



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.:	FL/A-23:239	SUBJECT PROPERTY:	47 BAYVIEW AVENUE , FLAMBOROUGH, Ontario
ZONE:	"R1-6" (Urban Residential (Single Detached))	ZONING BY-LAW:	Zoning By-law former Town of Flamborough 90-145-Z, as Amended

APPLICANTS: Owner: TIM & CAROL HANCO

The following variances are requested:

1. To permit a maximum lot coverage of 28% instead of the permitted maximum lot coverage of 15%.
2. To permit a maximum floor space of 450m ² instead of the permitted maximum floor space of 372m².
3. To permit a maximum building height of 9.2m instead of the maximum building height of 8.2m.
4. To permit a maximum allowable accessory building lot coverage of 9% instead of the permitted maximum allowable accessory building lot coverage of 5%.

PURPOSE & EFFECT: To facilitate the construction of a new single family detached dwelling, a secondary dwelling unit-detached and an accessory building (pool house).

Notes:

- i. Variances have been written exactly as requested by the applicant.
- ii. A Secondary Dwelling Unit – Detached, is not considered an accessory building/structure.
- iii. The lot coverage of all accessory buildings or structures shall be included within the total lot coverage on any lot.
- iv. Swimming pools are not considered in part of lot coverage.

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, October 5, 2023
TIME:	10:00 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

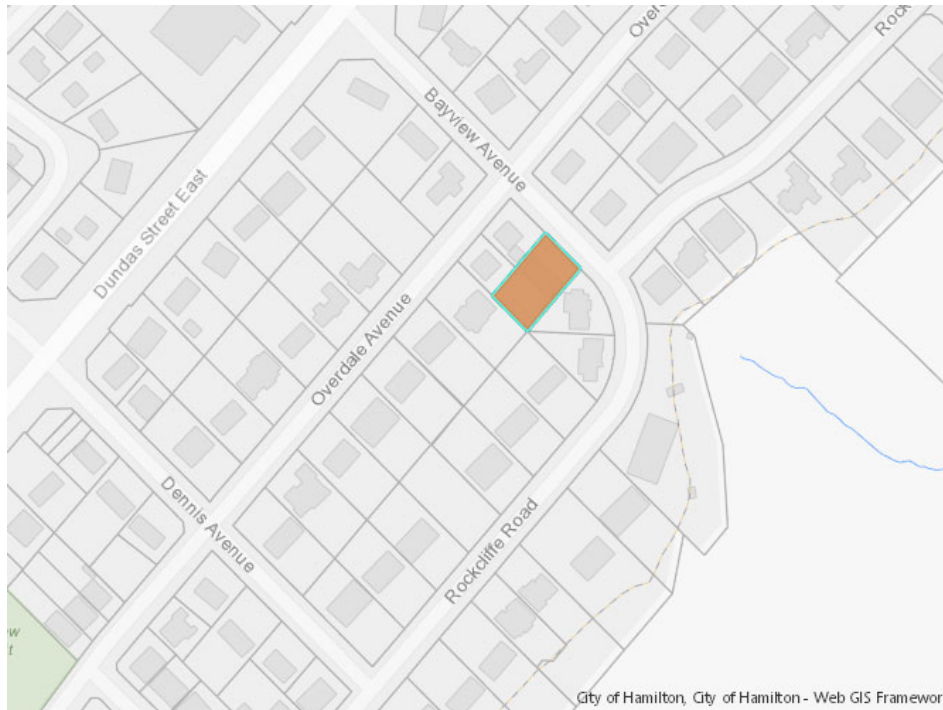
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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 FL/A-23:239, 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: September 19, 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

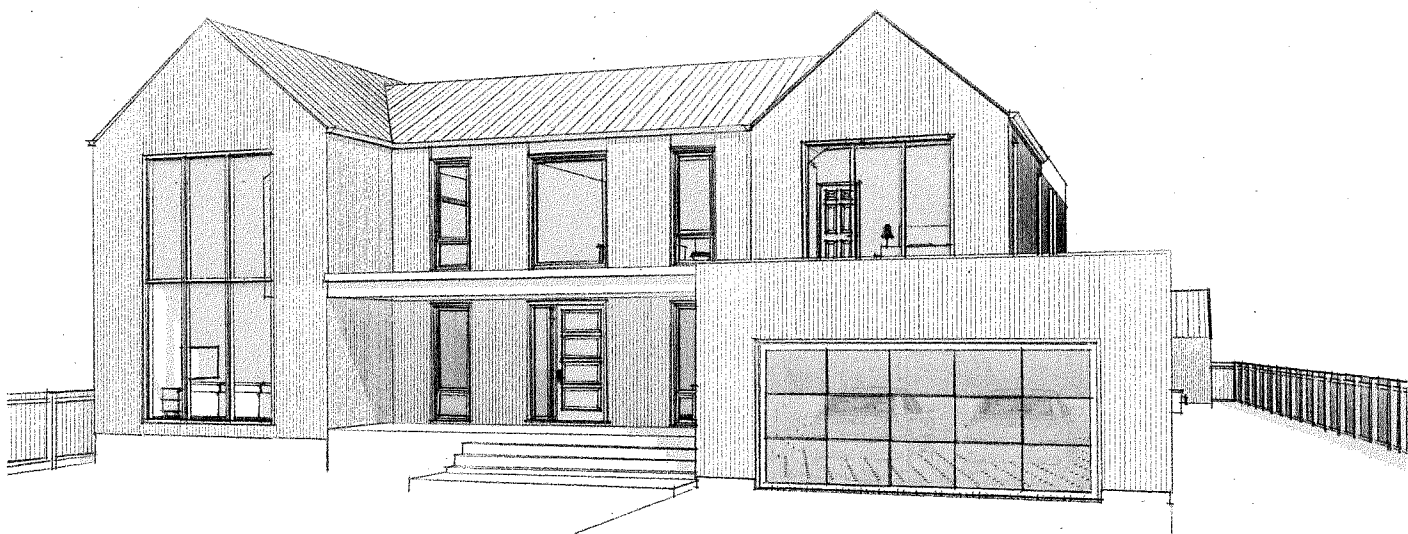
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

47 BAYVIEW AVE.

- Project Scope:
- Demolish existing single family dwelling and rebuild
 - Proposed ADU in rear yard
 - Proposed accessory pool structure



PROPOSED FRONT SKETCH

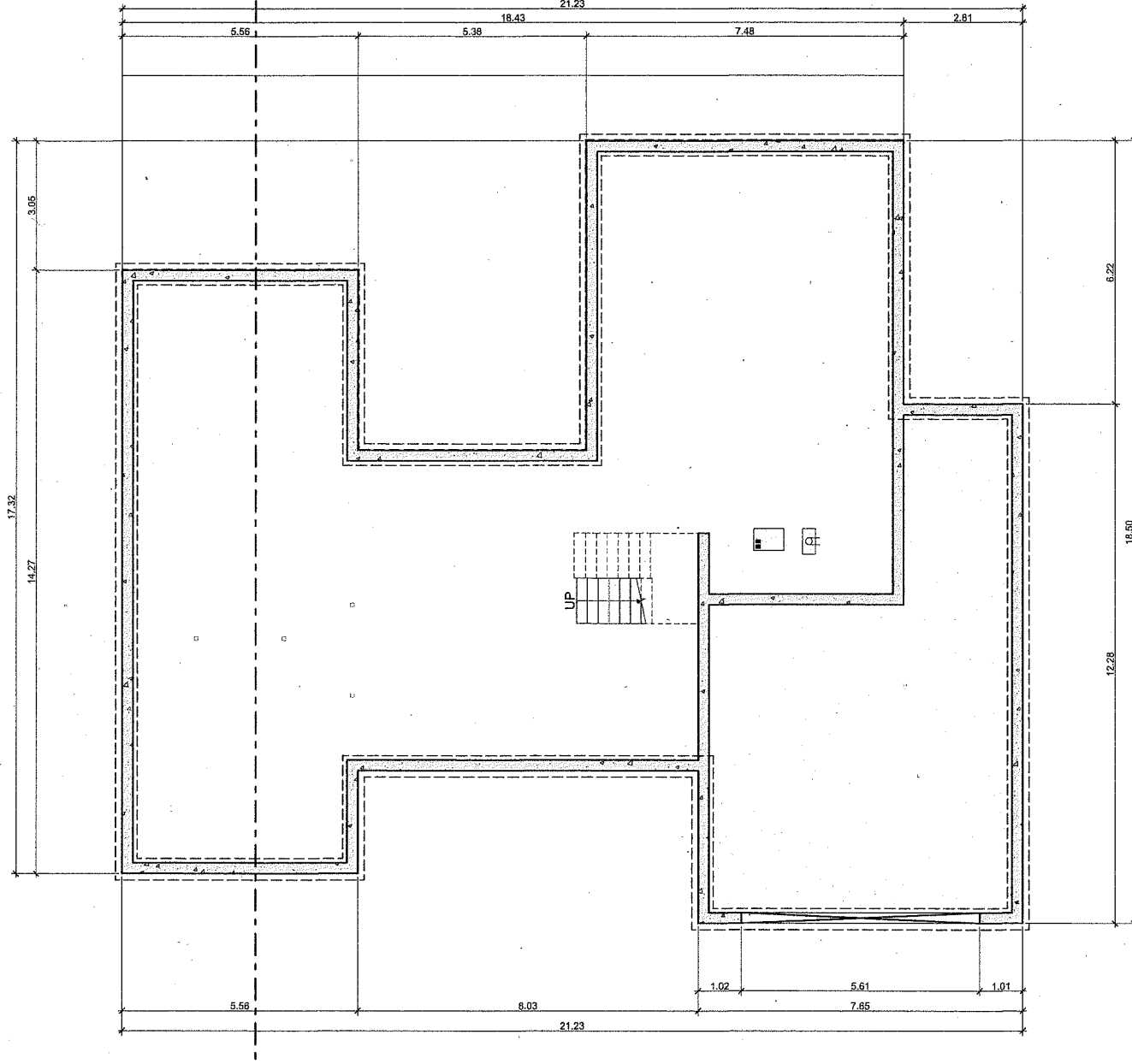
PROJECT:
HANCO

PROJECT ADDRESS:
47 BAYVIEW AVE HAMILTON ON L9H 7G9

DRAWING:
COVER SHEET

PROJECT #	SCALE:	NO.	ISSUE / REVISION	DATE
23-006	AS NOTED	1	Schematic Design	2023.07.28
	DATE:	2	Minor Variance	2023.08.30
		3		
		4		
		5		
		6		
		7		

DRAWING NO:
A0.01

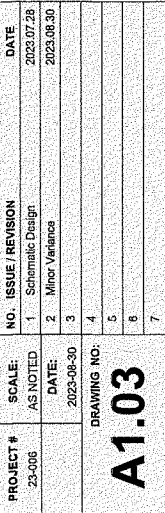


PROJECT #	SCALE:	NO.	ISSUE / REVISION	DATE
23-006	AS NOTED	1	Schematic Design	2023.07.28
	DATE:	2	Minor Variance	2023.08.30
	2023-08-30	3		
		4		
		5		
		6		
		7		

DRAWING NO: **A1.01**

DRAWING: **PROPOSED BASEMENT PLAN**

PROJECT: **HANCO**
PROJECT ADDRESS: 47 BAYVIEW AVE HAMILTON ON L9H 7G9



PROJECT ADDRESS:
47 BAYVIEW AVE HAMILTON ON L9H 7G9



1

PROPOSED FRONT ELEVATION

SCALE: 1/8" = 1'-0"



2

PROPOSED REAR ELEVATION

SCALE: 1/8" = 1'-0"

PROJECT:

HANCO

PROJECT ADDRESS:

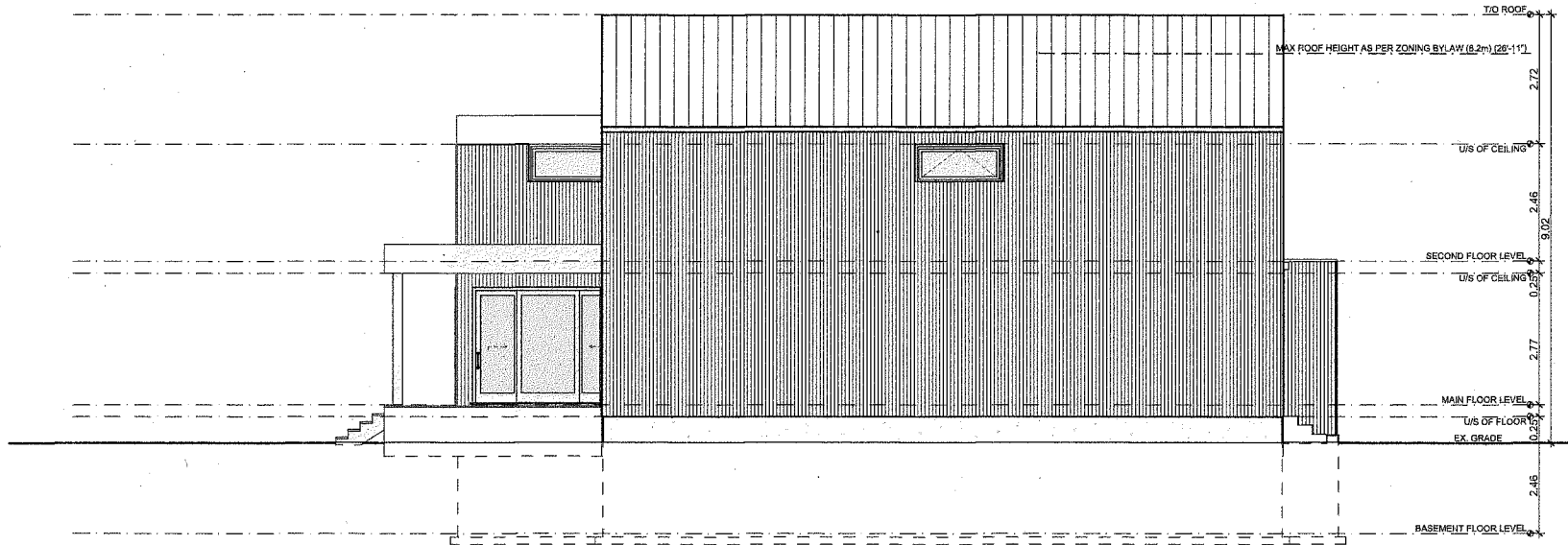
47 BAYVIEW AVE HAMILTON ON L9H 7G9

DRAWING:

**PROPOSED FRONT AND
REAR ELEVATIONS**

PROJECT #	SCALE:	NO.	ISSUE / REVISION	DATE
23-006	AS NOTED	1	Schematic Design	2023.07.28
	DATE:	2	Minor Variance	2023.08.30
		3		
		4		
		5		
		6		
		7		

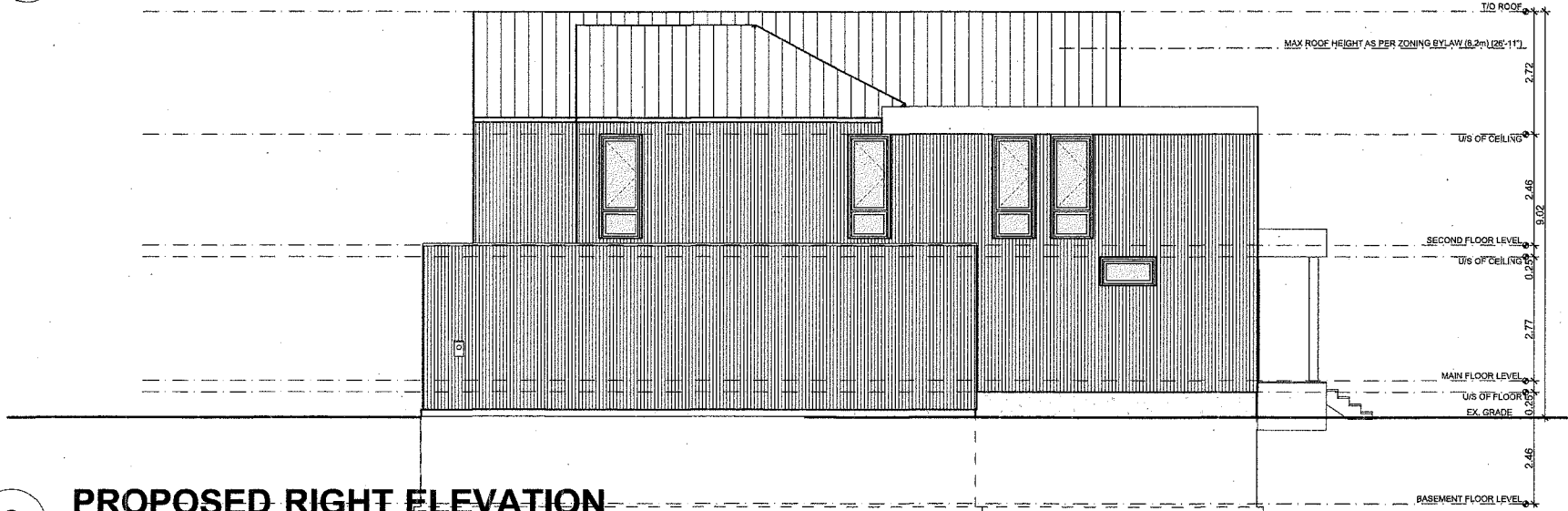
A2.01



1

PROPOSED LEFT ELEVATION

SCALE: 1/8" = 1'-0"



2

PROPOSED RIGHT ELEVATION

SCALE: 1/8" = 1'-0"

PROJECT:
HANCO

PROJECT ADDRESS:
47 BAYVIEW AVE HAMILTON ON L9H 7G9

DRAWING:
**PROPOSED LEFT AND
RIGHT ELEVATION**

PROJECT #	SCALE:	NO.	ISSUE / REVISION	DATE
23-006	AS NOTED	1	Schematic Design	2023.07.28
	DATE:	2	Minor Variance	2023.08.30
		3		
		4		
		5		
		6		
		7		

DRAWING NO:
A2.02

Calculations

① Lot coverage

$$\begin{aligned} \cdot \text{Dwelling incl. garage}^* &= 285.25 \text{ m}^2 \\ \cdot \text{ADU} &= 35.75 \text{ m}^2 \\ \cdot \text{Accessory Structure} &= \underline{13.5 \text{ m}^2} \\ \text{total} &= 334.54 \text{ m}^2 \end{aligned}$$

* does not include decks. (covered or uncovered)

$$\begin{aligned} \text{② } \underline{\text{Lot Area}} &= 1496 \therefore 334.54 \div 1496 = 23\% \\ &\quad \times \text{ increase slightly for discrepancies} \rightarrow \underline{\underline{25\% \text{ of } 1496 = 374 \text{ m}^2}} \end{aligned}$$

③ Accessory Building lot coverage

$$\begin{aligned} \cdot \text{Pool house} &= 13.5 \text{ m}^2 \\ \cdot \text{Decks (covered and uncovered)} &= \underline{103.7 \text{ m}^2} \\ \text{total} &= \underline{117.2 \text{ m}^2} \end{aligned}$$

$$117.2 \div 1496 = 7.8\%$$

$$\text{increase to } 125 \text{ m}^2 = 8.4\%$$



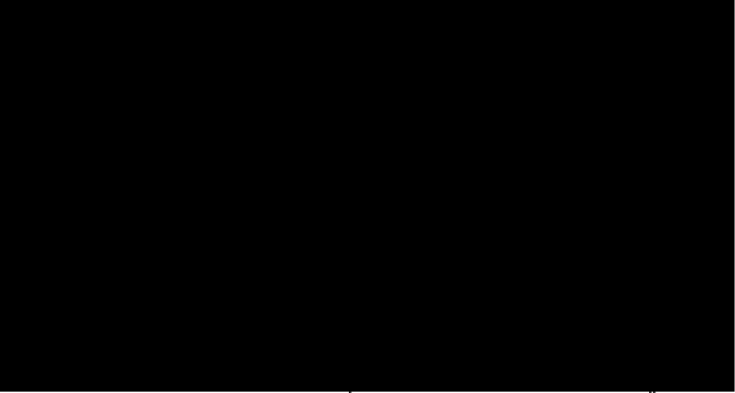
Hamilton

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	
Registered Owners(s)	Carol Hanco	
Applicant(s)	Tim Hanco	
Agent or Solicitor		
		E-mail:

1.2 All correspondence should be sent to ☐ Purchaser ☐ Owner
☐ Applicant ☒ Agent/Solicitor

1.3 Sign should be sent to ☐ Purchaser ☒ Owner
☐ Applicant ☐ Agent/Solicitor

1.4 Request for digital copy of sign ☐ Yes* ☒ No

If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email ☒ Yes* ☐ No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	47 Bayview Ave. Hamilton, ON		
Assessment Roll Number	30333035000		
Former Municipality	Flamborough		
Lot	32	Concession	
Registered Plan Number	777	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:

1. To increase the allowable lot coverage from 15% to 25% 28%
2. To increase the allowable floor space from 372 m² to 450 m²
3. To increase the allowable building height from 8.2m to 9.2 m
4. To increase the allowable accessory building lot coverage from 5% to 9%

☐ Second Dwelling Unit ☒ Reconstruction of Existing Dwelling

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

- the current zoning restrictions limit the house size and they are outdated

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

☐ Yes ☒ No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
30.48	50.29 m	1496 m ²	6.85 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
Dwelling	14.72m	23.72m	3.3m and 3.6m	1975
Accessory Structure	n/a	1.67m	6.9m	1975
Accessory Structure	n/a	1.2m	1.2m	1975

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	10.73m	20.22m	3.14 and 4.89	2024
ADU	n/a	1.2m	1.2m	2024
Accessory Structure	n/a	3.78m	6.34m	2024

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	200 m ²	279 m ²	2	6.4m
Accessory Structure	9.3 m ²	9.3 m ²	1	3.1m
Accessory Structure	7.4 m ²	7.4 m ²	1	3.1m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	285.25 m ²	430 m ²	2	9.14m
ADU	35.75 m ²	75 m ²	2	6 m
Accessory Structure (pool house)	13.5 m ²	13.5 m ²	1	4.6m

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 ☐ 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:

Jan. 13, 2012

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

single family dwelling

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

single family dwelling

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

+/ 40 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) NEIGHBOURHOODS

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

- the proposed dwelling respects the current zoning by-law and is minor in nature

7.6 What is the existing zoning of the subject land? R1-6

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

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):

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
