



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### **NOTICE OF PUBLIC HEARING** **Minor Variance**

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**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
  - Applicant/agent on file, or
  - Person likely to be interested in this application
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<b>APPLICATION NO.:</b>	<b>HM/A-23:236</b>	<b>SUBJECT PROPERTY:</b>	162 STONE CHURCH ROAD E , HAMILTON, ONT
<b>ZONE:</b>	"B" (Suburban Agriculture and Residential District)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: ANGELA SALEMI & RYAN KOTAR  
Agent: MATT JOHNSTON - URBAN SOLUTIONS PLANNING

The following variances are requested:

1. A maximum building height of 12 metres shall be permitted instead of the requirement that no building shall exceed two and a half storeys and no structure shall exceed 11.0 metres in height.
2. A minimum front yard depth of 6.0 metres shall be permitted instead of the required front yard depth of at least 12.0 metres.
3. A side yard width of 1.2 metres shall be permitted instead of the required side yard width of 3.0 metres.
4. A rear yard depth of 7.5 metres shall be permitted instead of the required rear yard depth of 9.0 metres.
5. A minimum lot area of 750.0 squared metres shall be permitted instead of the required minimum lot area of 1,100 squared metres.

**PURPOSE & EFFECT:** To facilitate the severance of an existing lot/parcel.

**Notes:**

1. Please be advised a building envelope was not provided for the lands to be severed. Therefore, variances have been written as requested.
2. Please be advised variance #3 is not required however the variance has been written as requested by the applicant to legally establish the existing condition.

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

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

<b>DATE:</b>	<b>Thursday, October 5, 2023</b>
<b>TIME:</b>	<b>9:30 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

## **PUBLIC INPUT**

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

**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:236, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



 **Subject Lands**

DATED: September 19, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public, and may include posting electronic versions.

## **PARTICIPATION PROCEDURES**

### **Written Submissions**

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

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

### **Oral Submissions**

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

#### **1. Virtual Oral Submissions**

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

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

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

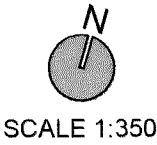
#### **2. In person Oral Submissions**

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

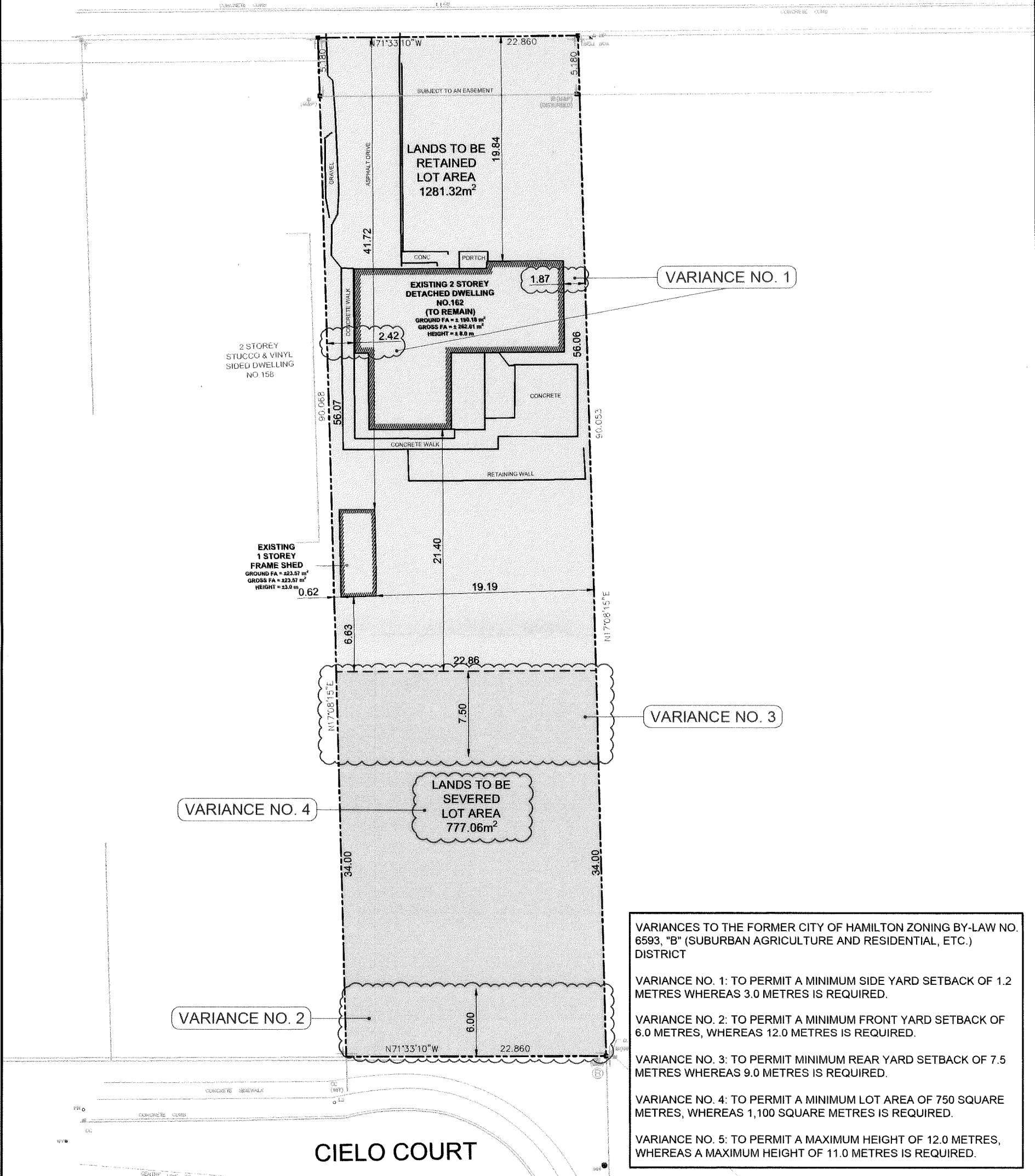
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

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

DEVELOPMENT STATISTIC CHART		
ITEMS	Retained Land	Severed Land
Lot Frontage	22.86m	22.86m
Depth	56.06m	34.00m
Lot Area	1,281.32m <sup>2</sup>	777.06m <sup>2</sup>
Use	Residential	Residential



STONE CHURCH ROAD EAST



VARIANCES TO THE FORMER CITY OF HAMILTON ZONING BY-LAW NO. 6593, "B" (SUBURBAN AGRICULTURE AND RESIDENTIAL, ETC.) DISTRICT

VARIANCE NO. 1: TO PERMIT A MINIMUM SIDE YARD SETBACK OF 1.2 METRES WHEREAS 3.0 METRES IS REQUIRED.

VARIANCE NO. 2: TO PERMIT A MINIMUM FRONT YARD SETBACK OF 6.0 METRES, WHEREAS 12.0 METRES IS REQUIRED.

VARIANCE NO. 3: TO PERMIT MINIMUM REAR YARD SETBACK OF 7.5 METRES WHEREAS 9.0 METRES IS REQUIRED.

VARIANCE NO. 4: TO PERMIT A MINIMUM LOT AREA OF 750 SQUARE METRES, WHEREAS 1,100 SQUARE METRES IS REQUIRED.

VARIANCE NO. 5: TO PERMIT A MAXIMUM HEIGHT OF 12.0 METRES, WHEREAS A MAXIMUM HEIGHT OF 11.0 METRES IS REQUIRED.

KEY MAP - N.T.S.

LEGEND:

- SUBJECT LANDS
- PROPOSED SEVERANCE LINE
- LANDS TO BE SEVERED
- LANDS TO BE RETAINED
- EXISTING BUILDINGS

PREPARED BY:

**URBAN SOLUTIONS**  
PLANNING & LAND DEVELOPMENT

3 STUDEBAKER PLACE, UNIT 1  
HAMILTON, ON L8L 0C8  
905-546-1087 - urbansolutions.info

TITLE:

**COMMITTEE OF  
ADJUSTMENT SKETCH**

PROJECT:

**162 STONE CHURCH  
ROAD EAST  
CITY OF HAMILTON**

CLIENT:

**ANGELA SALEMI &  
RYAN KOTAR**

SCALE 1:350  
METRES

NOTES:

ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE  
CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: J. STANLEY

CHECKED BY: S. ERICKSON

DRAWN BY: J. STANLEY

DATE: AUGUST 31, 2023

U/S FILE NUMBER: 489-23

SHEET NUMBER: 1



August 31, 2023

489-23

**Via Email & Delivered**

**Ms. Jamila Sheffield**  
Secretary Treasurer

Committee of Adjustment  
City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON, L8P 4Y5

Dear Ms. Sheffield,

**Re: 162 Stone Church Road East, Hamilton**  
**Consent to Sever & Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Ms. Angela Salemi and Mr. Ryan Kotar, for the lands municipally known as 162 Stone Church Road East in the City of Hamilton. Please accept the enclosed Consent to Sever and Minor Variance applications to facilitate the severance of the subject lands on their behalf.

The subject lands are comprised of a rectangularly-shaped, +/- 2,058.38 m<sup>2</sup> through lot with +/- 22.86 m of primary frontage on Stone Church Road East and +/- 22.86 m of rear frontage onto Cielo Court. Abutting the lands to the east is a vacant grassed lot, with low density residential uses surrounding the property on every other side. The subject lands are designated '*Neighbourhoods*' in the Urban Hamilton Official Plan Schedule E-1 – Urban Land Use, and zoned "*B*" (*Suburban Agriculture and Residential, Etc.*) District in the Former City of Hamilton Zoning By-law No. 6593.

**Purpose of the Application**

The purpose of the application is to sever the rear portion of the lands that contains frontage onto Cielo Court. The proposed severance is in keeping with existing lots to the west of the lands, with lot depths measured from Cielo Court being around 33.0 to 34.0 metres (HM/B-15:19; HM/B-15:20; HM/B-15:21; HM/B-15:22; HM/B-22:56; & HM/B-21:78). As such, the lands to be severed will have 34 metres of depth, +/-22.86 m of frontage onto Cielo Court and a lot area of +/- 777.06 m<sup>2</sup>, whereas the lands to be retained will keep the existing +/- 22.86 m of frontage onto Stone Church Road East and have an area of approximately +/- 1,281.32 m<sup>2</sup>.

A Minor Variance application is required to bring the proposal into conformity with the applicable "*B*" District regulations. Specifically, a reduction in the minimum side yard is required to have regard for existing conditions of the detached dwelling on site. Additional variances pertaining to minimum rear yard, front yard, maximum height, and minimum lot area will be required to bring the severed portion of lands into conformity with the Zoning By-law. These variances will reflect the dimensions of the existing lots to the west which were obtained through previous Committee of Adjustment approvals.

The requested variances are as follows:

**Variance No. 1** – To permit a minimum side yard setback of 1.2 metres, whereas 3.0 metres is required;

**Variance No. 2** – To permit a minimum front yard setback of 6.0 metres, whereas 12.0 metres is required;

**Variance No. 3** – To permit a minimum rear yard setback of 7.5 metres, whereas 9.0 metres is required; and,

**Variance No. 4** – To permit a minimum lot area of 750.0 square metres, whereas 1,100.0 square metres is required.

**Variance No. 5** – To permit a maximum height of 12.0 metres, whereas a maximum height of 11.0 metres is required.

As per Section 45(1) of the *Planning Act*, R.S.O., 1990, as amended, applications to the Committee to vary from the Zoning By-law must meet 4 tests as outlined below:

- The variance is minor in nature;
- The proposal meets the general intent and purpose of the Official Plan;
- The proposal meets the general intent and purpose of the Zoning By-Law; and,
- The proposal is desirable for the appropriate development or use of the land.

The proposed variances are required in part to legally recognize existing conditions on-site pertaining to the existing detached dwelling. Variances 2 to 4 are requested to bring the lot into conformity with existing lots to the west and contribute to the evolving parcel fabric along Cielo Court. Variance No. 5 ensures the maximum height on site reflects the site's topography, having regard for the limitations of "maximum height" as defined by the Zoning By-law relating to measurements from average grade to architectural top. As such, the variances are minor in nature.

The *Neighbourhoods* Designation encourages compatible intensification, of which the proposed development directly represents. The Neighbourhoods designation on the lands supports residential intensification and permits lot creation. Further, the proposal implements the Official Plan's policies surrounding intensification by appropriately increasing the City's developable land base in a location that has seen recent growth and Planning Act applications. As such, the proposal meets the intent and purpose of the Urban Hamilton Official Plan.

The "B" District permits a range of residential uses. The variances for the lands to be severed will provide an adequate building envelope for a future single detached dwelling on the severed lands. The requested increase in maximum height will ensure that the actual height of a future dwelling on the severed lands will not be affected by the site's topography and be closer to the currently permitted 11.0 metre height restriction. With the approval of the requested variances, the severed lands can maintain the intent of the "B" District regulations permitted uses and ensure the lands can be developed for a single detached dwelling in the future. As such, the proposal meets the intent and purpose of the Zoning By-law.

As aforementioned, the variances are required for the Zoning By-law to have regard for existing conditions on the lands to be retained and to facilitate the development of a future single detached dwelling on the lands to be severed. Additionally, the requested variances are intended to maintain the existing and planned character of Cielo Court by introducing a parcel fabric consistent with existing lots to the west of the lands. Therefore, the proposal is desirable for the appropriate use of the land.

Based on the above analysis, UrbanSolutions believes that the application represents good land use planning and satisfies Section 53(1) of the *Planning Act*, R.S.O, 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. The proposal is consistent with the Ontario Provincial Planning Statement (PPS) and conforms to the Growth Plan as it facilitates intensification within delineated urban areas. The proposed severances conform to and implement the 'Neighbourhoods' policies of the Urban Hamilton Official Plan. Additionally, the continued residential use of the lands implements the intent of the Former City of Hamilton Zoning By-law No. 6593. Based on the above analysis, the proposed severances and variances from the Zoning By-law represent good land use planning.

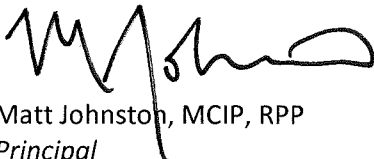
To assist in the evaluation of the application, please refer to the enclosed Committee of Adjustment Sketch.

In support of this application, please find enclosed the following:

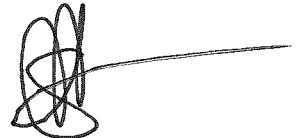
- One (1) copy of the completed Minor Variance Application form;
- One (1) copy of the completed Consent to Sever Application form;
- One (1) copy of the Committee of Adjustment Sketch, prepared by UrbanSolutions;
- One (1) cheque in the amount of **\$3,735.00** made payable to the City of Hamilton for the Minor Variance Application fee; and,
- One (1) cheque in the amount of **\$3,220.00** made payable to the City of Hamilton for the Consent to Sever Application fee.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Stefano Rosatone, BES  
*Planner*

cc: Ms. Angela Salemi & Mr. Ryan Kotar  
Councillor John-Paul Danko, Ward 8





Hamilton

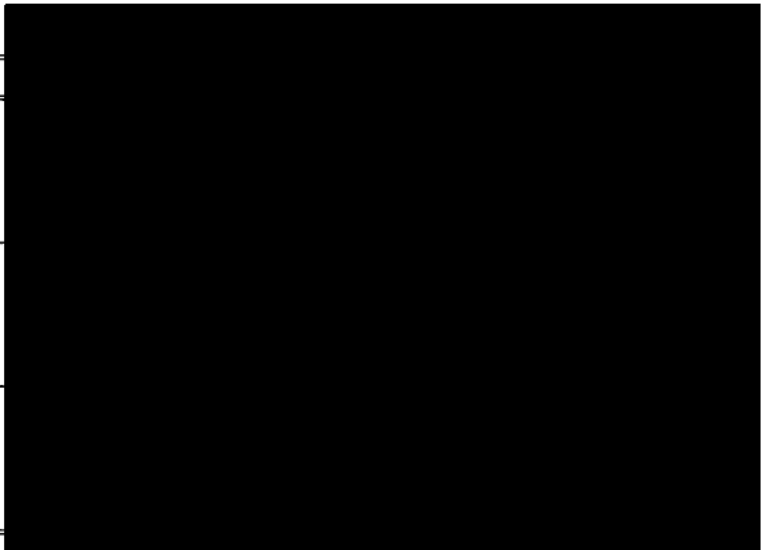
**Committee of Adjustment**  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME
<b>Registered Owners(s)</b>	Angela Salemi & Ryan Kotar
<b>Applicant(s)</b>	Same as Owner
<b>Agent or Solicitor</b>	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston (UrbanSolutions)



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 n/a

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	162 Stone Church Road East		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	Part of Lot 13	Concession	8
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:

Part 3, Plan 62R-11485 - Subject to easement as in VM67744

### 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:

Please refer to enclosed Cover Letter.

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

Please refer to enclosed Cover Letter.

3.3 Is this an application 45(2) of the Planning Act.

☐ Yes

☒ No

If yes, please provide an explanation:

n/a

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands: Please also refer to enclosed Committee of Adjustment Sketch

Lot Frontage	Lot Depth	Lot Area	Width of Street
22.860 m	90.068 m	2,058.380 sq.m.	+/- 20.100 m

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
Existing Detached Dwelling	19.844 m	55.389 m	1.848 m	unknown
Accessory Frame Shed	n/a	6.630 m	0.632 m	unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Existing Detached Dwelling	unchanged	21.389 m	unchanged	unknown
Accessory Frame Shed	n/a	6.630 m	unchanged	unknown

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
Existing Detached Dwelling	190.18 sq.m.	262.61 sq.m.	2	+/- 7.0 m
Accessory Frame Shed	23.57 sq.m.	23.57 sq.m.	n/a	+/- 2.0 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Existing Detached Dwelling	unchanged	unchanged	unchanged	unchanged
Accessory Frame Shed	unchanged	unchanged	unchanged	unchanged

- 4.4 Type of water supply: (check appropriate box)
- ☒ publicly owned and operated piped water system
- ☐ privately owned and operated individual well

- ☐ lake or other water body
- ☐ other means (specify)
- \_\_\_\_\_

- 4.5 Type of storm drainage: (check appropriate boxes)
- ☒ publicly owned and operated storm sewers
- ☐ swales

- ☐ ditches
- ☐ other means (specify)
- \_\_\_\_\_

- 4.6 Type of sewage disposal proposed: (check appropriate box)
- ☒ publicly owned and operated sanitary sewage
- ☐ system privately owned and operated individual
- ☐ septic system other means (specify) \_\_\_\_\_
- 4.7 Type of access: (check appropriate box)
- ☐ provincial highway ☐ right of way
- ☐ municipal road, seasonally maintained ☐ other public road
- ☒ municipal road, maintained all year \_\_\_\_\_
- 4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
- Single Detached Dwelling
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
- Single Detached Dwelling

## 7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
- June 6, 2023
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
- Single Detached Dwelling
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
- Single Detached Dwelling
- 7.4 Length of time the existing uses of the subject property have continued:
- Unknown
- 7.5 What is the existing official plan designation of the subject land?

~~Rural Hamilton Official Plan designation (if applicable): n/a~~

~~Rural Settlement Area: n/a~~

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Please refer to enclosed Cover Letter.

- 7.6 What is the existing zoning of the subject land? Suburban Agriculture and Residential, Etc. "B" District  
in the Former City of Hamilton Zoning By-law No. 6593
- 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: A-78:18

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

☒ Yes

☐ No

If yes, please provide the file number: Concurrent application

~~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~~

~~N/A~~

~~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: 1

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

Please refer to enclosed Cover Letter.

## 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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