



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**

**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

<b>APPLICATION NO.:</b>	<b>FL/A-23:277</b>	<b>SUBJECT PROPERTY:</b>	49 JAMESON DR, FLAMBOROUGH
<b>ZONE:</b>	“S1 Exception: 76” (Settlement Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** MARIO & MARY ZITELLA  
                                 **Agent:** VIC PONGETTI

The following variances are requested:

1. To permit a maximum height of 5.25m for the proposed accessory building (Cabana) instead of the required maximum accessory building height of 4.5 metres.

**PURPOSE & EFFECT:**      To facilitate the construction of an accessory building (Cabana).

**Notes:** N/A

**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, November 16, 2023</b>
<b>TIME:</b>	<b>10:00 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:

## FL/A-23:277

- 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**

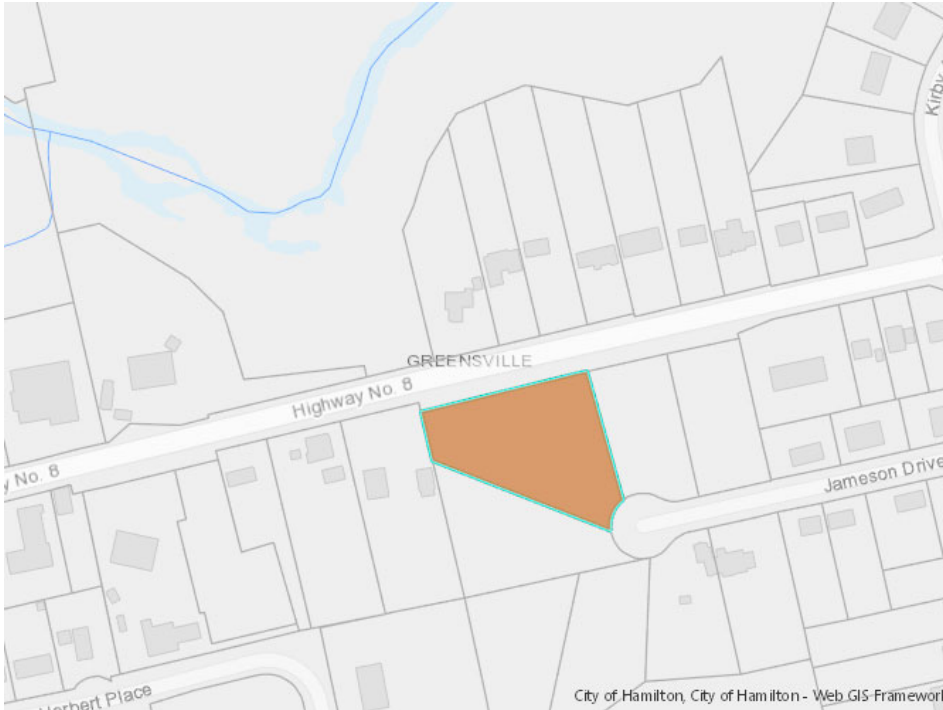
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.


**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 FL/A-23:277, 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: October 31, 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.



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## 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.

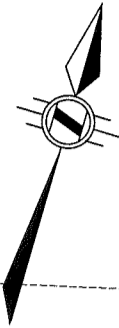
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

**SITE AND GRADING PLAN**  
OF  
**LOT 3**  
**PLAN 62M-1162**  
IN THE  
**CITY OF HAMILTON**

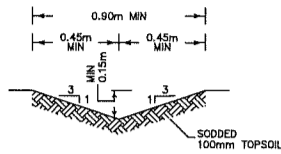
SCALE 1:300 METRIC

6 3 0 6 12 18 metres

S.D. McLAREN, O.L.S. - 2023



**TYPICAL SWALE DETAIL**

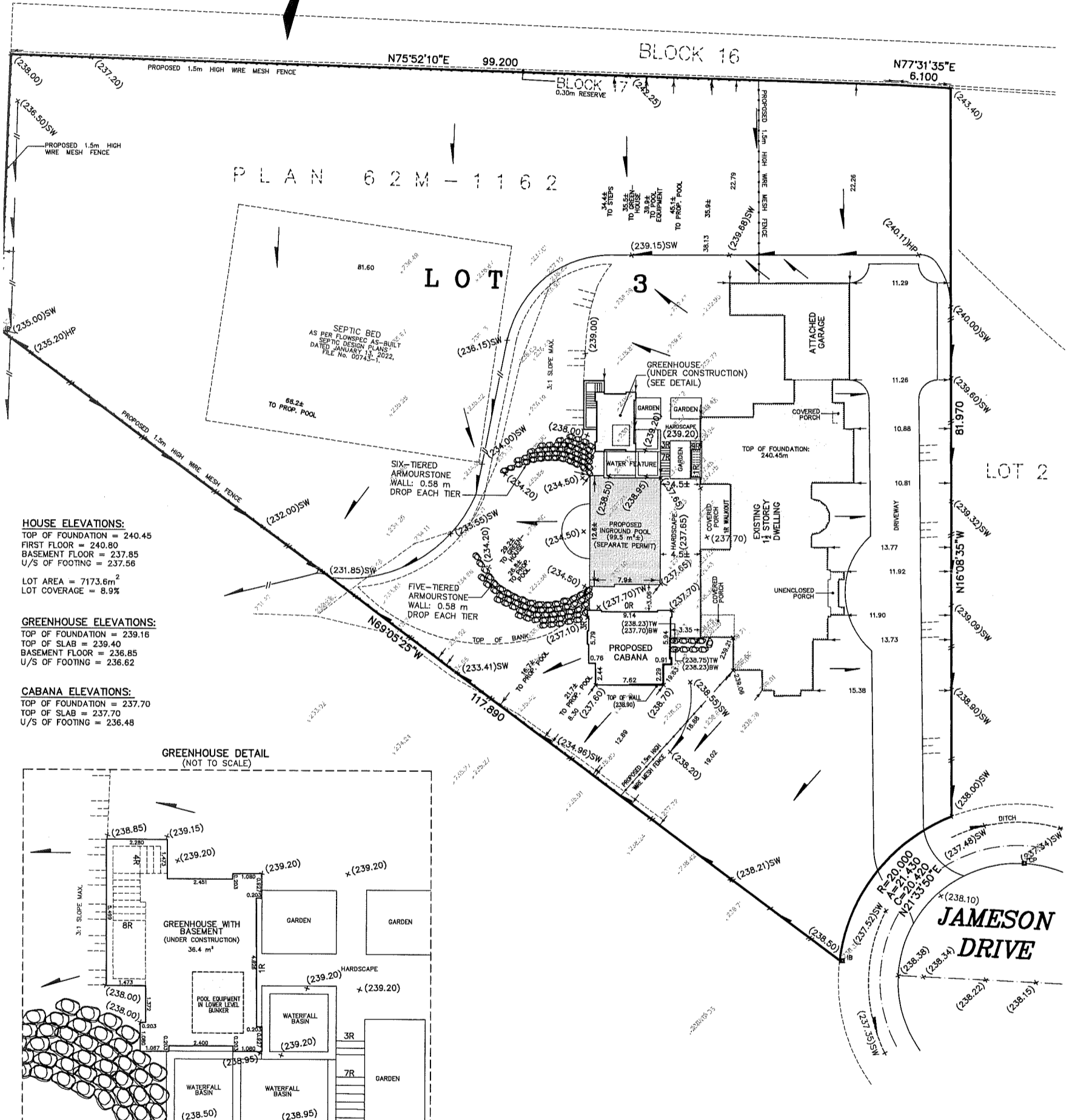


**BENCH MARK:**

No. 75U133

THE NEW HOPE CHRISTIAN CENTER,  
ALONG HWY. 8, 1.8 KM WEST OF  
INTERSECTION WITH BROCK ROAD, IN  
EAST CONCRETE FOUNDATION  
10.88m FROM SOUTHEAST CORNER  
21CM BELOW

BRICKWORK. ELEVATION = 251.924



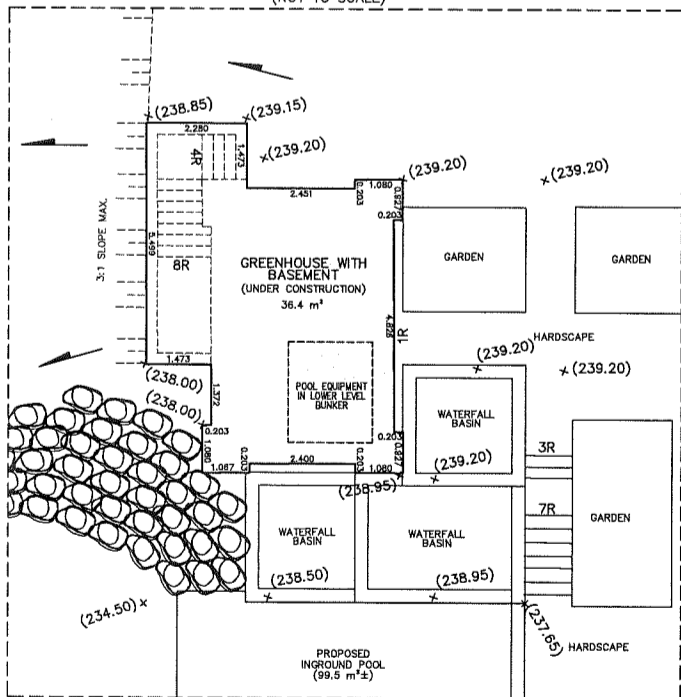
**HOUSE ELEVATIONS:**  
TOP OF FOUNDATION = 240.45  
FIRST FLOOR = 240.80  
BASEMENT FLOOR = 237.85  
U/S OF FOOTING = 237.56

LOT AREA = 7173.6m<sup>2</sup>  
LOT COVERAGE = 8.9%

**GREENHOUSE ELEVATIONS:**  
TOP OF FOUNDATION = 239.16  
TOP OF SLAB = 239.40  
BASEMENT FLOOR = 236.85  
U/S OF FOOTING = 236.62

**CABANA ELEVATIONS:**  
TOP OF FOUNDATION = 237.70  
TOP OF SLAB = 237.70  
U/S OF FOOTING = 236.48

**GREENHOUSE DETAIL**  
(NOT TO SCALE)



**LEGEND:**

- 000.00 DENOTES EXISTING ELEVATION
- (000.00) \* PROPOSED ELEVATION
- DIRECTION OF FLOW
- PROPOSED SWALE
- R RISER
- \* REVISED DIMENSION

**METRIC NOTE**

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

**NOTES:**

RETAINING WALLS ARE TO BE INSTALLED A MINIMUM OF 0.45m FROM THE PROPERTY LINE.

SEPTIC BED LOCATION WAS TAKEN FROM FLOWSPEC ENGINEERING WASTEWATER DESIGN PLANS DATED JANUARY 13, 2022, FILE No. 00743-1.

No.	DESCRIPTION	DATE	BY
4	ADD CABANA TO PLAN	OCTOBER 5, 2023	KB
3	ADD GREENHOUSE TO PLAN	SEPTEMBER 15, 2023	KB
2	GRADING FOR POOL AND GARDEN AREA	APRIL 6, 2023	JP
1	BUILDING HEIGHT CALCULATION ADDED	FEBRUARY 24, 2022	KB
	INITIAL DRAWING	NOVEMBER 25, 2021	KB

**REVISIONS**

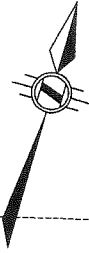


**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS  
69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

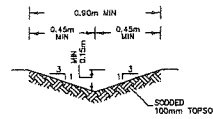
DATE: S. D. McLAREN, P.Eng Drawn JP Checked KB Scale 1:300 Dwg.No. 33339-35

**SITE AND GRADING PLAN**  
 OF  
**LOT 3 & 4**  
**PLAN 62M-1162**  
 IN THE  
**CITY OF HAMILTON**  
 SCALE 1:300 METRIC

S.D. McLAREN, O.L.S. - 2023

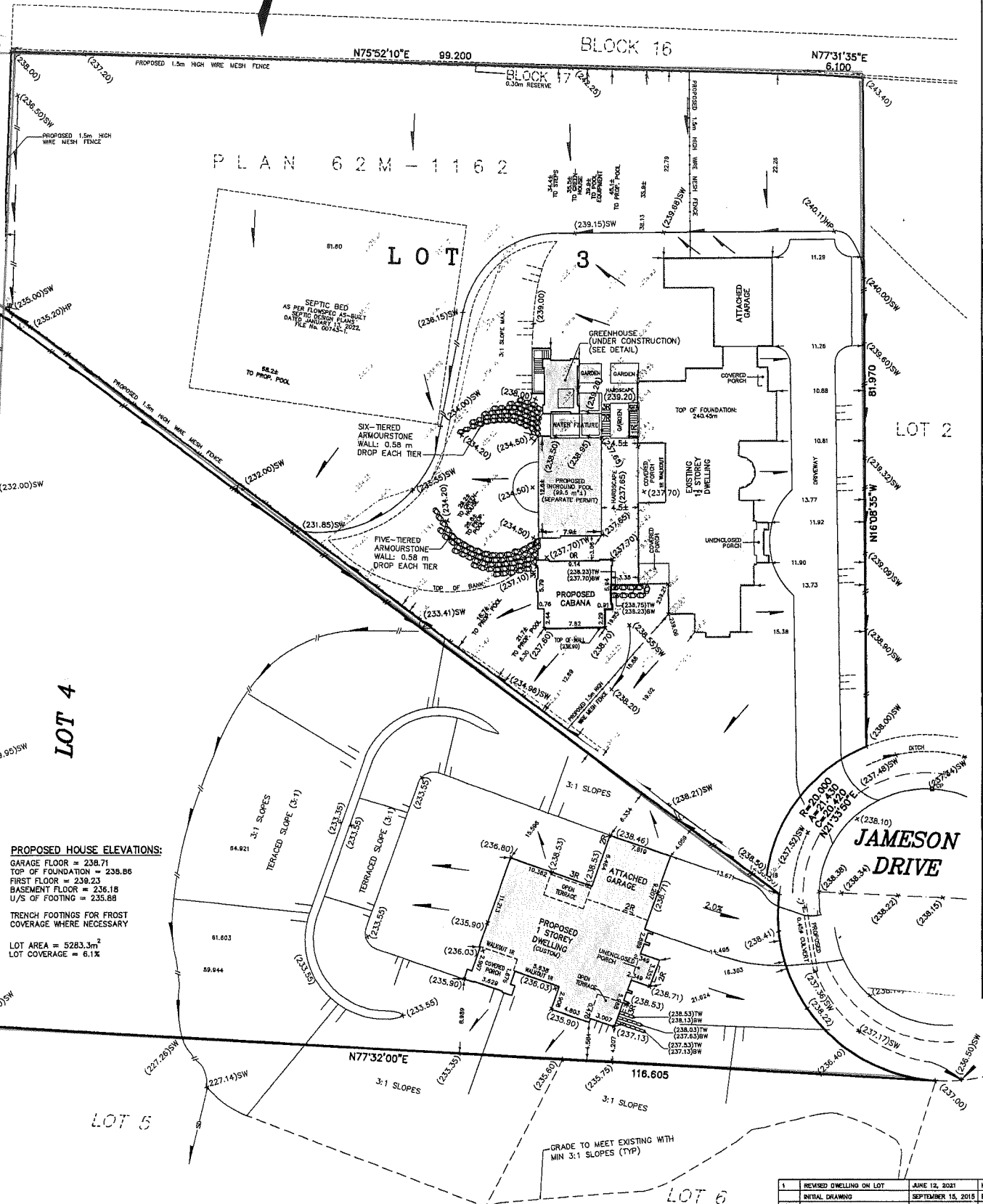


**TYPICAL SWALE DETAIL**



**BENCH MARK:**  
 No. 75U133

THE NEW HOPE CHRISTIAN CENTER,  
 ALONG HWY. 8, 1.8 KM WEST OF  
 INTERSECTION WITH ROCK ROAD, IN  
 EAST CONCRETE FOUNDATION  
 10.88m FROM SOUTHEAST CORNER  
 21CM BELOW  
 BRICKWORK. ELEVATION = 251.924



**PROPOSED HOUSE ELEVATIONS:**  
 GARAGE FLOOR = 238.71  
 TOP OF FOUNDATION = 238.86  
 FIRST FLOOR = 238.23  
 BASEMENT FLOOR = 236.18  
 U/S OF FOOTING = 235.88  
 TRENCH FOOTINGS FOR FROST  
 COVERAGE WHERE NECESSARY  
 LOT AREA = 5283.3m<sup>2</sup>  
 LOT COVERAGE = 6.1%

**NOTES:**  
 U/S FOOTINGS TO BE MINIMUM OF  
 1.2m BELOW FINISHED GRADE

No.	DESCRIPTION	DATE	BY
1	REVISED DWELLING ON LOT	JUNE 12, 2021	KB
	INITIAL DRAWING	SEPTEMBER 15, 2015	BY

**REVISIONS**

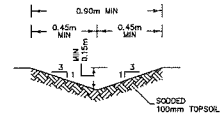
**LEGEND:**  
 000.00 DENOTES EXISTING ELEVATION  
 (000.00) \* DENOTES PROPOSED ELEVATION  
 METRIC NOTE

**SITE AND GRADING PLAN**  
OF  
**LOT 3**  
**PLAN 62M-1162**  
IN THE  
**CITY OF HAMILTON**  
SCALE 1:300 METRIC

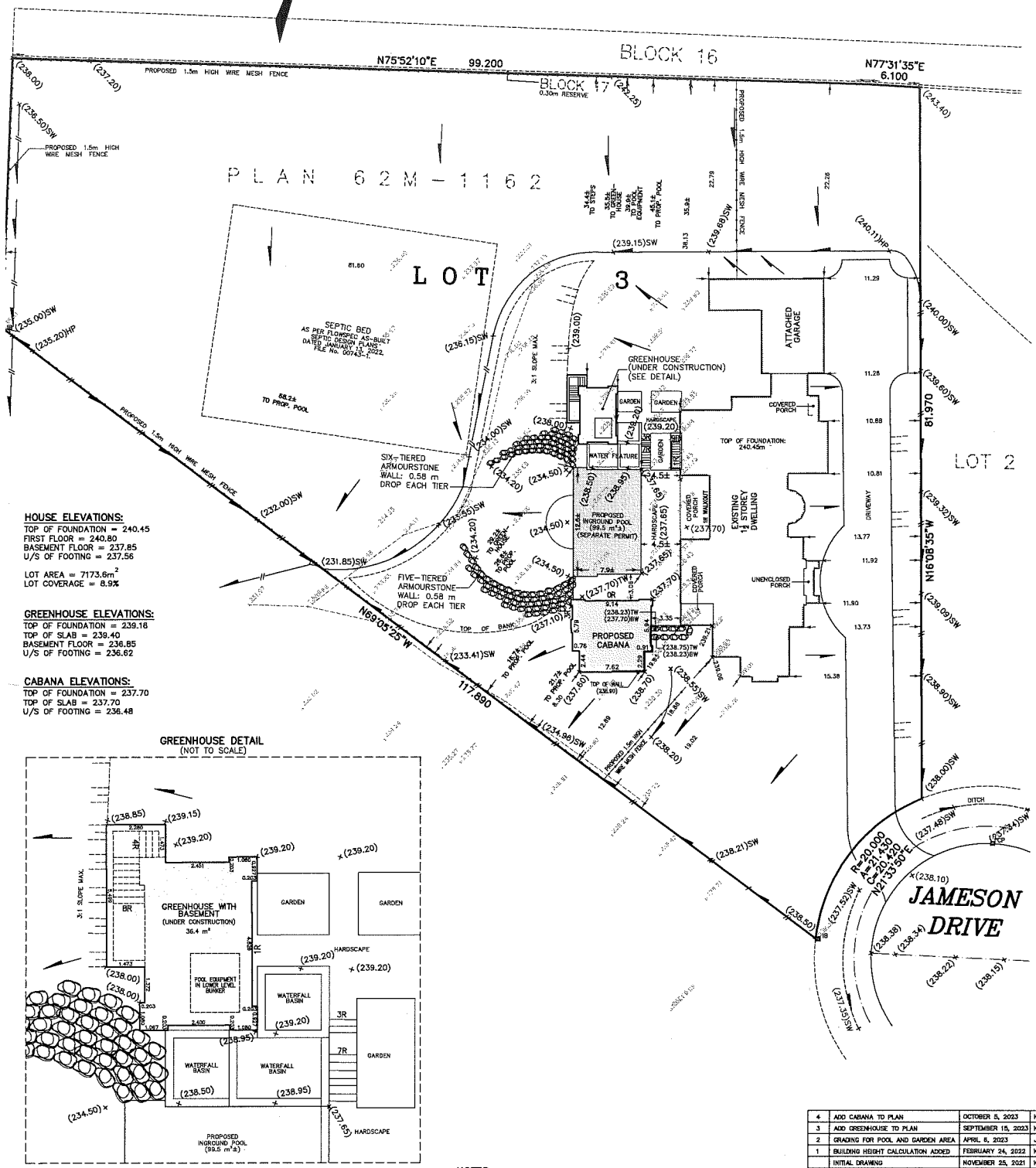


S.D. McLAREN, O.L.S. - 2023

**TYPICAL SWALE DETAIL**



**BENCH MARK:**  
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21CM BELOW  
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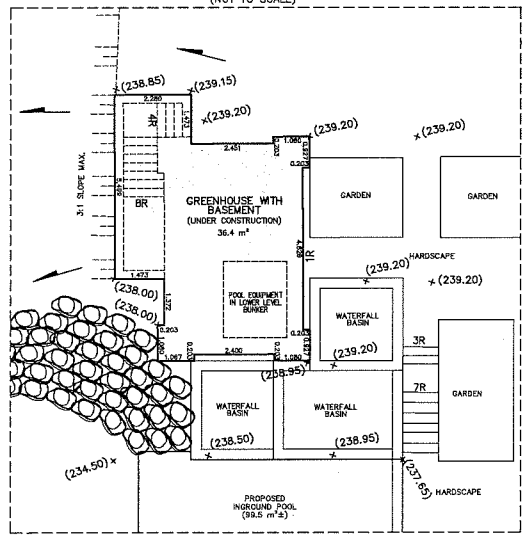


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U/S OF FOOTING = 237.56  
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**CABANA ELEVATIONS:**  
TOP OF FOUNDATION = 237.70  
TOP OF SLAB = 237.70  
U/S OF FOOTING = 236.48

**GREENHOUSE DETAIL (NOT TO SCALE)**



**LEGEND:**  
000.00 DENOTES EXISTING ELEVATION  
(000.00) PROPOSED ELEVATION  
- - - DIRECTION OF FLOW  
- - - PROPOSED SWALE  
R RISER  
\* REVERSED DIMENSION

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**REVISIONS**



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PHONE (905) 527-8539 FAX (905) 527-0032

DATE	S. D. McLAREN, P.Eng	Drawn: JP	Checked: KB	Scale: 1:300	Dwg No.: 33339-23
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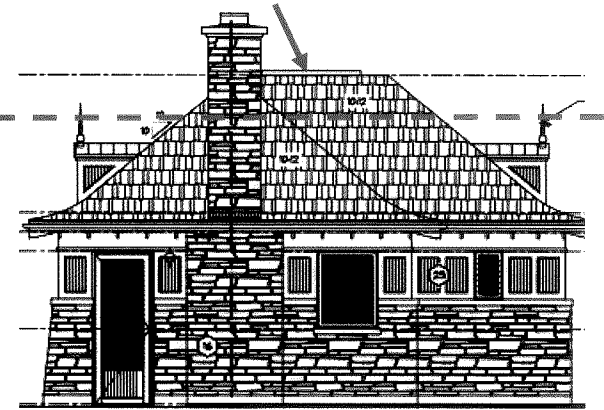
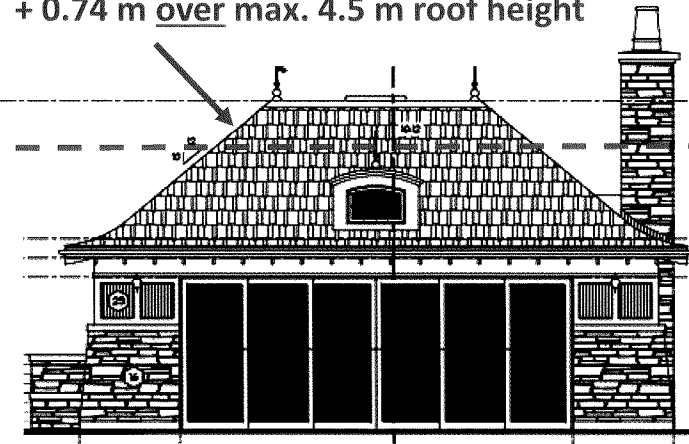
49 JAMESON DRIVE, GREENSVILLE

PROPOSED ACCESSORY BUILDING - POOL CABANA

+ 0.74 m over max. 4.5 m roof height

+ 0.74 m over max. 4.5 m roof height

MAX ROOF HEIGHT 4.5 M



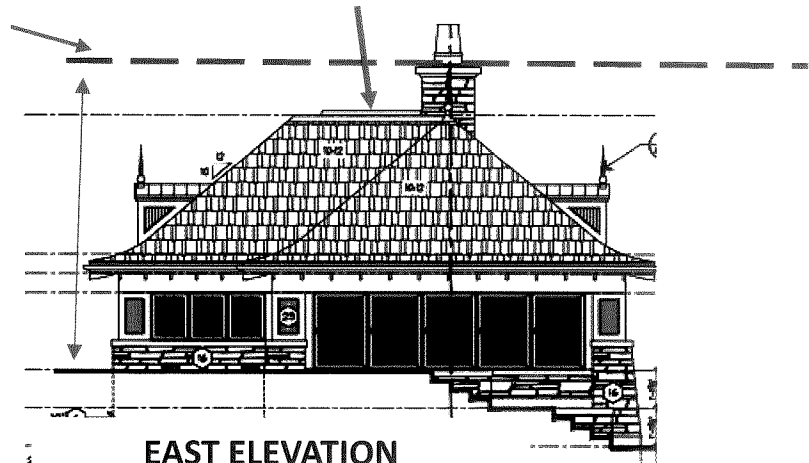
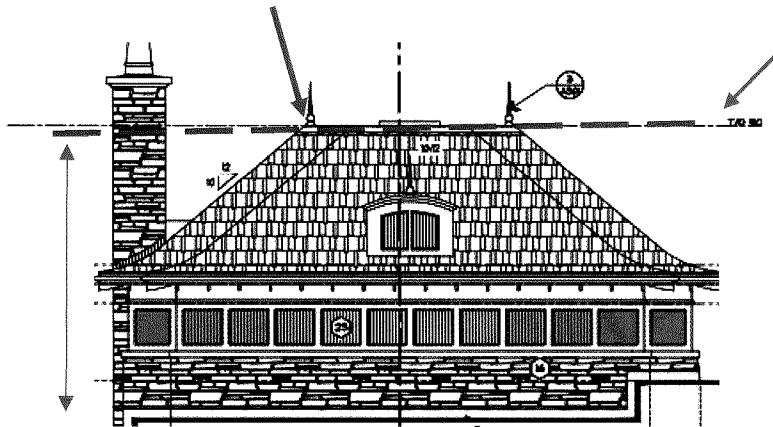
NORTH ELEVATION

WEST ELEVATION

- 0.10 m under max. 4.5 m roof height

MAX ROOF HEIGHT 4.5 M

-0.54 m under max. 4.5 m roof height



SOUTH ELEVATION

EAST ELEVATION



## ADDENDUM

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

1. Reducing the proposed building roof height by 0.74 m will defeat the architectural design of complimenting the new surrounding houses. The proposed building flat roof area would increase resulting in a terrible design.
2. The roof height along the south and east elevation of the proposed building complies with the Bylaw having roof heights less than 4.5 m -some grades +/- 0.50 m under the maximum height.
3. The nearest neighboring property, 55 Jameson Drive, that can see the proposed building is 8.50 m away from property line. Also, the roof height facing 55 Jameson complies with the Bylaw.



Hamilton

Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
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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		
Registered Owners(s)	MARIO ZITELLA MARY ZITELLA		
Applicant(s)	VIC PONGETTI		
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  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	49 JAMESON DR. GREENSVILLE		
Assessment Roll Number			
Former Municipality			
Lot	PART OF LOT 7	Concession	1
Registered Plan Number	02M-1162	Lot(s)	3
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:

PROPOSED ACCESSORY BUILDING ROOF HEIGHT IS 0.74 m  
OVER MAXIMUM PERMITTED HEIGHT OF 4.5 m  
FOR ACCESSORY BUILDINGS.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

SEE ADDENDUM

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
30.21 m	99.93 m	9173 SM	

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
1 1/2 STOREY	20.0 m	78.0 m	22.79 , 18.88	2021 - UNDER CONST.
ACCESSORY BLDG	53.0 m	65.0 m	34.40 , 29.0	2023 - UNDER CONST.

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
ACCESSORY BLDG	31.5	73.0	8.30 , 60.0	

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
1 1/2 STOREY	386.11 SM	460.53 SM	1 1/2	FRT. 7.75 m BCK 11.58 m
ACCESSORY BLDG	26.0	26.0	1	ABOVE GRADE 150 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
ACCESSORY BUILDING	72.7 SM	72.7 SM	1	FRT. 5.24 m BCK LESS THAN 4.5 m

- 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)

5000 GAL CISTERN - POTABLE

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

- ditches
- other means (specify)

5000 GAL CISTERN - IRRIGATION

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) WASTE WATER TREATMENT SYSTEM

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:  
FEBRUARY 24, 2021

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
VACANT LOT IN NEW SUBDIVISION, THE GREYSTONES REGISTERED PLAN G2M-1162 SEPT. 6 2021

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:  
SINCE REGISTRATION

7.5 What is the existing official plan designation of the subject land?  
Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: REG'D PLAN G2M-1162

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? S1

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: \_\_\_\_\_

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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: \_\_\_\_\_

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: \_\_\_\_\_

8.2 Number of Dwelling Units Proposed: \_\_\_\_\_

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

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