



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.:	AN/A-23:95	SUBJECT PROPERTY:	476 Book Rd. E., Ancaster
ZONE:	"M11 H37" (Airport Prestige Business)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: Jill Marie Elizabeth Penny and John C Penny
Agent: X-Design Inc. c/o Sheri Crawford

The following variances are requested:

1. An accessory building height of 7.24m shall be permitted instead of the 4.5m maximum building height for accessory structures permitted.
2. An accessory building gross floor area of 169.37m² shall be permitted instead of the maximum 45m² gross floor area for accessory buildings permitted.

PURPOSE & EFFECT: To facilitate the construction of a proposed accessory building in the rear yard of the existing dwelling;

Notes:

1. It is noted that gross floor area is defined in Hamilton Zoning By-law 05-200 as follows;

Shall mean the aggregate horizontal area measured from the exterior faces of the exterior walls of all floors of a building (excluding any cellar or floor area having a ceiling height of 2.0 metres or less or devoted exclusively to parking) within all buildings on a lot but shall not include any area devoted to mechanical equipment

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, January 18, 2024
TIME:	10:15 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

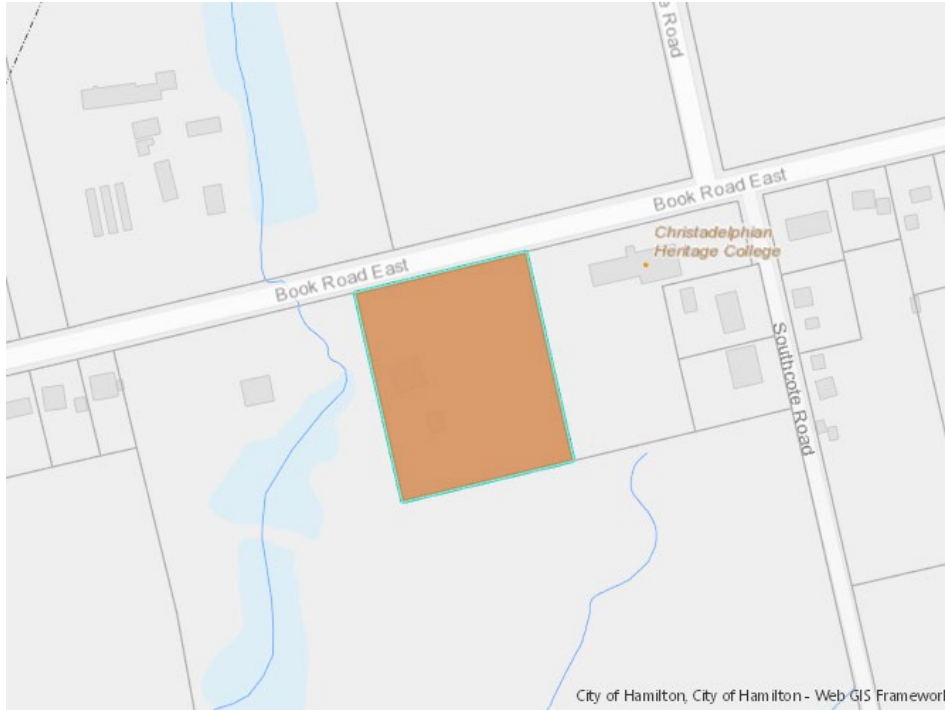
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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 AN/A-23:95, 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: January 2, 2024

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.

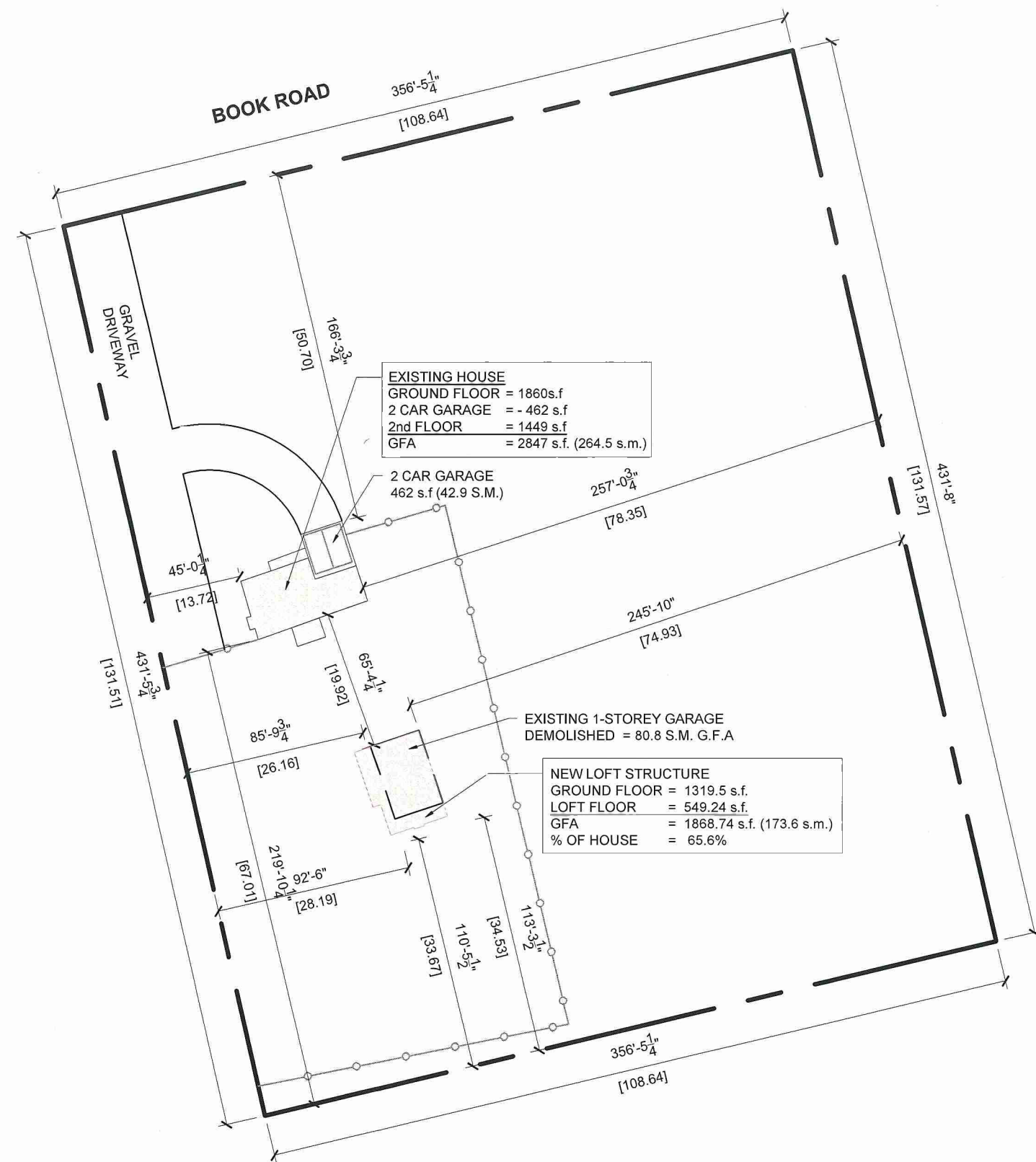
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.

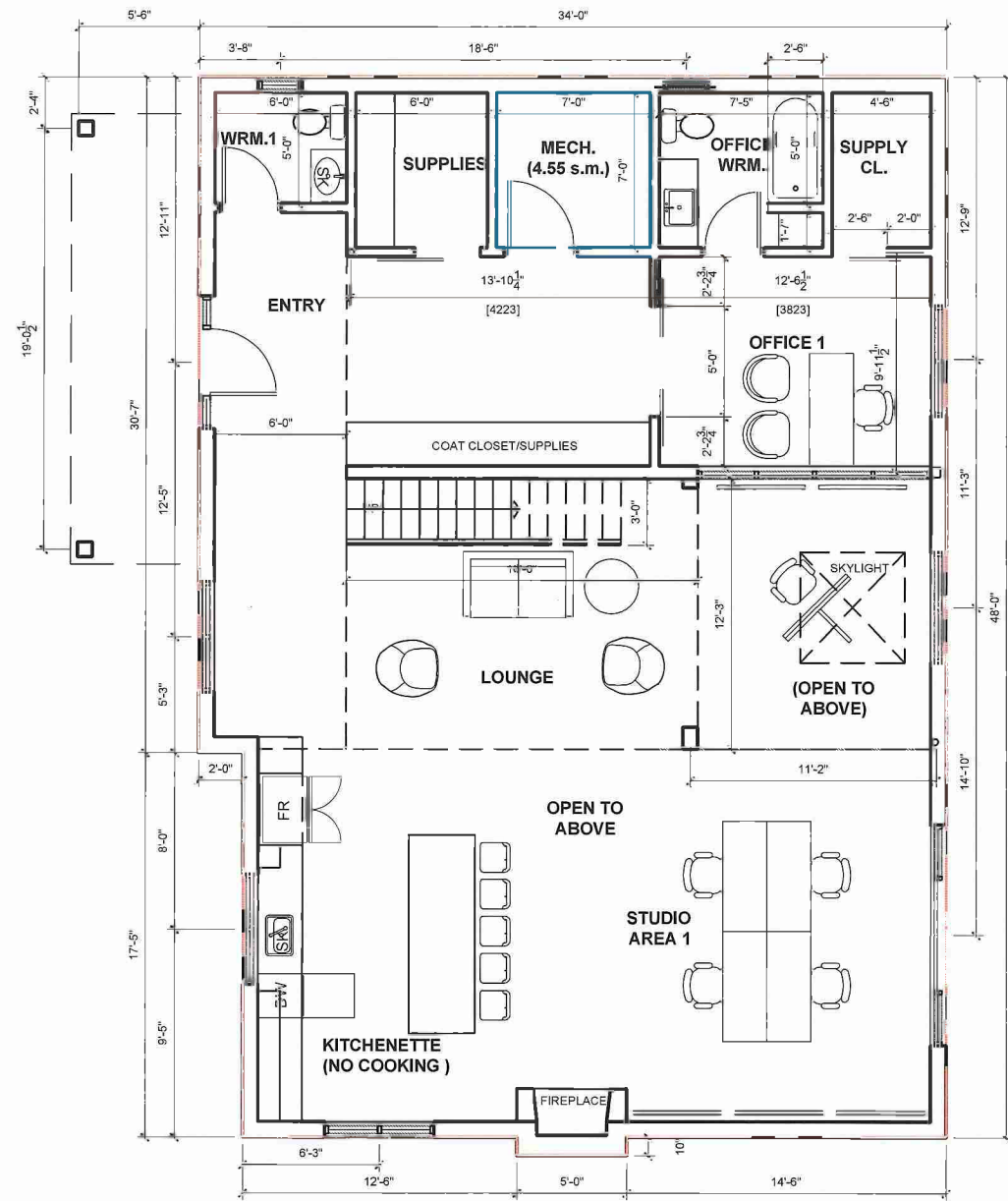


SITE INFORMATION

DESCRIPTION	BY-LAW	SITE	CofA REQ'D
ZONING	M11 - AIRPORT PRESTIGE BUSINESS		
LOT AREA	4000 S.M.	4999.8 S.M.	NO
LOT WIDTH	60 M	108.64 M.	NO
LOT DEPTH		131.5 M.	NO
GFA HOUSE		264.5 S.M.	NO
ACCESSORY BUILDING USE		PROFESSIONAL OFFICE (ART STUDIO)	NO
ACCESSORY BUILDING GFA	45 S.M.	173.6 S.M.	YES
ACCESSORY BUILDING HEIGHT	4.5 M.	6.3 M	YES
ACCESSORY BUILDING SIDE YARD	1.2 M.	70.73 M	NO
ACCESSORY BUILDING REAR YARD	1.2 M.	33.67 M.	NO
LANDSCAPED AREA	15%	78%	NO



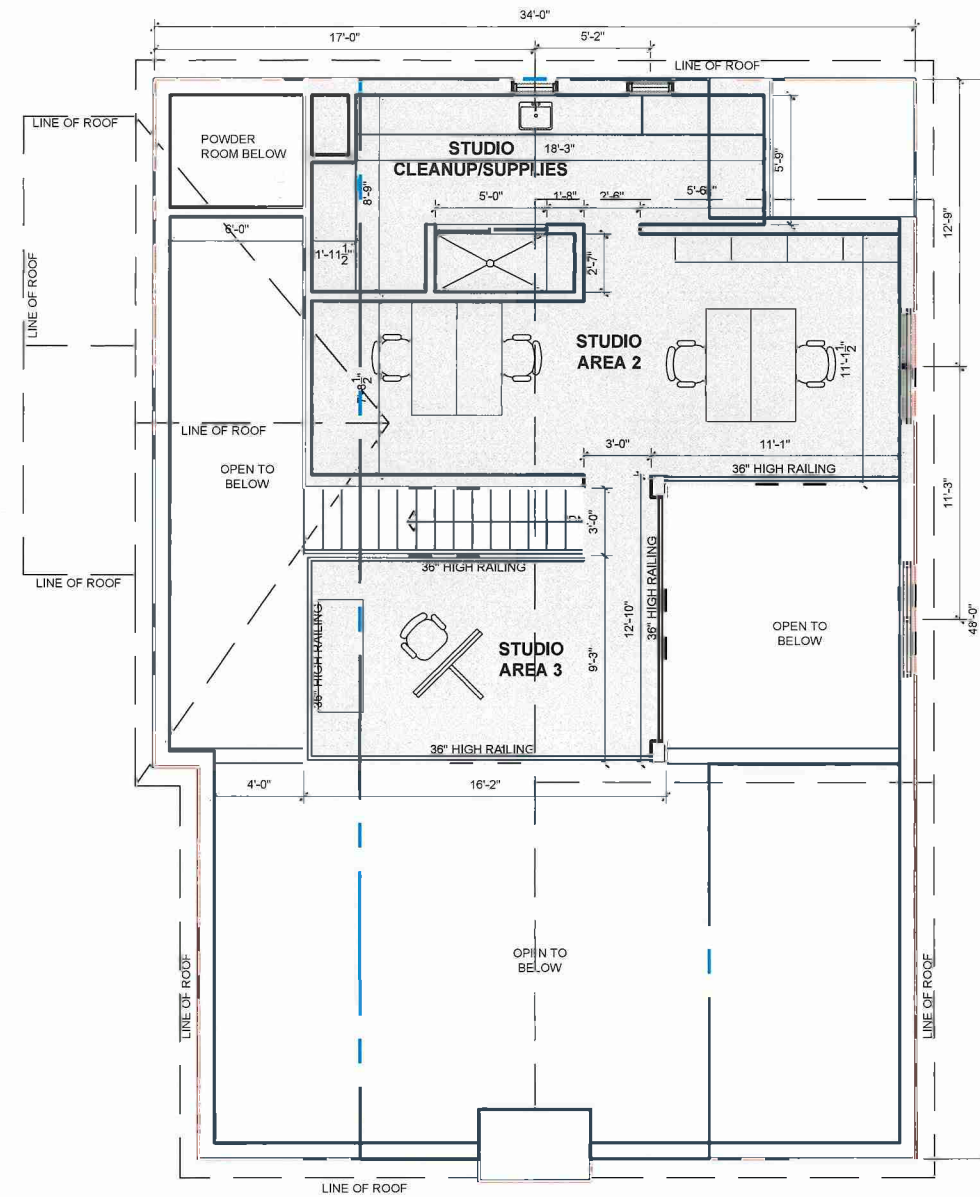
SIGHTLINE FROM STREET (ACCESSORY BUILDING NOT VISIBLE)



GROUND FLOOR PLAN

- ORIGINAL BUILDING AREA = 1601 S.F. (148.7 S.M.)
- LESS MECH. ROOM = 49 S.F. (4.55 S.M.)
- TOTAL AREA = 1552 S.F. (144.15 S.M.)**

TOTAL FLOOR AREA	
GROUND	= 144.15 S.M.
2ND FLOOR	= 87.7 S.M.
	231.85 S.M.

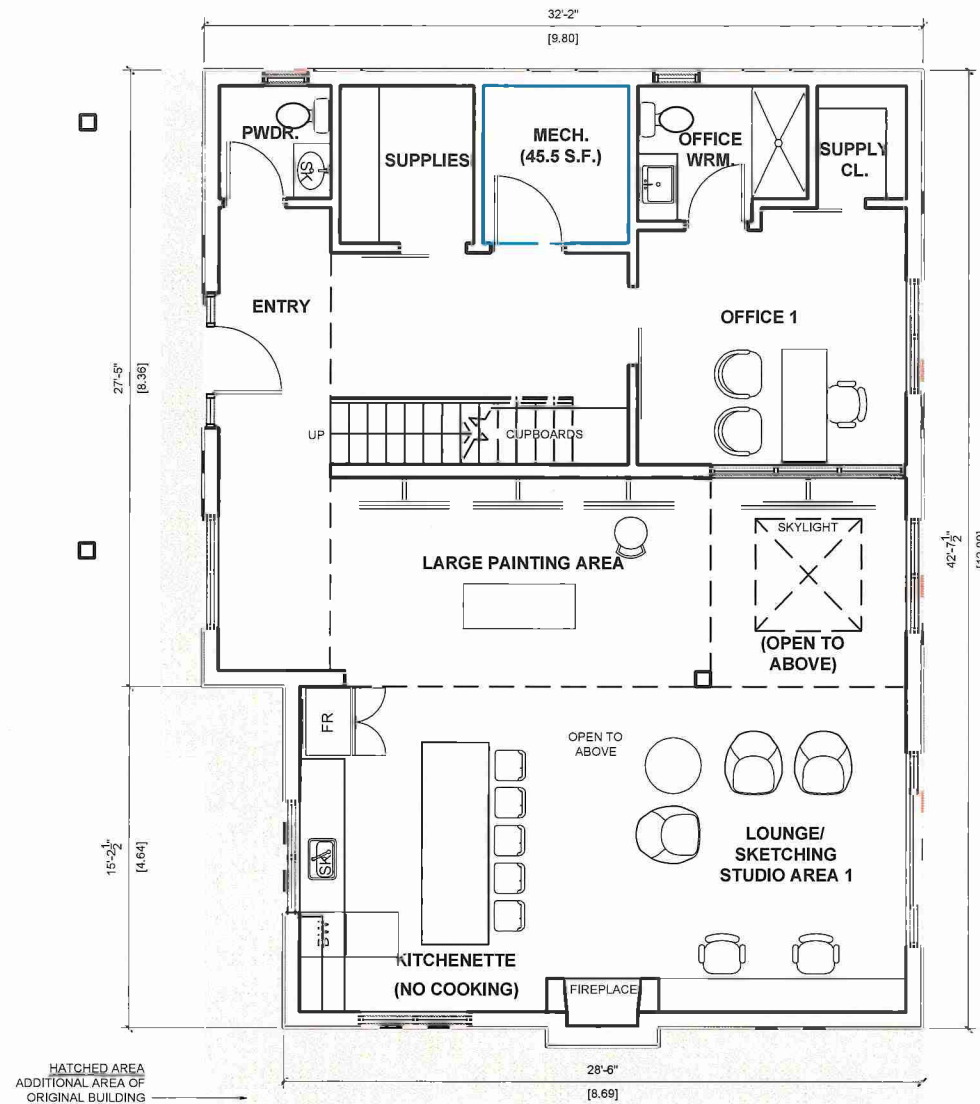


LOFT FLOOR PLAN

- ORIGINAL TOTAL 2ND FLOOR BUILDING AREA = 1601 S.F. (148.7 S.M.)
- ORIGINAL 2ND FLOOR AREA WITH 2M CEILING HEIGHT = 944 S.F. (87.7 S.M.)
- ORIGINAL 2ND FLOOR AREA = 614.9 S.F. (57 S.M.)

INFORMATION

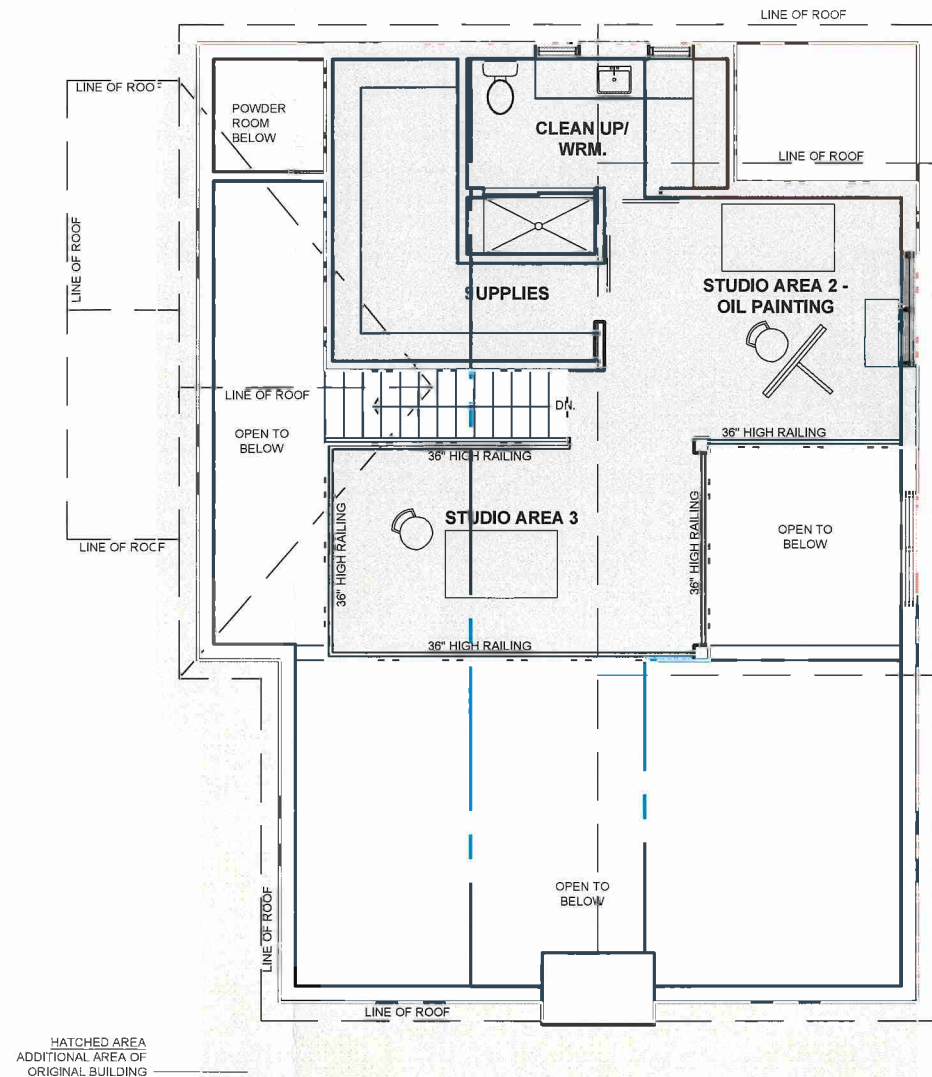
1. THE OWNERS HAVE RESIDED AT THIS ADDRESS FOR OVER 58 YEARS - THE ORIGINAL LAND ENCOMPASSED A FARMHOUSE, 2-STOREY BANK BARN WITH HAYLOFT, SUMMER KITCHEN BUILDING, LARGE OUTBUILDING WHICH WAS LATER REPLACED BY THE BLOCK BUILDING THAT SUCCEDED TO A LARGE DEAD ASH TREE CRASHING DOWN ON IT IN EARLY 2022.
2. ONE OF THE OWNERS, JOHN IS AN ARTIST AND WORKS WITH VARIOUS MEDIUMS. HIS CURRENT STUDIO WITHIN THE MAIN HOUSE NO LONGER PROVIDES ENOUGH SPACE FOR HIS CRAFT AS HE HEADS INTO RETIREMENT AND WILL FOCUS ON HIS ARTWORK.
3. JOHN'S WIFE JILL HAS ALLERGIES AND THE FUMES FROM THE PAINTS AND MEDIUMS HAVE BEGUN TO EFFECT HER HEALTH WITHIN THE HOUSE.
4. WITH SPACE AND HEALTH CONSTRAINTS, THE PENNY'S DECIDED TO RENOVATE THEIR EXISTING ACCESSORY BUILDING TO PROVIDE AN ARTIST LOFT FOR JOHN TO CREATE WITHIN.
5. THE BUILDING DESIGN MAXIMIZES CRUCIAL NATURAL DAYLIGHT ELEMENTS AND PASTORAL VIEWS.
6. THE NEW ACCESSORY BUILDING PROVIDES JOHN WITH VARIOUS AREAS TO QUIETLY RETREAT AND CREATE AMONGST THE LANDSCAPE OF HIS PROPERTY AND EXPAND INTO MULTIPLE MEDIUMS.
7. THE ARTIST LOFT HAS AMENITIES WITHIN THE BUILDING SIMILAR TO THAT OF AN OFF-SITE STUDIO. THESE INCLUDE:
 - 7.1. A LOFT SPACE THAT ALLOWS FOR BETTER VIEWS OF THE LANDSCAPE - THE TYPICAL SUBJECT MATTER OF JOHN'S ARTWORK.
 - 7.2. ADJACENT WASHROOMS ON BOTH LEVELS SERVE NOT ONLY AS WASHROOMS BUT ALSO SINKS FOR CLEAN UP OF SUPPLIES.
 - 7.3. THE KITCHENETTE AREA IS SIMILAR TO THAT OF AN OFFICE, WHERE QUICK LUNCHES, COFFEE ETC. CAN BE STORED AND MADE WITHOUT HAVING TO TRAVEL BACK TO THE HOUSE TO DO SO.
8. THE NEW STRUCTURE DOES NOT INTERFERE WITH ANY ADJACENT PROPERTIES AS THE SETBACKS ARE MET AND EXCEED THE MINIMUM REQUIREMENTS.
9. THE NEW BUILDING IS NOT VIEWABLE BY THE STREET AND DOES NOT AFFECT THE STREET SCAPE.
10. THE TOTAL AREA OF THE ACCESSORY BUILDING DOES NOT EXCEED THAT OF THE PRIMARY DWELLING.
11. THE HEIGHT IS NOT MORE THAN THE PRINCIPLE DWELLING.
12. THE MATERIALS AND DESIGN OF THE ACCESSORY BUILDING COMPLIMENT THE RESIDENCE.
13. ALTHOUGH THE ZONING HAS CHANGED FROM THE ORIGINAL RESIDENTIAL/AGRICULTURAL ZONE, THE OWNERS INTEND ON REMAINING ON THE SITE AS LONG AS POSSIBLE. ADJACENT PROPERTIES REFLECT SIMILAR RESIDENTIAL STRUCTURES WITH LARGE ACCESSORY BUILDINGS WHICH SET A PRECEDENT FOR THIS PROPERTY.
14. THE PLAN AND ELEVATIONS HAVE BEEN SIGNIFICANTLY REVISED AFTER SEVERAL DISCUSSIONS WITH THE PLANNING DEPARTMENT AND ZONING.



GROUND FLOOR PLAN

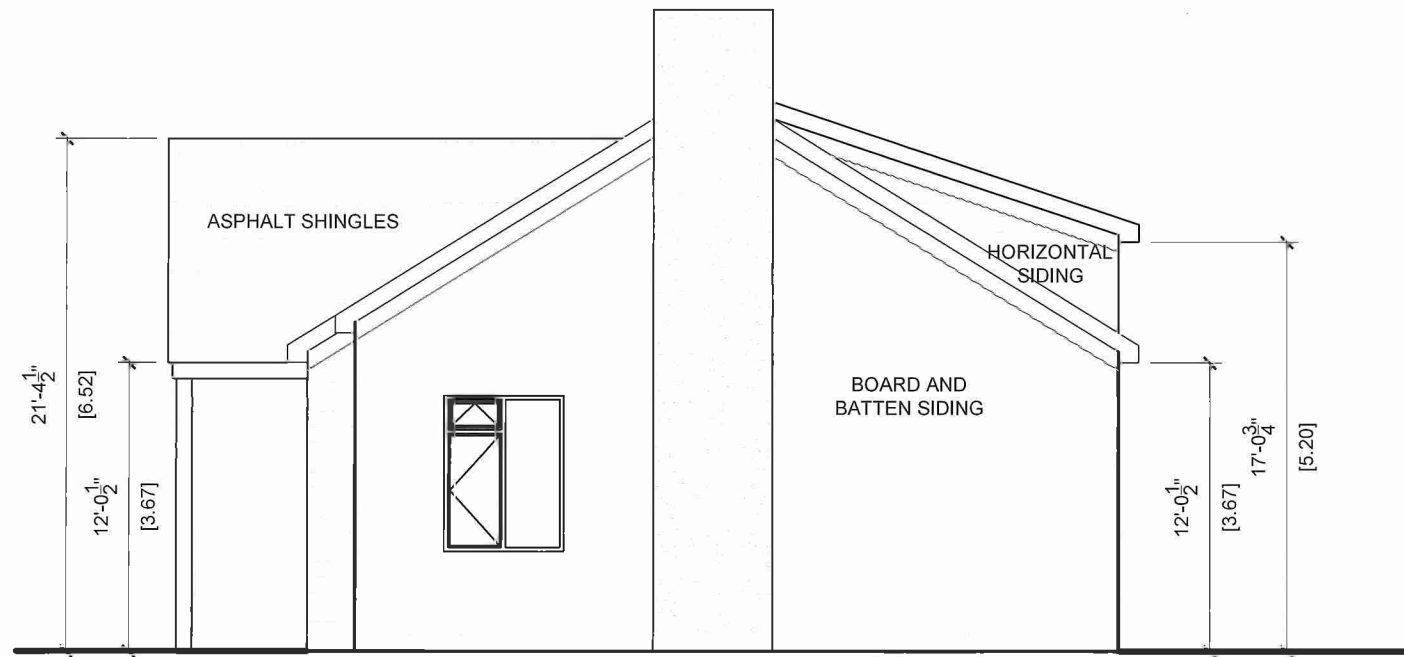
--- TOTAL BUILDING AREA	= 1319.5 S.F. (122.6 S.M.)
--- LESS MECH. ROOM	= 45.5 S.F. (4.23 S.M.)
TOTAL AREA	= 1274 S.F. (118.37 S.M.)

TOTAL FLOOR AREA	
GROUND	= 118.37 S.M.
2ND FLOOR	= 51 S.M.
	169.37 S.M.

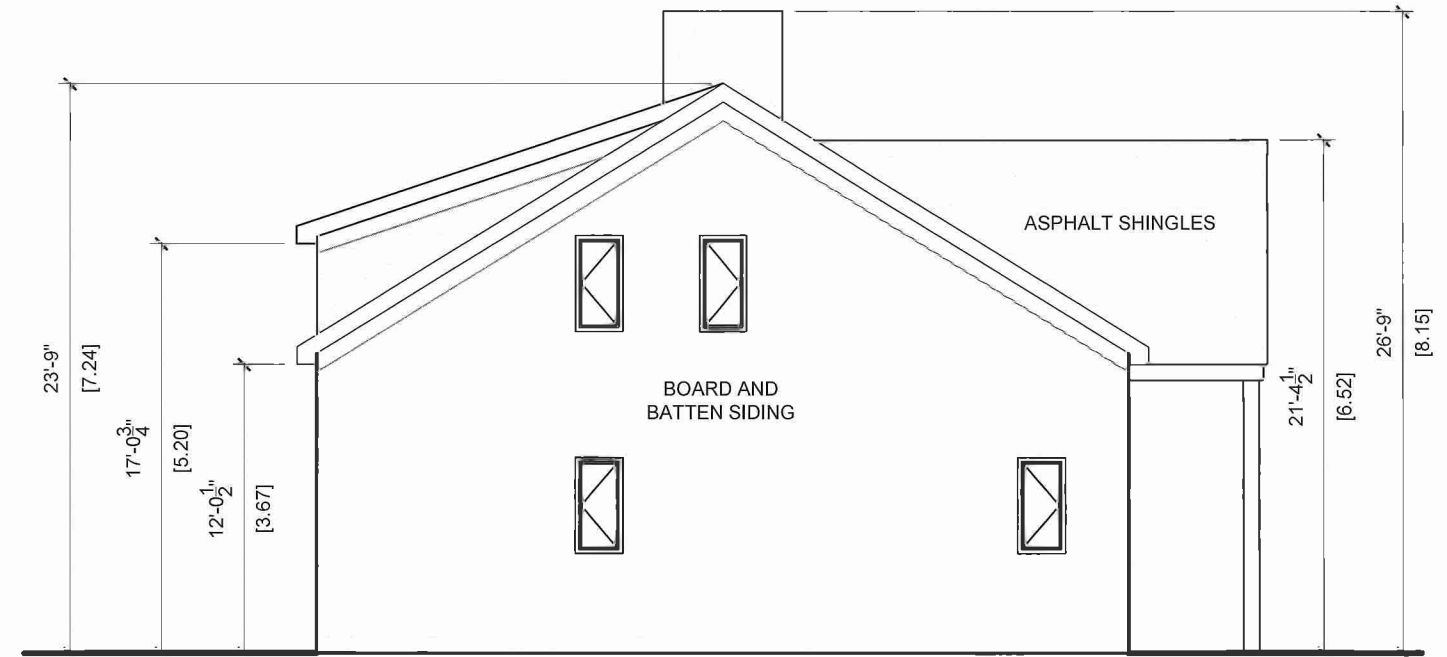


LOFT FLOOR PLAN

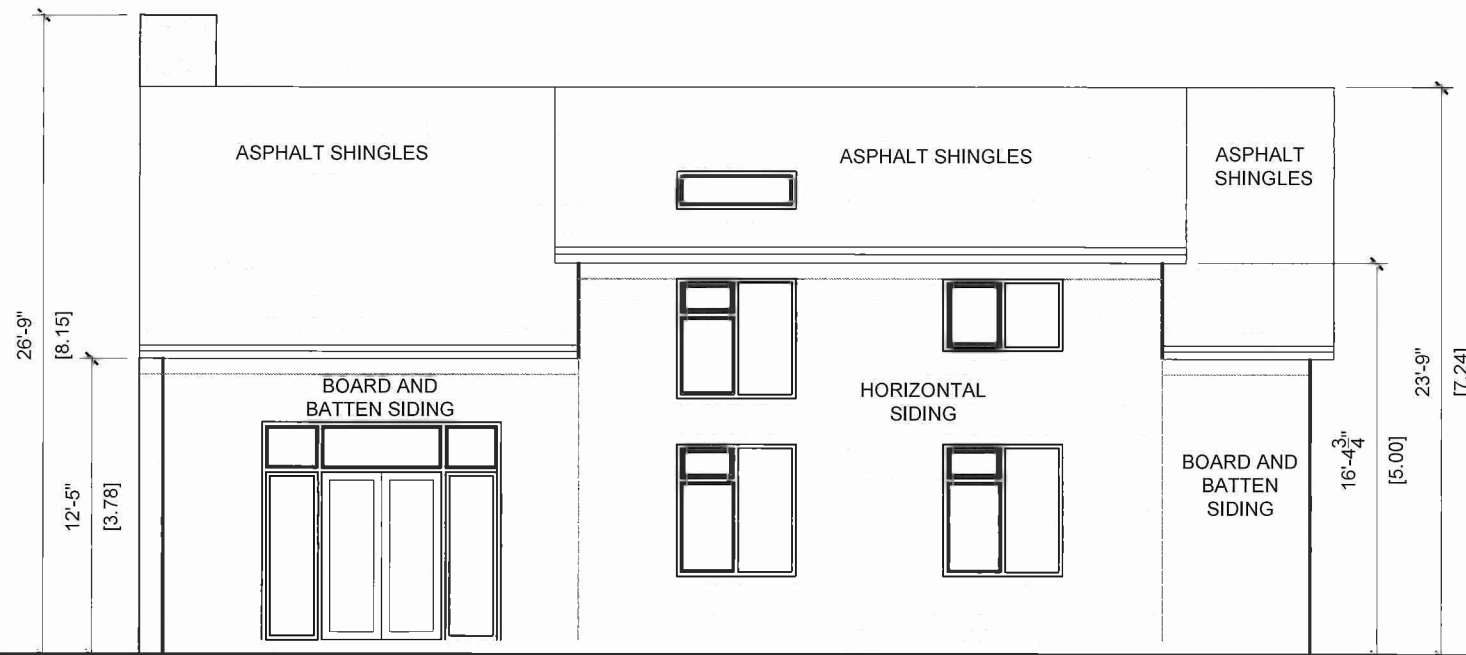
--- TOTAL 2ND FLOOR AREA	= 1319.5 S.F. (122.6 S.M.)
--- 2ND FLOOR AREA WITH 2M CEILING HEIGHT	= 549.24 S.F. (51 S.M.)
--- 2ND FLOOR AREA	= 614.9 S.F. (57 S.M.)



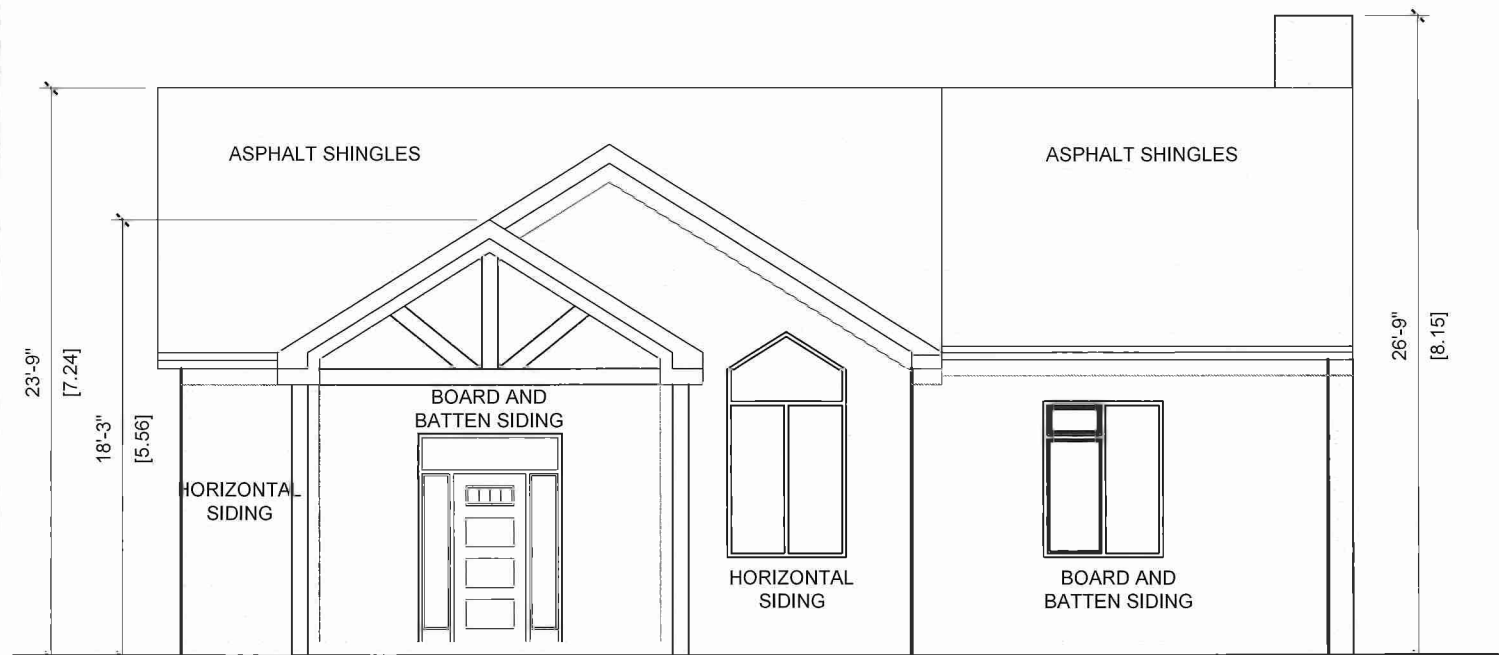
SOUTH ELEVATION



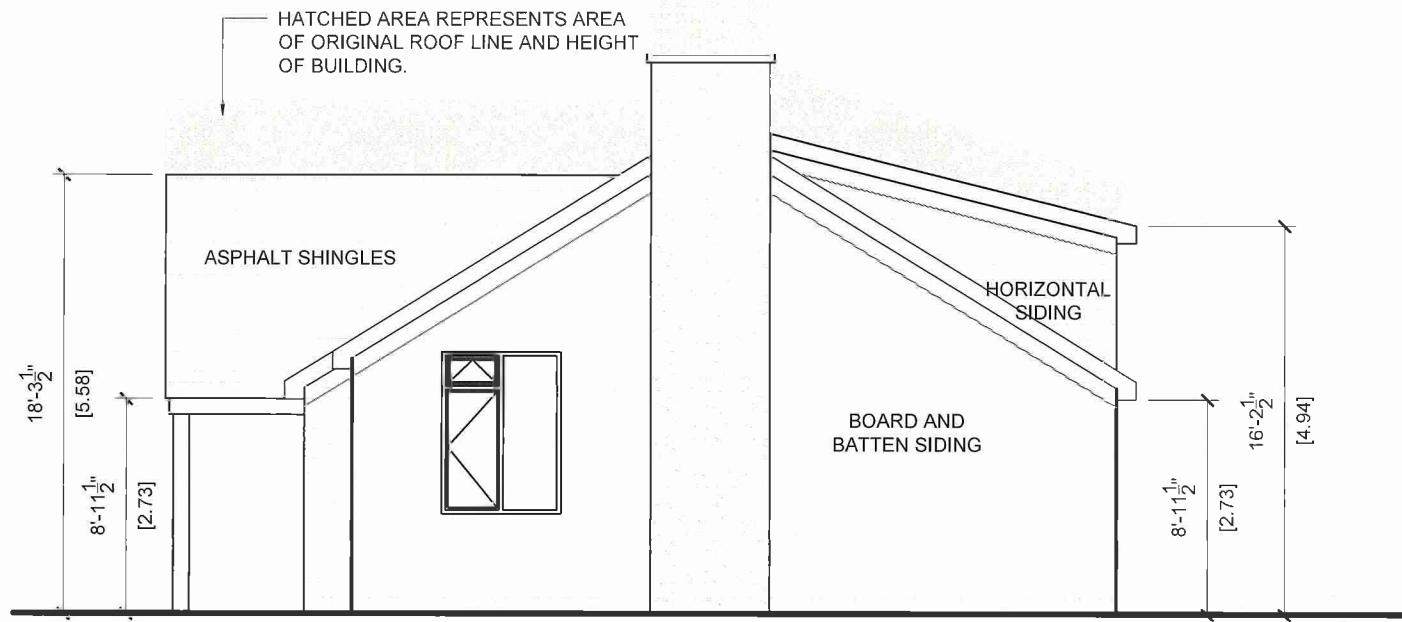
NORTH ELEVATION



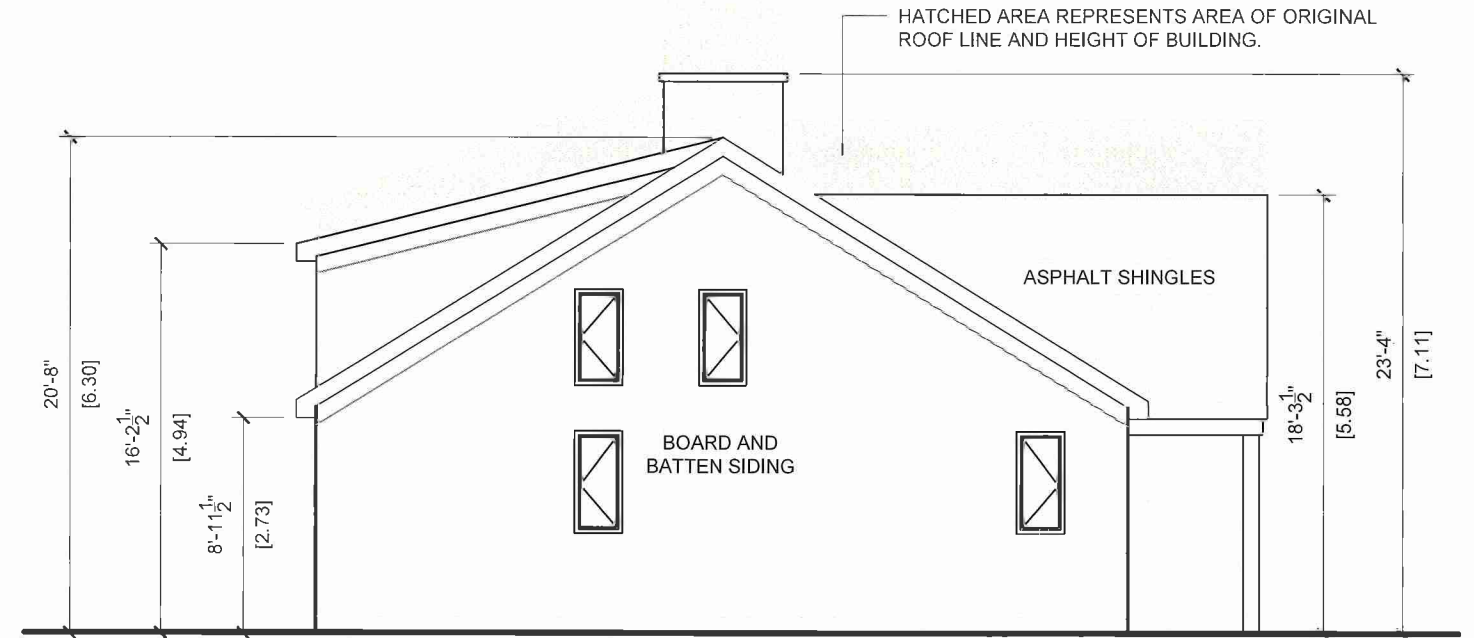
EAST ELEVATION



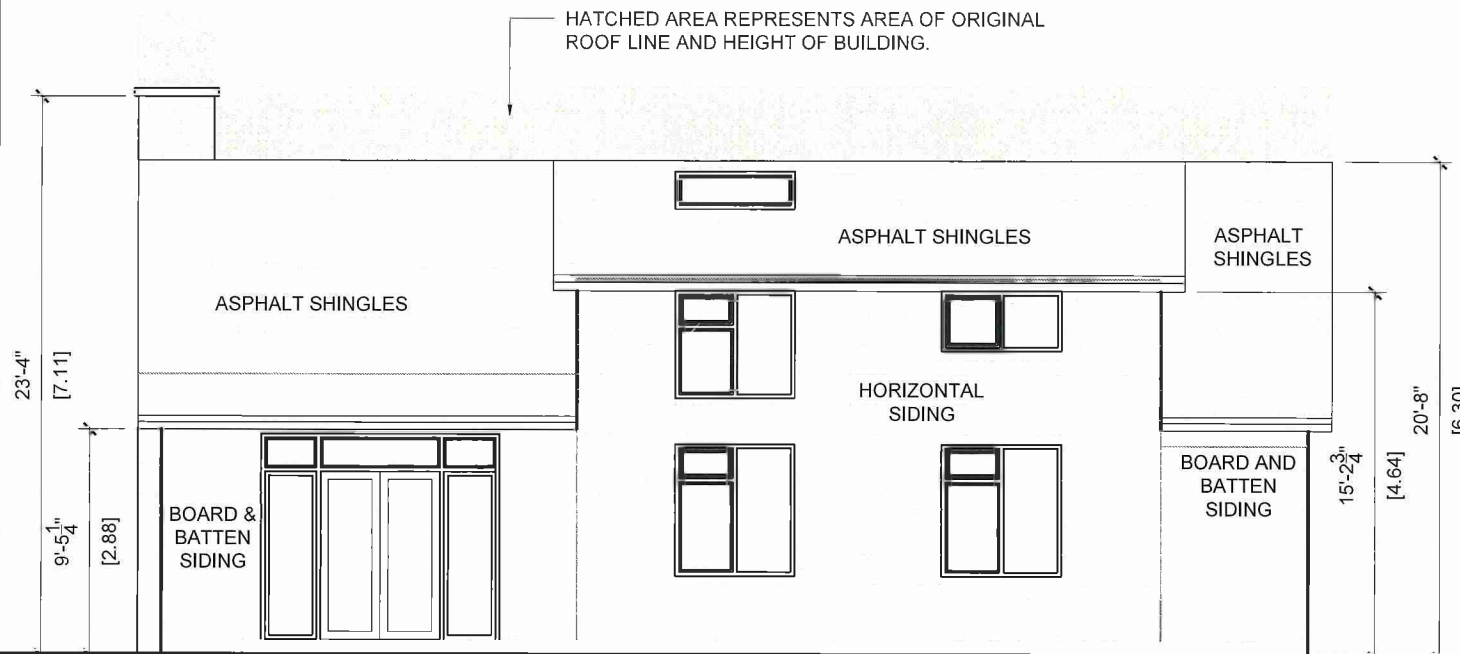
WEST ELEVATION



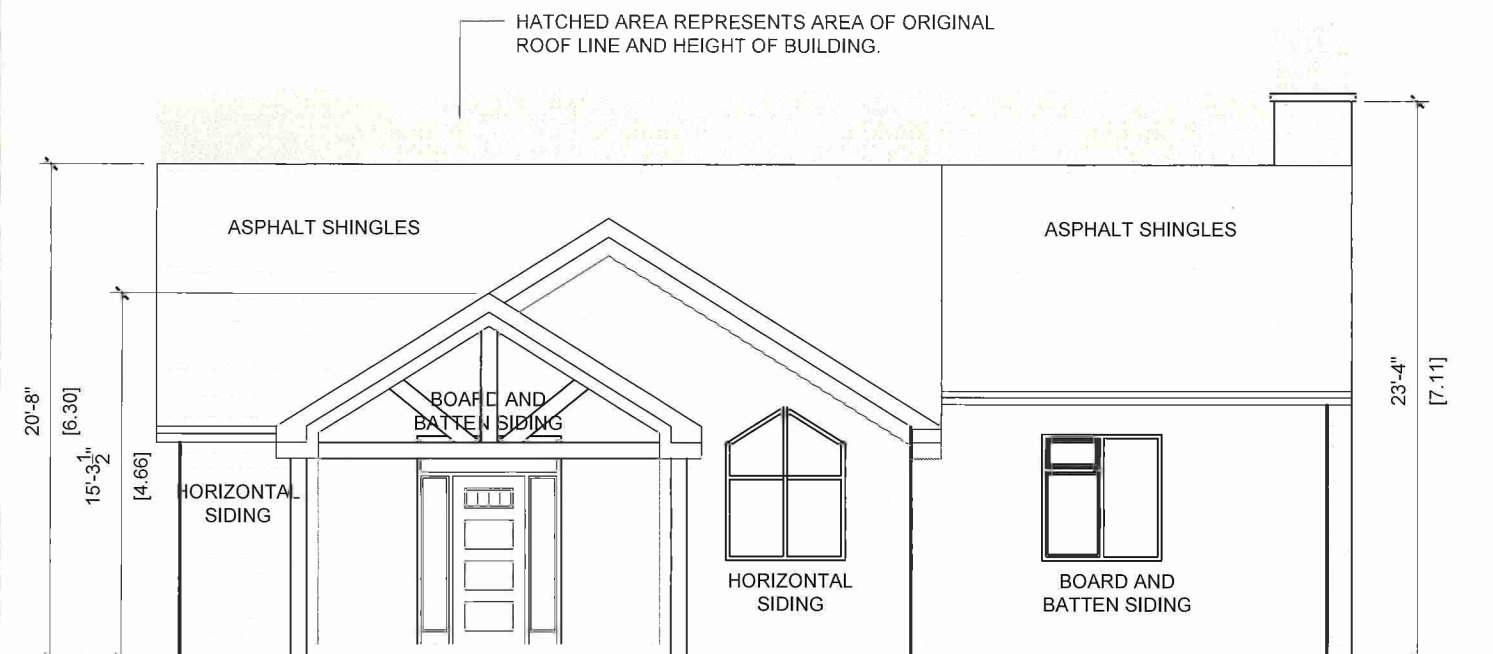
SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION



Hamilton

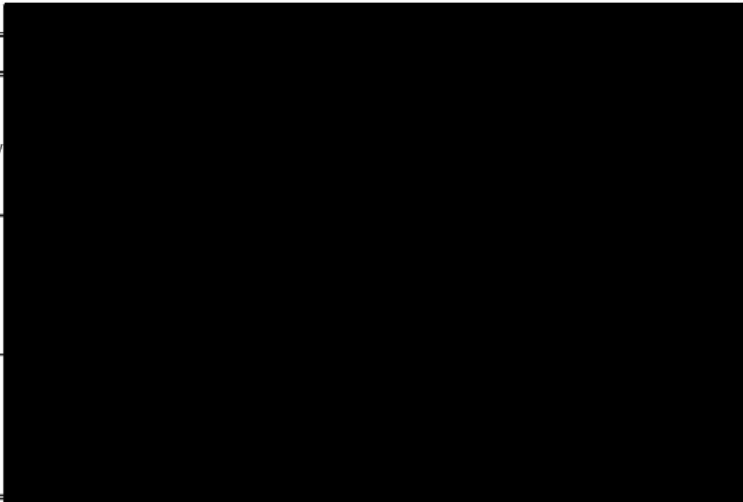
Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

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)	Jill Marie Elizabeth Penny and John C. Penny
Applicant(s)	X-Design Inc.
Agent or Solicitor	Sheri Crawford X-Design Inc.



- 1.2 All correspondence should be sent to Owner Applicant
 Agent/Solicitor
- 1.2 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor
- 1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor
- 1.4 Request for digital copy of sign Yes* No
If YES, provide email address where sign is to be sent _____
- 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	476 Book Rd. E., Ancaster		
Assessment Roll Number			
Former Municipality	Glanbrook		
Lot		Concession	5
Registered Plan Number	62R-7955	Lot(s)	
Reference Plan Number (s)		Part(s)	1

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:

The proposed building height is 6.3m versus the allowed 4.5m to accommodate a loft area. The proposed Gross Floor Area of the building is 173.6 s.m. which exceeds the maximum area of 45 s.m. for an accessory structure.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

The owner requires more space to expand on the various art mediums and would like a comfortable building to create within while maximizing pastoral views of the land. The scale of the land and house are relative to the new structure and it not visible from the street and does not affect adjoining lands.

3.3 Is this an application 45(2) of the Planning Act.

Yes No

If yes, please provide an explanation:

The single detached dwelling is recognized as a lawfully existing use on the property

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
108.640m	131.573m	4999.8 s.m.	

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	50.695m	67.01m	13.723m & 77.58m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Accessory Office/Studio	82.424m	33.67m	26.156m & 70.733m	Spring 2024

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	189.5m	359 sm	2	6.1m +/-

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Accessory Office/Studio	122.6sm	173.6sm	1 with Loft	6.3m

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.):
 Maintain Single family dwelling with additional accessory building for office/tradesperson's shop (artist studio).

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
 Single family dwellings and agricultural.

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

1965

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

n/a

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:

100 + 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) Airport Employment Growth District

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

7.6 What is the existing zoning of the subject land? M11 Airport Prestige Business

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:

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes No

If yes, please provide the file number:

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes No

7.11 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 0

8.3 Additional Information (please include separate sheet if needed):

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
- _____
- _____