



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-24:152	SUBJECT PROPERTY:	197 Paradise Road North, Hamilton
ZONE:	Urban Protected Residential (C/S-1364)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended by By-law 96-125
ZONE:	Low Density Residential (R1)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200

APPLICANTS: Owner: Javin Properties
Agent: Jenny Bognar

The following variances are requested:

Variances for Former Hamilton 6593;

1. An eave or gutter may extend a maximum of 41 centimetres into a required minimum setback instead of the maximum 30 centimetres permitted.
2. A maximum height of 6.25 metres shall be permitted for a Secondary Dwelling Unit- Detached instead of the maximum 6.0 metre height permitted.
3. A maximum ground floor area of 57 square metres shall be permitted for a Secondary Dwelling Unit- Detached instead of a maximum of 70% of the ground floor area of the principal dwelling required.
4. A maximum floor area ratio of 0.64 shall be permitted instead of the maximum 0.45 floor area ratio permitted.
5. A minimum 1.83 metre on site maneuvering space shall be provided instead of the minimum 6.0 metre maneuvering space required.

A-24:152

Variances for Hamilton 05-200;

1. A maximum height of 6.25 metres shall be permitted for an Additional Dwelling Unit- Detached instead of the maximum 6.0 metre height permitted.
2. A maximum ground floor area of 57 square metres shall be permitted for an Additional Dwelling Unit- Detached instead of a maximum of 70% of the ground floor area of the principal dwelling required.

PURPOSE & EFFECT: To permit the establishment of an additional Dwelling Unit- Detached.

Notes:

1. Variances written as requested by applicant.
2. It is notes that the subject lands were subject to city wide zoning by-law amendment 24-051, not final and binding, and as such are subject to the regulations of former Hamilton Zoning By-law 6593, as well as Hamilton Zoning By-law 05-200.

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:	1:25 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

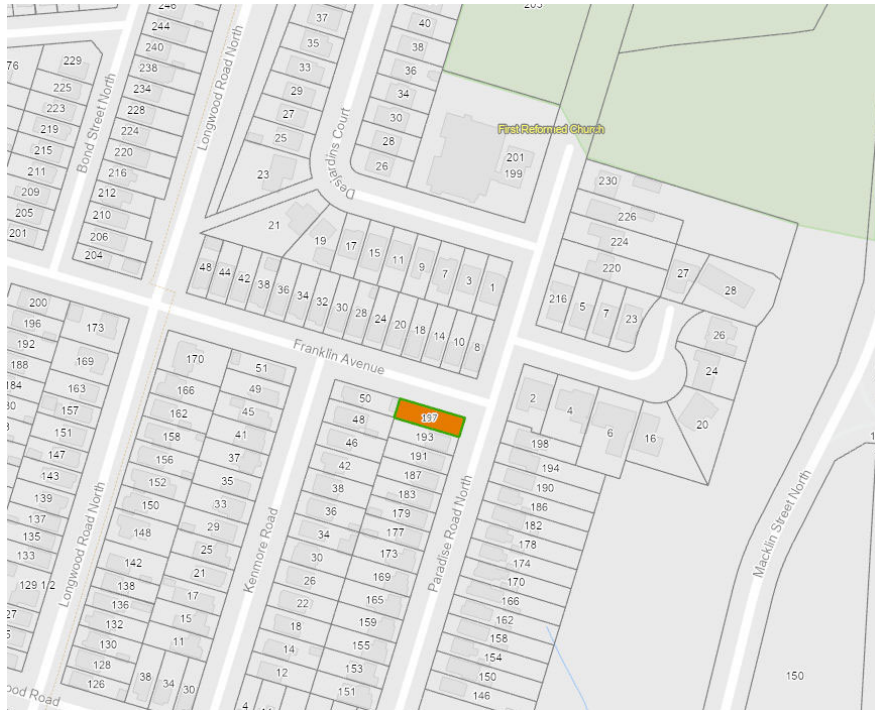
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon August 2, 2024

FURTHER NOTIFICATION

A-24:152

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:152, 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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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.

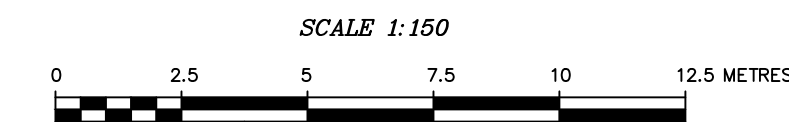
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca.

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.

FRANKLIN AVENUE

(BY REGISTERED PLAN 679, P.I.N. 17468-0198 (LT))

PLAN SHOWING PROPOSED
ADDITIONAL DWELLING UNIT
(197 PARADISE ROAD NORTH)
PART OF LOTS
124, 125, 126 & 127
REGISTERED PLAN 679
CITY OF HAMILTON

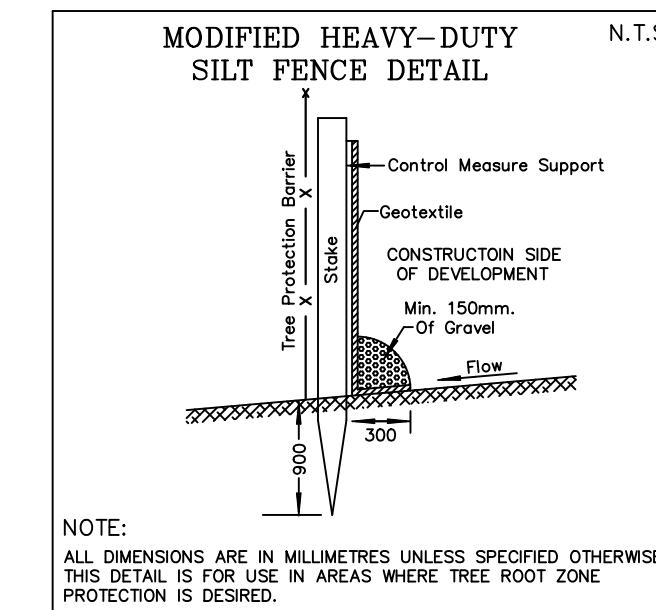


B.A. JACOBS SURVEYING LTD.
ONTARIO LAND SURVEYOR

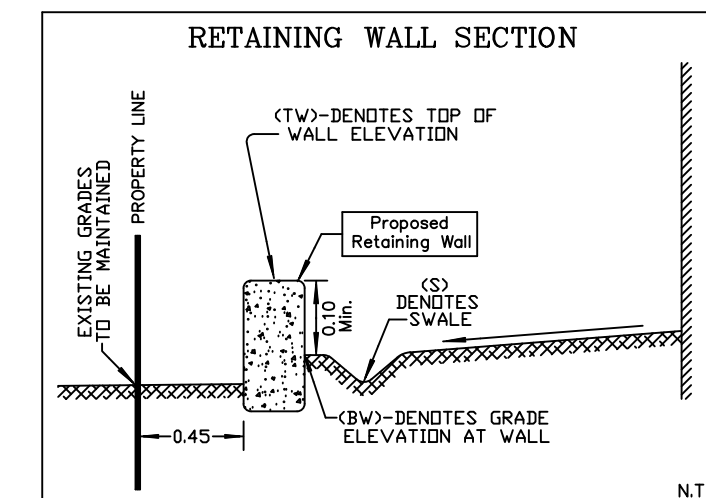
METRIC NOTE:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

- LEGEND:**
- D.S. DENOTES PROPOSED DOWNSPOUT
 - M.H. DENOTES MANHOLE
 - O.H.W. DENOTES OVERHEAD UTILITY WIRE
 - S.F.B. DENOTES SILT FENCE BARRIER
 - T.C. DENOTES TOP OF CURB
 - T.P.B. DENOTES TREE PROTECTION BARRIER
 - T.S. DENOTES TRAFFIC SIGN
 - U.P. DENOTES UTILITY POLE
 - W.V. DENOTES WATER VALVE
 - 0.3Ø DENOTES DIAMETER OF TREE
 - x 99.00 DENOTES EXISTING ELEVATION
 - x (99.00) DENOTES PROPOSED ELEVATION

ELEVATION NOTE:
ELEVATIONS SHOWN ON THIS PLAN ARE REFERRED TO CITY OF HAMILTON BENCH MARK INDEXED AS No. 1-07.
LOCATION: CITY OF HAMILTON BENCH MARK, HOUSE No. 60 LONGWOOD ROAD NORTH OPPOSITE DEVON PLACE. No. 367.
ELEVATION = 99.219 m.



NOTE:
ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
THIS DETAIL IS FOR USE IN AREAS WHERE TREE ROOT ZONE PROTECTION IS DESIRED.



JUNE 3, 2024

DATE

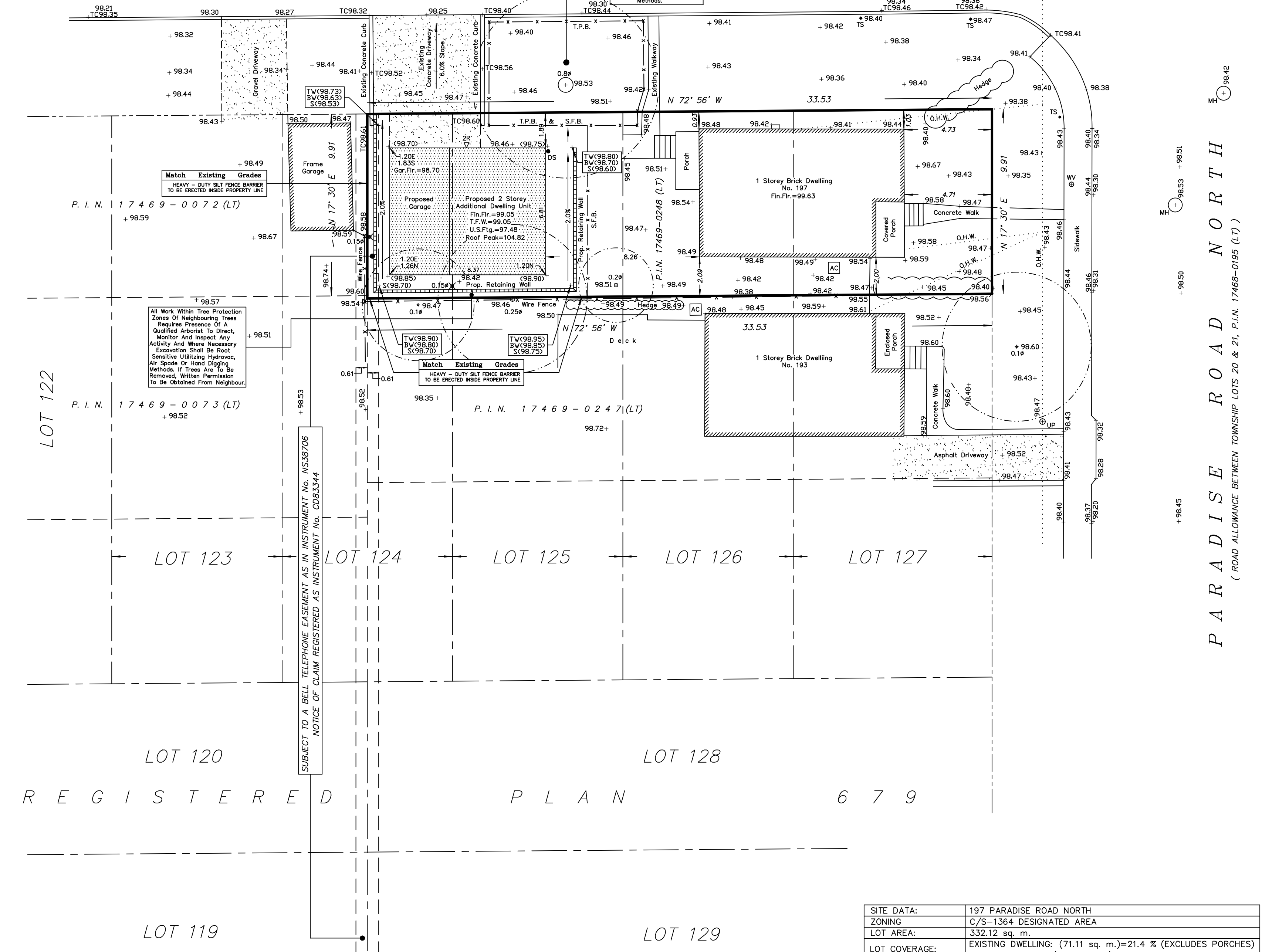
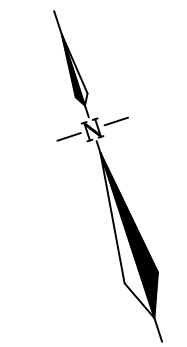
BRYAN JACOBS
ONTARIO LAND SURVEYOR



B.A. JACOBS SURVEYING LTD.
152 JACKSON STREET EAST, SUITE 102
HAMILTON, ONTARIO (L8N 1L3)
PHONE 905-521-1535 bajacobs@rogers.com

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JOB No. 23s59-P

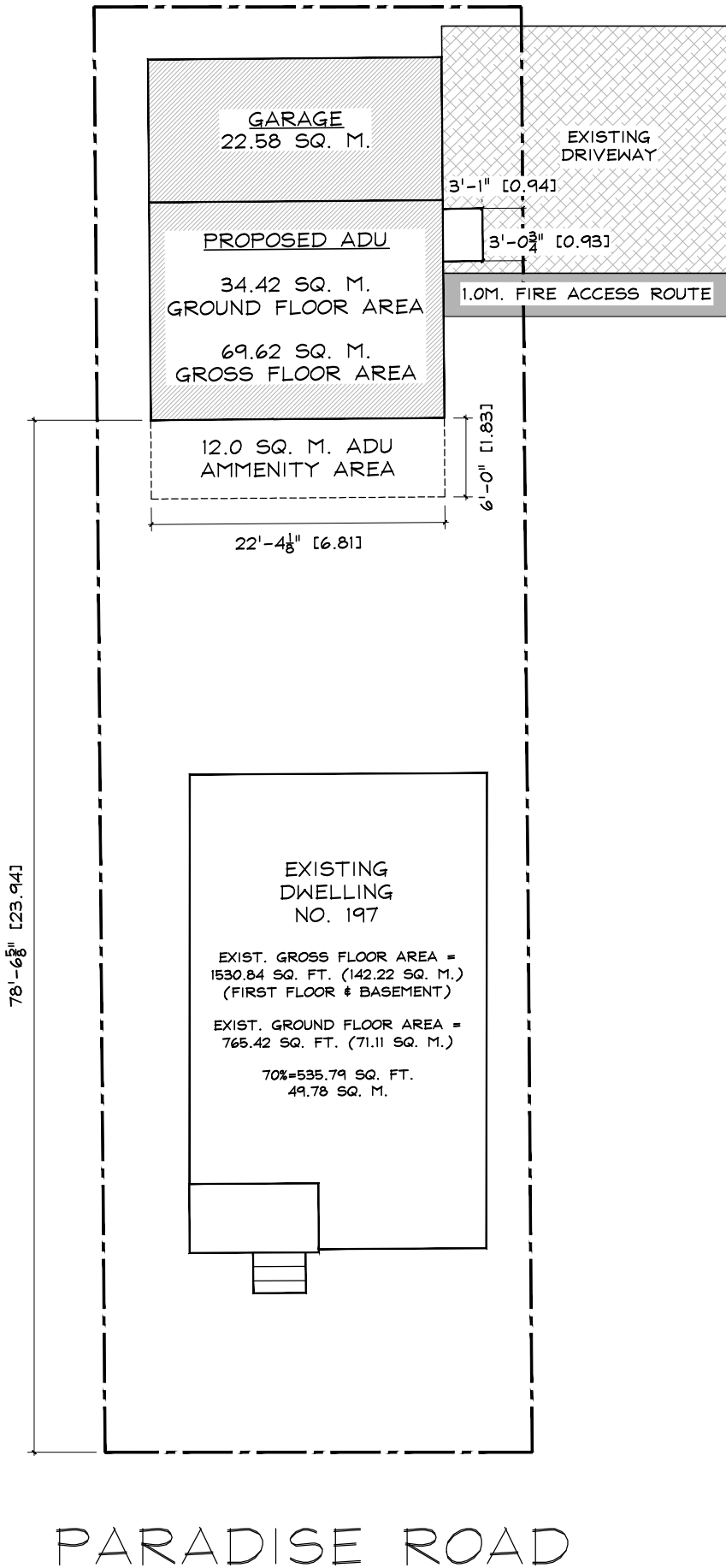


ROOFWATER LEADERS NOTE:
ALL ROOFWATER LEADERS SHALL DISCHARGE ONTO SPLASH PADS AND THEN TO GRASSED OR LANDSCAPED AREAS A MIN. OF 0.6m. FROM THE BUILDING FACE.

SITE DATA:	197 PARADISE ROAD NORTH
ZONING:	C/S-1364 DESIGNATED AREA
LOT AREA:	332.12 sq. m.
LOT COVERAGE:	EXISTING DWELLING: (71.11 sq. m.)=21.4 % (EXCLUDES PORCHES) PROPOSED A.D.U.: (57.0 sq. m.)=17.2 % TOTAL: (128.11 sq.m.)=38.6%
MAXIMUM HEIGHT:	ALLOWED: 6.0 m. PEAK OF ROOF=104.82 m. AVERAGE OF EXISTING & PROPOSED GRADES WITHIN 4.5 m. OF A.D.U. = 98.57 m. HEIGHT = 6.25 m.

SUBJECT TO A BELL TELEPHONE EASEMENT AS IN INSTRUMENT No. NS38706
NOTICE OF CLAIM REGISTERED AS INSTRUMENT No. CDB3344

REGISTERED PLAN 679



FRANKLIN AVENUE

PARADISE ROAD

JAVIN PROPERTIES
197 PARADISE ROAD NORTH
HAMILTON, ON
L8S 3T2

drafting + design

193 East 43rd Street
Hamilton, ON L8T 3C3
jbdraftinganddesign@live.ca
905.517.6027

06.11.24 *Jay Bognar* signature required
Jennifer Bognar reviews and takes responsibility for the design work described in this document
firm bcin 103416 individual bcin 33001

DATE	ISSUE DESCRIPTION
06.10.24	ISSUED FOR REVIEW
06.11.24	ISSUED FOR C.O.P.A.

ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE DESIGNER MUST BE NOTIFIED IMMEDIATELY. THE DESIGNER IS NOT LIABLE FOR ANY CHANGES MADE BY THE CONTRACTOR WITHOUT THE DESIGNER'S KNOWLEDGE AND PERMISSION.

FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.

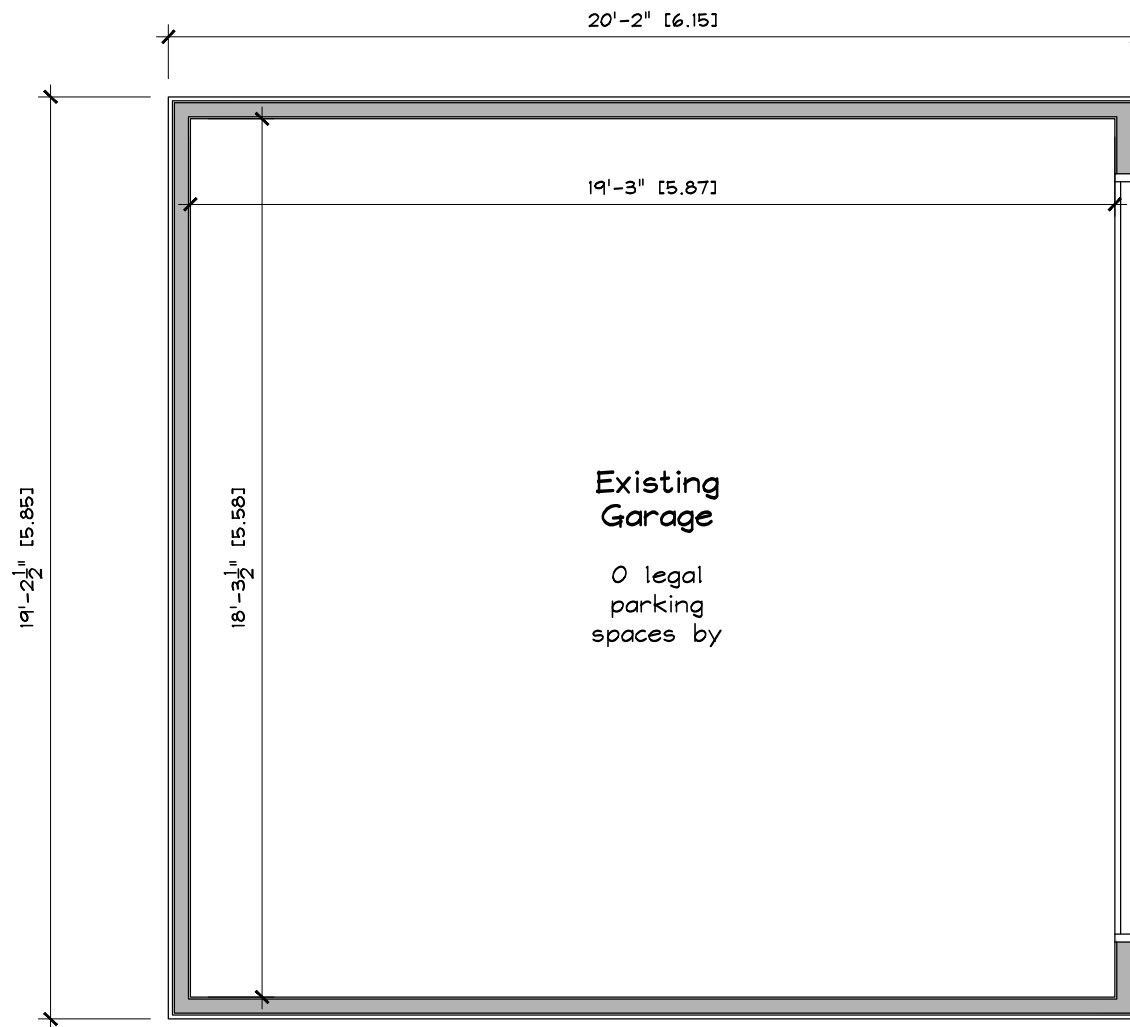
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ALL DRAWINGS AND RELATED DOCUMENTS SHALL REMAIN THE PROPERTY AND COPYRIGHT OF JB DRAFTING AND DESIGN. USE LATEST REVISED DRAWINGS. DO NOT SCALE DRAWINGS.

SITE PLAN

1:150

SHEET **A1** OF 9



JAVIN PROPERTIES
197 PARADISE ROAD NORTH
HAMILTON, ON
L8S 3T2

drafting + design
 ■ 193 East 43rd Street ■
 ■ Hamilton, ON ■ L8T 3C3 ■
 ■ jbdraftinganddesign@live.ca ■
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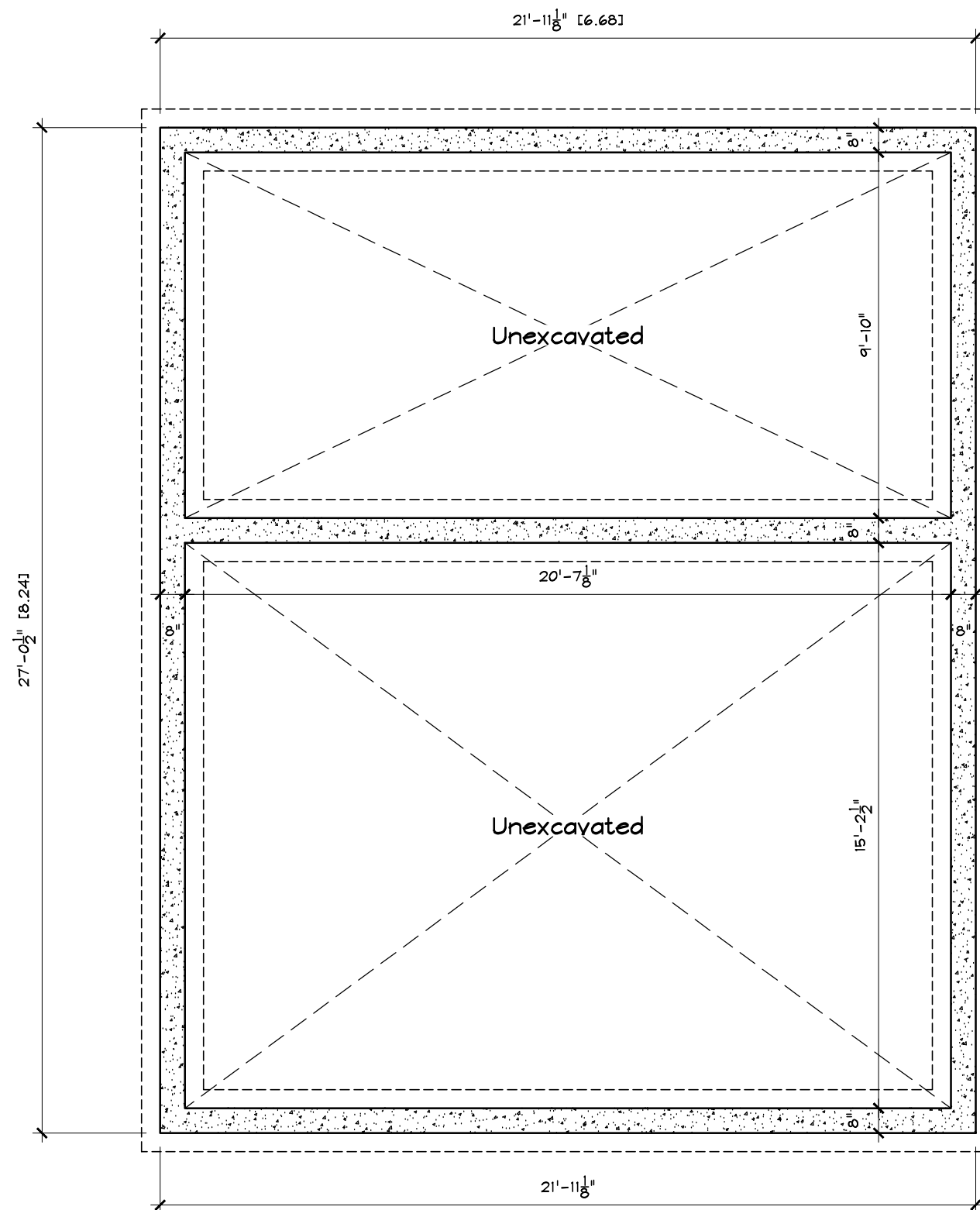
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EXISTING GARAGE PLAN
1/4" = 1'-0"

SHEET **A2** OF 9



JAVIN PROPERTIES
 197 PARADISE ROAD NORTH
 HAMILTON, ON
 L8S 3T2

drafting + design

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- Hamilton, ON L8T 3C3
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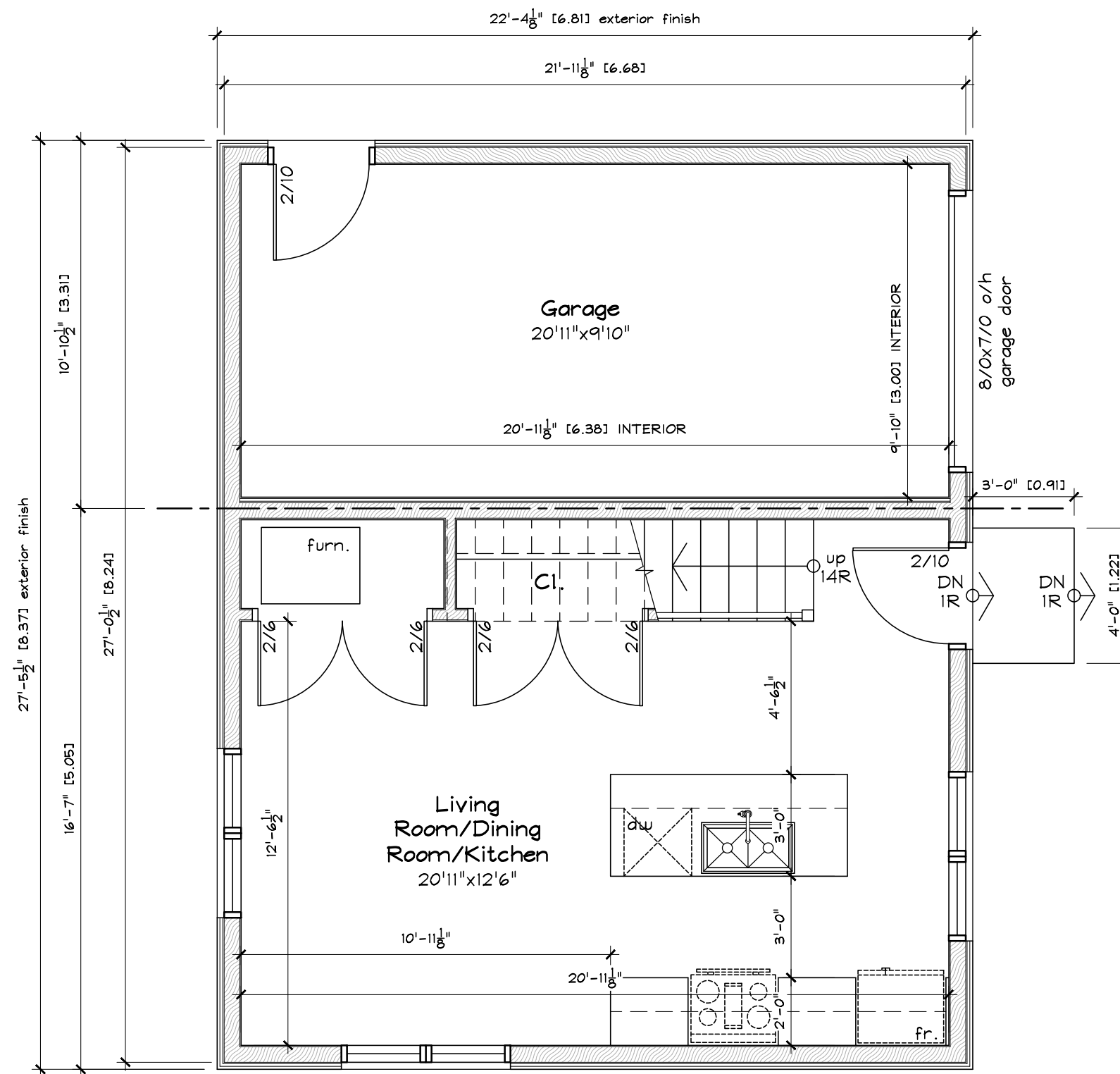
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PROPOSED
 FOUNDATION PLAN
 1/4" = 1'-0"

SHEET
A3
 OF 9



ADU Ground Floor Area: 370.48 sq. ft. (34.42 sq. m.)
 Garage Area: 243.02 sq. ft. (22.58 sq. m.)

JAVIN PROPERTIES
 197 PARADISE ROAD NORTH
 HAMILTON, ON
 L8S 3T2

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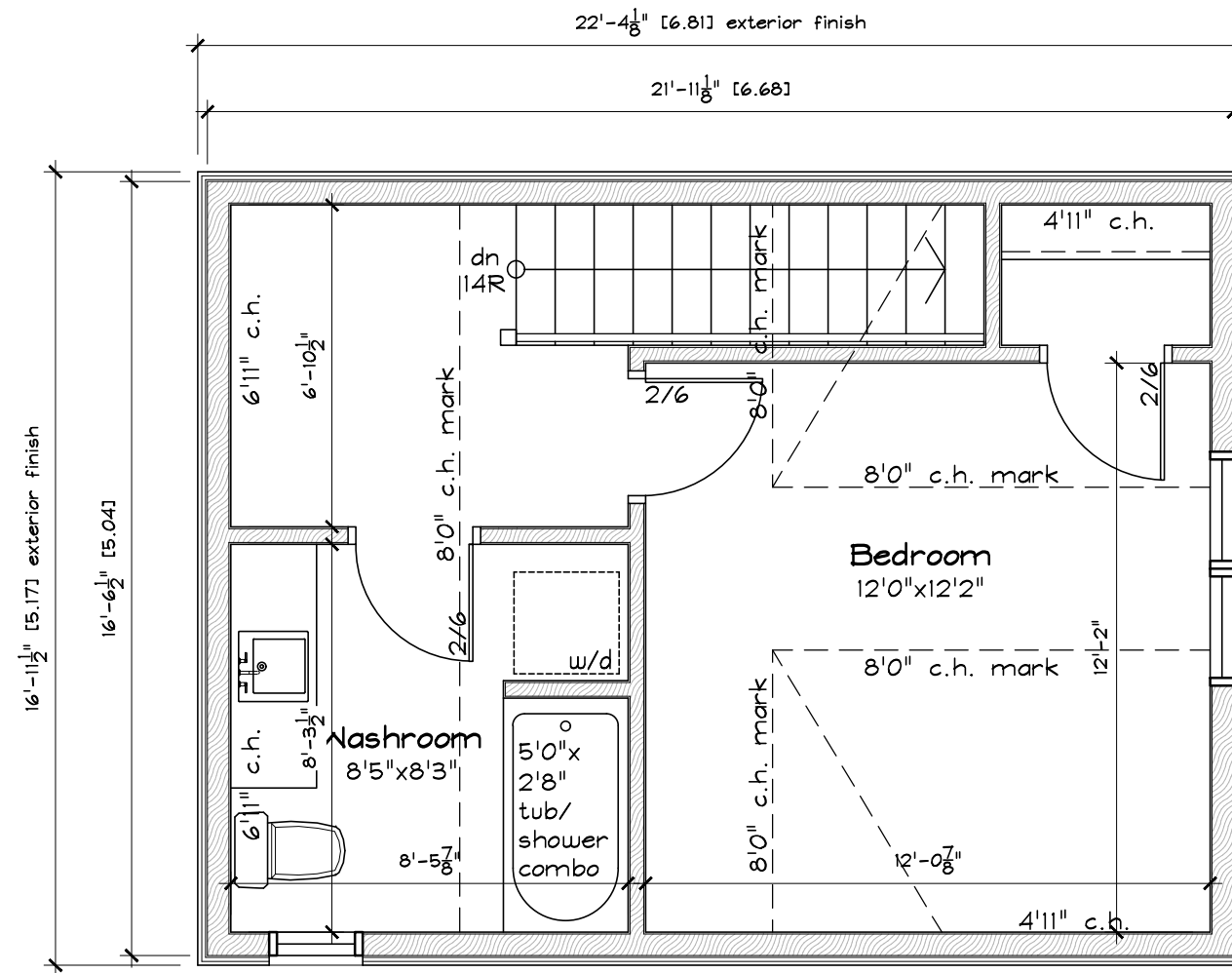
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PROPOSED FIRST FLOOR PLAN
 1/4" = 1'-0"

SHEET **A4** OF 9



Second Floor Area: 378.86 sq. ft. (35.20 sq. m.)

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 HAMILTON, ON
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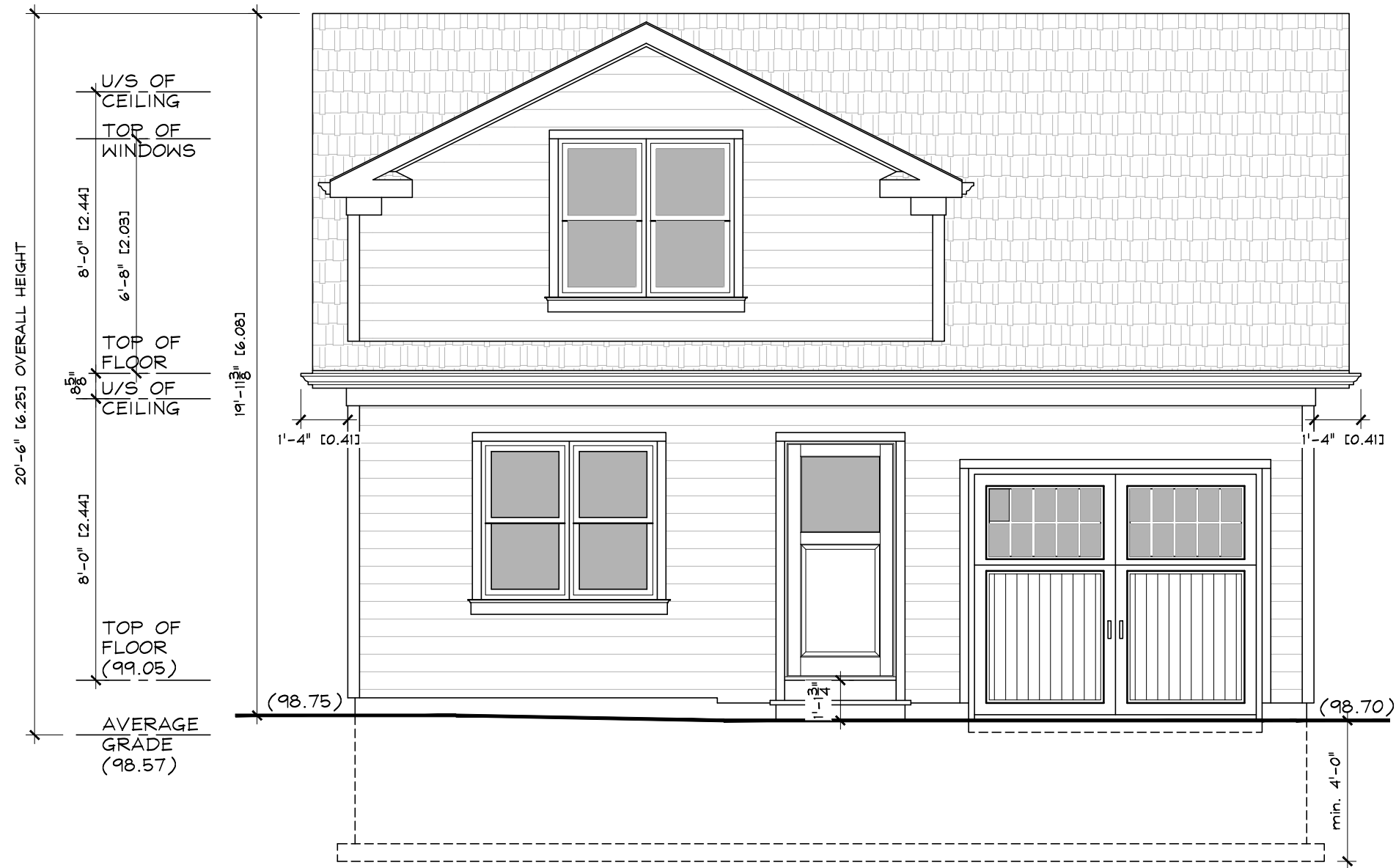
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PROPOSED SECOND FLOOR PLAN
 1/4" = 1'-0"

SHEET **A5** OF 9



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HAMILTON, ON
L8S 3T2

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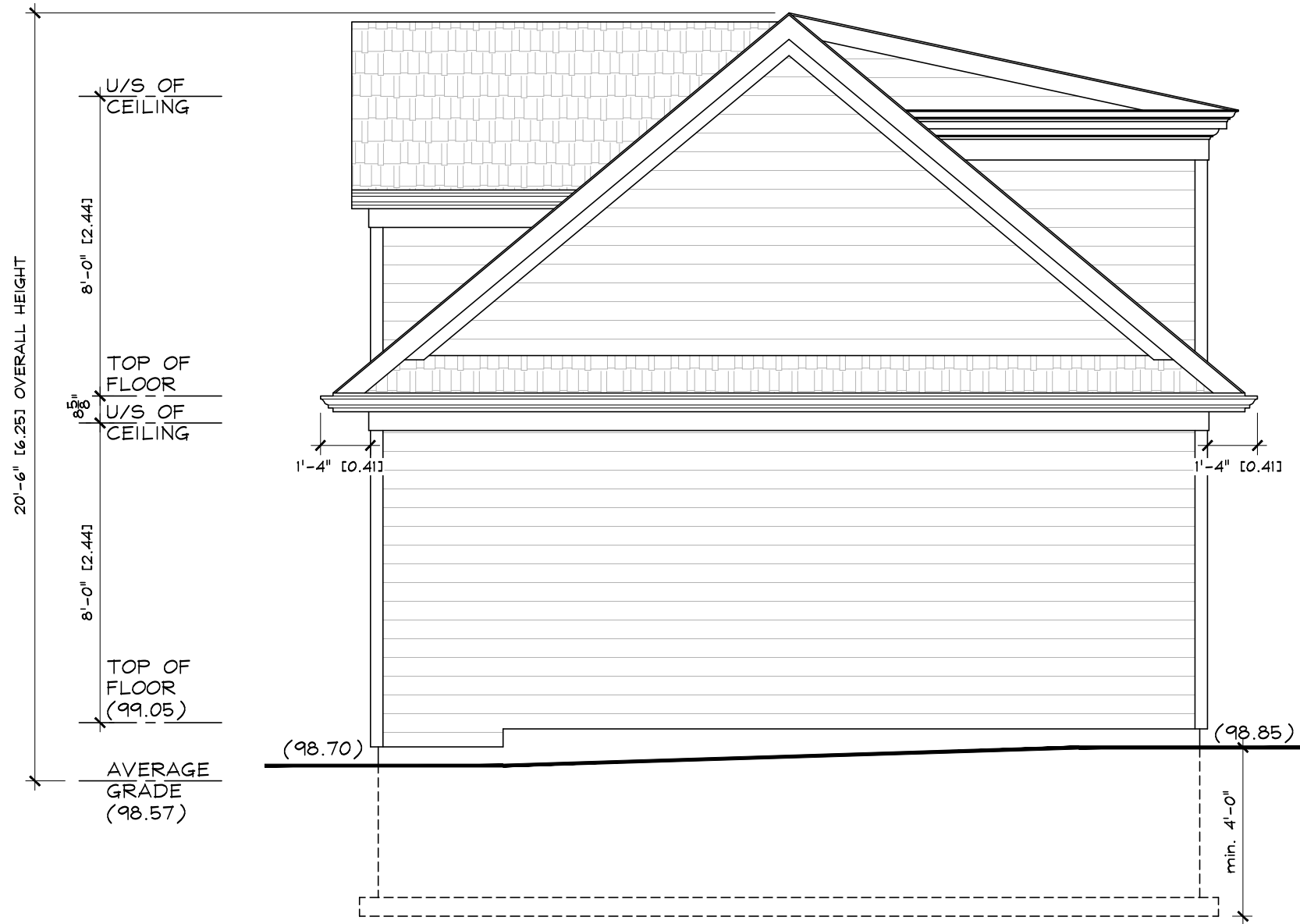
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PROPOSED FRONT
ELEVATION
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SHEET
A6
OF 9



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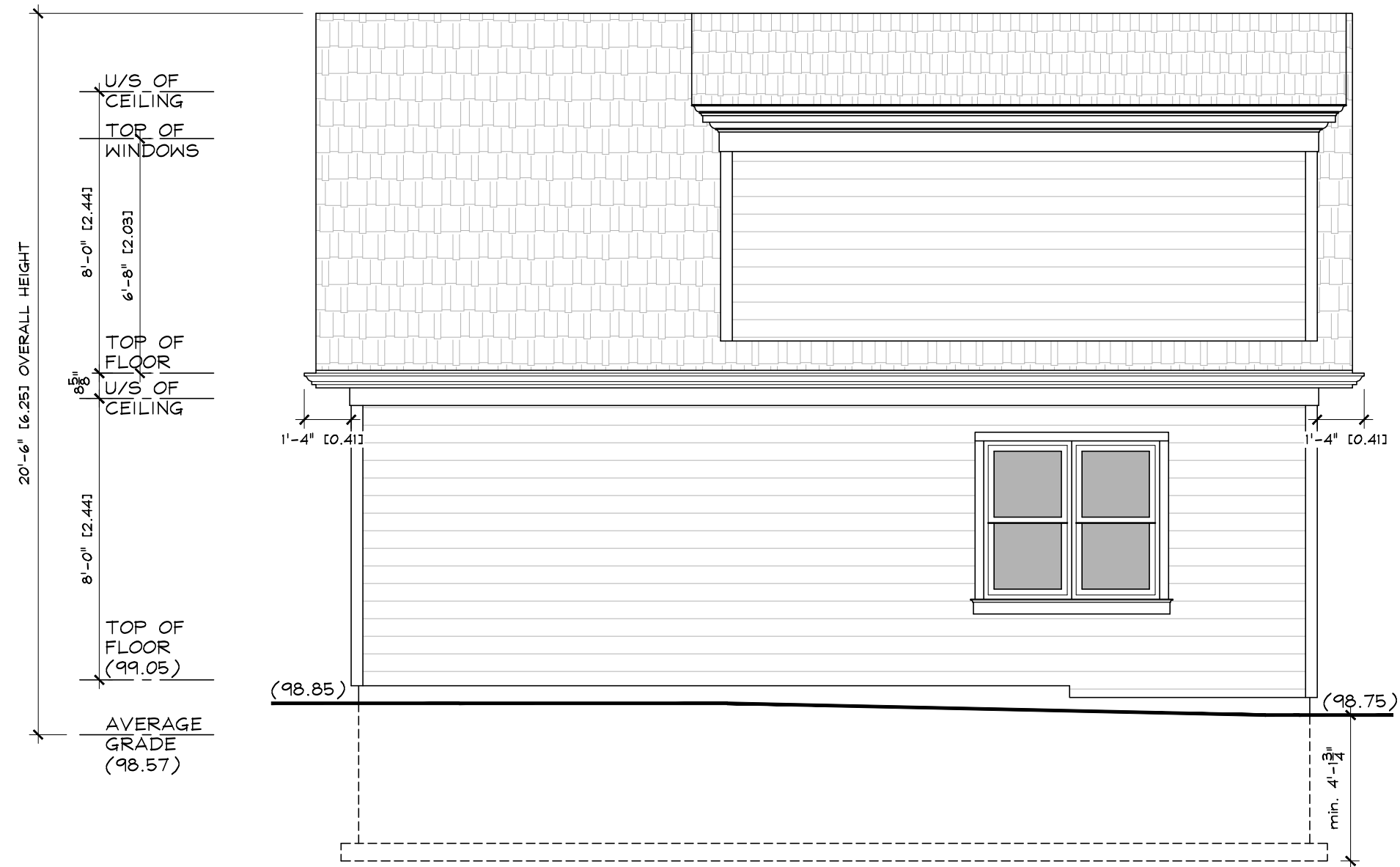
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PROPOSED RIGHT SIDE ELEVATION
 1/4" = 1'-0"

SHEET **A7** OF 9



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 HAMILTON, ON
 L8S 3T2

drafting + design

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06.11.24	ISSUED FOR C.O.P.A.

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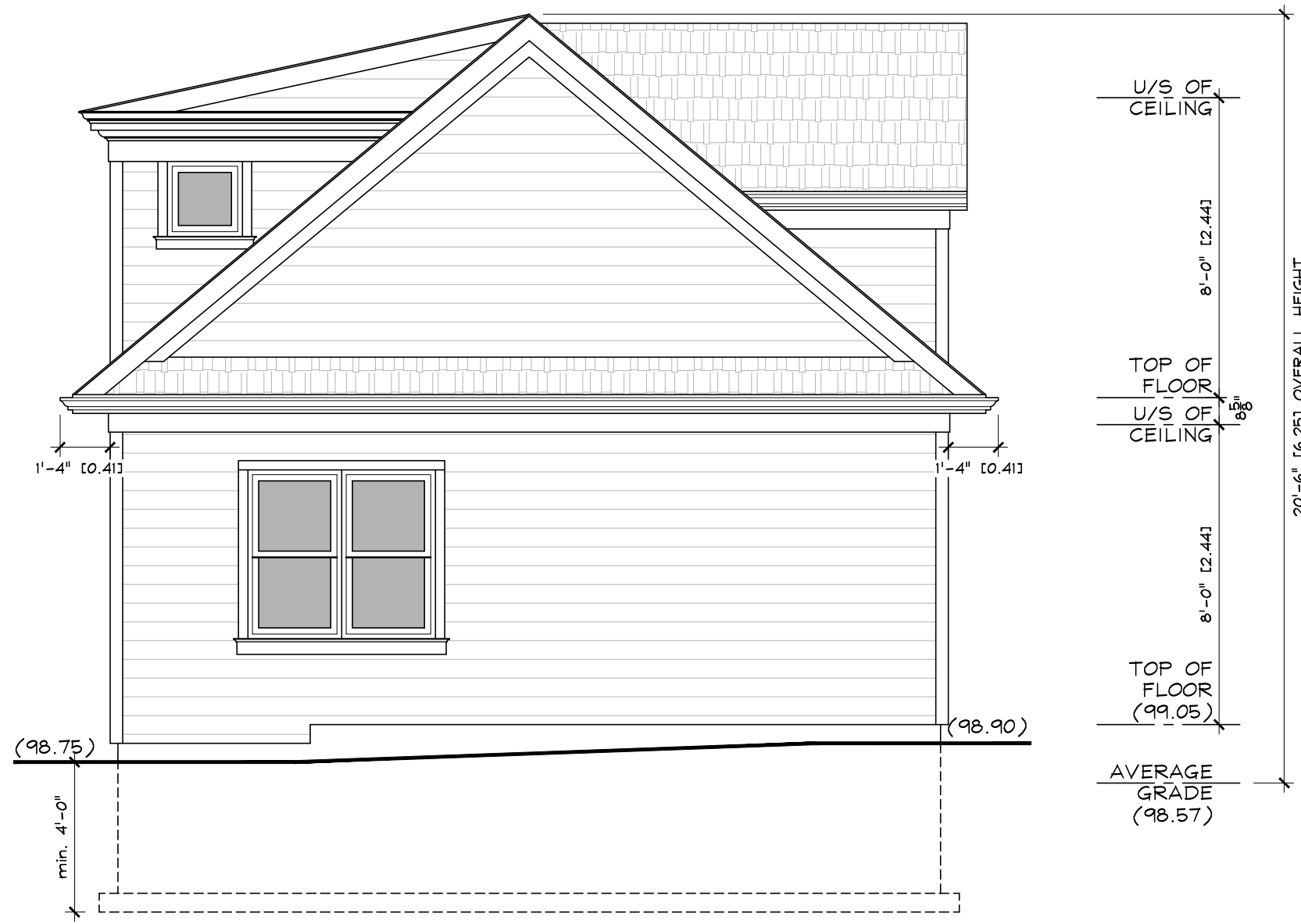
FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.

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PROPOSED REAR
 ELEVATION
 1/4" = 1'-0"

SHEET
A8
 OF 9



U/S OF CEILING
8'-0" [2.44]
TOP OF FLOOR
U/S OF CEILING 8'-0" [2.44]
TOP OF FLOOR (99.05)
AVERAGE GRADE (98.57)

20'-6" [6.25] OVERALL HEIGHT

JAVIN PROPERTIES
197 PARADISE ROAD NORTH
HAMILTON, ON
L8S 3T2

drafting + design

- 193 East 43rd Street
- Hamilton, ON L8T 3C3
- jbdraftinganddesign@live.ca
- 905.517.6027

Jay Bognar
signature required
06.11.24
Jennifer Bognar reviews and takes responsibility for the design work described in this document
firm bcin 103416 individual bcin 33001

DATE	ISSUE DESCRIPTION
06.11.24	ISSUED FOR REVIEW
06.11.24	ISSUED FOR C.O.P.A.

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PROPOSED LEFT
SIDE ELEVATION
1/4" = 1'-0"

SHEET
A9
OF 9

Minor Variance Application - 197 Paradise Road North

Reasons for Needing Variances

Variance #1

Variance for an overall height of 6.25m. instead of the required 6.0m. max.

We are requesting this variance to ensure we have enough headroom space on the second floor as well as to provide a visually pleasing structure. The grades around the structure also lower the average grade from the flankage lot line which makes the structure feel tall but from the road it is much closer to the 6.0m. max.

We are only over the maximum height by 8" which is not visually evident nor does it change the look or feel of the structure.

We feel this request is minor in nature and is in keeping with the many 1-1/2 & 2 story dwellings in this area.

Variance #2

Variance for a reduced maneuvering space depth of 1.83m. instead of the required 6.0m. min.

Although we do not have enough room for required 6.0m. required maneuvering space, we do feel it's important to note that we are making the existing situation slightly better. The current garage sits at 0.63m from the property line and we are proposing 1.83m.

We have over 6.0m of parking depth, including the boulevard area, and we will be applying for a boulevard parking agreement for this space.

We feel this request is minor in nature and does not drastically change the existing situation, but rather makes it better. It also is very similar to many other lots in the area that have detached garages facing the flankage side.

Variance #3

Variance for an overall lot GFA of 0.64 instead of the required max. of 0.45 for the main dwelling plus new D-ADU (no including attached garage).

The intention of this bylaw was to avoid "monster homes" in this area. The addition of the ADU bylaws has not taken this into account which makes it virtually impossible to build anything without going over this GFA regulation.

We have provided various wall planes and roof heights to help keep this structure from looking too imposing or bulky.

We feel that this design is in keeping with the neighborhood character as many of these older homes are being expanded and ADU's added to keep up with the ever changing family dynamics.

Variance #4

Variance for a 57 sq. m. ground floor area for a D-ADU with attached garage instead of the allowable maximum of 49.78 sq. m. based upon the main dwelling area.

The maximum ground floor area of 49.78 sq. m. for the D-ADU is based upon 70% of the ground floor area of the main dwelling. However, the regulations apply to the whole D-ADU, which in this case includes a garage. The liveable portion of the D-ADU is only 34.42 sq. m. which does meet the regulation, which is important to note. We feel the garage is important to provide to ensure the existing parking is maintained as to not overwhelm the street with cars.

We feel this request is minor in nature and does not drastically change the streetscape or pose any negative impacts. The new structure will be a welcome addition to the streetscape as opposed to the current garage.

Variance #5

Variance for an eave/gutter overhang of 0.41m. instead of the maximum of 0.30m.

This overhang allows us to get the proper ceiling height on the second floor and also looks architecturally better on structure than a short overhang.

We feel this request is minor in nature and does not negatively impact any of the neighboring properties.

We appreciate your time and attention on this matter.



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)	Javin Properties Inc.		
Applicant(s)	Jenny Bognar		
Agent or Solicitor	As per applicant	As per applicant	Phone:
			E-mail:

1.2 Primary contact Applicant Owner Agent/Solicitor

1.3 Sign should be sent to Applicant Owner Agent/Solicitor

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type In person Credit over phone* Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	197 Paradise Road North		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number	679	Lot(s)	
Reference Plan Number (s)		Part(s)	124,125,126,127

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:

See attached

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

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
9.91 m.	33.53 m.	332.27 sq. m.	

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	4.71m	17.78m	2.0m/0.93m	1950's

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
ADU w/ attached garage	23.94m	1.20m	1.20m/1.83m.	ASAP

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
Dwelling	71.40 sq. m.	142.80 sq. m.	1	6.5m approx.

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
ADU	34.42 sq. m.	69.62 sq. m.	1.5	6.25 m.
Garage	22.58 sq. m.	n/a	1	6.25 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

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year _____

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

Single family dwelling

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

Single family dwellings

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2015

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

Single family dwelling

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

Always

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

Always

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.

See attached

7.6 What is the existing zoning of the subject land? C, S-1364

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):

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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