

## **NOTICE OF PUBLIC HEARING**

### **Minor Variance**

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**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-20:240

**APPLICANTS:** Agent Michael Barton  
Owner 2739534 Ontario Inc.

**SUBJECT PROPERTY:** Municipal address **111-115 Whitney Ave., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended 80-274, 95-02, 95-033 & 19-307

**ZONING:** "C/S-729, C/S-1335, C/S-1335a and C/S-1788" (Urban Protected Residential, etc.) district

**PROPOSAL:** To permit construction of a single family dwelling on a lot to be conveyed (111 Whitney Avenue) and to permit construct of a single family dwelling on a lot to be retained (115 Whitney Avenue) pursuant to Consent Application File No. HM/B-19:75 notwithstanding that:

Required Variances for the lot to be known as 111 Whitney Avenue:

1. A minimum lot area of 253m<sup>2</sup> shall be provided instead of the minimum required lot area of 275m<sup>2</sup> as approved by Variance No. 2 of Minor Variance File No. HM/A-19:279 for the lands to be conveyed.
2. A maximum floor area ratio of 1.0 shall be provided for the proposed single family dwelling instead of the maximum floor area ratio of 0.82 as approved by Variance No. 3 of Minor Variance File No. HM/A-19:279 for the lands to be conveyed.
3. A minimum of 37% of the front yard shall be used for a landscaped area instead of the requirement that not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
4. Two (2) of the required parking spaces shall be permitted in the required front yard instead of the requirement that only one of the required parking spaces for a single family dwelling may be located in the front yard.
5. No onsite manoeuvring shall be provided for the parking spaces instead of the minimum required 6.0m manoeuvring aisle width and the requirement that a manoeuvring space shall be provided and maintained on the lot.

Required Variances for the lot to be known as 115 Whitney Avenue:

1. A minimum lot width of 8.0m shall be provided instead of the minimum required lot width of 8.9m as approved by Variance No. 1 of Minor Variance File No. HM/A-19:279 for the lands to be retained.

2. A minimum lot area of 217m<sup>2</sup> shall be provided instead of the minimum required lot area of 275m<sup>2</sup> as approved by Variance No. 2 of Minor Variance File No. HM/A-19:279 for the lands to be retained.
3. A maximum floor area ratio of 1.16 shall be provided for the proposed single family dwelling instead of the maximum floor area ratio of 0.82 as approved by Variance No. 3 of Minor Variance File No. HM/A-19:279 for the lands to be retained.
4. A minimum side yard width of 0.9m shall be permitted to the easterly side lot line instead of the minimum required side yard width of 1.2m.
5. A minimum side yard width of 0.6m shall be permitted to the westerly side lot line and to the 6.55m side lot line at the hypotenuse of the daylight triangle at the corner of Whitney Avenue and Leland Street instead of the minimum required side yard width of 1.2m.
6. Eaves and gutters shall be permitted to project 0.6m into the side yards abutting the westerly side lot line and the 6.55m side lot line at the hypotenuse of the daylight triangle at the corner of Whitney Avenue and Leland Street so that the eaves and gutters may be as close as 0.0m from the westerly side lot line and the 6.55m side lot line at the hypotenuse of the daylight triangle instead of the requirement that eave or gutters may project into the required side yard (being 0.6m pursuant to Variance No. 5) not more than ½ of its required width (being 0.3m).
7. No onsite manoeuvring shall be provided for the parking spaces instead of the minimum required 6.0m manoeuvring aisle width and the requirement that a manoeuvring space shall be provided and maintained on the lot.

NOTE:

- i) The Floor Plans submitted show a total of eight (8) habitable rooms. If greater than 8 habitable rooms are intended, additional variances for the lot to be retained and the lot to be conveyed shall be required as the number of required parking spaces will increase.
- ii) A door is shown on the west side of each dwelling. The Agent indicated that there is not need for a step at this side door as the grade level different is only 7.5". Be advised that if any steps are intended, they shall conform to the permitted yard encroachment for an open stairway into a side yard pursuant to Section 18(3)(vi)(c)(ii) of Hamilton Zoning By-law No. 6593 which states "An open fire escape or open stairway may project into a required side yard not more than one-third of its width." If compliance with the yard encroachment regulations cannot be achieved, a further successful application for a minor variance shall be required.

This application will be heard by the Committee as shown below:

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<b>DATE:</b>	<b>Thursday, June 3rd, 2021</b>
<b>TIME:</b>	<b>1:15 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed at</b>
	<b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>
	<b>for viewing purposes only</b>

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**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 or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

## **MORE INFORMATION**

For more information on this matter, including access to drawings illustrating this request:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

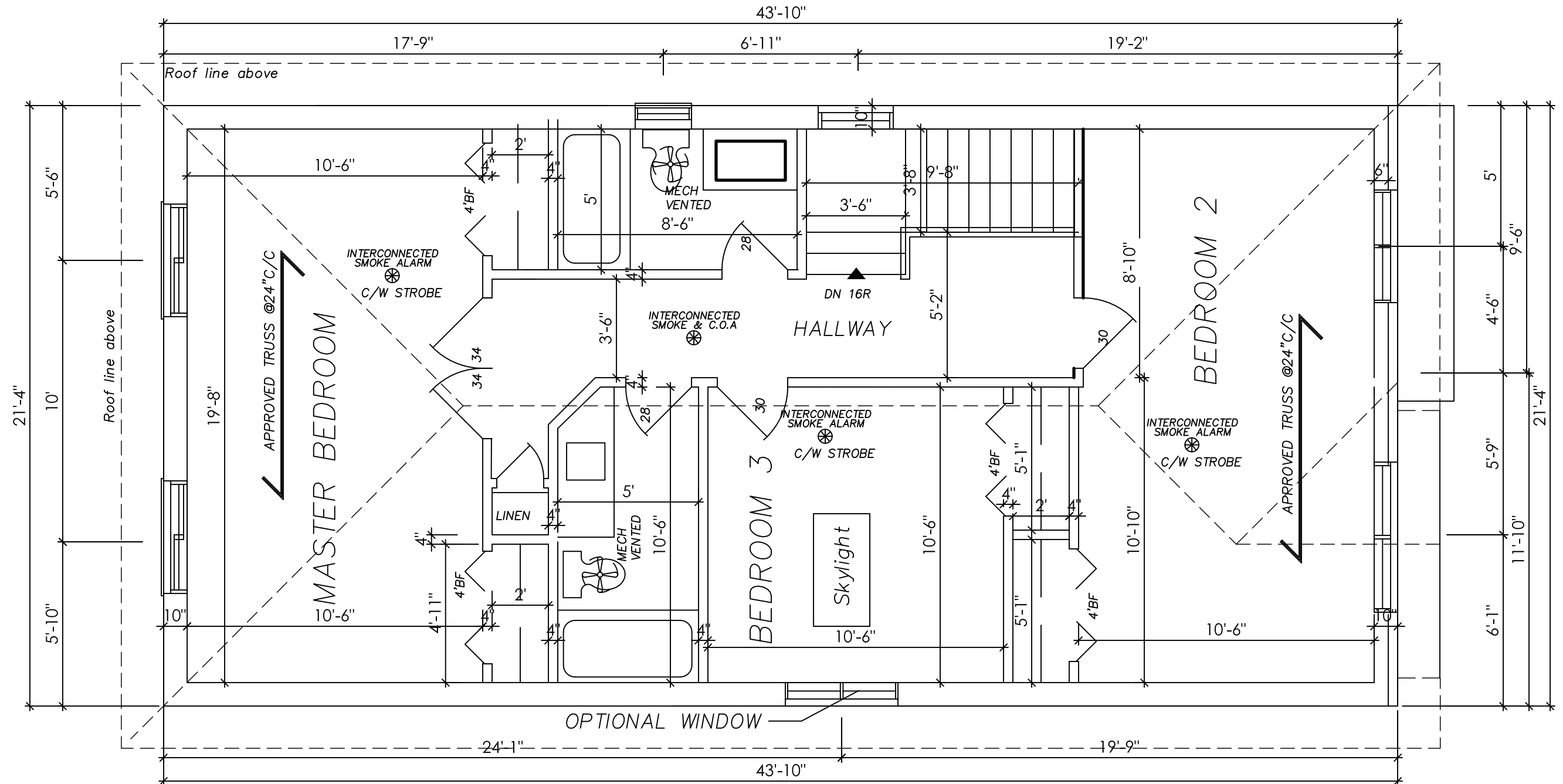
DATED: May 18th, 2021.

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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.***



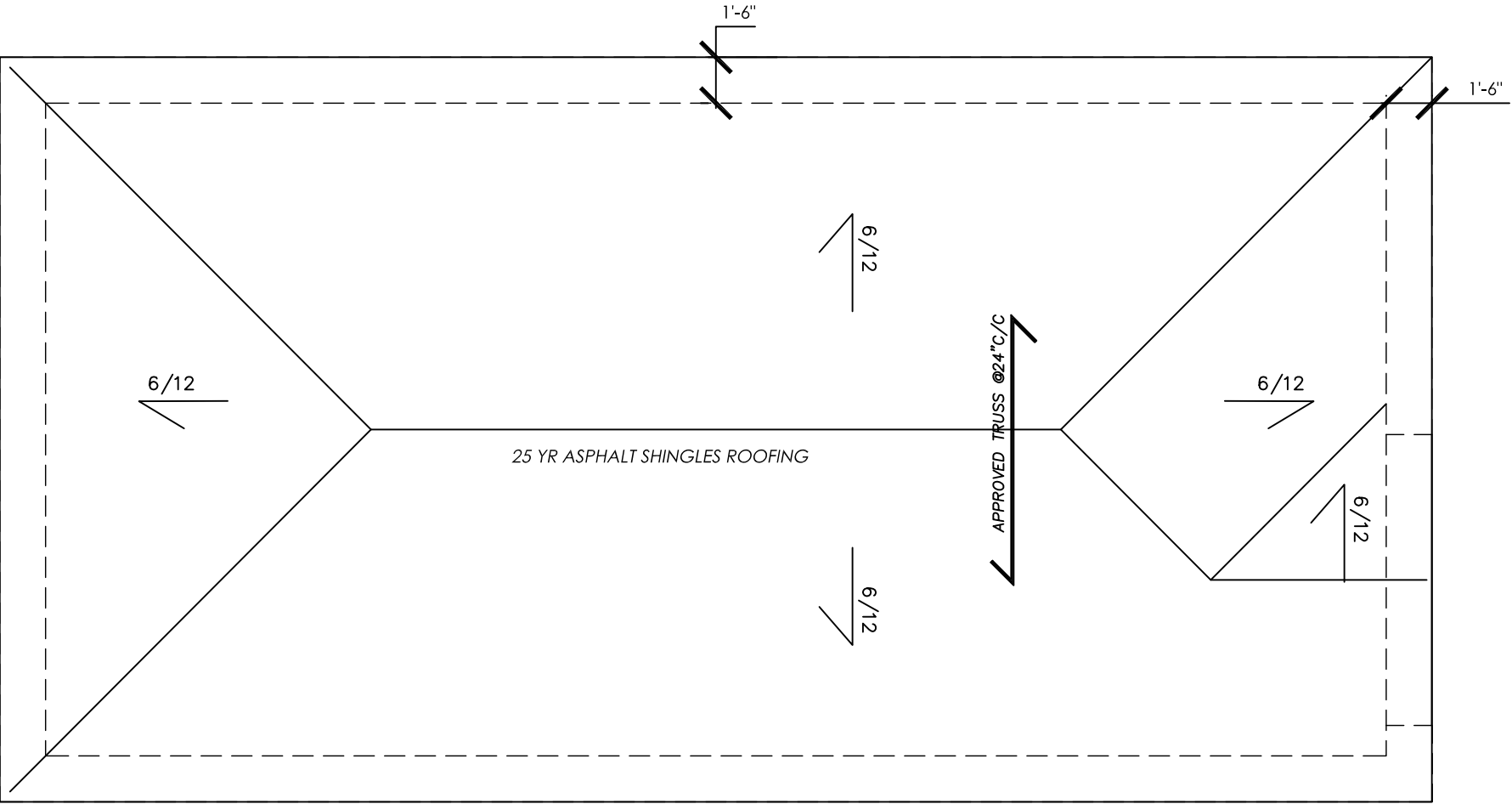


Second Floor  
GFA = 935 SQ.FT. (86.86 S.M)

COFA

Title 2ND FLOOR		Tender Date DEC. 2020		Sheet No. A2.0
NEW HOUSE AT 111/115 WHITNEY AVE. HAMILTON	Project No. 110601	Scale 1/4" = 1'	Drawn By RK	
		Revision Date MAY/11/2021		Revision No.

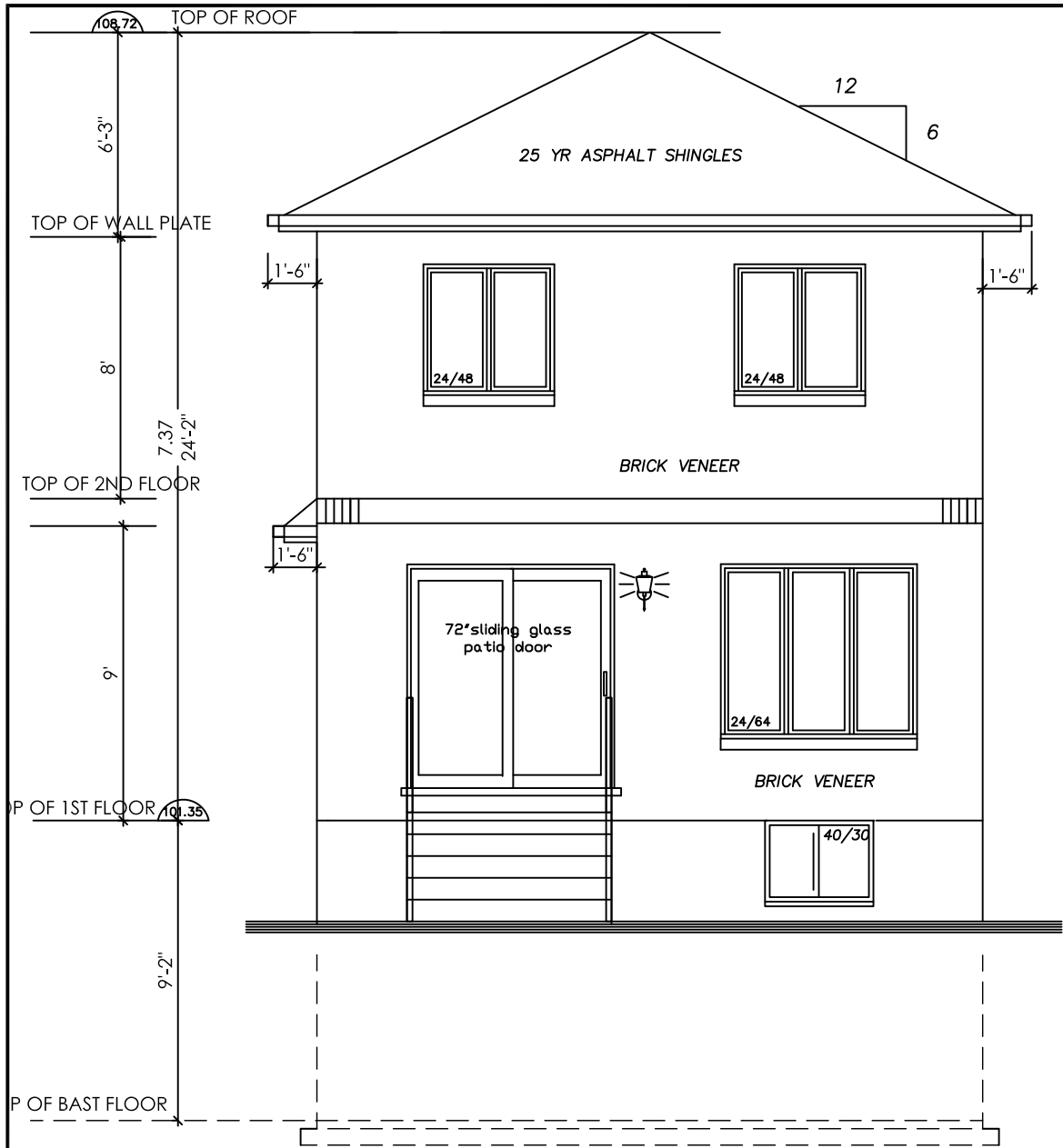




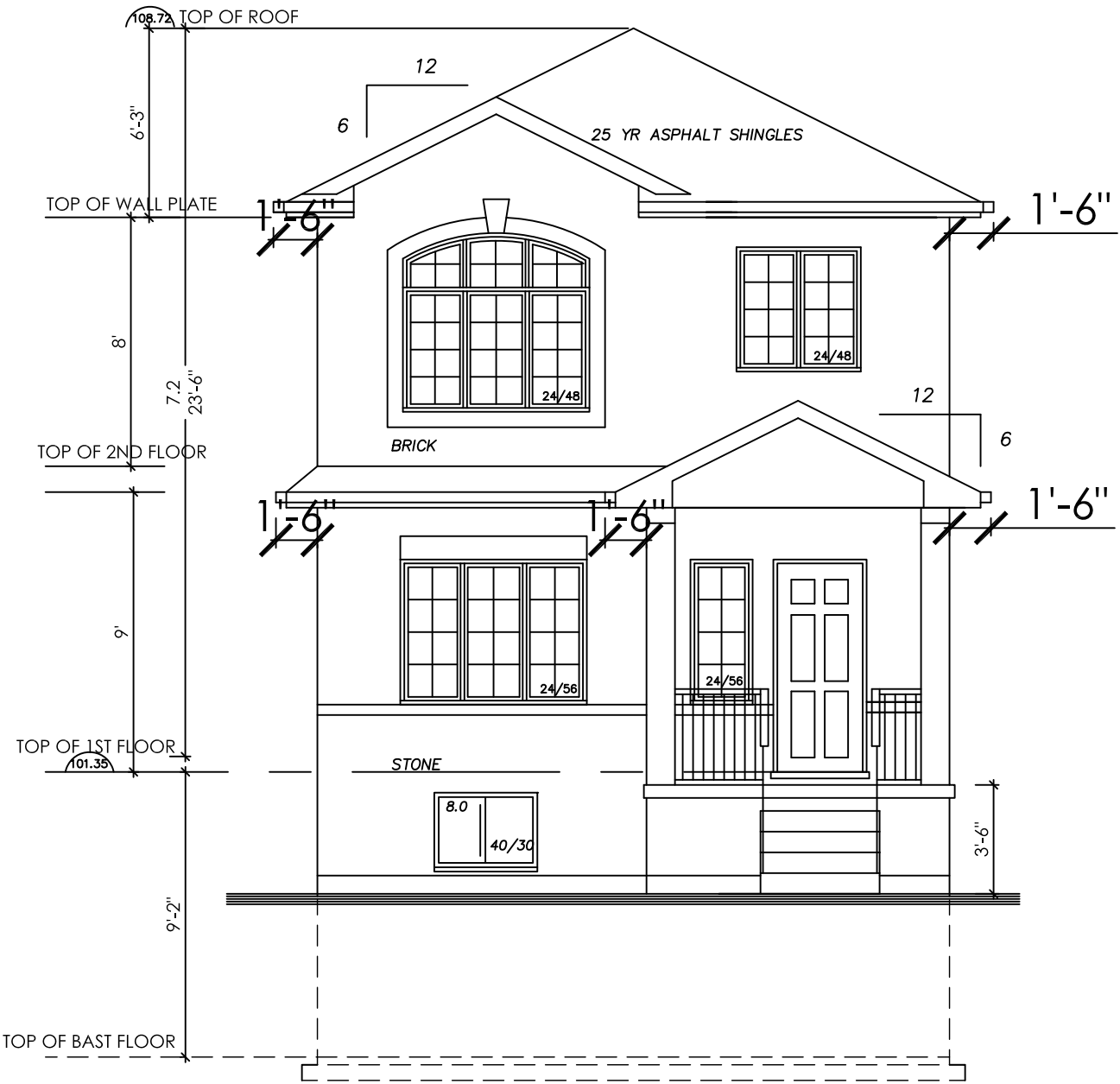
Roof PLAN

C OF A

Title ROOF PLAN		Tender Date DEC 2020		Sheet No. A4.0
NEW HOUSE AT 111/115 WHITNEY AVE HAMILTON	Project No. 110601	Scale 3/16" = 1'	Drawn By RK	
		Revision Date MAY/11/2021		Revision No.



Rear Elevation

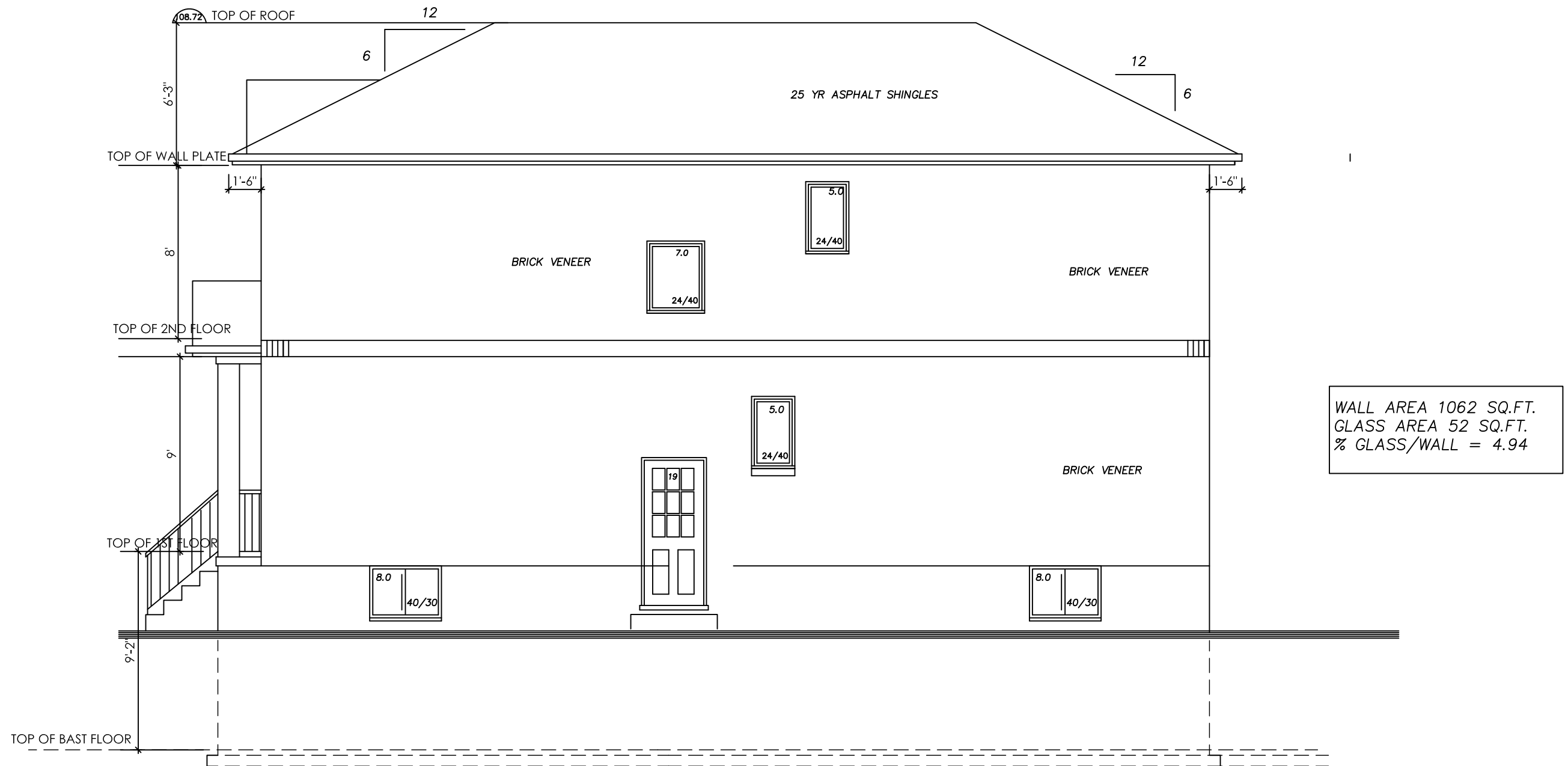


Front Elevation

C OF A

Title		Title		Tender Date	Sheet No.
NEW HOUSE AT 111/115 WHITNEY AVE HAMILTON		FRONT AND REAR ELEVATION		DEC 2020	A5.0
Project No.	Scale	Drawn By	Revision Date	Revision No.	
110601	3/16" = 1'	RK	MAY/11/2021		

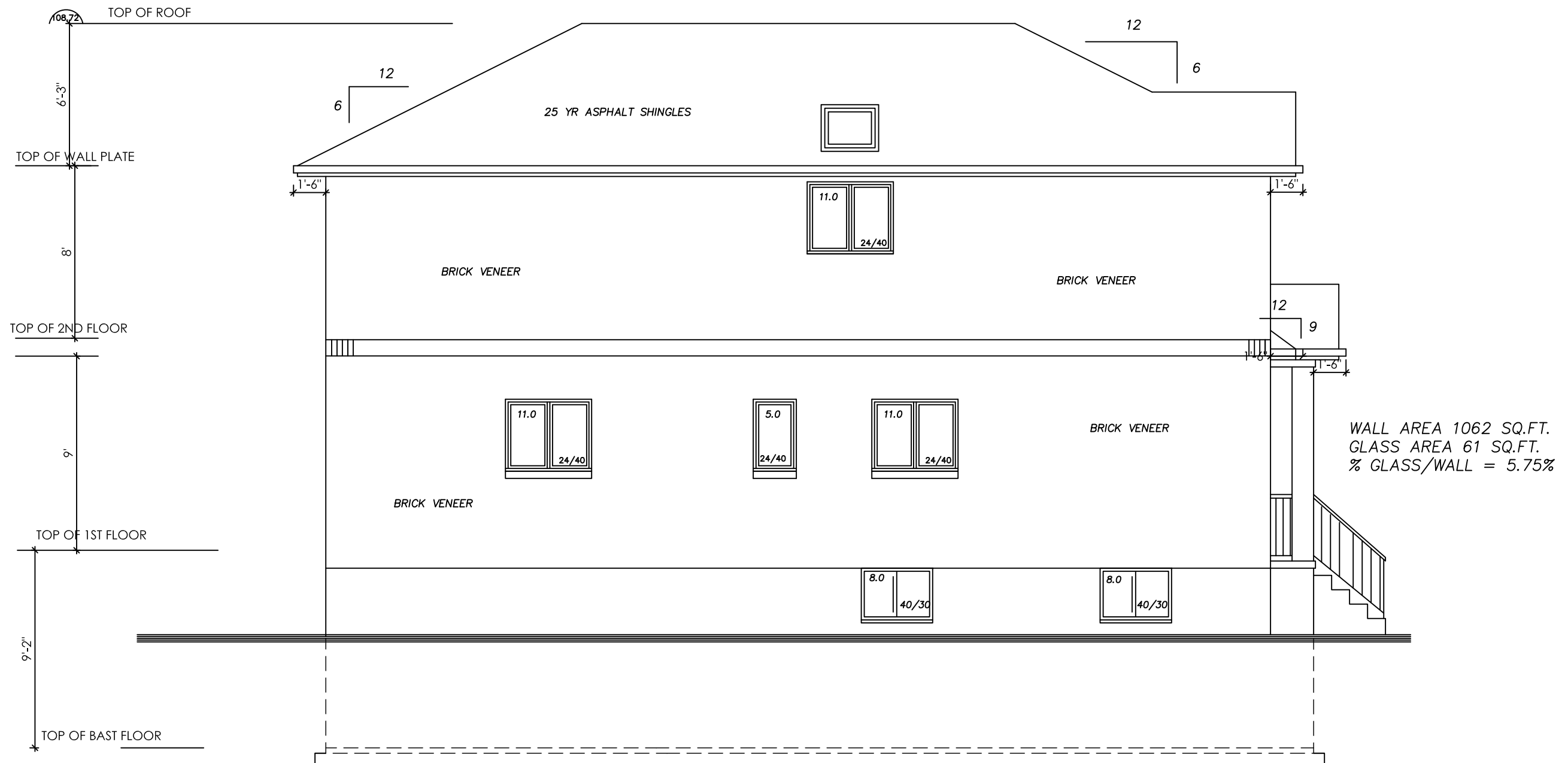




West Side Elevation

C OF A

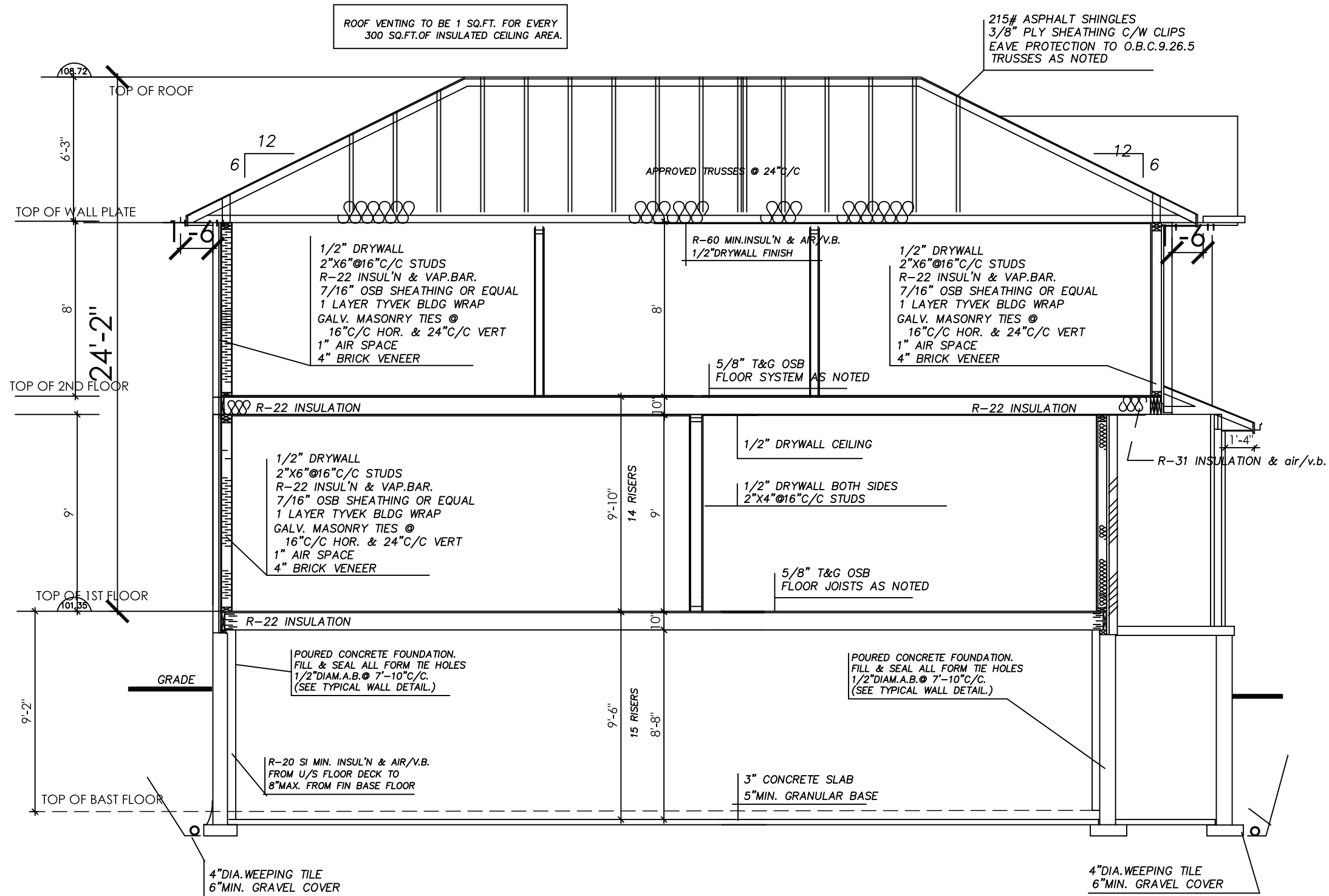
Title		Title		Tender Date	Sheet No.
NEW HOUSE AT 111/115 WHITNEY AVE HAMILTON		WEST SIDE ELEVATION		DEC 2020	A6.0
Project No.	Scale	Drawn By	Revision Date	Revision No.	
110601	3/16" = 1'	RK	MAY/11/2021		



East Side Elevation

C OF A

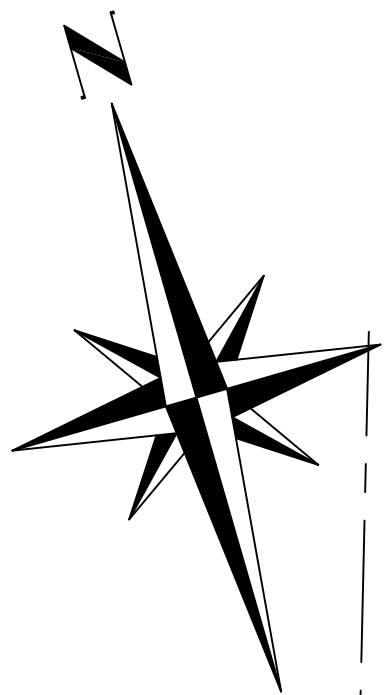
Title		Title		Tender Date	Sheet No.
NEW HOUSE AT 111/115 WHITNEY AVE HAMILTON		EAST SIDE ELEVATION		DEC 2020	A7.0
Project No.	Scale	Drawn By	Revision Date	Revision No.	
110601	3/16" = 1'	RK	MAY/11/2021		



# Section

C OF A

Title		Title		Tender Date	Sheet No.
NEW HOUSE AT		SECTION		DEC 2020	A8.0
111/115 WHITNEY AVE HAMILTON	Project No.	Scale	Drawn By	Revision Date	Revision No.
	110601	3/16" = 1'	RK	MAY/11/2021	



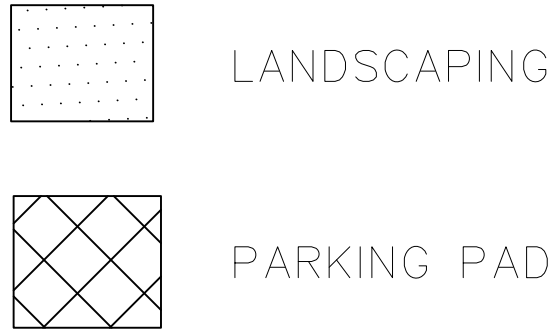
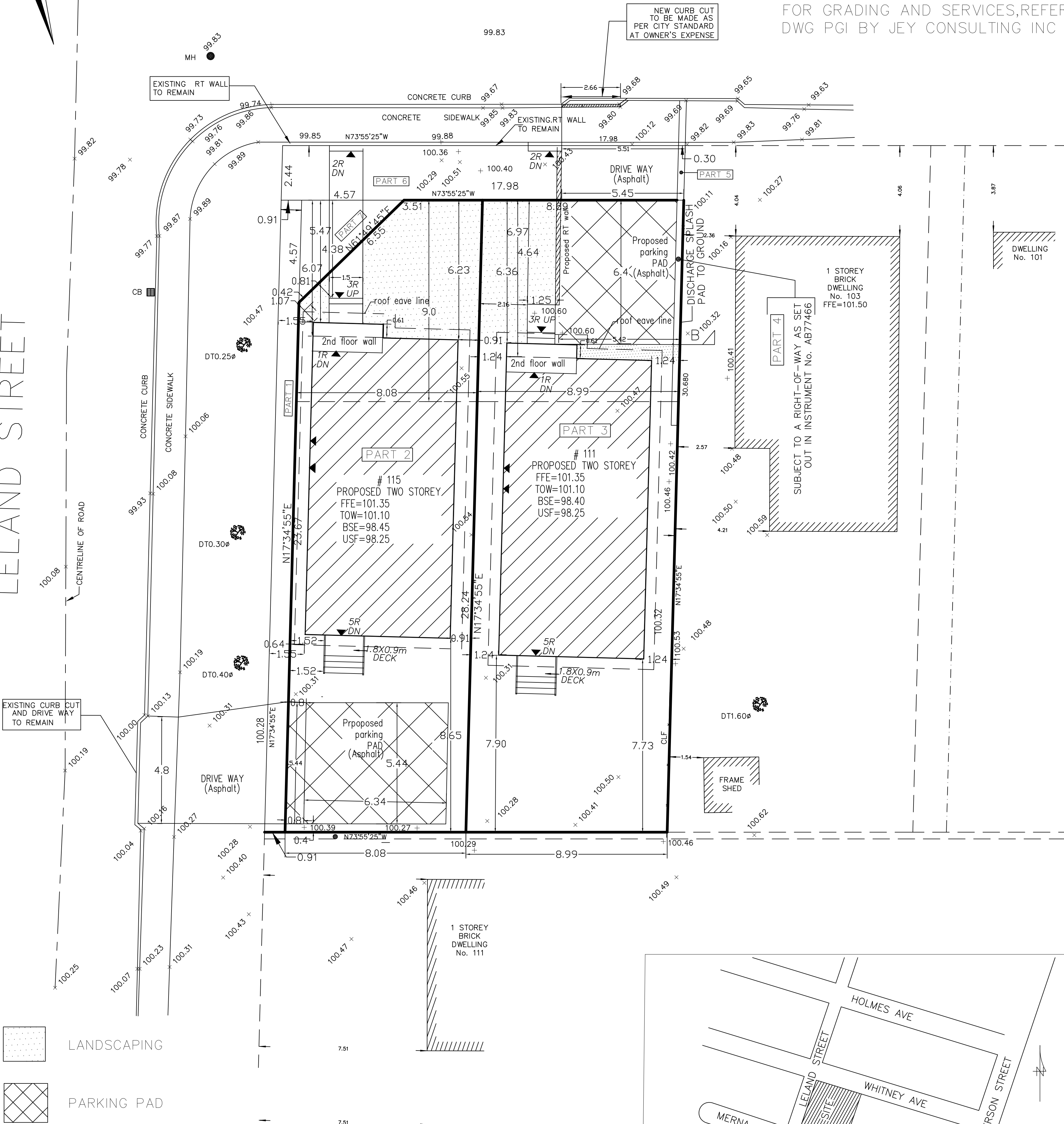
# WHITNEY AVENUE

SURVEY INFORMATION TAKEN FROM  
THAM SURVEYING LIMITED

LEGAL DISCRIPTION  
LOTS 171 AND 172, AND  
PART OF LOT 173  
REGISTERED PLAN 426  
CITY OF HAMILTON  
(REGIONAL MUNICIPALITY OF WENTWORTH)

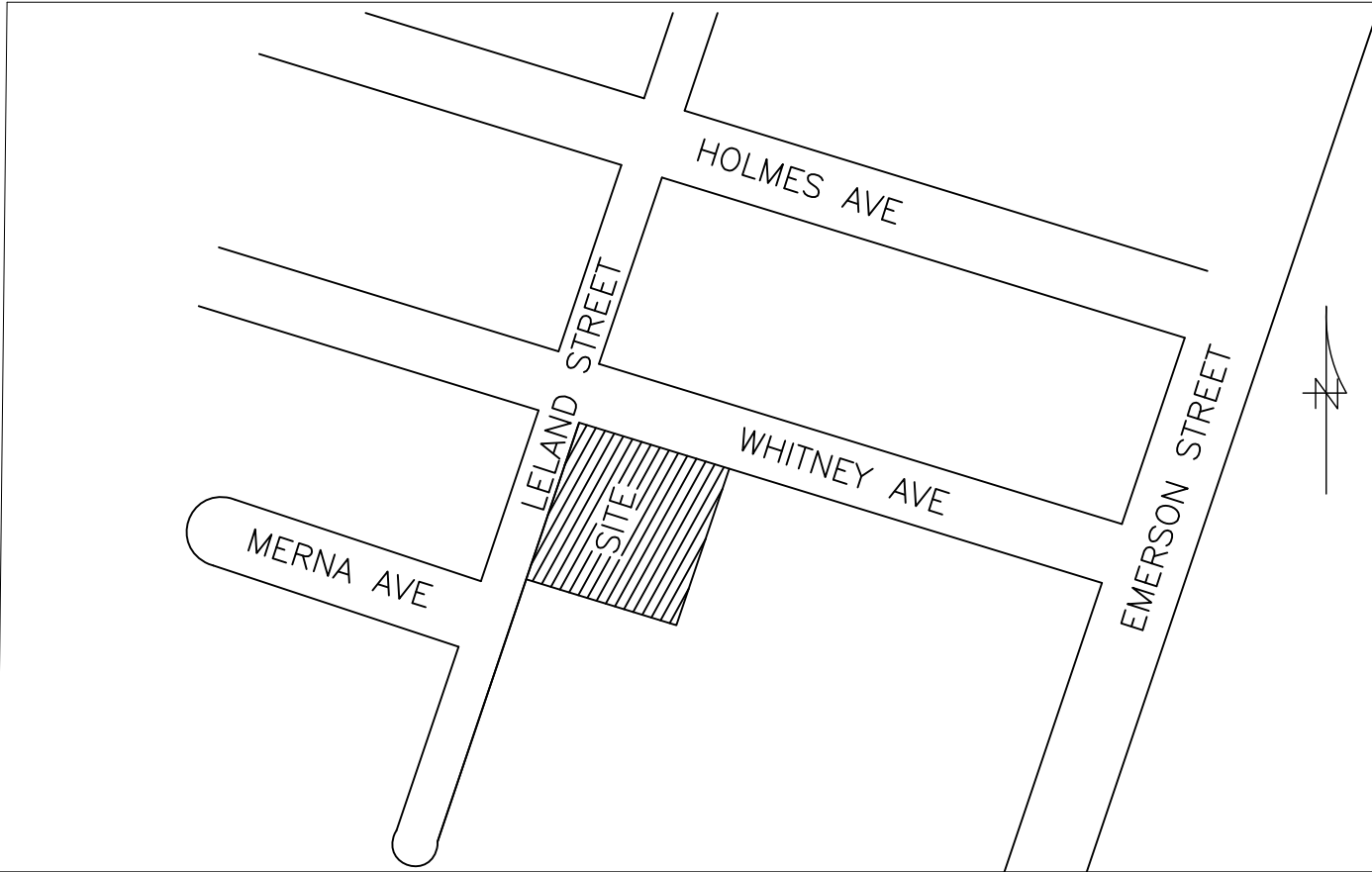
FOR GRADING AND SERVICES,REFER  
DWG PGI BY JEY CONSULTING INC

# LELAND STREET



4		
3		
2	MAY. 11, 2021	COFA REVISION TO THE CITY
1	Dec. 09,2020	COFA SUBMISSION TO THE CITY
No:	DATE: -	REVISION
DRAWN BY: RK	CHECKED BY: KE	DRAWING No: - A.0
SCALE 1:100		

DRAWING TITLE:  
PROPOSE SITE PLAN  
PROJECT NAME: 111/115 WHITNEY AVENUE  
CITY OF HAMILTON



KEY PLAN  
(N.T.S)

ZONING INFORMATION 111–115 WHITNEY AVE HAMILTON		
DISCRIPTION	111 WHITNEY AVE	115 WHITNEY AVE
LOT WIDTH	8.99 M	8.08
LOT AREA	253.8 S.M	217.7 S.M
FRONT SETBACK	6.97M	6.07M
WEST SIDE SETBACK	1.24M	0.64M
EAST SIDE SETBACK	1.24M	0.91M
REAR SETBACK	7.73M	8.65M
FLOOR AREA		
1ST FLOOR	81.9 S.M	81.9 S.M
2ND FLOOR	86.9 S.M	86.9 S.M
BASEMENT FLOOR	83.2 S.M	83.2 S.M
TOTAL FLOOR AREA	252.0 S.M	252.0 S.M
FLOOR AREA RATIO	.993	1.16
AVE.GRADE AT CURB	99.79	99.96
BUILDING HEIGHT	8.93M (108.72)	8.76M (108.72)
PARKING PAD	5.42M X 6.4M	5.44M X 6.34M
DRIVE WAY	5.45M	4.8M(Existing)
FRONT LANDSCAPE	22.2 S.M	32.85 S.M
FRONT YARD	58.6 S.M	32.85 S.M

4		
3		
2	MAY. 11, 2021	COFA REVISION TO THE CITY
1	Dec. 09,2020	COFA SUBMISSION TO THE CITY
No:	DATE: –	REVISION
DRAWN BY: RK		CHECKED BY: KE
		DRAWING No: – A.01

DRAWING TITLE:
ZONING ONFO
PROJECT NAME: 111/115 WHITNEY AVENUE
CITY OF HAMILTON



Hamilton

Planning and Economic Development Department  
Planning Division

**Committee of Adjustment**  
City Hall  
5<sup>th</sup> floor 71 Main Street West  
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221  
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND  
RETURN TO THE CITY OF HAMILTON PLANNING  
DEPARTMENT.**

**FOR OFFICE USE ONLY.**

APPLICATION NO. \_\_\_\_\_ DATE APPLICATION RECEIVED \_\_\_\_\_

PAID \_\_\_\_\_ DATE APPLICATION DEEMED COMPLETE \_\_\_\_\_

SECRETARY'S  
SIGNATURE \_\_\_\_\_

**CITY OF HAMILTON  
COMMITTEE OF ADJUSTMENT  
HAMILTON, ONTARIO**

***The Planning Act***

**Application for Minor Variance or for Permission**

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner 2739534 ONTARIO INC Telephone No. [REDACTED]  
FAX NO. \_\_\_\_\_ E-mail address. [REDACTED]
2. Address [REDACTED]  
[REDACTED] Postal Code [REDACTED]
3. Name of Agent Michael Barton Telephone No. [REDACTED]  
FAX NO. \_\_\_\_\_ E-mail address. [REDACTED]
4. Address [REDACTED]  
[REDACTED] Postal Code [REDACTED]

**Note:** Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:  
NO MORTGAGE ON THE PROPERTY  
\_\_\_\_\_  
Postal Code \_\_\_\_\_  
\_\_\_\_\_  
Postal Code \_\_\_\_\_

6. To permit minimum parking space dimensions less than 2.7 m wide by 6.0 m long
6. Nature and extent of relief applied for:
1. To permit minimum lot width less than 8.99 m (3.42 m proposed)
  2. To permit minimum lot area less than 275 m<sup>2</sup> (245.9 m<sup>2</sup> and 210.7 m<sup>2</sup> proposed)
  3. To permit minimum front yard less than 6 m (4.34 m and 4.3 m proposed)
  4. To permit minimum interior side yard of 0.9 m and exterior side yard of 0.34 m
  5. To permit minimum front yard landscaping area of less than 50% for 111 Whitney
7. Why it is not possible to comply with the provisions of the By-law?  
Land dedication required for widening of Whitney Avenue and Leland Street reduces lot area, lot width and front yard setbacks. This also impacts lot coverage, floor area ratio and other regulations.
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):  
Lots 171 and 172 and Part of Lot 173, Registered Plan 426  
City of Hamilton
9. PREVIOUS USE OF PROPERTY
- Residential X Industrial \_\_\_\_\_ Commercial \_\_\_\_\_
- Agricultural \_\_\_\_\_ Vacant \_\_\_\_\_
- Other \_\_\_\_\_
- 9.1 If Industrial or Commercial, specify use  
N/A
- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?  
 Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?  
 Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
 Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
 Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?  
 Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?  
 Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?  
 Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes ☐ No ☒ Unknown ☐

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ☐ No ☒ Unknown ☐

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?  
Knowledge of historical and previous use of subject property

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ☐ No ☒

#### ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

8 July 2020  
Date

  
Signature Property Owner

SATHYENDRAN THURAIRAJAH - DIRECTOR, 2739534  
Print Name of Owner ONTARIO INC.

10. Dimensions of lands affected:

Frontage 17.98 m (58 Feet 11.9 inch)  
Depth 30.68 m (100 Feet 8 inch)  
Area 551.087 sq.m (5937.6 sq.feet)  
Width of street WHITNEY AVENUE: 50 Feet, LEYLAND St.: 60 Feet

11. Particulars of all buildings and structures on or proposed for the subject lands:  
(Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Single storey dwelling.  
Width: 24 Feet, Length: 49 Feet  
Floor Area: 900 sq. feet

Proposed: Two 2 storey dwellings  
Width: 22 Feet, Length: 50 Feet 10 inches  
Height: 27 Feet 4 inches  
Ground Floor: 1097 sq. feet Gross: 2130 sq. feet

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

Existing: FRONT: 10 Feet  
Rear: 42 Feet  
side (1): 27 Feet side (2): 8 Feet



Proposed: FRONT: 7.5m (24 Feet 6 inch)  
Rear : 7.51m (24 Feet 8 inch)  
Sides: 1.34m (4 Feet 5 inch)  
Between Houses: 1.85m (6 Feet 1 inch)

13. Date of acquisition of subject lands:  
Jan 30, 2020
14. Date of construction of all buildings and structures on subject lands:  
Planning to start construction in Early 2021
15. Existing uses of the subject property: Residential
16. Existing uses of abutting properties: Residential
17. Length of time the existing uses of the subject property have continued:  
85 Years
18. Municipal services available: (check the appropriate space or spaces)  
Water ✓ Connected ✓  
Sanitary Sewer ✓ Connected ✓  
Storm Sewers ✓
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Neighbourhoods (Urban Hamilton Official Plan)  
Low Density Residential 2 (Ainslie Wood Westdale Secondary Plan)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Urban Protected Residential (C/S-1335) By-Law 6593
21. Has the owner previously applied for relief in respect of the subject property?  
☒ Yes ☐ No  
If the answer is yes, describe briefly.  
Consent approval for current lots (File HM/B-19:75)  
Minor Variance approval in conjunction with consent (File HM/A-19:279)
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
☐ Yes ☒ No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

**NOTE:** It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps