



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.:	HM/A-24:42	SUBJECT PROPERTY:	9 Westbourne Road, Hamilton
ZONE:	“C/S-1335, C/S-1335a, C/S-1804” (Urban Protected Residential)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 21-020

APPLICANTS: Owner: B.U. Inc
Agent: Joe DiDonato and Sven Oppermann

The following variances are requested:

1. Notwithstanding Section 4(3)(a) and in addition to Section 9 (1), a maximum 124.0 square metre building containing a second dwelling unit and shed shall be permitted on the same lot as a single family dwelling instead of notwithstanding Section 4(3)(a) and in addition to Section 9 (1), a maximum 89.0 square metre building containing a second dwelling unit and shed shall be permitted on the same lot as a single family dwelling

PURPOSE & EFFECT: To facilitate the addition of 4 bedrooms to an existing detached dwelling unit.

Notes:

1. It is noted that the principal dwelling on site exceeds the size of the accessory dwelling.

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 23, 2024
TIME:	1:45 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
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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 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 HM/A-24:42, 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 4, 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.



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

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.

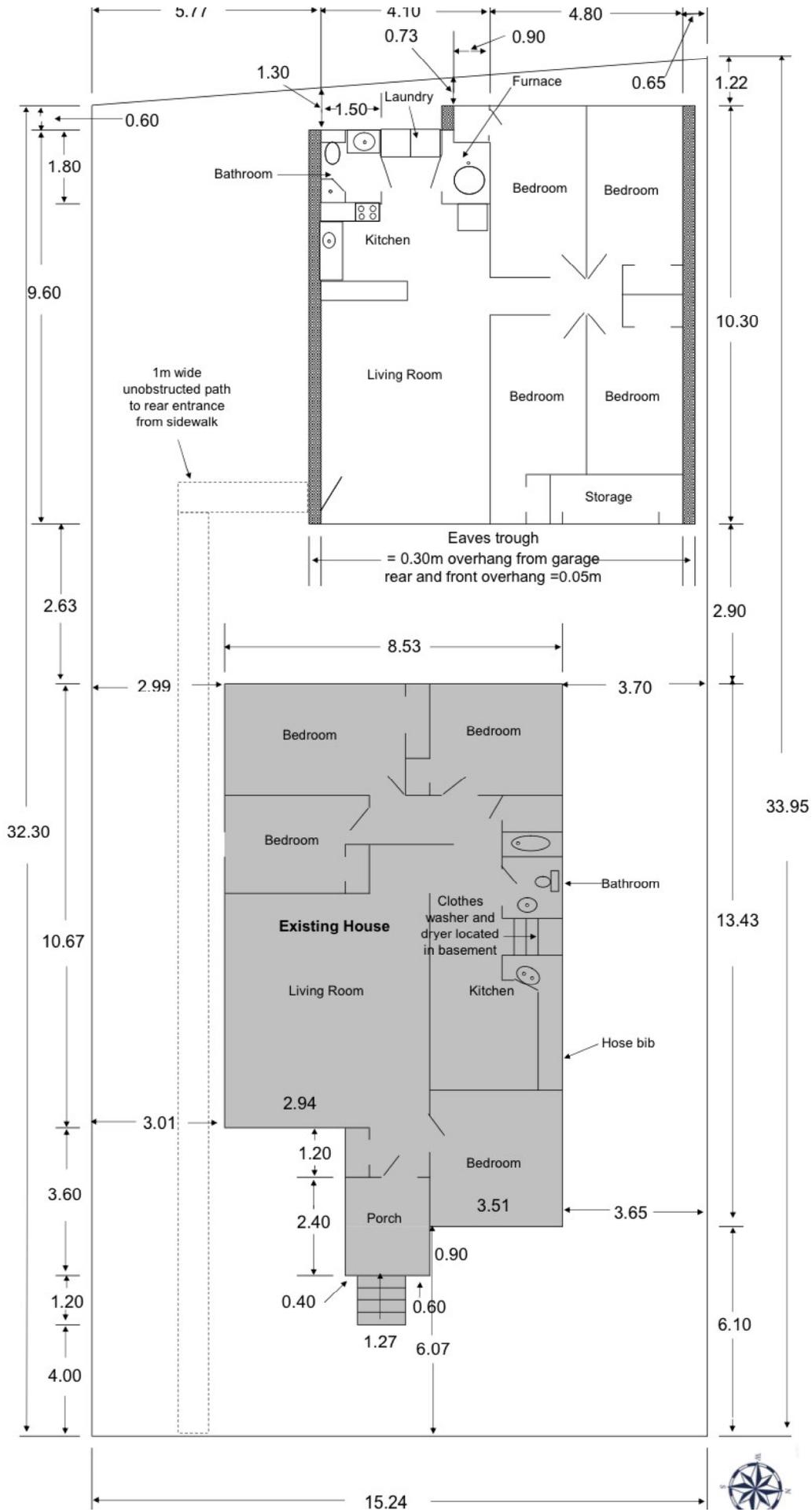
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

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.



Authority: Item 6, Planning Committee
Report 21-003 (PED21039)
CM: February 24, 2021
Ward: 1

Bill No. 020

CITY OF HAMILTON
BY-LAW NO. 21-020

**To Amend Zoning By-law No. 6593 (Hamilton), as amended,
Respecting Lands Located at 9 Westbourne Road, Hamilton**

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 6 of Report 21-003 of the Planning Committee, at its meeting held on the 24th day of February, 2021, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

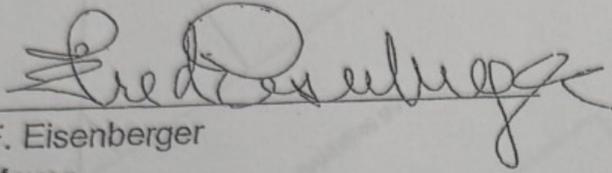
1. That Sheet No. W45 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended as follows:
 - a) By changing the zoning from the "C/S-1335", "C/S-1335a" and "C/S-1788" (Urban Protected Residential, Etc.) District, Modified, to the "C/S-1335", "C/S-1335a" and "C/S-1804" (Urban Protected Residential, Etc.) District, Modified;
on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the "C" (Urban Protected Residential, Etc.) District provisions as contained in

Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:

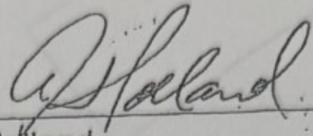
- a) That notwithstanding Section 4(3)(a) and in addition to Section 9 (1), a maximum 89.0 square metre building containing a second dwelling unit and shed shall be permitted on the same lot as a single family dwelling.
$$\rightarrow + 35 = 124 \text{ m}^2$$
 - b) That notwithstanding Section 9 (3) (ii), a side yard of a width of at least 1.2 metres shall be provided, except for a second dwelling unit for which a northerly side yard width of at least 0.7 metres shall be required,
 - c) That notwithstanding Section 9 (3) (iii), a rear yard of a depth of 7.5 metres shall be provided, except for a second dwelling unit for which a rear yard of a depth of 0.8 metres shall be required.
 - d) That notwithstanding Section 18.A (1) (f) no manoeuvring shall be required for parking spaces located within the front yard.
 - e) That notwithstanding Subsection 18A(1)(a), for a second dwelling unit one parking space shall be provided.
 - f) That a minimum distance of 2.9 metres from the rear face of a principal dwelling shall be required.
 - g) A maximum one driveway shall be permitted for each lot containing a second dwelling unit.
3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C/S-1335", "C/S-1335a", and "C/S-1804" District provisions, subject to the special requirements in Section 2 of this By-law.
 4. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1804.
 5. That Sheet No. W45 of the District maps is amended by making the lands referred to in Section 1 of this By-law as Schedule S-1804.
 6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

To Amend Zoning By-law No. 6593 (Hamilton), as amended,
Respecting Lands Located at 9 Westbourne Road, Hamilton

PASSED this 24th day of February, 2021.



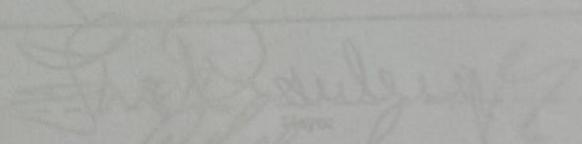
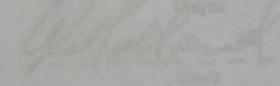
F. Eisenberger
Mayor



A. Holland
City Clerk

ZAS-20-003

This is Schedule "A" to By-law No. 6593
Passed the 24th day of Feb 2021

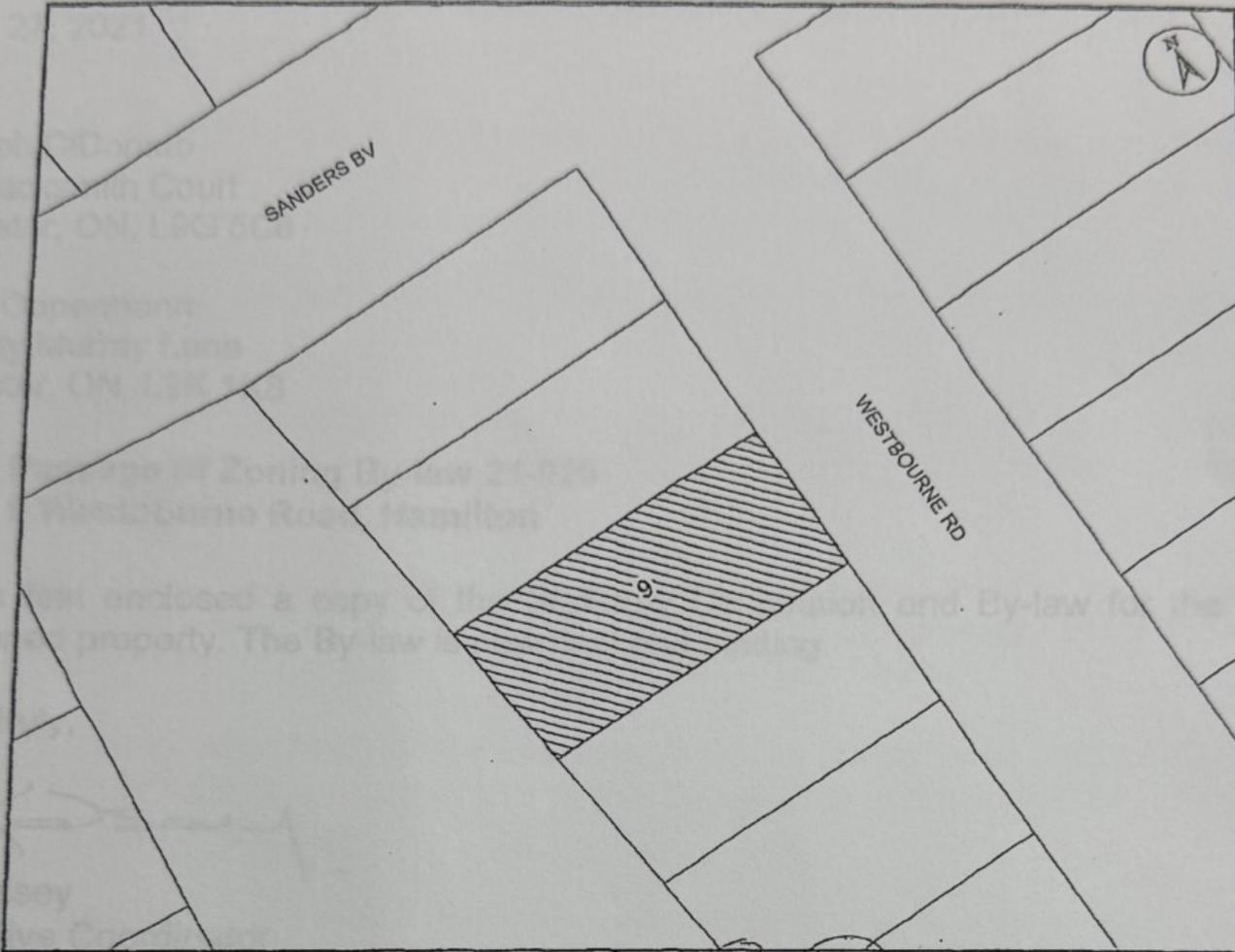
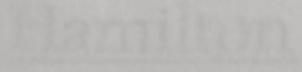



Schedule "A"
Map forming Part of
By-law No. 21-070
to Amend By-law No. 6593

Subject Property
9 Westbourne Road, Hamilton
 Change to Zoning from "C1-1200", "C1-1200A" and "C1-1200B" (Urban Professional Residential, Etc.) District (Schedule 1) to "C1-1200", "C1-1200A" and "C1-1200B" (Urban Professional Residential, Etc.) District, Hamilton

City of Hamilton 240-71-003	Hamilton 
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To Amend Zoning By-law No. 6593 (Hamilton), as amended,
Respecting Lands Located at 9 Westbourne Road, Hamilton



This is Schedule "A" to By-law No. 21-020
 Passed the 24 day of FEB, 2021

[Signature]
 Mayor
[Signature]
 Clerk

Schedule "A"

Map forming Part of
By-law No. 21-020

to Amend By-law No. 6593

Subject Property
9 Westbourne Road, Hamilton

Change in Zoning from the "C/S-1335", "C/S-1335a" and "C/S-1788" (Urban Protected Residential, Etc.) District Modified, to the "C/S-1335", "C/S-1335a" and "C/S-1804" (Urban Protected Residential, Etc.) District, Modified

Scale: N.T.S	File Name/Number: ZAS-20-003	
Date: February 1, 2021	Planner/Technician: DB/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



City Hall, 71 Main Street West
Hamilton, Ontario,
Canada L8P 4Y5
www.hamilton.ca

IN THE MATTER OF By-law No. 21-020
AND IN THE MATTER
of the Planning Act, R.S.O. 1990
9 Westbourne Road, Hamilton

City Clerk's Office
Phone: 905.546-2424 ext 4605 Fax: 905.546-2095
Email: Lisa.kelsey@hamilton.ca

Hamilton

April 27, 2021

Joseph DiDonato
15 Blacksmith Court
Ancaster, ON, L9G 5C8

Sven Oppermann
44 Kitty Murray Lane
Ancaster, ON, L9K 1K8

**Re: Passage of Zoning By-law 21-020
9 Westbourne Road, Hamilton**

Please find enclosed a copy of the Statutory Declaration and By-law for the above-mentioned property. The By-law is now final and binding.

Yours truly,

Lisa Kelsey
Legislative Coordinator
Planning Committee

Attachments

Copies to:

- Steve Robichaud
- Zeltite Race
- Nada Belair
- Christine Newbold
- David Janaszek
- Lynne Cunningham
- June Christy

ZAS-20-003

ZAS-20-003

Use of the
of the Province of Ontario, for the City of Hamilton.
Expires June 12, 2021

DOMINION OF CANADA)
 Province of Ontario)
)
)

IN THE MATTER OF By-law No. 21-020
 AND IN THE MATTER OF Section 34(22)
 of the *Planning Act*, R.S.O. 1990, c. P.13.
 9 Westbourne Road, Hamilton

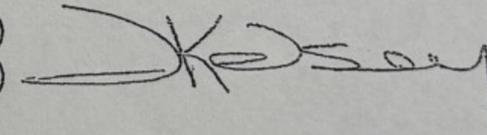
TO WIT:

I, Lisa Kelsey, Legislative Coordinator, City Clerk's Office, of the City of Hamilton, DO SOLEMNLY DECLARE:

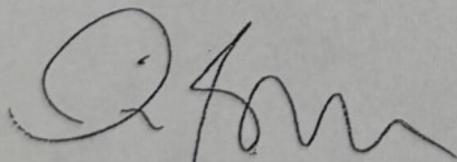
1. That Notice of a Public Meeting for the purpose of informing the public in respect of the proposed Zoning By-law amendment was given on the 29th day of January, 2021 as prescribed by law.
2. That By-law Number 21-020 was passed on the 24th day of February, 2021.
3. That written Notice of the Passing of the said By-law was given in accordance with Section 34(18) of the *Planning Act* on the 8th day of March, 2021.
4. That no Notice of Appeal was filed under Section 34(19) of the *Planning Act* on or before the 28th day of March, 2021, being twenty days from the day of the notice given of the passing of the said By-law.
5. That Section 24(2) of the *Planning Act* does not apply in that the Council did not adopt an amendment to the Official Plan and said By-law conforms to the Official Plan.
6. That, in accordance with Section 34(21) of the *Planning Act*, I verily believe that the By-law is deemed to come into force on the day it was passed.

AND I MAKE THIS solemn Declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act*.

DECLARED before me at the City of Hamilton

)
) 

this 27th day of April, 2021


 A Commissioner, etc.

ZAS-20-003
 Lisa Barroso,
 a Commissioner, etc.,
 Province of Ontario, for the City of Hamilton.
 Expires June 12, 2021.



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)	B.V. Inc.	
Applicant(s)	Joe DiDonato Sven Oppermann	
Agent or Solicitor		
		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*



_____ must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	9 Westbourne Rd., Hamilton		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes No

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

3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

Add 4 bedrooms to upstairs and staircase on main level.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Second story covers same footprint so no new encumbrances on lot

3.3 Is this an application 45(2) of the Planning Act.

Yes

No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
15.24 m	33.95 m	517.40 m ²	10 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
Single Family	Rear N/A	0.73 m	0.65 m / 5.77 m	June / 2023
Single Family	front 6.10 m	12.23 m	2.99 m / 3.65 m	1956

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single Family	rear 89 m ²	35 124 m ²	2	7.92 m
Single Family	front 103 m ²	103 m ²	1	6 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

- 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 dwelling

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Dec. / 2013

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

single detached

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

single detached

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

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) _____

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

7.6 What is the existing zoning of the subject land? *c/s-1335, c/s-1335a, cs-1804*

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: 2

8.2 Number of Dwelling Units Proposed: 2

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

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee *paid 02/12/24*
- 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
