



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.:	HM/A-23:301	SUBJECT PROPERTY:	22 Arkell St, Hamilton
ZONE:	“C/S-1361” (Urban Protected Residential and Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owner: Xinsheng Zhong
 Applicant: Ella Lin

The following variances are requested:

1. A maximum building height for a Secondary Dwelling Unit - Detached of 6.6 meters shall be permitted whereas the by-law requires a maximum building height of 6.0 meters.
2. A balcony shall be permitted on the second floor of the Secondary Dwelling Unit – Detached whereas the by-law prohibits a balcony above the first floor.
3. A maximum gross floor area of 168.5 square metres shall be permitted for the Secondary Dwelling Unit – Detached whereas the by-law permits a maximum gross floor area 75 square metres.
4. A maximum ground floor area of the Secondary Dwelling Unit – Detached shall be 93.5 sq. m. (92.5%) whereas the by-law required a ground floor not exceed 70% of the ground floor area of the principal dwelling.
5. A gross floor area ratio of 0.48 shall be permitted whereas the by-law requires the gross floor area ratio not exceed 0.45.
6. An access driveway shall be a minimum of 2.6 meters wide whereas the by-law requires the access driveway to be a minimum of 2.8 meters wide.

PURPOSE & EFFECT: To permit a second storey addition onto a existing accessory building in the rear yard and to establish a Secondary Dwelling Unit – Detached within the proposed addition.

Notes:

1. Please be advised a landscaped strip shall be provide within the 1.2-meter side yard adjacent to the Secondary Dwelling Unit.

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, December 7, 2023
TIME:	9:35 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-23:301, 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: November 21, 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.



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

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

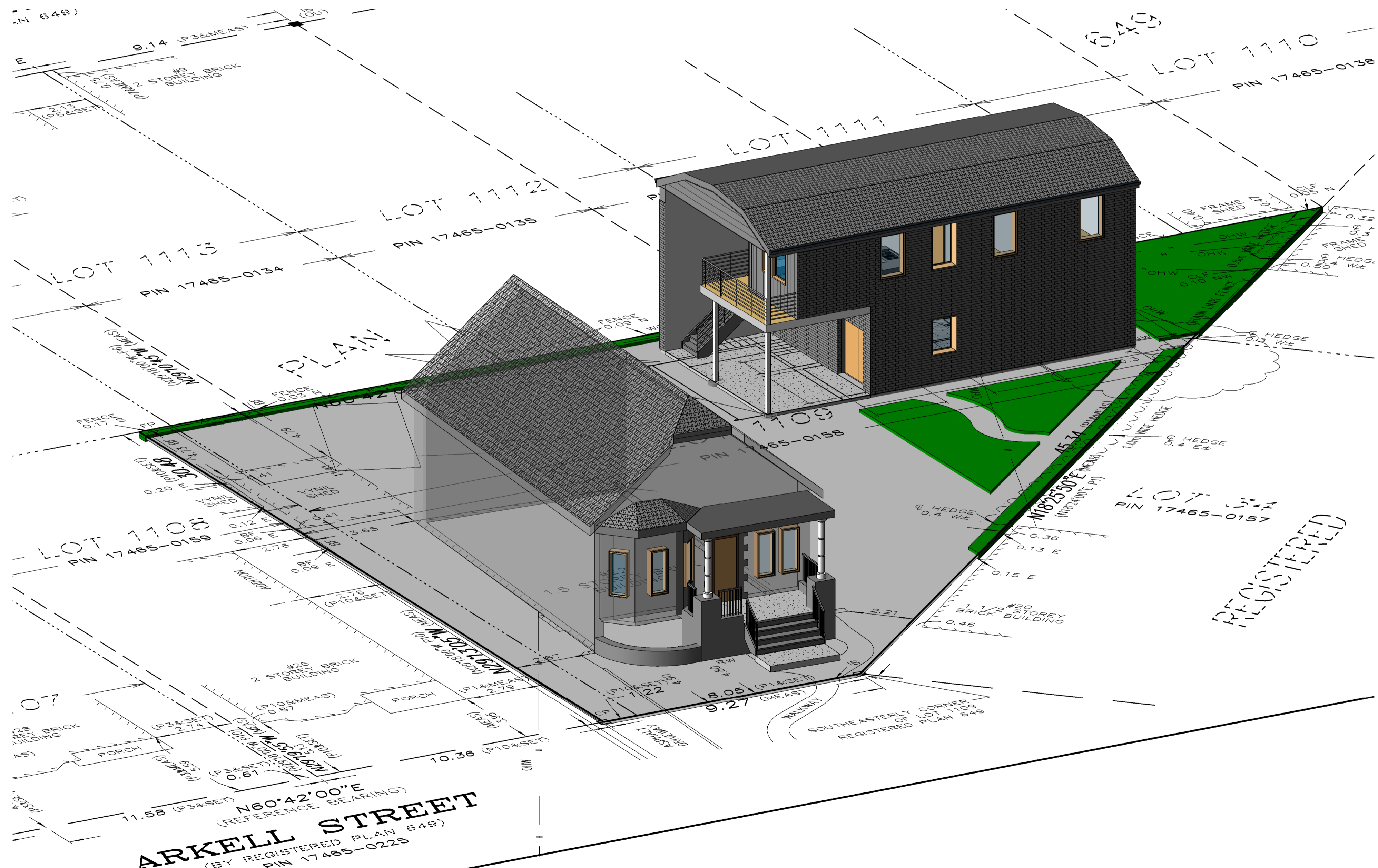
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

SHEET LIST			
Sheet Number	Sheet Name	Current Revision	Current Revision Date

A0.1	COVER SHEET		
A0.2	EXISTING SITE PLAN		
A0.3	PROPOSED SITE PLAN		
A1.1	GROUND FLOOR DEMOLISH PLAN		
A2.1	PROPOSED GROUND FLOOR PLAN		
A2.2	PROPOSED SECOND FLOOR PLAN		
A2.3	PROPOSED ROOF PLAN		
A2.5	CANOPY PLAN AND ELEVATIONS		
A3.1	PROPOSED ELEVATIONS		
A3.2	PROPOSED ELEVATIONS		
A4.1	SECTION		



1 3D ISOMETRIC

Design
Permit
Construction
HVAC

GLC BUILDING SOLUTIONS

GLCBUILDINGSOLUTIONS@GMAIL.COM

Consultant Address Address Phone Fax e-mail	Consultant Address Address Phone Phone Fax e-mail
Consultant Address Address Phone Fax e-mail	Consultant Address Address Phone Phone Fax e-mail

No.	Description	Date
1	ISSUED FOR ZONING COMPLIANCE	20230712

22 ARKELL STREET
HAMILTON

COVER SHEET

Project number 23-06

Date 20230712

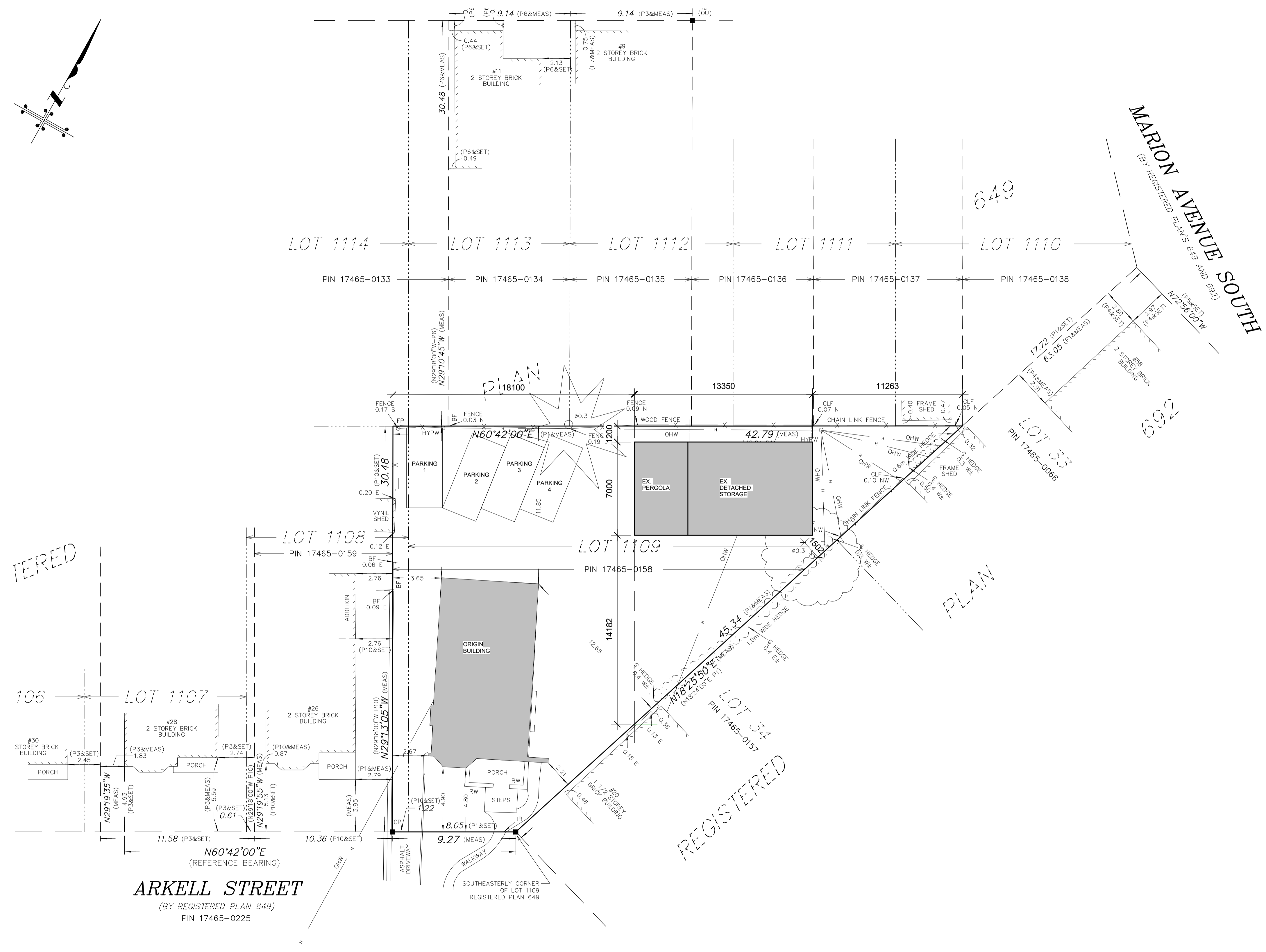
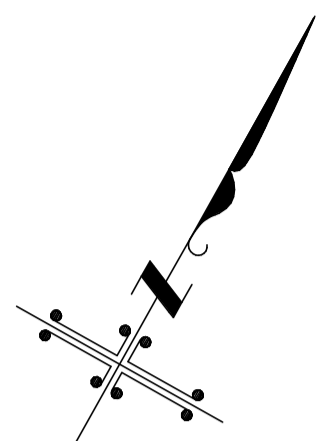
Drawn by Author

Checked by Checker

A0.1

Scale

2023-10-10 11:49:02 PM



1 EXISTING SITE PLAN
1 : 150

Design
Permit
Construction
HVAC



GLC BUILDING SOLUTIONS

GLCBUILDINGSOLUTIONS@GMAIL.COM

Consultant
Address
Address
Phone
Phone
Fax
Fax
e-mail
e-mail

No. Description Date
1 ISSUED FOR ZONING COMPLIANCE 20230712

22 ARKELL STREET
HAMILTON

EXISTING SITE PLAN

Project number 23-06

Date 20230712

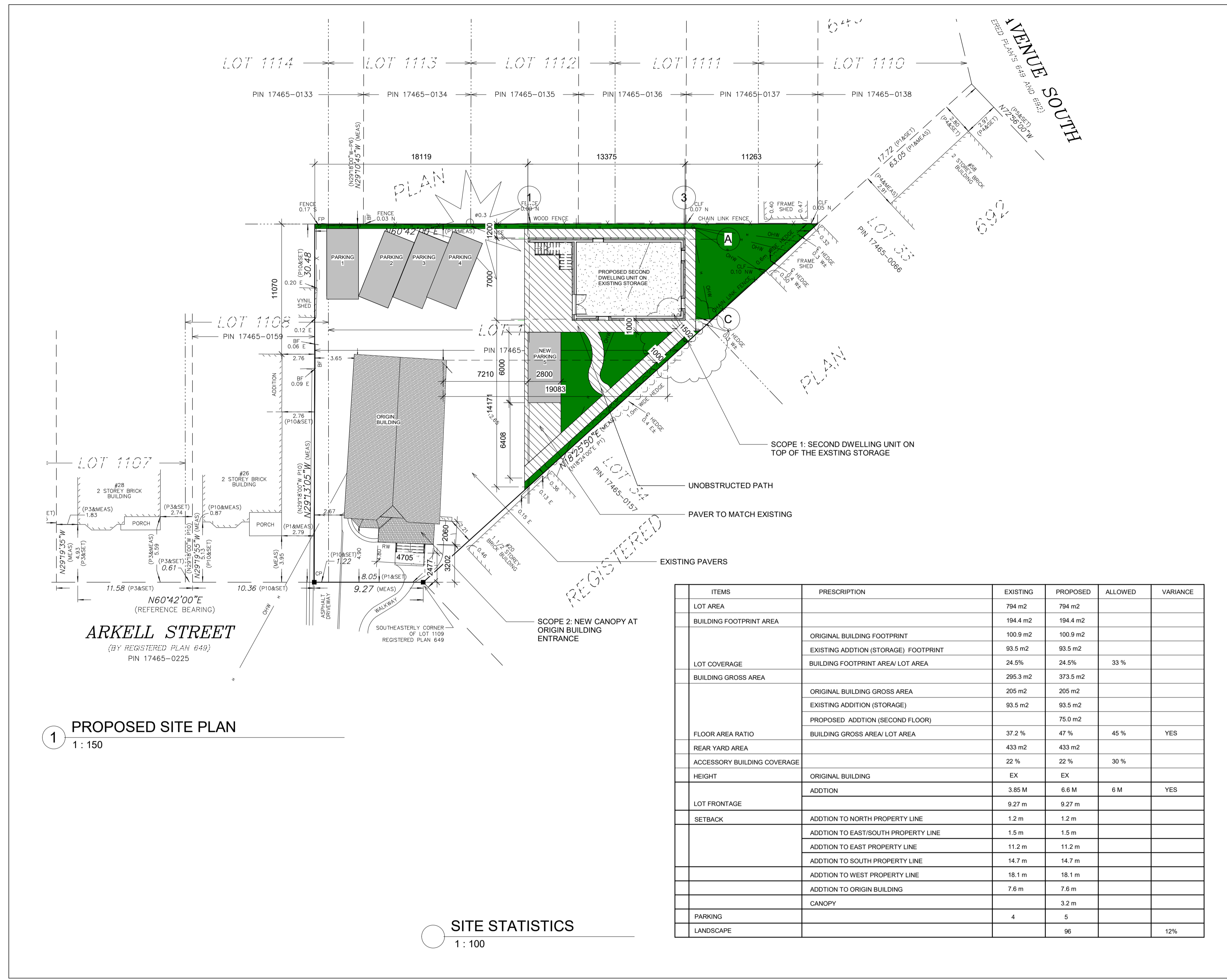
Drawn by EL

Checked by FF

A0.2

Scale 1 : 150

2023-10-10 11:49:03 PM



1 PROPOSED SITE PLAN
1 : 150

SITE STATISTICS
1 : 100

ITEMS	PRESCRIPTION	EXISTING	PROPOSED	ALLOWED	VARIANCE
LOT AREA		794 m ²	794 m ²		
BUILDING FOOTPRINT AREA		194.4 m ²	194.4 m ²		
LOT COVERAGE	ORIGINAL BUILDING FOOTPRINT	100.9 m ²	100.9 m ²		
	EXISTING ADDITION (STORAGE) FOOTPRINT	93.5 m ²	93.5 m ²		
BUILDING GROSS AREA	BUILDING FOOTPRINT AREA/ LOT AREA	24.5%	24.5%	33%	
FLOOR AREA RATIO	BUILDING GROSS AREA	295.3 m ²	373.5 m ²		
	ORIGINAL BUILDING GROSS AREA	205 m ²	205 m ²		
	EXISTING ADDITION (STORAGE)	93.5 m ²	93.5 m ²		
REAR YARD AREA	PROPOSED ADDITION (SECOND FLOOR)	75.0 m ²			
ACCESSORY BUILDING COVERAGE	BUILDING GROSS AREA/ LOT AREA	37.2 %	47 %	45 %	YES
HEIGHT	ORIGINAL BUILDING	433 m ²	433 m ²		
	ADDITION	22 %	22 %	30 %	
LOT FRONTAGE		EX	EX		
SETBACK		3.85 M	6.6 M	6 M	YES
	ADDITION TO NORTH PROPERTY LINE	9.27 m	9.27 m		
	ADDITION TO EAST/SOUTH PROPERTY LINE	1.2 m	1.2 m		
	ADDITION TO EAST PROPERTY LINE	1.5 m	1.5 m		
	ADDITION TO SOUTH PROPERTY LINE	11.2 m	11.2 m		
	ADDITION TO WEST PROPERTY LINE	14.7 m	14.7 m		
LANDSCAPE	ADDITION TO WEST PROPERTY LINE	18.1 m	18.1 m		
	ADDITION TO ORIGIN BUILDING	7.6 m	7.6 m		
PARKING	CANOPY		3.2 m		
		4	5		
LANDSCAPE			96		12%

Design
Drawn
Construction
etc.

GLCBUILDINGSOLUTIONS

GLCBUILDINGSOLUTIONS@GMAIL.COM

Consultant Address Phone Fax e-mail	Consultant Address Phone Fax e-mail
---	---

No.	Description	Date
1	ISSUED FOR ZONING COMPLIANCE	20230712

**22 ARKELL STREET
HAMILTON**

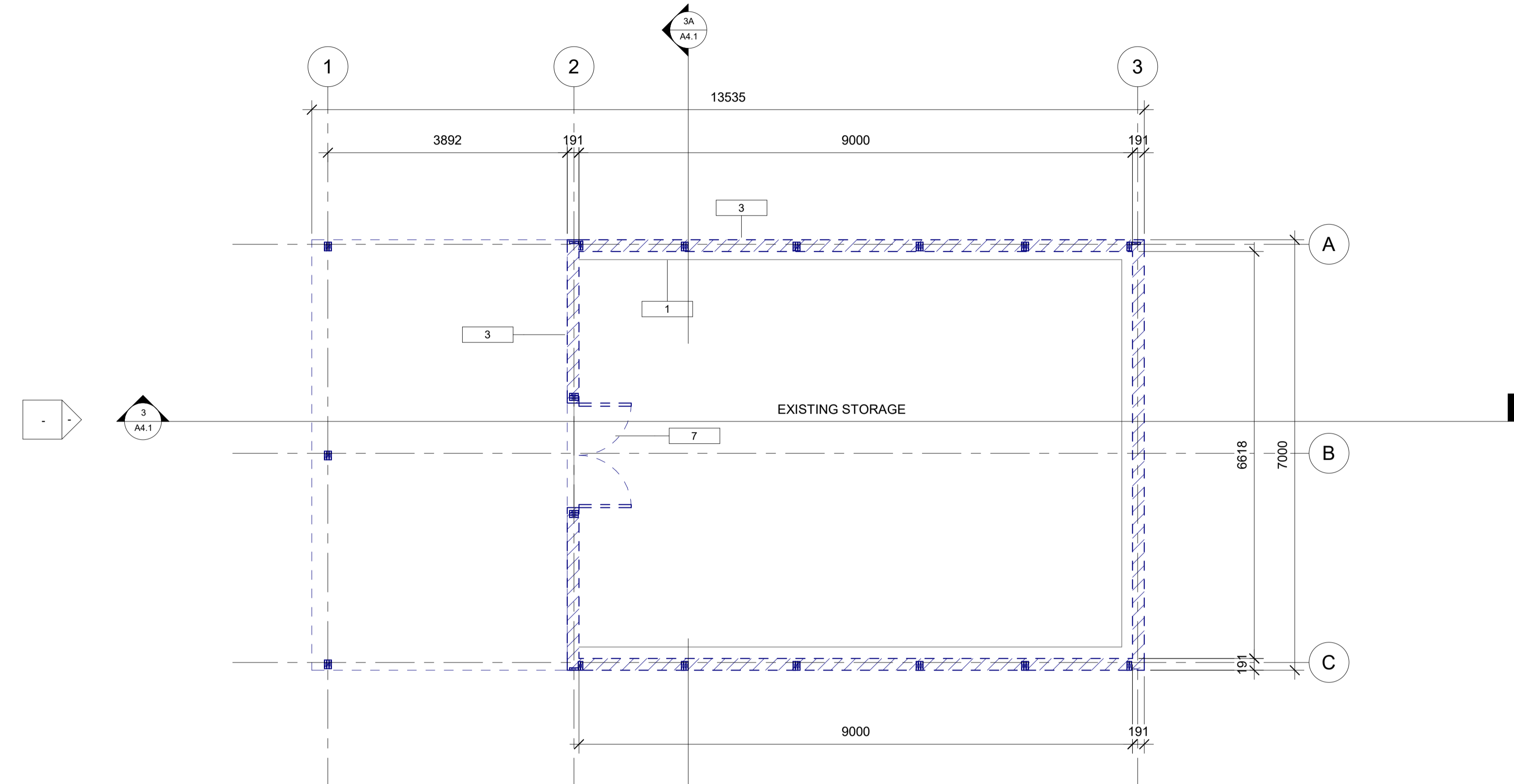
PROPOSED SITE PLAN

Project number	23-06
Date	20230712
Drawn by	EL
Checked by	FF

A0.3

Scale As indicated

2023-10-10 11:40:03 PM



DEMOLITION LEGEND	
Key Value	Keynote Text
1	SAWCUT EXISTING CONCRETE SLAB FOR FOUNDATION WALL AND FOOTING
3	REMOVE EXISING WALL ASSEMBLIES, INTEL AND POSTS
4	REMOVE EXISING ROOF TRUSS
5	REMOVE EXISTING ROOF AND ASSEMBLIES AND ACCESSORIES
7	RELOCATE EXISTING DOOR
8	EXISTING CONCRETE PIER TO REMAIN

Design
Permit
Construction
HVAC

GLC BUILDING SOLUTIONS

GLCBUILDINGSOLUTIONS@GMAIL.COM

Consultant Address Address Phone Fax e-mail	Consultant Address Address Phone Fax e-mail
Consultant Address Address Phone Fax e-mail	Consultant Address Address Phone Fax e-mail

No.	Description	Date
1	ISSUED FOR ZONING COMPLIANCE	20230712

EXISTING GROUND
1 FLOOR
1 : 50

22 ARKELL STREET
HAMILTON

GROUND FLOOR
DEMOLISH PLAN

Project number 23-06
Date 20230712
Drawn by Author
Checked by Checker

A1.1

Scale 1 : 50

2023-10-10 11:49:03 PM

Design
Permit
Construction
HVAC



GLC BUILDING SOLUTIONS



GLCBUILDINGSOLUTIONS@GMAIL.COM

Consultant
Address
Address
Phone
Phone
Fax
Fax
e-mail
e-mail

Consultant
Address
Address
Phone
Phone
Fax
Fax
e-mail
e-mail

No.	Description	Date
1	ISSUED FOR ZONING COMPLIANCE	20230712

22 ARKELL STREET
HAMILTON

PROPOSED GROUND
FLOOR PLAN

Project number 23-06

Date 20230712

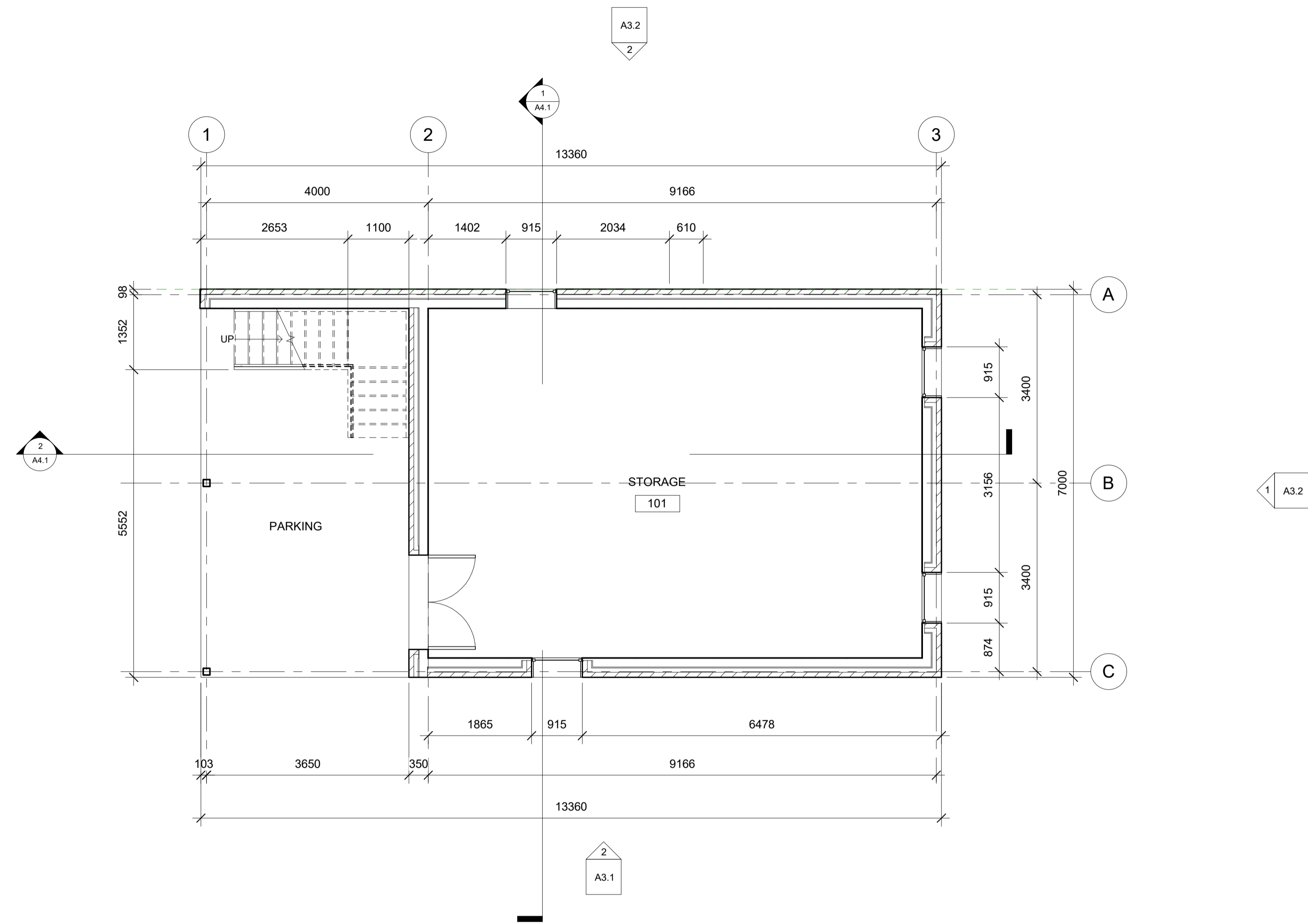
Drawn by Author

Checked by Checker


A2.1

Scale 1 : 50

1 PROPOSED GROUND
FLOOR
1 : 50



Design
Permit
Construction
HVAC



GLCBUILDINGSOLUTIONS@GMAIL.COM

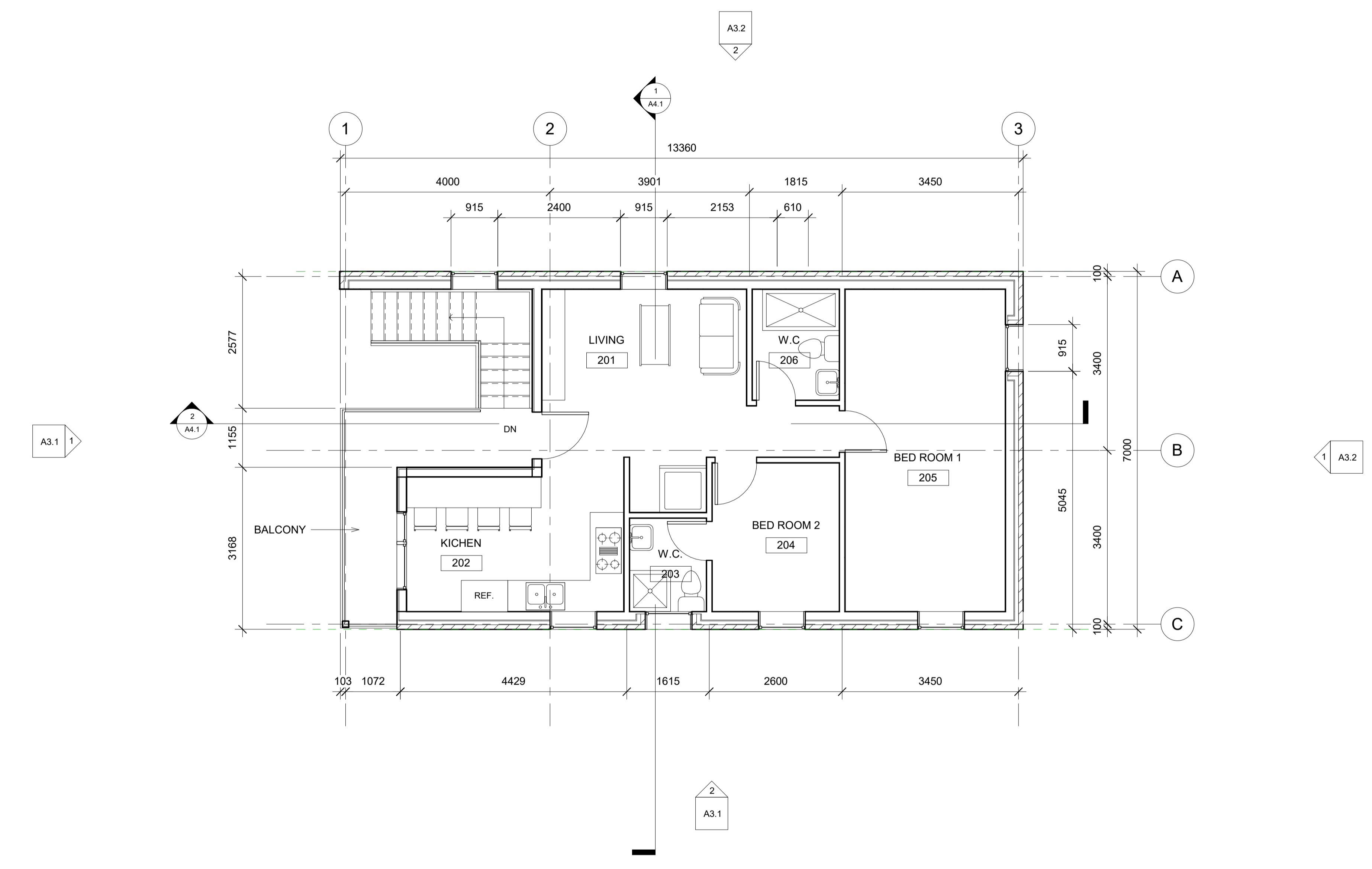
Consultant Address Address Phone Fax e-mail	Consultant Address Address Phone Fax e-mail
Consultant Address Address Phone Fax e-mail	Consultant Address Address Phone Fax e-mail

No.	Description	Date
1	ISSUED FOR ZONING COMPLIANCE	20230712

22 ARKELL STREET
HAMILTON

PROPOSED SECOND
FLOOR PLAN

Project number	23-06
Date	20230712
Drawn by	Author
Checked by	Checker
A2.2	
Scale	1 : 50



1 PROPOSED SECOND FLOOR
1 : 50

Design
Permit
Construction
HVAC



GLC BUILDING SOLUTIONS



GLCBUILDINGSOLUTIONS@GMAIL.COM

Consultant
Address
Address
Phone
Phone
Fax
Fax
e-mail
e-mail

Consultant
Address
Address
Phone
Phone
Fax
Fax
e-mail
e-mail

Consultant
Address
Address
Phone
Phone
Fax
Fax
e-mail
e-mail

Consultant
Address
Address
Phone
Phone
Fax
Fax
e-mail
e-mail

No.	Description	Date
1	ISSUED FOR ZONING COMPLIANCE	20230712

22 ARKELL STREET
HAMILTON

PROPOSED ROOF PLAN

Project number 23-06

Date 20230712

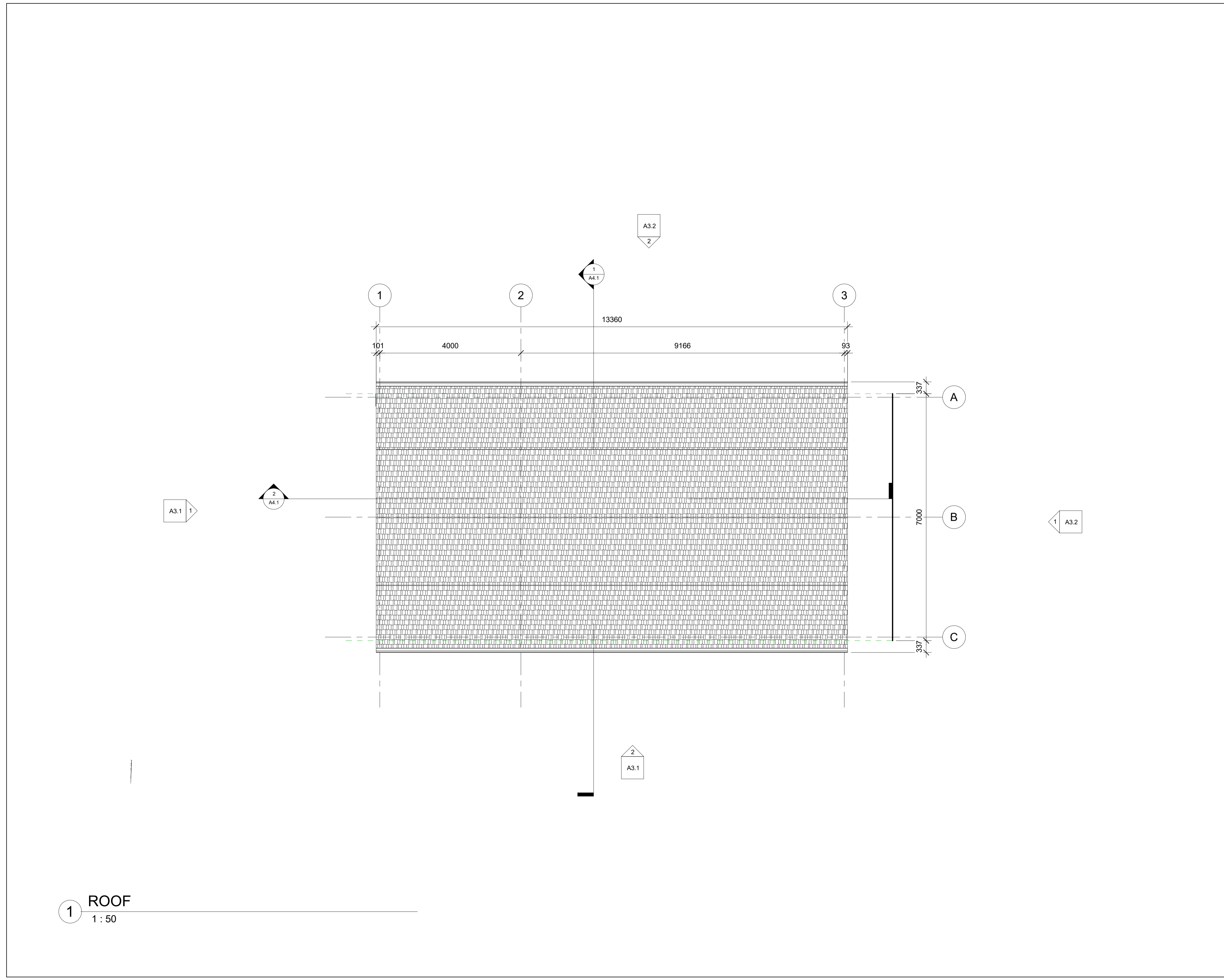
Drawn by Author

Checked by Checker

A2.3

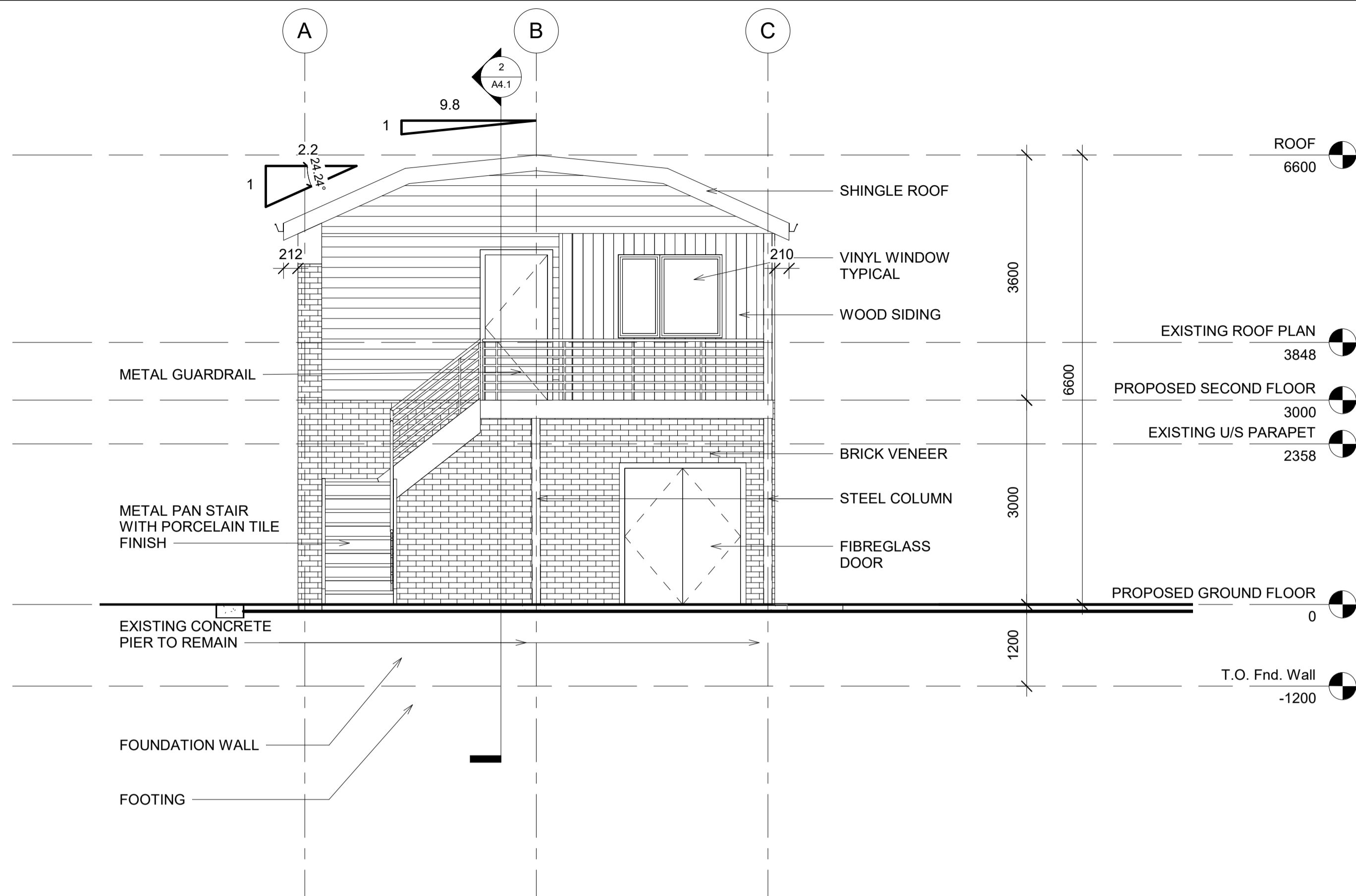
Scale 1 : 50

2023-10-10 11:49:04 PM

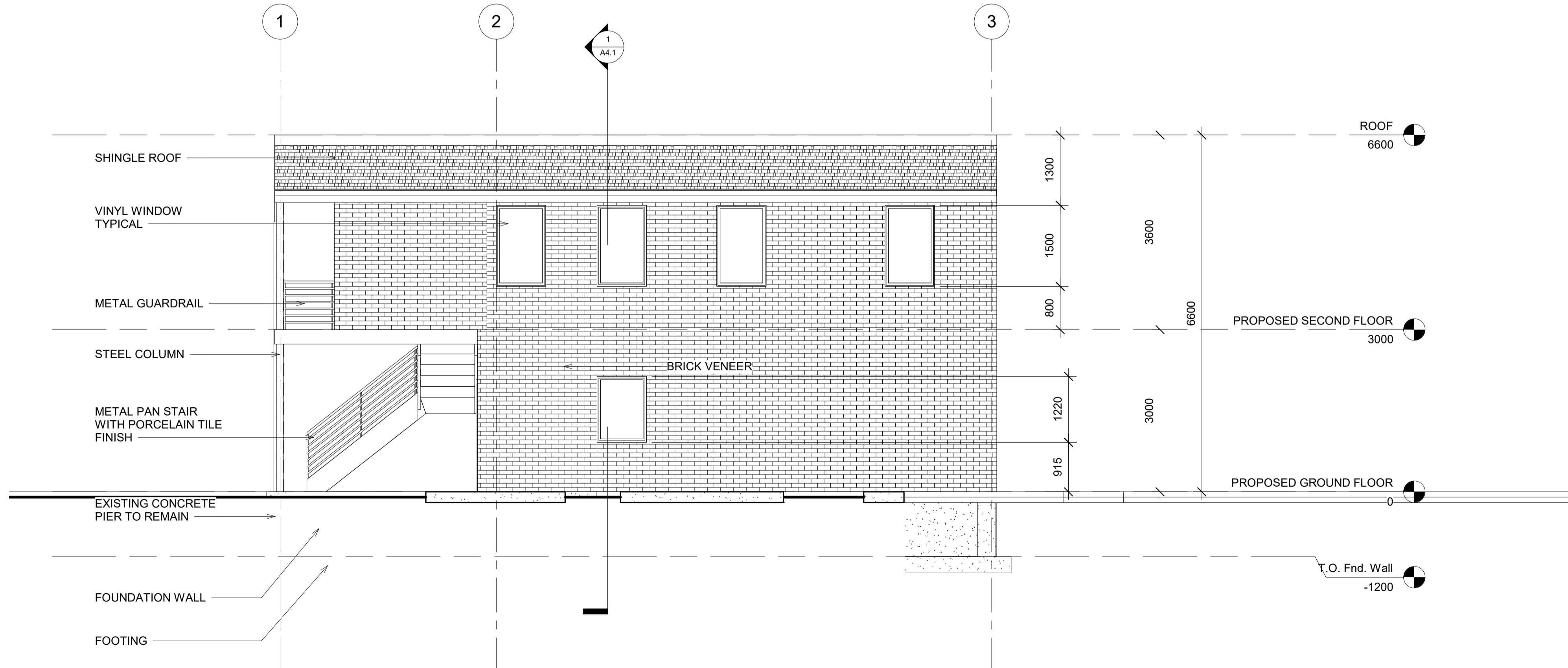


1 ROOF
1 : 50

1 WEST
1 : 50



2 SOUTH
1 : 50



Design
Permit
Construction
HVAC

GLC BUILDING SOLUTIONS

GLCBUILDINGSOLUTIONS@GMAIL.COM

Consultant Address	Consultant Address
Phone	Phone
Fax	Fax
e-mail	e-mail

No.	Description	Date
1	ISSUED FOR ZONING COMPLIANCE	20230712

22 ARKELL STREET
HAMILTON

PROPOSED ELEVATIONS

Project number 23-06

Date 20230712

Drawn by Author

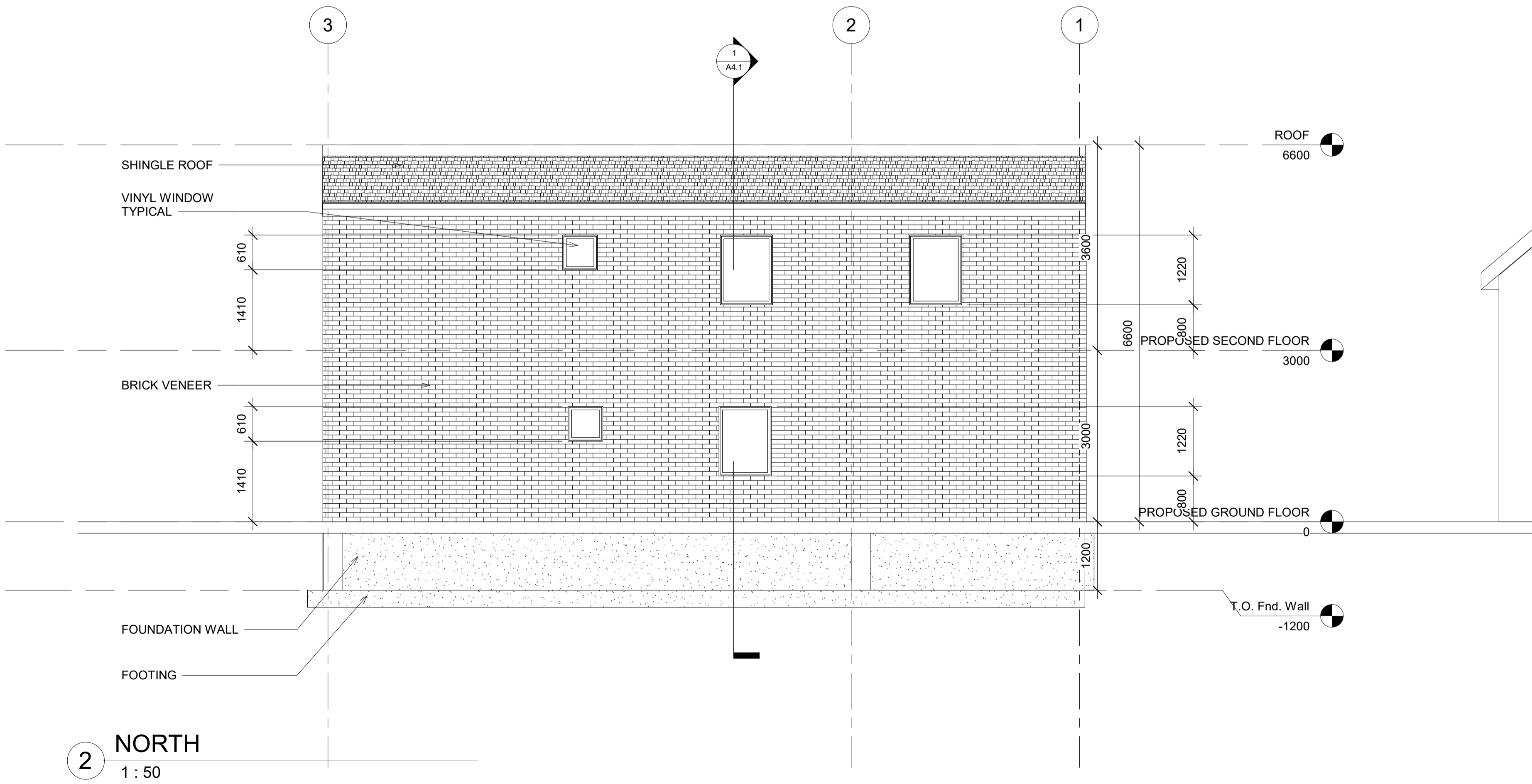
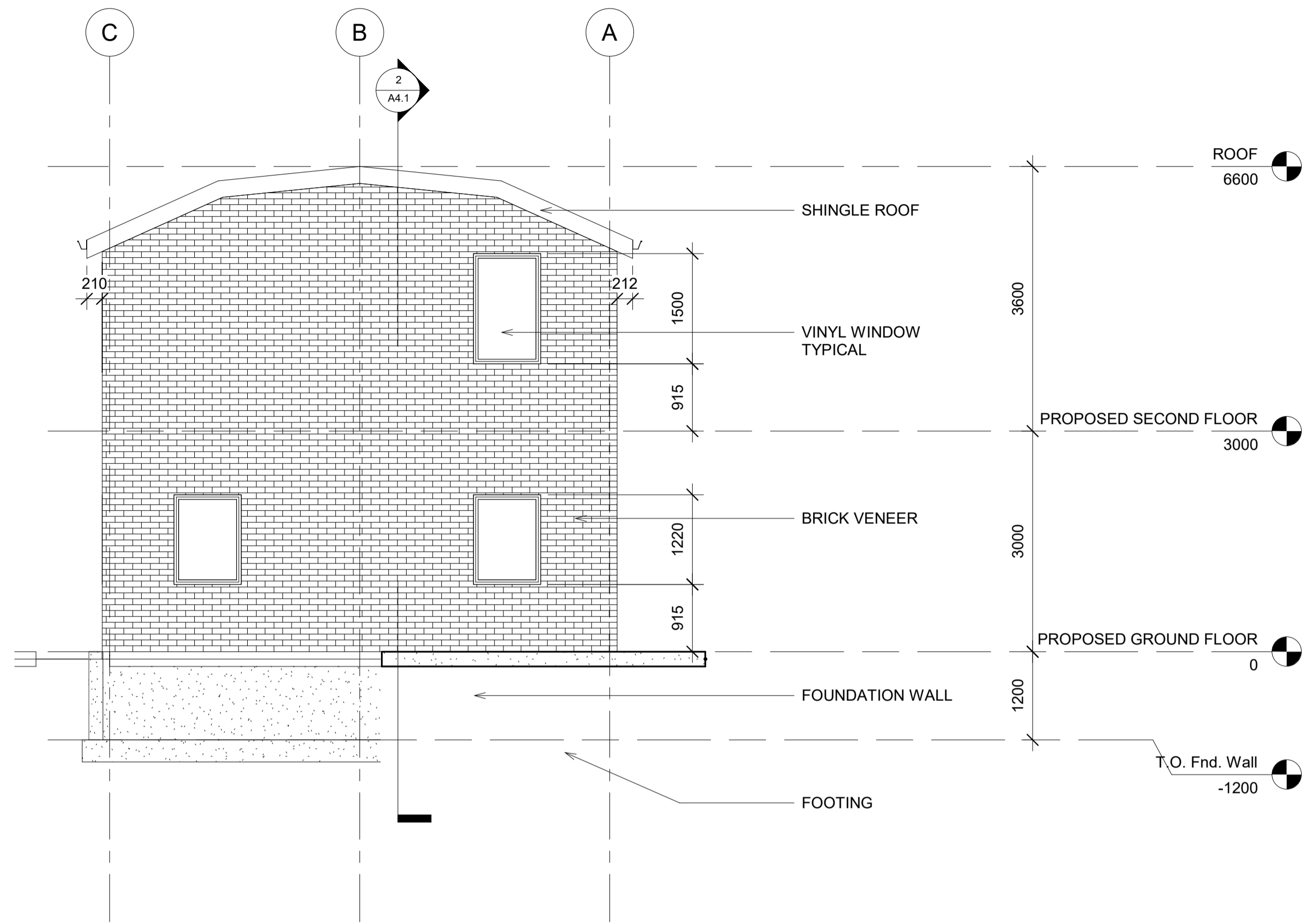
Checked by Checker

A3.1

Scale 1 : 50

2023-10-10 11:49:04 PM

1 EAST
1 : 50



2 NORTH
1 : 50



GLC BUILDING SOLUTIONS
GLCBUILDINGSOLUTIONS@GMAIL.COM

Consultant Address Address Phone Phone Fax e-mail	Consultant Address Address Phone Phone Fax e-mail
---	---

No.	Description	Date
1	ISSUED FOR ZONING COMPLIANCE	20230712

22 ARKELL STREET
HAMILTON

PROPOSED ELEVATIONS

Project number	23-06
Date	20230712
Drawn by	Author
Checked by	Checker

A3.2

Scale	1 : 50
-------	--------



Hamilton

September 29, 2023

FILE: ALR
FOLDER: 23-131715-01 ALR
ATTENTION OF: Alyssa Vaccari
TELEPHONE NO: (905) 546-2424
EXTENSION: 2356-

Ella Lin
126 YORK HILL BLVD
THORNHILL, ON L4J 2P6

Attention:

Re: APPLICABLE LAW REVIEW – ZONING BYLAW
Present Zoning: C
Address: 22 ARKELL ST HAMILTON, ON

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

COMMENTS:

1. The applicant is proposing to construct a secondary dwelling unit above an existing accessory building and a new canopy above the principle entrance to the existing single detached dwelling.
2. The proposed use of a secondary dwelling unit is permitted within the current 'C/S-1361' Urban Protected Residential District within the Former Hamilton Zoning By-law 6593.
3. A building permit for the existing accessory building (detached garage/storage) was issued December 12th, 2019. AT this point in time the permit has now been closed.
4. Construction of the proposed secondary dwelling unit and canopy is subject to the issuance of a building permit in the normal manner. Please be advised that the Ontario Building Code may required specific setbacks and construction types.
5. The proposed development has been reviewed and compared to the standards of the 'C' District and amending by-law 96-109 as indicated in the following chart:

**C District – Urban Protected Residential / Amending By-law
96-109**

(Section 9 of Former Hamilton Zoning By-law 6593)

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 9 – C District Requirements			
Permitted Uses [as per section 9. (1) of Former Hamilton Zoning By-law 6593]	See Section 9 (1) for additional permitted uses. (i) A single family dwelling, together with the accommodation of lodgers to the number of not more than three	Existing Single Detached Dwelling. Existing accessory building with proposed secondary dwelling unit detached.	Conforms
Height Requirements [as per section 9. (2) of Former Hamilton Zoning By-law 6593] [96-109]	In a "C" District, no building shall exceed two and a half storeys, and no structure shall exceed 11.0 metres (36.09 feet), in height. (9141/60) (79-288) (80-049) No building or structure shall exceed 2 storeys and 9.0 metres in height	Existing single detached dwelling, no proposed height changes for the principle dwelling	Conforms
Area Requirements [as per section 9. (3) of Former Hamilton Zoning By-law 6593]	The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a "C" District: (8927/60) (i) A front yard of a depth of at least 6.0 metres (19.69 feet) (79-288) (80-049) (ii) A side yard along each side lot line, of a width of at least 1.2 metres (3.94 feet) (690/52) (79-288) (80-049) (iii) A rear yard of a depth of at least 7.5 metres (24.61 feet) (79-288) (80-049)	Existing 4.8m Existing 2.21m Existing 11.85m	Existing Condition Conforms Conforms
Intensity of Use [as per section 9. (4) of Former Hamilton Zoning By-law 6593]	Every lot or tract of land in a "C" District shall have a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3,875.13 square feet) within the district. (8927/60) (6908/52) (79-288) (80-049)	Existing 9.27m width and existing 794m ² lot area	Existing Condition
Distance requirements [as per section 9. (5) of Former Hamilton Zoning By-law 6593]	(5) Except as provided in Subsection 6, every residential care facility shall be situated on a lot having a minimum radial separation distance of 300.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility, emergency shelter, corrections residence or correctional facility. (81-27) (01-143) (07-107)	N/A	N/A

	Required By By-Law	Provided	Conforming/ Non-Conforming
	(6) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents. (81-27) (01-143) (07-107)	N/A	N/A
[96-109]	<p>(a)</p> <p>(i) No building or structure shall have a gross floor area greater than the area within the district of the lot on which it is situated, multiplied by the floor area ratio factor of 0.45</p> <p>(ii) notwithstanding Section 2.(2) J. (viii) of Zoning By-law No. 6593, "Gross Floor Area" is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:</p> <ul style="list-style-type: none"> a) An attached garage b) A detached garage c) The floor occupied by heating, air conditions and laundry equipment. <p>(iii) For the purpose of determining gross floor area for any portion of the dwelling where the ceiling height exceeds 4.6 metres, that portion of the dwelling shall be multiplied by 1.9</p> <p>(iv) In addition to the requirements of Section 18A, where a dwelling is constructed with an attached garage, the finished level of the garage floor shall be a minimum of 0.3 metres above grade.</p>	<p>Proposed SDU 168.5m²</p> <p>Please note</p> <p>Please note</p> <p>No garage proposed</p>	<p>Conforms</p> <p>N/A</p>
Section 19 – Residential Conversion Requirements <i>(In accordance with the application regulations of Section 19 in the Former Hamilton Zoning by-law 6593)</i>			
Parking [as per section 19 (1) (ii) of Former Hamilton Zoning By-law 6593]	<p>Parking shall be provided in accordance with Section 18(A) of this Bylaw and the following:</p> <p>(a) No additional parking space shall be required for either a Secondary Dwelling Unit</p>	Parking spaces that existed on May	

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>or a Secondary Dwelling Unit - Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained;</p> <p>1. Notwithstanding Section 19.(1) (ii) (a), one parking space shall be required for a Secondary Dwelling Unit - Detached if it constitutes the fourth Dwelling Unit on a lot. (22-195)</p> <p>(b) Notwithstanding Section 18A.(14a) and 18A.(14h) (i), a maximum of two parking spaces for a Secondary Dwelling Unit and/or Secondary Dwelling Unit - Detached may be provided in the required Front Yard; and,</p> <p>(c) In addition to Section 18A.(31), the surface of a parking space and access driveway may include permeable pavers.</p> <p>Required Parking: Secondary Dwelling Unit – Detached: 1 space per unit.</p>	<p>12th, 2021 for the existing dwelling are proposed to be maintained.</p> <p>N/A constitutes the second dwelling unit on the lot</p> <p>Not proposed</p> <p>Please note</p> <p>1 parking space proposed</p>	<p>Conforms</p> <p>Conforms</p> <p>N/A</p> <p>Conforms</p>
[as per section 19 (1) (iv) of Former Hamilton Zoning By-law 6593]	(iv) Notwithstanding any applicable regulations of this By-law, no more than four Dwelling Units shall be permitted on a lot in a “B-1”, “B-2”, “C”, “R4”, “D”, or “R-2” District. (22-195)	Two dwelling units will be on the lot	Conforms
<p>Secondary Dwelling Unit – Detached</p> <p>[as per section 19 (1).2 of Former Hamilton Zoning By-law 6593]</p>	<p>(i) A maximum of one Secondary 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>(ii) In addition to Section 19.(1).2 (i), a legally established accessory building existing as of May 12, 2021, may be converted to the one Secondary Dwelling Unit - Detached permitted on a lot containing an existing Single Detached Dwelling, Semi-Detached Dwelling, or Street Townhouse Dwelling subject to the following provision:</p> <p>(a) Any additions over 10% of the existing gross floor area of the legally established</p>	<p>One secondary dwelling unit 0 detached on the lot containing a single detached dwelling</p> <p>Permit issued and closed as of December 12th, 2019 for the existing accessory building</p>	<p>Conforms</p> <p>Conforms</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>accessory building converted to a Secondary Dwelling Unit – Detached shall be in accordance with the regulations of Section 19.(1).2.</p> <p>Calculation:</p> <p>existing accessory building area – 93.5m²</p> <p>10 x 93.5 / 100 = 9.35m²</p>	75.0m ² addition	Conforms
	<p>(iii) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 19.(1).2.</p>	Please note	
	<p>(iv) A Secondary Dwelling Unit - Detached shall contain a maximum of two bedrooms 19-4</p>	2 bedrooms	Conforms
	<p>(v) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and/or interior Side Yard.</p>	Proposed within the rear yard	Conforms
	<p>(a) Notwithstanding any other provisions of this By-law, for the purposes of a Secondary Dwelling Unit - Detached on a Through Lot, the Rear Yard shall be the yard with the greatest distance from a street line.</p>	N/A interior lot	N/A
	<p>(vi) A minimum 1.2 metre setback shall be provided from the interior Side Lot Line and Rear Lot Line.</p>	1.2m	Conforms
	<p>(a) Notwithstanding Section 19.(1).2 (vi), an eave or a gutter may extend a maximum of 30 centimetres into a required minimum setback.</p>	Insufficient information	Unable to determine compliance
	<p>(b) In addition to Section 19.(1).2 (vi), a landscape strip is required to be provided within the required side yard adjacent to a Secondary Dwelling Unit – Detached and shall be limited to sod, ground cover, permeable pavers, or a planting strip, and may include a visual barrier.</p>	Proposed sod	Conforms
	<p>(vii) A Secondary Dwelling Unit – Detached, shall not be located closer to the flankage street than the principal dwelling.</p>	N/A interior lot	N/A

	Required By By-Law	Provided	Conforming/ Non-Conforming
	(viii) 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 Secondary Dwelling Unit – Detached shall be provided and maintained.	1.0m unobstructed path from the street line to the SDU	Conforms
	(ix) The following building separation shall be provided: (a) Where a Secondary Dwelling Unit – Detached is located in the Rear Yard, a minimum distance of 7.5 metres shall be required between the rear wall of the principal dwelling and the Secondary Dwelling Unit – Detached.	7.7m	Conforms
	(b) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard, the following is required: (i) A minimum distance of 4.0 metres shall be provided between the side wall of the principal dwelling and a Secondary Dwelling Unit – Detached; and, (ii) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling. 19-5	Located within the rear yard	N/A
	(x) A maximum height of 6.0 metres shall be permitted.	6.6m	Non-conforming
	(a) Notwithstanding Section 19.(1).2 (x), balconies and rooftop patios shall be prohibited above the first floor level	Proposed balcony on the second floor level	Non-conforming
	(xi) The maximum gross floor area shall not exceed the lesser of 75 square metres or the gross floor area of the principal dwelling. Calculation: Existing accessory building + addition: 168.5m ² Principle dwelling – 205m ²	168.5m ²	Non-conforming
	(a) Notwithstanding Section 19.(1).2 (xi), the maximum combined lot coverage of all accessory buildings and the Secondary	93.5m ²	Conforms

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>Dwelling Unit - Detached shall be 25%.</p> <p>Calculation:</p> <p>Lot area – 794m²</p> <p>25 x 794 / 100 = 198.5</p> <p>(b) In addition to Section 19.(1).2 (xi), 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.</p> <p>Calculation:</p> <p>Principle dwelling ground floor area – 100.9m²</p> <p>70 x 100.9 / 100 = 70.63m²</p> <p>(xii) A minimum landscaped area of 12.0 square metres shall be provided and maintained within the rear yard.</p>	<p>93.5m²</p> <p>Insufficient information</p>	<p>Non-conforming</p> <p>Unable to determine compliance</p>

Section 18 – Supplementary Requirements and Modifications

(In accordance with the applicable regulations of Section 18 in the Former Hamilton Zoning By-law 6593)

Encroachments			
[as per section 18 (3) (vi) of Former Hamilton Zoning By-law 6593]	(c) An open fire escape or open stairway may project (8544/59)	SDU open stairway is not proposed within the front yard	Conforms
	(i) into a required rear yard not more than 1.0 metre (3.28 feet); or (8544/59) (79-288) (80-049) 18-7		
	(ii) into a required side yard not more than one-third of its width, or 1.0 metre (3.28 feet), whichever is the lesser; (8544/59) (9688/62) (9747/62) (9748/62) (79-288) (80-049)	SDU open stairway is not proposed within the side yard	Conforms
	(cc) A bay, balcony or dormer may project (8544/59)	SDU balcony is not proposed within the front yard and is located farther than 1.5m from the street line	Conforms
(i) into a required front yard not more than 1.0 metre (3.28 feet), provided that no such projection shall be closer to a street line than 1.5 metres (4.92 feet); (8544/59) (79-288) (80-049)			Conforms
(ii) into a required rear yard not more than 1.0	Not located within		Conforms

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>metre (3.28 feet); or (8544/59) (79-288) (80-049)</p> <p>(iii) into a required side yard not more than one-third of its width, or 1.0 metre (3.28 feet), whichever is the lesser</p> <p>(d) A roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard or rear yard to a distance of not more than 3.0 metres (9.84 feet), 18-8 and every such projecting porch shall be distant at least 1.5 metres (4.92 feet) from the front lot line, and the enclosure of such a porch to the following extent shall not be deemed enclosure for the purpose of this Section: (79-190) (80-049)</p> <p>(i) the porch may have a solid guard around the perimeter of the porch not more than 1.0 metres (3.28 feet) in height measured from the floor of the porch; (79-190) (80-049)</p> <p>(ii) the roof may be supported on columns or piers having maximum width of 0.5 metres (1.64 feet); (79-190) (80-049)</p> <p>(iii) the beam, lintel or crown of an arch shall be no more than 0.3 metres (0.98 feet) in depth; (80-049)</p> <p>(iv) the minimum distance between piers or columns shall be 1.0 metre (3.28 feet) and in the case of arches, the arches shall have a minimum clear width of 1.0 metre</p>	<p>the required 1.2m rear yard</p> <p>Not located within the required 1.2 side yard</p> <p>Insufficient information</p>	<p>Conforms</p> <p>Unable to determine compliance</p> <p>NOTE: steps shall be included within the measurement of porch. Guard/column dimensions needed</p>
<p>Section 18A – Parking and Loading Requirements</p> <p><i>(In accordance with the applicable regulations of Section 18A in the Former Hamilton Zoning by-law)</i></p>			
<p>Parking</p> <p>[as per section 18A of Former Hamilton Zoning By-law 6593]</p>	<p>(7) Every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 6.0 metres long</p>	<p>Proposed new parking spot: 2.7m x 6.0m.</p>	<p>Conforms</p>
	<p>(9) Required parking space, loading space and manoeuvring space shall be provided and maintained only on the lot on which the principle use, building or structure is located.</p>	<p>Located on the lot</p>	<p>Conforms</p>
	<p>(10) Sufficient space additional to required</p>		

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.</p> <p>(14a) Except for single family dwellings, two family dwellings and three family dwellings erected prior to the 14th day of December 1971, no part of a required parking space for a single family dwelling, two family dwelling or three family dwelling in a residential district shall be located in a required front yard and not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials</p> <p>(21) All required parking spaces and manoeuvring spaces shall have access by means of one or more access driveways,</p> <p>(a) located on the lot; or</p> <p>(b) located partly on the lot in the case of a mutual driveway; or</p> <p>(c) by means of a right of way. (84-45) 18A-8</p> <p>(22) All manoeuvring spaces shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces.</p> <p>(23) Every access driveway shall provide easy access from a highway to the parking area to which the access driveway is accessory.</p> <p>(24) Every parking area for a use where, (a) there are five or less parking spaces shall</p>	<p>Space additional to required parking without the moving of other vehicles is provided</p> <p>Not proposed within the front yard</p> <p>Insufficient information</p> <p>Maneuvering is free and clear of obstructions</p> <p>Existing asphalt driveway appears to provide easy access to and from the highway</p> <p>Appears to be 2.6m</p>	<p>Conforms</p> <p>Conforms</p> <p>Unable to determine compliance</p> <p>NOTE: existing driveway on the lot, however unable to determine if it leads to the proposed parking.</p> <p>Conforms</p> <p>Appears to conform</p> <p>Appears non-conforming</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>have not less than one access driveway or one mutual driveway, having a width of at least 2.8 metres;</p> <p>(30) Except as provided in subsection 31, a permanent durable and dustless surface that is graded, drained, and paved with concrete or asphalt or a combination of concrete and asphalt shall be provided and maintained for every parking area, manoeuvring space, loading space and access driveway.</p> <p>(31) A gravel or similar surface or other suitable paving shall be provided and maintained for every parking space and access driveway accessory to a single family dwelling, a two family dwelling, and to street townhouse dwellings each having separate access driveways</p>	<p>See below</p> <p>Existing/proposed pavers</p>	<p>Conforms</p>
<p>Required Parking [as per section 18A Table 1 of Former Hamilton Zoning By-law 6593]</p>	<p>Single Family Dwelling: 2 parking spaces for each class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking spaces for each additional habitable rooms</p>	<p>Proposed porch of principle dwelling does not trigger additional parking. Existing parking to remain.</p>	<p>Conforms</p>
<p>Required Manoeuvring Space [as per section 18A Table 6 of Former Hamilton Zoning By-law 6593]</p>	<p>90° = 6.0m</p>	<p>6m manoeuvring space for proposed parking</p> <p>Existing parking condition to remain for the 4 existing spaces</p>	<p>Conforms</p> <p>Existing condition</p>

Yours truly





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

Table with 2 columns: Category (Registered Owners(s), Applicant(s), Agent or Solicitor) and Name. The Name column is redacted with a black box.

1.2 All correspondence should be sent to [] Purchaser [] Owner [] Agent/Solicitor [x] Applicant [x] Owner

1.3 Sign should be sent to [] Purchaser [] AgentSolicitor [x] Applicant [x] Owner

1.4 Request for digital copy of sign [x] Yes* [] No

If YES, provide email address where sign is to be sent [Redacted]

1.5 All correspondence may be sent by email [x] 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	22 Arkell Street		
Assessment Roll Number	010054015400000		
Former Municipality			
Lot	Lot1109,PTLot 1108	Concession	
Registered Plan Number	PLAN 649	Lot(s)	1109
Reference Plan Number (s)		Part(s)	LOT1108

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. The building height is 6.6 meter which exceed the max/ height 6 meter.
2. Proposed a balcony on the second floor
3. The max. gross floor area of second dwelling unit exceed 75 sqm
4. The ground floor area of a secondary dwelling unit is 93.5 sqm which exceed 70% of the ground floor area of the principal dwelling.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

1. The proposed building is 2-storey height with slope roof. The ground floor to floor height is 3 m, The second floor is 2.6m, plus roof truss is 6.6m which is reasonable.
2. The entrance is small at the second floor. The proposed balcony provides buffer zone to the entrance. The balcony is facing the interior lot instead of the neighbor's properties.
3. The max. gross floor area of second dwelling unit exceed 75 sqm, But the ground the floor is a non-occupied storage. It is not part of the dwell unit. Besides that, the maximum combined lot coverage of all accessory buildings and the Secondary Dwelling Unit conforms the bylaw requirement.
4. The ground floor area of the addition is a storage which is a non-occupied space.

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
9.27m	30.48m	794m ²	12.5m

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
Original Building	4.9m	11.1m	2.67m/3.65m(West) 19.1m (East)	
Storage	14.2m	1.2m	18.1m(West) 1.5m/11.3m (East)	08/01/2021

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Second Dwelling Unit	14.2m	1.2m	18.1m(West) 1.5m/11.3m (East)	

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
Original Building	101m ²	205m ²	1.5	7.7m
Storage	93.5m ²	93.5m ²	1	3.53m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Second Dwelling Unit	0	75m ²	2	6.6m

- 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:

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:

6 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) Urban Protected Residential Distr

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

The proposed use of a secondary dwelling unit is permitted within the current 'C/S-1361' Urban Protected Residential District within the Former Hamilton Zoning By-law 6593

7.6 What is the existing zoning of the subject land? C District – Urban Protected 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: C District – Urban Protected Residential / Amer

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: 1

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
-
-