



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-24:153 | SUBJECT PROPERTY: | 1382 Barton Street East, Hamilton |
| ZONE: | Low Density Multiple Dwellings (DE) | ZONING BY-LAW: | Zoning By-law former City of Hamilton 6593 |

APPLICANTS: Owner: Zofia Pomagiel-Boyar & Gerry Boyar
Agent: Sherry Petrie

The following variances are requested:

1. To permit the use of two dwelling units in the same building as a commercial use.
2. To permit 0 parking spaces per dwelling unit instead of 1 parking space per dwelling unit required.

PURPOSE & EFFECT: To conduct internal renovations on the second storey of a existing mixed use building to create 2 dwelling units.

Notes:

- i) Please note the recognized and existing use is a commercial unit on the ground floor and a dwelling unit on the second floor.
- ii) Please note the by-law does not have a parking requirement breakdown for a dwelling unit in conjunction with a commercial use, for this review we are using the parking required for a two-family dwelling.
- iii) Additional variance 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:

| | |
|---------------|---|
| DATE: | Tuesday, August 6, 2024 |
| TIME: | 1:15 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

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 August 2, 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 August 2, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:153, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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



 Subject Lands

DATED: July 18, 2024

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

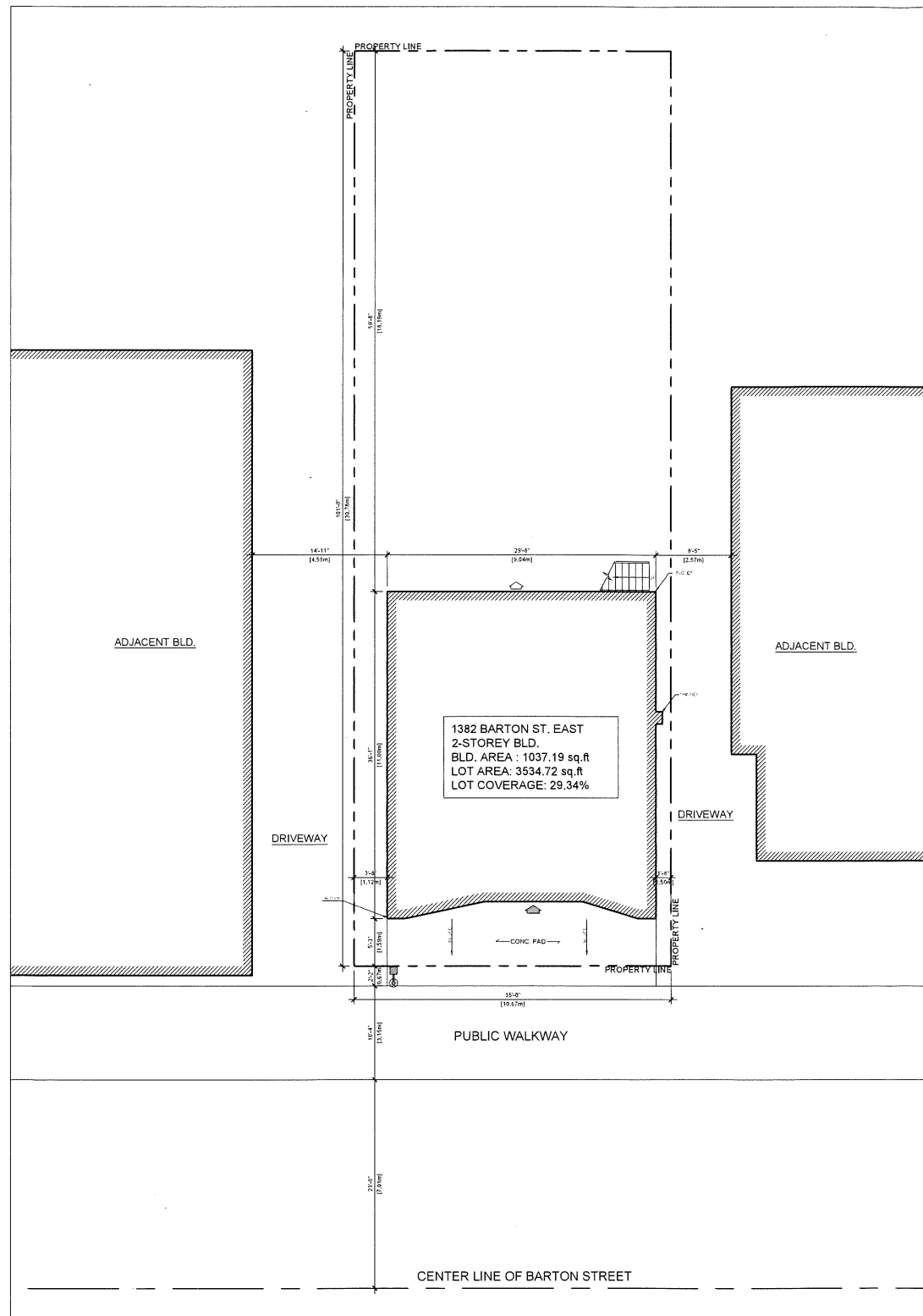
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

2. In person Oral Submissions

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

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca.

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.



1 SITE PLAN
Scale 1/8"=1'-0"

| SITE STATISTICS | |
|--------------------|------------------------------------|
| ZONE CODE | DE |
| ZONING DESCRIPTION | LOW DENSITY MULTIPLE DWELLINGS |
| PARENT BYLAW NO. | 6593 FORMER HAMILTON |
| LOT AREA | 3534.72 sq.ft/328.38m ² |
| BLD AREA | 1037.19 sq.ft/96.35m ² |
| FRONTAGE | 10.66 m (EXISTING) |
| DEPTH | 30.78 m (EXISTING) |

| SITE PLAN LEGEND | |
|------------------|----------------------|
| | PROPERTY LINE |
| | MAIN ENTRANCE/EXIT |
| | SECOND ENTRANCE/EXIT |
| <u>NAME</u> | AREA NAME |
| | LIGHT POLE |

ARCHITECT / ENGINEER

Another project by

R&R DESIGNS INC.
 92 Stapleton Ave.
 Hamilton, ON L8H 3N6
 Tel: (505) 547 8558
 Richie Khanna
 richie@r-rdesigns.net
 www.r-rdesigns.net

- NOTES
- CONTRACTOR SHALL CHECK DIMENSIONS AND REPORT DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
 - DO NOT SCALE DRAWINGS.
 - THE DESIGN AND DRAWINGS WERE DEVELOPED FOR A SPECIFIC PURPOSE AND MAY NOT BE ALTERED, ISSUED, OR REPRODUCED FOR ANY OTHER PURPOSE.



| REVISIONS | | |
|-----------|-------------|------|
| NO. | DESCRIPTION | DATE |
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PROJECT #. RR23-OT05

DRAWN BY: N.D
 REVIEWED BY: R.K
 DATE: JUN, 2023

PROJECT NAME
 1382 BARTON ST.

ADDRESS:
 1382 BARTON ST. EAST, HAMILTON,
 ON L8H 2W5

SHEET NAME
 SITE PLAN

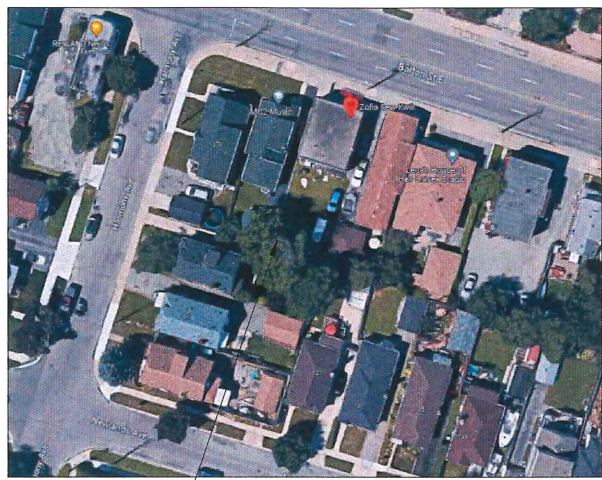
SHEET NO. **SP1.01**

1382 BARTON STREET EAST, HAMILTON, ON L8H2W5



AREA OF WORK

KEY MAP



AREA OF WORK

KEY IMAGE



STORE FRONT

SCOPE OF WORK

| | | REVISIONS | |
|---------------------------------|--|-----------|------|
| NO. | DESCRIPTION | DATE | DATE |
| ARCHITECTURAL / INTERIOR | | | |
| A0.01 | COVER PAGE | | |
| A0.02 | GENERAL NOTES | | |
| SP1.01 | SITE PLAN | | |
| A1.01 | EXISTING FLOOR PLANS | | |
| A2.01 | PROPOSED SECOND FLOOR PLAN | | |
| A3.01 | PROPOSED SECOND FLOOR REFLECTED CEILING PLAN | | |

SHEET INDEX

ARCHITECT / ENGINEER

Another project by

R&R DESIGNS INC.
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| REVISIONS | | |
|-----------|-------------|------|
| NO. | DESCRIPTION | DATE |
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PROJECT #. RR23-0T05

DRAWN BY: N.D
 REVIEWED BY: R.K
 DATE: JUN, 2023

PROJECT NAME

1382 BARTON ST.

ADDRESS:

1382 BARTON ST. EAST, HAMILTON,
ON L8H 2W5

SHEET NAME

COVER PAGE

SHEET NO. **A1.01**



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) | ZOFIA POMAGIEL-BOYAR GERRY BOYAR |
| Applicant(s) | |
| Agent or Solicitor | SHERRY PETRIE |



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 | 1382 BARTON STREET EAST, HAMILTON, L8H 2W5 | | |
| Assessment Roll Number | | | |
| Former Municipality | HAMILTON | | |
| Lot | | Concession | |
| Registered Plan Number | | Lot(s) | |
| Reference Plan Number (s) | | Part(s) | |

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

Yes No

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

3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

- 1.) Existing commercial unit (Basement & Ground floor) remain as is. Except fire separations on Common Staircase.
- 2.) Extent of relief is for 3 Setbacks (front & both side yards) from property line to the existing building that do not comply with the by-law.
- 2.) Zero(0) parking space has been requested to allow for multiple dwelling instead of required three (3) parking spaces.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

The existing building cannot comply with the current zoning by-law due to non-conforming side yard setbacks and parking conditions.

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 |
| 10.67 m | 30.78m | 328.39 Sq. m | 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 |
|--------------------------|--------------------|-------------------|--------------------|----------------------|
| Existing Commercial unit | 1.59m | 17.17m | 0.91m, 0.51m | |
| | | | | |
| | | | | |

Proposed:

| Type of Structure | Front Yard Setback | Rear Yard Setback | Side Yard Setbacks | Date of Construction |
|----------------------------|--------------------|-------------------|--------------------|----------------------|
| Proposed Multiple Dwelling | 1.59m | 17.17m | 0.91m, 0.51m | |
| | | | | |
| | | | | |

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 |
|--------------------------|---------------------|-----------------------|-------------------|--------------------|
| Existing Commercial unit | ~96.3m ² | ~195.72m ² | 2 | Existing to remain |
| | | | | |
| | | | | |

Proposed:

| Type of Structure | Ground Floor Area | Gross Floor Area | Number of Storeys | Height |
|----------------------------|---------------------|-----------------------|-------------------|--------------------|
| Proposed Multiple Dwelling | ~96.3m ² | ~195.72m ² | 2 | Existing to remain |
| | | | | |
| | | | | |

- 4.4 Type of water supply: (check appropriate box)
 publicly owned and operated piped water system
 privately owned and operated individual well

- lake or other water body
 other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)
 publicly owned and operated storm sewers
 swales

- ditches
 other means (specify)

4.6 Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage
- system privately owned and operated individual
- septic system other means (specify) _____

4.7 Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

COMMERCIAL RETAIL SHOP WITH TWO ABOVE DWELLING UNITS

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

COMMERCIAL RETAIL SHOP

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

DEC 18, 2014

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

COMMERCIAL RETAIL SHOP

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

COMMERCIAL RETAIL SHOP

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

DEC 18, 2014

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) NEIGHBOURHOOD

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

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

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- commercial retail shop

8.2 Number of Dwelling Units Proposed: 3

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
- _____
- _____