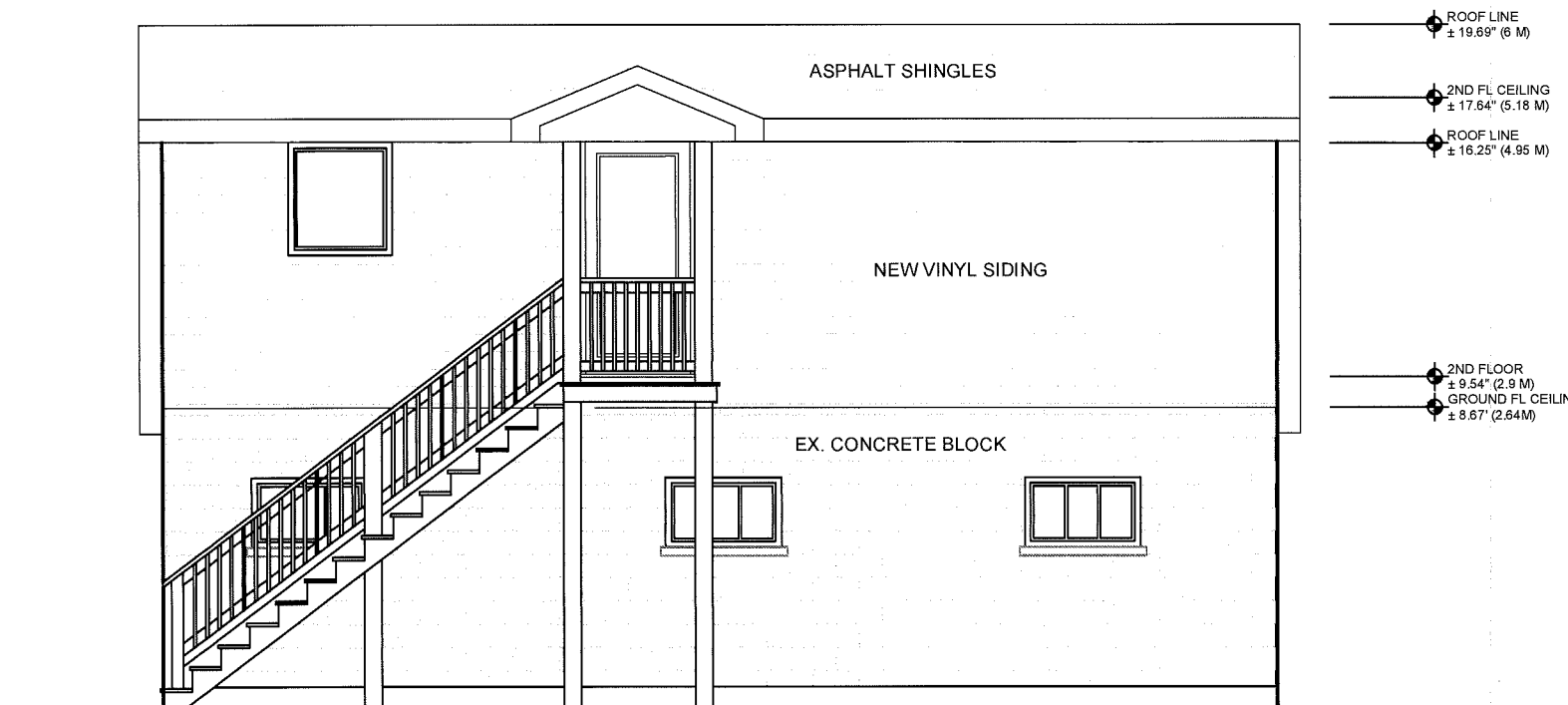
2 2ND FLOOR PLAN
Scale: 3/16"=1'-0"





1 NORTH ELEVATION
Scale: 3/16"=1'-0"

2 WEST ELEVATION
Scale: 3/16"=1'-0"



3 SOUTH ELEVATION
Scale: 3/16"=1'-0"

4 EAST ELEVATION
Scale: 3/16"=1'-0"



Hamilton

May 01, 2023

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424 x1719 Fax: 905-546-4202
www.hamilton.ca

FILE: ALR
FOLDER: 23-114163-00 ALR
ATTENTION OF: Ross McIntosh
TELEPHONE NO: (905) 546-2424
EXTENSION: 2077

Sheri Crawford
109 JAMES STREET N SUITE 3
HAMILTON, ONTARIO L8R 2K6

Re: APPLICABLE LAW REVIEW – ZONING BYLAW
Present Zoning: R1a Low Density Residential- Small Lot (Hamilton Zoning By-law 05-200)
Address: 113 HUXLEY AVE S, HAMILTON, ON

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

COMMENTS:

1. This applicant is proposing a second storey addition to the existing three car detached garage, which will accommodate the proposed additional dwelling unit-detached.
2. Our records indicate the recognized use for 113 Huxley Avenue is a two family dwelling. In the situation where there is an existing two family dwelling and an additional dwelling unit- detached is proposed, the two family dwelling will now be considered a single family dwelling with an additional dwelling unit.

Note: if the ADU does not meet the regulations of the by-law, such as the number of bedrooms, this is legal non-complying provided the ADU was existing prior to May 12, 2021. Therefore, an ADU- detached is permitted as the principal dwelling is considered a single family dwelling with an Additional Dwelling Unit, in accordance with the zoning by-law.

3. The proposed additional dwelling unit- detached has been reviewed under the R1a Zone & Additional Dwelling Unit regulations of the City of Hamilton Zoning By-law No. 05-200.

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	419.52m ²	Conforms
Minimum Lot Width [as per section 15.2.2.1(b) of Hamilton Zoning By-law 05-200]	9.0 m	13.11m	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	4.06m	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	0.66m	Legally Established Non- Complying
Minimum Setback from a Flankage Lot Line [as per section 15.2.2.1(e) of Hamilton Zoning By-law 05-200]	3.0m	3.94m	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	0.45m	Legally Established Non- Complying
Maximum Building Height [as per section 15.2.2.1(g) of Hamilton Zoning By-law 05-200]	10.5m	Exact Details not Provided	Conforms
Parking [as per section 15.2.2.1(h) of Hamilton Zoning By-law 05-200]	<ul style="list-style-type: none"> 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 	3 Existing Spaces provided within Detached Garage	Conforms
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.		

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>			
Permitted Yard Encroachments [as per section 4.6 of Hamilton Zoning By-law 05-200]	<p>a) The usual projections of window sills, chimney breasts, belt courses, cornices, eaves, troughs and other similar architectural features, ductwork, venting and other similar appurtenances may be permitted in any required yard, provided that no such feature shall project more than 0.6 metres into the required yard, or to a maximum of half the distance of the required yard, whichever is the lesser;</p> <p>b) A fire escape or exterior staircase may encroach into a required side or rear yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser;</p> <p>c) An unenclosed ramp for wheelchair access may encroach into any required yard to no maximum distance;</p> <p>d) A porch, deck or canopy may encroach into any required yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser.</p>	<p>Eaves of proposed second storey addition project 0.23m</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	Conforms
Mechanical and Unitary Equipment [as per section 4.9 of Hamilton Zoning By-law 05-200]	<p>Hot boxes, 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:</p> <p>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,</p> <p>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.</p>	<p>Heating and A/C Equipment for proposed ADU-detached will be located within the building.</p>	Conforms
Additional Dwelling Unit - Detached <i>In accordance with the requirements of Section 4.33.2 of Hamilton Zoning By-law 05-200</i>			
Number of Additional Dwelling Units-Detached [as per section 4.33.2(a) of Hamilton Zoning By-law 05-200]	<p>(a) For lands within a D5, I1, I2, C1, TOC3, R1, R1a Zone, a maximum of one Additional Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling.</p>	<p>One ADU-detached unit is proposed in the existing accessory building (3-car garage) and will be within the proposed second storey addition.</p>	Conforms
Additions for Legally Established Accessory Buildings with an ADU-Detached [as per section 4.33.2(b) of Hamilton Zoning By-law]	<p>(b) In addition to Section 4.33.2 (a), a legally established accessory building existing as of May 12, 2021, may be converted to the one Additional Dwelling Unit - Detached permitted on a lot containing an existing Single Detached Dwelling, Semi-Detached Dwelling, or Street Townhouse Dwelling</p>	<p>Established Garage proposed to have second storey addition to accommodate an ADU-detached.</p>	

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

	Required	Provided	Conforming/ Non-Conforming
05-200]	subject to the following provision: <i>i) Any additions over 10% of the existing gross floor area of the legally established accessory building converted to an Additional Dwelling Unit – Detached shall be in accordance with the regulations of Section 4.33.2.</i>	98% 53.37 sq.m (Existing GFA) 52.35 sq.m (Proposed Second Storey Addition GFA)	Conforms
The Existing Dwelling [as per section 4.33.2(c) of Hamilton Zoning By-law 05-200]	All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 4.33.2.	Provided	Conforms
Location [as per section 4.33.2(d) of Hamilton Zoning By-law 05-200]	An Additional Dwelling Unit – Detached shall only be permitted in a Rear and/or interior Side Yard.	Located in Rear Yard & Flankage Yard <i>Above existing structure</i>	Non-Conforming
Rear & Interior Side Yard Setbacks [as per section 4.33.2(e) of Hamilton Zoning By-law 05-200]	A minimum 1.2 metre setback shall be provided from the interior Side Lot Line and Rear Lot Line. i) Notwithstanding Section 4.33.2 (e), an eave or a gutter may extend a maximum of 0.45 metres into a required minimum setback area. ii) In addition to Section 4.33.2 (e), a landscape strip is required to be provided within the required side yard adjacent to an Additional Dwelling Unit – Detached and shall be limited to sod, ground cover, permeable pavers, or a planting strip, and may include a visual barrier.	3.04m to Interior Side Lot Line 0.52m to Rear Lot Line 0.23m Provided	Conforms Non-Conforming Conforms Conforms
Flankage Yard Setback [as per section 4.33.2(f) of Hamilton Zoning By-law 05-200]	An Additional Dwelling Unit – Detached shall not be located closer to the flankage street than the principal dwelling.	Existing Accessory Building/ Proposed Additional Dwelling Unit- Detached is located closer to the flankage street than the principal dwelling by 0.29m	Non-Conforming
One Metre Unobstructed Path [as per section 4.33.2(g) of Hamilton Zoning By-law 05-200]	An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metre clearance in height from a street line to the entrance of the Additional Dwelling Unit – Detached shall be provided and maintained.	Provided	Conforms
Building Separation [as per section 4.33.2(h) of Hamilton Zoning By-law 05-200]	The following building separation shall be provided: i) Where an Additional Dwelling Unit – Detached is in the Rear Yard, a minimum distance of 7.5 metres shall be required between the rear wall of the principal dwelling and the Additional Dwelling Unit – Detached. ii) Where an Additional Dwelling Unit – Detached is in an Interior Side Yard, the following is required: (A) A minimum distance of 4.0 metres shall be provided between the side wall of the	<i>Above existing structure</i> 3.35m N/A	Non-Conforming

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

	Required	Provided	Conforming/ Non-Conforming
	principal dwelling and an Additional Dwelling Unit – Detached; and, (B) An Additional Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.		
Maximum Height [as per section 4.33.2(i) of Hamilton Zoning By-law 05-200]	A maximum height of 6.0 metres shall be permitted. i) Notwithstanding Section 4.33.2. (i), balconies and rooftop patios shall be prohibited above the first floor level.	6.63m <i>Can review</i>	Non-Conforming
Maximum Gross Floor Area [as per section 4.33.2(j) of Hamilton Zoning By-law 05-200]	i) Notwithstanding Section 4.33.2 (j), the maximum combined lot coverage of all accessory buildings and the Additional Dwelling Unit - Detached shall be 25%. ii) In addition to Section 4.33.2 (j), the ground floor area of a Secondary Dwelling Unit – Detached shall not exceed 70% of the ground floor area of the principal dwelling when the ground floor area of the principal dwelling is less than or equal to 105 square metres.	14.2% (59.64m ² / 419.52m ²) 65.2% (59.64m ² / 91.51m ²)	Conforms Conforms
Minimum Landscaped Area [as per section 4.33.2(k) of Hamilton Zoning By-law 05-200]	A minimum landscaped area of 12.0 square metres shall be provided and maintained within the rear yard.	31.87m ²	Conforms
Landscape Requirements [as per section 4.35 of Hamilton Zoning By-law 05-200]	On lots containing a single detached dwelling, semi-detached dwelling, duplex dwelling, or street townhouse dwelling in all zones, the following shall be provided: a) A minimum 50% landscaped area in the Front Yard, and; b) A minimum 50% landscaped area in the Flankage Yard.	87% 54%	Conforms Conforms

4. This review is based on the plans submitted with the application.

5. Construction of the proposed second storey addition to the existing detached garage for the purpose of an additional dwelling-unit- detached is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.

6. All fencing shall conform to Hamilton Fence By-law 10-142.

7. The designer shall ensure that the fire access route conforms to the Ontario Building Code.



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

☒ Owner

☒ Agent/Solicitor

☐ Applicant

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

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	113 Huxley Ave. S.		
Assessment Roll Number	251804030603040		
Former Municipality	Hamilton		
Lot	106	Concession	
Registered Plan Number	512	Lot(s)	
Reference Plan Number (s)		Part(s)	1

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:

1. Flankage Yard - location of new ADU in Flankage Yard and relief of flankage yard setback in relation to principal dwelling of 0.29m.
2. Reduction of required rear lot line of ADU Detached to 0.52m from require 1.2m due to existing condition.
3. Reduction of require building separation of 7.5m to 3.35m due to existing condition.

☒ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

We are building above an existing detached garage in the flankage yard and utilizing the existing structure as the base for the new 2nd storey addition.

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
43.00m	105.00m	0.10 A/Ft.	

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 Family with ADU	4.151m	13.84m	0.92, 4.29, 4.27m	1940's

Proposed:

Type of Structure	Front Yard Setback (Flankage)	Rear Yard Setback	Side Yard Setbacks	Date of Construction
ADU above detached garage	3.9m	0.52m	3.04m interior	1960's

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
Single Family with ADU	100 s.m.	197.46 s.m.	2	19 m +/-

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Detached garage with ADU	59.64 s.m.	112 s.m.	2	6m

- 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
☒ municipal road, seasonally maintained
☐ municipal road, maintained all year

- ☐ right of way
☐ other public road

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
Existing single family dwelling with an ADU with existing detached garage and ADU detached.

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

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)
Existing 2 family dwelling with detached garage

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
Existing 2 family dwelling with detached garage

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

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Low Density Residential

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

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:

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 Not applicable

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: 2 within existing ADU

8.2 Number of Dwelling Units Proposed: 1 above existing detached garage.

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

Zoning Applicable Law review conducted on May 1, 2023 indicates that the recognized use of the site is a 2-family dwelling. In the situation where an existing 2 family dwelling exists with a proposed detached dwelling, the 2 family dwelling will now be considered a single family dwelling with additional dwelling unit (ADU).

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
- ☐ _____
- ☐ _____