



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

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

**NOTICE OF PUBLIC HEARING**  
**Minor Variance**

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

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

<b>APPLICATION NO.:</b>	<b>A-24:144</b>	<b>SUBJECT PROPERTY:</b>	121 Whitefish Crescent, Stoney Creek
<b>ZONE:</b>	“R3 / RR” (Single Residential – Three / Rural Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Stoney Creek 3692-92, as Amended

**APPLICANTS:** Owner: Fifty Road Inc. c/o Peter DeSantis  
Agent: UrbanSolutions Planning & Development c/o Curtis Thompson

The following variances are requested:

1. An unenclosed porch and deck may project 4.5 metres into a required rear yard instead of the maximum 4.0 metre encroachment permitted.

**PURPOSE & EFFECT:** To facilitate the establishment of a rear yard deck;

**Notes:**

1. Variance written as requested by the applicant.

**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 23, 2024</b>
<b>TIME:</b>	<b>1:35 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> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

## **A-24:144**

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

## **PUBLIC INPUT**

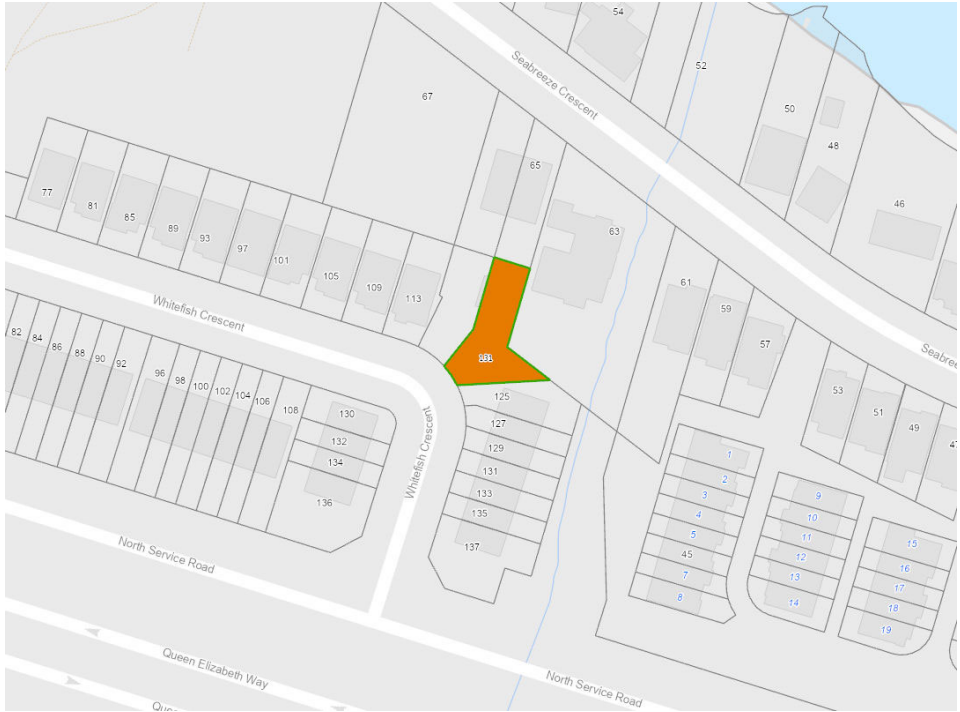
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon July 19, 2024

**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 July 22, 2024

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:144, 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: July 4, 2024

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

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### PARTICIPATION PROCEDURES

#### Written Submissions

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

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

#### Oral Submissions

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

##### 1. Virtual Oral Submissions

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

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

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

##### 2. In person Oral Submissions

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

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca).

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 PART OF  
**LOTS 16 & 17**  
**REGISTERED PLAN 635**  
AND ALL OF  
**BLOCK 12**  
**PLAN 62M-1042**  
IN THE  
**CITY OF HAMILTON**  
SCALE: 1:200 metres



**S.D. McLAREN, O.L.S. - 2024**

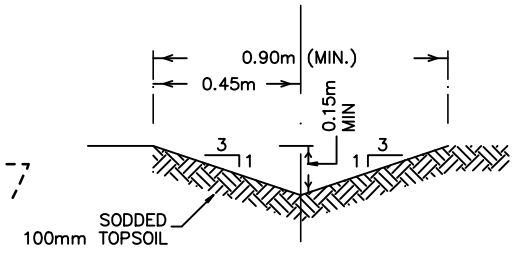
**BENCHMARK NOTE:**

MONUMENT 0011975U228

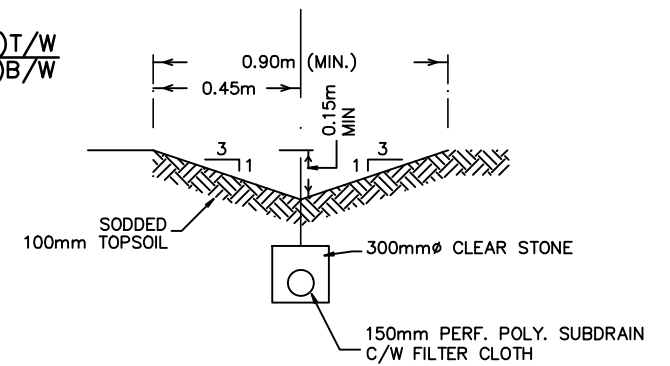
Township: HAMILTON-WENTWORTH DEEP BENCH  
MARK IN MANHOLE AT WINONA HIGH SCHOOL,  
ALONG LEWIS ROAD AT BARTON STREET, IN FRONT  
LAWN 28.3 M WEST OF CENTRE LINE OF LEWIS  
ROAD, 15.5 M NORTH OF EAST CORNER OF SCHOOL,  
12.2 M SOUTHWEST OF CENTRE LINE OF PARKING  
LOT ENTRANCE, 12.8 M SOUTHEAST OF FLAG POLE.

ELEVATION: 88.001 metres CGVD-1928:1978

**TYPICAL SWALE SECTION  
(NOT TO SCALE)**



**SWALE SECTION  
(WITH SUB-DRAIN)**



**METRIC NOTE**

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

**NOTES:**

BUILDER TO VERIFY ELEVATION OF  
SERVICE CONNECTIONS PRIOR TO  
BASEMENT EXCAVATION TO CONFIRM  
THAT SUFFICIENT FALL IS PROVIDED FOR  
GRAVITY SERVICES.

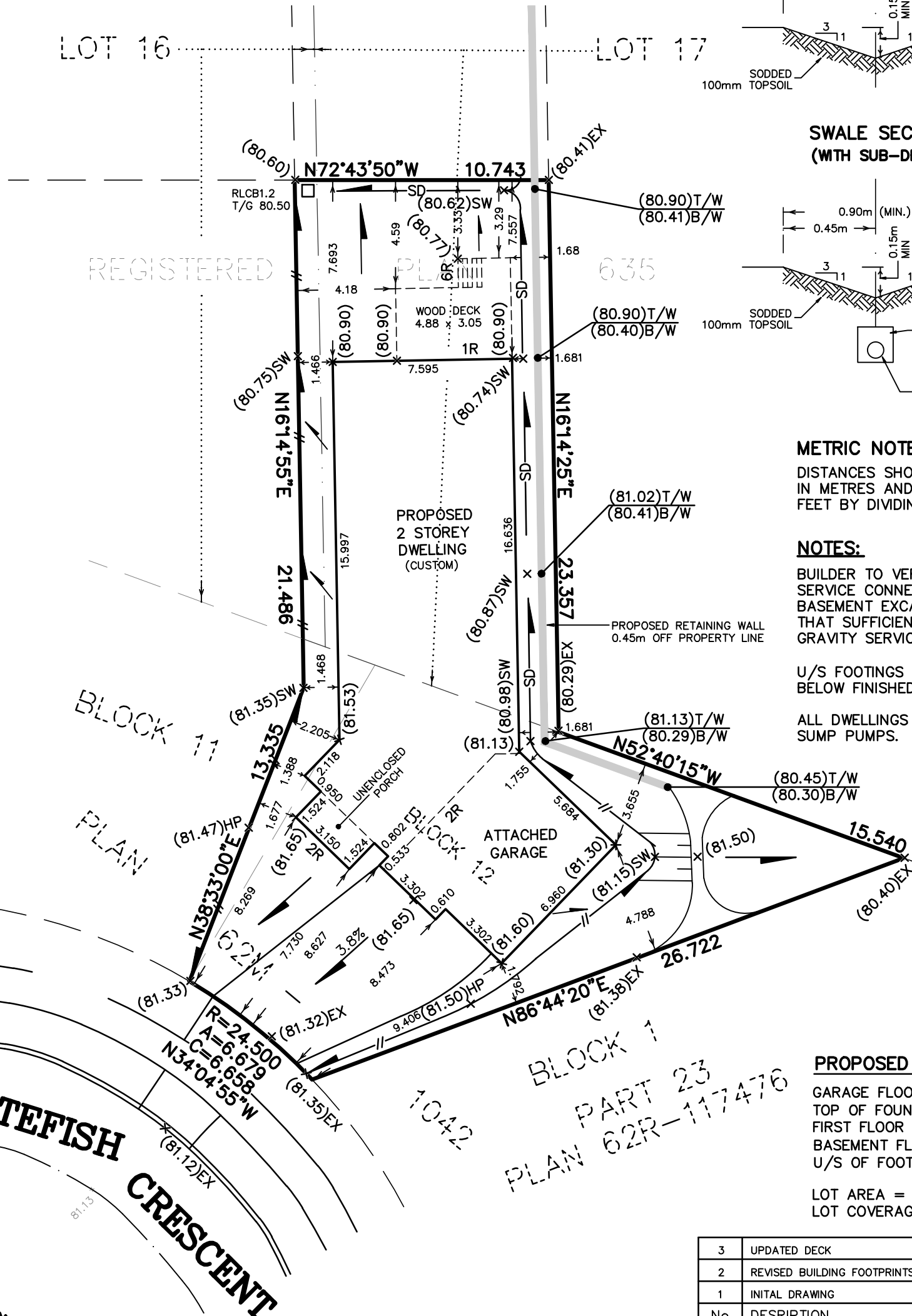
U/S FOOTINGS TO BE MINIMUM OF 1.2m  
BELOW FINISHED GRADE.

ALL DWELLINGS TO BE EQUIPPED WITH  
SUMP PUMPS.

**PROPOSED HOUSE ELEVATIONS:**

GARAGE FLOOR = 81.65  
TOP OF FOUNDATION = 81.80  
FIRST FLOOR = 82.10  
BASEMENT FLOOR = 79.26  
U/S OF FOOTING = 79.02

LOT AREA = 506.3m<sup>2</sup>  
LOT COVERAGE = 39.6%



**WHITEFISH CRESCENT**

**LEGEND:**

- 000.00 DENOTES EXISTING ELEVATION
- (000.00) " PROPOSED ELEVATION
- " DIRECTION OF FLOW
- // " PROPOSED SWALE
- SD- " PROPOSED SWALE WITH SUBDRAIN
- R " RISER
- \* " REVISED DIMENSION
- (S) " SUMP PUMP

FEBRUARY 23, 2024  
DATE

*S.D. McLaren*  
S.D. McLAREN, O.L.S.

No.	DESCRIPTION	DATE	DR.
3	UPDATED DECK	FEBRUARY 23, 2024	KB
2	REVISED BUILDING FOOTPRINTS	SEPTEMBER 19, 2022	KB
1	INITIAL DRAWING	AUGUST 10, 2021	KB

**REVISIONS**

**BUILDING B**



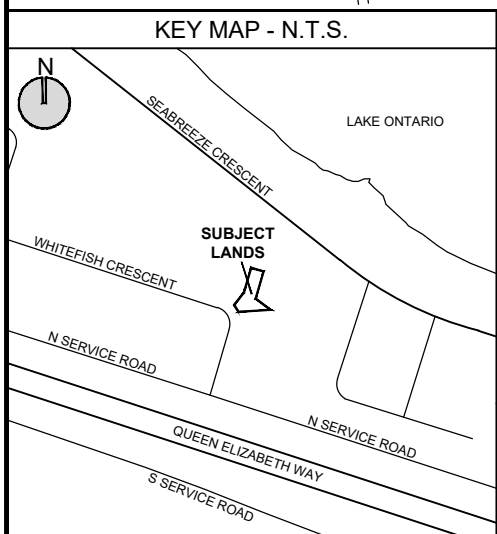
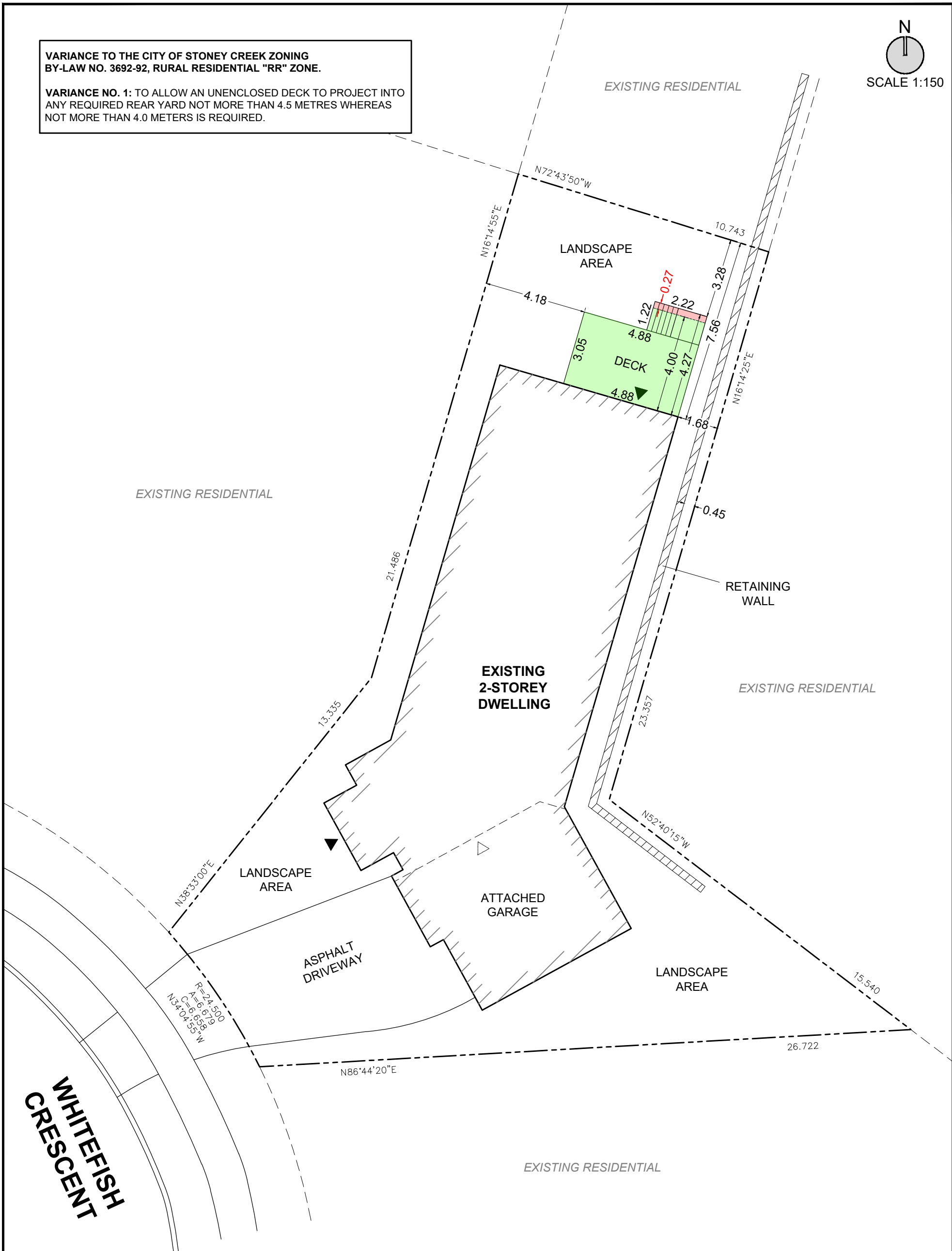
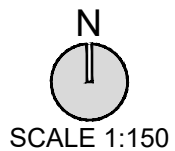
**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn KB Checked SDM Scale 1:200 Dwg.No. 36663-B

**VARIANCE TO THE CITY OF STONEY CREEK ZONING BY-LAW NO. 3692-92, RURAL RESIDENTIAL "RR" ZONE.**

**VARIANCE NO. 1:** TO ALLOW AN UNENCLOSED DECK TO PROJECT INTO ANY REQUIRED REAR YARD NOT MORE THAN 4.5 METRES WHEREAS NOT MORE THAN 4.0 METERS IS REQUIRED.



**LEGEND:**

- SUBJECT LANDS
- ▨ EXISTING DWELLING
- PORTION OF EXISTING DECK THAT CONFORMS TO ZONING
- PORTION OF EXISTING DECK THAT REQUIRES MINOR VARIANCE
- ▲ ENTRANCE

**SCALE 1:150**  
METRES

**PREPARED BY:**

**URBANSOLUTIONS**  
PLANNING & LAND DEVELOPMENT

3 STUDEBAKER PLACE, UNIT 1  
HAMILTON, ON L8L 0C8  
905-546-1087 - urbansolutions.info

**NOT FOR CONSTRUCTION**  
ISSUED FOR REVIEW & COMMENTS ONLY

**NOTES:**  
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

<b>TITLE:</b> <b>MINOR VARIANCE SKETCH</b>	
<b>PROJECT:</b> 121 WHITEFISH CRESCENT STONEY CREEK	
<b>CLIENT:</b> PETER DESANTIS INC.	
<b>DESIGN BY:</b> S. ERICKSON	<b>CHECKED BY:</b> M. JOHNSTON
<b>DRAWN BY:</b> S. ERICKSON	<b>DATE:</b> MAY 13, 2024
<b>U/S FILE NUMBER:</b> 503-24	<b>SHEET NUMBER:</b> 1

2024-06-03

U/S File: 503-24

**[Via Email & Delivery]**

Attn. Jamila Sheffield  
Secretary-Treasurer of Committee of Adjustment  
City of Hamilton  
71 Main Street West  
Hamilton, ON L8P 4Y5

**RE: *Minor Variance Application***  
**121 Whitefish Crescent, Stoney Creek, ON**

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*Urban Solutions Planning & Land Development Consultants Inc. (UrbanSolutions)* has been retained by the owner of 121 Whitefish Crescent to assist with finalizing development approvals on a recently constructed house.

The proposal consists of an uncovered rear deck which serves the existing, but newly built, single detached dwelling. See attached *Site Sketch* (dated 2024.05.13) for illustration.

The subject lot was recently created through a series of consent and Minor Variance Applications to assemble land in accordance with the land use policy framework. Subsequently, a new detached dwelling was constructed on the property in accordance with the Zoning By-law. However, the rear deck was erected larger than that which was originally approved by the City and now exceeds the maximum permitted rear yard encroachment.

This Application would allow for a 3 m x 4.88 m (10'x16') uncovered rear deck to exist along with the associated stairs and landing. The area of contravention is solely focused on the steps to ground level and its correlated landing. (See Figure 1) The purpose of this stair & landing location is to not obstruct a rear basement window, the outdoor condensing unit, and to preserve the unobstructed usability of the rear deck amenity space.

Consequently, the Minor Variance Application seeks relief from the City of Stoney Creek Zoning By-law No. 3692-92, as amended. These are outlined as follows:



*Figure 1: Rear Yard & deck of 121 Whitefish Cr*

1. **Section 4.19.1** (Yard Encroachments)

(d) Maximum permitted encroachment of an unenclosed deck into a required rear yard

Permitted = 4.0 m

Proposed = 4.5 m

**Four (4) Tests of Planning Act**

The Committee of Adjustment, under Section 45 (1) of the Act, may grant a minor variance to the provisions of a Zoning By-law, if in their opinion, the application satisfies all (four) of the following considerations:

1. Does it maintain the general intent & purpose of the Official Plan?

The subject lands are designated 'Neighbourhoods' on [Schedule E-1](#) of the Official Plan. They have further split designations within the *Urban Lakeshore Area Secondary Plan*. According to [Map B.7.3-1](#), the southern part is designated 'Low Density Residential 3-c' whereas the northern part is 'Low Density Residential 2b'. Single detached dwellings are a permitted use within this designation, as well as ancillary uses stipulated by the enforcing By-laws.

The primary deck footprint and elevation comply with the Zoning By-law. The variance is associated strictly with the stairs to ground level and its corresponding landing. The requested variance objectively meets the general purpose and intent of the Official Plan as there are no adverse privacy or drainage impacts apparent with the marginally increased encroachment.

2. Does it maintain the general intent & purpose of the Zoning By-law?

The subject lands have split zoning classifications given their historic lot fabric and development. The southern part, (originally Blocks 11-12 of Plan 62M-1042) are zoned 'R3' (Single Residential 3) whereas the northern part is zoned 'RR' (Rural Residential). The geographic extents of the deck are within the latter (RR) Zone.

The intent of the maximum permitted yard encroachment is first dependent upon its relationship to the corresponding Zone's required yard setbacks. In this case, the required rear yard setback is 7.5 m, while an unenclosed deck may encroach into the rear yard not more than 4 m. This scenario provides an effective setback between the rear lot line and hypothetical deck of 3.5 m. The default encroachment provision allows some prescribed design flexibility for among other things, attached outdoor amenity structures (porches, decks, balconies) and protruding architectural design elements.

The proposed deck encroachment of 4.5 m maintains over 3 m (10') to the rear lot line which is adequate to convey normal storm drainage events without adversely impacting neighbouring lands. A *Grading Plan* has been prepared which demonstrate the drainage routes around the proposed deck that utilize an existing approved rear yard catch basin. The rear yard open amenity space is abundantly intact. There are no apparent privacy issues being caused given the deck landing's elevation and location.



Therefore, the proposed minor variance is considered to satisfy the purpose and intent of the Zoning By-law.

3. Is it minor in nature?

The proposed deck encroachment is associated with a 6-step stair and its corresponding landing, not the primary 3 m x 4.88 m (10'x16') deck structure. The location of the stair and landing preserve daylight into an existing basement window, avoid the A/C condensing unit, maintain ample landscaped open space for drainage, leisure, and privacy amongst neighbours.

The proposed variance is considered minor in nature.

4. Is it desirable for the development or use of the land?

The requested variance will allow for a more practical, and useful deck to improve the outdoor amenity space offered on the subject land. The increased encroachment will still maintain adequate privacy amongst neighbours, rear yard utility, and drainage.

Overall, the proposed variance satisfies the *four tests* outlined in the *Planning Act* as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

In support of this *Application*, the following is enclosed:

- *Minor Variance Application* (x1)
- Cheque for **\$ 705** payable to the City of Hamilton
- *Site Sketch* (2024.05.13)

We trust this submission is in order; however, please contact the undersigned if there are questions.

Respectfully,



Curtis Thompson, MCIP, RPP, B.URPI  
*Senior Planner*

Copied: Peter DeSantis – Owner  
Matt Johnston – UrbanSolutions



Hamilton

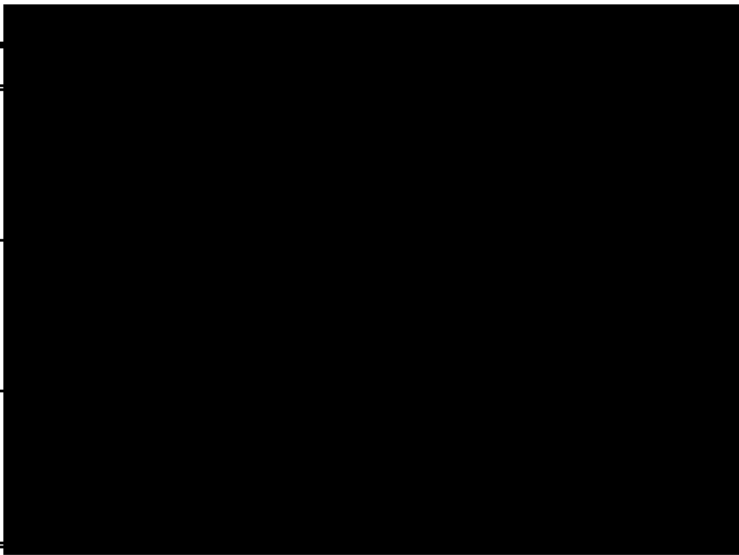
Committee of Adjustment  
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Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

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

**1. APPLICANT INFORMATION**

	NAME
<b>Registered Owners(s)</b>	Fifty Road Inc. (c/o Peter DeSantis)
<b>Applicant(s)</b>	
<b>Agent or Solicitor</b>	UrbanSolutions Planning & Development (c/o Curtis Thompson)



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	121 Whitefish Crescent		
Assessment Roll Number			
Former Municipality	Township of Saltfleet / Stoney Creek		
Lot		Concession	
Registered Plan Number	62M-1042	Lot(s)	Block 12
Reference Plan Number (s)	635	Part(s)	Lots 16-17

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:

Instrument No. WE348084 - Grading easement in gross

**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:

S. 4.19.1 (Yard Encroachments)

(d) Request an unenclosed deck to encroach into a required rear yard a maximum of 4.5 m, whereas 4 m is permitted.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Refer to Cover 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
See Site Plan			

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
Detached Dwelling	See Site Plan			

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Uncovered Deck	See Site Plan			

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	See Site Plan			

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Uncovered deck	See Site Plan			

- 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.):  
Detached dwelling and uncovered rear deck

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

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Unknown

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

Residential

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

Residential

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

Unknown

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+LDR 3c/LDR 2b

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

See Cover Letter

7.6 What is the existing zoning of the subject land? R3 and RR

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: R3 and RR

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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: 0

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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