



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**

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**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
  - Applicant/agent on file, or
  - Person likely to be interested in this application
- 

|                         |                                |                          |   |
|-------------------------|--------------------------------|--------------------------|---|
| <b>APPLICATION NO.:</b> | <b>A-24:122</b>                | <b>SUBJECT PROPERTY:</b> | 17 Percy Court, Hamilton                          |
| <b>ZONE:</b>            | “R1” (Low Density Residential) | <b>ZONING BY-LAW:</b>    | Zoning By-law City of Hamilton 05-200, as Amended |

**APPLICANTS:** Owner: Emmanuel Cahigas & Joanna Cahigas  
Agent: Sarah Brown Home Design Inc. – Sarah Brown

The following variances are requested:

1. Where an Additional Dwelling Unit – Detached is in an Interior Side Yard, a minimum distance of 0.90 metres shall be provided between the side wall of the principle dwelling and the Additional Dwelling Unit – Detached, instead of the minimum 4.0 metres required;
2. Where an Additional Dwelling Unit – Detached is in an Interior Side Yard, the Additional Dwelling Unit – Detached shall be setback back a minimum of 1.80 metres from the front façade of the principle dwelling, instead of the minimum 5.0 metres required;
3. No electric vehicle parking spaces shall be provided, instead of the requirement that for a Single Detached Dwelling, 100% of all parking spaces shall be provided as electric vehicle parking spaces [as per Section 5.7.4(a) of amending By-law No. 24-052 – not final and binding]

**PURPOSE & EFFECT:** So as to permit an addition to an existing detached garage which is to be converted to contain an Additional Dwelling Unit – Detached on a lot containing a single detached dwelling, notwithstanding that:

**Notes:**

- i. Please note that building height does not appear to be indicated as per the definition of “Building Height” provided in Hamilton Zoning By-law No. 05-200. Note that a maximum height of 6.0 metres shall be permitted, and additional variances may be required if compliance cannot be achieved.
- ii. Please note that on a lot containing a Single Detached Dwelling, for a dwelling with an attached garage, the finished floor level of the garage shall be a minimum 0.3 metres above grade.

## A-24:122

Insufficient information has been provided to confirm compliance, and additional variances may be required if compliance cannot be achieved.

**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, July 2, 2024</b>  |
| <b>TIME:</b>  | <b>1:20 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

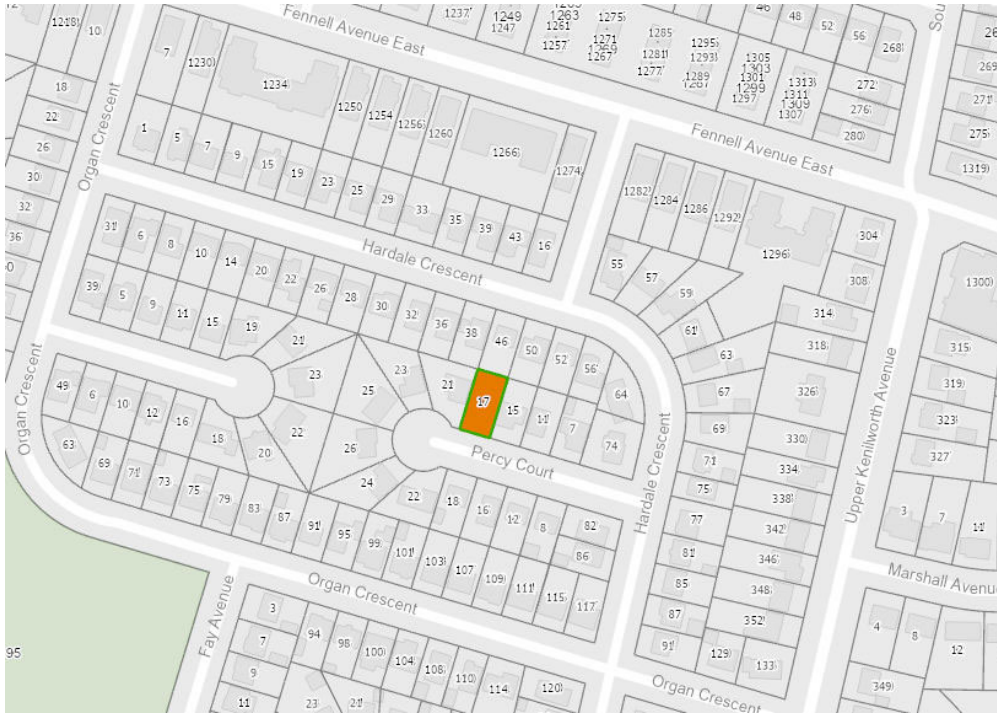
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon June 28, 2024

**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 28, 2024

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:122, 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 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: June 13, 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

## COMMITTEE OF ADJUSTMENT

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

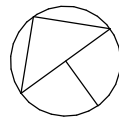
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

##### 2. In person Oral Submissions

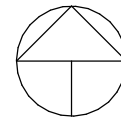
Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than 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.



TRUE NORTH



PROJECT NORTH



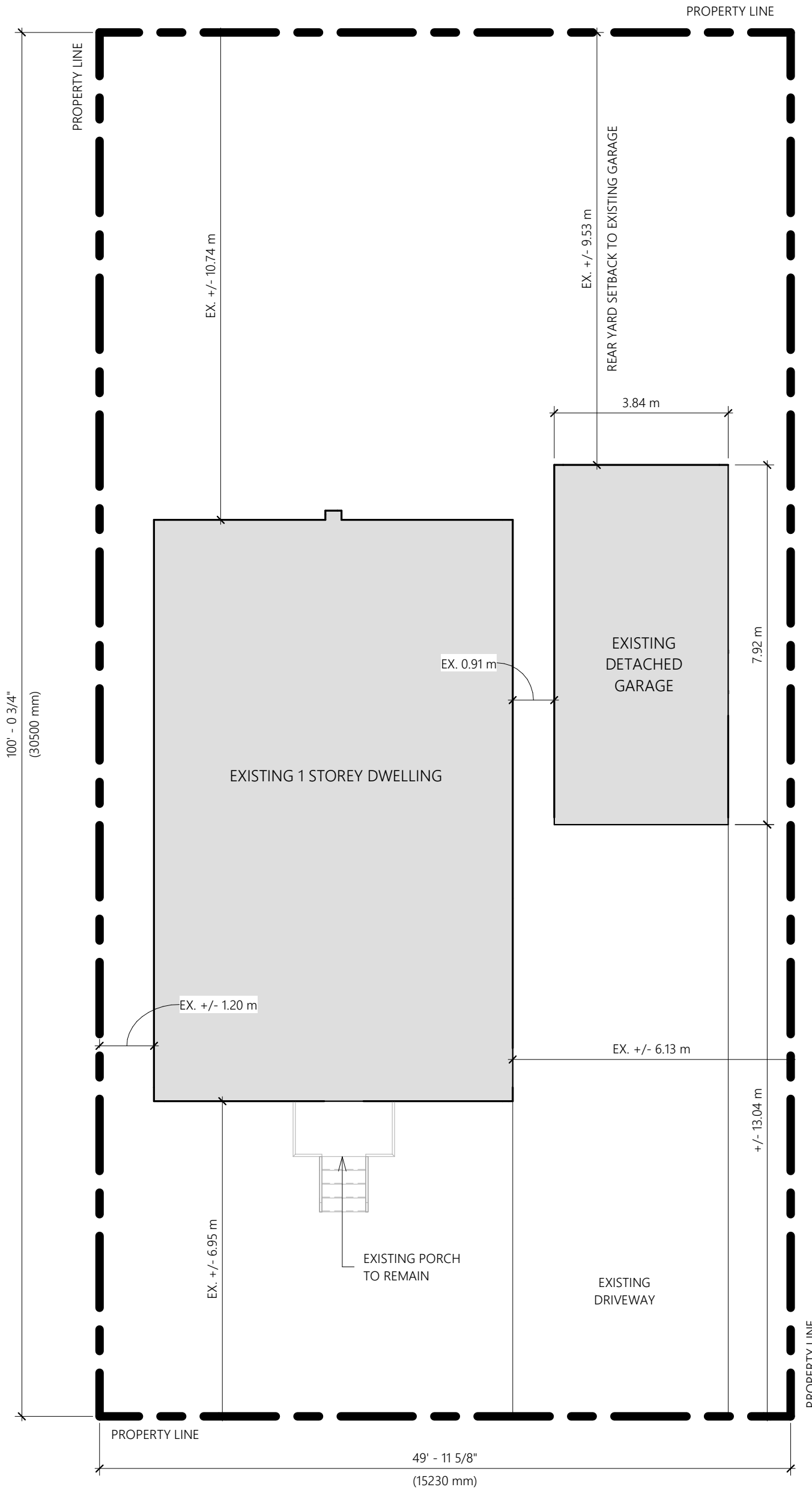
Sarah Brown Home Design Inc.

5780 Highway 3, Cayuga

Ontario N0A 1E0

Phone: 289-776-6303

Email: sarah@sbrhomedesigninc.com



PROJECT:  
CAHIGAS RESIDENCE

PROJECT ADDRESS:  
17 PERCY COURT  
HAMILTON, ON  
L8T 1W7

SHEET SIZE:  
11 x 17

SCALE:  
1 : 100

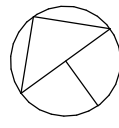
DRAWN BY:  
SB

PROJECT NO.:  
24.005

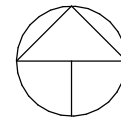
DATE:  
MAY 9, 2024

DRAWING NAME:  
EXISTING SITE PLAN

SHEET NO.:  
SK1



TRUE NORTH



PROJECT NORTH



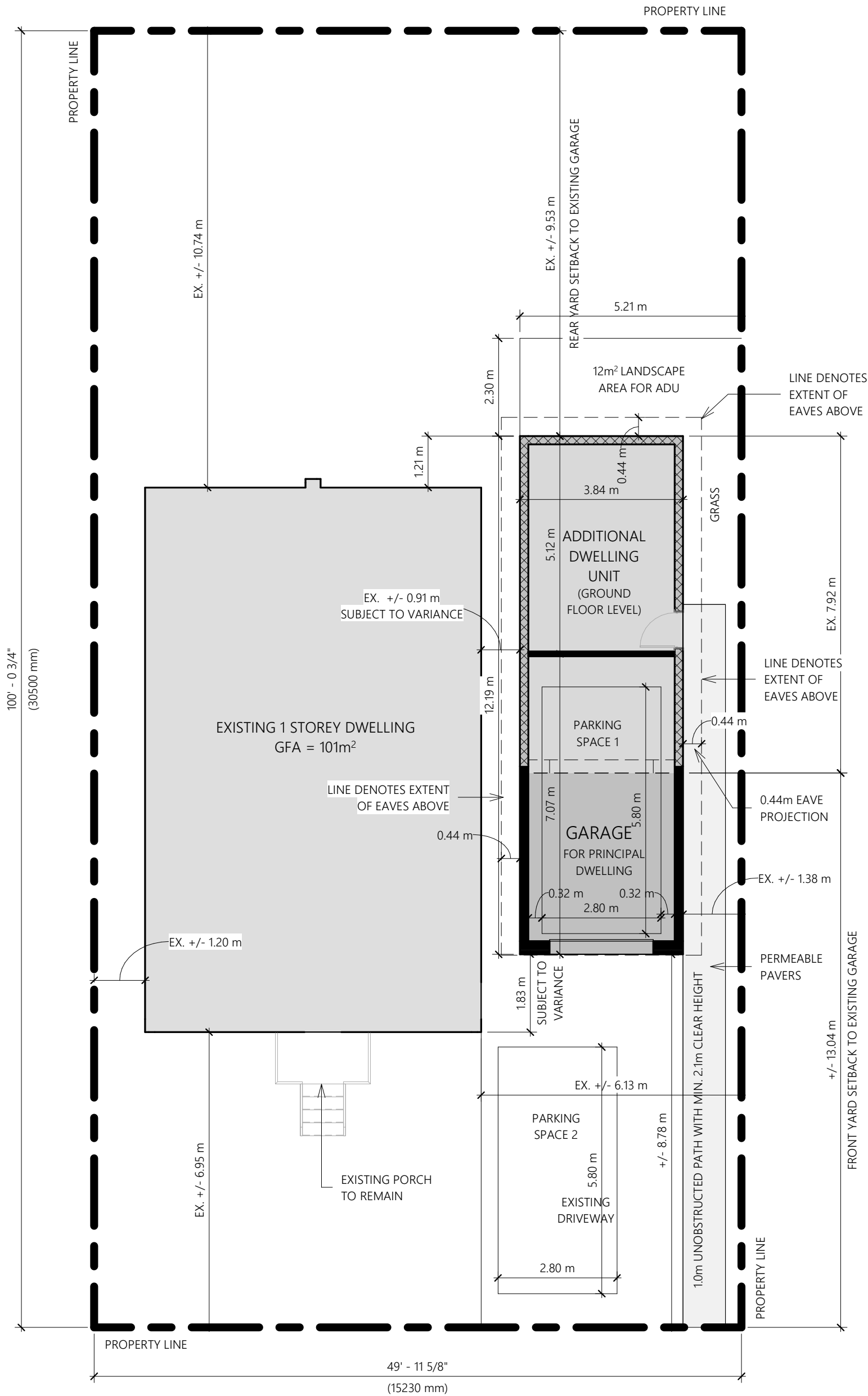
Sarah Brown Home Design Inc.

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Phone: 289-776-6303

Email: sarah@sbhomedesigninc.com



PROJECT:  
CAHIGAS RESIDENCE

PROJECT ADDRESS:  
17 PERCY COURT  
HAMILTON, ON  
L8T 1W7

SHEET SIZE:  
11 x 17

SCALE:  
As indicated

DRAWN BY:  
SB

PROJECT NO.:  
24.005

DATE:  
MAY 9, 2024

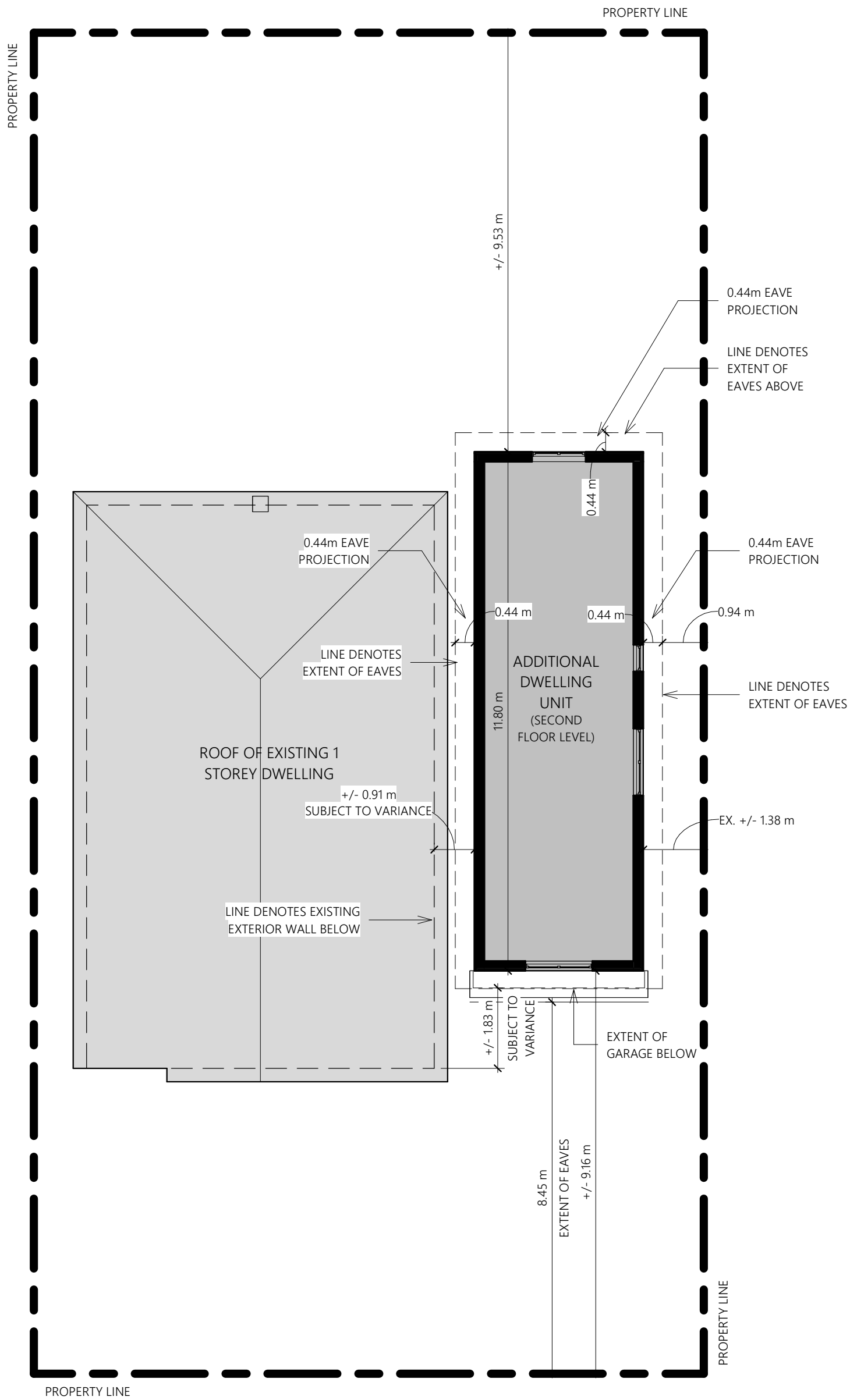
DRAWING NAME:  
GROUND LEVEL SITE  
PLAN

SHEET NO.:

| PARKING (PRA 2)            | REQUIRED                           | PROVIDED                   |
|----------------------------|------------------------------------|----------------------------|
| PRINCIPAL DWELLING         | 1 SPACE                            | 1 SPACE<br>(WITHIN GARAGE) |
| DETACHED ADDITION DWELLING | NO SPACES ARE<br>REQUIRED IN PRA 2 | 1 SPACE                    |

| GFA OF DETACHED ADU   |                          |
|---|--------------------------|
| GROUND FLOOR  | 20m <sup>2</sup>         |
| SECOND FLOOR  | 45.3m <sup>2</sup>       |
| <b>TOTAL</b>  | <b>65.3m<sup>2</sup></b> |
| * TOTAL GFA EXCLUDED GARAGE AREA                                  |                          |
| GFA OF PRINCIPAL DWELLING = 101m <sup>2</sup>                     |                          |
| MAX. GFA OF ADU IS 70% OF PRINCIPAL DWELLING = 70.7m <sup>2</sup> |                          |

SK2



PROJECT:  
CAHIGAS RESIDENCE

PROJECT ADDRESS:  
17 PERCY COURT  
HAMILTON, ON  
L8T 1W7

SHEET SIZE:  
11 x 17

SCALE:  
1 : 100

DRAWN BY:  
SB

PROJECT NO.:  
24.005

DATE:  
MAY 9, 2024

DRAWING NAME:  
SECOND LEVEL SITE  
PLAN

SHEET NO.:  
**SK3**

PROJECT:  
 CAHIGAS RESIDENCE

PROJECT ADDRESS:  
 17 PERCY COURT  
 HAMILTON, ON  
 L8T 1W7

SHEET SIZE:  
 11 x 17

SCALE:  
 1 : 100

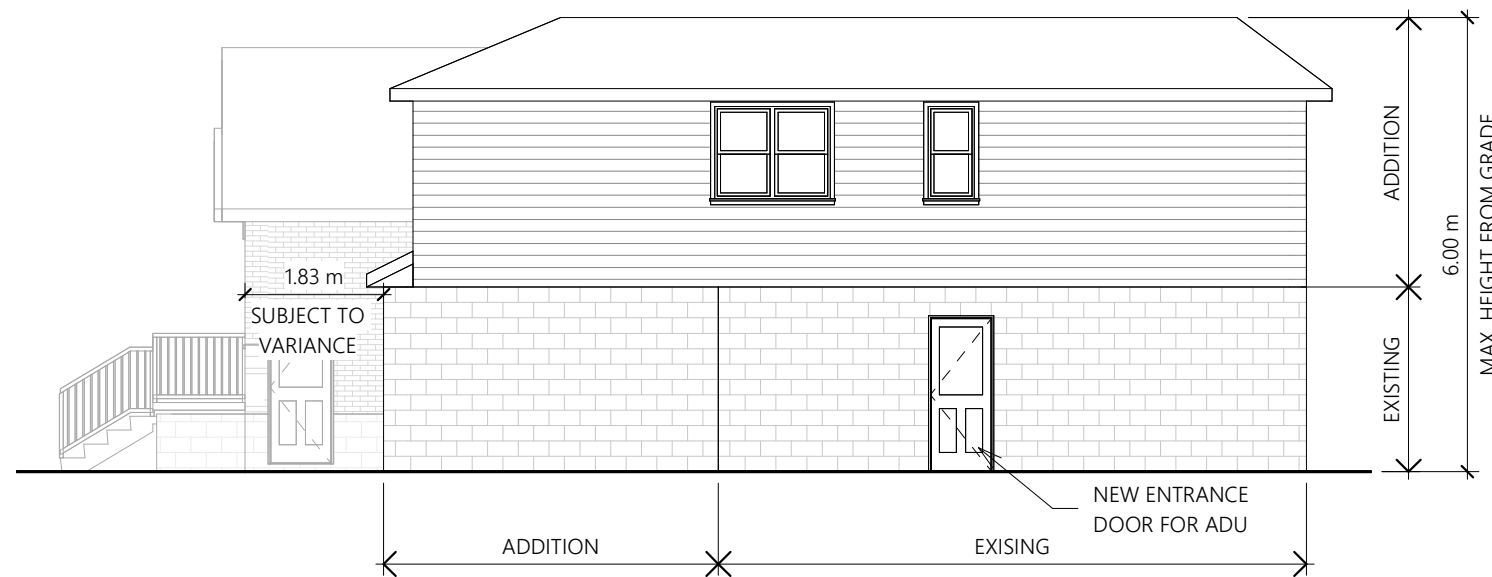
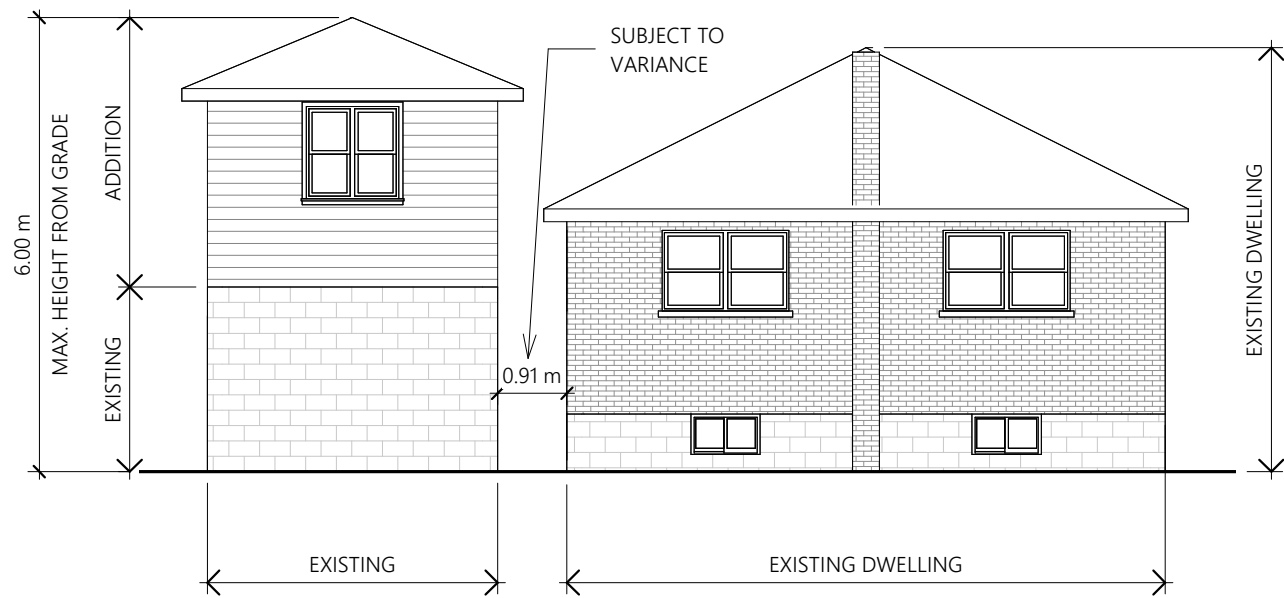
DRAWN BY:  
 SB

PROJECT NO.:  
 24.005

DATE:  
 MAY 9, 2024

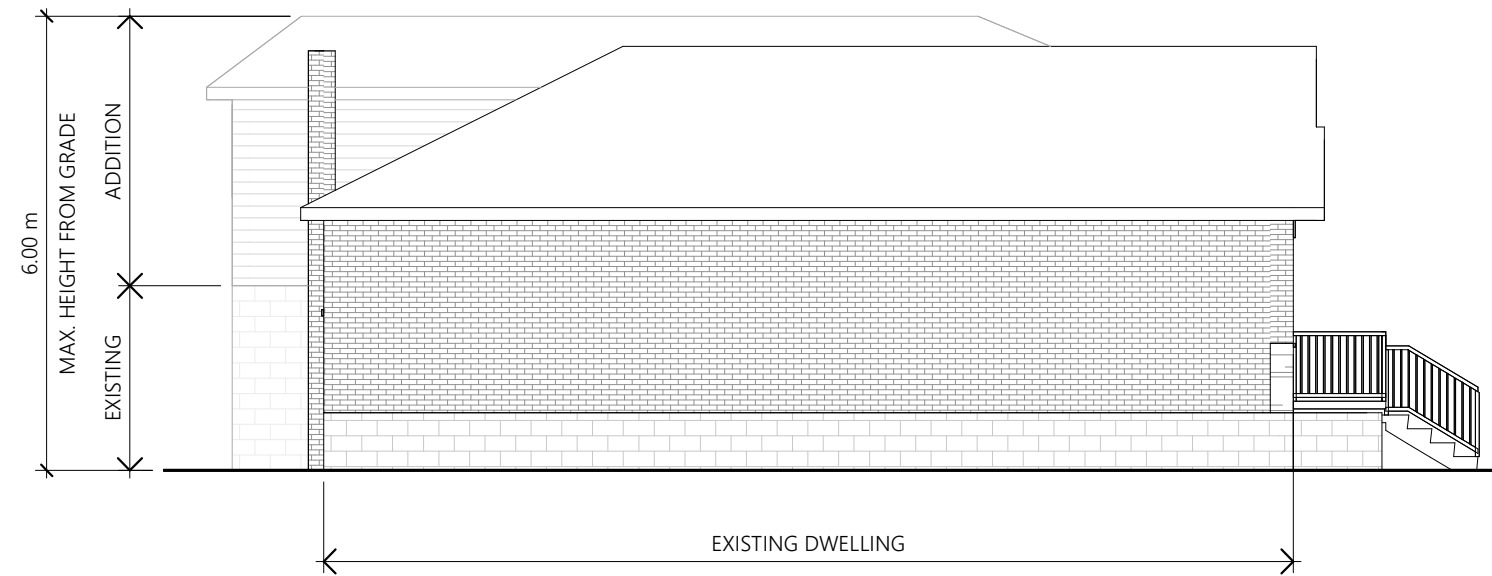
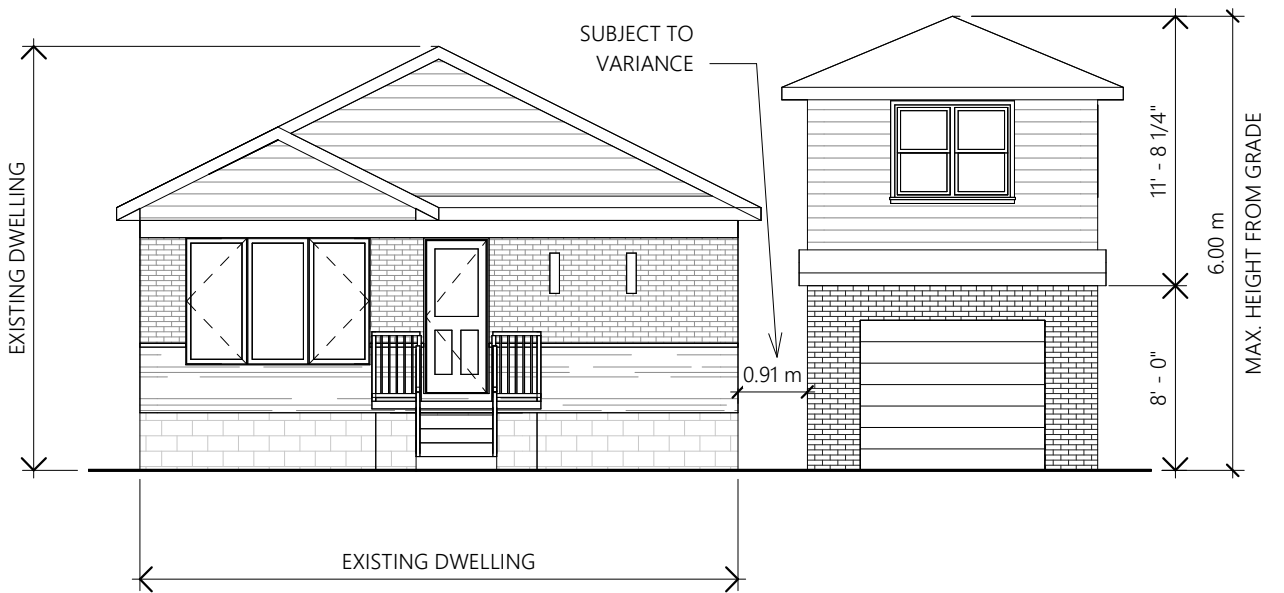
DRAWING NAME:  
 ELEVATIONS

SHEET NO.:  
 SK4



1 NORTH ELEVATION  
 1: 100

2 EAST ELEVATION  
 1: 100



3 SOUTH ELEVATION  
 1: 100

4 WEST ELEVATION  
 1: 100





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Committee of Adjustment

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

71 Main St. W.,

Hamilton, ON L8P4Y5

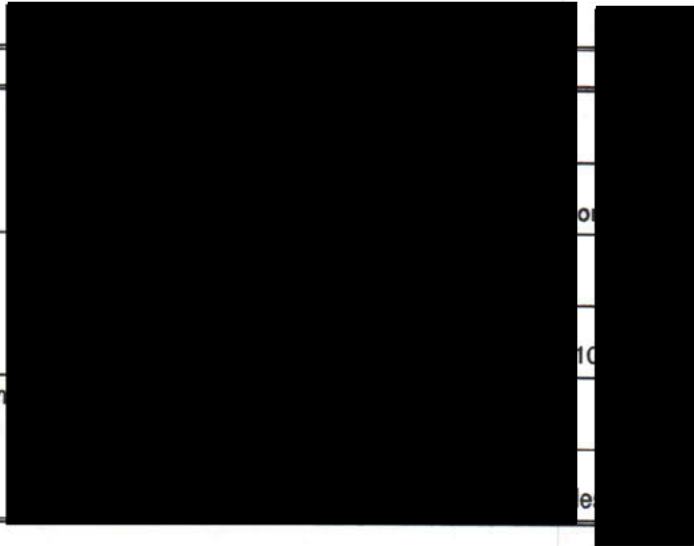
Phone: (905) 546-2424 ext. 4221

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  |
|-----------------------------|---|
| <b>Registered Owners(s)</b> | Emmanuel Cahigas<br>Joanna Cahigas            |
| <b>Applicant(s)</b>         | Emmanuel Cahigas<br>Joanna Cahigas            |
| <b>Agent or Solicitor</b>   | Sarah Brown Home Design<br>Inc. - Sarah Brown |



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         | 17 Percy Court Hamilton, ON L8T 1W7 |            |  |
| Assessment Roll Number    |                                     |            |  |
| Former Municipality       |                                     |            |  |
| Lot                       |                                     | Concession |  |
| Registered Plan Number    |                                     | Lot(s)     |  |
| Reference Plan Number (s) |                                     | Part(s)    |  |

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes  No

If YES, describe the easement or covenant and its effect:

## 3. PURPOSE OF THE APPLICATION

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

To construct an addition onto the front of an existing detached single car garage for a new garage for the principal dwelling, covert part of the existing single car garage with a new 2nd floor addition to a detached Additional Dwelling Unit (ADU).  
Distance between the existing principal dwelling and the existing garage is 0.9m rather than the required 4.0m  
Front facade of garage addition and 2nd floor of ADU is set back 1.83m from front facade of principal dwelling rather than the required 5.0m

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

The distance between the existing principal dwelling and the existing garage is 0.9m and will be maintained. The width of the site and the location of the existing garage will not allow for a 4.0m separation between the two buildings.  
To achieve a reasonable interior depth for the garage addition and adequate living space for the ADU, the distance from the front facade of the house cannot be 5.0m

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 |
|--------------|-----------|------------------------|-----------------|
| +/-15.23m    | +/-30.5m  | +/-464.5m <sup>2</sup> | 20m             |

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 Family Dwelling     | +/-6.95m           | +/-10.74m         | +/-6.13m (East) & +/-1.2m (West) | 05/13/1954           |
| Detached single car garage | +/-13.04m          | +/-9.53m          | +/-1.38m (East) & 0.91m          | 05/13/1954           |
|                            |                    |                   |                                  |                      |
|                            |                    |                   |                                  |                      |

Proposed:

| Type of Structure | Front Yard Setback | Rear Yard Setback | Side Yard Setbacks      | Date of Construction |
|-------------------|--------------------|-------------------|-------------------------|----------------------|
| Garage/ADU        | +/-8.78m           | +/-9.53m          | +/-1.38m (East) & 0.91m |                      |
|                   |                    |                   |                         |                      |
|                   |                    |                   |                         |                      |
|                   |                    |                   |                         |                      |

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 Family Dwelling     | +/-101.3m <sup>2</sup> | +/-101.3m <sup>2</sup> | 1                 | +/-5.6m  |
| Detached single car garage | 30.4m <sup>2</sup>     | 30.4m <sup>2</sup>     | 1                 | +/- 3.6m |
|                            |                        |                        |                   |          |
|                            |                        |                        |                   |          |

Proposed:

| Type of Structure | Ground Floor Area  | Gross Floor Area   | Number of Storeys | Height |
|-------------------|--------------------|--------------------|-------------------|--------|
| Garage/ADU        | 46.8m <sup>2</sup> | 92.9m <sup>2</sup> | 2                 | 6.0m   |
|                   |                    |                    |                   |        |
|                   |                    |                    |                   |        |
|                   |                    |                    |                   |        |

- 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 and Additional dwelling unit (ADU)
- 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:  
 November 30, 2018
- 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:  
 70 years

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) Neighbourhoods

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

7.6 What is the existing zoning of the subject land? R1 - Low Density Residential

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: \_\_\_\_\_

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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):

## 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
- \_\_\_\_\_
- \_\_\_\_\_