



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.:	GL/A-23:306	SUBJECT PROPERTY:	754 Nebo Road, Glanbrook
ZONE:	"M2" (Prestige Business Park)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: Dan Macesic
 Agent/ Applicant: Michael Isotti Pongetti

The following variances are requested:

1. A maximum height of 6.10 metres shall be permitted for all accessory buildings instead of the required maximum height of 4.5 metres for all accessory buildings.
2. A minimum 0.61 metre rear yard setback for an accessory building shall be permitted instead of the minimum 1.2 metre setback required.
3. A minimum 0.61 metre side yard setback for an accessory building shall be permitted instead of the minimum 1.2 metre setback required.
4. A minimum landscaped area of 35% in the front yard of a single detached dwelling shall be permitted instead of the minimum 50% front yard landscaped area required.

PURPOSE & EFFECT: To facilitate the construction of a detached building (garage) accessory to an existing single detached dwelling.

Notes:

1. Please be advised insufficient information was provided to determine the front yard landscaped area percentage. Therefore, the variance has been written as requested.
2. Please be advised insufficient information was provided regarding existing or proposed parking. Additional variances may be required if conformity with Section 5 of the Hamilton Zoning By-law 05-200 cannot be achieved.

GL/A-23:306

3. Please be advised insufficient information was provided regarding the proposed eaves/gutters for the accessory building. Additional variances may be required if conformity with Section 4.8 h) cannot be achieved.
4. A portion of the property falls under conservation management. Please contact the Hamilton Conservation Authority prior to any development.

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:	11:45 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

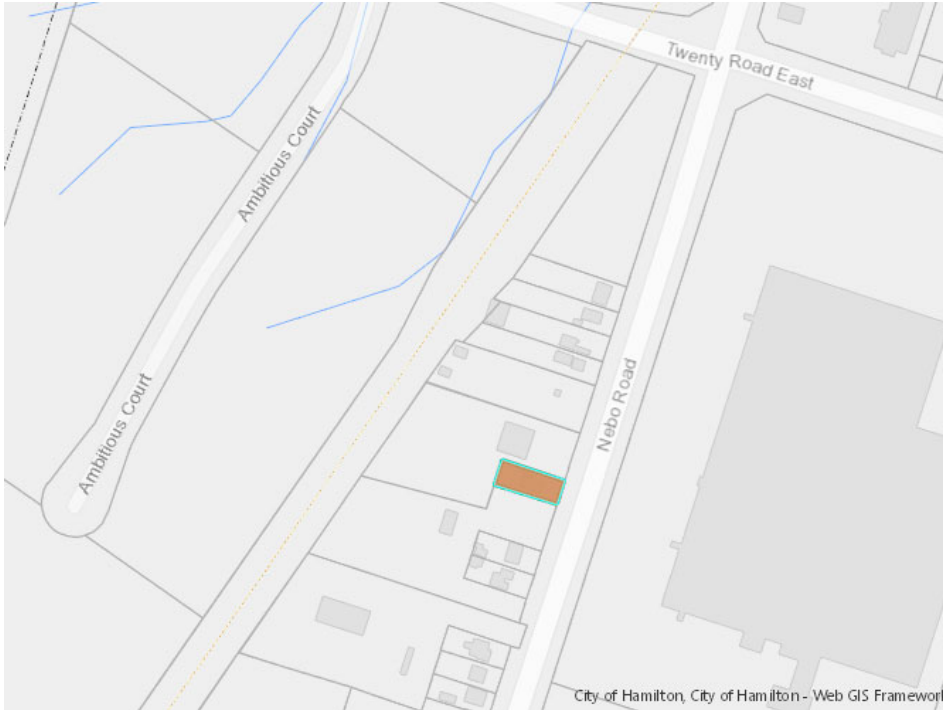
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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 GL/A-23:306, 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.



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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 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.

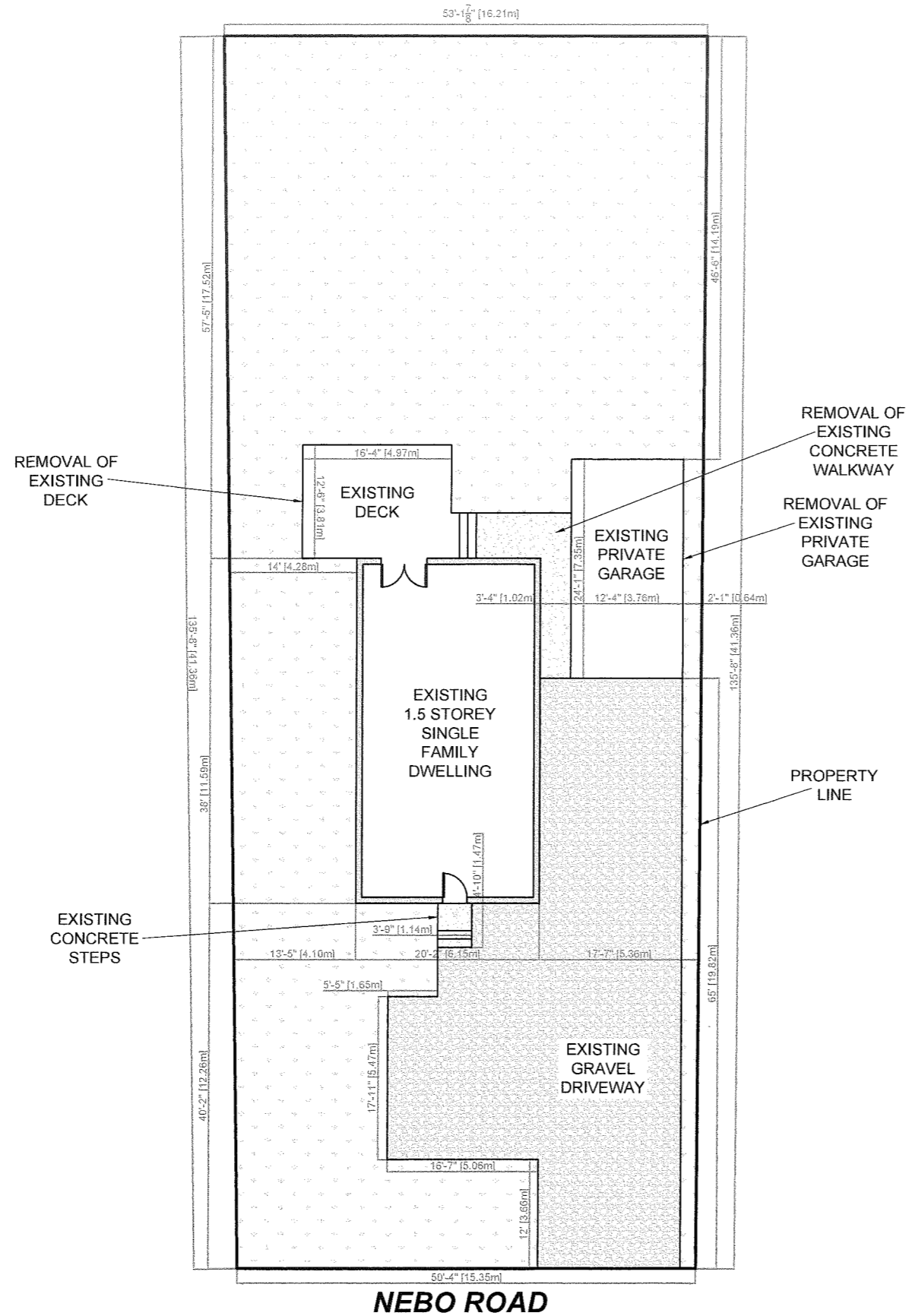
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.

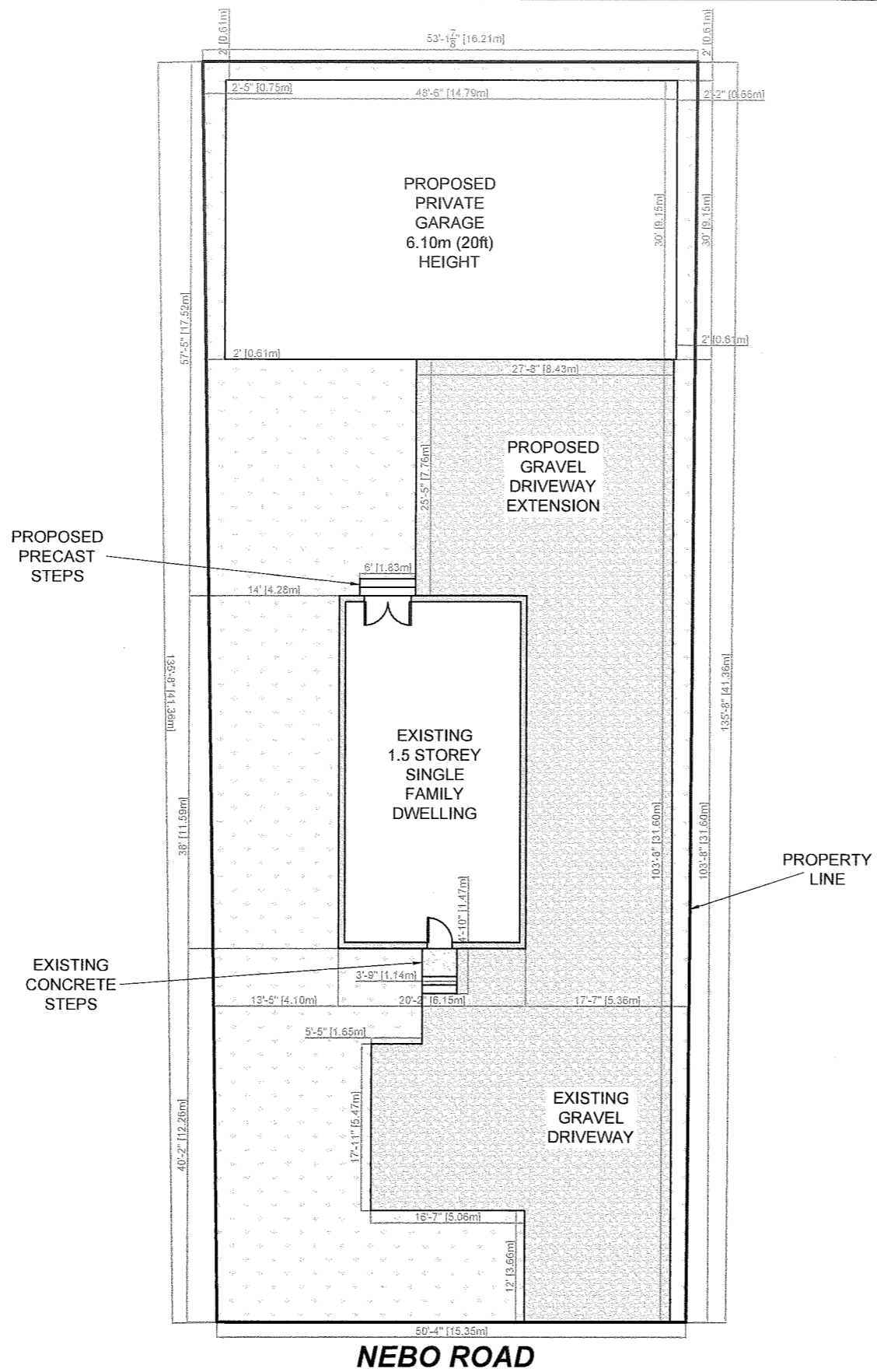


LOT COVERAGE	
TOTAL LOT AREA =	7021.2ft ² = 652.29m ²
NON-GREENSPACE AREAS	
HOUSE AREA =	766.33ft ² = 71.19m ²
PRIVATE GARAGE =	297.42ft ² = 27.43m ²
DECK =	217.65ft ² = 20.22m ²
GRAVEL DRIVEWAY =	1412.19ft ² = 131.20m ²
TOTAL =	2496.16ft ² = 231.90m ²
GREENSPACE AREA = 4525.04ft ² = 420.39m ²	
GREENSPACE PERCENTAGE = 420.39m ² / 652.29m ² = 64.45%	

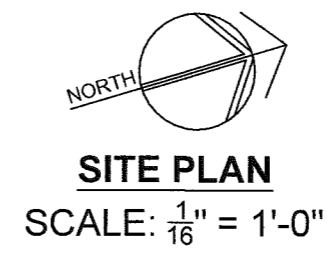
NORTH

SITE PLAN
SCALE: $\frac{1}{16}$ " = 1'-0"

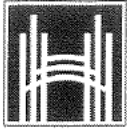
#:	DATE:	DESC.
REVISIONS		
DECC INC.		
DESIGN ENGINEER CONSULT CONSTRUCT		
SITE:		
754 NEBO ROAD HAMILTON, ONTARIO		
PROJECT:		
PRIVATE GARAGE		
DWG:		
SP1.01 SITE PLAN EXISTING		
DATE:	DRAWN BY:	DWG #:
NOV, 2 2023	RC	
PROJECT #:	CHKD BY:	1 / 2
133	MP	



LOT COVERAGE	
TOTAL LOT AREA =	7021.2ft ² = 652.29m ²
NON-GREENSPACE AREAS	
HOUSE AREA =	766.33ft ² = 71.19m ²
PROP. PRIVATE GARAGE =	1454.94ft ² = 135.17m ²
GRAVEL DRIVEWAY =	2323.24ft ² = 215.84m ²
TOTAL =	4544.51ft ² = 422.20m ²
GREENSPACE AREA =	2476.67ft ² = 230.09m ²
GREENSPACE PERCENTAGE	
=	230.09m ² / 652.29m ²
=	35.27%



#:	DATE:	DESC.
REVISIONS		
DECC INC.		
DESIGN ENGINEER CONSULT CONSTRUCT		
SITE:		
754 NEBO ROAD HAMILTON, ONTARIO		
PROJECT:		
PRIVATE GARAGE		
DWG:		
SP1.02 SITE PLAN PROPOSED		
DATE:	DRAWN BY:	DWG #:
NOV, 2 2023	RC	2 / 2
PROJECT #:	CHKD BY:	
133	MP	



Hamilton

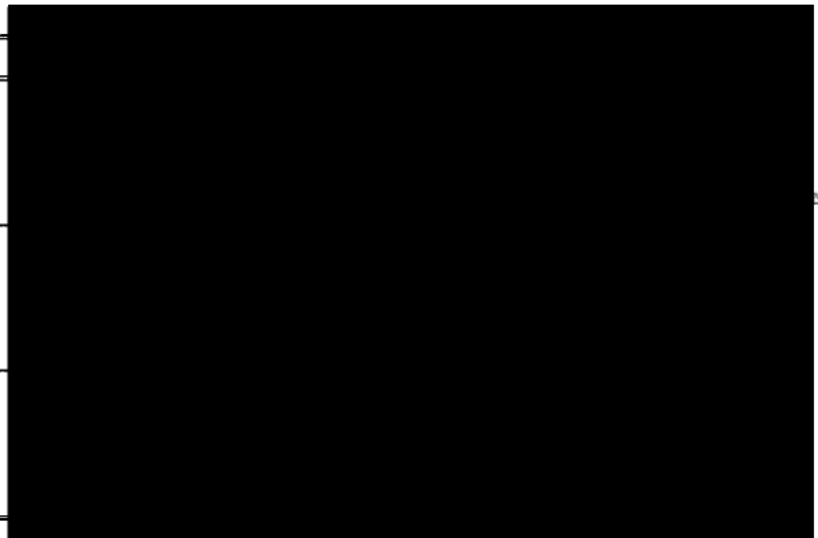
Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

**APPLICATION FOR A MINOR VARIANCE/PERMISSION
UNDER SECTION 45 OF THE PLANNING ACT**

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	DAN MACESIC
Applicant(s)	MICHAEL ISOTTI PONGETTI
Agent or Solicitor	MICHAEL ISOTTI PONGETTI



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	754 NEBO ROAD		
Assessment Roll Number			
Former Municipality	HAMILTON		
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:

CONSERVATION LAND AT FRONT OF PROPERTY, NOTE AFFECTED BY CONST.

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:

GREENSPACE < 50%, HEIGHT OF BUILDING > 4.5m(14.76ft), REQUESTING 6.10m (20ft), SETBACK TO PROPERTY LINE <1.2m(4ft), REQUESTING 0.610m(2ft)

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

THE SIZE OF PROPOSED PRIVATE GARAGE DOES NOT ALLOW US TO COMPLY WITH THE BY-LAW MINIMUM REQUIREMENTS

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
15.345m	41.36m	652.29m ²	12.0m

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	12.26m	17.52m	0.64m	01/01/1950
PRIVATE GARAGE	19.82m	.08m	2.16m/5.79m	01/01/1950

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
PRIVATE GARAGE	31.6m	0.610m	0.610m	05/01/2023

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	71.19m ²	100m ²	1.5	5.79m
PRIVATE GARAGE	27.43m ²	27.43m ²	1	3.5m
DECK	20.22m ²	20.22m ²	1	0.610m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
PRIVATE GARAGE	135.17m ²	135.17m ²	1	6.10m

- 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.):

SINGLE FAMILY DWELLING

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

COMMERCIAL, SINGLE FAMILY

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

OCTOBER 12, 2023

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

SINGLE FAMILY DWELLING

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

SINGLE FAMILY DWELLING

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

ENTIRE EXISTENCE

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) _____

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

7.6 What is the existing zoning of the subject land? M3

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: M3

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 N/A.

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):

PRIVATE GARAGE FOR STORAGE

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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