



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>HM/A-23:141</b>	<b>SUBJECT PROPERTY:</b>	382 UPPER SHERMAN AVENUE, HAMILTON
<b>ZONE:</b>	"R1" (Low Density Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** ALI MASOUDI & VY THUY HO  
                               **Agent:** ONTARIO DRAFTING SERVICES C/O KRISTEN SACHS

The following variances are requested:

1. A northerly side yard setback of 0.4m shall be provided instead of the minimum required side yard setback of 1.2m.
2. A rear yard setback of 0.4m shall be provided instead of the minimum required rear yard setback of 7.5m.

**PURPOSE & EFFECT:**      So as to permit the construction of a new addition in the rear yard of the existing single detached dwelling.

**Notes:**

- i. The proposed construction is intended between the existing dwelling and the detached garage in the rear yard. As a result of the proposed building, the existing detached garage and the principal dwelling are effectively forming one whole building. As such, all structures are now considered part of the principal building and are now subject to the principal building requirements of a Single Detached Dwelling.
- ii. Details respecting the parking spaces on-site have not been provided. The applicant should be advised that a Single Detached Dwelling requires a minimum of two (2) parking spaces to be provided and maintained on-site in accordance with Section 5 of Hamilton Zoning By-law 05-200.
- iii. Please be advised that eaves and gutters are permitted to project into a required yard setback not more than 0.6m or half the distance of the required yard, whichever is the lesser. Insufficient information has been provided to confirm zoning compliance.

**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>10:40 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-23:141, 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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## COMMITTEE OF ADJUSTMENT

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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.

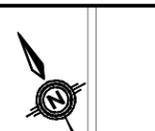
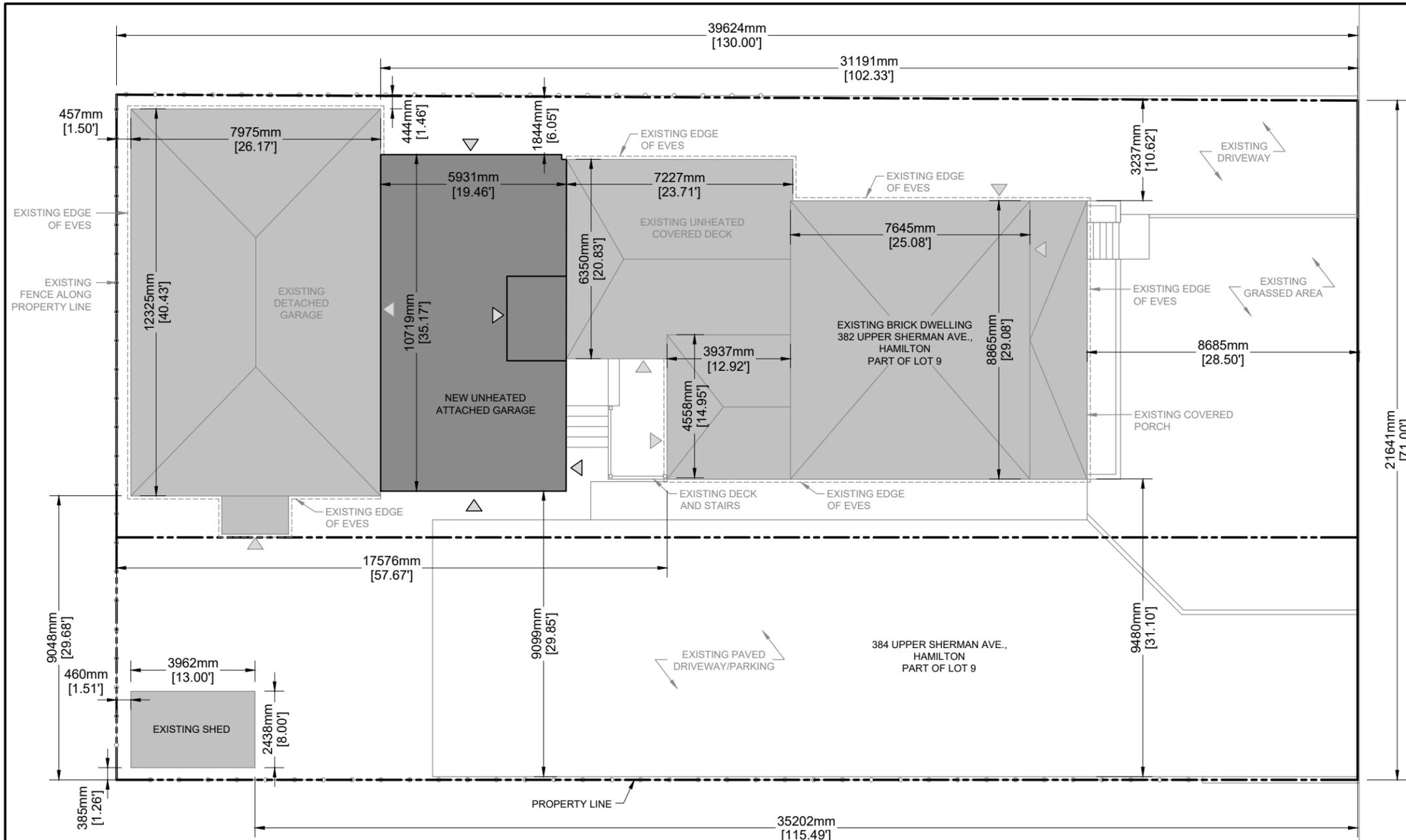
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 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.



#	DATE	REVISION

UPPER SHERMAN AVE

384 UPPER SHERMAN AVE.,  
HAMILTON  
PART OF LOT 9

I, KRISTEN SACHS, HAVE REVIEWED AND TAKE RESPONSIBILITY FOR THE DESIGN WORK AND ACTIVITIES HEREIN THIS DOCUMENT.

*Kristen Sachs* 121545  
SIGNATURE B.C.I.N.

**Ontario**  
Drafting  
Services

109 CEDAR VALLEYVIEW RD  
HANOVER - ONTARIO - N4N3B8  
519-400-9698  
ONTARIODRAFTINGSERVICES.COM

**382 UPPER SHERMAN AVE.  
HAMILTON, ONTARIO**

**SITE PLAN**

DATE <b>MAY 2023</b>	DRAWING No. <b>A001</b>
SCALE <b>1:150</b>	DWG. <b>1</b> OF <b>8</b>

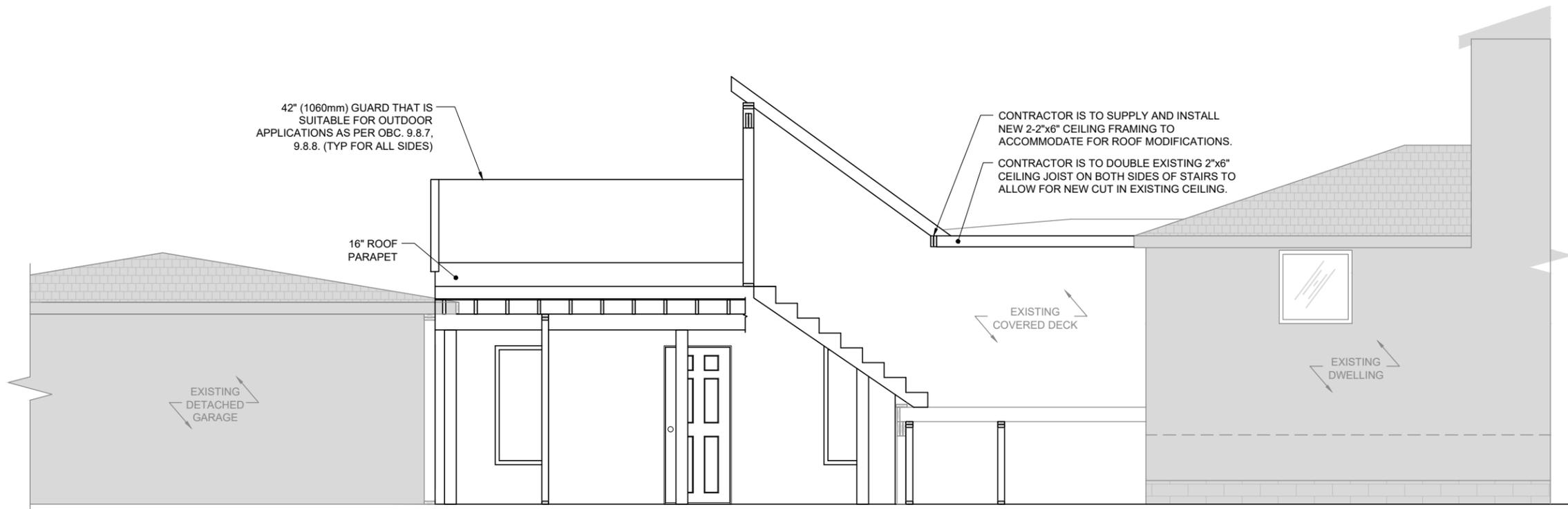
**LOT ZONING CLASS - R1**

ZONING STATISTICS	REQUIRED MAX.	ACTUAL
LOT AREA 382 UPPER SHERMAN AVE.		558.9m <sup>2</sup> (6017ft <sup>2</sup> )
LOT AREA 384 UPPER SHERMAN AVE.		305.9m <sup>2</sup> (3293ft <sup>2</sup> )
LOT COVERAGE - EXISTING DWELLING (FRONT)		155.5m <sup>2</sup> (1674ft <sup>2</sup> )
LOT COVERAGE - EXISTING DETACHED GARAGE (REAR)		100.8m <sup>2</sup> (1085ft <sup>2</sup> )
LOT COVERAGE - EXISTING SHED		9.66m <sup>2</sup> (104ft <sup>2</sup> )
LOT COVERAGE - PROPOSED ATTACHED GARAGE		63.4m <sup>2</sup> (683ft <sup>2</sup> )
LOT COVERAGE - TOTAL ACCESSORY BUILDING	45m <sup>2</sup> - 7.5%	173.86m <sup>2</sup> - 20%
MINIMUM SETBACK TO FRONT LOT LINE	3.0m (32.29ft <sup>2</sup> )	8.63m (28.33')
MINIMUM SETBACK TO SIDE LOT LINE	1.2m (3.94')	1.87m (6.16')
MINIMUM SETBACK TO REAR LOT LINE	7.5m (24.6')	8.43m (27.66')
MAX BUILDING HEIGHT	4.5m (14.76')	5.48m (18')

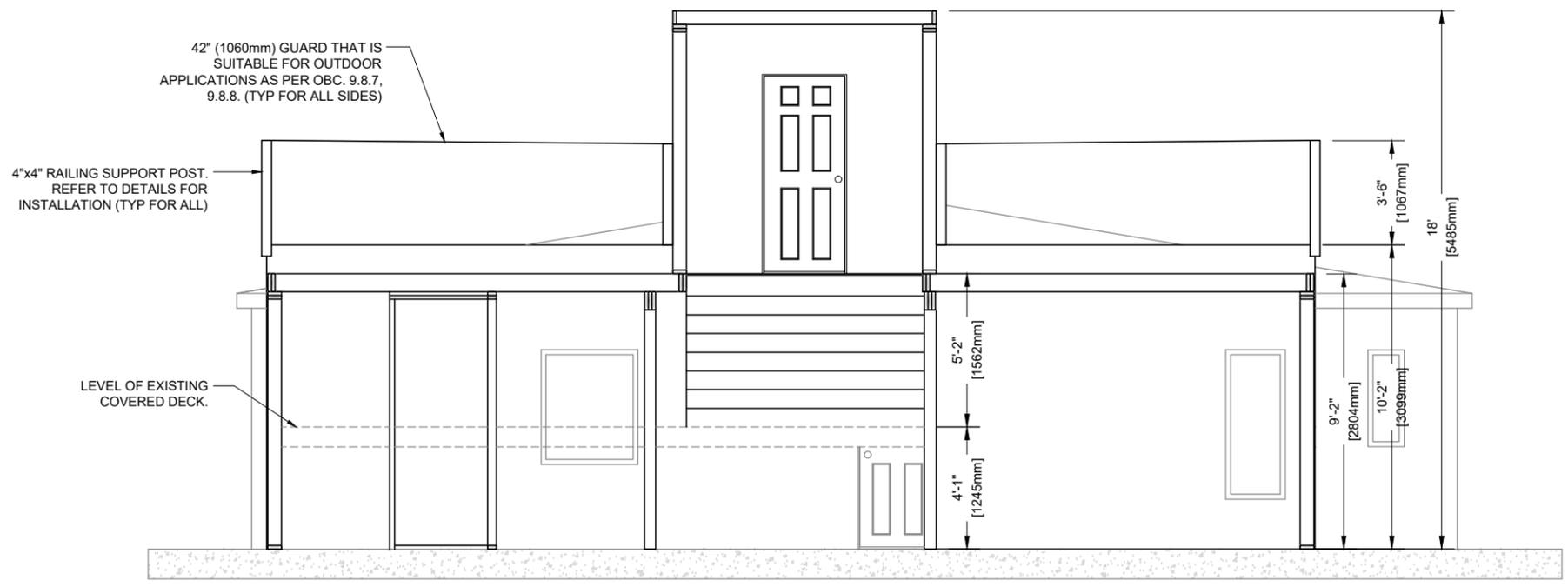
**LEGEND**

	NEW ENTRANCE
	EXISTING ENTRANCE

#	DATE	REVISION



**SECTION 1**  
SCALE = 3/16" = 1'-0"



**SECTION 2**  
SCALE = 3/16" = 1'-0"

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*Kristen Sachs* 121545  
SIGNATURE B.C.I.N.

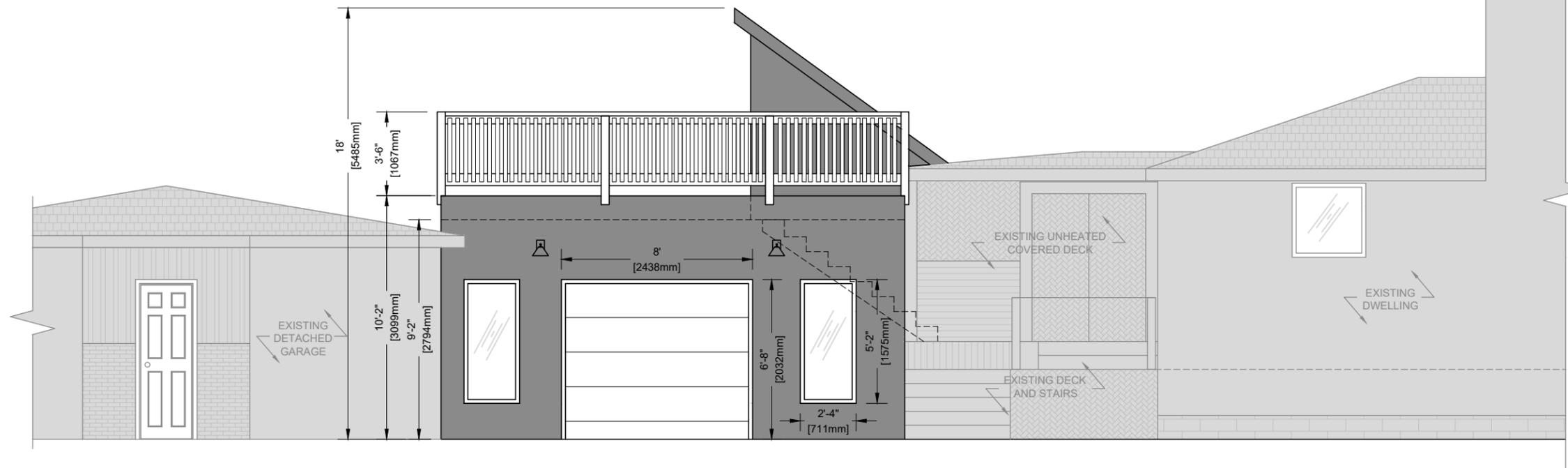
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519-400-9698  
ONTARIODRAFTINGSERVICES.COM

**382 UPPER SHERMAN AVE.  
HAMILTON, ONTARIO**

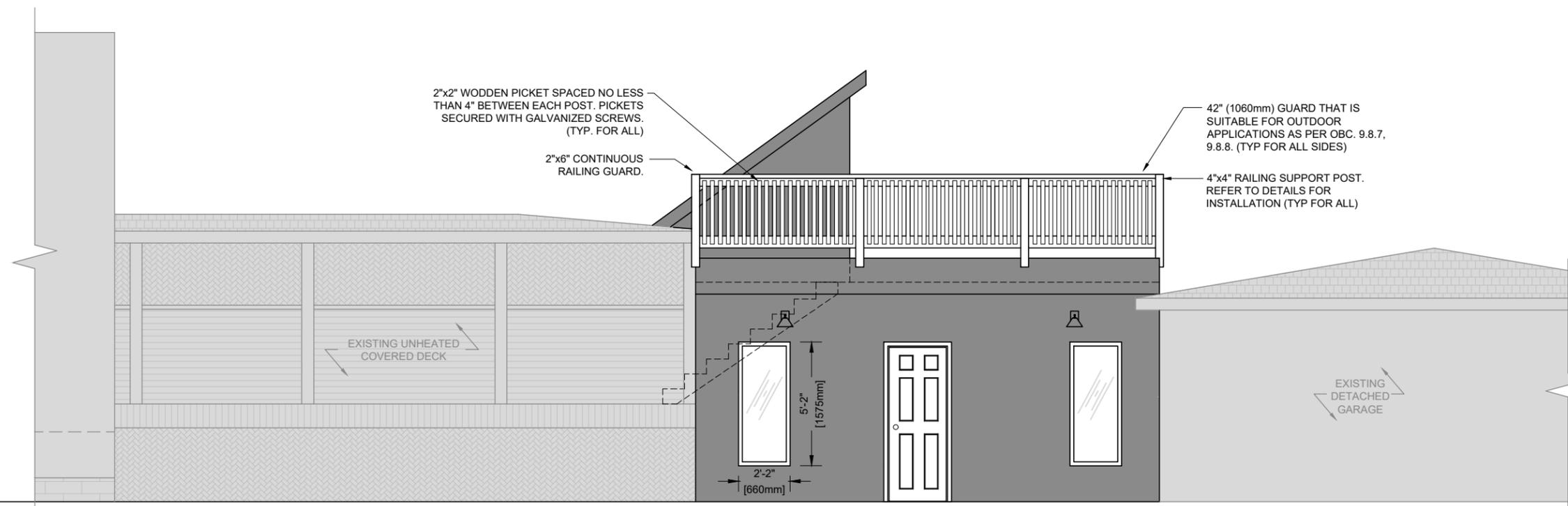
**GARAGE SECTIONS**

DATE NOVEMBER 2022	DRAWING No. A005
SCALE 3/16" = 1'-0"	DWG. 5 OF 8

#	DATE	REVISION



**1** ELEVATION 1  
SCALE = 3/16" = 1'-0"



**2** ELEVATION 2  
SCALE = 3/16" = 1'-0"

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*Kristen Sachs* 121545  
SIGNATURE B.C.I.N.

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519-400-9698  
ONTARIODRAFTINGSERVICES.COM

**382 UPPER SHERMAN AVE.  
HAMILTON, ONTARIO**

**GARAGE ELEVATIONS**

DATE NOVEMBER 2022	DRAWING No. A006
SCALE 3/16" = 1'-0"	DWG. 6 OF 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	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)		
Agent or Solicitor		

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

[REDACTED]

1.5 All correspondence may be sent by email  Yes\*  No

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

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	382-384 Upper Sherman Ave.		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	Part of lot 9	Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

### 3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

Attached Garage building lot coverage, height of building

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Building is in-construction

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
21.64m	39.62m	864.8msq	4 lanes

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 Dwelling	8685mm	17576mm	3237mm/9480mm	01/09/1945
Detached Garage	31191mm	457mm	444mm/9048mm	01/06/1965
Existing Shed	35202mm	460mm	385mm	01/06/1965

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Attached Garage	N/A	N/A	1844mm/9099mm	05/01/2022

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 Dwelling	155.5msq	155.5msq	2	6405mm
Detached Garage	100.8msq	n/a	1	3657mm
Existing Shed	9.66msq	n/a	1	3048mm

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Attached Garage	63.4msq	n/a	1	5.48m

- 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.):  
Attached Garage (unheated)

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:

Feb 14, 2018

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:

Since initial construction

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) Mixed Use - Medium Density

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

Residential - R1 - No change

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

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: R1

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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: 1

8.2 Number of Dwelling Units Proposed: 0

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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