



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

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.:	DN/A-23:348	SUBJECT PROPERTY:	98 Sydenham Street, Dundas
ZONE:	"R2, O2" (Single Detached Residential, Open Space)	ZONING BY-LAW:	Zoning By-law former Town of Dundas 3581-86, as Amended

APPLICANTS: Owner: Michael and Jenna Anderson
Agent: UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston

The following variances are requested:

1. A Minimum setback of 0.30 metres from the rear lot line shall be permitted for accessory structures having a floor area of less than 10 square metres. Instead of the requirement that all accessory structures having a floor area less than 10 square metres shall have a minimum setback from a rear lot line of 1.0 metres.
2. A minimum setback of 0.80 metres from the side lot line shall be permitted for accessory structures on properties where a garage does not form part of a principle building. Instead of the requirement that all accessory structures on properties where a garage does not form part of a principle building shall have a minimum setback from a side lot line of 2.0 metres.
3. A minimum setback of 0.60 metres from the rear lot line shall be permitted for accessory structures on properties where a garage does not form part of a principle building. Instead of the requirement that all accessory structures on properties where a garage does not form part of a principle building shall have a minimum setback from a rear lot line of 2.0 metres.

PURPOSE & EFFECT: To facilitate the severance of an existing property containing an existing single detached dwelling into three (3) parcels.

Notes:

1. Please be advised Consent Application DN/B-23:44 became final and binding August 23rd, 2023, for the associated property.

DN/A-23:348

2. Please be advised a portion of the property falls under the Hamilton Conservation Authority.
3. Please be advised the property is a Registered (Non-Designated) Heritage Property.

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:	Tuesday, February 13, 2024
TIME:	1:55 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (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

PUBLIC INPUT

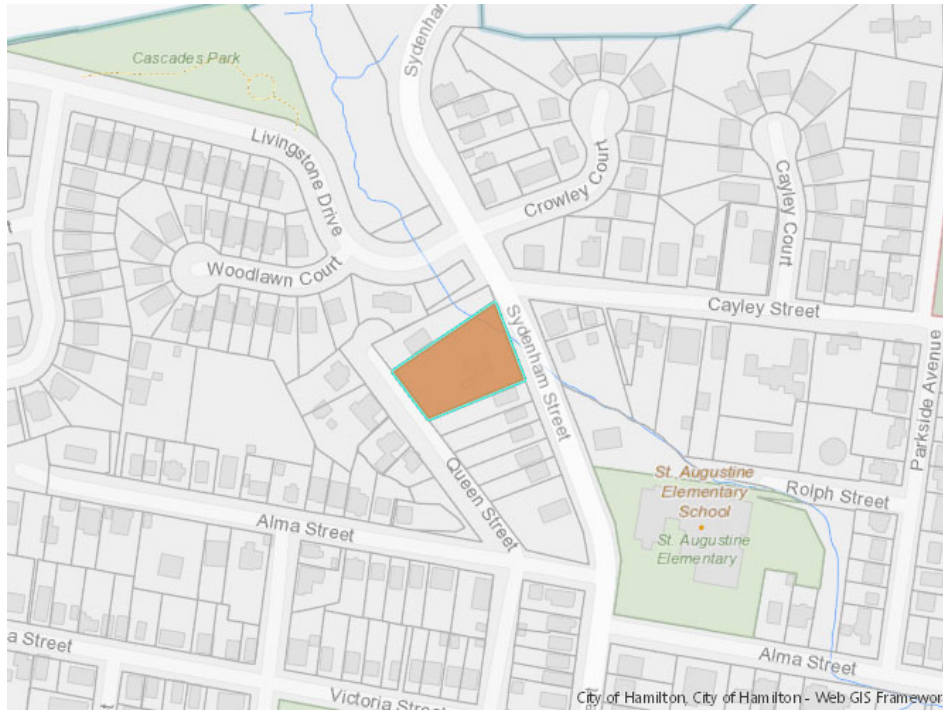
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than February 9, 2024

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, registration to participate virtually must be received no later than February 12, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding DN/A-23:348, 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.



DATED: January 25, 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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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 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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday 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 on the day listed on the Notice of Public 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.

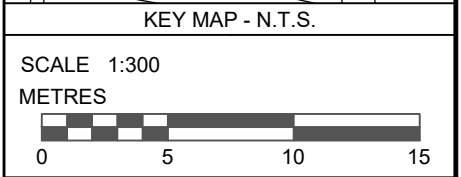
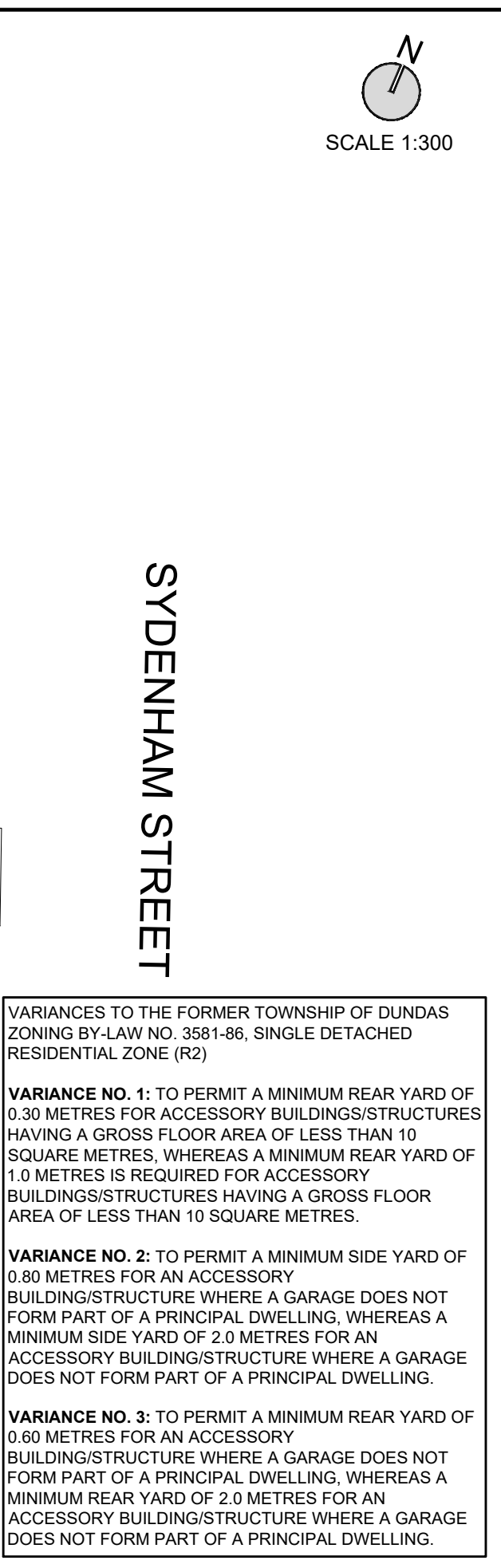
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **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.



NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

DESIGN BY: J. STANLEY	CHECKED BY: S. ERICKSON
DRAWN BY: J. STANLEY	DATE: DECEMBER 19, 2023



URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT: MICHAEL & JENNA
ANDERSON
98 SYDENHAM STREET
CITY OF HAMILTON

TITLE: **MINOR VARIANCE SKETCH**

U/S FILE NUMBER: 483-23	SHEET NUMBER: 1
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Hamilton

December 05, 2023

FILE: ALR
FOLDER: 23-313055-00 ALR
ATTENTION OF: Alyssa Vaccari
TELEPHONE NO: (905) 546-2424
EXTENSION: 2356-

Matt Johnston
3 STUDEBAKER PLACE UNIT 1
HAMILTON, ONTARIO L8L 0C8

Attention:

Re: **APPLICABLE LAW REVIEW – ZONING BYLAW**
Present Zoning: R2
Address: 98 SYDENHAM ST DUNDAS, ON

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

COMMENTS:

This application was made in order to facilitate the clearance of conditions (Condition #5 and #6) of land severance application DN/A-23:44, which was approved by the Committee of Adjustment on August 24th, 2023.

Condition #5:

1. Based on the submitted survey, it appears that the required minimum 1.0 metre rear yard setback for accessory buildings/structures having a gross floor area less than 10 square metres has not been provided and the required minimum 2.0 metre side and rear yard setback for an accessory building or structure on properties where a garage does not form part of a principle dwelling has not been provided. A successful application for minor variance shall be required in order to permit the 0.33 metre side yard, 0.92 metre side yard and 0.61 metre rear yard deficiencies. As such, condition #5 cannot be cleared.

Condition #6:

1. The survey submitted shows that the building (s) location on the lands to be retained. As such, condition #6 can be cleared.

Yours truly

A handwritten signature in dark ink, appearing to be 'M. J. Smith' or similar, written in a cursive style.

for the Manager of Zoning and Committee of Adjustment

December 22, 2023

483-23

Via Email & Delivered

Ms. Jamila Sheffield
Secretary Treasurer

Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON, L8P 4Y5

Dear Ms. Sheffield,

Re: 98 Sydenham Street, Dundas
Routine Minor Variance Application
File No. DN/B-23:44

As you know, UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Mr. Michael Anderson and Ms. Jenna Anderson, for the lands municipally known as 98 Sydenham Street, in the former Township of Dundas. Please accept the enclosed Minor Variance application on their behalf.

The subject property is a +/- 3,026.06 m² parcel which is a through lot with +/- 51.11 m of frontage onto Sydenham Street and +/- 37.13 m of frontage onto Queen Street. The parcel is designated as '*Neighbourhoods*' in the Urban Hamilton Official Plan and is zoned '*Open Space Conservation (OS) Zone*' and '*Single Detached Residential (R2) Zone*' in the Town of Dundas Zoning By-law No. 3581-86. The lands to be severed are wholly contained within the '*Single Detached Residential (R2) Zone*'.

Purpose of the Application

The lands have received conditional approval for a severance on August 3, 2023 (File No. DN/B-23:44). The purpose of this Minor Variance application is to clear **Condition No. 5** of approval for DN/B-23:44, which requires the owners to receive final approval of any necessary variances from the requirements of the Zoning By-law. As per the enclosed Applicable Law Review Letter issued by the City on December 5th, 2023, and Topographic Survey prepared by A.T. McLaren Ltd., the following variances are required to facilitate the conditionally-approved severance:

Variance 1: To permit a minimum rear yard of 0.30 metres for accessory buildings/structures having a gross floor area of less than 10 square metres, whereas a minimum rear yard of 1.0 metres is required for accessory buildings/structures having a gross floor area of less than 10 square metres.

Variance 2: To permit a minimum side yard of 0.80 metres for an accessory building/structure where a garage does not form part of a principal dwelling, whereas a minimum side yard of 2.0 metres for an accessory building/structure where a garage does not form part of a principal dwelling.

Variance 3: To permit a minimum rear yard of 0.60 metres for an accessory building/structure where a garage does not form part of a principal dwelling, whereas a minimum rear yard of 2.0 metres for an accessory building/structure where a garage does not form part of a principal dwelling.

To assist in the evaluation of this application, please refer to the enclosed Committee of Adjustment Sketch. Justification for the proposed variances has been provided below in accordance with Section 45(1) of the *Planning Act*, R.S.O. 1990, as amended, to ensure applications to the Committee to vary from the Zoning By-law meet four tests as outlined below:

- The proposal meets the general intent and purpose of the Official Plan;
- The proposal meets the general intent and purpose of the Zoning By-Law;
- The variance is minor in nature; and,
- The proposal is desirable for the appropriate development or use of the land.

1. Is the proposed minor variance in keeping with the general purpose and intent of the Urban Hamilton Official Plan?

The subject lands are designated as *Neighbourhoods* in the Urban Hamilton Official Plan which permits the proposed use of the lands. As outlined in Chapter E, Section 3.3.2 of the Official Plan, development and redevelopment shall ensure the height, massing and arrangement of buildings and structures are compatible with existing and future uses of the surrounding area. The *Neighbourhoods* designation encourages compatible intensification, of which the proposed development directly represents. The Neighbourhoods designation on the lands supports residential intensification and permits lot creation. Further, the proposal implements the Official Plan's policies surrounding intensification by appropriately increasing the City's developable land base while providing sufficiently-sized lots to continue reinforcing the existing neighbourhood character along Queen Street. As such, the requested variances meet the intent and purpose of the Urban Hamilton Official Plan.

2. Is the proposed minor variance in keeping with the general purpose and intent of the Zoning By-law?

As mentioned, the conditionally-approved severance meets all zoning regulations involving lot shape and size, as well as all setbacks from the approved severance lines to the existing principal dwelling on the lands. The intent of the Single Detached Residential (R2) Zone is to support low-density residential development in the form of single-detached housing. The conditionally-approved lot fabric creates sufficient space for the future development of the built form intended by the Zoning By-law on the lands to be severed. The requested variances are aligned with the reduced setbacks for accessory structures on lands in the Single Detached Residential Zone. As relief is required only for the accessory structures on site, and the conditionally-approved lots have been created to facilitate a permitted built form in the future, the requested variances meet the intent and purpose of the former Township of Dundas Zoning By-law No. 3581-86.

3. Is the proposed minor variance minor in nature?

The intent of this application is to request a reduction to the required side and rear yard setbacks for accessory structures to permit existing structures relative to the conditionally-approved lot lines, and will allow a permitted use. The conditionally-approved severed and retained lots do not require variances to conform to the existing Single Detached Residential zoning on the subject lands, as minimum lot widths and lot areas are met. The requested variances are required to permit the location of the existing frame shed and detached garage relative to the approved property boundary of the lands to be retained. The structures requiring relief are accessory structures no taller than 1 storey, and considering the proposed severance is in keeping with all other regulations of the Zoning By-law as confirmed by the Applicable Law Review Letter dated December 5, 2023, the variances are deemed to be minor in nature.

4. Is the proposed minor variance desirable for the appropriate development or use of the land, building or structure?

Lastly, the requested variances are required to facilitate the conditionally approved severance of the property to ensure the retained lands maintain conformity with the Zoning By-law. As the requested variances recognize the existing location of the existing structures, the application is desirable and appropriate for the severance of the lands.

To assist in the evaluation of the application, please refer to the enclosed Minor Variance Sketch.

As the subject application satisfies the four tests of Section 45(1) of the *Planning Act* and implements the previous severance application (DN/B-23:44), the requested variances represent good land use planning.

In support of this application, please find enclosed the following:

- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Minor Variance Sketch prepared by UrbanSolutions;
- One (1) copy of the Applicable Law Review Letter issued on December 5th, 2023; and,
- One (1) cheque in the amount of **\$675.00** made payable to the City of Hamilton for the Routine Minor Variance application fee.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



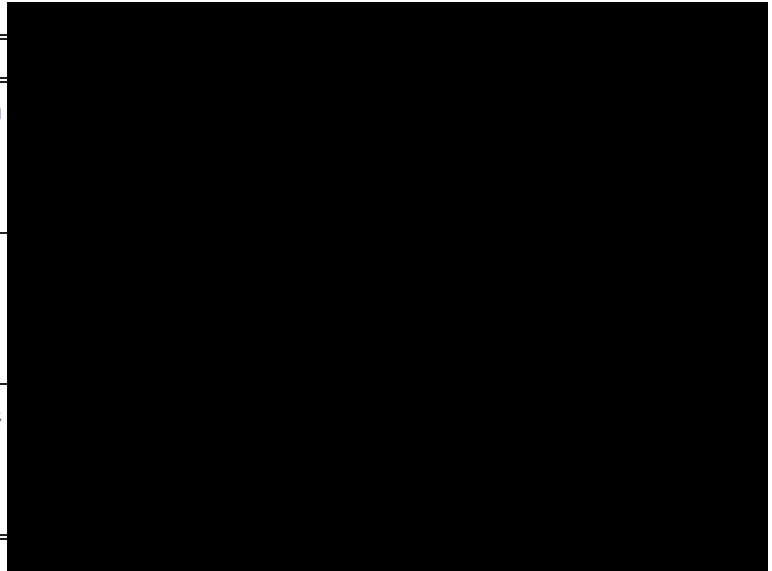
Stefano Rosatone, BES
Planner

cc: Mr. Michael Anderson & Mrs. Jenna Anderson

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

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	Michael & Jenna Anderson
Applicant(s)	Same as Owner
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston (UrbanSolutions)



1.2 All correspondence should be sent to

☐ Purchaser
☐ Applicant

☐ Owner
☒ Agent/Solicitor

1.3 Sign should be sent to

☐ Purchaser
☐ Applicant

☐ Owner
☒ AgentSolicitor

1.4 Request for digital copy of sign

☐ Yes* ☒ No

If YES, provide email address where sign is to be sent n/a

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	98 Sydenham Street, Dundas		
Assessment Roll Number			
Former Municipality	Dundas		
Lot	112	Concession	
Registered Plan Number	391	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:

n/a

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:

Please refer to enclosed Cover Letter.

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

Please refer to enclosed Cover Letter.

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

☐ Yes

☒ No

If yes, please provide an explanation:

n/a

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands: Please also refer to enclosed Minor Variance Sketch

Lot Frontage	Lot Depth	Lot Area	Width of Street
+/- 51.11m	+/- 39.51 m	+/- 1,762.82 sq.m.	+/- 20.10 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-Detached Dwelling	16.75 m	7.50 m	14.26 m & 19.74 m	unknown
Detached Garage	n/a	0.61 m	0.87 m	unknown
Frame Shed 1	n/a	4.0 m	1.2 m	unknown
Frame Shed 2	n/a	0.38 m	13.0 m	unknown
In-Ground Pool	13.70 m	10.0 m	3.5 m	unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single-Detached Dwelling				
Detached Garage	NO CHANGE			
Frame Shed 1				
Frame Shed 2				
In-Ground Pool				

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-Detached Dwelling	+/-124.46 sq.m.	+/-311.15 sq.m.	2.5	+/-9.0 m
Detached Garage	+/-32.95 sq.m.	+/-32.95 sq.m.	n/a	+/- 3.0 m
Frame Shed 1	+/-6.08 sq.m.	+/-6.08 sq.m.	n/a	+/-2.5 m
Frame Shed 2	+/-4.02 sq.m.	+/-4.02 sq.m.	n/a	+/-2.5 m
In-Ground Pool	+/-80.75 sq.m.	+/-80.75 sq.m.	n/a	n/a

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single-Detached Dwelling				
Detached Garage	NO CHANGE			
Frame Shed 1				
Frame Shed 2				
In-Ground Pool				

- 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.):

Existing single-detached dwelling to remain.

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:

October 20th, 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)

Single-detached dwelling.

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

Unknown

7.5 What is the existing official plan designation of the subject land?

~~Rural Hamilton Official Plan designation (if applicable): n/a~~

~~Rural Settlement Area: n/a~~

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Please refer to enclosed Cover Letter.

7.6 What is the existing zoning of the subject land? Open Space Conservation (OS) Zone and Single

Detached Residential (R2) Zone in By-law No. 3581-86

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: DN/B-23:44 (Conditional Approval)

~~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: 1

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

Please refer to enclosed Cover Letter and Sketch.

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
