



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>AN/A-23:305</b>	<b>SUBJECT PROPERTY:</b>	1194 Scenic Drive, Ancaster
<b>ZONE:</b>	"R1-582" (Residential 1)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Ancaster 87-57, as Amended

**APPLICANTS:** Owner/ Applicant: Kuldip Swan

The following variances are requested:

1. To permit an additional classroom within a single detached dwelling, to a total of four classrooms, instead of the required maximum of three classrooms permitted within a singled detached dwelling.

**PURPOSE & EFFECT:** To facilitate the construction of an additional day-care classroom within a single detached dwelling.

**Notes:**

- i. Variance written exactly as requested by applicant.
- ii. As per OMB 12-294, only three (3) classrooms are permitted within the Single Detached Dwelling.

**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, December 7, 2023</b>
<b>TIME:</b>	<b>11:35 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>

## AN/A-23:305

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 AN/A-23:305, 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: November 21, 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.



Hamilton

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

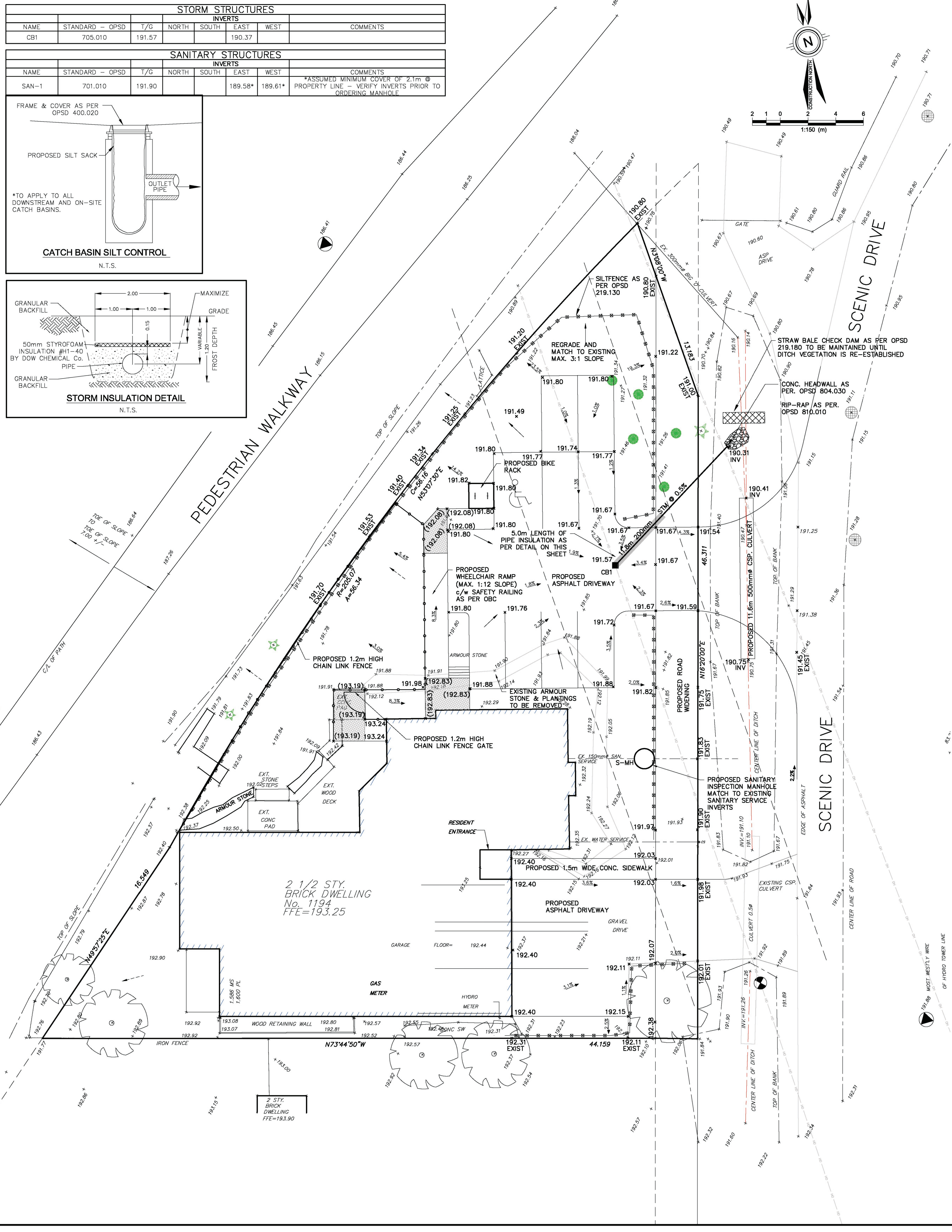
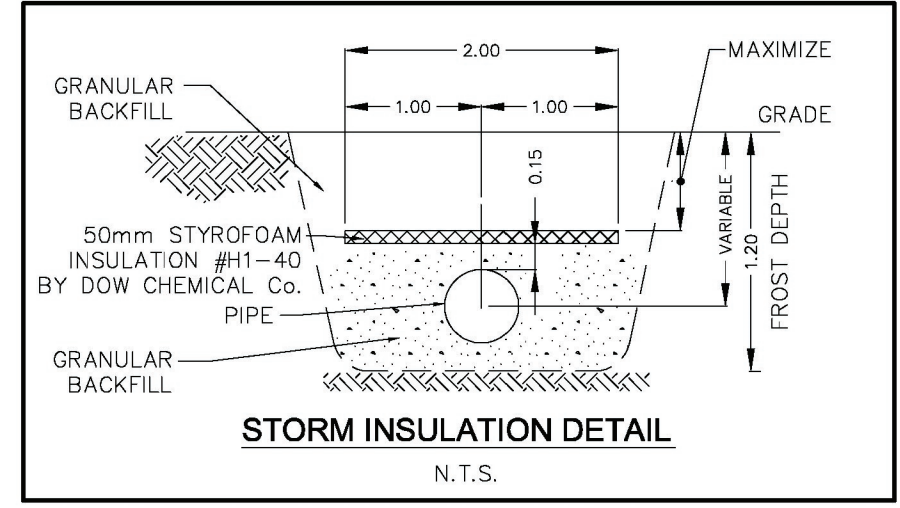
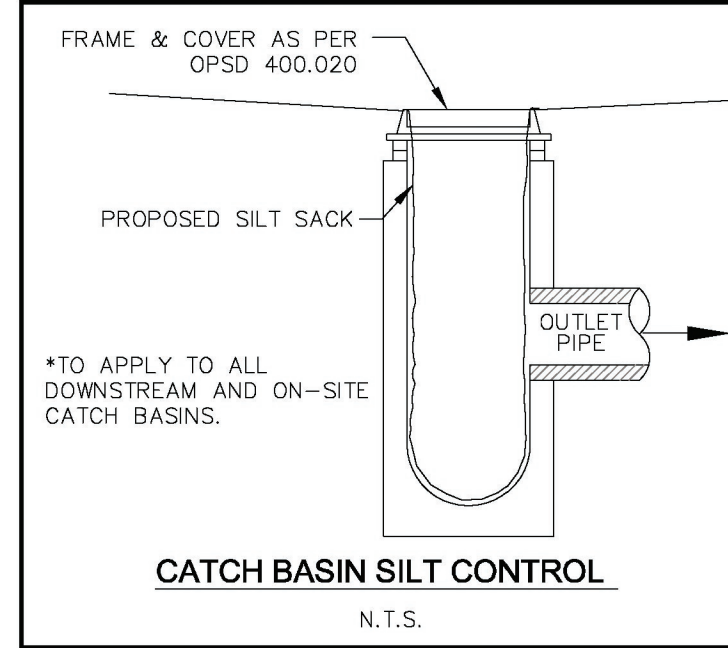
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

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.

STORM STRUCTURES								
INVERTS								
NAME	STANDARD	OPSD	T/G	NORTH	SOUTH	EAST	WEST	COMMENTS
CB1	705.010		191.57			190.37		

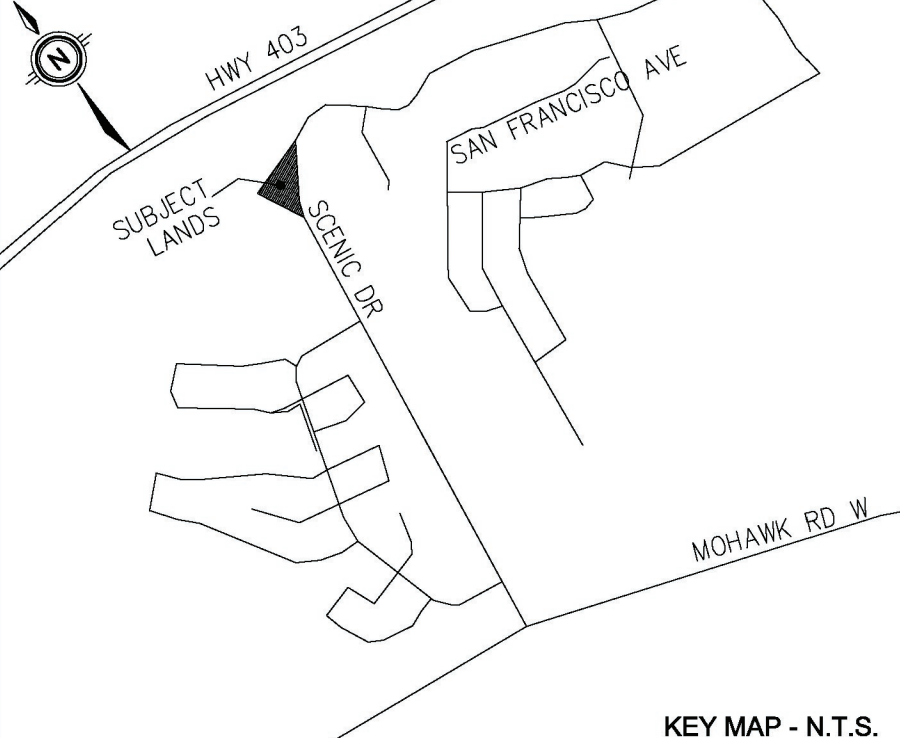
SANITARY STRUCTURES								
INVERTS								
NAME	STANDARD	OPSD	T/G	NORTH	SOUTH	EAST	WEST	COMMENTS
SAN-1	701.010		191.90			189.58*	189.61*	*ASSUMED MINIMUM COVER OF 2.1m @ PROPERTY LINE - VERIFY INVERTS PRIOR TO ORDERING MANHOLE



- ### STORM & SANITARY SEWERS:
- CONSTRUCTION OF STORM SEWERS AND PRIVATE DRAINS SHALL BE IN ACCORDANCE WITH THE CITY OF HAMILTON SPECIFICATIONS MANUAL (LATEST REVISION) AND MINISTRY OF ENVIRONMENT (MOE) GUIDELINES (LATEST REVISION).
  - ALL PROPOSED SEWERS, THROUGHOUT THEIR LENGTH FROM THE MAIN SEWER TO THE BUILDING OR PLACE TO BE DRAINED IS TO BE LAID, AS NEARLY AS PRACTICAL, IN A STRAIGHT LINE IN A TRENCH AT A RIGHT ANGLE TO THE MAIN SEWER.
  - SERVICE LATERALS TO BE INSTALLED WITH A MINIMUM COVER OF 2.20m AT THE PROPERTY LINE BELOW THE FINAL ROAD GRADE OR AT SUCH HIGHER ELEVATION ONLY AS MAY BE NECESSITATED BY THE ELEVATION OF THE MAIN SEWER. ON PRIVATE PROPERTY THE MINIMUM COVER IS TO BE NO LESS THAN 1.2m.
  - STORM AND SANITARY FLOWS MUST BE SEPARATED WHEREVER POSSIBLE, AND THE INSTALLATION OF NEW COMBINED STORM AND SANITARY SEWERS IS NOT PERMITTED. EVERY SEWER CONNECTION TO A MAIN SEWER MUST BE MADE USING PROPER "T" OR "Y" FITTINGS. SADDLES MAY ONLY BE USED WHERE APPROVED BY THE DIRECTOR DEVELOPMENT DIVISION, PLANNING AND DEVELOPMENT DEPARTMENT.
  - FOR PROPOSED SEWERS THAT ARE GREATER THAN OR EQUAL TO 300mm, A MANHOLE MUST BE PROVIDED AT THE JUNCTION TO THE MAIN SEWER. FOR SEWERS LESS THAN 300mm, CONNECTIONS SHOULD BE MADE DIRECTLY TO THE MAIN SEWER AND NOT TO A MANHOLE. MINIMUM HORIZONTAL SEPARATION BETWEEN SEWERS AND WATERMANS SHALL BE 2.5m. VERTICAL CLEARANCE BETWEEN SEWERS AND WATERMANS WHICH CROSS IS 150mm IF THE SEWER IS BELOW THE WATERMAIN AND 500mm IF THE WATER IS BELOW THE SEWER.
  - PROPOSED SANITARY AND STORM SEWERS SHALL BE EITHER: (a) PVC SDR 28 FOR 150mm DIAMETER AND SDR 35 FOR ALL OTHER SIZES; (b) CLASS 3 CONCRETE (CSA A257.2). RIBBED OR PROFILE PIPE CAN BE UTILIZED FOR MAIN LINE STORM SEWERS, 200mm TO 600mm DIAMETER INCLUSIVE. RIBBED OR PROFILE PIPE IS NOT PERMITTED FOR SANITARY USE, PRIVATE DRAIN INSTALLATIONS OR CATCH BASIN CONNECTIONS.
  - FOR FLEXIBLE PIPE, SEWER INSTALLATION TO BE AS PER OPSD 802.010 WITH GRANULAR 'A' BEDDING AND COVER.
  - FOR RIGID PIPE, SEWER INSTALLATION TO BE AS PER OPSD 802.030 WITH GRANULAR 'A' BEDDING AND COVER.
  - SANITARY AND STORM SERVICE LATERALS TO BE MIN. 150mm DIA. PVC SDR 28. STORM SHALL BE WHITE IN COLOUR, SANITARY SHALL BE ANY OTHER COLOUR OTHER THAN WHITE.
  - MINIMUM AND MAXIMUM DESIGN REQUIREMENTS FOR SEWER VELOCITIES ARE AS FOLLOWS:
 

MINIMUM ALLOWABLE VELOCITY	STORM SEWER	SANITARY SEWER
	0.90m/s	0.75m/s
MAXIMUM ALLOWABLE VELOCITY	3.65m/s	2.75m/s
  - MAINTENANCE HOLES ARE REQUIRED AT ALL CHANGES IN PIPE SIZE, CHANGES IN PIPE DIRECTION, ENDS OF PIPE RUNS AND AS CLEANOUTS. MAXIMUM SPACING OF MAINTENANCE HOLES IS 90m, IN ACCORDANCE WITH THE "ONTRARIO BUILDING CODE". A MAINTENANCE HOLE IS REQUIRED WITHIN THE FIRST 30m AFTER THE PIPE EXITS THE BUILDING. FOR PIPE SIZES 200mm OR GREATER, IN ACCORDANCE WITH THE "ONTRARIO BUILDING CODE", ALL REQUIRED CLEANOUTS SHALL BE MAINTENANCE HOLES. FOR PIPE SIZES LESS THAN 200mm, CLEANOUTS MAY BE SUBSTITUTED FOR MAINTENANCE HOLES.
  - A DROP STRUCTURE IS REQUIRED AT ALL MAINTENANCE HOLES WHERE THERE IS A DROP OF GREATER THAN 600mm BETWEEN THE INVERT OF THE UPSTREAM PIPE AND THE INVERT OF THE DOWNSTREAM PIPE. DROP STRUCTURES ARE TO BE MINIMUM 200mm DIAMETER AND CONSTRUCTED AS PER OPSD 1003.010. GENERALLY, THE DROP PIPE SHALL BE ONE SIZE SMALLER THAN THE CONNECTING SEWER.
  - PVC PIPE WILL REQUIRE SPECIAL CONSTRUCTION PROCEDURES FOR LEAKAGE AND TESTING, PIPE DEFLECTION, ETC. AS PER CITY'S REQUIREMENTS.

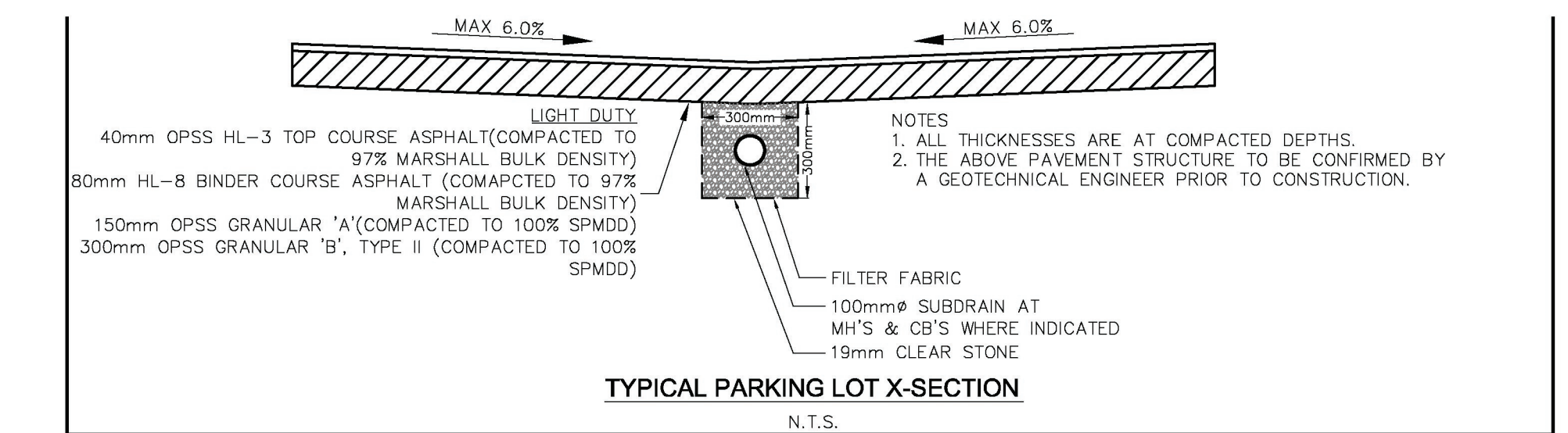
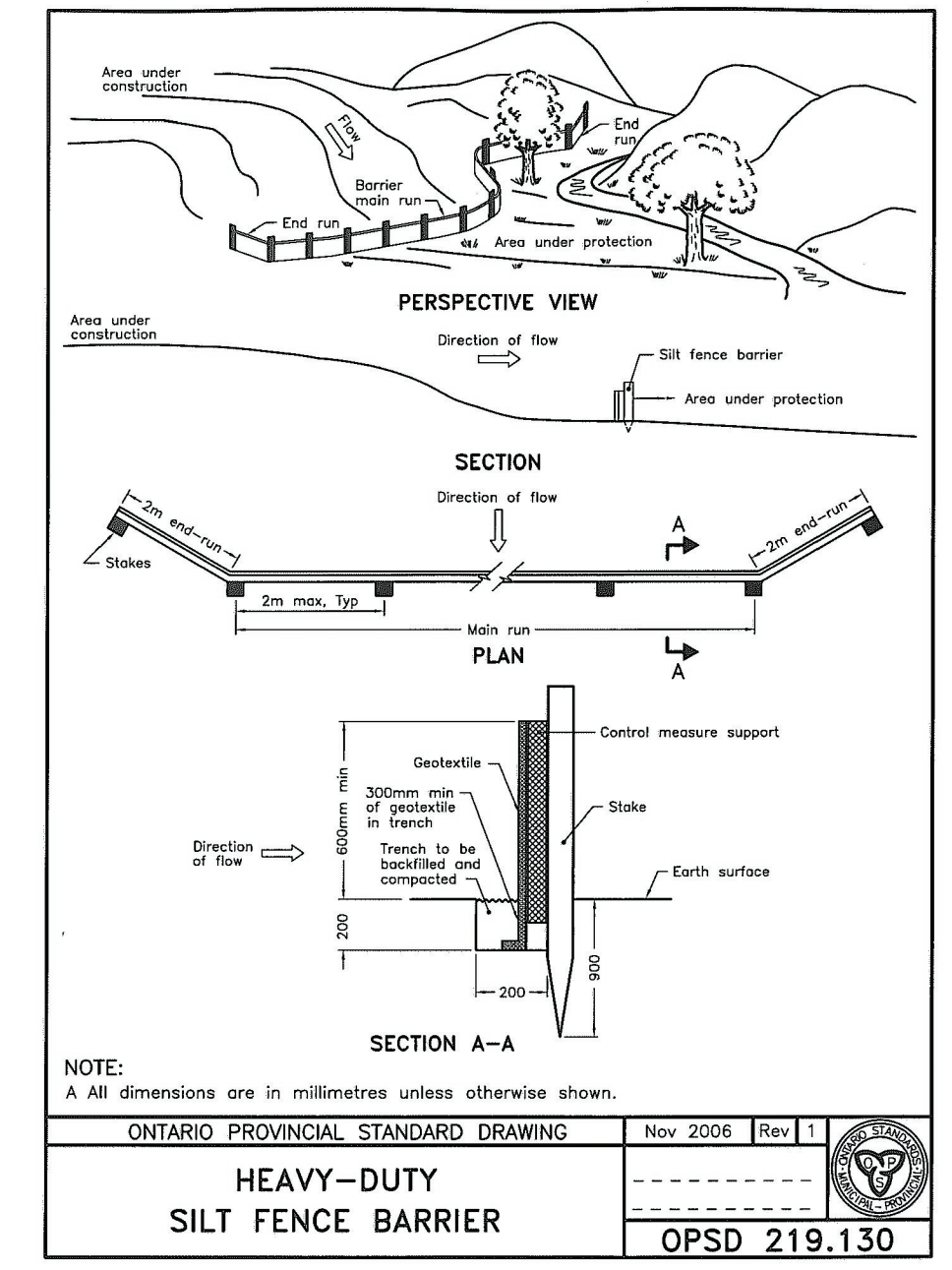
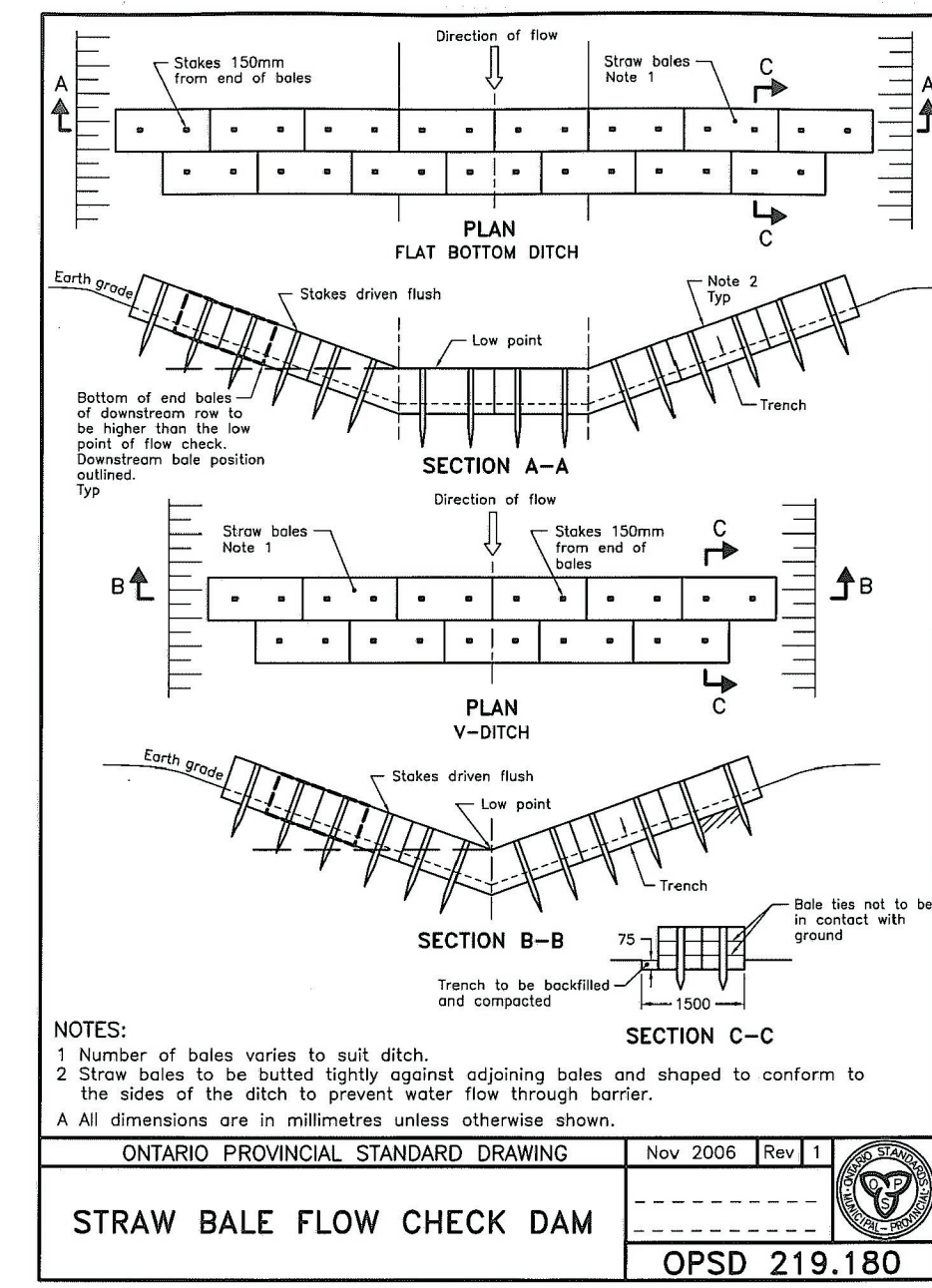
- ### EROSION AND SEDIMENT CONTROL NOTES:
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO DEVELOPMENT AND MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS, UNTIL ALL DISTURBED AREAS HAVE BEEN REVEGETATED.
  - ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSPECTED AFTER EACH RAINFALL TO THE SATISFACTION OF AUTHORITY STAFF.
  - ANY DISTURBED AREA NOT SCHEDULED FOR FURTHER CONSTRUCTION WITHIN 45 DAYS WILL BE PROVIDED WITH A SUITABLE TEMPORARY MULCH AND SEED COVER WITHIN 7 DAYS OF THE COMPLETION OF THAT PARTICULAR PHASE OF CONSTRUCTION.
  - ALL DISTURBED AREAS SHALL BE REVEGETATED WITH PERMANENT COVER IMMEDIATELY FOLLOWING COMPLETION OF CONSTRUCTION.
  - ADDITIONAL SILT CONTROL LOCATIONS MAY BE REQUIRED AS DETERMINED BY THE CITY AND/OR THE ENGINEER.
  - SILT FENCE TO BE AS PER OPSD 219.110.



**NOTE TO CONTRACTOR**  
THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWERS AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON THIS CONTRACT DRAWING, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES IS NOT GUARANTEED. BEFORE STARTING WORK THE CONTRACTOR SHALL INFORM THEMSELVES OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.

**LEGEND**

191.22	- PROPOSED ELEVATION
192.50	- PROPOSED RAMP ELEVATION
192.50	- EXISTING GRADE
2.0%	- PROPOSED SLOPE
CB	- PROPOSED CATCH BASIN
HYD	- EXISTING HYDRANT
WV	- EXISTING WATER VALVE
---	- PROPOSED STORM SERVICE
→	- PROPOSED MAJOR OVERLAND FLOW
→	- EXISTING DIRECTION OF SURFACE FLOW
→	- PROPOSED DIRECTION OF SURFACE FLOW



- ### GENERAL NOTES:
- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR, DEVELOPMENT DIVISION, PLANNING AND DEVELOPMENT DEPARTMENT.
  - FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
  - MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
  - ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE. THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADE.
  - THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 

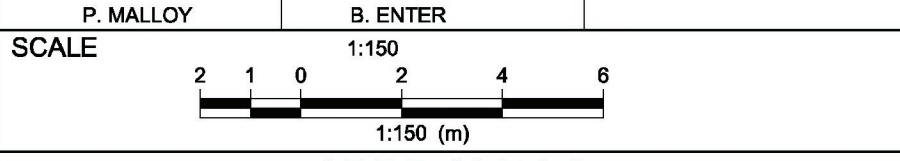
- ROAD CUT PERMITS	- SEWER PERMITS
- APPROACH APPROVAL PERMITS	- RELOCATION OF SERVICES
- COMMITTEE OF ADJUSTMENT	- ENCROACHMENT AGREEMENTS (IF REQUIRED)
  - ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, TRANSPORTATION, OPERATIONS AND ENVIRONMENT DEPARTMENT.
  - 5 METRE BY 5 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.60 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET.
  - SILTATION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO WORKS COMMENCING ON THE SITE AND SHALL BE MAINTAINED FOR THE DURATION OF CONSTRUCTION, TO THE SATISFACTION OF THE CITY.
  - THE SUB-GRADE SOILS EXPOSED AFTER EXCAVATION SHALL BE INSPECTED AND CERTIFIED BY A QUALIFIED REGISTERED PROFESSIONAL SOILS ENGINEER AND A COPY OF THE REPORT SHALL BE FORWARDED TO THE CITY OF HAMILTON BUILDING DIVISION, WHERE THE FOOTING WILL BE SITUATED ON FILL MATERIAL, THE FOOTINGS SHALL BE DESIGNED AND APPROVED BY QUALIFIED REGISTERED PROFESSIONAL ENGINEER.
  - ALL FILL PLACED ON THE SITE SHALL BE COMPACTED TO A MINIMUM OF 98% STANDARD PROCTOR DENSITY. A SUFFICIENT NUMBER OF TESTS SHALL BE TAKEN AT VARIOUS LEVELS SATISFACTORY TO THE DIRECTOR OF ENGINEERING. TEST RESULTS SHALL BE SENT TO THE CITY WITH A LETTER, SIGNED AND STAMPED BY THE SOILS ENGINEER, STATING THAT A SUFFICIENT NUMBER OF TESTS HAVE BEEN TAKEN AND THE MINIMUM DEGREE OF COMPACTION HAS BEEN REACHED.
  - APPROVAL OF THIS DRAWING IS FOR MATERIAL ACCEPTABILITY AND COMPLIANCE WITH MUNICIPAL AND PROVINCIAL SPECIFICATIONS AND STANDARDS ONLY. APPROVAL AND INSPECTION BY THE CITY OF THE WORKS DOES NOT CERTIFY THE LINE AND GRADE OF THE WORKS AND IT IS THE OWNER'S RESPONSIBILITY TO HAVE THEIR ENGINEER CERTIFY THIS ACCORDINGLY.

**NOT FOR CONSTRUCTION**

TOPOGRAPHICAL FROM BARICH GREENKIE DRAWING DATED MAY 14, 2008  
BENCHMARK - ELEVATION ELEVATIONS ARE REFERRED TO THE CITY OF HAMILTON BENCH MARK NO. 10-05 HAVING AN ELEVATION OF 188.471 METERS.

No.	2010 09 27	BE	SECOND ENGINEERING SUBMISSION
DATE		BY	REVISIONS

DESIGN	S. PONGRACZ	CHKD	B. ENTER	DATE	AUGUST 25, 2009
DRAWN	P. MALLOY	CHKD	B. ENTER		



**APPROVALS**

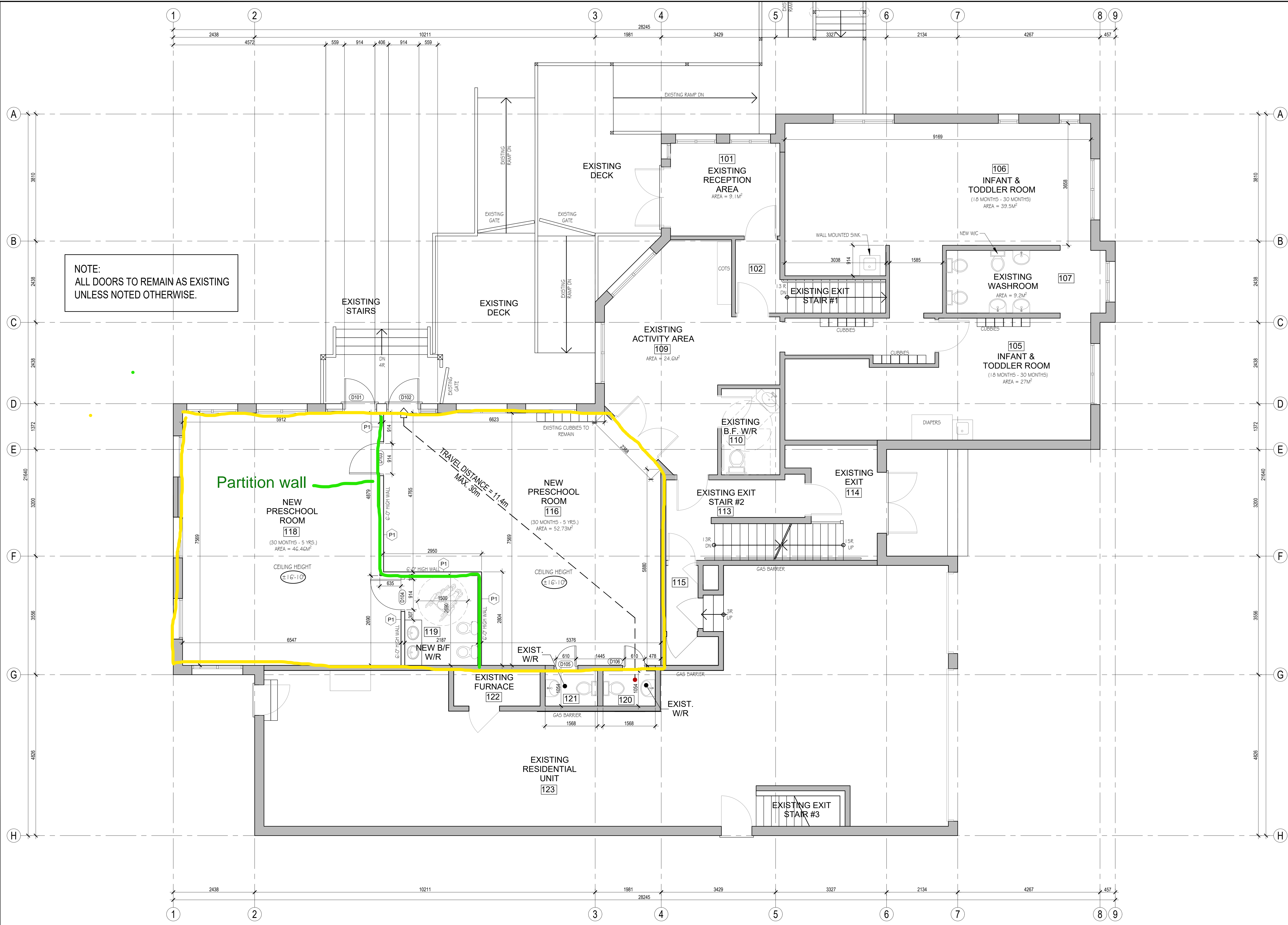
APPROVED \_\_\_\_\_  
DATE \_\_\_\_\_

200 East Wing  
360 James Street North  
Hamilton ON L8L 1H5  
tel 905 546 1010  
fax 905 546 1011  
toll free 1 877 822 3798  
www.ibigroup.com

**SWAN DAYCARE**  
1194 SCENIC DRIVE  
HAMILTON  
MDA-09-107

**SITE GRADING PLAN**

IBI FILE NO.	SHEET NO.
26466	GP



NOTE:  
ALL DOORS TO REMAIN AS EXISTING  
UNLESS NOTED OTHERWISE.



**CYNTHIA ZAHORUK ARCHITECTS**  
3077 NEW STREET,  
BURLINGTON, ON L7N1M6  
905.331.4480



NOTES:  
1. THE CONTRACTOR OR PROJECT MANAGER WILL CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS ON THE JOB AND REPORT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. COORDINATION OF WORK IS THE RESPONSIBILITY OF THE CONTRACTOR OR OWNER/CONTRACTOR.  
2. THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS SIGNED BY THE ARCHITECT.  
3. ALL DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND MAY NOT BE COPIED, REPRODUCED OR ALTERED WITHOUT WRITTEN PERMISSION FROM THE ARCHITECT.  
4. DO NOT SCALE THE DRAWINGS.

DDMMYY	#	REVISION
28/07/2023		ISSUED FOR BUILDING PERMIT
05/10/2023		ISSUED FOR BUILDING PERMIT
01/11/2023		ISSUED FOR MINOR VARIANCE

SCALE: AS NOTED  
DRAWN BY: KR/EM  
PRINT DATE: 01/11/2023

**SWAN DAYCARE**  
INTERIOR RENOVATION  
1194 SCENIC DRIVE  
HAMILTON, ONTARIO

GROUND FLOOR PLAN

**A0.01**



# APPLICANT RESUBMIT

**BUILDING PERMIT IN PROCESS**

- [Review Information](#)
- [Permit Information](#)
- [Resources](#)

**Project Name:** 23 125090 000 00 C3

**Project Description:**

1194 SCENIC DRIVE , ANCASTER ON - We submitted a minor variance application this year to increase the daycare capacity from current zoning capacity of 36 children to 55 children. During the hearing on May 18th of the Committee of Adjustment, the application was granted approval for Scenicview Childcare to increase the capacity to 55 children. Now we are looking to increase the build occupancy load from 48 to 67 in order to accommodate 55 children and 12 staff. Minor Application Number for Committee of Adjustment is: AN/A-23:96.

**Coordinator:** Pd reserved

**Review Cycle:** 2

**Workflow/Activity Name:** Building Division Workflow/Applicant Resubmit

**Current User Login:** KULDIP SWAN (kuldipswan4@gmail.com)

### Task Instructions

After you have successfully uploaded all required plans and documents, please click the (Resubmit Complete) button.

[View/Edit Changemark Items \(0\)](#)

[View/Edit Checklist Items \(11\)](#)

### Project: 23 125090 000 00 C3

Select destination folder for files:

- 23 125090 000 00 C3
  - Drawings (3 Files - 0 New)
  - Documents
  - Approved

**SEE PAGE 2**

[Resubmit Complete](#)

[Close](#)

Department	Reviewed By	Status	Reviewer Comments	Applicant Comments
Electrical	Dan Lazar dan.lazar@hamilton.ca	Approved		
Mechanical	Dan Lazar dan.lazar@hamilton.ca	Approved		
Plumbing	Dan Lazar dan.lazar@hamilton.ca	Approved		
Structural	Dan Lazar dan.lazar@hamilton.ca	Approved		
Zoning	Ilija Stipic ilija.stipic@hamilton.ca	Corrections Required	WAITING FOR CLASS ROOM NUMBER APPROVAL	
Building Admin	Dan Lazar dan.lazar@hamilton.ca	Approved		

**Task Instructions**

- I have reviewed and addressed, including responses where appropriate, all Checklist Items accessed by clicking on the "Checklist Items" button above.
- I have reviewed and addressed, including responses where appropriate, all Changemark Items accessed by clicking on the "Changemark Items" button above.
- I have uploaded the revised drawings and/or documents required as a result of the review into the appropriate folder in the project using the SAME file names as the original files. I am ready to complete my assigned task and resubmit back to the jurisdiction for further review.





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 DECISION
Minor Variance

Table with 4 columns: APPLICATION NO., ZONE, SUBJECT PROPERTY, ZONING BY-LAW. Values include AN/A-23:96, R1-582, 1194 SCENIC DRIVE, ANCASTER, and Zoning By-law former Town of Ancaster 87-57.

APPLICANTS: Owner: KULDIP & CINDY SWAN

The following variances are GRANTED:

- 1. A maximum of 55 children for a Day Nursey shall be permitted instead of the maximum required 35 children for a Day Nursery;

Notes:

- 1. Please be advised, the applicant has indicated that the total number of permitted classrooms, maximum of three, shall be maintained with the increase in number of children attending the Day Nursery. In addition, the applicant has also indicated an "open room" with a capacity for 8-9 children which is existing. As per OMB 12-294, only three (3) classrooms are permitted within the Single Detached Dwelling. Should the open room function or facilitate activities similar to a classroom, this shall not be permitted, and an additional variance may be required to permit the additional classroom. In the original application, we only asked for 9 CLASS ROOMS to accommodate 35 children.
2. Be advised, insufficient information has been provided to determine parking requirements relating to lot coverage and surface material. As per Section 7.14(a)(x), at-grade parking areas shall occupy not more than 35 percent of the total lot area and Section 7.14(a)(xii), all parking areas required for the accommodation of more than two vehicles shall be constructed with a stable surface of concrete or asphalt, shall have adequate drainage and shall be permanently maintained. It is unclear if the existing parking area is being increased to accommodate the proposed parking space, indicated as "D14". Should alterations to the existing parking area be proposed, all additional spaces shall be subject to the current requirements of the Zoning By-Law and shall require adequate stable surfaces and shall not exceed 35% combined area of the total lot area. Additional variances may be required should compliance with Section 7.14 not be possible.
3. Note, the existing barrier free parking space has been indicated to have been removed however, a new parking space with dimensions 5.5 metres x 3.5 metres has been indicated to replace the existing tandem parking space. Should this space be intended to be a barrier free parking space, adequate signage shall be provided to indicate the barrier free space as per Section 7.14(a)(xvii). In addition, it is recommended that the barrier free space be free of any obstruction as to permit adequate ingress and egress to the space.

It is also noted that barrier free parking is not required for a Single Detached Dwelling within the R1 Zone, however should a barrier free parking space be proposed, the requirements of 7.14(a)(xvii) shall still apply as it relates to parking space dimensions and signage.

**THE DECISION OF THE COMMITTEE IS:**

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is consistent with the general intent and purpose of the By-laws and the Official Plans as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON, May 18, 2023.

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D. Smith (Chairman)

---

B. Charters

M. Dudzic

---

L. Gaddy

T. Lofchik

---

N. Mleczko

D. Serwatak

---

M. Smith

M. Switzer

**ANA-23:96**

**NOTES:**

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **June 7, 2023** A Notice of Appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information – Minor Variances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.



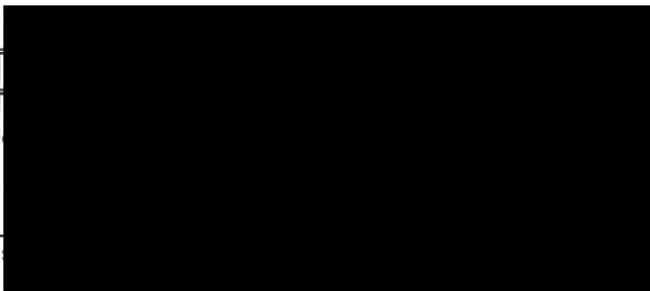
Hamilton

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		
Registered Owners(s)	Kuldip Swan		
Applicant(s)	Kuldip Swan		
Agent or Solicitor		E-mail:	
		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	1194 Scenic Drive, Ancaster, ON, L9K 1J6		
Assessment Roll Number	140.280.01000.0000		
Former Municipality			
Lot		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:

Put a partition wall in the Preschool room to create 2 classrooms. Total number of Classrooms in the Daycare will go from 3 to 4. See Architect Drawing A1.01 Ground Floor Plan (Preschool Room 116 and 118). Note: Drawing in the process to be approved by Building Department (see attachment: Eplan approval)

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

With the original zoning approval of 36 children, 3 class rooms were required, now with the approval of 55 children, need to increase the class size from 3 to 4. (see attachment: Notice of decision: AN/A-23:96 approval to increase capacity and Notes 1 regarding number of class rooms)

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
41.15 meter	Varies	0.15 hectare	6.5 meter

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
Main Building	5.6 meter	0.36 meter	1.5 meter	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Main Building	5.6 meter	0.36 meter	1.5 meter	

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
Main Dwelling	0.15 hectare	215 sq meter	2	10.7 meter

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Main Dwelling	0.15 hectare	215 sq meter	2	10.7 meter

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.):  
Residential and Childcare

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:  
November 2022
- 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)  
Childcare and Single detached dwelling
- 7.4 Length of time the existing uses of the subject property have continued:  
November 2015
- 7.5 What is the existing official plan designation of the subject land?
- Rural Hamilton Official Plan designation (if applicable): Neighbourhoods
- Rural Settlement Area: \_\_\_\_\_
- 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? R1-582

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: R1-582

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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: 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
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