



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	A-24:135	SUBJECT PROPERTY:	84 St. Margarets Road, Ancaster
ZONE:	“ER-201” (Existing Residential)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended 18-105

APPLICANTS: Owner: Herman and Rose Ciardullo
Agent: Bousfields Inc. c/o David Falletta

The following variances are requested:

1. A minimum side yard setback of 2.0m shall be permitted instead of the minimum 3.0m side yard required.

PURPOSE & EFFECT: To facilitate the construction of a two-storey single detached dwelling.

Notes:

The applicant shall ensure that a minimum of one meter within the side yard and rear yard shall be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material and landscaping other than sod; otherwise, further variances shall be required.

The applicant shall ensure that the maximum permitted height of 9.5m is not exceeded. No elevation plans were provided; however, the applicant confirms that a height of 9.37m is proposed.

The applicant shall ensure that no balconies or decks and enclosed porches are proposed above the first storey within any side yard; otherwise, further variances shall be required.

The applicant shall ensure that parking within the private garage shall maintain a minimum size of 3.5m x 6.0m and that any parking space within the private driveway shall maintain a minimum size of 3.0m x 5.8m; otherwise, further variances shall be required.

The applicant shall ensure that eaves and gutters encroachments do not exceed the maximum 60.0cm

A-24:135

into a minimum side yard or not more than 1.5m into the minimum front yard; otherwise, further variances shall be required.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Tuesday, July 2, 2024
TIME:	2:20 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon 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-24:135, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



DATED: June 13, 2024

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public, and may include posting electronic versions.



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PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

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

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

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

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than 10 minutes** before the time of the Public Hearing as noted on the Notice of Public Hearing.

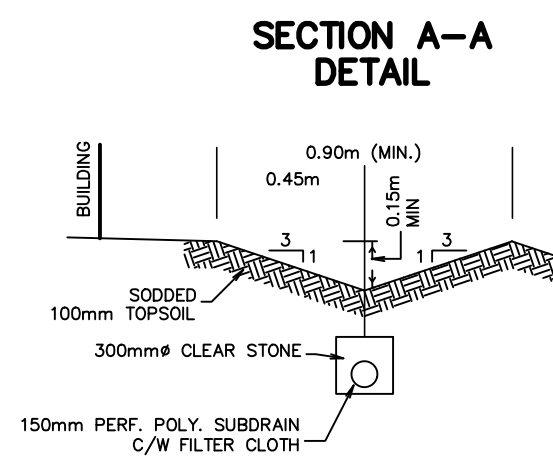
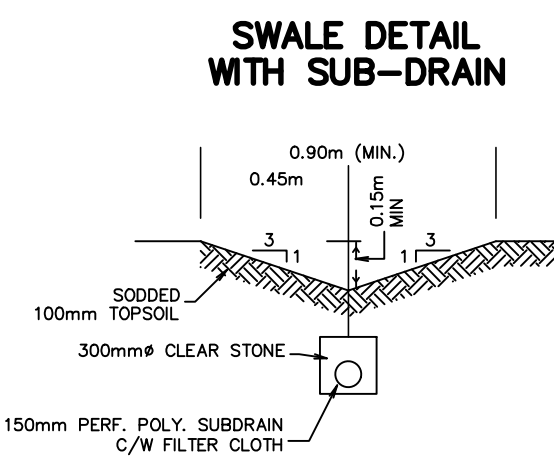
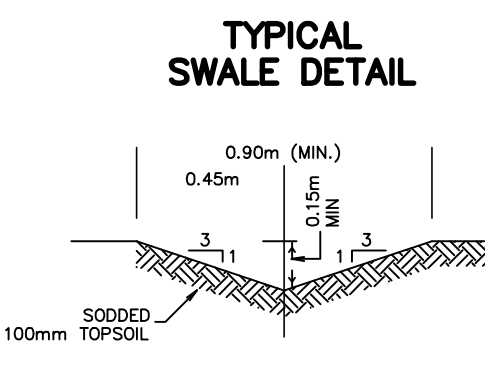
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-977-1654.

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.

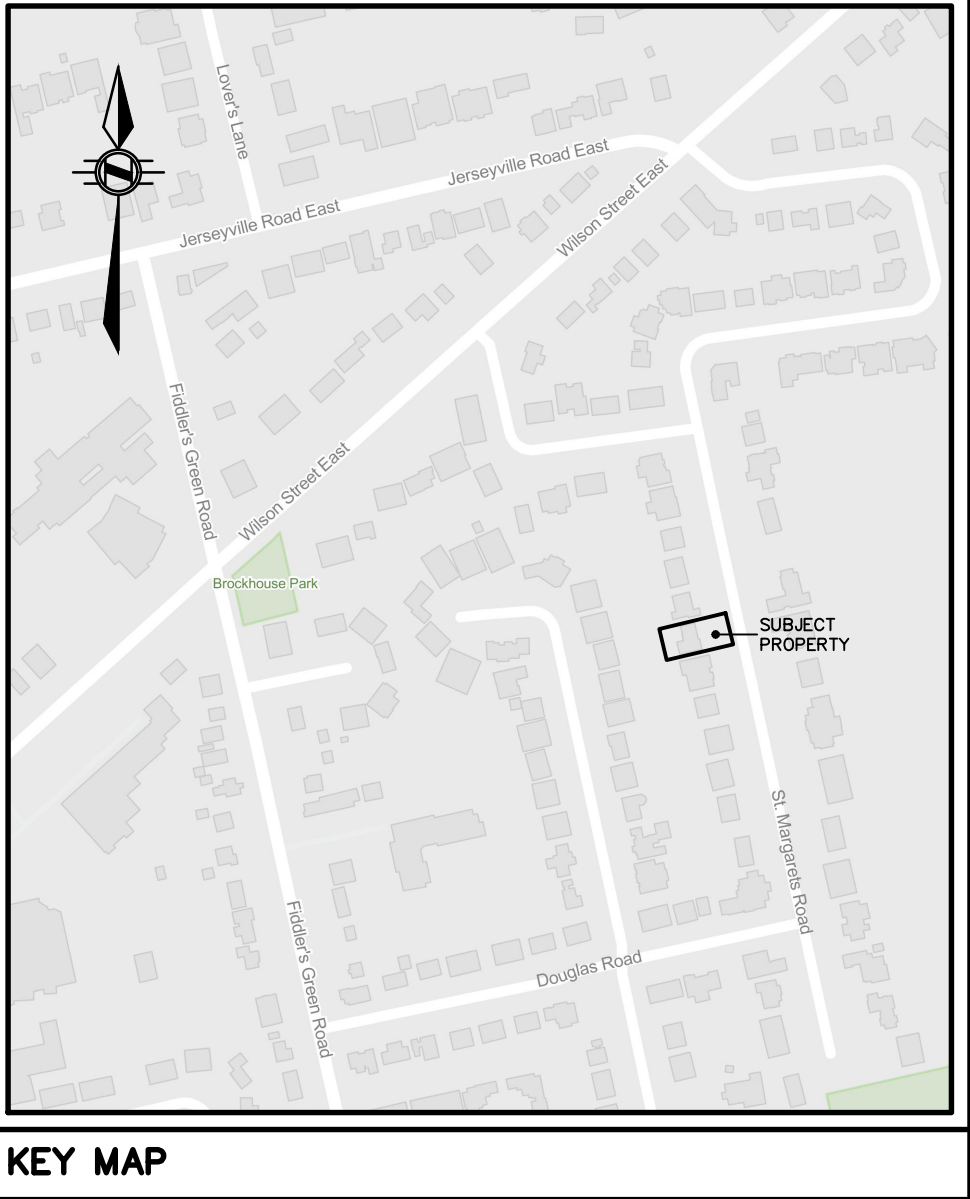
SITE AND GRADING PLAN
OF
LOT 6
REGISTERED PLAN 818
IN THE
CITY OF HAMILTON

SCALE 1:150 METRIC

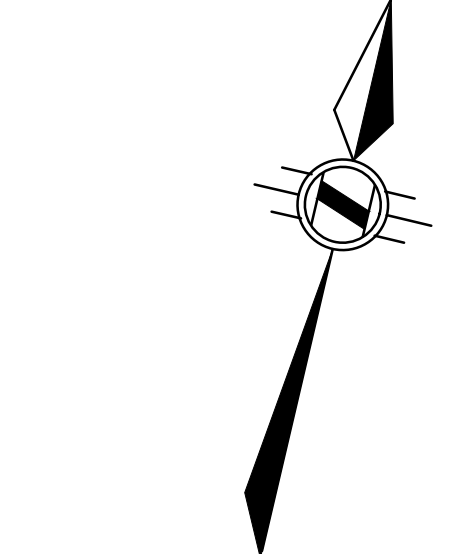
R.A. McLAREN, O.L.S. - 2024



ST. MARGARETS ROAD

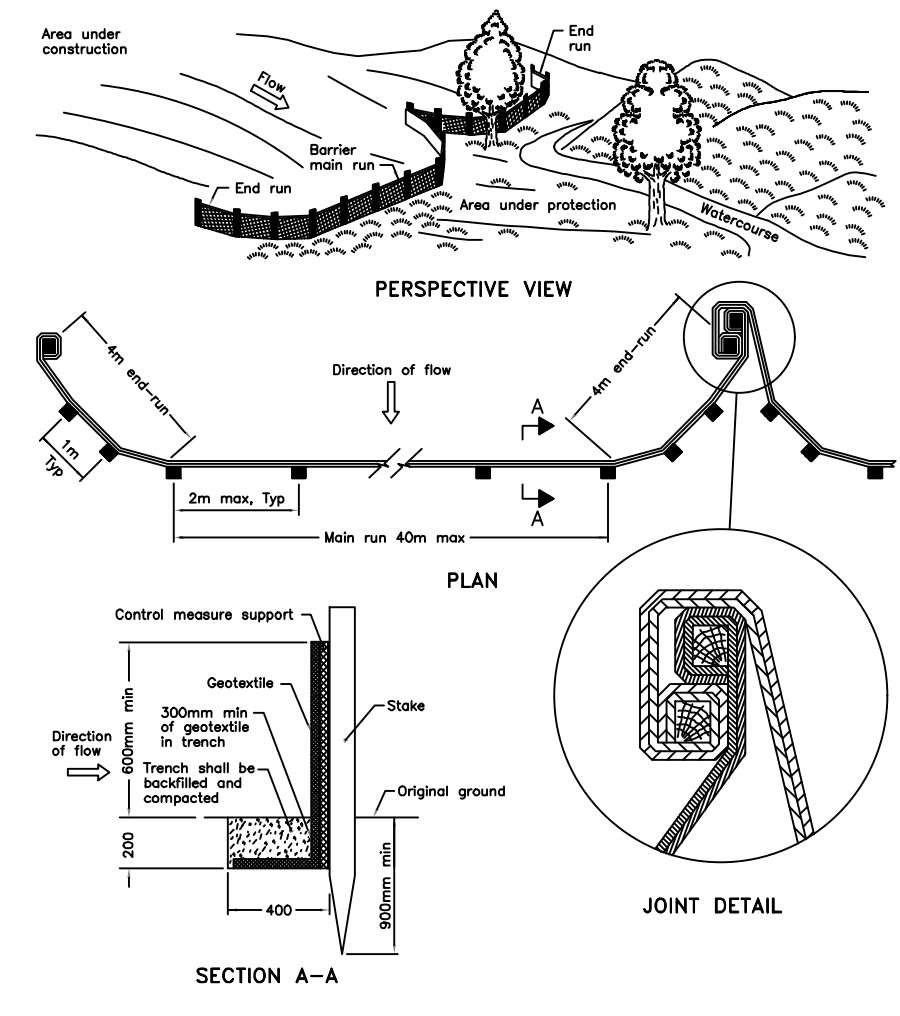


KEY MAP



NOTES:
UNDERGROUND SERVICE AND UTILITY LOCATIONS WERE LOCATED BY KILBORN ENGINEERING LTD. DRAWING No. 829-140-333 AND CITY OF HAMILTON ENGINEERING DRAWING 07-W-22 SHEET 2 OF 4.
UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION
INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION
U/S FOOTINGS TO BE MINIMUM OF 1.2m BELOW FINISHED GRADE.
IF ANY TIES ARE LESS THAN 1.2m NO WINDOWS OR DOORS CAN EXIST ON THAT SIDE.

HEAVY DUTY SILT FENCE BARRIER
OPSD 219.130
(NOT TO SCALE)



LEGEND:

- DENOTES MONUMENT SET
- IB MONUMENT FOUND
- OC PLASTIC BAR
- OC CUT CROSS
- SIB STANDARD IRON BAR
- SIBB SHORT STANDARD IRON BAR
- 655 J.T. PETERS, O.L.S.
- 824 A.T. McLAREN, O.L.S.
- 912 A.J. CLARKE, O.L.S.
- OJ ORIGIN UNKNOWN
- MND MEASURED
- P1 PLAN 818
- P2 PLAN BY A.T. McLAREN, O.L.S. DATED AUGUST 19, 2019
- NM HYDRO METER
- CBFW CONCRETE BLOCK RETAINING WALL
- CBK CONCRETE BLOCK
- MF METAL FENCE
- CL CENTRELINE
- DS DOOR SILL
- GF GARAGE FLOOR
- FI FIRE HYDRANT
- MND MANHOLE
- INV INVERT
- EVD EVERGREEN
- Φ DIAMETER
- ≠ NOT TO SCALE
- 0000.00 EXISTING ELEVATION
- 0000.00 PROPOSED ELEVATION
- DIRECTION OF FLOW
- PROPOSED SWALE
- SW SWALE
- RISER
- WATER METER
- DOWNSPOUT DISCHARGE
- TOP OF WALL
- BW BOTTOM OF WALL

ZONING BY-LAW REQUIREMENTS

MUNICIPALITY: CITY OF HAMILTON
ADDRESS: 84 ST. MARGARETS ROAD
ZONING BY-LAW: BY-LAW NO. 87-57
ZONING: ER-201 (EXISTING RESIDENTIAL ZONE)
NO. OF STOREYS: 2 STOREYS

ZONING: LOT FRONTAGE, AREA, YARDS

	REQUIRED	PROVIDED
LOT FRONTAGE	18M (MIN)	22.86M
LOT AREA	695 SQ.M. (MIN)	1,114.80 SQ.M.
LOT COVERAGE	35% (MAX)	33.5%
NORTHERLY SIDE YARD	3M* (MIN)	2.00 (VARIANCE REQUIRED)
SOUTHERLY SIDE YARD	3M* (MIN)	2.20 (VARIANCE REQUIRED)
FRONT YARD	10.64M* (MIN)	10.70M
REAR YARD	17.07M (MIN)	17.13M
BUILDING HEIGHT	9.5M (MAX)	9.37M

BENCHMARK:
MONUMENT 0011975U072

DEEP BENCH MARK IN MANHOLE AT ANCASTER MUNICIPAL BUILDING, ALONG WILSON STREET 0.8 KM WEST OF INTERSECTION WITH MOHAWK ROAD, IN FRONT LAWN 28.6 M SOUTH OF CENTRE LINE OF WILSON STREET, 6.1 M SOUTH OF MOST EASTERLY OF TWO FLAG POLES, 4.9 M EAST OF NORTHEAST CORNER OF MOST NORTHERLY SECTION OF BUILDING, 2.4 M NORTH OF BRICK PILLAR BETWEEN WINDOWS, AT ROAD LEVEL.
ELEVATION: 235.951 metres CGVD-1928:1978

BUILDING HEIGHT NOTE:
BUILDING HEIGHT WAS CALCULATED AS THE VERTICAL DISTANCE MEASURED IN LINEAR METERS BETWEEN GRADE AND THE UPPERMOST POINT OF THE BUILDING.

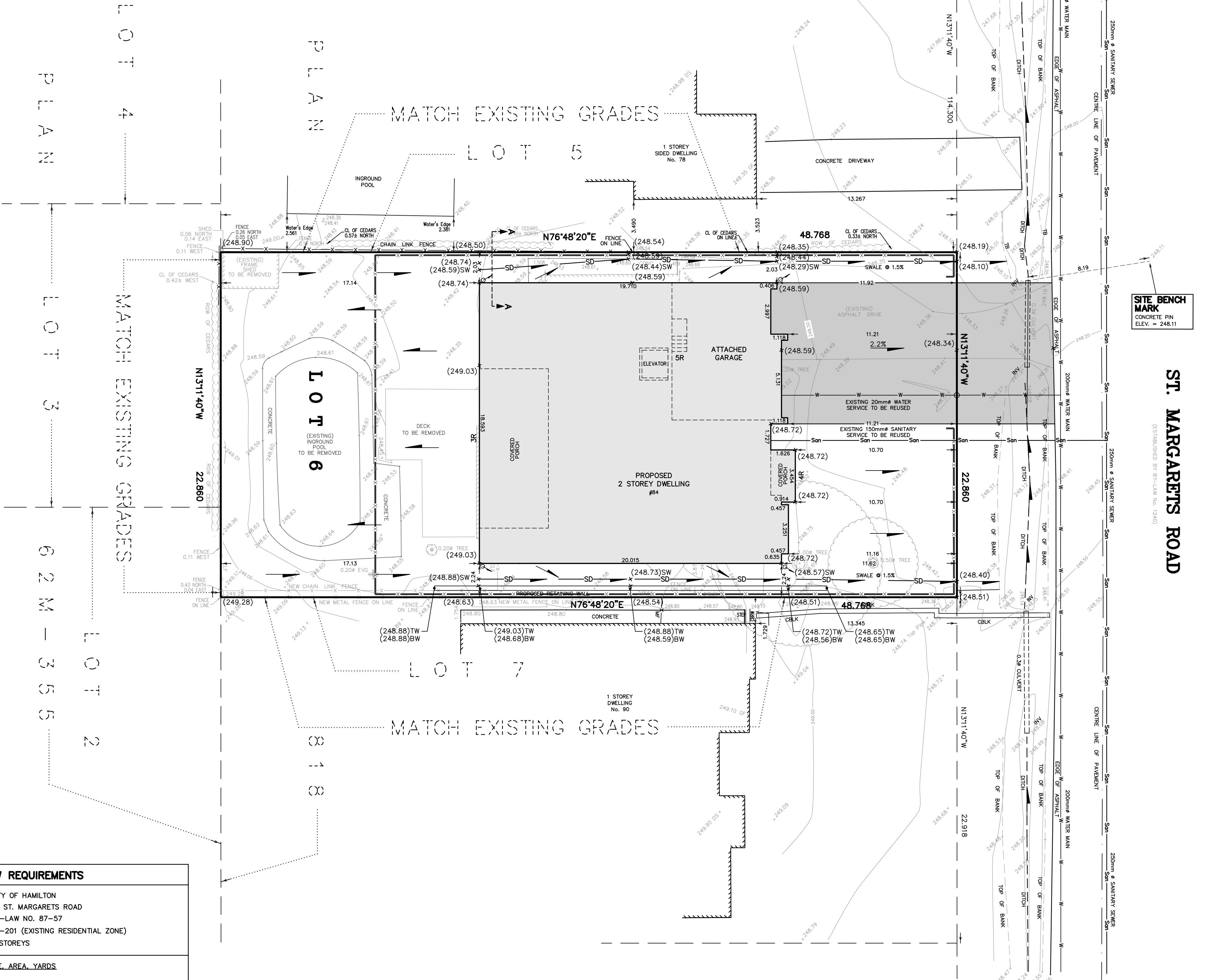
GRADE BEING DEFINED AS THE AVERAGE LEVEL OF THE PROPOSED OR FINISHED GROUND ADJOINING A BUILDING, CALCULATED ALONG THE PERIMETER OF ALL EXTERIOR WALLS.

FIRST FLOOR GRADE	DIFF IN GRADE	ACTUAL HEIGHT
249.59	- 248.72 = 0.87	8.50 + 0.87 = 9.37
	MAX.	= 9.50

PROPOSED HOUSE ELEVATIONS:

GARAGE FLOOR =	248.59
TOP OF FOUNDATION =	249.18
FIRST FLOOR =	249.59
BASEMENT FLOOR =	246.49
U/S OF FOOTING =	246.24
LOT AREA =	1114.8m ²
LOT COVERAGE =	33.5%

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



- GENERAL GRADING NOTES**
- ALONG ADJOINING PROPERTIES GRADE TO MEET EXISTING OR PROPOSED ELEVATIONS WITH SODDED SLOPES (MIN. 3H TO 1V) AND/OR RETAINING WALLS AS SPECIFIED.
 - ALL RETAINING WALLS, WALKWAYS, CURBS, ETC., SHALL BE PLACED A MIN. OF 0.45M OFF THE PROPERTY LINE. ALL WALLS 1.0M OR HIGHER SHALL BE DESIGNED BY A P.E.N.C.
 - SHOULD A RETAINING WALL BE REQUIRED, THE TOP OF WALL ELEVATIONS SHALL BE SET 150MM ABOVE THE PROPOSED SIDE YARD SWALES.
 - RETAINING WALLS 0.6M IN HEIGHT OR GREATER REQUIRE CONSTRUCTION OF A FENCE OR GUARD RAIL. THE TOP OF THE REAR OF THE WALL GUARDS FOR RETAINING WALLS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF EXTERIOR GUARDS AS CONTAINED IN THE ONTARIO BUILDING CODE.
 - SLOPES OF SWALES FOR BOTH "BACK TO FRONT" AND "SPILT" DRAINAGE SHALL BE NO LESS THAN 2.0% GRADE AND NO GREATER THAN 33% GRADE (3:1 SLOPES).
 - WHEN MATCHING TO EXISTING PROPERTIES WHERE A 2.0% GRADE CANNOT BE ACHIEVED, A 1.5% GRADE IS PERMITTED PROVIDED A 150MM SUB-DRAIN IS INSTALLED BELOW THE BOTTOM OF THE SWALE AND DRAINED TO A SUITABLE OUTLET (WITH A MINIMUM 0.3M COVER OVER THE SUB-DRAIN), OR OTHER MITIGATION MEASURES.
 - MINIMUM GRADE FOR A WRAP-AROUND SWALE IN THE BACKYARD SHALL BE 1.0%.
 - UNLESS OTHERWISE NOTED, THE GROUND BETWEEN PROPOSED ELEVATIONS ON SIDE LOTS SHALL BE GRADED AS A STRAIGHT LINE ABOVE FINISHED GRADE.
 - TOP OF FOUNDATION WALLS FOR BUILDINGS SHALL BE 150MM (MIN) ABOVE FINISHED GRADE.
 - DRIVEWAY SLOPES SHALL NOT BE LESS THAN 2% AND NOT MORE THAN 7.0% REVERSED SLOPED DRIVEWAYS IN NEW DEVELOPMENTS ARE NOT PERMITTED.
 - GARAGE FLOOR ELEV. TO BE SET MINIMUM 0.3M HIGHER THAN BACK OF WALK, UNLESS OTHERWISE SPECIFIED.
 - ALL FILL PLACED ON LOTS SHALL BE COMPACTED TO A MINIMUM 95% SPD (UNLESS OTHERWISE RECOMMENDED BY THE GEOTECHNICAL ENGINEER). ALL MATERIAL SHALL BE PLACED IN LAYERS NOT EXCEEDING 300MM LIFT.
 - FOR DELINEATION OF TREE PROTECTION ZONES, BUFFERS, REMOVALS AND PROTECTION SCHEMATICS, ETC., REFER TO TREE PROTECTION PLAN.
 - LOT GRADING FOR ALL LOTS IN THE SUBDIVISION SHALL CONFORM STRICTLY WITH THIS PLAN. ANY CHANGES, UNLESS APPROVED PRIOR TO CONSTRUCTION BY THE CITY, SHALL RESULT IN NON ACCEPTANCE OF THE SUBDIVISION BY THE CITY.
 - IF GRADING IS REQUIRED ON LANDS ADJACENT TO THE DEVELOPMENT WHICH ARE NOT OWNED BY THE DEVELOPER, THEN THE DEVELOPER MUST OBTAIN WRITTEN PERMISSION FROM THE ADJACENT PROPERTY OWNER TO ALLOW THE DEVELOPER TO GRADE ON THE ADJACENT LANDS, OTHERWISE RETAINING WALLS MUST BE USED.
 - THE WRITTEN PERMISSION REQUIRED FROM THE ADJACENT LANDOWNER SHALL BE OBTAINED PRIOR TO ENTERING THE LANDS. SHOULD PERMISSION NOT BE OBTAINED OR IS WITHDRAWN PRIOR TO COMMENCING THE WORK, THEN THE DEVELOPER SHALL LIMIT HIS ACTIVITIES TO THE LIMITS OF THE DEVELOPMENT SITE.
 - DRIVEWAY AND DRIVEWAY APPROACHES SHALL BE LOCATED SUCH THAT HYDRO VAULTS AND OTHER STREET FURNITURE ARE A MIN. OF 1.2M FROM THE PROJECTIONS OF THE OUTSIDE GARAGE WALLS.

- BACKYARD GRADING NOTES**
- DEFINITION: "REQUIRED BACK YARD" SHALL MEAN THE LESSER OF THE DISTANCE REGULATED BY THE ZONING BY-LAW OR 6M.
 - THE MAXIMUM SLOPE IN THE BACK YARD ADJACENT TO THE BUILDING FOR A DISTANCE EQUAL TO THE REQUIRED BACK YARD SHALL BE 5%, EXCEPT AS SET OUT IN ITEMS BELOW.
 - THE 5% RESTRICTION SHALL NOT APPLY TO THE SIDES OF A SWALE ALONG THE SIDES OR BACK OF THE LOT, PROVIDING THE TOTAL WIDTH OF THE SWALE SHALL NOT EXCEED ONE (1) METRE ON EACH LOT.
 - WHERE THE 5% RESTRICTION ON THE BACKYARD GRADES RESULTS IN ELEVATION DIFFERENCES BETWEEN DIFFERENT PROPERTIES, RETAINING WALLS SHALL BE CONSTRUCTED ALONG THE SIDES AND THE BACK OF THE LOT. SLOPES WITH A MAXIMUM OF THREE HORIZONTAL TO ONE VERTICAL MAY REPLACE THE WALLS WHERE THE DIFFERENCE IN ELEVATION IS LESS THAN 0.3M.
 - GENERALLY, SLOPES SHALL BE PLACED ON THE LOWER LOT, WHEREAS RETAINING WALLS SHALL BE PLACED ON THE HIGHER LANDS.
 - THE 5% RESTRICTION DOES NOT PRECLUDE RETAINING WALLS IN THE REQUIRED BACKYARDS PROVIDING THE TERRACES ARE MAINTAINED TO THE 5% GRADE AS SET OUT IN ITEM B) ABOVE. THE INTENTION OF THIS PROVISION IS TO PROVIDE FOR FLEXIBILITY OF HOUSE CONSTRUCTION.
 - THERE IS NO CONTROL ON THE STEEPNESS OF THE SLOPES IN SIDE YARDS, FRONT YARDS AND BACK YARDS, OUTSIDE THE AREA DEFINED IN A) ABOVE, PROVIDING THE SLOPES ARE STABLE FOR THE SOILS OF THE AREA (MINIMUM 3H:1V).

ROOFWATER LEADERS
ALL ROOFWATER LEADERS SHALL DISCHARGE ONTO SPLASH PADS AND THEN TO GRASSED OR LANDSCAPED AREAS A MIN. OF 0.6M FROM THE BUILDING FACE

SUMP PUMPS
SUMP PUMPS WITH CHECK VALVES ARE TO BE INSTALLED IN EACH DWELLING TO PUMP THE WEeping TILES TO THE STORM PRIVATE DRAIN (IF AVAILABLE). THE SUMP OUTLET SHALL EXTEND A MINIMUM OF 150MM ABOVE THE PROPOSED GRADE AT THE DWELLING (BASEMENT CEILING) PRIOR TO DISCHARGING TO THE STORM PRIVATE DRAIN

DRAFT

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2S6
PHONE (905) 527-8559 FAX (905) 527-0032

May 24, 2004

DELIVERED VIA EMAIL TO: cofa@hamilton.ca

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Jamila,

Re: *Minor Variance Application*
84 St. Margaret Road, Ancaster

On behalf of our clients Herman and Rose Ciardullo, the owners of the property municipally addressed as 84 St. Margaret Road, Ancaster in the City of Hamilton (the “**subject site**” or “**site**”), we are pleased to submit this letter in support of the enclosed minor variance application (the “**application**”). The requested Minor Variance is to facilitate the construction of a new single detached dwelling for the owners’ family. For the reasons outlined herein, it is our opinion that the requested Minor Variance meets the statutory four (4) tests established in Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13 (the “**Planning Act**”) and we recommend approval.

1.0 REQUESTED MINOR VARIANCES

One Minor Variance is proposed to reduce the minimum side yard setback, which is described as follows:

1. To permit a minimum side yard setback of 2.0 metres, whereas the Zoning By-law requires a minimum side yard setback of 3.0 metres.

2.0 SITE AND SURROUNDINGS

The following is a description of the subject site and the surrounding neighbourhood context.

2.1 Subject Site

The subject site is located on the west side of St. Margaret Road, south of Wilson Street East, and west of the Hamilton Golf and Country Club. The subject site a straight rectangle with a consistent lot width of 22.86 metres, a consistent depth of 48.768 metres, and a lot area of 1,114.8 square metres.

The subject site is currently occupied by a 1 ½-storey single detached dwelling, which includes an attached 1-storey garage, a rear deck and an inground pool in the rear yard. The site is relatively flat with a slight slope of approximately 0.59 metres from the rear to the front. With respect to existing vegetation, the site includes hedges and cedar trees along the rear and side yards as well as two mature trees in the front yard.

2.2 Surrounding Area

The subject site is located in the Greenside Acres neighbourhood of Ancaster, which is an area generally bound by Wilson Street to the north, Fiddlers Green Road to the west, Highway 403 to the south, and the Hamilton Golf and Country Club to the east. The Greenside Acres neighbourhood is a predominantly a low-rise residential neighbourhood with limited commercial uses along Wilson Street, generally made up of house form buildings that have been converted to commercial uses. The neighbourhood is predominantly made up of single detached dwellings with some higher density forms scattered along Fiddler's Green Road. The subject site is located within the interior of the neighbourhood and on St. Margaret Road, a large lot street made up entirely of single detached dwellings.

In terms of immediate surroundings, the subject site is mid-block and surrounding by single detached residential dwellings to the north, south, east and west. The lot fabric includes large lots on both the east and west side of St. Margaret, however, the lands on the east side are deeper with lot depths at approximately 75 metres, whereas the lands on the west side have lot depths of approximately 48 metres. As a result, the dwellings on the east side of the street have deeper front yard setbacks and include larger setbacks. As it relates to side yard setbacks, there is a significant variation on both sides of the street. On the west side, where the subject site is located, the side yard setbacks are smaller. In this regard, there are several locations where existing side yard setbacks are smaller than the required 3.0 metre side yard setback, this includes:

- North side yard setback of 130 St. Margaret Road – +/-2.2 m

- South side yard setback of 126 St. Margaret Road – +/-2.5 m
- North side yard setback of 108 St. Margaret Road – +/-1.8 m
- South side yard setback of 90 St. Margaret Road – +/-1.5 m
- North side yard setback of 90 St. Margaret Road – +/-1.72 m
- South side yard setback of 72 St. Margaret Road – +/-2.0 m
- North side yard setback of 60 St. Margaret Road – +/-1.5 m
- South side yard setback of 56 St. Margaret Road – +/-1.5 m

In addition to those reduced side yards identified above, the existing dwelling on the subject site has a north side yard setback of 1.5 metres.

As it relates to the subject application, our review of the surrounding build form context concludes that there are a variety of building setbacks found throughout the neighbourhood and especially on St. Margaret Road. Although the front and rear yards are generally consistent on the street, the size and shape of buildings and side yard setback are significantly varied.

3.0 PROPOSAL

The proposal includes the demolition of the existing dwelling and construction of a new 2-storey single detached residential dwelling as outlined in the site and grading plan prepared by A.T. McLaren Limited, which is provided in **Attachment 2**.

4.0 POLICY FRAMEWORK

The following is a brief overview of the Urban Hamilton Official Plan (the “**UHOP**”) and the Ancaster Zoning By-law 87-57 (the “**ZBL**”).

4.1 The UHOP

The subject site is designated *Neighbourhoods* on Schedule E-1 – Urban Land Use Designations in the UHOP.

Section 2.7 of Chapter E of the UHOP provides the *Neighbourhoods* policies and states that these areas are where the majority of Hamiltonians live, learn, shop, socialize and play. Policy E.2.7 continues and states that this designation is an all-encompassing element representing the concept of a complete community. In terms of function, Policy E.2.7.2 states that *Neighbourhoods* shall primarily consist of residential uses and

complementary facilities and services intended to serve the residents. Policy E.2.7.7 states that *Neighbourhoods* shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Section E.3.0 includes the *Neighbourhoods* designation policies and states that among other uses, residential dwellings, including second dwelling units and housing with supports are permitted (Policy E.3.2.3) and the existing character of established *Neighbourhoods* designated areas shall be maintained.

In our opinion, the proposed development and requested Minor Variance conforms to the UHOP as it seeks to redevelop the subject site with a single detached residential dwelling, which is a permitted use, and in a form that maintains the existing character of the neighbourhood.

4.2 The ZBL

The subject site is zoned Existing Residential ER-201 in the ZBL. The proposed single detached residential dwelling is a permitted use. The following is a summary of the subject proposal against the performance standards in the ZBL:

Performance Standard	Required	Provided
Minimum Lot Frontage	18 m	22.86 m
Minimum Lot Area	695 sq. m.	1,114.8 sq. m.
Maximum Lot Coverage	35%	33.5%
<i>Minimum North Side Yard</i>	3 m	2.0
<i>Minimum South Side Yard</i>	3 m	2.2
Minimum Front Yard	10.64 m	10.7 m
Minimum Rear Yard	17.07 m	17.13 m
Maximum Building Height	9.5 m	9.37 m

The subject proposal does not meet the minimum side yard setback and, as such, the subject application seeks to vary the ZBL in this regard.

5.0 RATIONALE FOR THE VARIANCES

Section 45(1) of the Planning Act authorizes the Committee of Adjustment the authority to grant a minor variance from the provisions of the by-law, in respect of the land, building or structure, or the use thereof, if, in its opinion, it meets the four test tests set out in Section 45(1), namely: (1): they maintain the general intent and purpose of the Official Plan; (2)

they maintain the general intent and purpose of the Zoning By-law; (3) they are minor in nature; and (4) they are desirable for the appropriate development and use of the lands. As described below, it is our opinion that the requested variances satisfy these four tests.

5.1 Test 1 – General Intent and Purpose of the Official Plan

As outlined in Section 4.1, the subject site is designated *Neighbourhoods* in the UHOP. As the proposal seeks to replace an existing single detached residential dwelling with a new one in a form that maintains the character of the neighbourhood, it is our opinion that the proposal conforms to and maintains the general intent and purpose of the UHOP. With respect to character, the proposed Minor Variance would allow for a slightly reduced side yard setback, which in our opinion would not impact the neighbourhood character, since there are several locations within the neighbourhood and on the subject site's street where similar reduced side yard setbacks exists. As such, it is our opinion that the proposal meets the first test.

5.2 Test 2 – General Intent and Purpose of the Zoning By-law

The general intent and purpose of the Zoning By-law is to require minimum side yard setbacks in order to provide sufficient space for grading and drainage and to maintain a streetscape character with consistent building setbacks. Attachment 2 illustrates that there is sufficient space for grading and drainage and includes details regarding the proposed swale and grading design. In addition, a more detailed review will be completed as part of the required building permit process. As it relates to streetscape character, it is our opinion that the slight reduction in the side yard setbacks will not impact the existing streetscape character, since the existing streetscape has varied side yard setbacks and includes several instances where existing buildings have similar or smaller side yard setbacks to those proposed by the subject application.

Based on the above, it is our opinion that the proposed minor variances maintain the purpose and intent of the Zoning By-law.

5.3 Test 3 – Minor in Nature

The test of "minor" is not intended to be a numerical assessment, but rather an assessment of overall impact. The requested Minor Variance seeks to reduce the minimum side yard setback from 3.0 metre to 2.0 metres, which represents a reduction of 1.0 metres or 3.28 feet. In our opinion, the proposed reduction will not create any technical

(grading and drainage) or visual impacts, given the ability to address the technical issues related to grading and drainage and the lack of visual impacts, since St. Margaret Road already includes a variety of side yard setbacks, some of which are at or smaller than those proposed.

In our opinion, the minor variance would facilitate the redevelopment of the subject site for a new family home for the owners in a form that is generally consistent with the remainder of the street and neighbourhood. Furthermore, the slight departure from the ZBL is minor in nature and would not create any unacceptable impacts. Accordingly, it is our opinion that the requested Minor Variance meets the third test.

5.4 Test 4 – Desirable for the Appropriate Development or Use of the Land

In our opinion, the proposed development is desirable for the appropriate development and use of the land. In this regard, the subject site is planned for residential uses including the proposed single detached residential dwelling in a form that is consistent with and maintains the character of the neighbourhood. In our opinion, the subject application achieves this goal as it would facilitate the reconstruction of a single detached residential dwelling in a form that maintains the character of the neighbourhood. Accordingly, it is our opinion that the requested variance is desirable and appropriate for the development and use of land.

6.0 CONCLUSION

Based on the foregoing analysis, it is our opinion that the requested variance satisfies the four tests set out in Section 45(1) of the Planning Act. These variances meet the intent and purpose of the UHOP and ZBL, are minor in nature and represent an appropriate use and development of land on the subject site. On this basis, we respectfully recommend that the requested Minor Variance should be approved.

In support of a complete minor variance application, we are pleased to enclose the following:

- Attachment 1 – Application Form
- Attachment 2 – Site and Grading Plan

I trust the above and the enclosed make for a complete application, and kindly request that the application proceed to the earliest Committee of Adjustment meeting. Should you

require any additional information or clarification, please do not hesitate to contact the undersigned at dfalletta@bousfields.ca.

Respectfully Submitted,
Bousfields Inc.



David Falletta, MCIP, RPP
Partner

cc. *Owners*
M. Chiaravalle



Hamilton

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

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

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	Herman and Rose Ciardullo
Applicant(s)	[REDACTED]
Agent or Solicitor	Bousfields Inc. (c/o David Falletta)

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	84 St. Margarets Road		
Assessment Roll Number			
Former Municipality	Ancaster		
Lot		Concession	
Registered Plan Number	818	Lot(s)	6
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:

Reduce the minimum side yard setback from 3.0m to 2.0 m. See attached Planning Rationale Letter.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

See attached Planning Rationale Letter.

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
22.86 m	48.768	1,114.8 sq. m.	+/- 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
Dwelling	+/-17.5 m	+/-17.5 m	+/-1.5 and 4 m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	10.7 m	17.13 m	2.0 and 2.2 m	

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
Detached Dwelling	+/-200 sq. m.	+/- 250 sq. m.	1.5-storeys	+/-8 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Detached Dwelling	373.45 sq. m.	+/-600 sq. m.	2-storeys	9.37 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

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
In 2020.

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 the 1970's

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

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

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

Please provide an explanation of how the application conforms with the Official Plan.
The proposed use is permitted in the Neighbourhoods designation.

7.6 What is the existing zoning of the subject land? _____

7.8 Has the owner previously applied for relief in respect of the subject property?
(Zoning By-law Amendment or Minor Variance)

Yes

No

If yes, please provide the file number: _____

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes

No

If yes, please provide the file number: _____

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

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

See attached Planning Rationale Letter.

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
