



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

E-mail: 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
-

APPLICATION NO.:	HM/A-24:41	SUBJECT PROPERTY:	195 Rebecca Street, Hamilton
ZONE:	"D5, Holding 17, 19 & 20" (Downtown Residential)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: Keir McColl
 Agent: Michael Isotti Pongetti

The following variances are requested:

1. An outdoor patio shall be permitted on a lot where any lot line abuts a Downtown (D5) Zone or where such lot is separated from a Downtown D5 Zone By a Laneway. Instead of the regulation that no outdoor patios shall be permitted in a lot where any lot line abuts a Residential Zone, Downtown D5 or Downtown D6 Zone or where such lot is separated from a Residential Zone, Downtown D5 or Downtown D6 Zone by a Laneway.

PURPOSE & EFFECT: To facilitate the construction on an outdoor seasonal patio attached to an existing two (2) storey mixed use building.

Notes:

1. Insufficient information was provided regarding proposed use/seating capacity for the proposed outdoor patio. Additional variances may be required if compliance with the Hamilton Zoning By-law 05-200 cannot be achieved.
2. The proposed Outdoor Patio is located on the neighboring property (199 Rebecca Street). Staff is unable to determine lot ownership at this time. For Consolidated lot development as per the By-law,

Where two or more abutting lots under one identical ownership are consolidated for the purpose of development, the internal lot lines of the original lots shall not be construed to be lot lines for the purposes of any zoning regulations provided that all applicable regulations of this By-law relative to the consolidated lot development and its external lot lines are complied with.

3. Please be advised If the Outdoor Patio is intended to be enclosed additional variances may be

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required.

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:

DATE:	Tuesday, April 23, 2024
TIME:	1:20 p.m.
PLACE:	City Hall Council Chambers (71 Main St. W., Hamilton)

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

- Visit 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 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 April 19, 2024

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 above.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-24:41, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



 Subject Lands

DATED: April 4, 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.



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E-mail: 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 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

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

EXISTING DIMENSIONS/CONFIGURATION ARE APPROXIMATE

LANDSCAPED AREA - 195 REBECCA ST.

LOT AREA= 4890ft² = 454.3m²

LANDSCAPED AREA
TOTAL AREA = 345.6ft² = 32.1m²

LANDSCAPED AREA %
32.1m² / 345.6m² = 7.1%

LANDSCAPED AREA - 195 & 199 REBECCA ST.

TOTAL LOT AREA= 9324.34ft² = 866.3m²

LANDSCAPED AREA
TOTAL AREA = 4779.94ft² = 444.1m²

LANDSCAPED AREA %
444.1m² / 866.3m² = 51.3%

FLOOR AREA USES - 195 REBECCA ST.

TOTAL SQUARE FOOTAGE= 2148.4 ft² = 201.7m²

FLOOR 1
TOTAL AREA = 1548.4ft² = 143.9m²
RESTAURANT AREA = 1548.4ft² = 143.9m²

FLOOR 2
TOTAL AREA = 600.00ft² = 57.8m²
RESIDENTIAL AREA = 600.00ft² = 57.8m²

OCCUPANCY LOADING - RESTAURANT

- IN ACCORDANCE WITH O.B.C. 3.1.17.1(1) THE OCCUPANT LOAD OF A FLOOR AREA OF PART OF A FLOOR AREA, OR OF A BUILDING OR PART OF A BUILDING NOT HAVING A FLOOR AREA, SHALL BE BASED ON THE NUMBER OF SEATS IN AN ASSEMBLY OCCUPANCY HAVING FIXED SEATS.

a) * SEATING FOR 35 PATRONS

c)(i) FOR WHICH THE AREA IS DESIGNED (KITCHEN)
* AREA DESIGNED FOR 5 STAFF

THEREFORE THE TOTAL OCCUPANCY FOR THE INTERIOR OF THIS ESTABLISHMENT SHALL BE 40 PERSONS

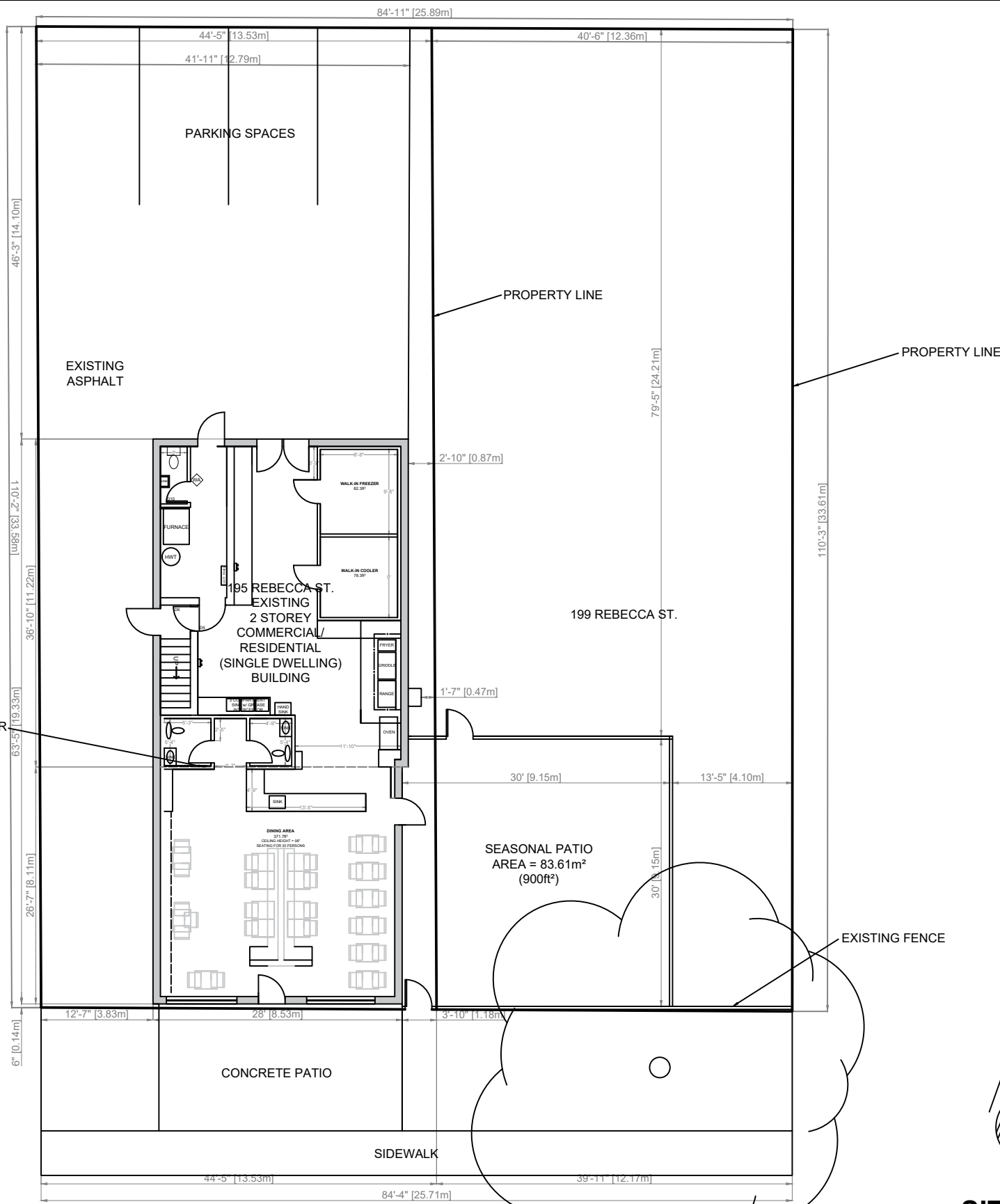
OCCUPANCY LOADING - SEASONAL PATIO

- IN ACCORDANCE WITH O.B.C. 3.1.17.1(1) THE OCCUPANT LOAD OF A FLOOR AREA OF PART OF A FLOOR AREA, OR OF A BUILDING OR PART OF A BUILDING NOT HAVING A FLOOR AREA, SHALL BE BASED ON,

(c) THE NUMBER OF PERSONS,

(ii) - DETERMINED FROM TABLE 3.1.17.1. FOR OCCUPANCIES OTHER THAN THOSE DESCRIBED IN CLAUSES (a) AND (b).

BASED ON A PATIO AREA OF 83.61m² (900.0ft²) AND THE AREA PER PERSON OF 1.1m², THE OCCUPANCY OF THE PATIO SHOULD BE 76 PERSONS.



#:	DATE:	DESC.

DECC INC.
DESIGN | ENGINEER | CONSULT | CONSTRUCT

SITE:
**195/199 REBECCA ST.
HAMILTON, ON.**

PROJECT:
**AM - BREAKFAST
RESTAURANT**

DWG:
**SP1.01
SITE PLAN
EXISTING**

DATE: FEB 12, 2024	DRAWN BY: MP	DWG #: 1 / 1
PROJECT #: 148	CHKD BY: MP	

SITE PLAN
SCALE: 1/16" = 1'-0"



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/PERMISSION UNDER SECTION 45 OF THE PLANNING ACT

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	2544225 LANE INC 2544225 LANE INC KER McCOLL
Applicant(s)	MICHAEL ISOTTI PONGETTI
Agent or Solicitor	MICHAEL ISOTTI PONGETTI

.com

1.2 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant 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.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	195 REBECCA STREET		
Assessment Roll Number			
Former Municipality	HAMILTON		
Lot		Concession	
Registered Plan Number		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:

TO PERMIT AN OUTDOOR PATIO

Second Dwelling Unit Reconstruction of Existing Dwelling

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

PATIO USE IS PROHIBITED IN D5 ZONING

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
12.17m	33.6m	454.2m ²	

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
MIXED USE 2 STOREY BUILDING	.1524m	14.103m	0.472m/3.830m	01/01/1950

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
PATIO	0.1524m	24.21m	4.10m	03/01/2024

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
MIXED USE 2 STOREY BUILDING	143.85m ²	201.64m ²	2	5.84m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
PATIO	83.61m ²	83.61m ²	0	.1m

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)

- 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) _____

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.):

COMMERCIAL MIXED USE, DWELLING UNIT, PATIO

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

COMMERCIAL MIXED USE, DWELLING UNIT

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

MARCH 13, 2017

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

COMMERCIAL MIXED USE

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

COMMERCIAL MIXED USE, RESTAURANT, DWELLING UNIT

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

ENTIRE EXISTENCE

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) DOWNTOWN MIXED USE

Please provide an explanation of how the application conforms with the Official Plan.

7.6 What is the existing zoning of the subject land? ~~HM/A-23:123~~ DS

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: HM/A-23:123

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: _____

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes No N/A

7.11 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 0

8.3 Additional Information (please include separate sheet if needed):

PATIO TO BE FOR SEASONAL USE OPERATING BETWEEN 9am AND 5pm

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
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