

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.: SC/A-21:162

APPLICANTS: Owner Ahmed Al-Farra

SUBJECT PROPERTY: Municipal address **464 McNeilly Rd., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended

ZONING: "RR" (Rural Residential) district

PROPOSAL: To recognize an existing dwelling comprising 266 square metres of gross floor area, constructed in 2017, notwithstanding that:

1. The minimum front yard depth shall be 9.0 metres instead of the minimum required 10.0 metres.
2. The minimum rear yard shall be 7.4m metres instead of the minimum required 7.5 metres.
3. Accessory structures shall be permitted to be located in the front yard and 0 metres from the side lot line whereas the Zoning By-law prohibits accessory structures within the front yard and requires a setback of 0.5 metres from a side or rear lot line.

NOTES:

1. The variance was written as requested except that additional variances were identified in the review.
2. Minor Variance Application SC/A-15: was approved November 26, 2015 to permit the lot area to be reduced to 415 square metres. Other requested variances for the rear yard, the setback from the hypotenuse of the daylight triangle and for maximum lot coverage were not approved by the Committee of Adjustment.
3. A minimum of two (2) parking spaces having a minimum size of 2.75m x 5.8m shall be provided and maintained. No details were provided to determine compliance. Therefore, additional variances may be required.
4. A 6.0m wide manoeuvring space shall be provided for the required parking spaces. No details were provided to determine compliance. As such, additional variances may be required.
5. A maximum encroachment for eaves and gutters of 0.5m is permitted into a required yard. No details were provided for eaves and gutter encroachments to determine compliance. As such, additional variances may be required.

6. The property is a corner lot and the lot frontage is the 1.82m line along the North Service Road. Based on the definition for corner lot, the true lot frontage has been determined to be 18.2m based on the measurement along the front lot line following the extension of the side lot line and the front lot line to the point of intersection of the two streets.

7. With respect to Variance #3, accessory structures are defined in the Zoning By-law as follows:

Accessory Structure shall mean a separate building or structure not used for human habitation, the use of which is incidental, secondary, subordinate and exclusively devoted to the principal use, building, structure or activity and located on the same lot therewith and shall also mean and include a detached private garage.

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

DATE:	Thursday, June 3rd, 2021
TIME:	3:00 p.m.
PLACE:	Via video link or call in (see attached sheet for details) To be streamed at www.hamilton.ca/committeeofadjustment for viewing purposes only

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
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 18th, 2021.

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.

[illegible]



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

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S SIGNATURE _____

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, 2	NAME		
Registered Owners(s)	Ahmed Suliman Alfarra		
Applicant(s)*	Ahmed Suliman Alfarra		
Agent or Solicitor	N/A		Phone:
			E-mail:

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

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
N/A

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

4. Nature and extent of relief applied for:

After I got the final (as built) survey which done by another surveyor than the surveyor who put the foundation bins., we found the minimum setback doesn't meet.

My personal opinion the minimum setback meet, but the surveyor numbers showed setback Violation, so iam applying for relief.
5. Why it is not possible to comply with the provisions of the By-law?

(By -law 5068-00) AS PER MINIMUM setback requirements The side setback must be 1.25 meters and right side of the back setback must be 7.50 meters.

As per the AS built survey the side setback is 1.24 meters and the right side of the back setback is 7.46 meters. Note that the As built survey done by other surveyor
6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

PTLT 8 CON BF SALTELEET PAR T1 ON 62 R15556, STONEY CREEK

464 McNeilly rd L8E 5C8
7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐
Agricultural ☐ Vacant ☐

Other _____
- 8.1 If Industrial or Commercial, specify use _____
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes ☐ No ☐ Unknown ☒
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes ☐ No ☒ Unknown ☐
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes ☐ No ☒ Unknown ☐
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes ☐ No ☒ Unknown ☐
- 8.6 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 ☒ Unknown ☐
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes ☐ No ☒ Unknown ☐
- 8.8 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 ☒ Unknown ☐
- 8.9 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 ☐

8.10 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 ☐

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

My most knowledge I have see or hear about.

8.12 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 ☒

9. 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.

April 14 2021

Date

Signature Property Owner

AHMED ALFARRA

Print Name of Owner

10. Dimensions of lands affected:

Frontage	1.8 meters
Depth	29.95 meters
Area	Around 424.33 square meters
Width of street	7 meters

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: _

Residential single family house with around 1500 sf ground floor area, 3000 sf gross floor area, two stories building, 42 width, 42 length, less than 11 feet hight.

Proposed

Residential single family house with around 1500 sf ground floor area, 3000 sf gross floor area, two stories building, 42 width, 42 length, less than 11 feet hight.

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

Existing:

From side yard 1.25 meters , from rear 7.53 and 7.46, from the front lot line 9 meters, from the corner side 3 meters.

Proposed:

From side yard 1.25 meters , from rear 7.53 and 7.46, from the front lot line 9 meters, from the corner side 3 meters.

13. Date of acquisition of subject lands:
2015
-
14. Date of construction of all buildings and structures on subject lands:
Started June 2017
-
15. Existing uses of the subject property:
Residential use
16. Existing uses of abutting properties:
Residential use
17. Length of time the existing uses of the subject property have continued:
New built house
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|------------------|-----------|------------|
| Water | <u>Connected</u> | Connected | <u>Yes</u> |
| Sanitary Sewer | <u>Connected</u> | Connected | <u>Yes</u> |
| Storm Sewers | <u>Connected</u> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
Present official plan : neighborhood .
secondary plan provisions : urban lakeshore area
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Low density residential 2B
Stoney creek by-law -36 92-92
21. Has the owner previously applied for relief in respect of the subject property?
- ☒ Yes ☐ No
- If the answer is yes, describe briefly.
To get relief for the minimum lot area .
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
- ☐ Yes ☒ No
23. Additional Information
24. 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.