



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

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-24:37</b>	<b>SUBJECT PROPERTY:</b>	933 HWY 52 N, ANCASTER
<b>ZONE:</b>	"A2" (Rural)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: MICHAEL MOGAVERO  
Applicant: MICHAEL MOGAVERO

The following variances are requested:

1. A minimum rear yard setback of 11.5 metres shall be permitted instead of the minimum 15.0 metre minimum rear yard setback required.

**PURPOSE & EFFECT:** To facilitate a proposed addition to an existing farm building;

**Notes:** N/A

**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>Tuesday, March 26th, 2024</b>
<b>TIME:</b>	<b>9:45 a.m.</b>
<b>PLACE:</b>	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>

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 5th floor City Hall, 71 Main St. W., Hamilton

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. 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. Written comments must be received no later than noon March 22, 2024.

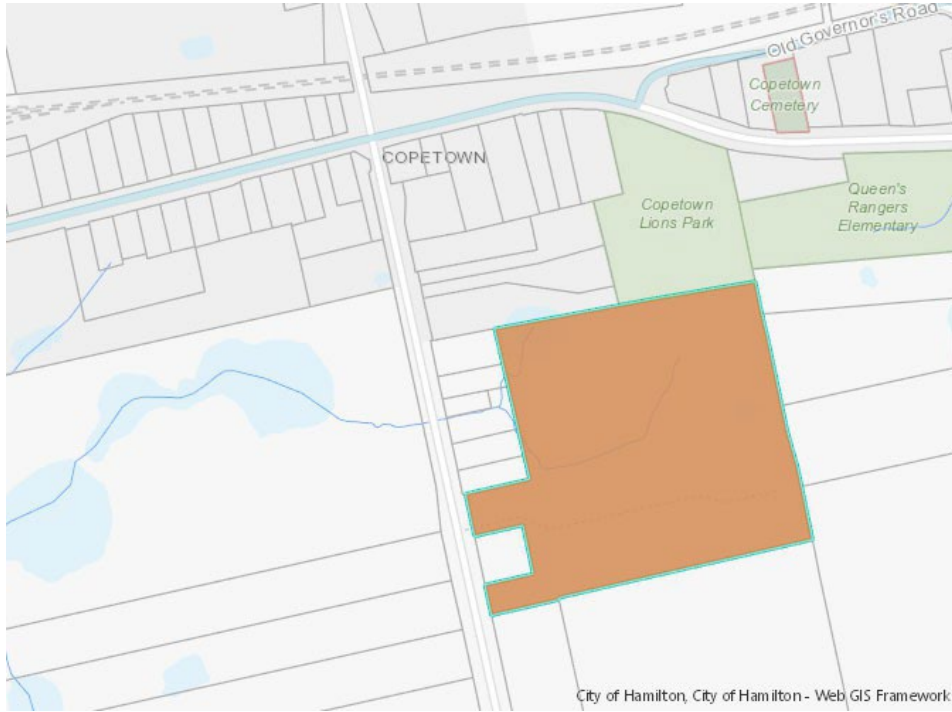
Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

Orally: If you would like to speak to this item at the hearing you may do so by attending in person. 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](mailto:cofa@hamilton.ca)

#### FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, 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..



DATED: March 12, 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.



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

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

### IN-PERSON 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](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 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](http://www.hamilton.ca/committeeofadjustment)

#### Oral Submissions

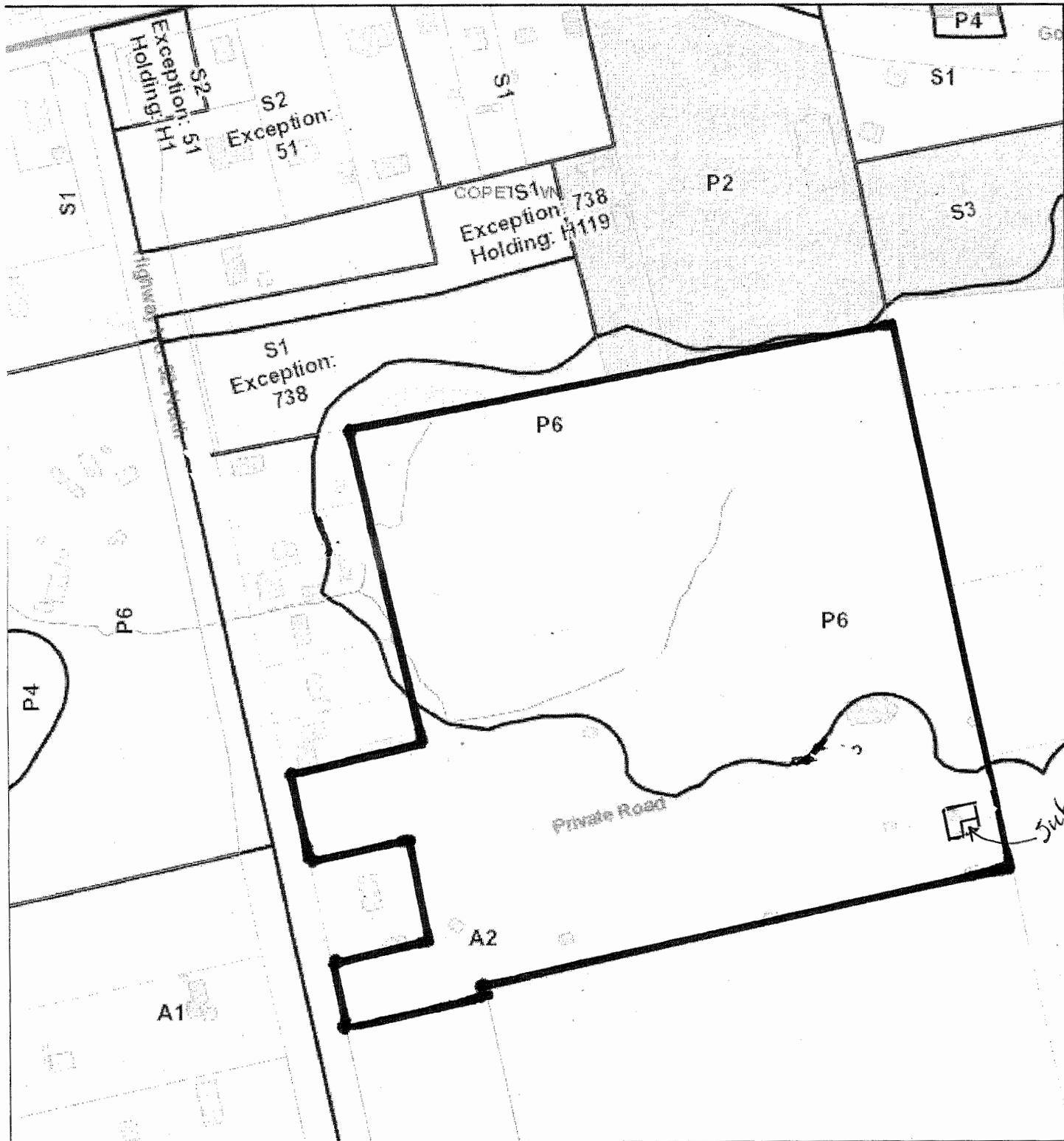
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating in person at the Hearing.

##### 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.

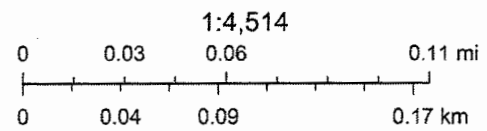
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

# Interactive Zoning



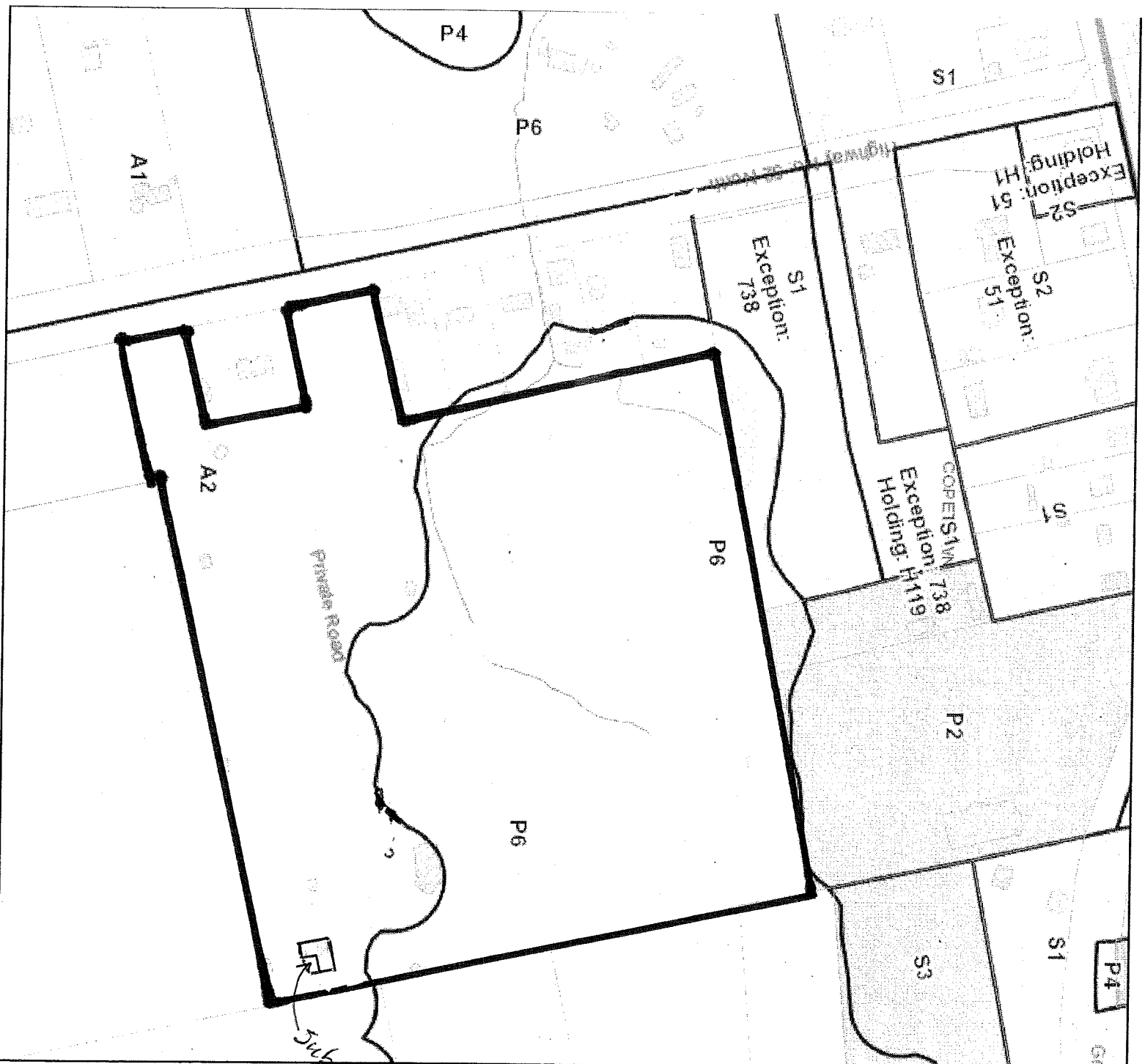
9/23/2021, 9:15:54 AM

- |  |                        |  |                                      |
|--|------------------------|--|--------------------------------------|
|  | Ward Boundary          |  | Property Parcels                     |
|  | Community Boundary     |  | Zoning Boundaries                    |
|  | City Boundary          |  | Council Approved - Zoning Boundaries |
|  | Rural Settlement Areas |  | Interim Control Bylaw Zone           |



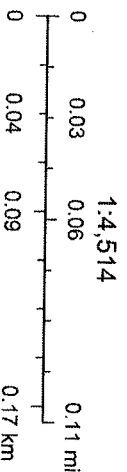
City of Hamilton, City of Hamilton - Web GIS Framework

# Interactive Zoning



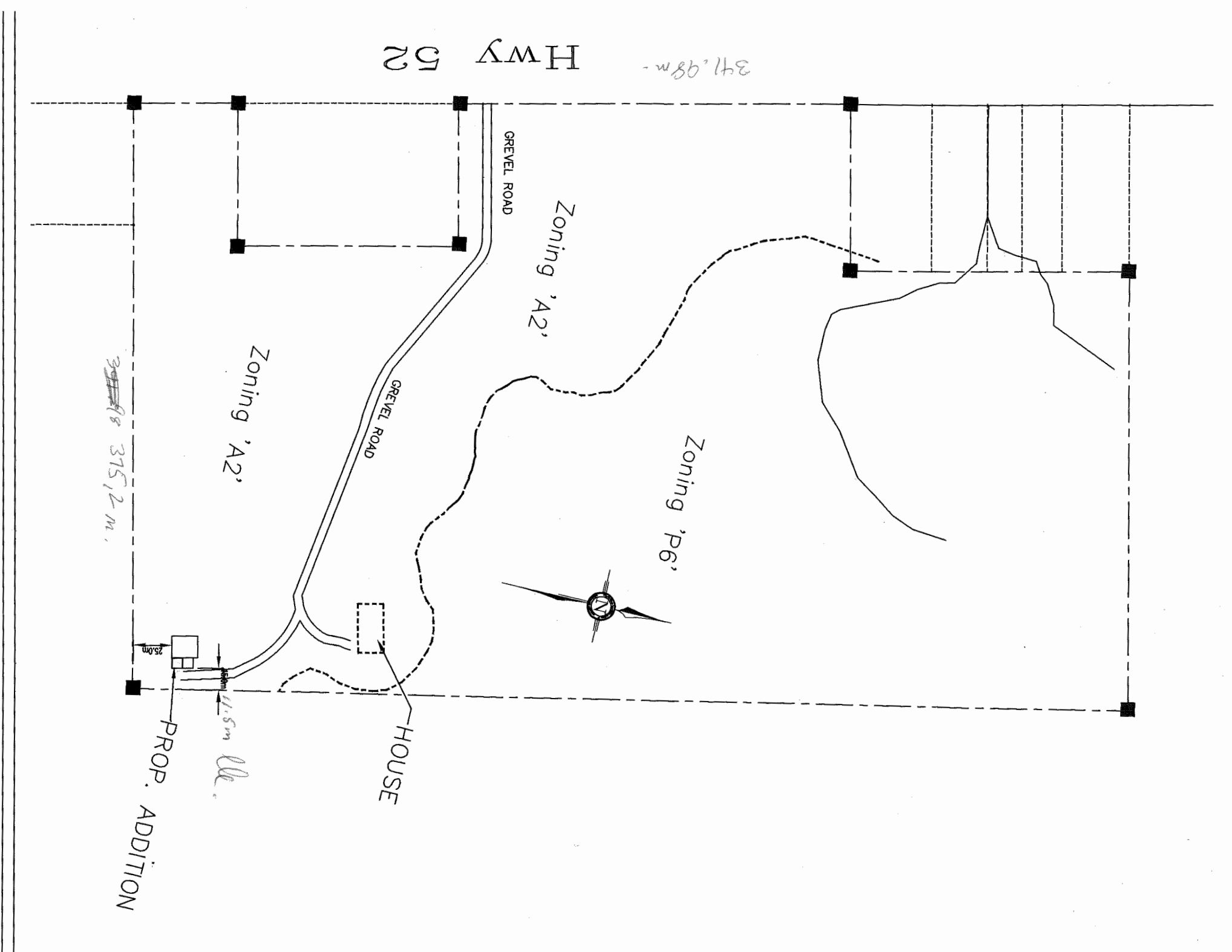
9/23/2021, 9:15:54 AM

- Ward Boundary
- Community Boundary
- City Boundary
- Rural Settlement Areas
- Property Parcels
- Zoning Boundaries
- Council Approved - Zoning Boundaries
- Interim Control Bylaw Zone



City of Hamilton, City of Hamilton - Web GIS Framework

The City of Hamilton is not liable for any damages resulting from the use of.



### **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. To permit porch and stairs 5'-11 1/2" [1.82m] into the required front yard whereas the zoning bylaw 4.6 of Hamilton Zoning bylaw 05-200 requires a porch, deck or canopy to encroach into any required yard to a maximum of 1.5 meters, or to a maximum of half the distance of the required yard, whichever is the lesser.
2. To permit zero parking spaces whereas the the zoning bylaw 4.34(e) of Hamilton Zoning By-law 5-200 requires 1 parking space for the fourth dwelling unit.





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	MAILING ADDRESS
Registered Owners(s)	Michael Mogavero	[REDACTED]
Applicant(s)	AS ABOVE	
Agent or Solicitor		

1.2 Primary contact

Applicant

Owner

Agent/Solicitor

1.3 Sign should be sent to

Applicant

Owner

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.

1.6 Payment type

In person

Credit over phone\*

Cheque

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	933 Highway 52 Horito.		
Assessment Roll Number	140120042000000		
Former Municipality			
Lot	PART LOT 31	Concession	1
Registered Plan Number	RP 62R2031	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:

Reduce Rear Setback from 15m to 11.5m. TO ALLOW FARM Accessory Building

N/A  Second Dwelling Unit

Reconstruction of Existing Dwelling

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

GIVEN PRESENCE OF EXISTING - I BELIEVED THE ADDITION MET SETBACKS AND BUILT ON THAT BASIS; APPARENTLY EXISTING BUILDING DID NOT MEET SETBACK.

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
341.98	375.21	11.69 HA 28.70 AC	

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
BARN/GARAGE	250m	100m	100m	2000
Residence 2	340m	11.5m	25m	1970

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
FARM BUILDING	363m	11.5m	25m	

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
RESIDENCE				
BARN	225m		2	12

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
ACCESSORY FARM	605m		1	10

- 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)
- N/A
- 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) \_\_\_\_\_

N/A

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.):

FARM ACCESSORY BUILDING (NOT FOR LIVESTOCK)

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

AGRICULTURAL

### 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2001

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

FARM

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

FARM

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

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

Rural Hamilton Official Plan designation (if applicable): Rural

Rural Settlement Area: Co

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?

A2 / P4

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: \_\_\_\_\_

**8      ADDITIONAL INFORMATION**

8.1 Number of Dwelling Units Existing: \_\_\_\_\_

8.2 Number of Dwelling Units Proposed: \_\_\_\_\_

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
- 
-