



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

E-mail: [cofa@hamilton.ca](mailto: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

|                         |  |                          |   |
|-------------------------|--|--------------------------|---|
| <b>APPLICATION NO.:</b> | <b>A-24:91</b>                               | <b>SUBJECT PROPERTY:</b> | 45 Marion Avenue North, Hamilton                              |
| <b>ZONE:</b>            | C/S-1361 (Urban Protected Residential, Etc.) | <b>ZONING BY-LAW:</b>    | Zoning By-law former City of Hamilton 6593, as Amended 96-109 |

**APPLICANTS:**      Owner: Karen Trollope-Kumar  
                                 Agent: Troye Carrington

The following variances are requested:

1. A Gross Floor Area Ratio of 1.48 or 451.1 m<sup>2</sup> shall be permitted instead of the required Gross Floor Area Ratio of 0.45.
2. A Minimum Side Yard of 0.2 metres shall be permitted instead of the Minimum Side Yard of 1.2 metres.
3. Zero (0) parking spaces shall be required for a Single-Family Dwelling instead of the required minimum two (2) parking spaces shall be provided for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room.
4. Zero (0) parking spaces shall be required for a Secondary Dwelling Unit instead of the required minimum one (1) parking space for a Secondary Dwelling Unit.

**PURPOSE & EFFECT:**      So as to permit an addition containing a Secondary Dwelling Unit to the existing Single-Family Dwelling notwithstanding that:

**Notes:**

- i) Be advised, Zoning By-Law Amendment 24-051 and 24-052 was passed on April 10, 2024 to amend Section 4: General Provisions, Section 5: Parking and Section 15: Residential Zone regulations under Hamilton Zoning By-Law 05-200. The Amendment remains Not Final and Binding and as such, both regulations under the current Hamilton Zoning By-Law 05-200 and those regulations applicable under Zoning By-Law Amendments 24-051 and 24-052 are applicable to the

## A-24:91

subject property. For the purposes of this review, an additional review has been provided below as it relates to the new regulations required under Zoning By-Law Amendments 24-051 and 24-052. Until such time that Zoning By-Law Amendments 24-051 and 24-052 is deemed Final and Binding, regulations under both Zoning By-Laws shall apply.

- ii) Please note, as per the above comment, insufficient information has been provided to determine if the Minimum Landscape Area has been provided as per Section 15.2.2.1 h)i) of Hamilton Zoning By-law 05-200. Be advised, should the proposed addition result in a reduction of landscaped area below the minimum required 30% for the entire lot, additional variances may 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:

|               |   |
|---------------|---|
| <b>DATE:</b>  | <b>Tuesday, June 11, 2024</b>   |
| <b>TIME:</b>  | <b>1:15 p.m.</b>  |
| <b>PLACE:</b> | <b>Via video link or call in (see attached sheet for details)</b>   |
|               | <b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>  |
|               | <b>To be streamed (viewing only) at</b><br><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a> |

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> 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 June 7, 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 June 10, 2024

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:91, you must submit a written request to [cofa@hamilton.ca](mailto: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

**A-24:91**

request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto: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: May 23, 2024**

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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, and may include posting electronic versions.



Hamilton

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### 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](mailto: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](http://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](mailto: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.

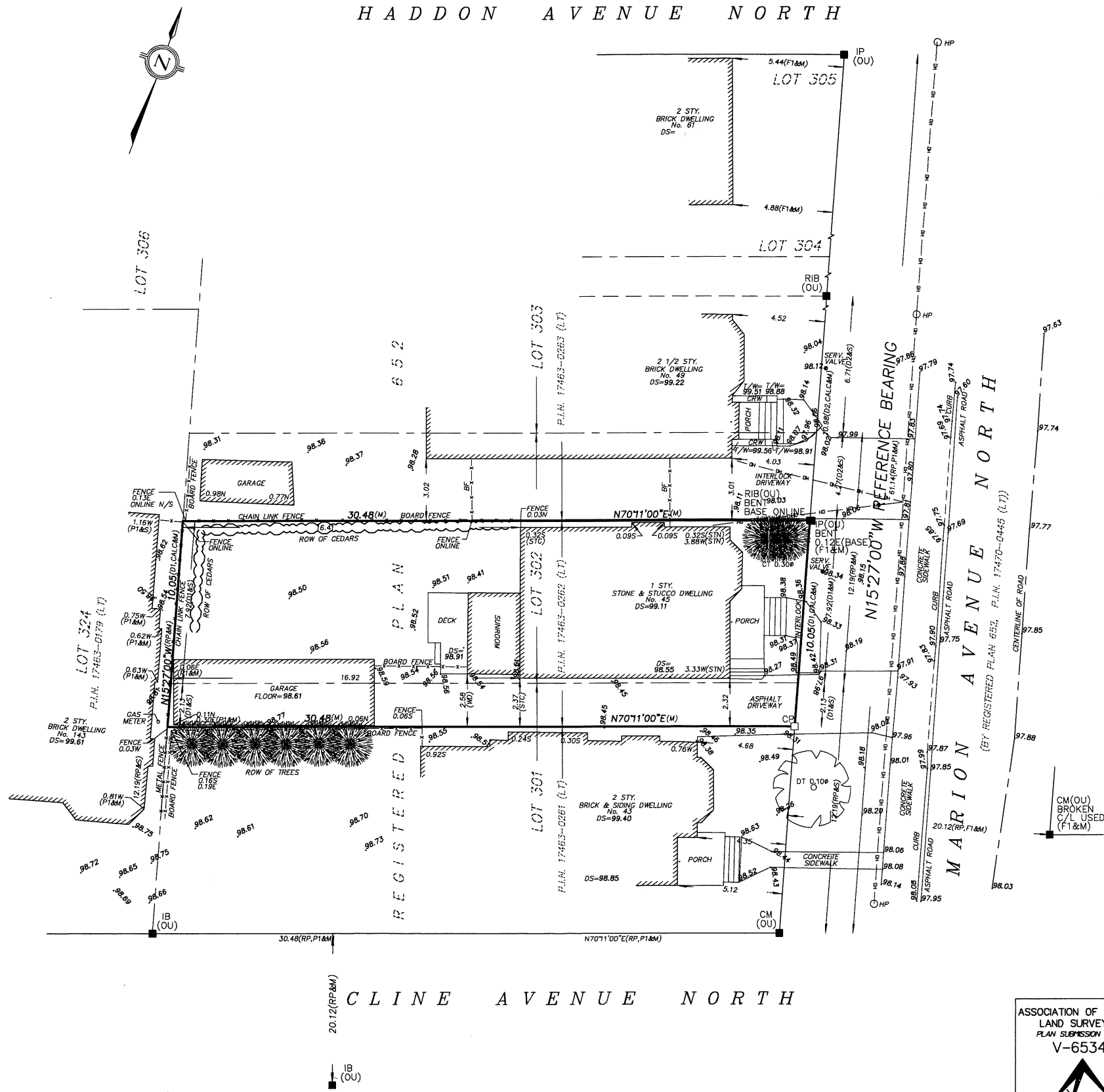
##### 2. In person Oral Submissions

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](mailto:cofa@hamilton.ca) or by phone at 905-977-1654.

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.





**SURVEYOR'S REAL PROPERTY REPORT.**  
**PART 1**  
**PART OF LOTS 301 & 302**  
**REGISTERED PLAN 652**  
**IN THE**  
**CITY OF HAMILTON**  
**(REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH)**

**SCALE & NOTES**  
 SCALE: 1:150  
 0 1 2 3 4 5 10 15 Metres

THOMAS GONDO  
 ONTARIO LAND SURVEYOR  
 © COPYRIGHT 2023

**LEGEND**

|         |   |
|---------|---|
| ■       | SURVEY MONUMENT FOUND                   |
| □       | SURVEY MONUMENT PLANTED                 |
| IB      | IRON BAR                                |
| RIB     | ROUND IRON BAR                          |
| IP      | IRON PIN                                |
| CM      | CONCRETE MONUMENT                       |
| OU      | DENOTES ORIGIN UNKNOWN                  |
| N-E-W-S | DENOTES NORTH - EAST - WEST - SOUTH     |
| S       | DENOTES SET                             |
| M       | DENOTES MEASURED                        |
| P1      | DENOTES PLAN BY A.J. CLARKE, O.L.S.     |
| F1      | DATE: MAY 11, 1990                      |
|         | DENOTES FIELD NOTES BY CITY OF HAMILTON |
|         | DATE: JANUARY 13 - FEBRUARY 3, 2014     |
| D1      | DENOTES INSTRUMENT No. VM233650         |
| D2      | DENOTES INSTRUMENT No. VM150033         |
| RP      | DENOTES REGISTERED PLAN 652             |
| BF      | DENOTES BOARD FENCE                     |
| HP      | DENOTES HYDRO POLE                      |
| DS      | DENOTES DOOR SILL                       |
| CRW     | DENOTES DOOR SILL                       |
| T/W     | DENOTES DOOR SILL                       |
| STN     | DENOTES STONE                           |
| STC     | DENOTES STUCCO                          |
| WD      | DENOTES WOOD                            |
| ---     | DENOTES SUBJECT LANDS BOUNDARY          |
| ---     | DENOTES DEED LINE                       |
| ---     | DENOTES LOT LINE                        |
| ---     | DENOTES LIMIT OF STREET                 |
| ---     | DENOTES FENCE LINE                      |
| ---     | DENOTES OVER HEAD WIRE                  |

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

**BEARING NOTE**  
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF MARION AVENUE, HAVING A BEARING OF N15°27'00"W AS SHOWN ON REGISTERED PLAN 652.

**BENCH MARK**  
 ELEVATIONS ARE GEODETIC AND ARE REFERRED TO COSINE BENCHMARK No. 0011955U023 HAVING AN ELEVATION OF 98.368 Metres, DATUM:CGVD28:78.

THIS PLAN WAS SIGNED WITH A SCANNED SIGNATURE AS A RESULT OF THE EMERGENCY ORDER RELATED TO THE COVID-19 PANDEMIC

**PART 2 - SURVEY REPORT**

**REGISTERED EASEMENTS AND/OR RIGHT OF WAYS:**

- THERE WERE NO REGISTERED RIGHT OF WAY LISTED ON THE PARCEL REGISTER FOUND AT THE LAND REGISTRY OFFICE
- THERE WERE NO REGISTERED EASEMENTS LISTED ON THE PARCEL REGISTER FOUND AT THE LAND REGISTRY OFFICE

**REGISTERED EASEMENTS AND/OR RIGHT OF WAYS:**

- THERE WERE NO BOUNDARY FEATURES OBSERVED TO SUGGEST AN UNREGISTERED EASEMENT

**COMPLIANCE WITH MUNICIPAL BY-LAWS**

- THE PLAN DOES NOT CERTIFY ZONING COMPLIANCE

**OTHERS**

- THE FENCES ARE NOT ALWAYS ON THE PROPERTY LINES

THIS SURVEY IS PREPARED EXCLUSIVELY FOR KAREN TROLLOPE-KUMAR AND THE UNDERSIGNED ASSUMES NO RESPONSIBILITY FOR USE BY OTHERS.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON NOVEMBER 6, 2023.

DATE: NOVEMBER 16, 2023

THOMAS GONDO  
 ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO  
 LAND SURVEYORS  
 PLAN SUBMISSION FORM  
 V-65349

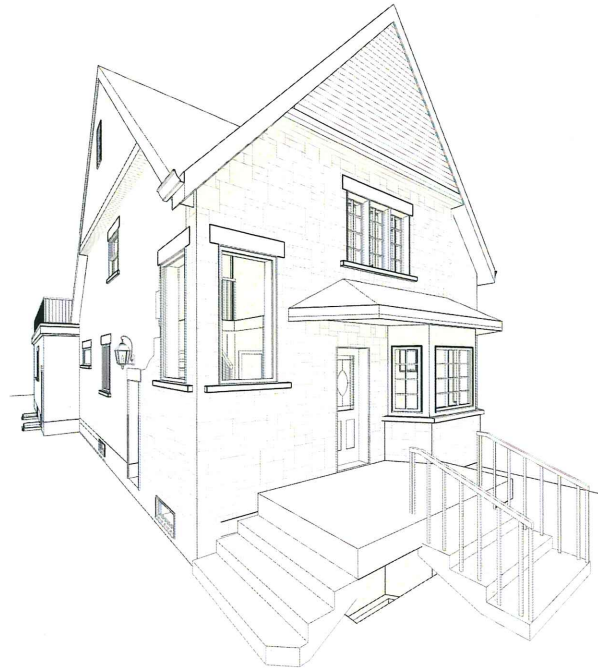
THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1026, Section 29(3).

Lejan land Surveying Inc.  
 572 Barton Street  
 Stoney Creek, ON L8E 5N3  
 Phone: 905-643.6131  
 Email: info@lejansurveying.ca

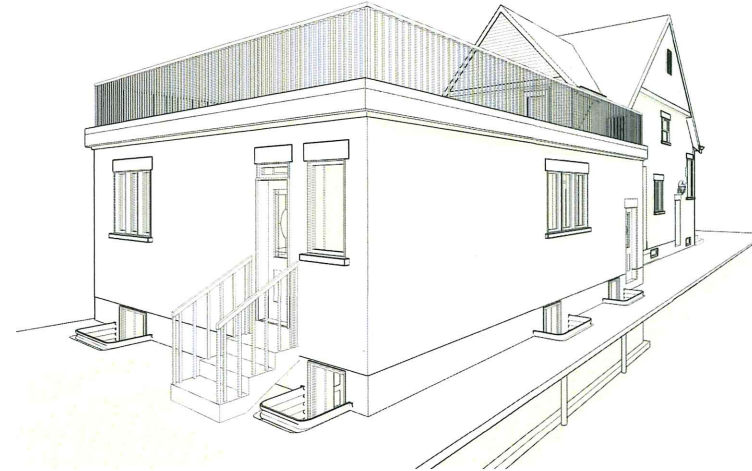
DWN BY: KC  
 CHK BY: TG  
 JOB No. 23-123

45 MARION AVE. N., HAMILTON, ON  
REAR ATTACHED ADU

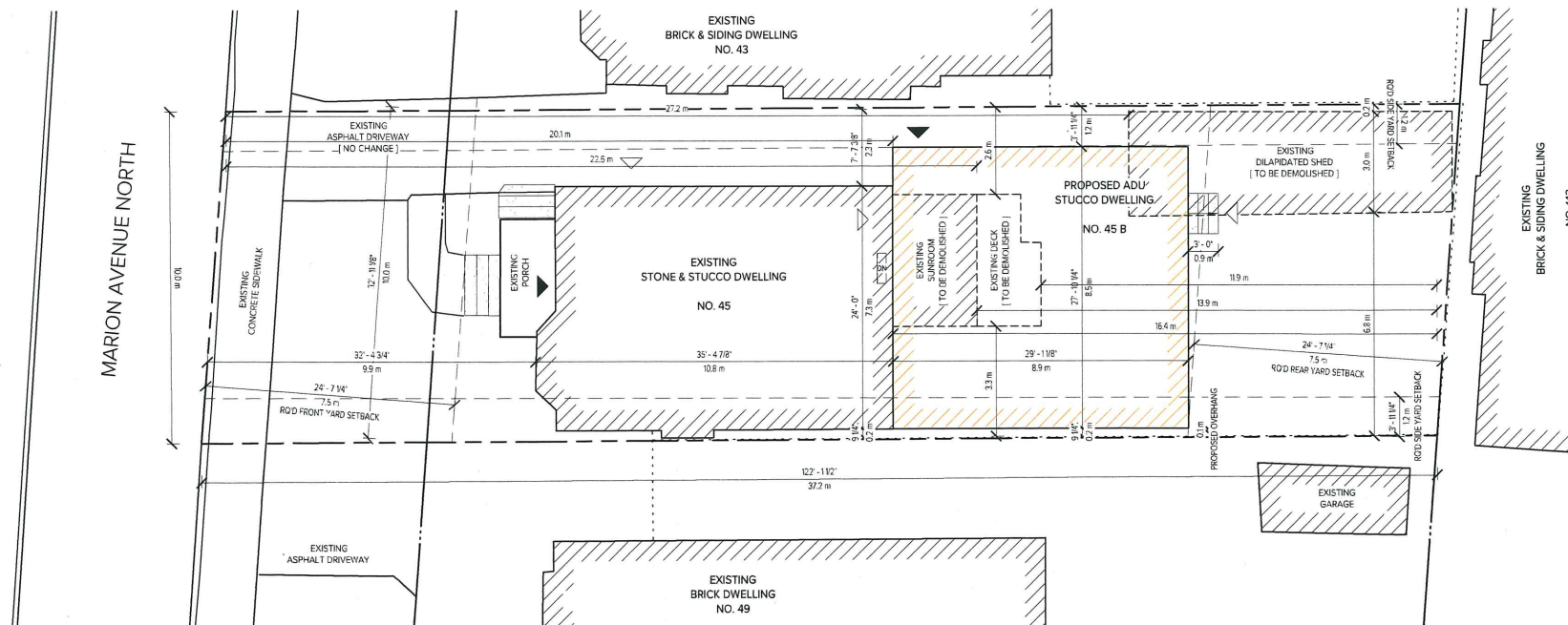
MINOR VARIANCE APPLICATION



1  
A0.1 3D FRONT ELEVATION - PROPOSED



2  
A0.1 3D ADU - PROPOSED



3  
A0.1 PROPOSED SITE PLAN - MINOR VARIANCE APPLICATION

| SHEET INDEX  |   |
|--------------|---|
| Sheet Number | Sheet Name                              |
| A0.1         | SITE PLAN & GENERAL PROJECT INFORMATION |
| A1.1         | EXISTING - BASEMENT FLOOR PLAN          |
| A1.2         | EXISTING - GROUND FLOOR PLAN            |
| A1.3         | EXISTING - SECOND FLOOR PLAN            |
| A1.4         | EXISTING - ATTIC FLOOR PLAN             |
| A1.5         | EXISTING - ROOF PLAN                    |
| A1.6         | PROPOSED - BASEMENT FLOOR PLAN          |
| A1.7         | PROPOSED - GROUND FLOOR PLAN            |
| A1.8         | PROPOSED - SECOND FLOOR PLAN            |
| A2.1         | FRONT ELEVATION                         |
| A2.2         | REAR ELEVATION                          |
| A2.3         | EXISTING - LEFT SIDE ELEVATION          |
| A2.4         | EXISTING - RIGHT SIDE ELEVATION         |
| A2.5         | PROPOSED - LEFT SIDE ELEVATION          |
| A2.6         | PROPOSED - RIGHT SIDE ELEVATION         |

| Area Schedule (Variance Calc) |             |                      |                      |
|-------------------------------|-------------|----------------------|----------------------|
| Unit Type                     | Name        | Area                 | Area (m)             |
| ADU                           | L0 PROPOSED | 751 ft <sup>2</sup>  | 69.8 m <sup>2</sup>  |
| ADU                           | L1 PROPOSED | 809 ft <sup>2</sup>  | 75.2 m <sup>2</sup>  |
|                               |             | 1561 ft <sup>2</sup> | 145.0 m <sup>2</sup> |
| DEMO                          | SUNROOM     | 108 ft <sup>2</sup>  | 10.0 m <sup>2</sup>  |
| DEMO                          | DECK        | 73 ft <sup>2</sup>   | 6.8 m <sup>2</sup>   |
| DEMO                          | SHED        | 325 ft <sup>2</sup>  | 30.2 m <sup>2</sup>  |
|                               |             | 506 ft <sup>2</sup>  | 47.0 m <sup>2</sup>  |
| EXISTING                      | L0 EXISTING | 745 ft <sup>2</sup>  | 69.2 m <sup>2</sup>  |
| EXISTING                      | L1 EXISTING | 824 ft <sup>2</sup>  | 76.5 m <sup>2</sup>  |
| EXISTING                      | L2 EXISTING | 808 ft <sup>2</sup>  | 75.1 m <sup>2</sup>  |
| EXISTING                      | L3 EXISTING | 745 ft <sup>2</sup>  | 69.3 m <sup>2</sup>  |
|                               |             | 3122 ft <sup>2</sup> | 290.1 m <sup>2</sup> |
| SITE                          | LOT AREA    | 4008 ft <sup>2</sup> | 372.3 m <sup>2</sup> |
|                               |             | 4008 ft <sup>2</sup> | 372.3 m <sup>2</sup> |

| SITE PLAN LEGEND |                             |
|------------------|-----------------------------|
|                  | PRIMARY ENTRANCE / EXIT     |
|                  | SECONDARY ENTRANCE / EXIT   |
|                  | PARKING COUNT BUBBLE        |
|                  | EXISTING DRIVEWAY / WALKWAY |
|                  | EXISTING LANDSCAPE / SOD    |
|                  | PROPERTY LINE               |
|                  | EXISTING FENCE              |

| ZONING:           | LOT NO:              | PLAN NO:             | LOT AREA:            | FRONTAGE: | LOT DEPTH:            |           |
|-------------------|----------------------|----------------------|----------------------|-----------|-----------------------|-----------|
| CS-13B1           | LOT 302              | 652                  | 372.3 m <sup>2</sup> | 10.05 m   | 37.2 m                |           |
| DESCRIPTION       | EXISTING             | ADDITION             | TOTAL                | % / RATIO | ALLOWED               | % / RATIO |
| LOT COVERAGE      | 75.5 m <sup>2</sup>  | 75.2 m <sup>2</sup>  | 150.7 m <sup>2</sup> | 40.7      | 157.76 m <sup>2</sup> | 0.45      |
| GROSS FLOOR AREA  | 290.1 m <sup>2</sup> | 145.0 m <sup>2</sup> | 435.1 m <sup>2</sup> | 1.07      |                       |           |
| NO. OF STORES     | 3                    | 1                    | 3                    | -         | -                     | -         |
| HEIGHT            | 9.6 m                | 3.9 m                | 9.6 m                | -         | 11.0 m                | -         |
| WIDTH             | 7.3 m                | 8.5 m                | 8.5 m                | -         | -                     | -         |
| DEPTH             | 10.8 m               | 8.9 m                | 10.7 m               | -         | -                     | -         |
| PARKING           | 0                    | 0                    | 0                    | -         | -                     | -         |
| SETBACKS          | EXISTING             | PROPOSED             | MIN. R.O.Y           |           |                       |           |
| FRONT YARD        | 9.9 m                | 9.9 m                | 6.0 m                |           |                       |           |
| REAR YARD         | 16.4 m               | 7.5 m                | 7.5 m                |           |                       |           |
| INTERIOR SIDE (L) | 2.3 m                | 1.2 m                | 1.2 m                |           |                       |           |
| INTERIOR SIDE (R) | 0.2 m                | 0.2 m                | 1.2 m                |           |                       |           |

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THE CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO THE DESIGNER, BEFORE PROCEEDING WITH THE WORK.

DRAWINGS ARE NOT TO BE SCALED.

| No. | REVISIONS | DATE |
|-----|-----------|------|
|     |           |      |
|     |           |      |

**NOT FOR CONSTRUCTION**

|                            |            |
|----------------------------|------------|
| ZONING COMPLIANCE REVIEW   | 03-14-2024 |
| MINOR VARIANCE APPLICATION | 04-08-2024 |
|                            |            |
|                            |            |
| CHRONOLOGY                 | DATE       |



CLIENT

**KAREN TROLLOPE-KUMAR**

PROJECT NAME

**REAR ATTACHED ADU**  
45 MARION AVE. N.  
HAMILTON, ON

DRAWING TITLE

**SITE PLAN & GENERAL PROJECT INFORMATION**

DRAWN BY:

TC

DATE:

04/08/24

| SCALE          | DRAWING NUMBER |
|----------------|----------------|
| As indicated   | <b>A0.1</b>    |
| SHEET SIZE     |                |
| 24X36          |                |
| PROJECT NUMBER | 20230002       |

| PLAN LEGEND |                   |  |  |
|-------------|-------------------|--|--|
|             | EXISTING          |  | ASSEMBLY TAG                                     |
|             | PROPOSED          |  | WINDOW TAG                                       |
|             | TO BE DEMOLISHED  |  | DOOR TAG   |
|             | LOAD BEARING WALL |  | SMOKE ALARM (INTERCONNECTED)                     |
|             | POINT LOAD        |  | CARBON MONOXIDE DETECTOR                         |
|             | FLOOR DRAIN       |  | EXHAUST FAN                                      |
|             | CONSTRUCTION NOTE |  | SUPPLY AIR OUTLET                                |
|             | DEMOLITION NOTE   |  | ENGINEERED ITEM (REFER TO ATTACHED P.ENG REPORT) |

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|-----|-----------|------|
|     |           |      |
|     |           |      |

**NOT FOR CONSTRUCTION**

|                            |            |
|----------------------------|------------|
| ZONING COMPLIANCE REVIEW   | 03-14-2024 |
| MINOR VARIANCE APPLICATION | 04-08-2024 |
|                            |            |
|                            |            |
| CHRONOLOGY                 | DATE       |



CLIENT

**KAREN TROLLOPE-KUMAR**

PROJECT NAME

**REAR ATTACHED ADU**  
45 MARION AVE. N.  
HAMILTON, ON

DRAWING TITLE

**EXISTING - BASEMENT FLOOR PLAN**

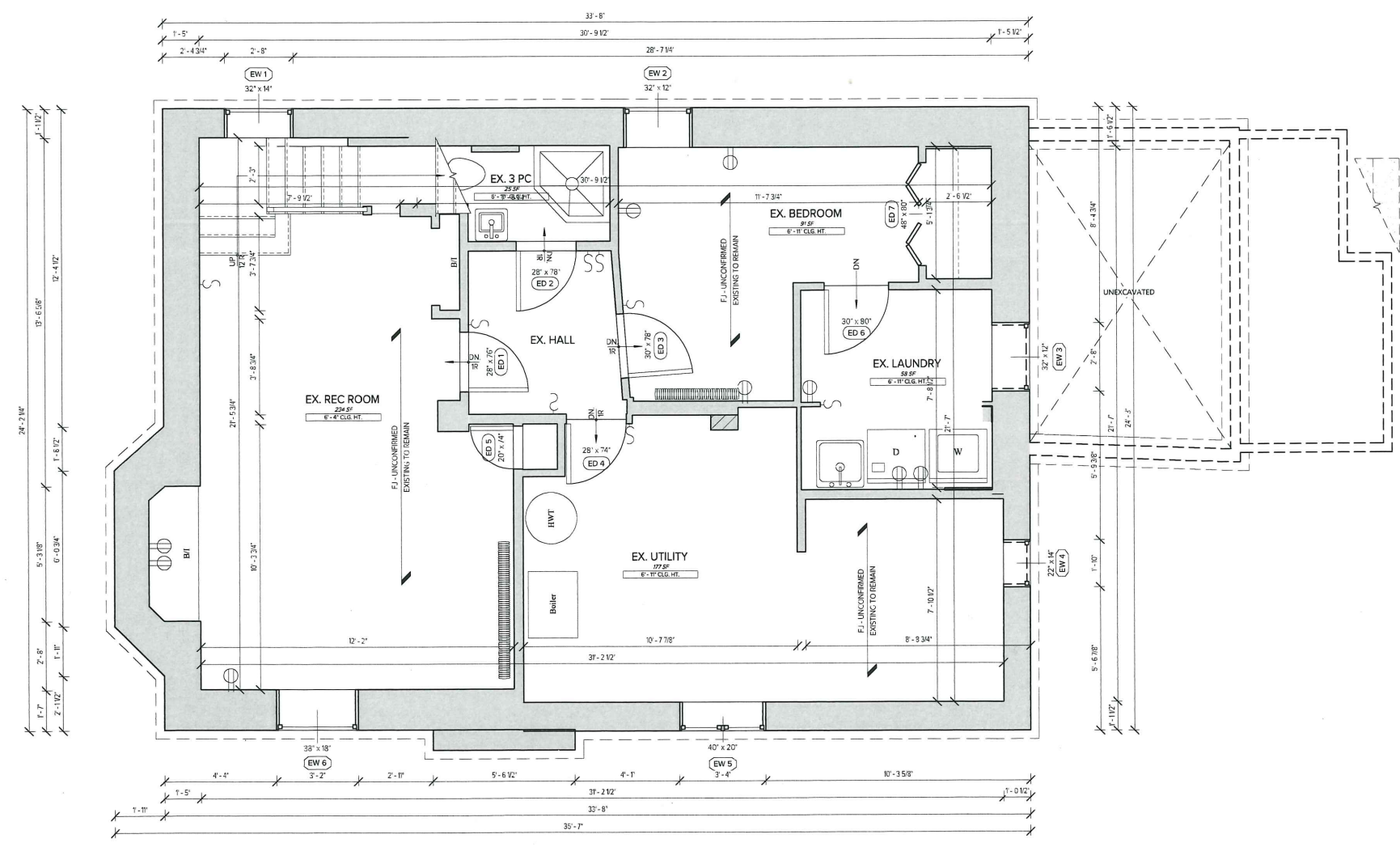
DRAWN BY:

TC

DATE:

04/08/24

|                |                |
|----------------|----------------|
| SCALE          | DRAWING NUMBER |
| As Indicated   | <b>A1.1</b>    |
| SHEET SIZE     |                |
| 24X36          |                |
| PROJECT NUMBER | 20230002       |



**1 EXISTING - Basement Floor Plan**  
3/8" = 1'-0"



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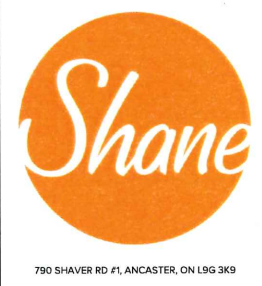
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| MINOR VARIANCE APPLICATION | 04-08-2024 |
|                            |            |
|                            |            |
| CHRONOLOGY                 | DATE       |



CUSTOMER

**KAREN TROLLOPE-KUMAR**

PROJECT NAME

**REAR ATTACHED ADU**  
45 MARION AVE. N.  
HAMILTON, ON

DRAWING TITLE

**EXISTING - GROUND FLOOR PLAN**

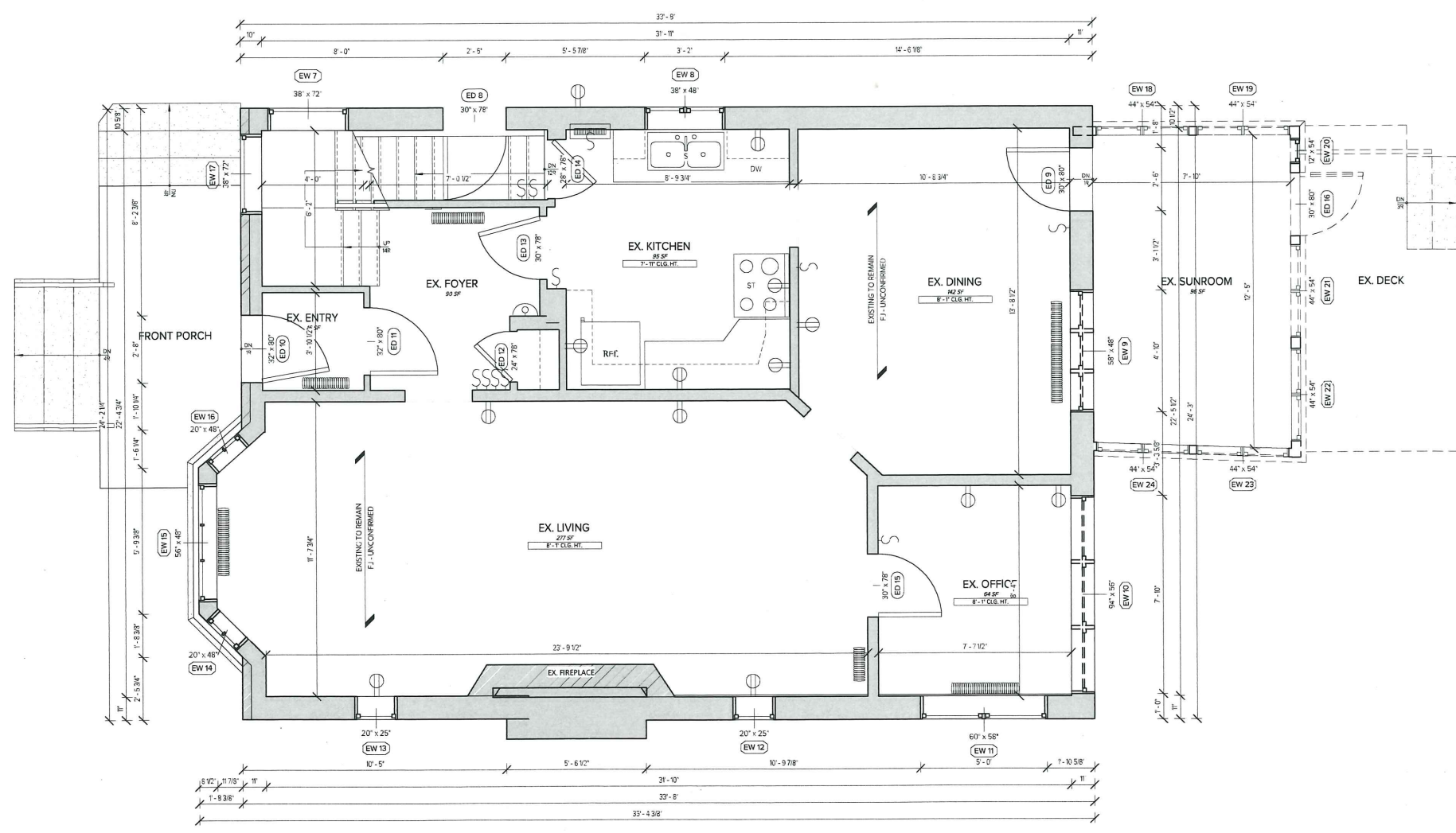
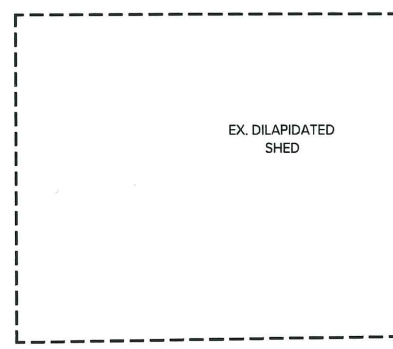
DRAWN BY:

TC

DATE:

04/08/24

|                |                |
|----------------|----------------|
| SCALE          | DRAWING NUMBER |
| As Indicated   | <b>A1.2</b>    |
| SHEET SIZE     |                |
| 24X36          |                |
| PROJECT NUMBER | 20230002       |



**1** EXISTING - Ground Floor Plan 3/8" = 1'-0"

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DRAWINGS ARE NOT TO BE SCALED.

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| MINOR VARIANCE APPLICATION | 04-08-2024 |
|                            |            |
|                            |            |
| CHRONOLOGY                 | DATE       |



790 SHAVER RD #1, ANCASTER, ON L9G 3K9

CLIENT  
**KAREN TROLLOPE-KUMAR**

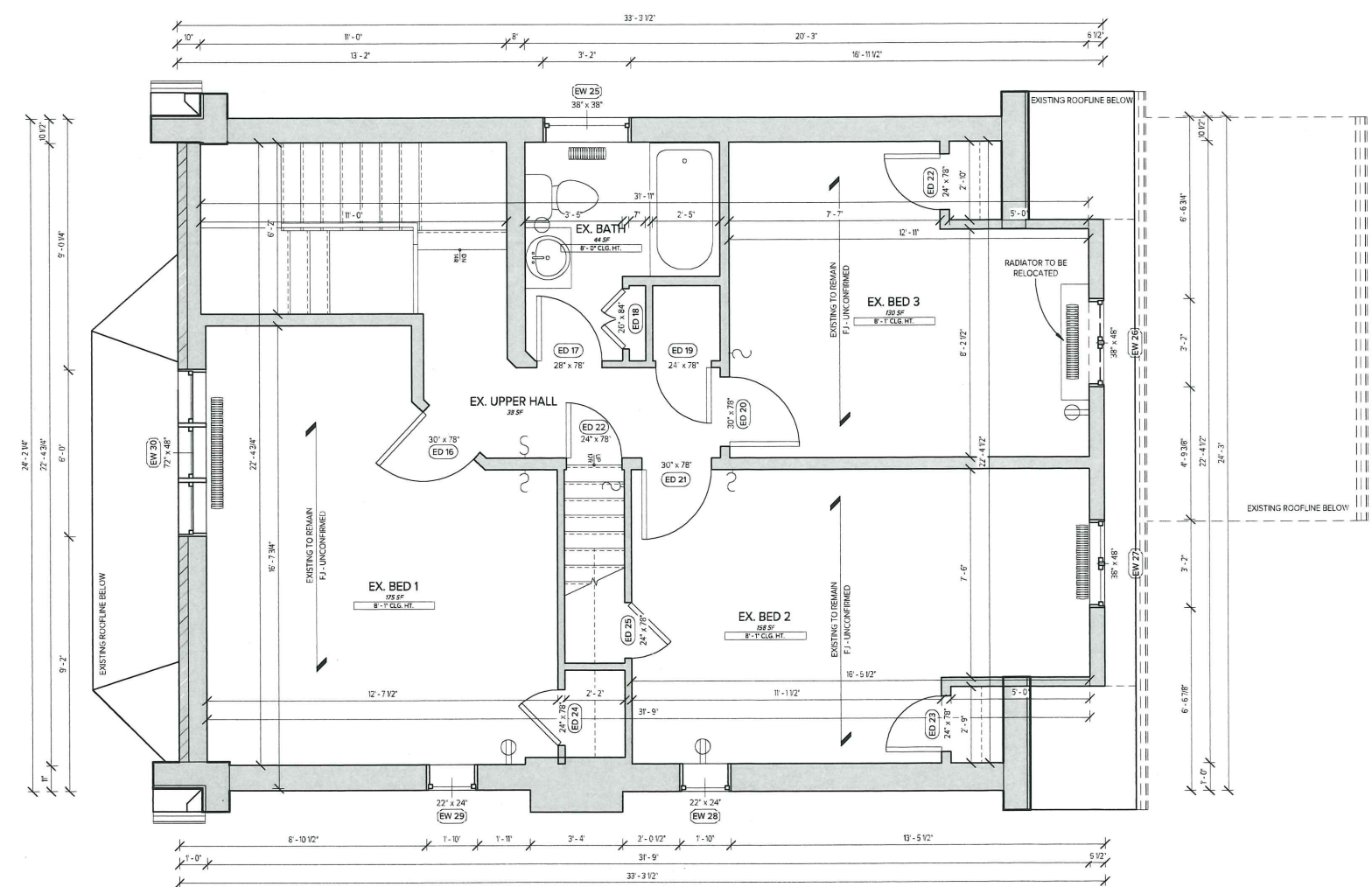
PROJECT NAME  
**REAR ATTACHED ADU**  
45 MARION AVE, N.  
HAMILTON, ON

DRAWING TITLE  
**EXISTING - SECOND FLOOR PLAN**

DRAWN BY:  
TC

DATE:  
04/08/24

|                            |                |
|----------------------------|----------------|
| SCALE<br>As indicated      | DRAWING NUMBER |
| SHEET SIZE<br>24X36        | <b>A1.3</b>    |
| PROJECT NUMBER<br>20230002 |                |



**1** EXISTING - Second Floor Plan  
3/8" = 1'-0"

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DRAWINGS ARE NOT TO BE SCALED.

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**NOT FOR CONSTRUCTION**

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| ZONING COMPLIANCE REVIEW   | 03-14-2024 |
| MINOR VARIANCE APPLICATION | 04-08-2024 |
|                            |            |
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| CHRONOLOGY                 | DATE       |



790 SHAVER RD #1, ANCASTER, ON L9G 3K9

CLIENT  
**KAREN TROLLOPE-KUMAR**

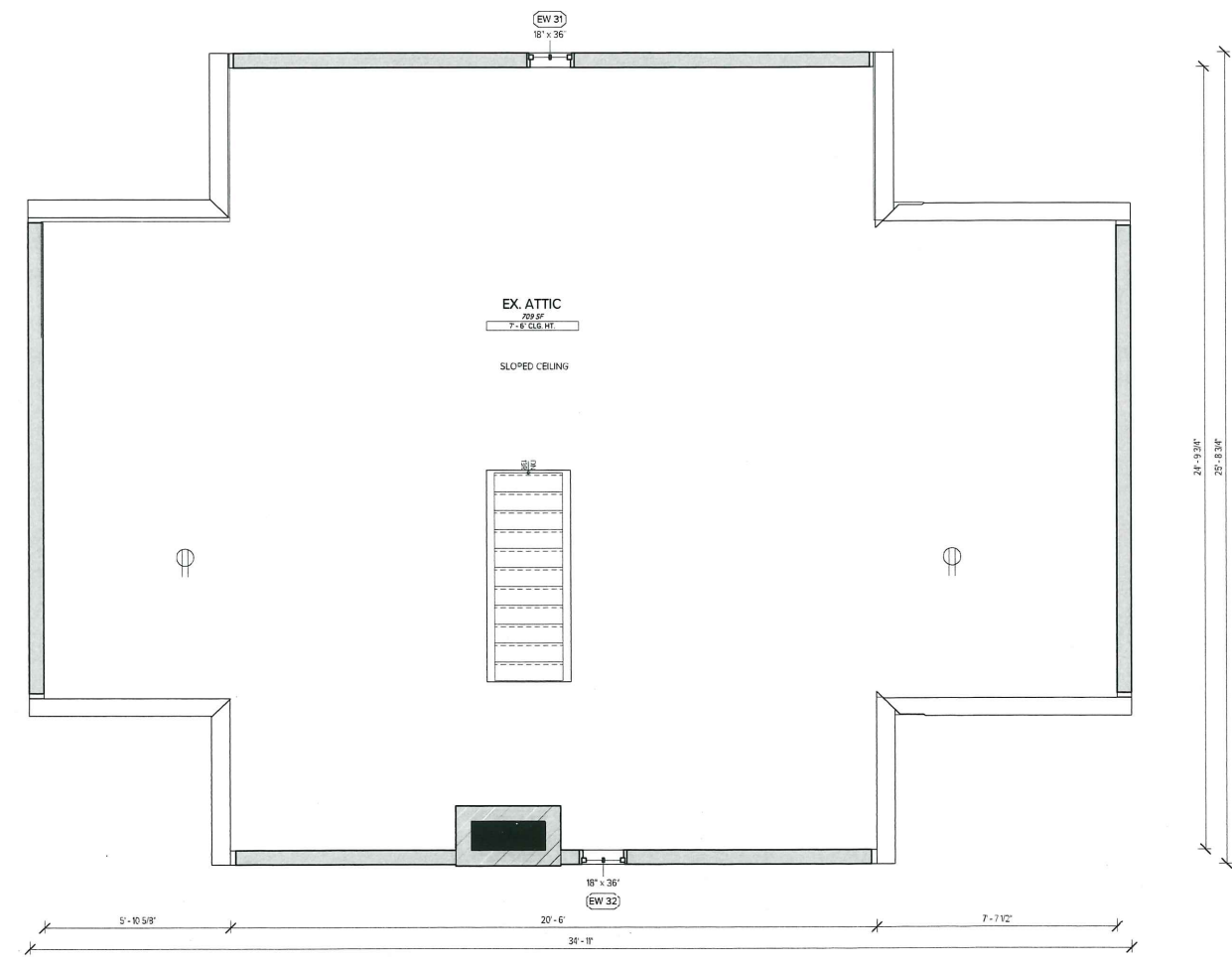
PROJECT NAME  
**REAR ATTACHED ADU**  
45 MARION AVE. N.  
HAMILTON, ON

DRAWING TITLE  
**EXISTING - ATTIC FLOOR PLAN**

DRAWN BY:  
Author

DATE:  
04/08/24

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| SCALE<br>As Indicated      | DRAWING NUMBER<br><b>A1.4</b> |
| SHEET SIZE<br>24X36        |                               |
| PROJECT NUMBER<br>20230002 |                               |



**1** EXISTING - Attic Floor Plan (NO CHANGE) 3/8" = 1'-0"



4/12/2024 12:56:00 PM - ONTROLLOPE KUMAR - 45 MARION AVE NDESIGNREVTJ20240117 - TROLLOPE-KUMAR - 45 MARION AVE N.etc

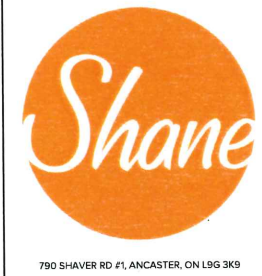
| PLAN LEGEND |  |
|-------------|--|
|             | EXISTING   |
|             | PROPOSED   |
|             | TO BE DEMOLISHED                                 |
|             | LOAD BEARING WALL                                |
|             | POINT LOAD                                       |
|             | FLOOR DRAIN                                      |
|             | CONSTRUCTION NOTE                                |
|             | DEMOLITION NOTE                                  |
|             | ENGINEERED ITEM (REFER TO ATTACHED P.ENG REPORT) |
|             | ASSEMBLY TAG                                     |
|             | WINDOW TAG                                       |
|             | DOOR TAG   |
|             | SMOKE ALARM (INTERCONNECTED)                     |
|             | CARBON MONOXIDE DETECTOR                         |
|             | EXHAUST FAN                                      |
|             | SUPPLY AIR OUTLET                                |

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**NOT FOR CONSTRUCTION**

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| ZONING COMPLIANCE REVIEW   | 03-14-2024 |
| MINOR VARIANCE APPLICATION | 04-08-2024 |
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| CHRONOLOGY                 | DATE       |



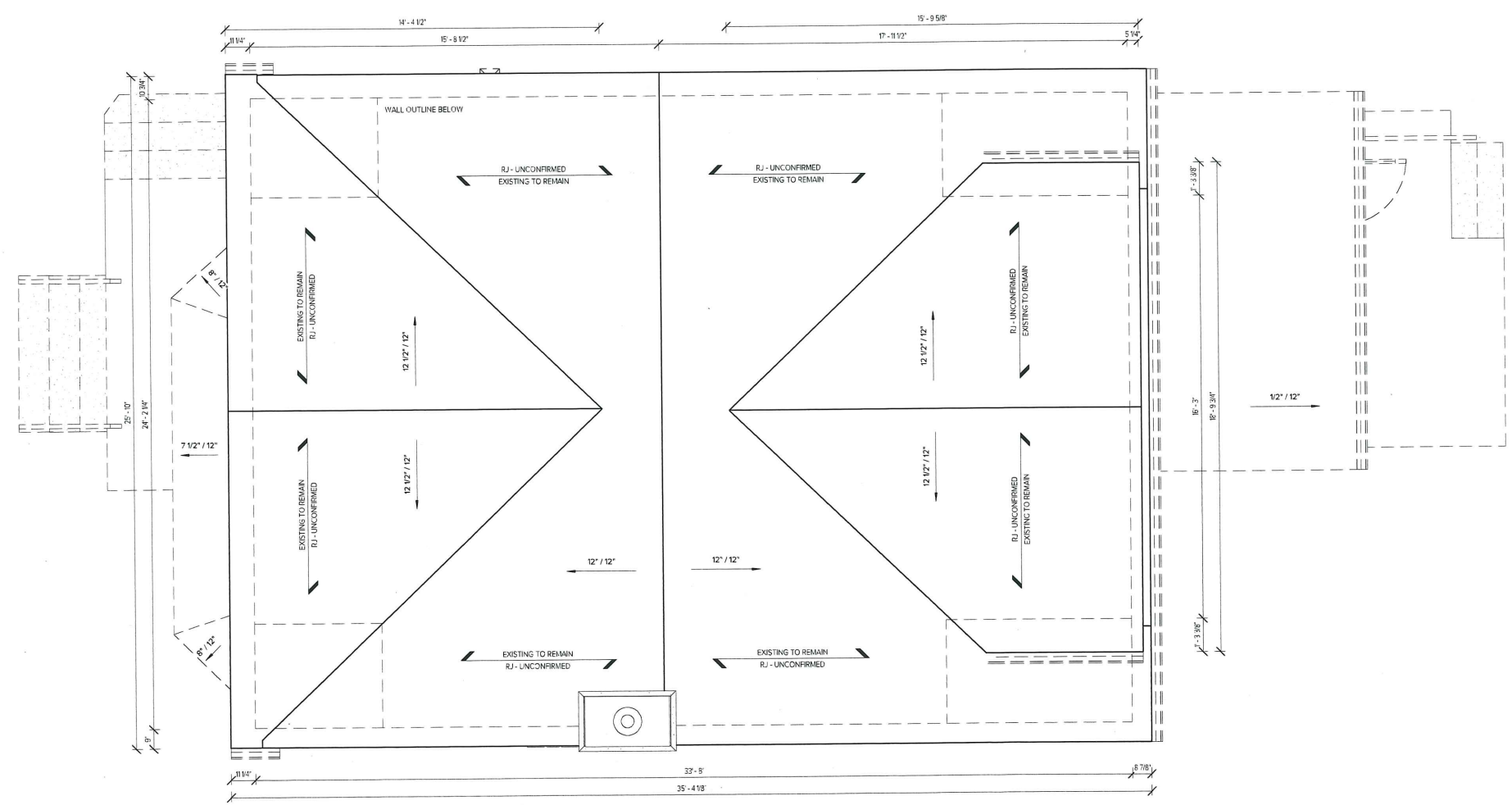
CLIENT  
**KAREN TROLLOPE-KUMAR**

PROJECT NAME  
**REAR ATTACHED ADU**  
 45 MARION AVE. N.  
 HAMILTON, ON

DRAWING TITLE  
**EXISTING - ROOF PLAN**

DRAWN BY:  
 TC  
 DATE:  
 04/09/24

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| SCALE<br>As Indicated      | DRAWING NUMBER<br><b>A1.5</b> |
| SHEET SIZE<br>24X36        |                               |
| PROJECT NUMBER<br>20230002 |                               |



1  
 A1.5  
**EXISTING - Roof Pla**  
 3/8" = 1'-0"

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**NOT FOR CONSTRUCTION**

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| ZONING COMPLIANCE REVIEW   | 03-14-2024 |
| MINOR VARIANCE APPLICATION | 04-08-2024 |
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| CHRONOLOGY                 | DATE       |



790 SHAVER RD #1, ANCASTER, ON L9G 3K9

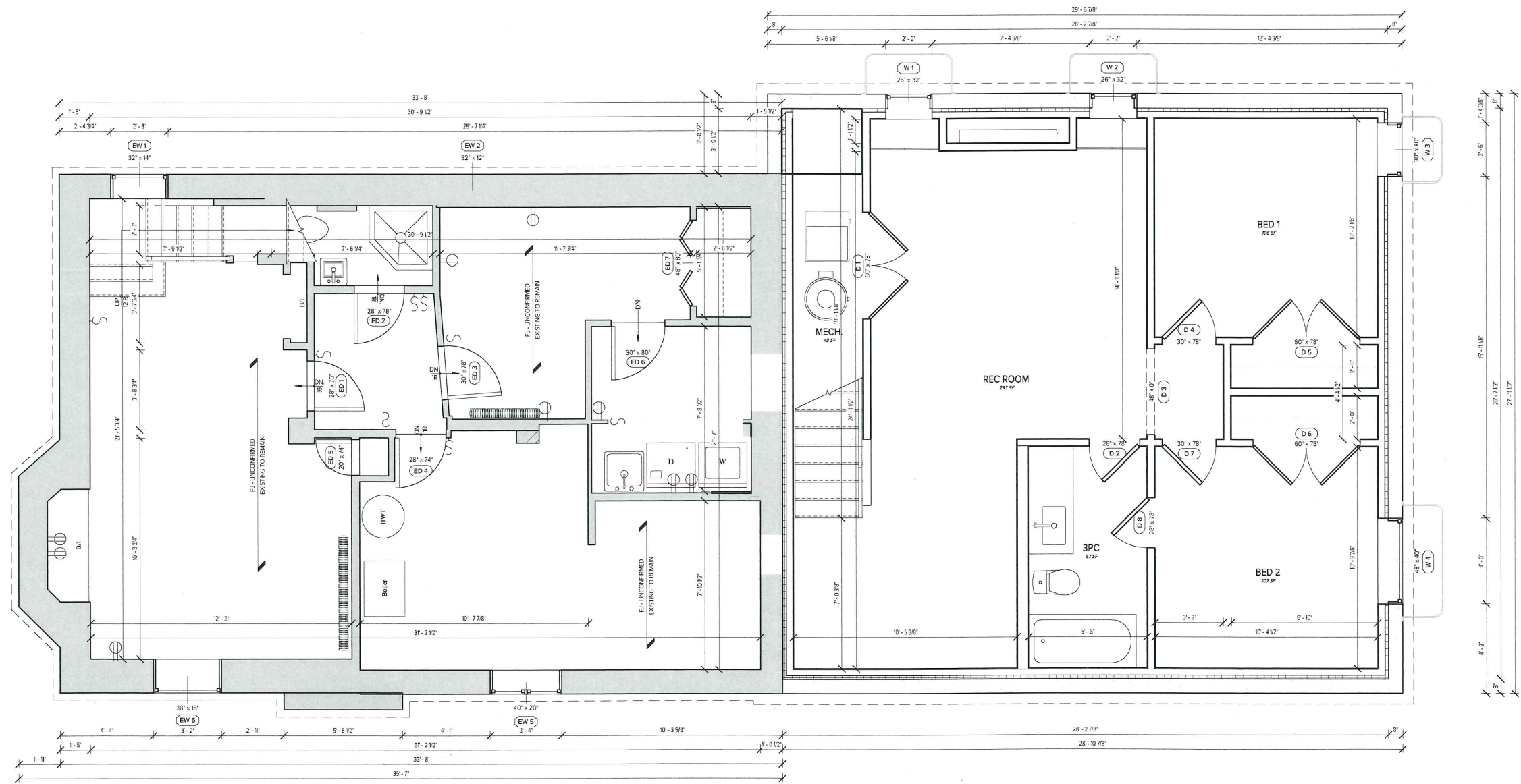
CLIENT  
**KAREN TROLLOPE-KUMAR**

PROJECT NAME  
**REAR ATTACHED ADU**  
45 MARION AVE. N.  
HAMILTON, ON

DRAWING TITLE  
**PROPOSED - BASEMENT FLOOR PLAN**

DRAWN BY:  
TC  
DATE:  
04/08/24

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| SCALE<br>As indicated      | DRAWING NUMBER |
| SHEET SIZE<br>24x36        | <b>A1.6</b>    |
| PROJECT NUMBER<br>20230002 |                |



**1** PROPOSED - Basement Floor Plan  
A1.6  
3/8" = 1'-0"

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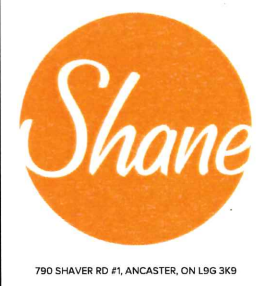
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| ZONING COMPLIANCE REVIEW   | 03-14-2024 |
| MINOR VARIANCE APPLICATION | 04-08-2024 |
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| CHRONOLOGY                 | DATE       |



CLIENT

**KAREN TROLLOPE-KUMAR**

PROJECT NAME

**REAR ATTACHED ADU**  
45 MARION AVE. N.  
HAMILTON, ON

DRAWING TITLE

**PROPOSED - GROUND FLOOR PLAN**

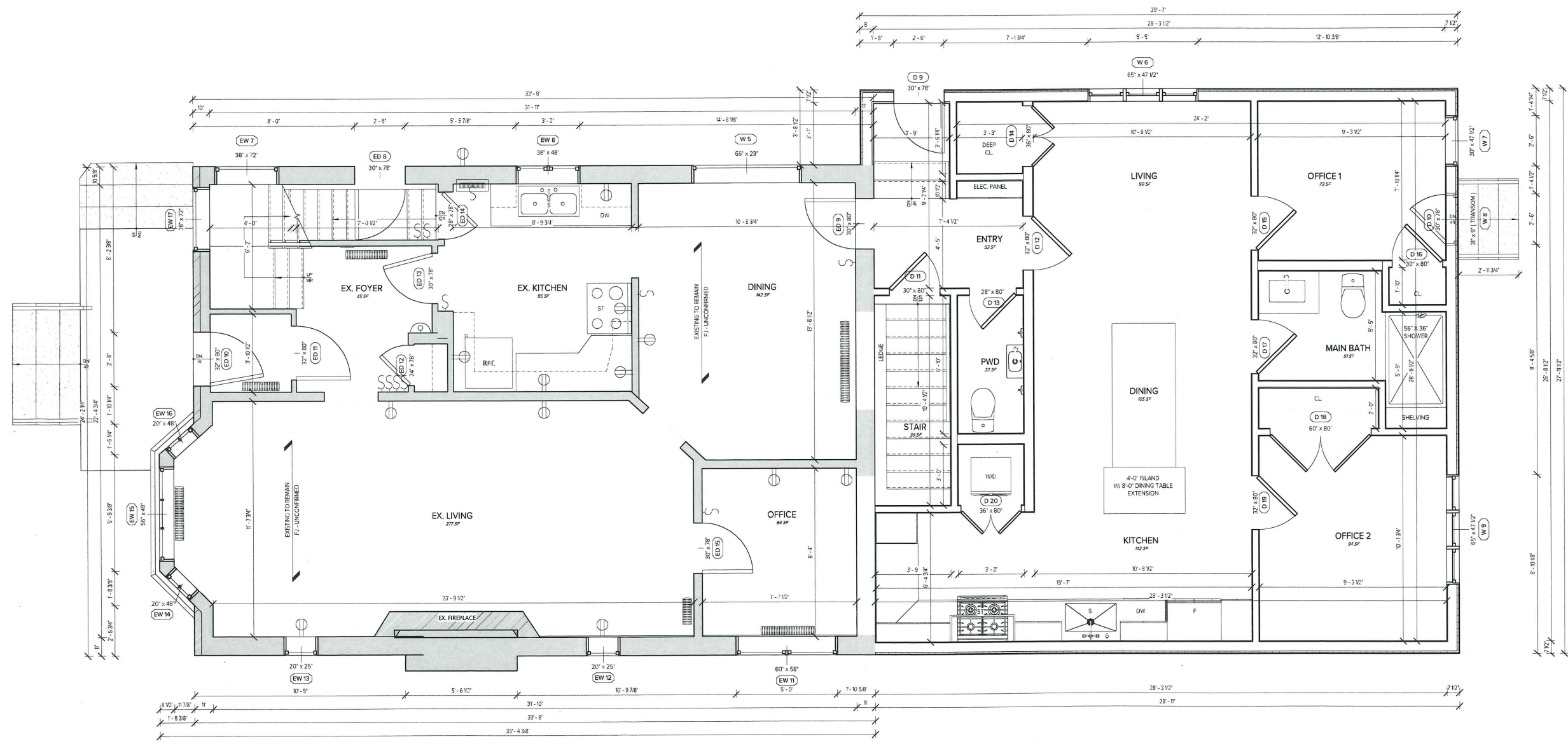
DRAWN BY:

TC

DATE:

04/08/24

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| SCALE:          | DRAWING NUMBER: |
| As indicated    | <b>A1.7</b>     |
| SHEET SIZE:     |                 |
| 24X36           |                 |
| PROJECT NUMBER: | 20230002        |



**1** PROPOSED - Ground Floor Plan  
3/8" = 1'-0"



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| ZONING COMPLIANCE REVIEW   | 03-14-2024 |
| MINOR VARIANCE APPLICATION | 04-08-2024 |
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| CHRONOLOGY                 | DATE       |



790 SHAVER RD #1, ANCASTER, ON L9G 3K9

CLIENT  
**KAREN TROLLOPE-KUMAR**

PROJECT NAME  
**REAR ATTACHED ADU**  
45 MARION AVE. N.  
HAMILTON, ON

DRAWING TITLE  
**PROPOSED - SECOND FLOOR PLAN**

DRAWN BY:  
TC

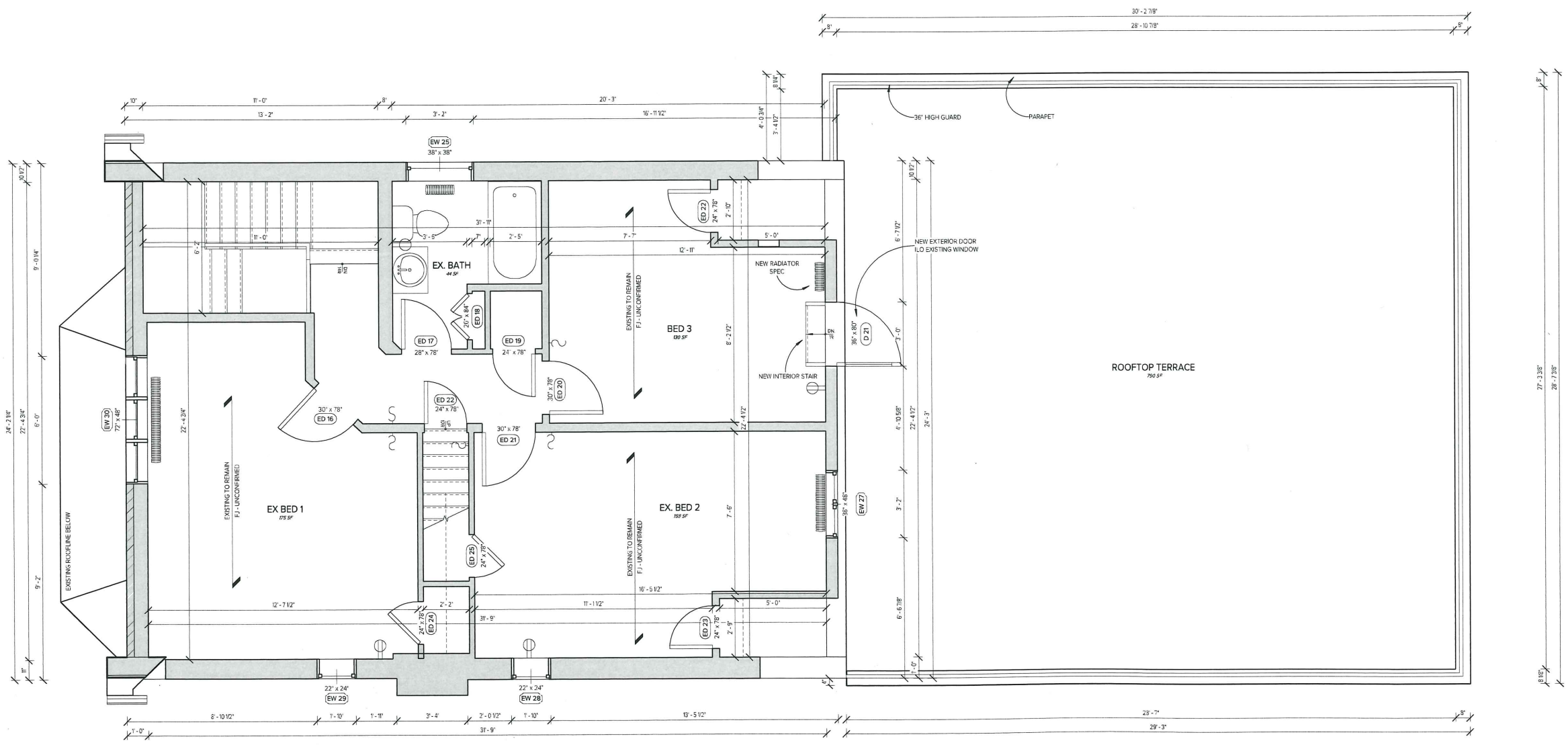
DATE:  
04/08/24

SCALE:  
As Indicated

SHEET SIZE:  
24X36

PROJECT NUMBER:  
20230002

DRAWING NUMBER:  
**A1.8**



**1** PROPOSED - Second Floor Plan  
A1.8  
3/8" = 1'-0"

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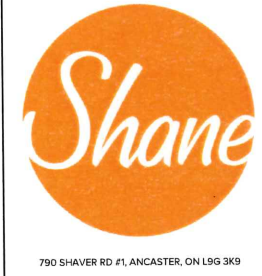
THE CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO THE DESIGNER, BEFORE PROCEEDING WITH THE WORK.

DRAWINGS ARE NOT TO BE SCALED.

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**NOT FOR CONSTRUCTION**

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| ZONING COMPLIANCE REVIEW   | 03-14-2024 |
| MINOR VARIANCE APPLICATION | 04-08-2024 |
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| CHRONOLOGY                 | DATE       |



CLIENT  
**KAREN TROLLOPE-KUMAR**

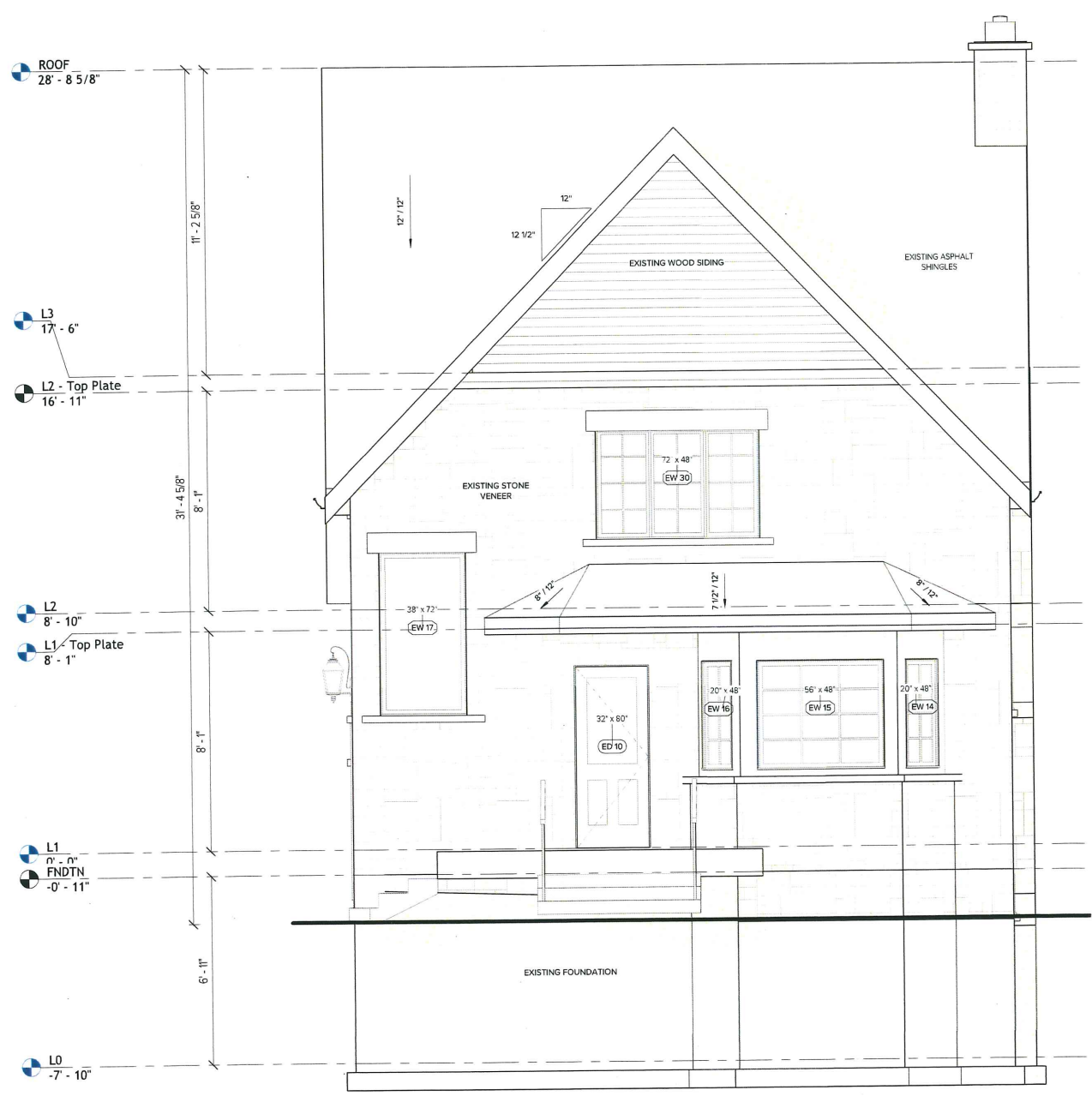
PROJECT NAME  
**REAR ATTACHED ADU**  
45 MARION AVE. N.  
HAMILTON, ON

DRAWING TITLE  
**FRONT ELEVATION**

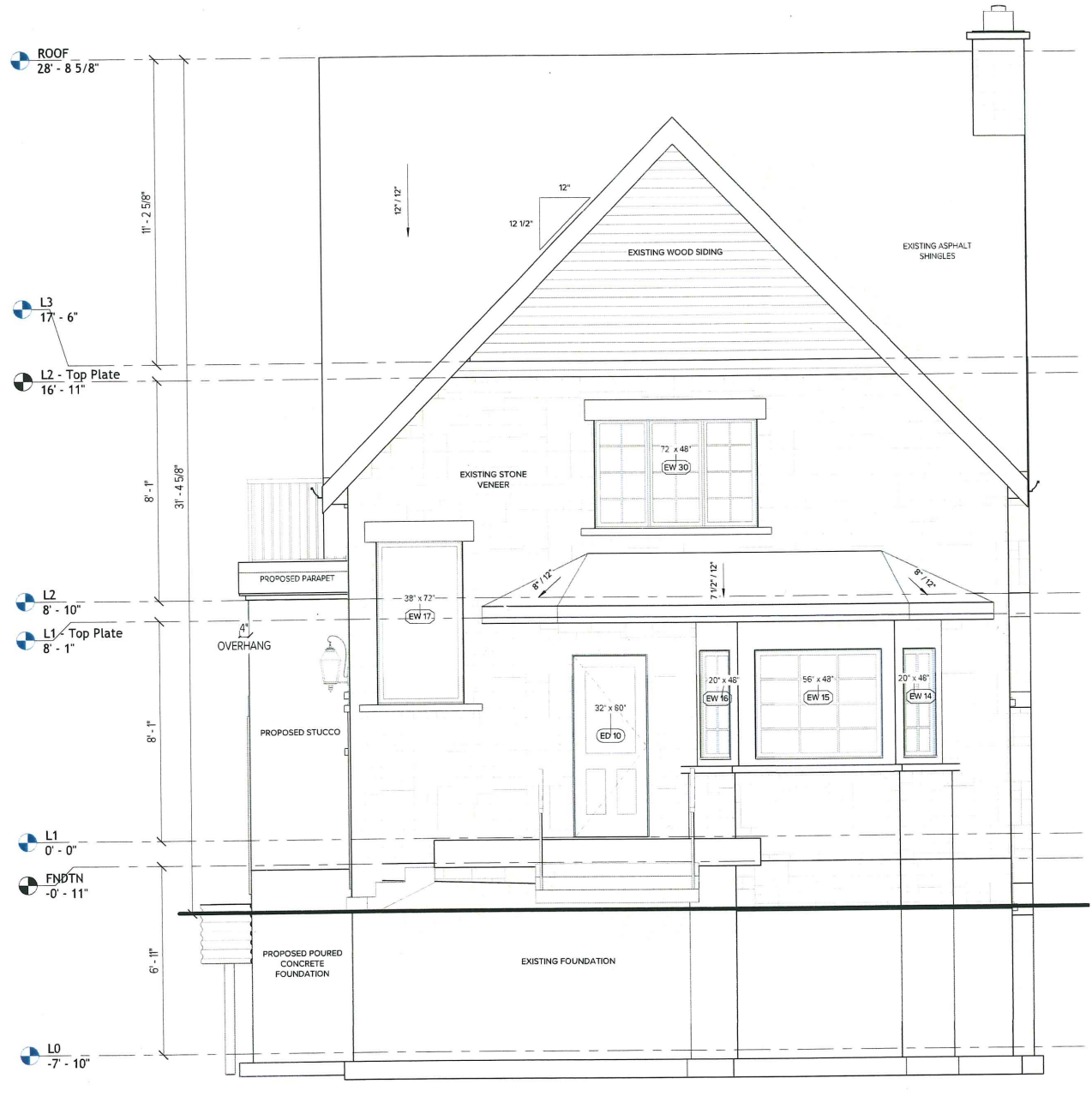
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DATE:  
04/08/24

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| SCALE<br>As indicated      | DRAWING NUMBER<br><b>A2.1</b> |
| SHEET SIZE<br>24X36        |                               |
| PROJECT NUMBER<br>20230002 |                               |



1  
A2.1 **EXISTING - Front Elevation** 3/8" = 1'-0"



2  
A2.1 **PROPOSED - Front Elevation** 3/8" = 1'-0"

4/8/2024 12:56:43 PM C:\TROLLOPE-KUMAR-45 MARION AVE N\DESIGN\REV\20240117\_TROLLOPE-KUMAR-45 MARION AVE N.rvt



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| ZONING COMPLIANCE REVIEW   | 03-14-2024 |
| MINOR VARIANCE APPLICATION | 04-08-2024 |
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| CHRONOLOGY                 | DATE       |



CLIENT  
**KAREN TROLLOPE-KUMAR**

PROJECT NAME  
**REAR ATTACHED ADU**  
45 MARION AVE. N.  
HAMILTON, ON

DRAWING TITLE  
**REAR ELEVATION**

DRAWN BY:  
TC

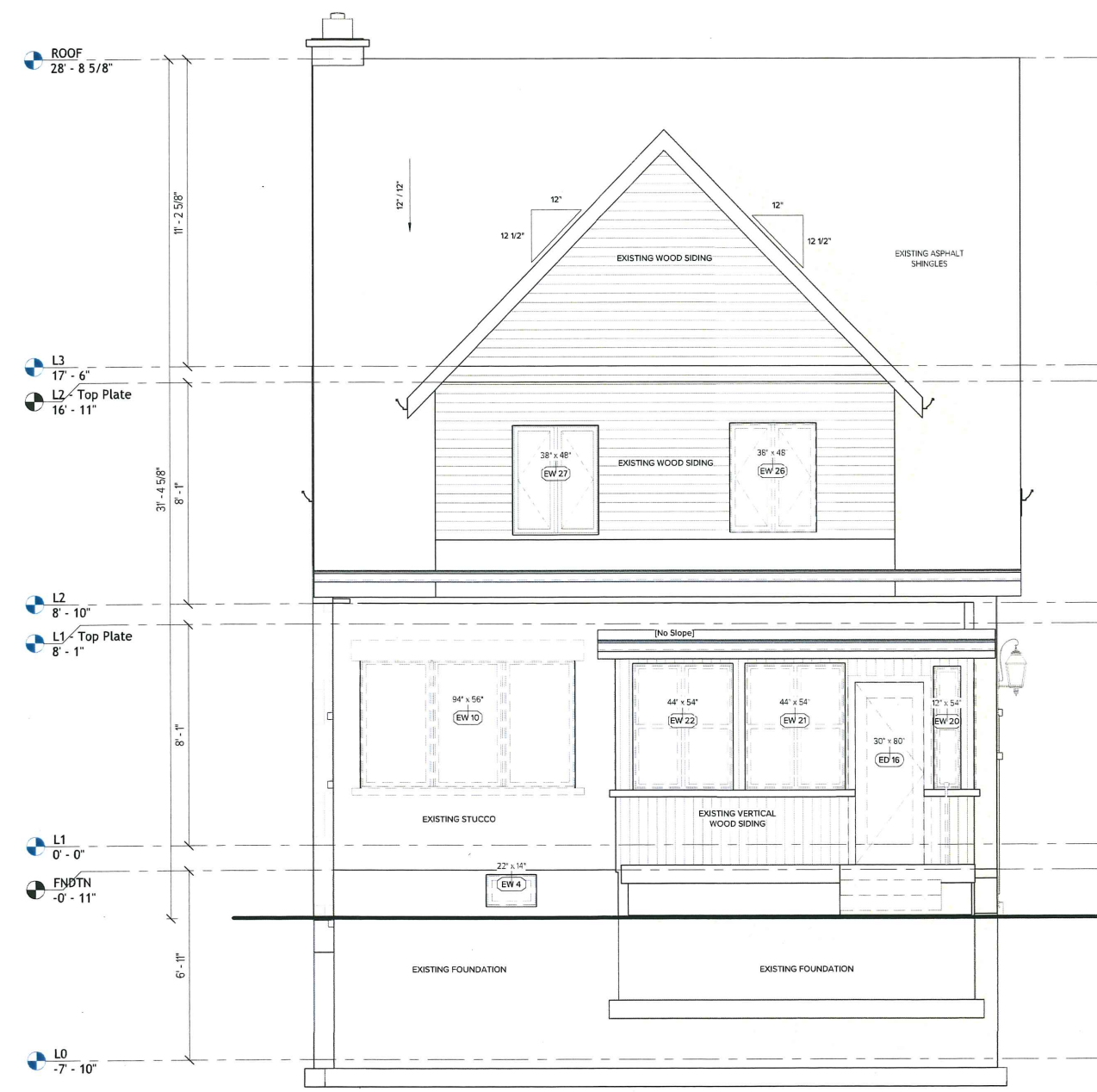
DATE:  
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SCALE  
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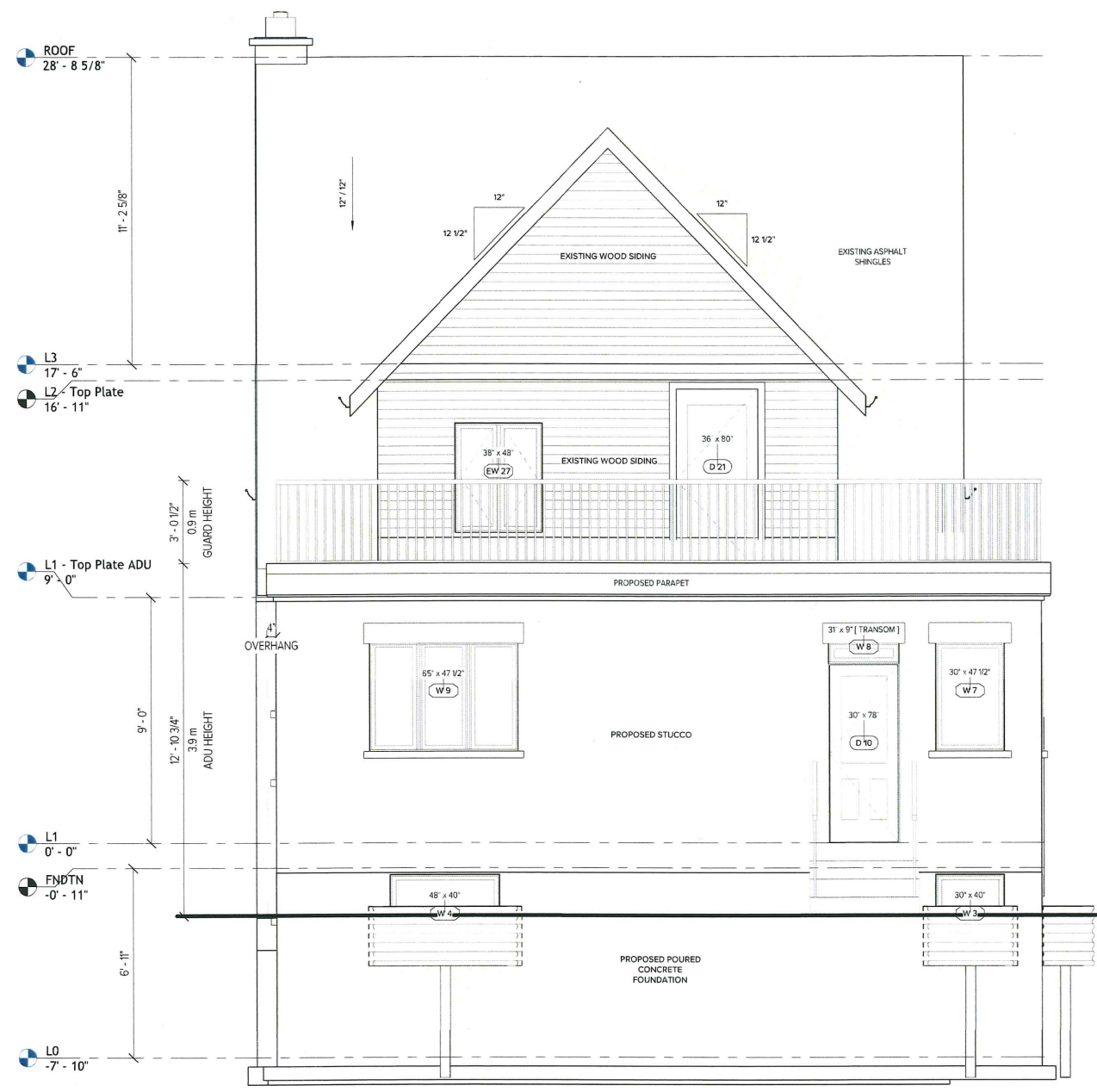
SHEET SIZE  
24X36

PROJECT NUMBER  
20230002

DRAWING NUMBER  
**A2.2**



**1** EXISTING - Rear Elevation  
A2.2 3/8" = 1'-0"



**2** PROPOSED - Rear Elevation  
A2.2 3/8" = 1'-0"

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| ZONING COMPLIANCE REVIEW   | 03-14-2024 |
| MINOR VARIANCE APPLICATION | 04-08-2024 |
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| CHRONOLOGY                 | DATE       |



790 SHAVER RD #1, ANCASTER, ON L9G 3K9

CLIENT  
**KAREN TROLLOPE-KUMAR**

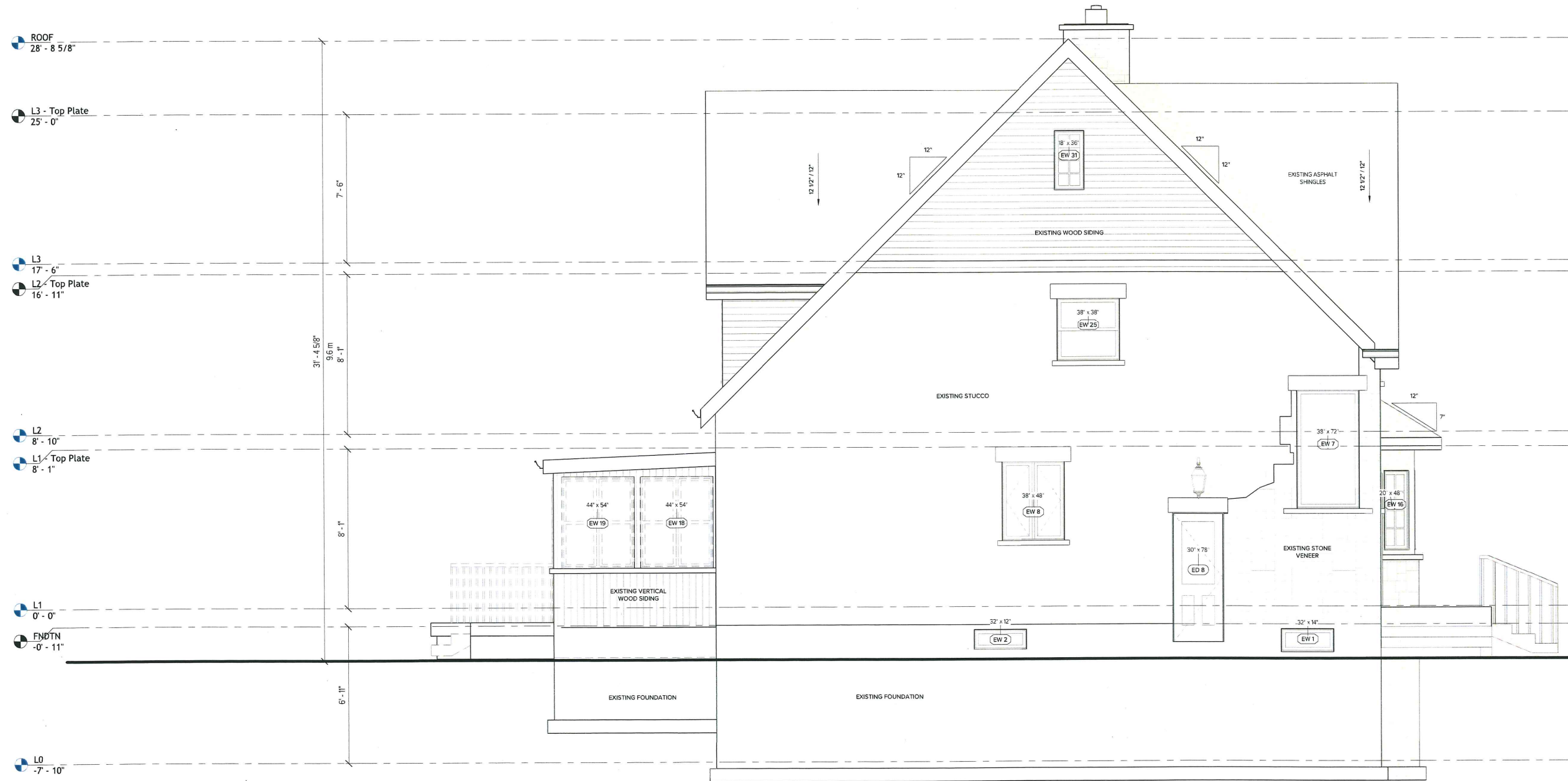
PROJECT NAME  
**REAR ATTACHED ADU**  
45 MARION AVE. N.  
HAMILTON, ON

DRAWING TITLE  
**EXISTING - LEFT SIDE ELEVATION**

DRAWN BY:  
Author

DATE:  
04/08/24

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| SCALE<br>As indicated      | DRAWING NUMBER |
| SHEET SIZE<br>24X36        | <b>A2.3</b>    |
| PROJECT NUMBER<br>20230002 |                |



1  
A2.3 **EXISTING - Left Side Elevation** 3/8" = 1'-0"

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| ZONING COMPLIANCE REVIEW   | 03-14-2024 |
| MINOR VARIANCE APPLICATION | 04-08-2024 |

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790 SHAVER RD #1, ANCASTER, ON L9G 3K9

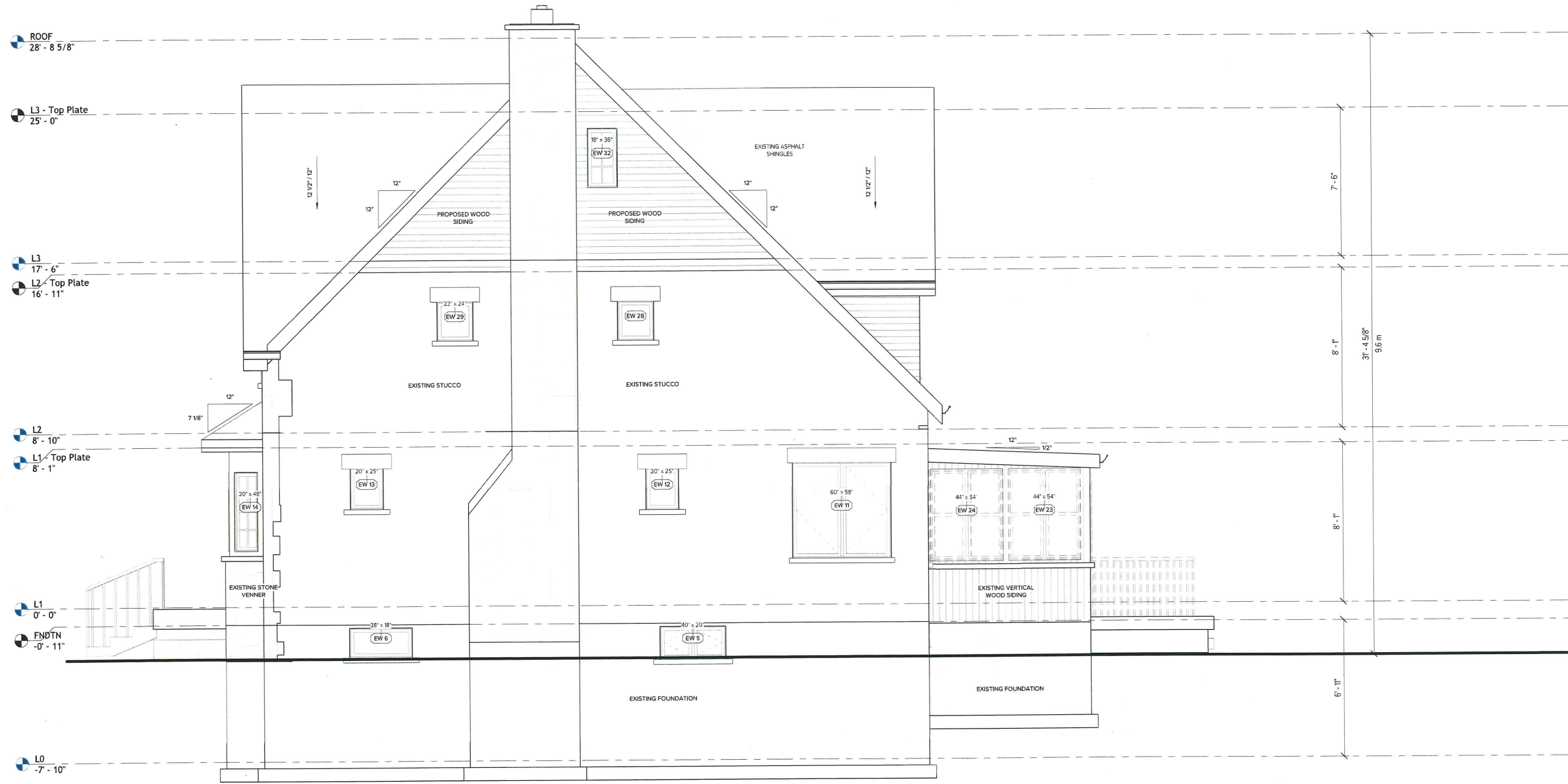
CLIENT  
**KAREN TROLLOPE-KUMAR**

PROJECT NAME  
**REAR ATTACHED ADU**  
45 MARION AVE. N.  
HAMILTON, ON

DRAWING TITLE  
**EXISTING - RIGHT SIDE ELEVATION**

DRAWN BY:  
TC  
DATE:  
04/08/24

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| SCALE<br>As indicated      | DRAWING NUMBER<br><b>A2.4</b> |
| SHEET SIZE<br>24X36        |                               |
| PROJECT NUMBER<br>20230002 |                               |



1  
A2.4 EXISTING - Right Side Elevation 3/8" = 1'-0"

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**NOT FOR CONSTRUCTION**

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| ZONING COMPLIANCE REVIEW   | 03-14-2024 |
| MINOR VARIANCE APPLICATION | 04-08-2024 |
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| CHRONOLOGY                 | DATE       |



790 SHAVER RD #1, ANCASTER, ON L9G 3K9

CLIENT  
**KAREN TROLLOPE-KUMAR**

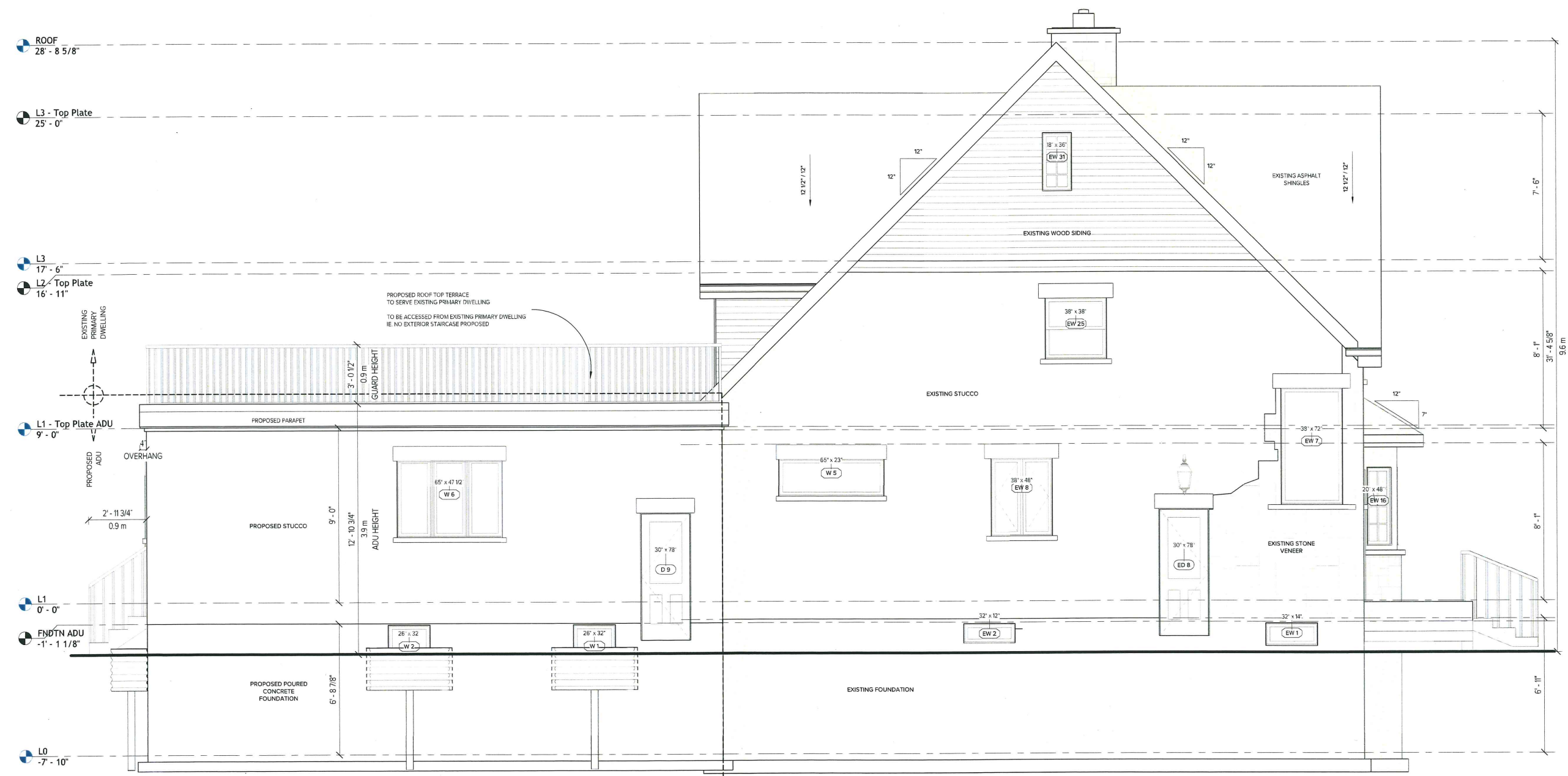
PROJECT NAME  
**REAR ATTACHED ADU**  
45 MARION AVE. N.  
HAMILTON, ON

DRAWING TITLE  
**PROPOSED - LEFT SIDE ELEVATION**

DRAWN BY:  
TC

DATE:  
04/08/24

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| SCALE<br>As Indicated      | DRAWING NUMBER<br><b>A2.5</b> |
| SHEET SIZE<br>24X36        |                               |
| PROJECT NUMBER<br>20230002 |                               |



ROOF  
28' - 8 5/8"

L3 - Top Plate  
25' - 0"

L3  
17' - 6"

L2 - Top Plate  
16' - 11"

L1 - Top Plate ADU  
9' - 0"

L1  
0' - 0"

FNDTN ADU  
-1' - 1 1/8"

L0  
-7' - 10"

1  
A2.5  
**PROPOSED - Left Side Elevation**  
3/8" = 1'-0"

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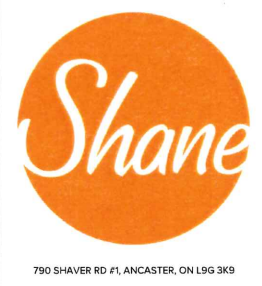
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| No. | REVISIONS | DATE |
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**NOT FOR CONSTRUCTION**

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| ZONING COMPLIANCE REVIEW   | 03-14-2024 |
| MINOR VARIANCE APPLICATION | 04-08-2024 |
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| CHRONOLOGY                 | DATE       |



790 SHAVER RD #1, ANCASTER, ON L9G 3K9

CLIENT  
**KAREN TROLLOPE-KUMAR**

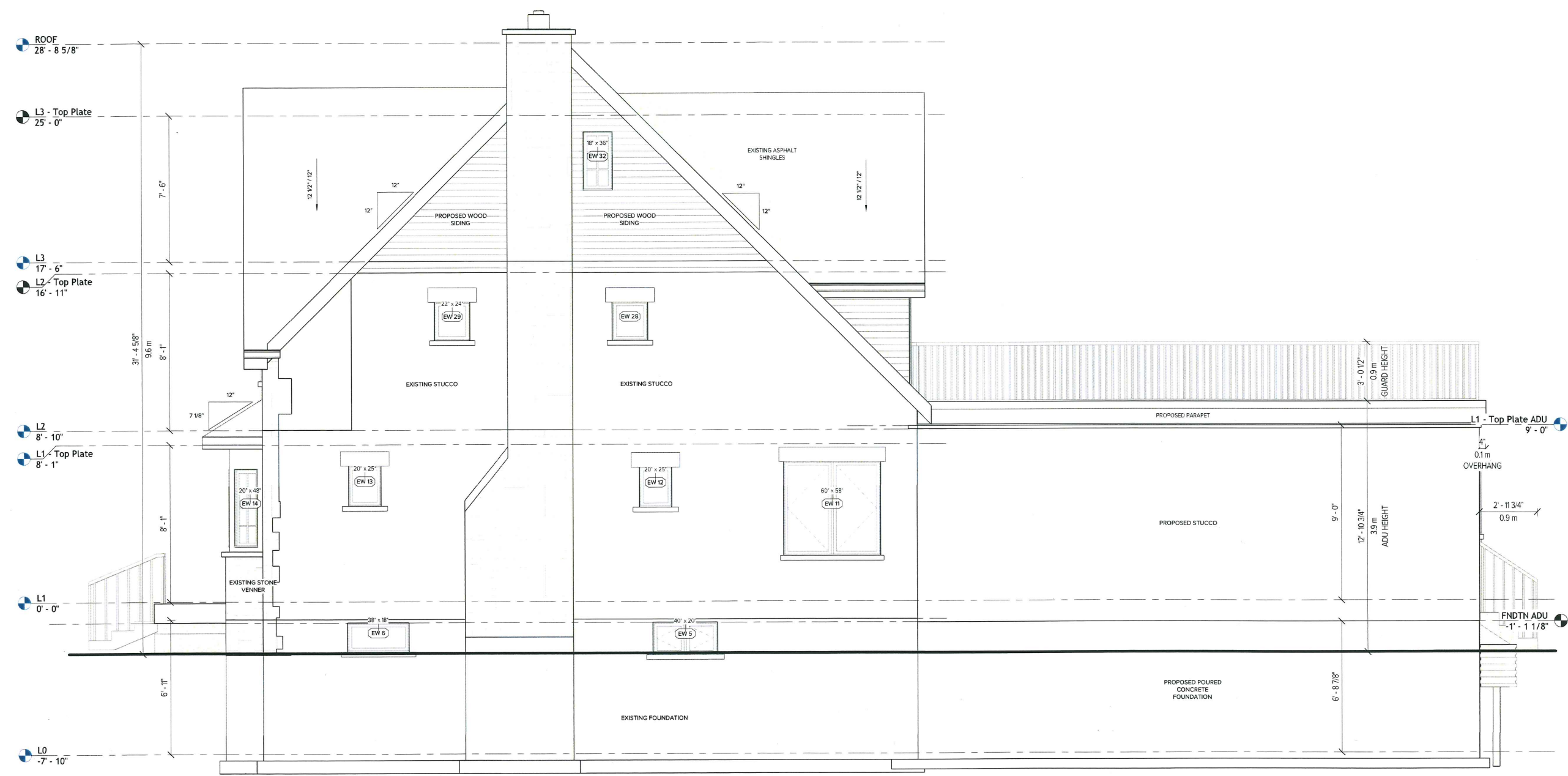
PROJECT NAME  
**REAR ATTACHED ADU**  
45 MARION AVE. N.  
HAMILTON, ON

DRAWING TITLE  
**PROPOSED - RIGHT SIDE ELEVATION**

DRAWN BY:  
TC

DATE:  
04/08/24

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| SCALE<br>As indicated      | DRAWING NUMBER<br><b>A2.6</b> |
| SHEET SIZE<br>24X36        |                               |
| PROJECT NUMBER<br>20230002 |                               |



**1** PROPOSED - Right Side Elevation  
A2.6 3/8" = 1'-0"

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April 8, 2024

City of Hamilton  
Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON  
L8P 4Y5

To Whom it May Concern:

**RE: 45 MARION AVENUE, HAMILTON  
MINOR VARIANCE APPLICATION**

---

Team Shane is pleased to submit on behalf of the owners, an application for Minor Variance to vary the site specific gross floor area ratio, minimum side yard, and parking rate to allow for the construction of a proposed one storey Secondary Dwelling Unit attached to the rear of the existing Principal Dwelling Unit.

In support of the Minor Variance application, the following information is provided:

1. A cheque in the amount of \$ 705<sup>00</sup> representing the City's application 2024 fee for Minor Variance;
2. One (1) copy of the Minor Variance application form;
3. One (1) copy of the Survey Plan, prepared by Lejan land Surveying Inc. dated November 16, 2023;
4. One (1) copy of the Site Plan, prepared by Team Shane dated April 8, 2024
5. One (1) copy of the Floor Plans & Elevation Plans, prepared by Team Shane dated April 8, 2024
6. One (1) copy of the Zoning Compliance Review in Support of a Minor Variance, prepared by City of Hamilton Committee of Adjustment dated March 14, 2024

Should you have any questions or require any additional information, please do not hesitate to contact me at 905-818-2025 or via email at [troye@teamshane.com](mailto:troye@teamshane.com).

Yours truly

**Team Shane Inc.**

A handwritten signature in black ink, appearing to read "Troye Carrington".

Troye Carrington, B.Sc(Arch), BCIN  
Senior Architectural Designer



Hamilton

March 14, 2024

FILE: ALR  
FOLDER: 24-187338 ALR  
ATTENTION OF: Liam Tapp  
TELEPHONE NO: (905) 546-2424  
EXTENSION: 6884

Troye Carrington  
790 Shaver Road  
Ancaster, ON L9G 3K9

**Re: ZONING COMPLIANCE REVIEW**  
**Present Zoning: C/S-1361**  
**Address: 45 Marion Avenue North, Hamilton**

A Zoning Compliance Review in Support of a Minor Variance has been completed and the following comments are provided.

**COMMENTS:**

1. The applicant is proposing a one storey addition to the existing Single Family Dwelling which will contain a Secondary Dwelling Unit within the basement and first floor. Furthermore, a rooftop terrace is proposed above the Secondary Dwelling Unit for use of the Principal Dwelling unit.
2. Building Division Records determine the last recognized use of the property to be a Single Family Dwelling which is permitted within the C/S-1361 Zone under Hamilton Zoning By-Law 6593 and defined as follows.

*“Single Family Dwelling - shall mean a building comprising one Class A dwelling unit, whether or not a private garage or other accessory building is attached to the same, and which may also contain such lodgers' rooms as may be permitted under the provisions of this”*

The proposed use of a Secondary Dwelling Unit within the Single Family Dwelling is permitted and defined as follows:

*“Secondary Dwelling Unit - means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.”*

3. Please note, there is insufficient information within building division records to determine existing parking conditions. Please note, no additional parking shall be required for the proposed Secondary Dwelling Unit, provided the required parking spaces for the existing Single Family Dwelling are maintained. The proposed parking spaces as shown do not meet dimensions or manoeuvring space for a parking space under Section 18a. Should the existing parking conditions for the Single Family Dwelling not be maintained, the following wording is provided should a Minor Variance be required to permit the parking spaces as shown on the Site Plan provided:



Zoning Compliance Review  
45 Marion Avenue North, Hamilton

- a. Zero (0) parking spaces shall be required for a Single Family Dwelling instead of the required minimum two (2) parking spaces shall be provided for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room;
  - b. Zero (0) parking spaces shall be required for a Secondary Dwelling Unit instead of the required minimum one (1) parking space for a Secondary Dwelling Unit.
4. In addition to the above comments, the following wording is provided as it relates to all other areas of the proposed Secondary Dwelling Unit where compliance is not possible. Should alteration of the proposed addition not be possible the following variances may be required:
- a. A Gross Floor Area Ratio of 1.48 or 451.1 m<sup>2</sup> shall be permitted instead of the required Gross Floor Area Ratio of 0.45;
  - b. A Minimum Side Yard of 0.2 metres shall be permitted instead of the Minimum Side Yard of 1.2 metres.
5. Be advised, it is noted that two parking spaces are proposed within the Marion Avenue North right of way. A Residential Boulevard Parking Agreement with Public Works is required to permit the proposed parking space within the Right of Way.

Furthermore, please note that three parking spaces are indicated to encroach over the Southerly Side Lot line onto 43 Marion Avenue North. An Encroachment Agreement is required to properly register any encroachments on title.

6. Be advised, as per Section (a) (ii) of Zoning By-Law Amendment 96-109, the following is applicable as it relates to Gross Floor Area:

*"notwithstanding Section 2 .(2)J .(viii) of Zoning By-law No. 6593, "Gross Floor Area" is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:*

- a) *an attached garage ;*
- b) *a detached garage ; and,*
- c) *the floor occupied by heating, air conditioning and laundry equipment;"*

The applicant shall ensure Gross Floor Area has been provided based on the definition above.

7. This is an interior lot. With reference to "front lot line" as defined, the front lot line shall mean the boundary line along the street. As such, the front lot line for this property is the lot line abutting the Marion Avenue North.
8. Construction of the proposed addition/ alteration is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.
9. The proposed development has been reviewed and compared to the standards of the C/ S -1361 District under Hamilton Zoning By-Law 6593 as indicated in the following chart:

Zoning Compliance Review  
45 Marion Avenue North, Hamilton

| Hamilton Zoning By-Law 6593 Section                                       | Required By By-Law  | Provided  | Conforming/ Non-Conforming |
|---|---|---|----------------------------|
| <b>By-Law Amendment 96-109</b>  |   |   |                            |
| <b>Floor Area Ratio Section 1. (a)(i)</b>                                 | no building or structure shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 0 .45;   | Lot Area – 304.8 m2<br>Permitted Floor Area Ratio – 137.26 m <sup>2</sup><br><br>Proposed GFA as per Site Statistics Table – 453.23 m <sup>2</sup><br><br>Proposed Floor Area Ratio - (1.472)   | <b>Does not Comply</b>     |
| <b>Floor Area Ratio Calculation Section 1. (a)(ii)</b>                    | notwithstanding Section 2.(2)J.(viii) of Zoning By-law No . 6593, gross floor area is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:<br><br>a) an attached garage;<br>b) a detached garage ;<br>c) the floor area occupied by heating, air conditioning and laundry equipment; and | <u>Calculation</u><br><br>Existing Dwelling – 300.69 m <sup>2</sup><br><br>Proposed Addition – 152.54 m <sup>2</sup><br>Total GFA – 453.23 m <sup>2</sup><br><br><b>Note: Applicant shall ensure all applicable areas of the existing dwelling and proposed addition are included within calculation for Gross Floor Area</b> |                            |
| <b>Floor Area Ratio Ceiling Height Section 1. (a)(iii)</b>                | for purposes of determining gross floor area for any portion of the dwelling where the ceiling height exceeds 4 .6 metres, that portion of the dwelling shall be multiplied by 1.9.   | No floor height taller than 4.6 metres  | <b>N/A</b>                 |
| <b>Garage Floor Elevation Section 1. (a)(iv)</b>                          | in addition to the requirements of Section 18A, where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0 .3 metres above grade ;  | No Attached Garage  | <b>N/A</b>                 |
| <b>Height Requirements Section 1. (a)(v)</b>                              | notwithstanding Section 9 .(2) of Zoning By-law No . 6593, no building or structure shall exceed 2 storeys and 9 .0 metres in height;   | Existing Dwelling – Maximum Height unchanged<br><br><b>Note: The proposed Addition is under 9.0 metres and is one storey in height</b>  | <b>Conforms</b>            |
| <b>Zoning Exemption Section 1. (a)(vi)</b>                                | Section 18(2)(i) of Zoning By-law No. 6593 shall not apply to the Westdale South Neighbourhood;   | Not Applicable  | <b>N/A</b>                 |
| <b>Section 9 of Hamilton Zoning By-law 6593 - C District Requirements</b> |   |   |                            |
| <b>Height Requirements Section 9 (2)</b>                                  | In a "C" District, no building shall exceed three storeys, and no structure other than a building, shall exceed 11.0 metres   | See Section 1. (a)(v)   | <b>N/A</b>                 |
| <b>Area Requirements</b>  | (i) for a single family dwelling, two   | Existing  | <b>Conforms</b>            |



Zoning Compliance Review  
45 Marion Avenue North, Hamilton

| Hamilton Zoning By-Law 6593 Section  | Required By By-Law   | Provided   | Conforming/ Non-Conforming            |
|--|--|--|---------------------------------------|
| Section 9 (3)  | family dwelling, three family dwelling, a front yard of a depth of at least 6.0 metres (19.69 feet), and   |  |                                       |
|  | (ii) for a single family dwelling, two family dwelling or three family dwelling, along each side lot line a side yard having a width of at least 1.2 metres (3.94 feet);   | 0.2 m<br><br><b>Note: Addition appears to be located closer to the lot line than is currently existing and as such cannot be confirmed to be deemed in compliance with existing conditions</b> | <b>Does not Comply</b>                |
|  | (iii) for a single family dwelling, two family dwelling, three family dwelling, a rear yard of a depth of at least 7.5 metres (24.61 feet), and  | 7.5 m<br><br><b>Note: Applicant shall ensure rear yard setback measurement is taken from the closest portion of the dwelling to the rear lot line.</b>   | <b>Conforms</b>                       |
| Intensity of Use Section 9 (4)   | for a single family dwelling, residential care facility, short-term care facility, or lodging house, a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3875.13 square feet)  | Existing   | <b>Deemed to Comply</b>               |
| <b>Section 18 of Hamilton Zoning By-Law 6593 - Supplementary Requirements And Modifications</b>    |  |  |                                       |
| <b>Encroachment of eaves/gutter</b><br><i>Section 18(3)(vi)(a) of Hamilton Zoning By-law 6593</i>  | A chimney, sill, belt course, leader, pilaster, lintel or ornamental projection may project not more than 0.5 metres (1.64 feet) into a required side yard, and not more than 1.0 metre (3.28 feet) into any other required yard;  | Existing Chimney   | <b>Deemed to Comply</b>               |
| <b>Encroachment of eaves/gutter</b><br><i>Section 18(3)(vi)(b) of Hamilton Zoning By-law 6593</i>  | May encroach into a front yard not more than 1.5m provided no such projection shall be closer than 1.5m to a street line.<br><br>May encroach into a rear yard not more than 1.5m<br><br>May encroach into a side yard not more than one-half of its width, or 1.0m whichever is the lesser. | Insufficient Information Provided<br><br><b>Note: Applicant shall provide measurement for proposed roof overhang/ eaves</b>  | <b>Unable to Determine Compliance</b> |
| <b>Encroachment of open stairway</b><br><i>Section 18(3)(vi)(c) of Hamilton Zoning By-law 6593</i> | An open fire escape or open stairway may project<br><br>(i) into a required rear yard not more than 1.0 metre<br><br>(ii) into a required side yard not more than one-third of its width, or 1.0 metre (3.28 feet), whichever is the lesser;   | Insufficient Information Provided<br><br><b>Note: Applicant shall provide measurement for staircase indicated at the rear of the dwelling</b>  | <b>Unable to Determine Compliance</b> |

Zoning Compliance Review  
45 Marion Avenue North, Hamilton

| Hamilton Zoning By-Law 6593 Section   | Required By By-Law  | Provided   | Conforming/ Non-Conforming |
|---|---|--|----------------------------|
| <b>Encroachment of Balcony</b><br><i>Section 18(3)(vi)(cc) of Hamilton Zoning By-law 6593</i>     | <p>A bay, balcony or dormer may project</p> <p>(i) into a required front yard not more than 1.0 metre (3.28 feet), provided that no such projection shall be closer to a street line than 1.5 metres</p> <p>(ii) into a required rear yard not more than 1.0 metre (3.28 feet); or</p> <p>(iii) into a required side yard not more than one-third of its width, or 1.0 metre (3.28 feet), whichever is the lesser,</p>  | <p>Roof top balcony does extend into any yard</p>  | <p>N/A</p>                 |
| <b>Encroachment of porch</b><br><i>Section 18(3)(vi)(d) of Hamilton Zoning By-law 6593</i>        | <p>A roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard or rear yard to a distance of not more than 3.0 metres (9.84 feet), and every such projecting porch shall be distant at least 1.5 metres (4.92 feet) from the front lot line, and the enclosure of such a porch to the following extent shall not be deemed enclosure for the purpose of this Section</p> | <p>Not Proposed</p>  | <p>N/A</p>                 |
| <b>Encroachment of porch</b><br><i>Section 18(3)(vi)(e) of Hamilton Zoning By-law 6593</i>        | <p>A terrace, uncovered porch, platform or ornamental feature which does not extend more than 1.0 metre (3.28 feet) above the floor level of the first storey, may project into a required yard, if distant at least 0.5 metres (1.64 feet) from the nearest side lot line and at least 1.5 metres (4.92 feet) from the nearest street line; and</p>  | <p>Existing</p>  | <p>Deemed to Comply</p>    |
| <b>Mechanical and Unitary Equipment</b><br><i>Section 18(4)(v) of Hamilton Zoning By-law 6593</i> | <p>Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:</p> <p>(a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,</p>                         | <p>Not indicated</p> <p><b>Note: Should any mechanical or unitary unit be proposed, Section 18(4)(v) shall apply</b></p> | <p>N/A</p>                 |
|   | <p>(b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.</p>   | <p>Not indicated</p> <p><b>Note: Should any mechanical or unitary unit be proposed, Section 18(4)(v) shall apply</b></p> | <p>N/A</p>                 |



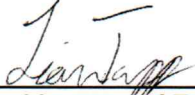
Zoning Compliance Review  
45 Marion Avenue North, Hamilton

| Hamilton Zoning By-Law 6593 Section  | Required By By-Law  | Provided   | Conforming/ Non-Conforming |
|--|---|--|----------------------------|
| <b>Front Yard Landscaping</b><br>Section 18(14)(i) of Hamilton Zoning By-law 6593  | Not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers, or other similar materials  | Existing   | Deemed to Comply           |
| <b>Section 18a of Hamilton Zoning By-law 6593 - Parking</b>                        |   |  |                            |
| <b>Manoeuvring Space</b><br>Section 18A (1) (f) of Hamilton Zoning By-law 6593     | manoeuvring space abutting upon and accessory to each required parking space, having an aisle width mentioned in column 2 of Table 6 for each parking space having a parking angle mentioned in column 1<br><br><b>As per Policy Zon 024, only one space accessory to a Single Family Dwelling may provide offsite manoeuvring.</b>   | 6.0 m manoeuvring space not provided<br><br><b>Note: Two spaces require off-site manoeuvring</b>                                       | Does not Comply            |
| <b>Parking Space Dimension</b><br>Section 18A (7) of Hamilton Zoning By-law 6593   | Every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 6.0 metres long.   | 2.3 m x 6.0 m  | Does not Comply            |
| <b>Access to Parking Space</b><br>Section 18A (10) of Hamilton Zoning By-law 6593  | Sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space. | See Review of Section 18a (14h) below  | See Review Below           |
| <b>Parking Space Access</b><br>Section 18A (14h) of Hamilton Zoning By-law 6593    | For the purpose of a single family dwelling, the following shall apply:<br><br>(i) only one of the required parking spaces may be located in the front yard, and<br><br>(ii) notwithstanding Subsection 10, only the accessibility to one of the required parking spaces may be obstructed by any other required parking spaces.  | Two spaces located within front yard<br><br>Two parking spaces obstructed and not freely accessible without removal of another vehicle | Does not Comply            |
| <b>Manoeuvring Space Access</b><br>Section 18A (22) of Hamilton Zoning By-law 6593 | All manoeuvring spaces shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces.   | Not Provided<br><br><b>Note: Two instances if Tandem parking are shown where only one instance of Tandem parking is permitted</b>      | Does not Comply            |

Zoning Compliance Review  
45 Marion Avenue North, Hamilton

| Hamilton Zoning By-Law 6593 Section   | Required By By-Law  | Provided                  | Conforming/ Non-Conforming    |
|---|---|---------------------------|-------------------------------|
| <p><b>Required Parking</b><br/>Section 18A Table 1 of Hamilton Zoning By-law 6593</p> <p><b>Note: Where calculations of the number of parking and loading spaces result in a fractional number of parking or loading spaces, the next higher number shall be taken.</b></p> | <p>2 parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room</p> <p>1 space for Secondary Dwelling Unit</p> <p><u>Calculation</u></p> <p>Basement – Bedroom + Rec Room (2)<br/>Main Floor – Dining + Office + Living + Kitchen (4)<br/>2<sup>nd</sup> Floor – Bedroom x 3 (3)<br/>Total – 9 rooms</p> <p>Total parking required - 4</p> | <p>3 spaces indicated</p> | <p><b>Does not Comply</b></p> |

Yours truly



for the Manager of Zoning and Committee of Adjustment





Hamilton

Committee of Adjustment

City Hall, 5<sup>th</sup> Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

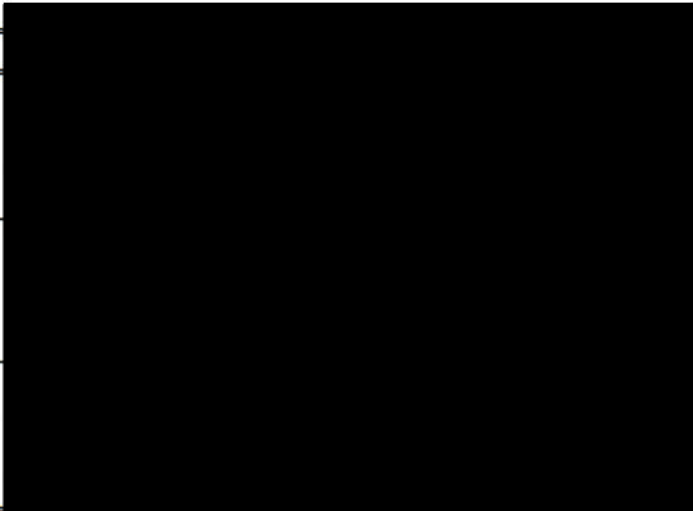
Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

APPLICATION FOR A MINOR VARIANCE/PERMISSION UNDER SECTION 45 OF THE PLANNING ACT

1. APPLICANT INFORMATION

|                      | NAME                 |
|----------------------|----------------------|
| Registered Owners(s) | Karen Trollope-Kumar |
| Applicant(s)         | Troye Carrington     |
| Agent or Solicitor   | Troye Carrington     |



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

Credit over phone\*

Cheque

\*Must provide number above

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

|                           |   |            |           |
|---------------------------|---|------------|-----------|
| Municipal Address         | 45 Marion Ave North, Hamilton, ON L8S 4G2 |            |           |
| Assessment Roll Number    | P.I.N. 17463-0262 (LT)                    |            |           |
| Former Municipality       | to be confirmed by the City               |            |           |
| Lot                       | part of lots 301 & 302                    | Concession |           |
| Registered Plan Number    | 652                                       | Lot(s)     | 301 & 302 |
| 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:

- 1) Gross Floor Area Ratio of 1.17 or 435.1m2 requested to be permitted instead of the required GFA ratio of 0.45
- 2) Minimum Side Yard of 0.2m requested to be permitted instead of the required 1.2m
- 3) Zero (0) parking spaces requested to be permitted for single family dwelling instead of the required two (2)
- 4) Zero (0) parking spaces request to be permitted for a Secondary Dwelling Unit instead of the require one (1)

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

The application is proposing a one storey addition to the existing Single Family Dwelling which will contain a Secondary Dwelling Unit within the basement and first floor. Furthermore, a rooftop terrace is proposed above the Secondary Dwelling Unit for use of the Principal Dwelling unit.

The existing single family dwelling cannot comply with the current zoning by-law due to the existing non-conforming GFA, parking & side yard conditions. The proposed Additional Dwelling unit is shows a side yard in line with the existing non-conforming side yard & parking in line with the existing non-conforming parking condition

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         |
|--------------|-----------|----------|-------------------------|
| 10.05 m      | 37.2 m    | 372.3 m2 | to be confirmed by City |



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 |
|-------------------------|--------------------|-------------------|--------------------|----------------------|
| Stone & Stucco Dwelling | 9.9 m              | 16.4 m            | 2.3 m, 0.2 m       | 01/01/1926           |
| Sunroom                 | 20.1 m             | 13.9 m            | 2.6 m, 3.3 m       |                      |
| Deck                    | 22.6 m             | 11.9 m            | 2.6 m, 3.3 m       |                      |
| Dilapidated Shed        | 27.2 m             | 0 m               | 0.2 m, 6.8 m       |                      |

Proposed:

| Type of Structure                | Front Yard Setback | Rear Yard Setback | Side Yard Setbacks | Date of Construction |
|----------------------------------|--------------------|-------------------|--------------------|----------------------|
| Attached Secondary Dwelling Unit | 20.1 m             | 7.5 m             | 1.2 m, 0.2 m       | 01/07/2024           |
|                                  |                    |                   |                    |                      |
|                                  |                    |                   |                    |                      |

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 |
|-------------------------|---------------------|----------------------|-------------------|--------|
| Stone & Stucco Dwelling | 76.5 m <sup>2</sup> | 290.1 m <sup>2</sup> | 3                 | 9.6 m  |
| Sunroom                 | 10.0 m <sup>2</sup> | 10.0 m <sup>2</sup>  | 1                 | 3.2m   |
| Deck                    | 6.8 m <sup>2</sup>  | 6.8 m <sup>2</sup>   | 1                 | 0.6 m  |
| Dilapidated Shed        | 30.2 m <sup>2</sup> | 30.2 m <sup>2</sup>  | 1                 | 4.0 m  |

Proposed:

| Type of Structure                | Ground Floor Area   | Gross Floor Area     | Number of Storeys | Height |
|----------------------------------|---------------------|----------------------|-------------------|--------|
| Attached Secondary Dwelling Unit | 75.2 m <sup>2</sup> | 145.0 m <sup>2</sup> | 1                 | 3.9 m  |
|                                  |                     |                      |                   |        |
|                                  |                     |                      |                   |        |

- 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.):  
Single Detached Dwelling with Additional Dwelling Unit

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:  
1996

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:  
Since construction circa 1926

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) to be confirmed by City

Please provide an explanation of how the application conforms with the Official Plan.  
The proposed use of a Secondary Dwelling Unit within the Single Family Dwelling is permitted.

7.6 What is the existing zoning of the subject land? C/S-1361

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: C/S-1361



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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: 2

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

A zoning compliance review in support of a minor variance (Folder 24-187338 ALR) was completed on this lot and revealed that the front lot line shall mean the boundary line along the street. As such the front lot line for this property is the lot line abutting Marion Avenue North. Existing parking was also revealed to not comply with zoning bylaw.

The supporting documentation (Site Plan) that was submitted with that Zoning Compliance Review application has therefore since changed to show Lot Area & Gross Floor Area ratio calculations with the front lot line abutting Marion Avenue North.

Supporting documentation (Site Plan) has also be<sup>2</sup> revised to maintain existing parking conditions, and propose zero new parking.

Wall locations & Area of the Proposed Secondary Unit have also been slightly revised to ensure setbacks comply when taken from the closest portion of the dwelling to the lot line.

## 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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