

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.: HM/A-18:385

APPLICANTS: Agent Urban Solutions
Owner Frank Leonardis

SUBJECT PROPERTY: Municipal address **197 Brucedale Ave. E., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 19-307

ZONING: "C/S-1788" (Urban Protected Residential) district

PROPOSAL: To permit the creation of two lots through land severance application HM/B-18: 143 and the construction of a new one storey single family dwelling on the lot to be severed notwithstanding that;

Lands to be Severed:

1. A minimum lot width of 7.2 m shall be provided instead of the minimum required of 12.0 m; and
2. A minimum lot area of 230.0 m² shall be provided instead of the minimum required of 360.0 m²; and
3. A minimum side yard width of 0.7 m shall be provided on the easterly side lot line instead of the minimum required of 1.2 m; and
4. A minimum side yard width of 0.7 m shall be provided on the westerly side lot line instead of the minimum required of 1.2 m; and
5. A minimum of one (1) Parking space shall be provided instead of the minimum required two (2) spaces; and
6. To permit a parking space to be located within the required front yard instead of the requirement in the By-Law which states that no part of a required parking space for a single-family dwelling in a residential district shall be located in a required front yard; and
7. A minimum of 2.7 m access width shall be provided instead of the minimum required 2.8 m access driveway width where there are five or less parking spaces to be provided.

Lands to be Retained:

1. A minimum lot width of 7.5 m shall be provided instead of the minimum required of 12.0 m; and

2. A minimum lot area of 240.0 m² shall be provided instead of the minimum required of 360.0 m²; and

3. A minimum front yard depth of 4.3 m shall be provided instead of the minimum required front yard depth of 6.0 m; and

4. A minimum side yard width of 0.7 m shall be provided on the easterly and westerly side lot line instead of the minimum required of 1.2 m; and

Notes:

Please be advised that the proposed variances have been written based on the lot width and area provided on the application by the applicant; should this information is inaccurate then further variances may be required.

Eaves and gutters may encroach into a required side yard not more than one-half of its width, or 1.0 metre, whichever is the lesser. No details have been provided; therefore, further variances may be required.

These variances are necessary to facilitate Land Severance Application # HM/B-18: 143.

Lands to be Severed:

Variances have been written as requested by the applicant.

Please note that variance # 5 has been written based on eight (8) habitable rooms. No floor plans have been provided with the application. If the number of habitable rooms exceed eight (8) then further variances shall be required.

Eaves and gutters may project into a required side yard not more than one-half of its width or 1.0m whichever is lesser. Insufficient details were provided from which to determine compliance.

Lands to be Retained:

Please note that variance # 3 has been written as requested by the applicant.

Please note that no proposed additions or alterations are being proposed for the retained lands; therefore, no variances are being triggered and the existing parking shall remain as is.

The requested variance for reduced parking length has not been included as this is not considered to be a parking space, and since no alterations to increase the total number of habitable rooms no variances are being triggered for parking and the existing parking shall remain.

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

DATE:	Thursday, June 3rd, 2021
TIME:	3:15 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

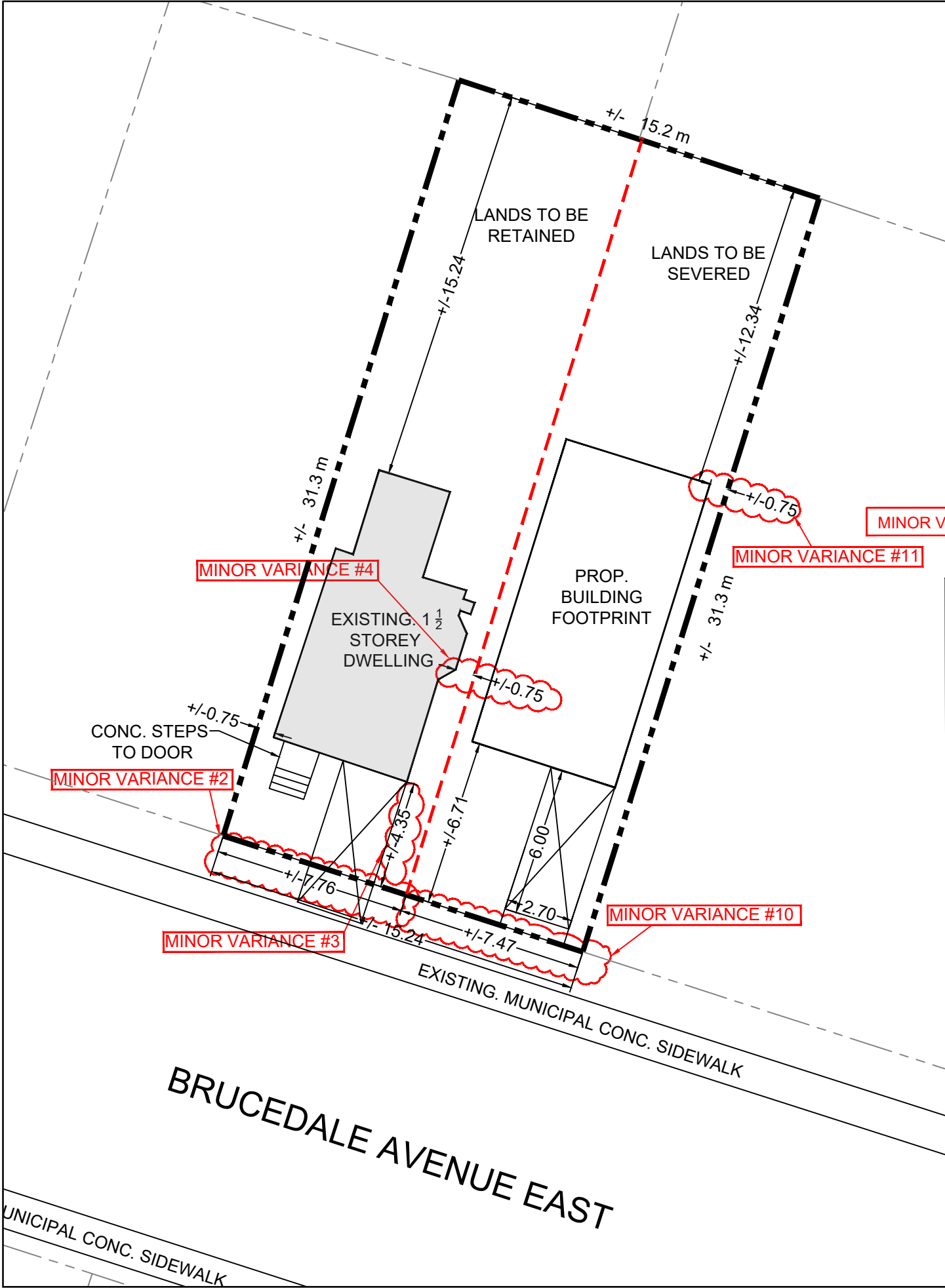
For more information on this matter, including access to drawings illustrating this request:

- 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.



Development Statistics			
Zone: "C/S-1788" (Urban Protected Residential, Etc.)			
Item	Required	Retained Lands	Severed Lands
Permitted Use	Single Family Dwelling	Single Family Dwelling	Single Family Dwelling
Min. Lot Area	360.0 m ²	+/- 247.80 m ² (MVR)	+/- 239.39 m ² (MVR)
Min. Lot Frontage	12.0 m	+/- 7.76 m (MVR)	+/- 7.47 m (MVR)
Min. Front Yard	6.0 m	+/- 4.35 m (MVR)	+/- 6.71 m
Min. Side Yard	1.2 m	+/- 0.75 m (MVR)	+/- 0.75 m (MVR)
Min. Rear Yard	7.5 m	+/- 15.24 m	+/- 12.34 m
Max. Building Height	2.5 storeys (11.0 m)	1.5 storeys	>2.5 storeys
Min. Front Yard Landscape Area	50%	+/- 21.67 m ² (64.81%)	+/- 32.68 m ² (64.39%)
Parking Spaces	2 spaces	1 space (MVR)	1 space (MVR)
Min. Parking Space Dim.	2.7 m x 6.0 m	2.7 m x 4.35 m (MVR)	2.7 m x 6.0 m
Min. Manoeuvring Space	6.0 m	0.0 m (MVR)	0.0 m (MVR)
Parking Location	Not Front Yard	Front Yard (MVR)	Front Yard (MVR)

REQUIRED VARIANCES:

LANDS TO BE RETAINED

VARIANCE NO. 1: A MINIMUM LOT AREA OF 240 SQUARED METRES WHEREAS A MINIMUM LOT AREA OF 360 SQUARE METRES IS REQUIRED.

VARIANCE NO. 2: A MINIMUM LOT FRONTAGE OF 7.5 METRES WHEREAS A MINIMUM LOT FRONTAGE OF 12.0 METRES IS REQUIRED.

VARIANCE NO. 3: A MINIMUM FRONT YARD OF 4.3 METRES WHEREAS A MINIMUM FRONT YARD OF 6.0 METRES IS REQUIRED.

VARIANCE NO. 4: A MINIMUM EASTERLY AND WESTERLY SIDE YARD OF 0.70 METRES WHEREAS A MINIMUM SIDE YARD OF 1.2 METRES IS REQUIRED.

VARIANCE NO. 5: A MINIMUM 1 RESIDENTIAL PARKING SPACE IS PROVIDED WHEREAS A MINIMUM OF 2 RESIDENTIAL PARKING SPACES IS REQUIRED.

VARIANCE NO. 6: NO MANOEUVRING AREA IS PROVIDED WHEREAS A MINIMUM OF 6.0 METRES MANOEUVRING AREA IS REQUIRED.

VARIANCE NO. 7: TO PERMIT FRONT YARD PARKING WHEREAS FRONT YARD PARKING IS NOT PERMITTED.

VARIANCE NO. 8: TO PERMIT A PARKING SPACE 4.3 METRES LONG.

LANDS TO BE SEVERED

VARIANCE NO. 9: A MINIMUM LOT AREA OF 230 SQUARED METRES WHEREAS A MINIMUM LOT AREA OF 360 SQUARE METRES IS REQUIRED.

VARIANCE NO. 10: A MINIMUM LOT FRONTAGE OF 7.25 METRES WHEREAS A MINIMUM LOT FRONTAGE OF 12.0 METRES IS REQUIRED.

VARIANCE NO. 11: A MINIMUM EASTERLY AND WESTERLY SIDE YARD OF 0.70 METRES WHEREAS A MINIMUM SIDE YARD OF 1.2 METRES IS REQUIRED.

VARIANCE NO. 12: A MINIMUM 1 RESIDENTIAL PARKING SPACE IS PROVIDED WHEREAS A MINIMUM OF 2 RESIDENTIAL PARKING SPACES IS REQUIRED.

VARIANCE NO. 13: NO MANOEUVRING AREA IS PROVIDED WHEREAS A MINIMUM OF 6.0 METRES MANOEUVRING AREA IS REQUIRED.

VARIANCE NO. 14: TO PERMIT FRONT YARD PARKING WHEREAS FRONT YARD PARKING IS NOT PERMITTED.

KEY MAP - N.T.S.

SCALE: 1:200 METRES

LEGEND:

--- SUBJECT LANDS

--- PROPERTY BOUNDARIES

--- PROP. FUTURE SEVERANCE LINE

MINOR VARIANCE #1

MINOR VARIANCE #9

MINOR VARIANCE #12

MINOR VARIANCE #13

MINOR VARIANCE #14

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: L. DRENNAN

CHECKED BY: M. JOHNSTON

DRAWN BY: L. DRENNAN

DATE: APRIL 5, 2021

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

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

PROJECT:
197 BRUCEDALE AVENUE EAST
CITY OF HAMILTON

CLIENT:
MR. FRANK LEONARDIS

TITLE:
MINOR VARIANCE
SKETCH

U/S FILE NUMBER:
397-21

SHEET NUMBER:
1



April 15, 2021

397-21

Via Email & Delivered

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield:

**RE: 197 Brucedale Avenue East, City of Hamilton
Consent to Sever and Minor Variance Applications
HM/B-18:143 & HM/A-18:385**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of Mr. Frank Leonardis, the registered owner of the lands municipally known as 197 Brucedale Avenue East, in the City of Hamilton (subject lands). The purpose of the Consent to Sever application is to separate the subject lands in to two (2) separate parcels. The lands to be severed are proposed for a new single detached dwelling with a total lot area of +/-241.29m². The existing dwelling on the retained lands will remain while having a lot area of +/-245.90 m².

These applications (HM/B-18:143 & HM/A-18:385) were heard at the January 24, 2019 Committee of Adjustment hearing where the decision was tabled to allow the owner and City to have ongoing discussions to further review the application and requested variances. The purpose of the Minor Variance application is to facilitate the development of a single detached dwelling on the lot that is to be severed. The requested minor variances for the lands to be retained reflect the existing legal non-conformities at 197 Brucedale Avenue East. The complete list of required Minor Variances include:

Lands to be Retained

Variance No. 1: A minimum lot area of 240 squared metres whereas a minimum lot area of 360 square metres is required.

Variance No. 2: A minimum lot frontage of 7.5 metres whereas a minimum lot frontage of 12.0 metres is required.

Variance No. 3: A minimum front yard of 4.3 metres whereas a minimum front yard of 6.0 metres is required.

Variance No. 4: A minimum easterly and westerly side yard of 0.70 metres whereas a minimum side yard of 1.2 metres is required.

Variance No. 5: A minimum 1 residential parking space is provided whereas a minimum of 2 residential parking spaces is required.

Variance No. 6: No manoeuvring area is provided whereas a minimum of 6.0 metres manoeuvring area is required.

Variance No. 7: To permit front yard parking whereas front yard parking is not permitted.

Variance No. 8: To permit a parking space 4.3 metres long.

Lands to be Severed

Variance No. 9: A minimum lot area of 230 squared metres whereas a minimum lot area of 360 square metres is required.

Variance No. 10: A minimum lot frontage of 7.25 metres whereas a minimum lot frontage of 12.0 metres is required.

Variance No. 11: A minimum easterly and westerly side yard of 0.70 metres whereas a minimum side yard of 1.2 metres is required.

Variance No. 12: A minimum 1 residential parking space is provided whereas a minimum of 2 residential parking spaces is required.

Variance No. 13: No manoeuvring area is provided whereas a minimum of 6.0 metres manoeuvring area is required.

Variance No. 14: To permit front yard parking whereas front yard parking is not permitted.

Since the January 24, 2019 Committee of Adjustment Hearing, further review of the proposed development concluded four (4) additional variances are required from the initial application regarding manoeuvring area and front yard parking for both the retained and severed lands (Variance Nos. 6,7,13 & 14). In addition, we have been working with the City of Hamilton to initiate a Residential Boulevard Parking Agreement which will allow a parking space which meets the Zoning By-law requirement of 2.70 metres in width by 6.0 metres in length within the municipal right of way for the lands to be retained. Together, the Boulevard Parking Agreement, the additional variances outlined above and within the enclosed Minor Variance Sketch satisfy the 4 tests in Section 45 of the *Planning Act* and allow for the appropriate severance of the lands as per Section 53 of the *Planning Act*.

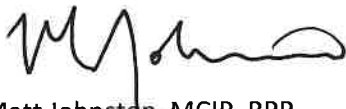
The Consent to Sever application is in keeping with Section 53 (1) of the *Planning Act*, R.S.O., 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of this parcel. The subject lands are within an established area having full access to municipal services and can be

considered a reasonable subdivision of land without being subject to the provisions of a full Draft Plan of Subdivision.

At this time, we request to be put on the next available Committee of Adjustment agenda. We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions. In support of this application, please find enclosed the following:

- One (1) PDF of the Minor Variance Sketch prepared by UrbanSolutions;
- One (1) PDF of the Consent to Sever Sketch prepared by UrbanSolutions;
- One (1) cheque in the amount of **\$275.00** made payable to the City of Hamilton for the Minor Variance recirculation fee; and,
- One (1) cheque in the amount of **\$190.00** made payable to the City of Hamilton for the Consent to Sever recirculation fee.

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Laura Drennan
Planning Technician

cc: Mr. Frank Leonardis (via email)
Mr. Sergio Manchia, UrbanSolutions Planning & Lands Development Consultants Inc. (via email)



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th 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. HM1A-18: 385 DATE APPLICATION RECEIVED Nov 23/18

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 Frank Leonardis
FAX NO. _____ E-mail address _____
2. Address _____
3. Name of Agent _____ Telephone No. _____
FAX NO. _____ E-mail address _____
4. Address _____
Postal Code _____

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:

Ukrainian Credit Union Postal Code L8H 2V9
1252 Barton Street East
Postal Code _____

- reduction of maneuvering space for parking on retained and severed land

6. Nature and extent of relief applied for: Bylaw calls for:
- side yard along each lot line of a width of at least 12m (39.4ft) requested side yard of 7.49 meters (24.6ft) same distance as existing structure on lot
- every tract of land in C district have a width of 12m (39.37ft) and area of 360sq/m (3875.13sq/ft) requesting width of 7.48m (24.54') and area of 233sq/m (2517sq/ft)

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

- current house on property is built, reduced lot would not allow a home to be built.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

Registered Plan 495, lot 72

Address of land is 195 Brucedale Avenue E

9. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☒

Other

- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes ☐ No ☒ Unknown ☐

- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes ☐ No ☒ Unknown ☐

- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes ☐ No ☒ 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 ☒ 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 ☒ Unknown ☐

- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes ☐ No ☒ 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 ☒ 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?

purchase agreement, discussion with neighbors

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 _____

N/A

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.

Date _____

Signature Property Owner

Frank Leonardis

Print Name of Owner

10. Dimensions of lands affected:

Frontage

50 Ft

Depth

102.6 Ft - 102.9 Ft (see survey)

Area

5130 sq Ft

Width of street

60 Ft (Brucedale Ave E)

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: 1 1/2 storey house, 20.54' wide, 38.22' length,
ground floor area 685 sq Ft, gross floor area 1165 sq Ft

Proposed: 1 1/2 or 2 storey house, 1091 sq Ft ground floor, 1800 sq Ft
total gross floor area, 19.62' wide, 55.81' length

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

Existing: east side yard 2.46 - 2.9 from lot line to house, see survey
- west side of house to east property line 27'
- 14.22' front of house to front lot line

Proposed: side yard along each lot line 2.46 Ft (same as existing
structure on lot)
- 22 Ft front property line to house
- 25 Ft rear house to rear property line

13. Date of acquisition of subject lands:
March 19, 2018
14. Date of construction of all buildings and structures on subject lands:

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:

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:
Urban Protected Residential "C" District
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.

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 referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.