



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, 3935 Fax (905) 546-4202  
E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## **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.:** FL/A-21:161

**APPLICANTS:** Agent [REDACTED]  
Owner J [REDACTED] Sousa

**SUBJECT PROPERTY:** Municipal address **320 Progreston Rd., Flamborough**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended

**ZONING:** "S1" (Settlement Residential) district

**PROPOSAL:** To permit the construction of a new 54.0m<sup>2</sup> (24' x 24') accessory building in the rear yard of the existing single detached dwelling notwithstanding that:

1. A side yard setback of 0.9m shall be provided instead of the minimum required side yard setback of 3.0m
2. A rear yard setback of 0.9m shall be provided instead of the minimum required rear yard setback of 7.5m
3. A height of 3.2m shall be provided to the underside of the fascia eaves, overhang or the lower ends of the roof joists, rafters or trusses instead of the maximum permitted height of 3.0m.

**NOTES:**

- i. In cases where an accessory structure exceeds 18.0m<sup>2</sup> in area, such accessory structure is subject to the same setback regulations as required for the principal building.
- ii. No accessory building shall be used for human habitation.
- iii. A maximum overall height of 5.0m is permitted for structures accessory to a residential use.

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

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**DATE:** Thursday, June 3rd, 2021  
**TIME:** 2:00 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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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:

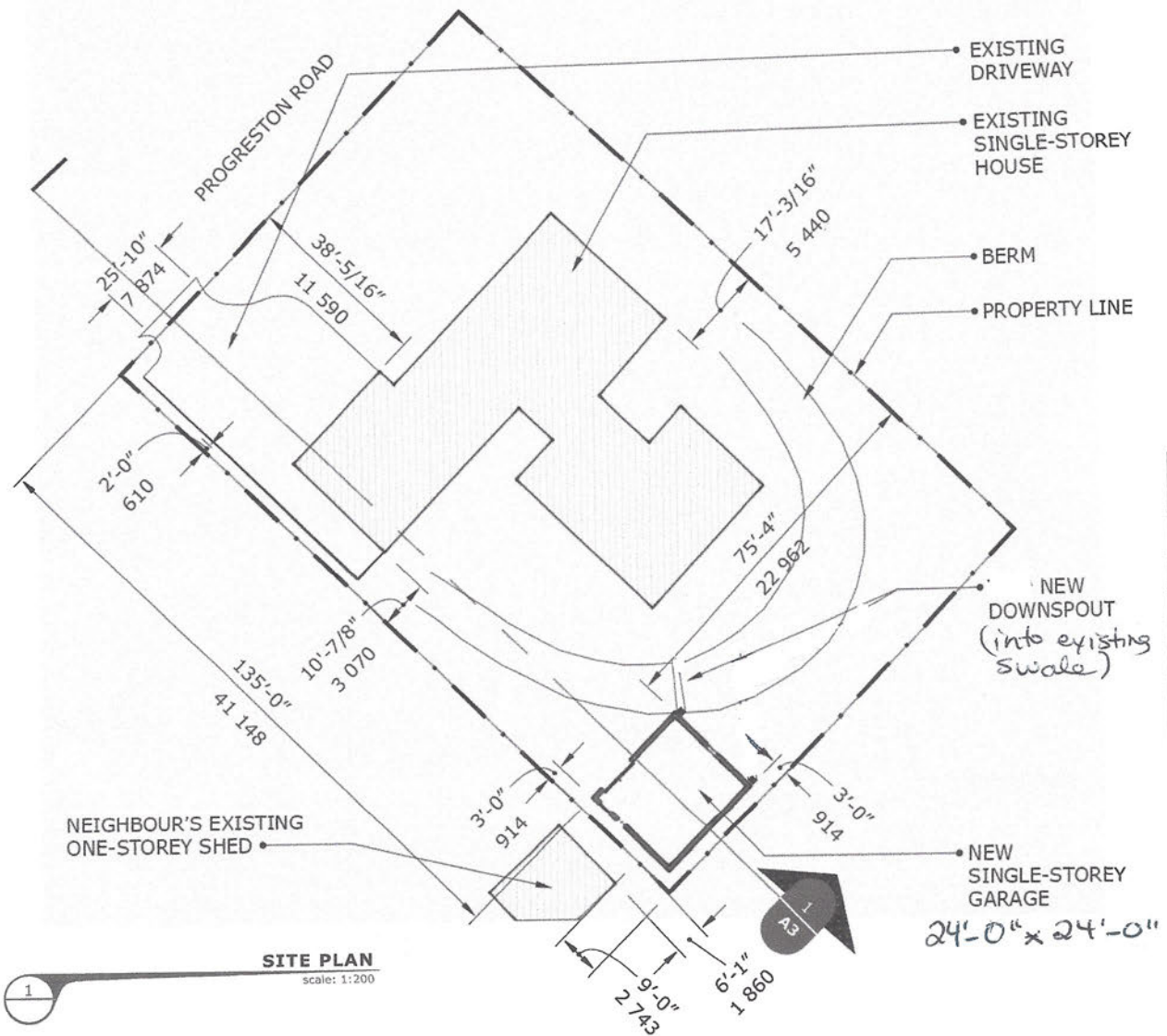
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

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.***

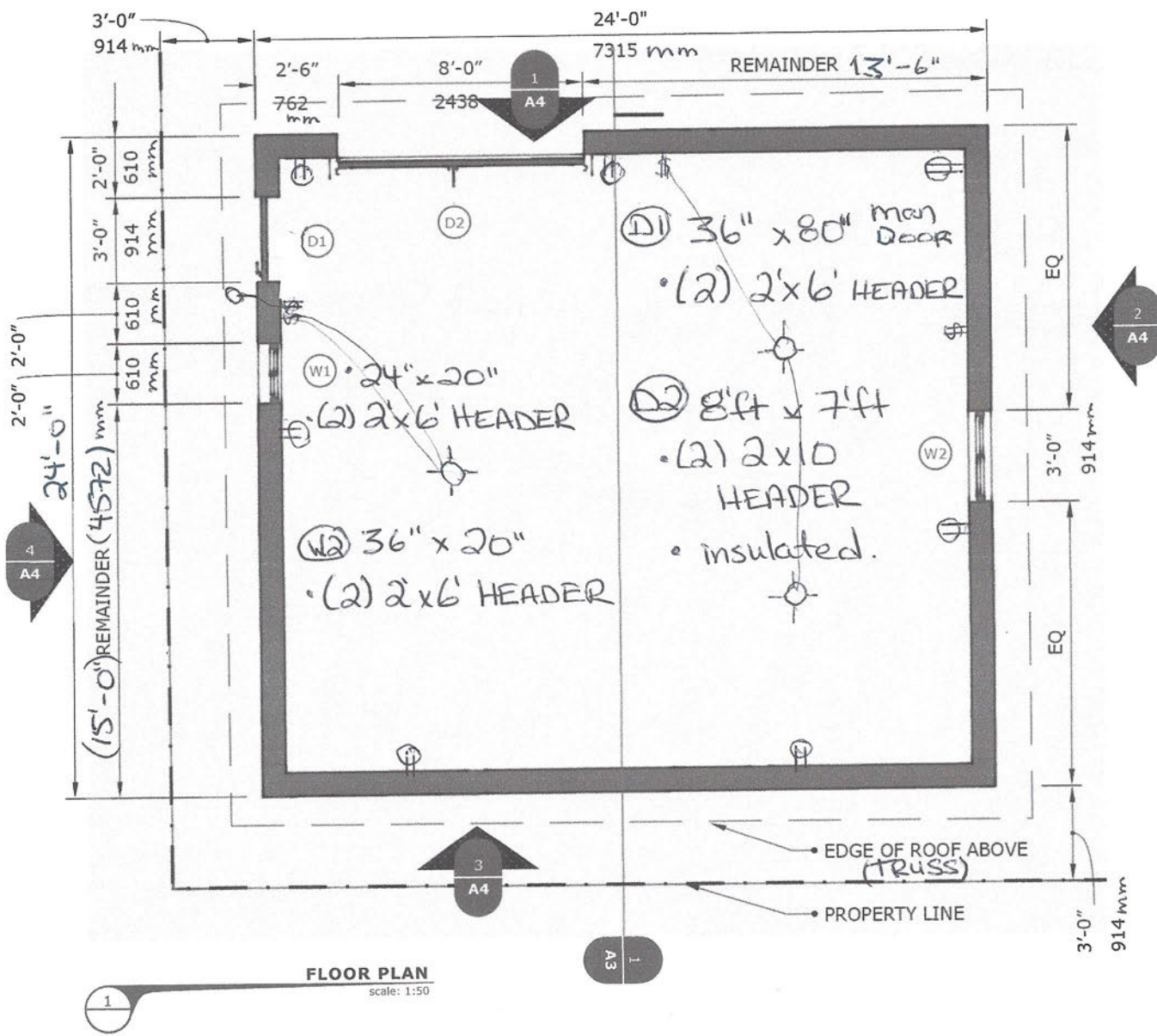


Date of Issue:  
April 16, 2021

320 Progreton  
Road, Carlisle  
ON LOR 1H1

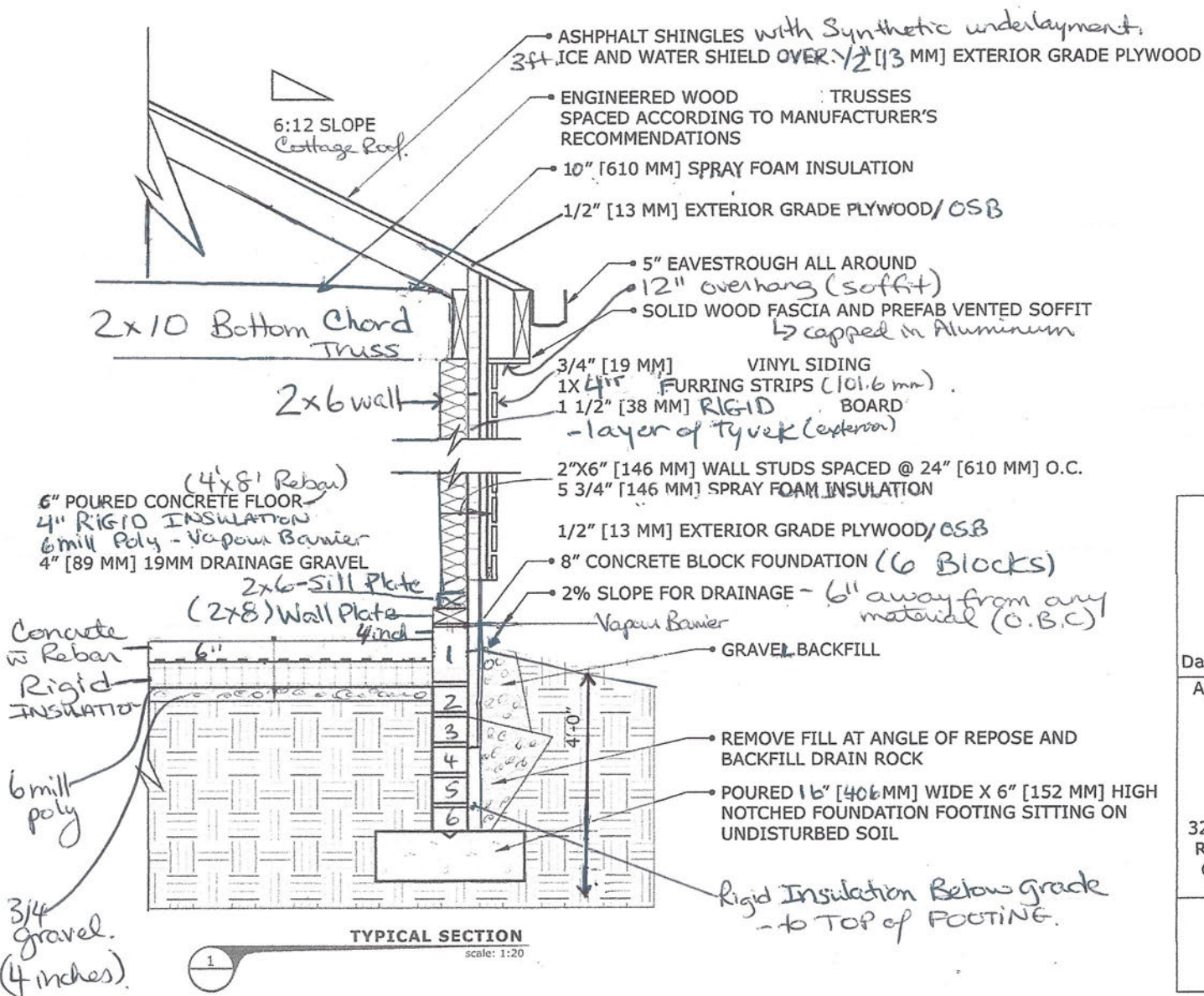
A1

# \* TRUSS ROOF - ABOVE



	Date of Issue:
	April 16, 2021
320 Progreston Road, Carlisle ON L0R 1H1	
<p style="text-align: center;">A 2</p>	





Date of Issue:  
April 16, 2021

320 Progreton  
Road, Carlisle  
ON L0R 1H1

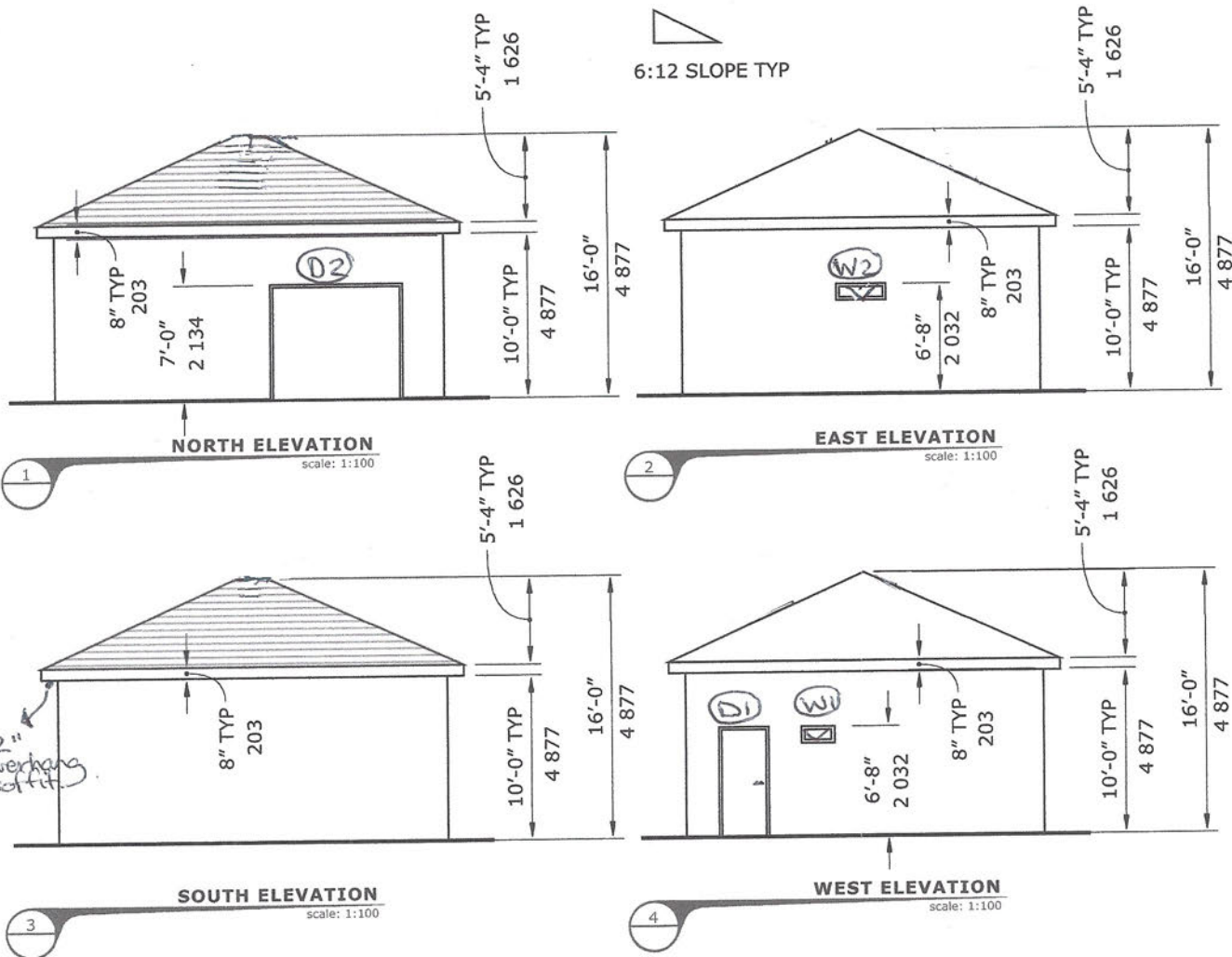
A3

R22 FLOOR  
R31 WALLS  
R54 Ceiling

# WINDOW SCHEDULE

p.13

- (W1). 24" width x 20" HEIGHT (2) 2x6 HEADER - AWING
- (W2). 36" width x 20" HEIGHT (2) 2x6 HEADER - AWING



# DOOR SCHEDULE

- (D1). main Door : 36" width x 80" HEIGHT  
(2) 2' x 6' HEADER
- (D2). GARAGE DOOR : 8' ft wide x 7' ft HEIGHT - insulated  
(2) 2 x 10' HEADER

\* TRUSS ROOF - cottage Roof

Date of Issue:  
April 16, 2021

320 Progreston  
Road, Carlisle  
ON L0R 1H1

A4



16 pages  
including  
this pg.

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)

pg 1

## 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	ADDRESS
Registered Owners(s)	J. Sousa	[REDACTED]
Applicant(s)*	J. Sousa	
Agent or Solicitor	[REDACTED]	

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:

J. Sousa.



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

Section # 12.3.3 setbacks.

Gen. Provision 4.8.1

4. Nature and extent of relief applied for: Relief from the 7m set back.  
We would like a 3 ft. Rear + Side set back from the Property Line for our Shed to best use our yard.

5. Relief from the 18 sq. meters to accommodate a 24 ft x 24 ft (Accessory Building Shed)

5. Why it is not possible to comply with the provisions of the By-law?  
The present laws would force us to locate the Shed in the middle of yard which makes our backyard useless + many neighbours have their Sheds to one side of the yard.

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):

Part of Lot 7, Concession 8  
Being: 320 Progreton Rd, Carlisle, ON, L0R 1H1

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?

Historical data.

Typo = 8.1 to 8.10

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.

Typo 8.1 to 8.10

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.

Date March 10 2021

Signature Property Owner

J. Sousa

Print Name of Owner

10. Dimensions of lands affected:

Frontage

30.48 m

Depth

46.63 m

Area

1,421.2824 m<sup>2</sup>

Width of street

11 m

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:

GF: 260.24 (Loft 576)

Gross Floor Area: 836.24

# of Stories 1 1/2

Proposed

Grand Floor (LxW) = 576 sq. ft

Gross Floor (LxW) = 576 sq. ft.

# of Stories: 1

Width: 7.3152 m

Length: 7.3152 m.

Height: 10ft at Peak.

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

Existing:

Side: 11.69m

8.84m.

Rear: 12.80 m.

Front: 38' - 5/16"

Proposed:

Side: 3 ft = 0.9144 m.

Rear: 3 ft = 0.9144 m

Front: 135 ft = 41.148 mm

Note:

(.6m = 2ft.)

13. Date of acquisition of subject lands:  
2016
14. Date of construction of all buildings and structures on subject lands:  
2016
15. Existing uses of the subject property:  
Residential
16. Existing uses of abutting properties:  
Residential on BOTH sides, Tree Farm behind
17. Length of time the existing uses of the subject property have continued:  
50 + 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:  
Rural Hamilton Official Plan  
Carlisle Rural Settlement Area
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Hamilton Zoning Bylaws. 0-5-200  
S1 Rural Settlement Residential
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. 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.  
Please see attached.  
pg 6, 7, 8, 9, 10