



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

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.:	A-24:76	SUBJECT PROPERTY:	28 Dale Ave, Stoney Creek
ZONE:	"R1" (Single Residential)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended

APPLICANTS: Owner: EY Developments Inc. – Patrice Scicluna
Applicant: LHW Engineering Ltd. - Kyutae Kim

The following variances are requested:

1. A minimum westerly side yard of 1.8m shall be permitted instead of the minimum 3.0m side yard required.

PURPOSE & EFFECT: To facilitate the conversion of the existing Single Detached Dwelling to a Residential Care facility.

Notes:

The applicant shall ensure that the maximum permitted six (6) residents shall not be exceeded; otherwise, further variances shall be required.

The applicant shall ensure that the proposed Residential Care facility shall maintain a minimum 800.0m of any other lot upon which is situated any other Group Home, Residential Care Facility or Domiciliary Hostel; otherwise, further variances shall be 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, May 7, 2024
TIME:	3:00 p.m.
PLACE:	Via video link or call in (see attached sheet for details)

	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

PUBLIC INPUT

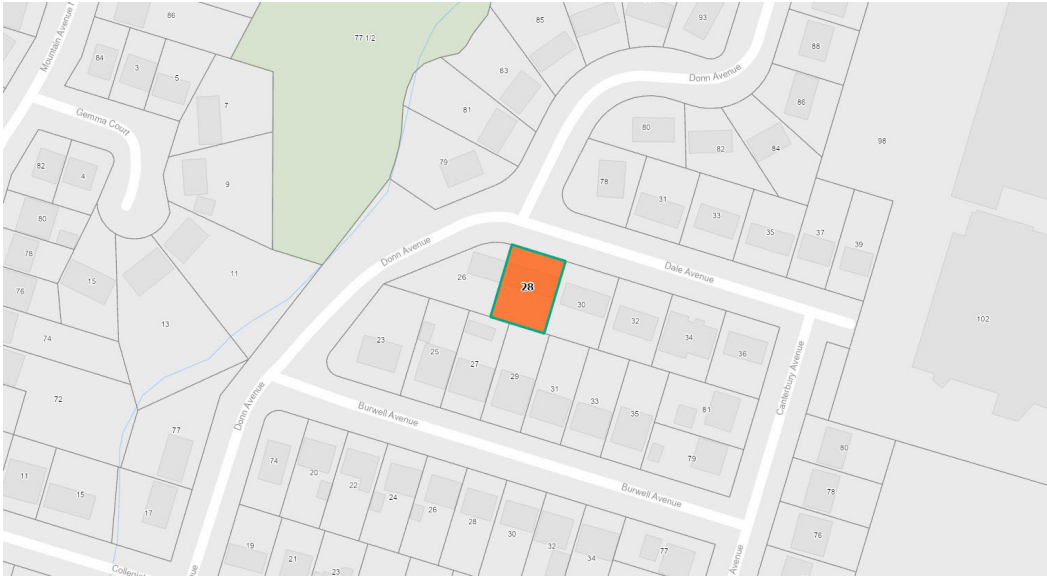
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon May 3, 2024

Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon May 6, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:76, 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 18, 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

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 Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners **must register by noon on the day listed on the Notice of Public Hearing** to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

2. 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 or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

TOPOGRAPHIC SURVEY OF
 PART OF LOT 16
 REGISTERED PLAN 1040
 FORMERLY CITY OF STONEY CREEK
 CITY OF HAMILTON

SCALE 1 : 200



ALEX MARTON LTD.
 ONTARIO LAND SURVEYORS

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METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES
 AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

ELEVATION NOTE

ELEVATIONS SHOWN HEREON ARE GEODETIC
 AND ARE DERIVED FROM GPS OBSERVATIONS
 USING REAL TIME NETWORK OBSERVATIONS.

LEGEND

MH	CB	FM	GM	AN	UP	DS	GS	TR	CSW	CR	HM	O/H	INV	BF	PIN	Ø	☉	☌	
•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
MANHOLE	CATCH BASIN	FIRE HYDRANT	GAS METER	ANCHOR	UTILITY POLE	DOOR SILL	GARAGE SILL	TOP OF ROOF	CONCRETE SIDEWALK	CENTERLINE	HYDRO METER	OVERHEAD	INVERT	BOARD FENCE	PROPERTY IDENTIFIER NUMBER	DIAMETER	DECIDUOUS TREE	CONIFEROUS TREE	

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
 THE FIELD OBSERVATIONS REPRESENTED ON THIS PLAN
 WERE COMPLETED ON THE 30TH DAY OF JANUARY, 2024.

FEBRUARY 15, 2024
 DATE

ALEX MARTON
 ONTARIO LAND SURVEYOR

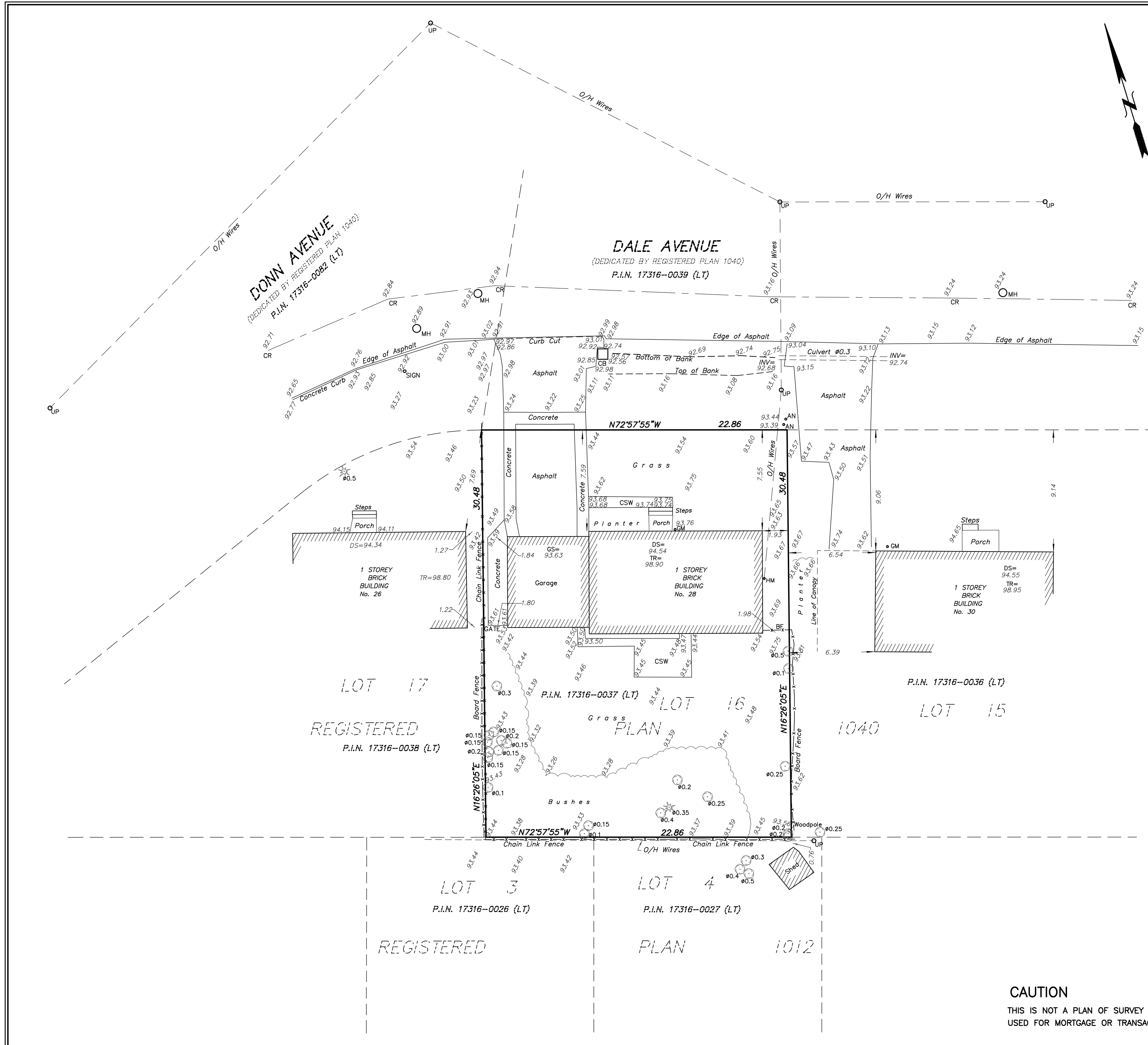


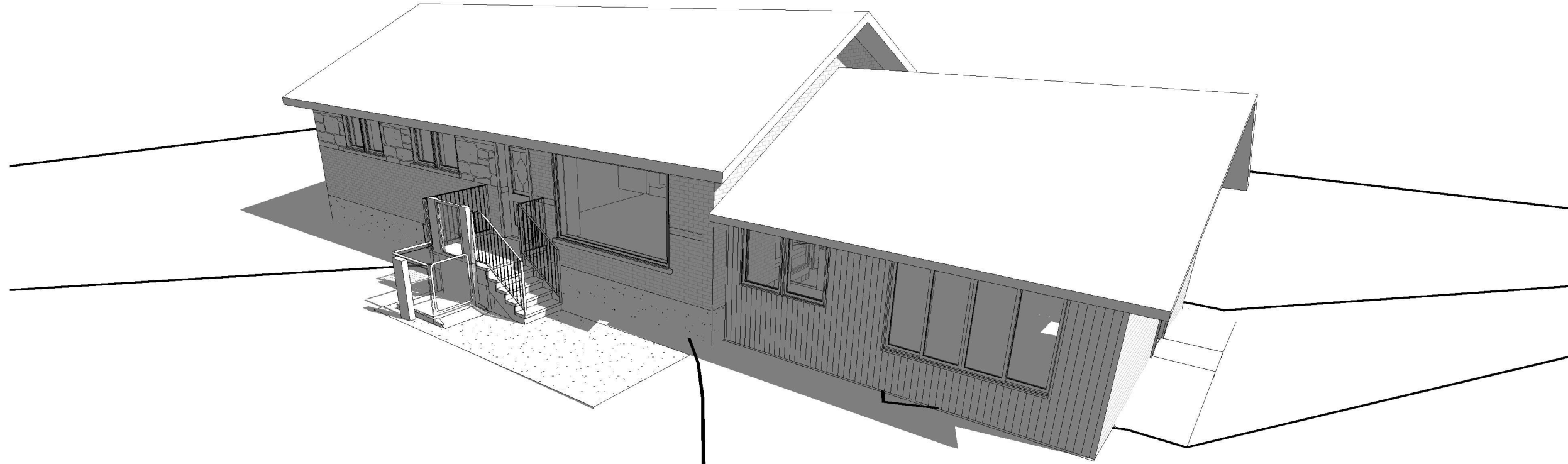
ALEX MARTON LIMITED
 ONTARIO LAND SURVEYORS
 160 APPLEWOOD CRESCENT, UNIT 8,
 CONCORD, ONTARIO, L4K 4H2
 PHONE: 905-879-9889 FAX: 905-879-0770
 E-MAIL: alex@amsurveying.ca
 WEBSITE: www.amsurveying.ca

PARTY CHIEF: C.P. AND H.G.	FILE NAME: 2024-020.DWG
DRAWN : X.Z.	PLOT SCALE: 1:200
CHECKED : A.M.	PROJECT No. 2024-020

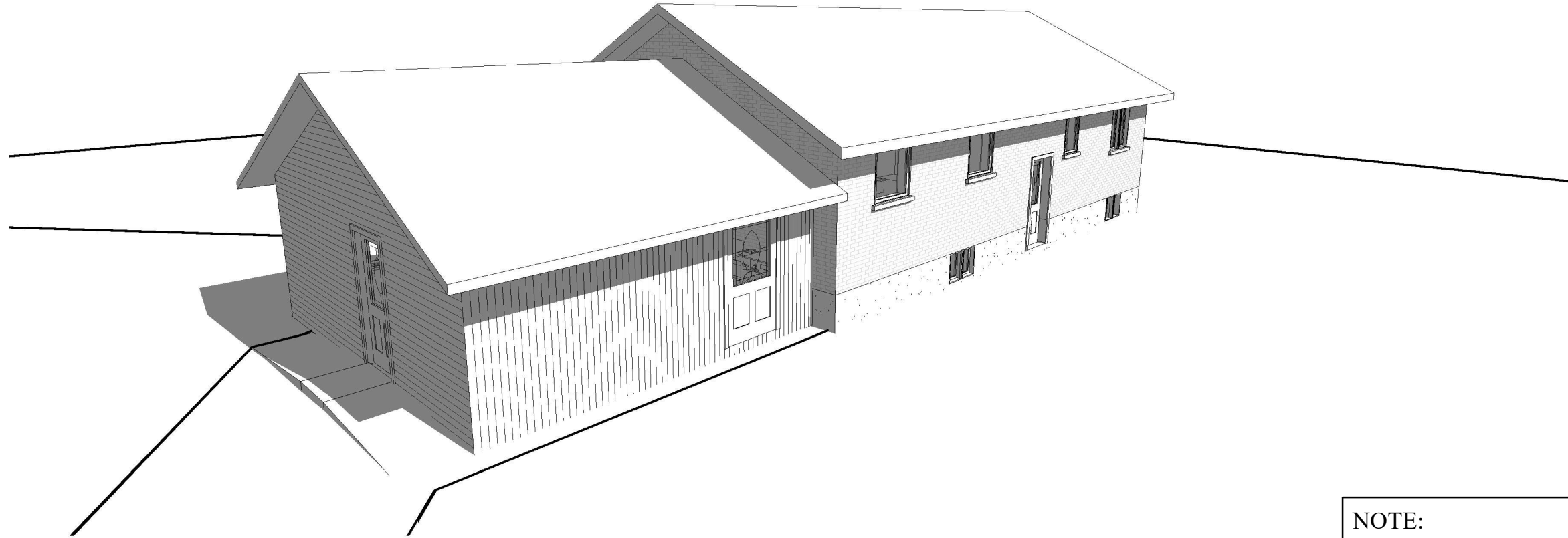
CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE
 USED FOR MORTGAGE OR TRANSACTION PURPOSES.





1 3D View 1



2 3D View 2

NOTE:
FOR REFERENCE ONLY

		Drawn By KT
LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM		Date MAR/25/24
PROJECT TITLE 28 Dale Ave, Hamilton(STONEY CREEK), ON L8G 3L9		Checked By BW
3-D VIEW		DWG. No. A0
No. 1	Description CLIENT REVIEW	Date FEB 16, 2024
2	ZONING REVIEW SUBMISSION	FEB 21, 2024
3	REVISED FOR CLIENT REVIEW	MAR 15, 2024
4	ISSUED FOR MINOR VARIANCE	MAR 19, 2024
Proj. No. -		Scale -

DALE AVENUE
 (DEDICATED BY REGISTERED PLAN 1040)
 P.I.N. 17316-0039 (LT)

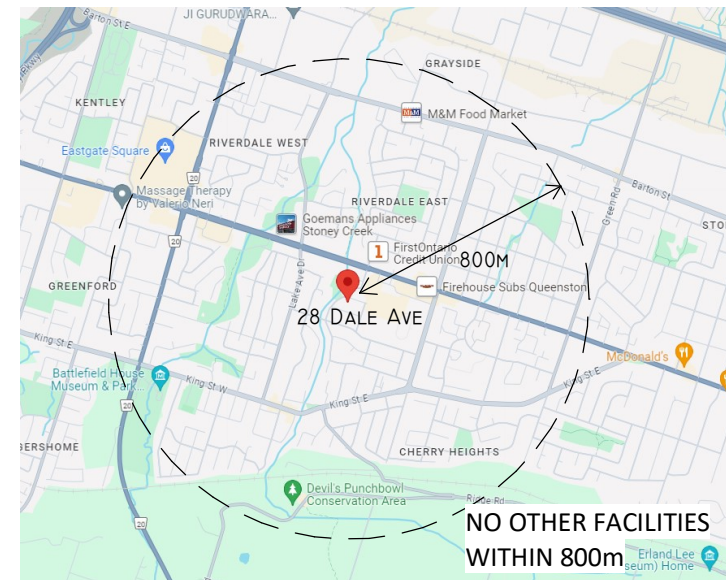
THE SCOPE OF WORK

1. CONVERSION OF A SINGLE DWELLING TO RESIDENTIAL CARE FACILITY
2. CONVERSION OF ATTACHED EX.GARAGE TO LIVING SPACE
3. NEW VERTICAL PLATFORM LIFT ADDITION & INTERIOR ALTERATIONS

SITE STATISTIC			
ZONING	RI (SINGLE RESIDENTIAL-ONE)	LOT NO.	PART OF LOT 16
PLAN NO.	REGISTERED PLAN 1040	LOT AREA	696.77M ²
LOT FRONTAGE	22.86M	LOT DEPTH	30.48M
EXISTING		PROPOSED	
STOREY - NO CHANGE	1	STOREY	1
HEIGHT	NO CHANGE		
DRIVEWAY WIDTH - NO CHANGE	6.12M	DRIVEWAY WIDTH	6.12M
FLOOR AREA			
EXISTING		PROPOSED	
BASEMENT	NO CHANGE	BASEMENT	NO CHANGE
MAIN FLOOR	101M ² (EXCLUDING ATTACHED GARAGE 41.5M ²)	MAIN FLOOR	142.5M ² (INCLUDING NEW LIVING SPACE)
GROSS FLOOR AREA	101M ²	GROSS FLOOR AREA	142.5M ²
NO CHANGE OF BUILDING FOOTPRINT			
SETBACK			
EXISTING		PROPOSED	
FRONT (NORTH) - NO CHANGE	6.05M	FRONT (NORTH) - NO CHANGE	6.05M
SIDE (EAST) - NO CHANGE	1.93M	SIDE (EAST) - NO CHANGE	1.93M
SIDE (WEST) - NO CHANGE	1.8M	SIDE (WEST) - NO CHANGE	1.8M
REAR (SOUTH) - NO CHANGE	15.2M	REAR (SOUTH) - NO CHANGE	15.2M

RESIDENTIAL CARE FACILITY

1. MAX. PERMITTED SIX(6) RESIDENTS SHALL NOT BE EXCEED.
- ALL ROOMS ARE SINGLE ROOMS AND THERE WILL BE A MAXIMUM OF 6 RESIDENTS AT ANY TIME
2. A LOT CONTAINING SUCH DWELLING SHALL NOT BE LOCATED WITHIN 800M OF ANY OTHER LOT UPON WHICH IS SITUATED ANY OTHER GROUP HOME, RESIDENTIAL CARE FACILITY OR A DOMICILLARY HOSTEL;
- THERE IS NO ANOTHER FOREMENTIONED FACILITY WITHIN 800M



<KEP MAP>

GENERAL NOTE.

-CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION

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

Drawn By
 KT

Checked By
 BW

DWG. No.
 A1.0

Date
 MAR/25/24

Scale
 1/16" = 1'-0"

Proj. No.
 -

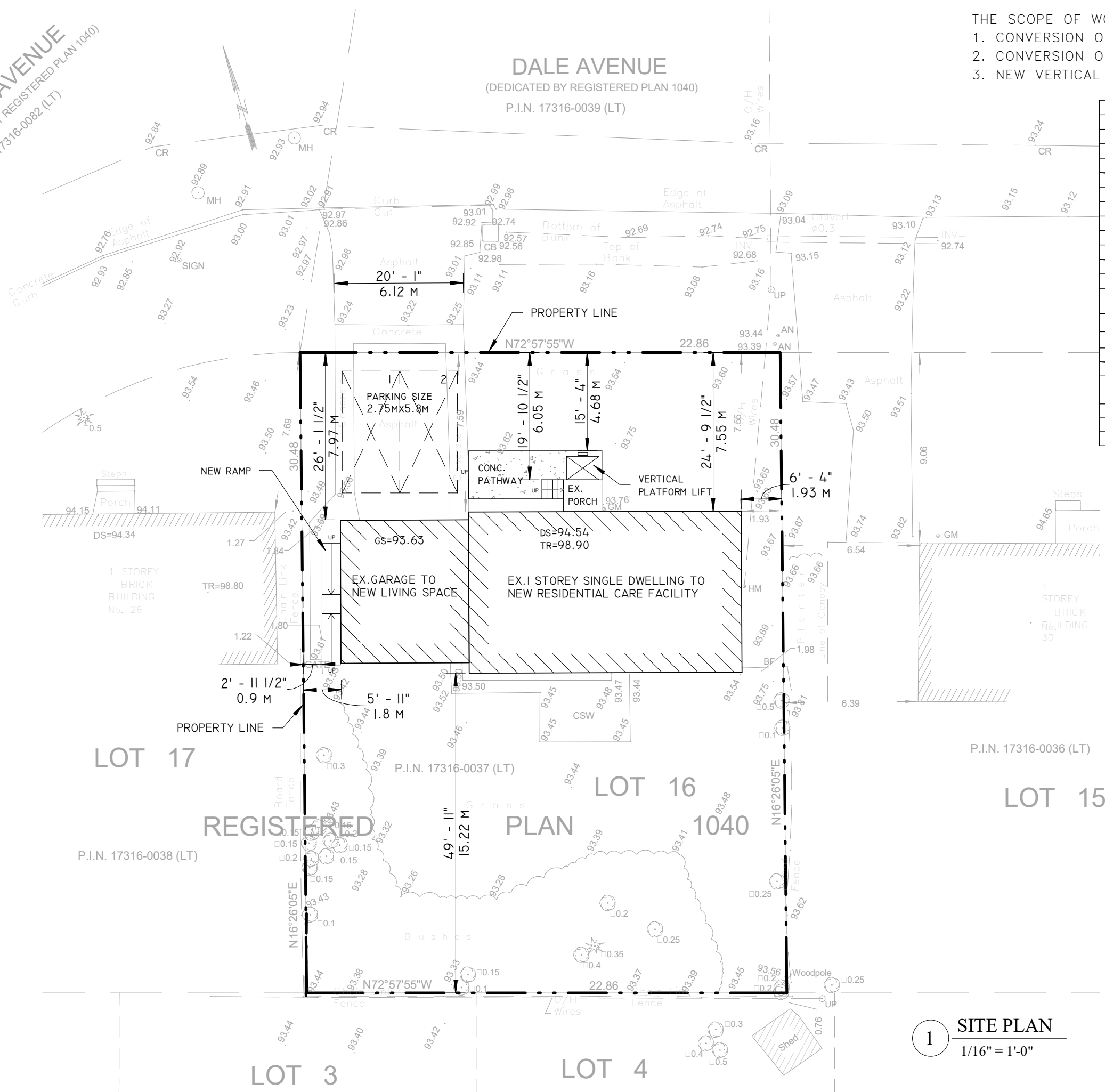
PROJECT TITLE
 28 Dale Ave, Hamilton(STONEY CREEK), ON L8G 3L9

DRAWING TITLE
 SITE PLAN

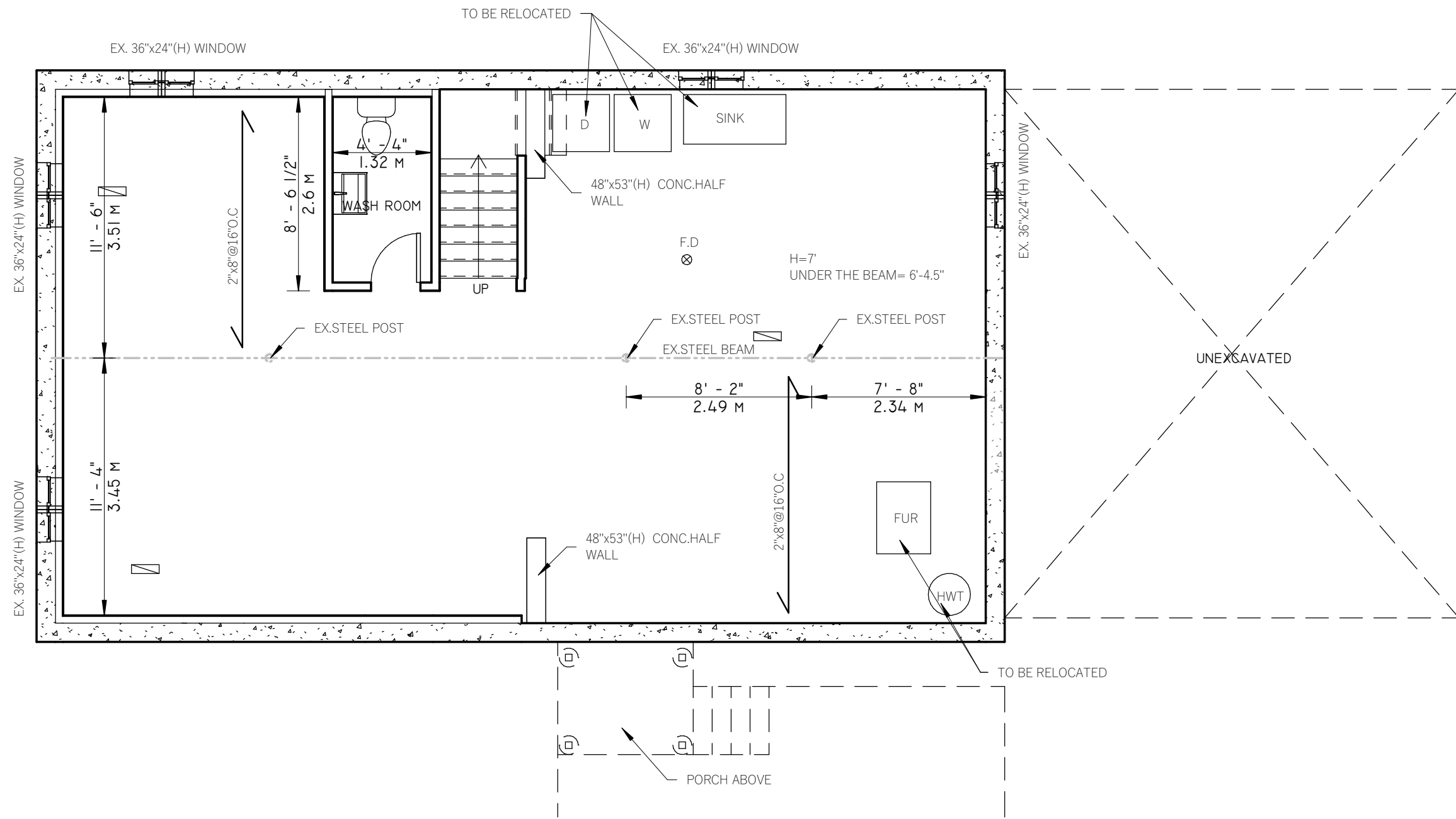
No.	Description	Date
1	CLIENT REVIEW	FEB 16, 2024
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3	REVISED FOR CLIENT REVIEW	MAR 15, 2024
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LHW ENGINEERING LTD.
 Unit 405, 2347 Kennedy Rd
 Toronto, ON M1T 3T8
 T: 416-299-8837
 LHW.ENGINEERING@GMAIL.COM



GENERAL NOTE.
 -CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION



1 EXISTING BASEMENT FLOOR PLAN
 3/16" = 1'-0"

Drawn By	KT
Date	MAR/25/24
Checked By	BW
Scale	3/16" = 1'-0"
Proj. No.	-
DWG. No.	AI.1

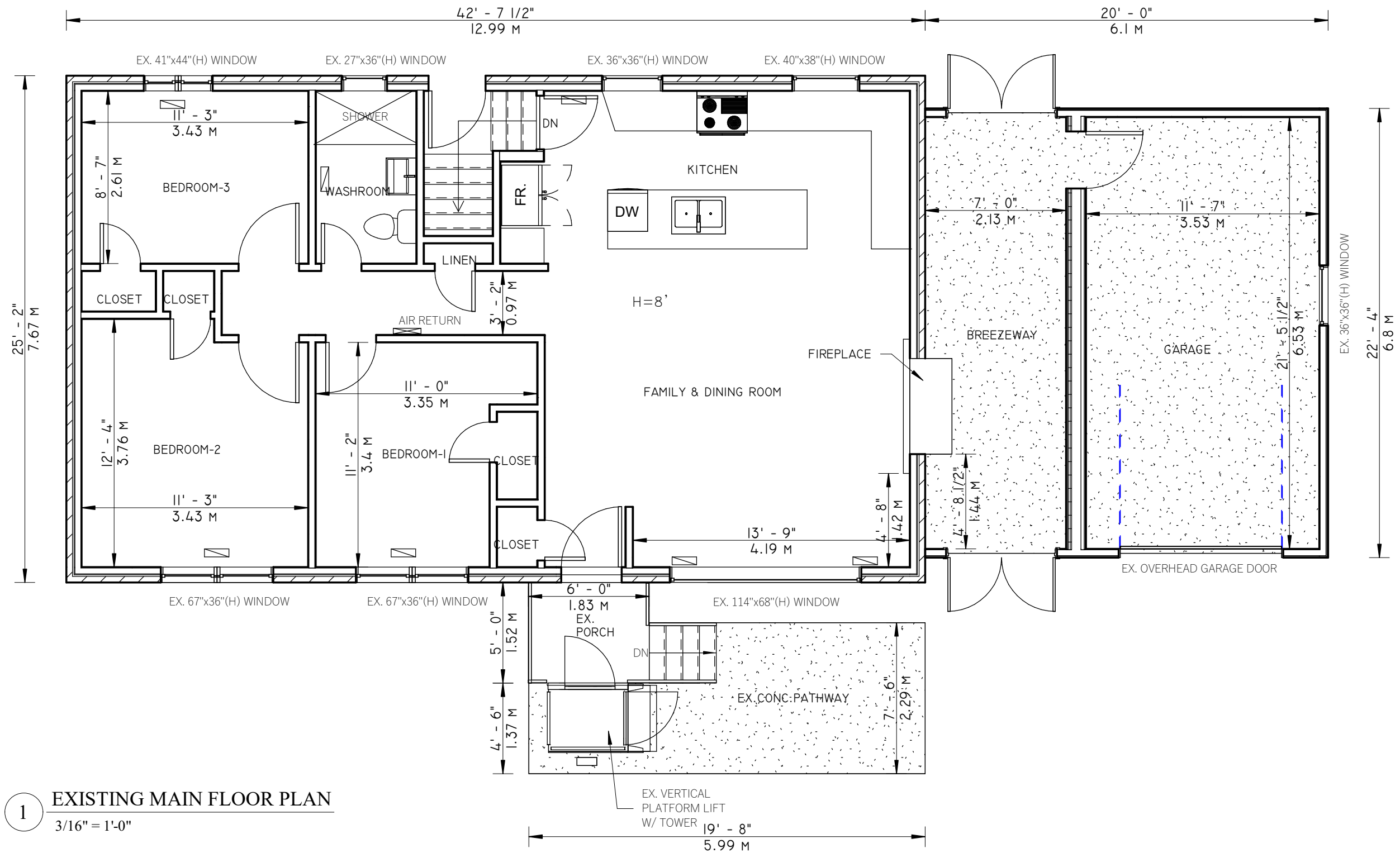
PROJECT TITLE	28 Dale Ave, Hamilton(STONEY CREEK), ON L8G 3L9
DRAWING TITLE	EX. BASEMENT PLAN

No.	Description	Date
1	CLIENT REVIEW	FEB 16, 2024
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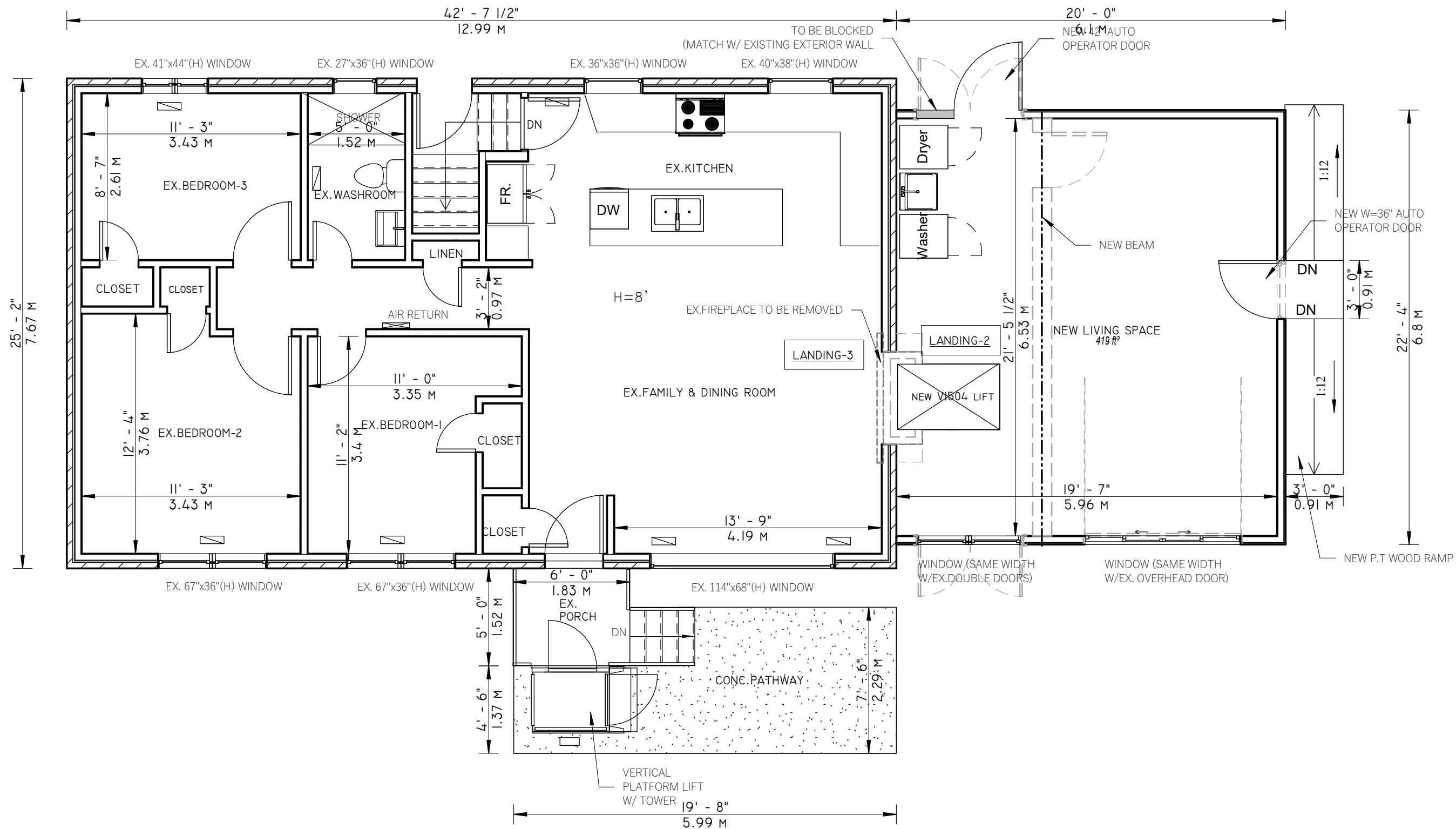
1 EXISTING MAIN FLOOR PLAN
 3/16" = 1'-0"

PROJECT TITLE		28 Dale Ave, Hamilton(STONEY CREEK), ON L8G 3L9	
DRAWING TITLE		EX. MAIN FLOOR PLAN	
Drawn By	KT	Date	MAR/25/24
Checked By	BW	Scale	3/16" = 1'-0"
DWG. No.	A1.2	Proj. No.	-
No.	Description	Date	
1	CLIENT REVIEW	FEB 16, 2024	
2	ZONING REVIEW SUBMISSION	FEB 21, 2024	
3	REVISED FOR CLIENT REVIEW	MAR 15, 2024	
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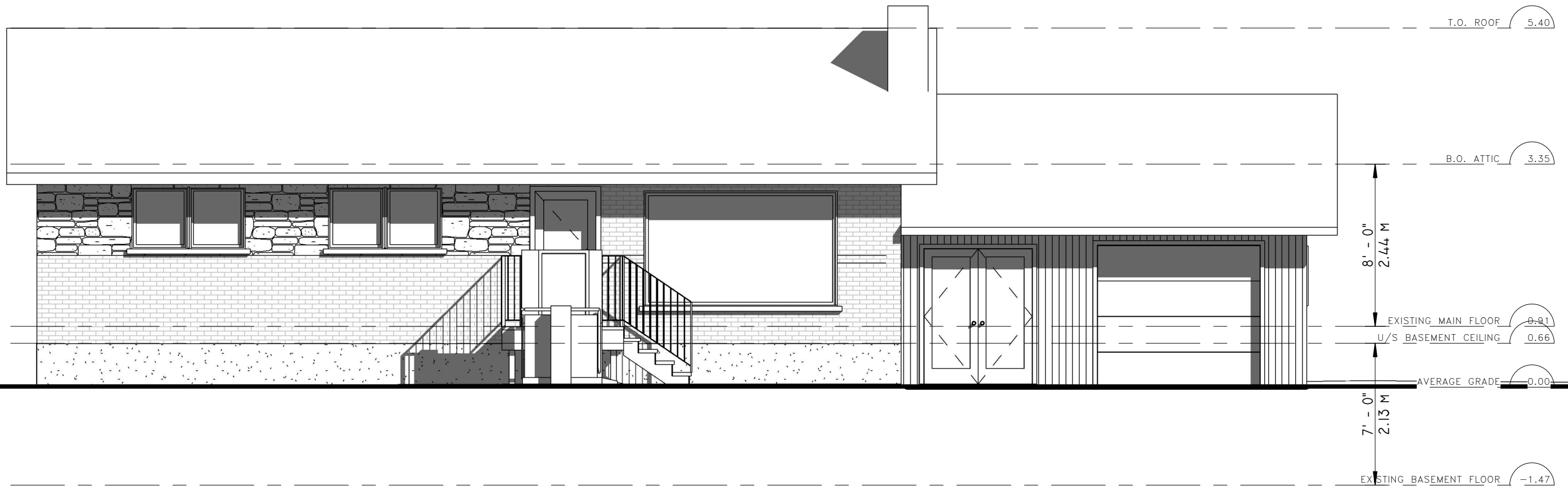
LHW ENGINEERING LTD.
 Unit 405, 2347 Kennedy Rd
 Toronto, ON M1T 3T8
 T: 416-299-8837
 LHW.ENGINEERING@GMAIL.COM

GENERAL NOTE.
 -CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION



1 PROPOSED MAIN FLOOR PLAN
 3/16" = 1'-0"

PROJECT TITLE 28 Dale Ave, Hamilton(STONEY CREEK), ON L8G 3L9		Drawn By KT
DRAWING TITLE PROPOSED MAIN FLOOR PLAN		Checked By BW
Date MAR/25/24	Scale 3/16" = 1'-0"	DWG. No. A1.4
Date FEB 16, 2024	Description CLIENT REVIEW	No. 1
Date FEB 21, 2024	Description ZONING REVIEW SUBMISSION	No. 2
Date MAR 15, 2024	Description REVISED FOR CLIENT REVIEW	No. 3
Date MAR 19, 2024	Description ISSUED FOR MINOR VARIANCE	No. 4
LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM		



1 NORTH ELEVATION (EXISTING)
3/16" = 1'-0"



2 SOUTH ELEVATION (EXISTING)
3/16" = 1'-0"

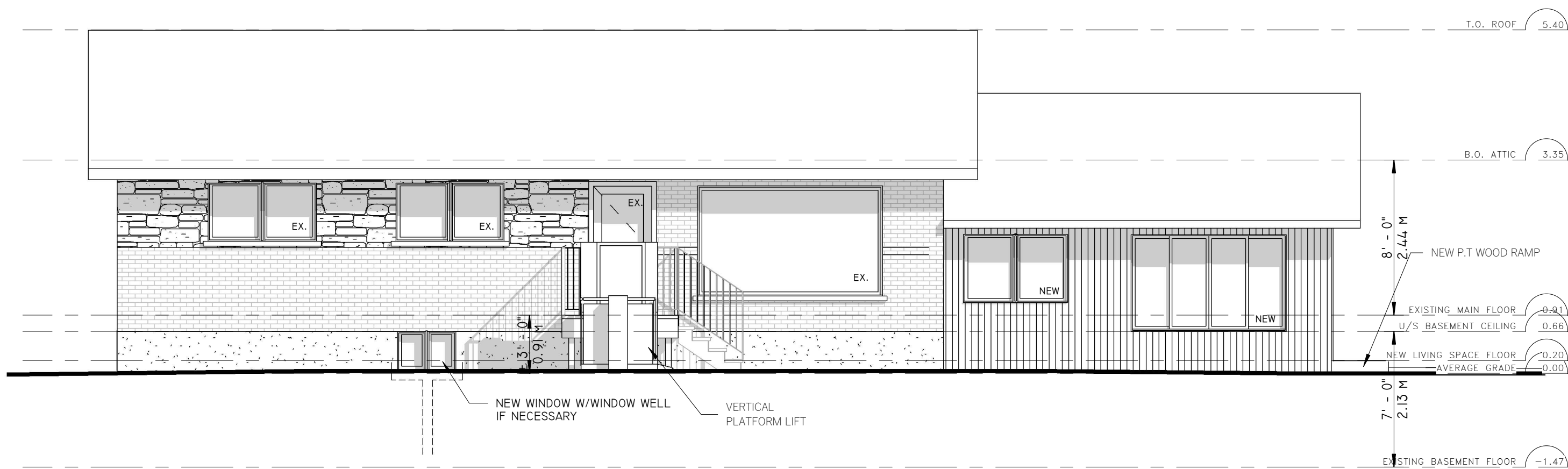
GENERAL NOTE.
-CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION

PROJECT TITLE		Drawn By	KT
28 Dale Ave, Hamilton(STONEY CREEK), ON L8G 3L9		Date	MAR/25/24
DRAWING TITLE		Scale	3/16" = 1'-0"
EX. NORTH & SOUTH ELEVATION		Checked By	BW
		Proj. No.	-
		DWG. No.	A2.1

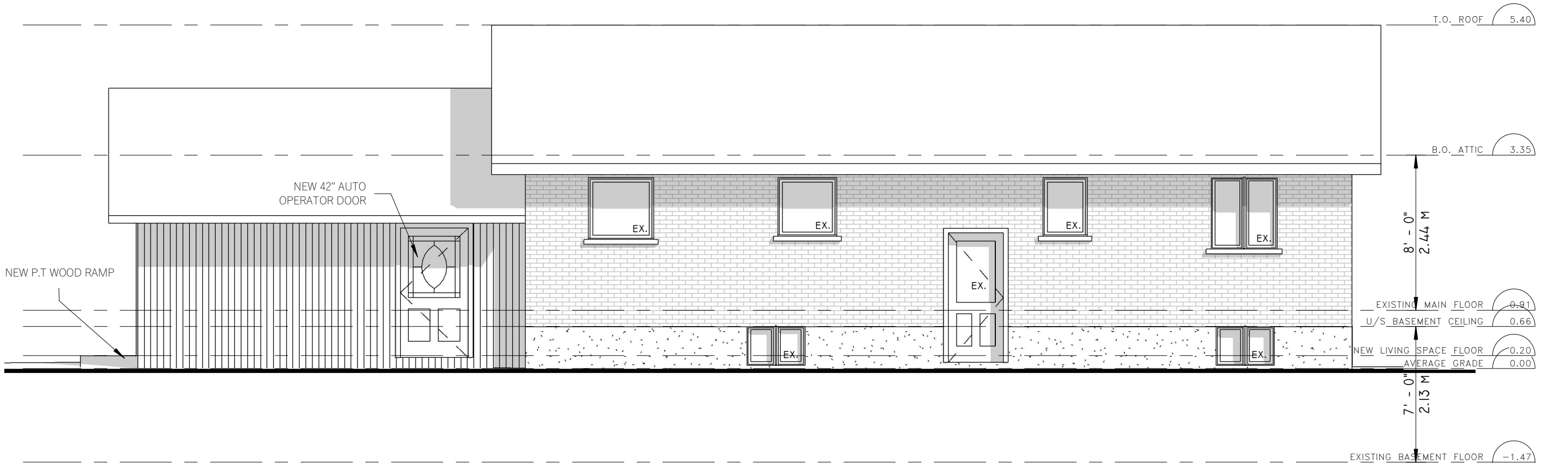
No.	Description	Date
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LHW ENGINEERING LTD.
 L.H. WANG
 100126688
 MAR/25/24
 PROVINCE OF ONTARIO
 LICENSED PROFESSIONAL ENGINEER

LHW ENGINEERING LTD.
 Unit 405, 2347 Kennedy Rd
 Toronto, ON M1T 3T8
 T: 416-299-8837
 LHW.ENGINEERING@GMAIL.COM



1 PROPOSED NORTH ELEVATION
3/16" = 1'-0"

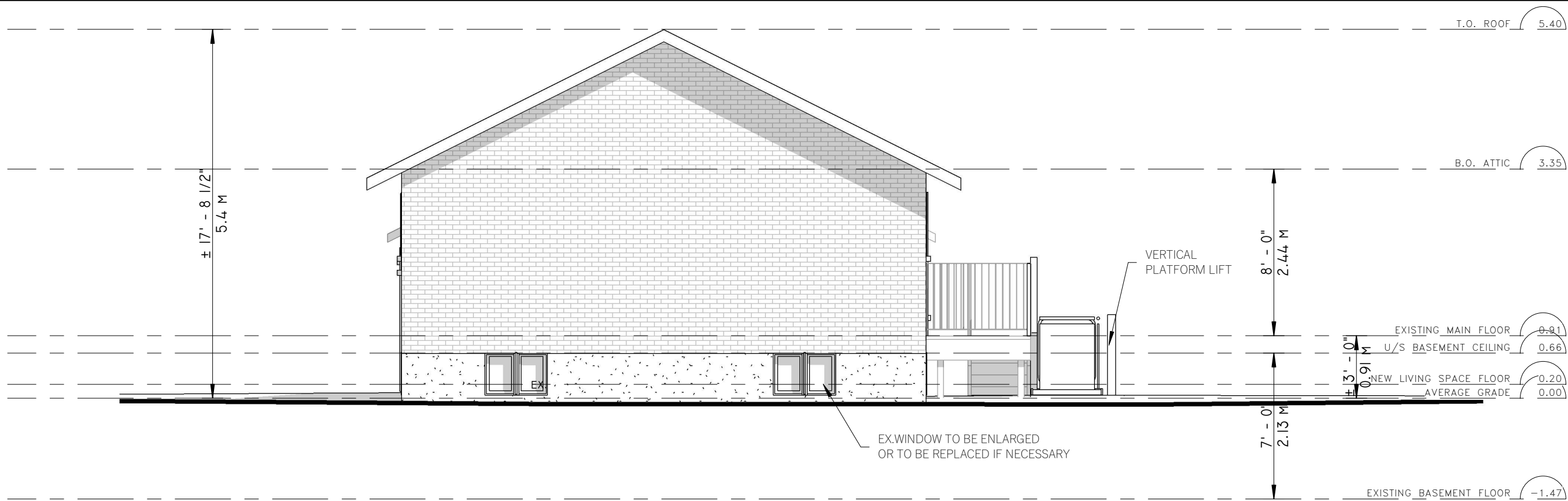


2 PROPOSED SOUTH ELEVATION
3/16" = 1'-0"

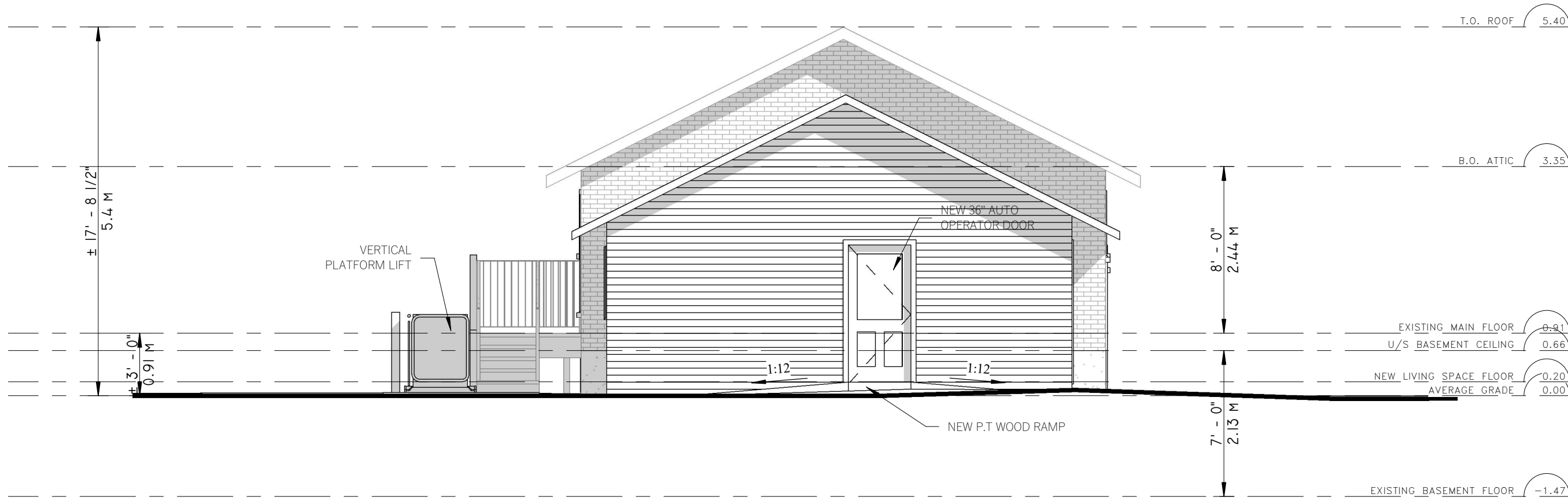
GENERAL NOTE.
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Drawn By	KT	Checked By	BW	DWG. No.	A2.3
Date	MAR/25/24	Scale	3/16" = 1'-0"	Proj. No.	-
PROJECT TITLE		28 Dale Ave, Hamilton(STONEY CREEK), ON L8G 3L9		DRAWING TITLE	
Date		FEB 16, 2024		PROPOSED NORTH & SOUTH ELEVATION	
Description		CLIENT REVIEW			
No.		1			
Description		ZONING REVIEW SUBMISSION			
No.		2			
Description		REVISED FOR CLIENT REVIEW			
No.		3			
Description		ISSUED FOR MINOR VARIANCE			
No.		4			
Date		MAR 15, 2024			
Date		MAR 19, 2024			

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 Unit 405, 2347 Kennedy Rd
 Toronto, ON M1T 3T8
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 LHW.ENGINEERING@GMAIL.COM



1 PROPOSED EAST ELEVATION
3/16" = 1'-0"



2 PROPOSED WEST ELEVATION
3/16" = 1'-0"

GENERAL NOTE.
-CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION

PROJECT TITLE		28 Dale Ave, Hamilton(STONEY CREEK), ON L8G 3L9
DRAWING TITLE		PROPOSED EAST & WEST ELEVATION
Drawn By	Date	Checked By
KT	MAR/25/24	BW
Scale	Proj. No.	DWG. No.
3/16" = 1'-0"	-	A2.4

No.	Description	Date
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L.H. WANG
100126688
MAR/25/24
PROVINCE OF ONTARIO

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Unit 405, 2347 Kennedy Rd
Toronto, ON M1T 3T8
T: 416-299-8837
LHW.ENGINEERING@GMAIL.COM



Hamilton

March 8, 2024

FILE: ALR
FOLDER: 24-187484 ALR
ATTENTION OF: Victoria Brito
TELEPHONE NO: (905) 546-2424
EXTENSION: 7628

KYUTAE KIM
UNIT 405, 2347 KENNEDY RD.,
SCARBOROUGH, ON M1T 3T8

Attention:

**Re: APPLICABLE LAW REVIEW – ZONING BYLAW – IN SUPPORT OF A BUILDING PERMIT
Present Zoning: R1 (Single Residential)
Address: 28 DALE AVENUE, STONEY CREEK, ON**

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

COMMENTS:

1. The applicant is proposing to convert the existing dwelling to a Residential Care Facility.
2. Pursuant to Section 6.1.5 of the Stoney Creek Zoning By-law 3692-92, where a residential zone permits a Single Detached Dwelling, a duplex dwelling, a semi-detached dwelling or a triplex, such dwelling may be converted to a Residential Care Facility. The “R1” zone permits a Single Detached Dwelling, therefore, such dwelling may be converted to a Residential Care Facility subject to requirements under Section 6.1.5 (see table below).
3. This is an interior lot. Based on “front lot line” as defined, the lot line adjacent to Dale Avenue is considered the front lot line for this property. Therefore, the opposite lot line being the southerly lot line is considered the rear lot line and all other lot lines are considered interior side lot lines.
4. All mechanical equipment including “air conditioners” shall comply with the requirements of Section 4.16 of the Stoney Creek Zoning By-law 3692-92. No mechanical is shown as part of the proposal.
5. Any other proposed encroachments shall comply with the requirements of Section 4.19.1 of the Stoney Creek Zoning By-law 3692-92.
6. Any proposed accessory buildings shall be in accordance with the requirements of Section 6.1.4 of the Stoney Creek Zoning By-law 3692-92. No accessory buildings are currently shown as part of the proposal.
7. The establishment of the proposed Residential Care Facility is subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations

may require specific setbacks and construction types.

8. The designer shall ensure that the fire access route conforms to the Ontario Building Code.
9. The proposed development has been reviewed and compared to the standards of the R1 zone and the Stoney Creek Zoning By-law 3692-92 as indicated in the following chart:

	Required By By-Law	Provided	Conforming/ Non-Conforming
Residential Care Facilities – Section 6.1.5			
Additional Requirements for Residential Care Facilities [as per section 6.1.5 of Stoney Creek Zoning By-law 3692-92]	Maximum of six (6) Residents.	Please note that while the plans indicate a total of six (6) bedrooms, the proposed total number of residents/beds has not been indicated. The applicant shall ensure that the maximum permitted six (6) residents shall not be exceeded.	Unable to determine compliance
	(a) The entire dwelling is so converted and wholly occupied by such use;	The submitted plans indicate that the entire dwelling is proposed as a Residential Care Facility.	Conforms
	(b) A lot containing such dwelling shall not be located within 800 metres of any other lot upon which is situated any other Group Home, Residential Care Facility or a Domiciliary Hostel;	Details not provided.	Unable to determine compliance
	(c) Parking spaces shall be provided in accordance with the provisions of Section 4.10 with a maximum of two (2) parking spaces in the front yard; and	The proposal is shows a maximum of two parking spaces in the front yard.	Conforms
	(d) The dwelling complies with all regulations of the zone in which it is located.	See requirements below.	See comments below
Single Residential “R1” Zone – Section 6.2			
Minimum Lot Area [as per Section 6.2.3 (a) of the Stoney Creek Zoning By-law 3692-92]	Interior Lot – 600.0m ² Corner Lot – 650.0m ²	696.77m ²	Conforming
Minimum Lot Frontage [as per Section 6.2.3 (b) of the Stoney Creek Zoning By-law 3692-92]	Interior Lot – 18.0m Corner Lot – 19.5.0m	22.86m	Conforming

	Required By By-Law	Provided	Conforming/ Non-Conforming
Minimum Front Yard [as per Section 6.2.3 (c) of the Stoney Creek Zoning By-law 3692-92]	6.0m	7.5m	Conforming
Minimum Side Yard [as per Section 6.2.3 (d) of the Stoney Creek Zoning By-law 3692-92]	No part of any dwelling shall be located closer than 1.25 metres except as provided in clauses 1, 2 and 3 below: 1. An attached garage or attached carport may be erected at a distance of not less than 1 metre from a side lot line which does not abut a flankage street; 2. On an interior lot, where no attached garage or attached carport is provided, the minimum side yard on one side shall be 3 metres; and 3. On a corner lot, the minimum side yard abutting the flankage lot line shall be 3 metres, except that an attached garage or attached carport which fronts on the flankage lot line shall not be located within 5.5 metres of the flankage lot line.	The existing dwelling has an attached garage to be converted to living space. Therefore, a minimum of 3.0m shall be maintained on one side. East side – 1.93m West side – 1.8m	Non-conforming
Minimum Rear Yard [as per Section 6.2.3 (e) of the Stoney Creek Zoning By-law 3692-92]	7.5m	15.2m	Conforming
Maximum Building Height [as per Section 6.2.3 (f) of the Stoney Creek Zoning By-law 3692-92]	11.0m	Per submitted elevation plans the existing dwelling has a height of 5.4m. However, the height dimension is not shown from grade.	Conforming
Maximum Lot Coverage [as per Section 6.2.3 (g) of the Stoney Creek Zoning By-law 3692-92]	40.0 percent	Actual lot coverage was not provided; however, it is noted to be less than 40.0%.	Conforming
Parking - <i>In accordance with the requirements of Section 4.10 of Stoney Creek Zoning By-law 3692-92</i>			
Minimum Parking Space Size [as per Section 4.10.3 (a) of the Stoney Creek Zoning By-law 3692-92]	Required parking spaces for 90° perpendicular parking shall have minimum rectangular dimensions of 2.75 metres by 5.8 metres exclusive of any lands used for access, manoeuvring, driveways or a similar purpose.	Parking space sizes have not been clearly shown.	Appears it may conform

	Required By By-Law	Provided	Conforming/ Non-Conforming
Yard Encroachments - <i>In accordance with the requirements of Section 4.19 of Stoney Creek Zoning By-law 3692-92</i>			
Decks [as per Section 4.19 (d) of the Stoney Creek Zoning By-law 3692-92]	Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, may project into any required front yard 1.5 metres. Balconies, canopies, unenclosed porches and decks may project into any required rear yard not more than 4 metres. Balconies and decks may project into a privacy area of a townhouse development not more than 4.5 metres. Notwithstanding the foregoing, any deck or patio which is less than .3 metres in height may be located in any required yard.	The front porch setback to the front lot line has not been dimensioned. However, it appears it may be encroaching less than 1.5m.	Appears it may conform
Ramps	This Division has previously interpreted that ramps are permitted to encroach into any yard to no maximum distance.	The proposal shows two new ramps; one in the front yard and one in the westerly side yard.	No concerns

Yours truly



 for the Manager of Zoning & Committee of Adjustment

VB/vb



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)	EY Developments Inc. <i>Patrice Seiden</i>		
Applicant(s)	KYUTAE KIM (LHW ENGINEERING LTD.)		
Agent or Solicitor		Phone:	
		E-mail:	

1.2 Primary contact

Applicant

Owner

Agent/Solicitor

1.3 Sign should be sent to

Applicant

Owner

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.

1.6 Payment type

In person

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	28 Dale Ave, Hamilton, ON L8G 3L9		
Assessment Roll Number			
Former Municipality	STONEY CREEK		
Lot	Part of Lot 16	Concession	
Registered Plan Number	1040	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:

Section 6.2.3(d) Minimum Side Yard setback

Garage to be converted to living space, therefore a minimum of 3.0m shall be maintained on one side. Current setbacks East side - 1.93 West side - 1.8 Variance requested.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

The existing dwelling has an attached garage to be converted to living space. It will affect the side yard setback.

3.3 Is this an application 45(2) of the Planning Act.

Yes

No

If yes, please provide an explanation:

There is no change of the building footprint. It maintains the general intent and purpose of the Zoning By-law and Official Plan. There is no impact on the neighborhood.

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
22.86M	30.48M	696.77M 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
Single detached dwelling	6.05M	15.22M	East 1.93M / West 1.8M	1956

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Residential care facility	6.05M	15.22M	East 1.93M / West 1.8M	1956

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
Single detached dwelling	101M ² (excluding attached garage)	101M ²	1	5.4m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Residential care facility	142.5M ² (Including new living space)	142.5M ²	1	5.4m

- 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.):
Residential care facility

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
January 29, 2024

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

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

7.4 Length of time the existing uses of the subject property have continued:
1956

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

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

There is not any land use change so we conform to current official plan

7.6 What is the existing zoning of the subject land? R1(Single Residential - ONE)

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: _____

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: _____

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

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

THE SCOPE OF WORK

1. CONVERSION OF A SINGLE DWELLING TO RESIDENTIAL CARE FACILITY
2. CONVERSION OF ATTACHED EX.GARAGE TO LIVING SPACE
3. NEW VERTICAL PLATFORM LIFT ADDITION & INTERIOR ALTERATIONS

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
