



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
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APPLICATION NO.:	HM/A-23:301	SUBJECT PROPERTY:	22 ARKELL STREET, HAMILTON
ZONE:	"C/S-1361" (Urban Protected Residential and Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owner: XINSHENG ZHONG
 Applicant: ELLA LIN

The following variances are requested:

1. A maximum gross floor area of 86 square metres shall be permitted for the Secondary Dwelling Unit – Detached whereas the by-law permits a maximum gross floor area 75 square metres.
2. A maximum ground floor area of the Secondary Dwelling Unit – Detached shall be 86 sq. m. (86%) whereas the by-law required a ground floor not exceed 70% of the ground floor area of the principal dwelling.
3. A access driveway shall be a minimum of 2.6 meters wide whereas the by-law requires the access driveway to be a minimum of 2.8 meters wide.

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

Notes:

- i. Please be advised a landscaped strip shall be provide within the northerly 1.2 meter side yard adjacent to the Secondary Dwelling Unit.
- ii. Please be advised an eave or a gutter may extend a maximum of 30 centimetres into a required minimum setback.
- iii. The following definition is appliable:

"Gross Floor Area" with reference to the maximum permissible floor area of a building or structure

HM/A-23:301

in relation to the area of the lot on which it is situate means the aggregate of the areas of the building or structure at each storey, including mezzanine floors and a basement but not a cellar or sub-cellar; Provided that the following may be deducted for the purpose of determining the gross floor area permissible under the provisions of this By-Law, namely:

- (i) floor area occupied by boiler rooms, air-conditioning equipment rooms, elevator shafts, machinery rooms and other building plant equipment rooms except laundry rooms and storage rooms; 2-35
 - (ii) chimney shafts, garbage chutes and pipe shafts;
 - (iii) parking spaces, access driveways and manoeuvring space; and
 - (iv) all floor area of halls, corridors and stairwells beyond the minimum area required by law; and in calculating such deductions, measurements shall be to the centre of interior walls or partitions, and to the outside of exterior walls, except in the case of chimneys and elevator shafts, when the whole area of the walls shall be included in the calculation of area to be deducted;
- iv. Insufficient information for the floor area for the basement of the Secondary Dwelling Unit - Detached, additional variances may be required.
- v. The variances are written as requested by the applicant.

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, March 12, 2024
TIME:	1:25 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 noon March 8, 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 noon March 11, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:301, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



 **Subject Lands**

DATED: February 22, 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 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.

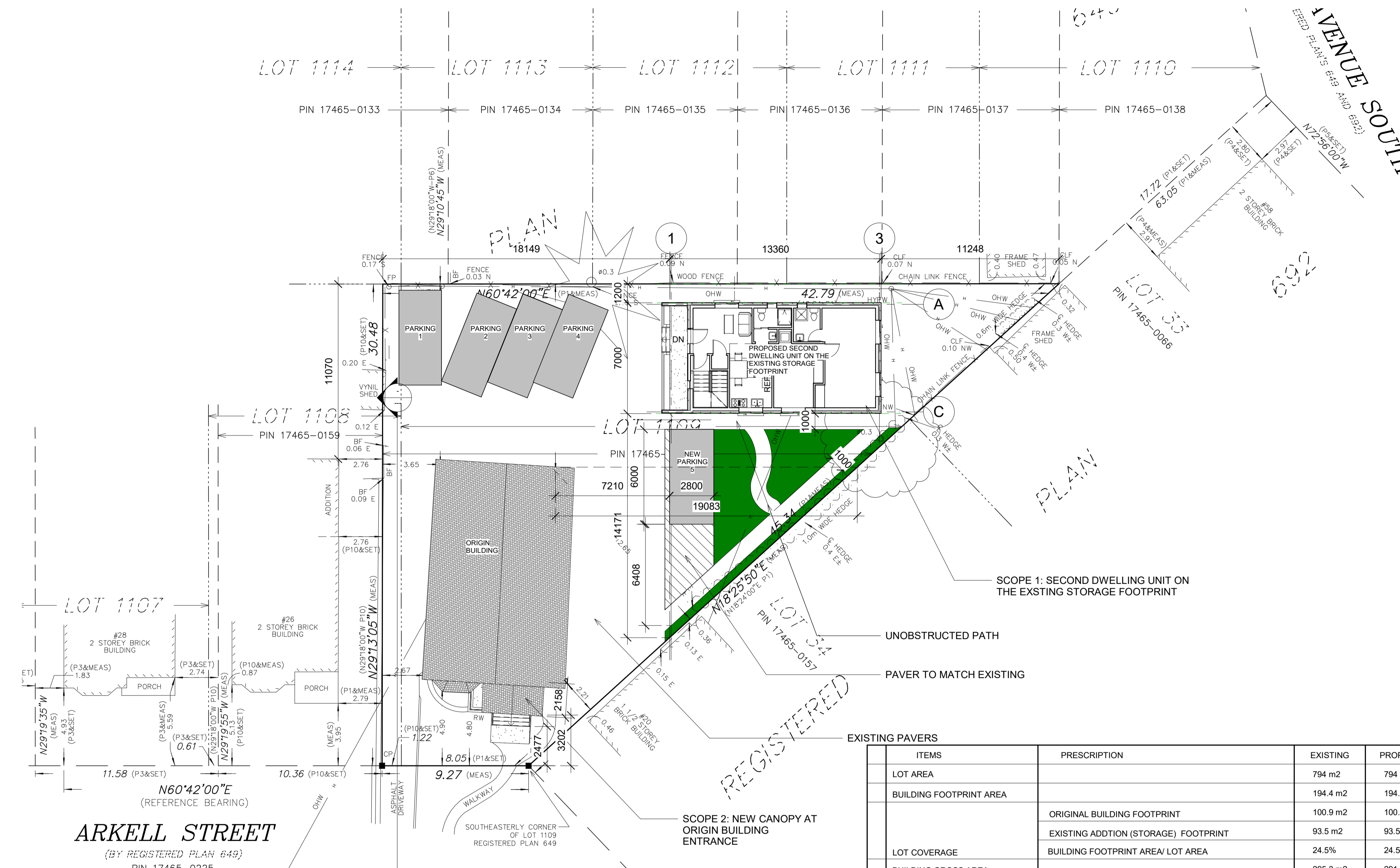
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

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.



1 PROPOSED SITE PLAN
1 : 150

2 SITE STATISTICS
1 : 100

ITEMS	PRESCRIPTION	EXISTING	PROPOSED	ALLOWED	VARIANCE
LOT AREA		794 m2	794 m2		
BUILDING FOOTPRINT AREA		194.4 m2	194.4 m2		
	ORIGINAL BUILDING FOOTPRINT	100.9 m2	100.9 m2		
	EXISTING ADDITION (STORAGE) FOOTPRINT	93.5 m2	93.5 m2		
LOT COVERAGE	BUILDING FOOTPRINT AREA/ LOT AREA	24.5%	24.5%	33 %	
BUILDING GROSS AREA		295.3 m2	291 m2		
	ORIGINAL BUILDING GROSS AREA	205 m2	205 m2		
	PROPOSED SECOND DWELLING UNIT	93.5 m2	86 m2	75 m2	YES
	PROPOSED SECOND DWELLING UNIT PORCH		7.5 m2		
FLOOR AREA RATIO	BUILDING GROSS AREA/ LOT AREA	37.2 %	36.6 %	45 %	
REAR YARD AREA		433 m2	433 m2		
ACCESSORY BUILDING COVERAGE		22 %	22 %	30 %	
HEIGHT	ORIGINAL BUILDING	EX	EX		
	ADDITION	3.85 M	4.8 M	6 M	
LOT FRONTAGE		9.27 m	9.27 m		
SETBACK	ADDITION TO NORTH PROPERTY LINE	1.2 m	1.2 m		
	ADDITION TO EAST/SOUTH PROPERTY LINE	1.5 m	1.5 m		
	ADDITION TO EAST PROPERTY LINE	11.2 m	11.2 m		
	ADDITION TO SOUTH PROPERTY LINE	14.7 m	14.7 m		
	ADDITION TO WEST PROPERTY LINE	18.1 m	18.1 m		
	ADDITION TO ORIGIN BUILDING	7.6 m	7.6 m		
	CANOPY		3.2 m		
PARKING		4	5		
LANDSCAPE			96 m2		

Design
Permit
Construction
HVAC

GLCBUILDINGSOLUTIONS@GMAIL.COM

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

No.	Description	Date
1	ISSUED FOR ZONING COMPLIANCE	20240116

22 ARKELL STREET
HAMILTON

PROPOSED SITE PLAN

Project number 23-06

Date 20240116

Drawn by EL

Checked by FF

A0.3

Scale As indicated



Hamilton

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

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Email: cofa@hamilton.ca

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

1. APPLICANT INFORMATION

Table with columns for Registered Owners(s), Applicant(s), Agent or Solicitor, and NAME. Includes names Xinsheng Zhong and Ella Lin. Includes a large black redaction box covering the right side of the table.

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

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

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

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

1.5 All correspondence may be sent by email [x] Yes* [] No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	22 Arkell Street		
Assessment Roll Number	010054015400000		
Former Municipality			
Lot	Lot1109,PTLot 1108	Concession	
Registered Plan Number	PLAN 649	Lot(s)	1109
Reference Plan Number (s)		Part(s)	LOT1108

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes No

If YES, describe the easement or covenant and its effect:

3. PURPOSE OF THE APPLICATION

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

1. The max. gross floor area of second dwelling unit is 86 sqm. The allowed second dwelling unit is 75 sqm.
2. The ground floor area of a secondary dwelling unit is 86 sqm. The allowed ground floor area of second dwelling unit is 70% of the ground floor area of the principal dwelling when the ground floor area of the principal dwelling is less than or equal to 105 square metres.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

1. The accessory building was approved by the City of Hamilton in 2019. The proposed second dwelling unit has the same footprint as the existing accessory building.

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

Yes No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
9.27m	30.48m	794m ²	12.5m

4.2 Location of all buildings and structures on or proposed for the subject lands:
(Specify distance from side, rear and front lot lines)

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Original Building	4.9m	11.1m	2.67m/3.65m(West) 19.1m (East)	
Storage	14.2m	1.2m	18.1m(West) 1.5m/11.3m (East)	08/01/2021

Proposed:

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

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Original Building	101m ²	205m ²	1.5	7.7m
Storage	93.5m ²	93.5m ²	1	3.53m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Second Dwelling Unit	86m ²	86m ²	1	5m

- 4.4 Type of water supply: (check appropriate box)
 publicly owned and operated piped water system
 privately owned and operated individual well

- lake or other water body
 other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)
 publicly owned and operated storm sewers
 swales

- ditches
 other means (specify)

4.6 Type of sewage disposal proposed: (check appropriate box)

publicly owned and operated sanitary sewage

system privately owned and operated individual

septic system other means (specify) _____

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year _____

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Single Detached Dwelling

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

Single Detached Dwelling

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2018

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

Single Detached Dwelling

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

Single Detached Dwelling

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

6 years

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Urban Protected Residential Distr

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

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

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

7.8 Has the owner previously applied for relief in respect of the subject property?

(Zoning By-law Amendment or Minor Variance)

Yes

No

If yes, please provide the file number: C District – Urban Protected Residential / Amer

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

Yes No

If yes, please provide the file number: _____

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

Yes No

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

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

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

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.4 Other Information Deemed Necessary

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