



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-24:168	SUBJECT PROPERTY:	7 Andrew Court, Hamilton
ZONE:	R1 (Low Density Residential)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 22-197

APPLICANTS: Owner: Elycia Watson & Ivan Mikesic
Agent: Christine Brown

The following variances are requested:

1. A minimum distance of 5.0 metres shall be provided between the rear wall of the principal dwelling and the Additional Dwelling Unit – Detached instead of the minimum required distance of 7.5 metres to the rear wall of the principal dwelling

PURPOSE & EFFECT: So as to permit an Additional Dwelling Unit - Detached within the rear yard of an Existing Single Detached Dwelling

Notes:

- i. Please note, a Divisional interpretation has determined that the porch in association with the Additional Dwelling Unit – Detached shall be considered as an encroachment and is not subject to the 7.5 metre setback from the principal dwelling. As such, the variance has been written as request by the applicant to permit relief from the 7.5 metre setback between the rear façade of the principal dwelling and the closest fact of the Additional Dwelling Unit – Detached.

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 20, 2024
TIME:	1:40 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

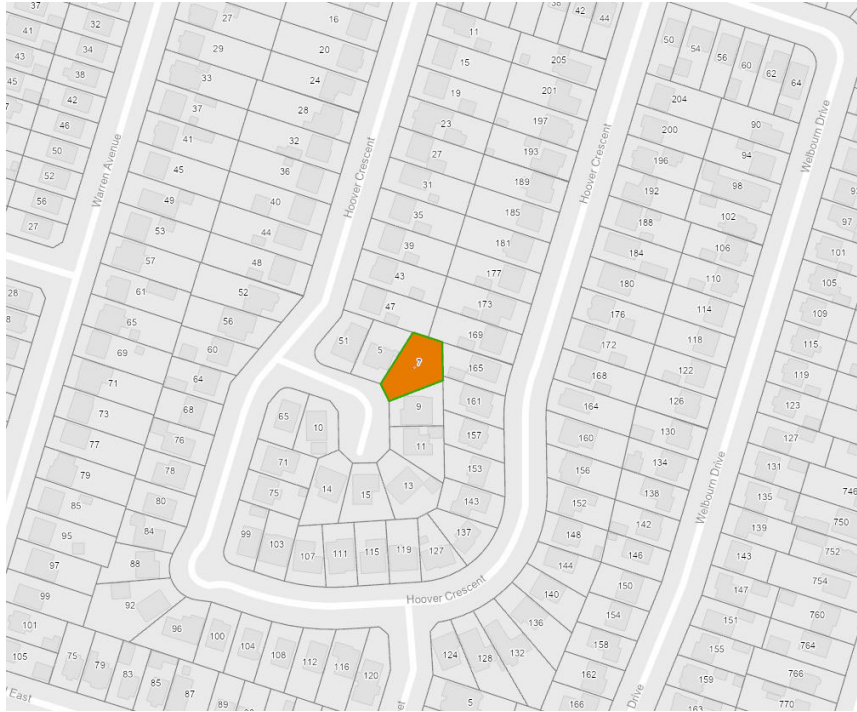
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon August 16, 2024

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 19, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:168, 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: August 1, 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.

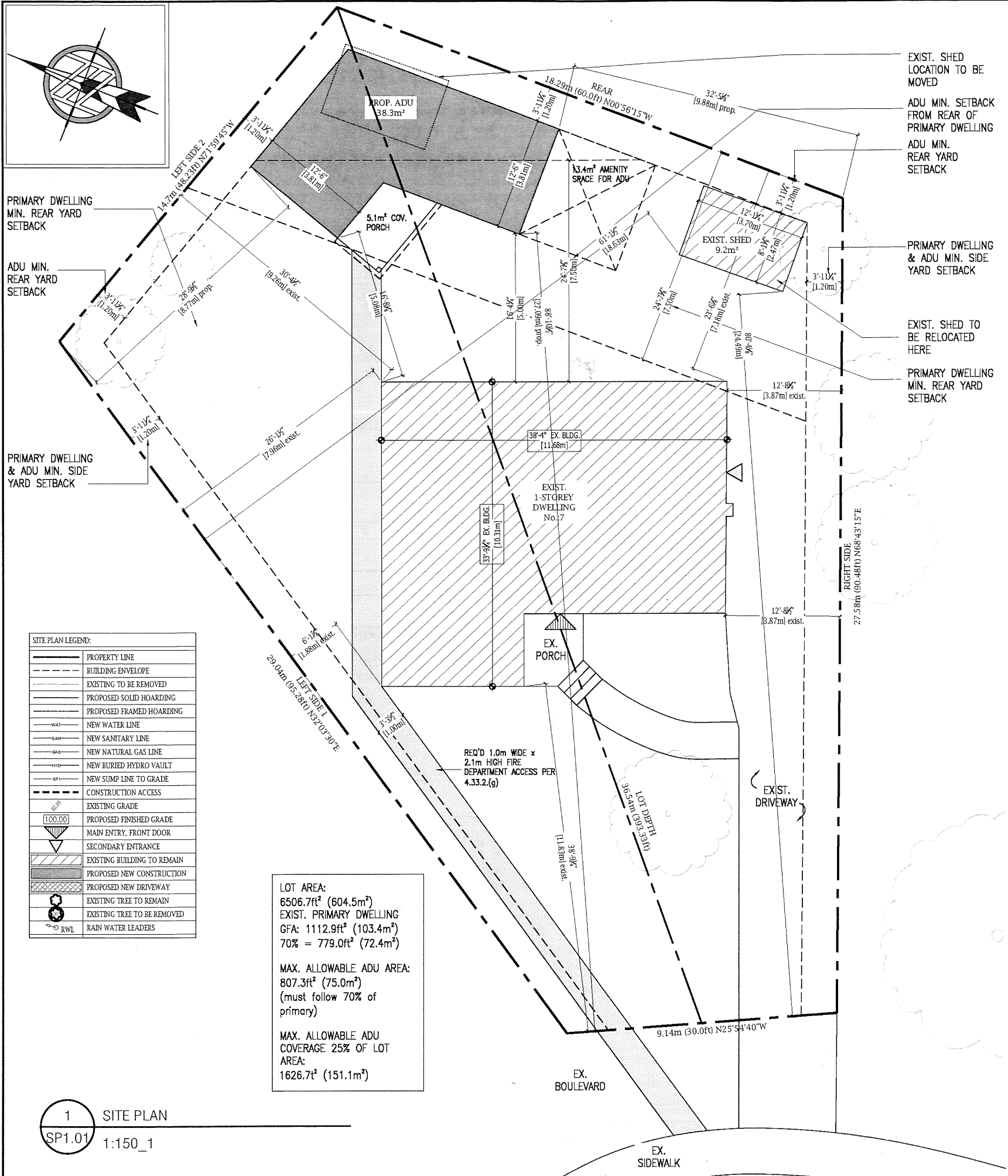
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

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.



PROPERTY OWNER: Watson Residence
DESIGNER: Christine Brown
 7 Andrew Court
 444 Upper Gage Avenue
 Hamilton, Ontario, L9A 1W5
 Hamilton, Ontario, L8V 4H9
 cbrown@friendlycadmonkey.com
 PH: (905)802.5272

SITE STATISTICS: Hamilton 05-200
ZONING: R1

LOT INFORMATION:	%	METRIC	IMPERIAL
MIN. LOT AREA:		360.00	3875.00
EXIST. LOT AREA:		604.50	6506.78
MIN. LOT FRONTAGE:		12.00	39.37
EXIST. LOT FRONTAGE:		9.14	29.99
EXIST. LOT DEPTH:		36.50	119.75

SETBACK INFORMATION (PRIMARY DWELLING):

MINIMUM FRONT YARD SETBACK:	6.00	19.69
EXISTING FRONT YARD:	11.83	38.81
MINIMUM REAR YARD SETBACK:	7.50	24.61
EXISTING REAR YARD:	7.18	23.56
MIN. L1 SIDEYARD SETBACK:	1.20	3.94
EXISTING L1 SIDEYARD:	1.88	6.17
MIN. L2 SIDEYARD SETBACK:	1.20	3.94
EXISTING L2 SIDEYARD:	9.26	30.38
MIN. R SIDEYARD SETBACK:	1.20	3.94
EXISTING R SIDEYARD:	3.87	12.70

SETBACK INFORMATION (PROPOSED ADU):

MINIMUM REAR YARD SETBACK:	1.20	3.94	
PROPOSED REAR YARD 1:	1.20	3.94	
PROPOSED REAR YARD 2:	1.20	3.94	
MINIMUM L1 SIDEYARD SETBACK:	1.20	3.94	
PROP. L1 SIDEYARD:	8.77	28.77	
MINIMUM L2 SIDEYARD SETBACK:	1.20	3.94	
PROP. L2 SIDEYARD:	1.50	4.92	
MINIMUM R SIDEYARD SETBACK:	1.20	3.94	
PROP. R SIDEYARD:	9.88	32.41	
MINIMUM SETBACK TO PRIMARY DWELLING:	7.50	24.61	
PROP. SETBACK TO PRIMARY DWELLING:	*COA*	5.00	16.40

GROSS FLOOR AREA (EXIST. PRIMARY DWELLING):	%	METRIC	IMPERIAL
EXIST. 1ST FLOOR AREA:		104.11	1120.65
EXIST. GROSS FLOOR AREA:		104.11	1120.65

GROSS FLOOR AREA (PROP. ADU):	%	METRIC	IMPERIAL
PROP. 1ST FLOOR AREA:		38.32	412.50
PROP. 2ND FLOOR AREA:		19.05	205.00

MAX. ALLOWABLE GROSS FLOOR AREA:			
(70% OF PRIMARY 1ST FLOOR AREA):	70.00%	72.88	784.46
MAX. ALLOWABLE GROUND FLOOR AREA:			
(25% OF LOT AREA):	25.00%	151.12	1626.69

PROP. GROSS FLOOR AREA:	%	METRIC	IMPERIAL
PROP. GROSS FLOOR AREA:		57.37	617.50
PROP. % OF LOT AREA:	3.15%	19.05	205.00

COVERAGE CALCULATIONS:

	%	METRIC	IMPERIAL
EXISTING PRIMARY DWELLING:		104.11	1120.65
EXISTING SHED:		9.20	99.00
PROPOSED ADU:		38.32	412.50
EXISTING COVERAGE:	18.74%	113.31	1219.65
PROPOSED COVERAGE (DWELLING + ADU):	25.08%	151.63	1632.15

HEIGHT CALCULATIONS

	%	METRIC	IMPERIAL
MAX. ALLOWABLE HEIGHT (PRIMARY DWELLING):		10.50	34.45
EXISTING:		4.82	15.81
MAX. ALLOWABLE HEIGHT (PROP. ADU):		6.00	19.69
PROPOSED:		6.00	19.69

Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.

SITE ACCREDITATION

PLAN OF SURVEY WITH TOPOGRAPHY OF LOT 51, REGISTERED PLAN 1203, CITY OF HAMILTON

INFORMATION TAKEN FROM A SURVEY PREPARED BY:
 A.T. MCCLAREN LIMITED
 ONTARIO LAND SURVEYORS
 APRIL 5, 2024

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

5	07.03.24	ISSUED FOR MINOR VARIANCE
4	05.27.24	ISSUED FOR FINAL DESIGNS
3	04.23.24	ISSUED FOR PRELIM. DESIGNS
2	04.15.24	REVISED FOR REVIEW
1	01.21.23	ISSUED FOR REVIEW

REF. DATE: DESCRIPTION:

MY HOUSE DESIGNS
 RESIDENTIAL DESIGN AND DRAFTING SERVICES

CHRISTINE BROWN
 Architectural Technologist
 905.802.5272
 444 UPPER GAGE AVE.
 HAMILTON, ON L8V 4H9
 cbrown@friendlycadmonkey.com

CLIENT:
 WATSON RESIDENCE

ADDRESS: 7 ANDREW COURT
 CITY: HAMILTON, ONTARIO, L9A 1W5

DRAWING TITLE:
 SITE PLAN

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONT. BUILDING CODE TO BE A DESIGNER. REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION 'C' SECTION 3.2 OF THE O.B.C.

Ministry of Municipal Affairs and Housing
 QUALIFICATION INFORMATION

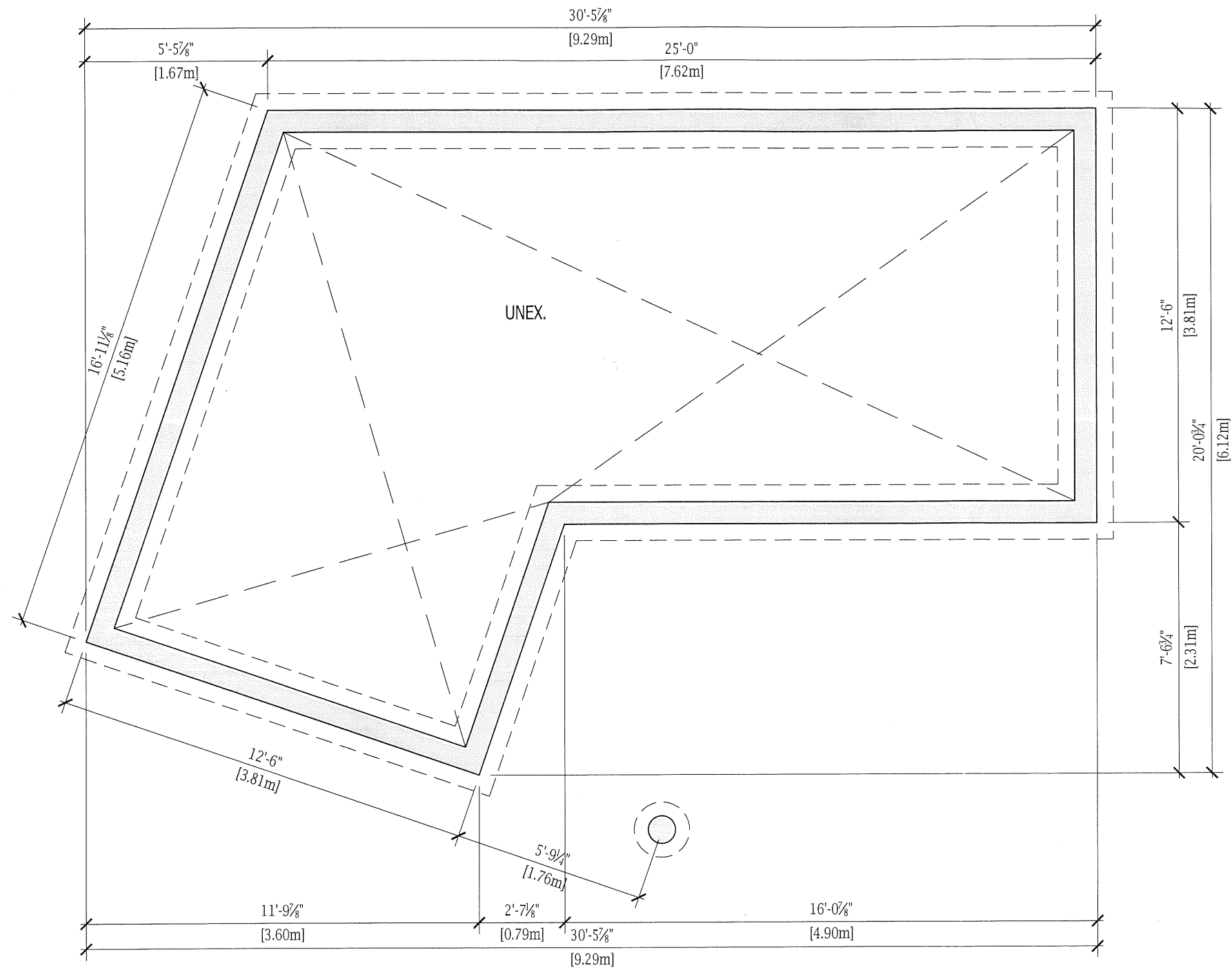
CHRISTINE BROWN	BCIN 37240
MY HOUSE DESIGNS	BCIN 113120

DRAWN: CB
DATE: Jul. 2, 24
JOB NO.: 24-151

SCALE: 1:150.1
SHEET: SP1.01

1 SITE PLAN
 SP1.01 1:150_1

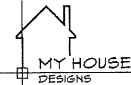
2 SITE STATS
 SP1.01 N.T.S.




1 FOUNDATION PLAN
A1.01 1/4" = 1'-0"

Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.

REF	DATE	DESCRIPTION
5	07.03.24	ISSUED FOR MINOR VARIANCE
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3	04.23.24	ISSUED FOR PRELIM. DESIGNS
2	04.15.24	REVISED FOR REVIEW
1	01.21.23	ISSUED FOR REVIEW



RESIDENTIAL DESIGN AND DRAFTING SERVICES



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cbrown@friendlycadmonkey.com

CLIENT:
WATSON RESIDENCE
ADU

ADDRESS: 7 ANDREW COURT
CITY: HAMILTON, ONTARIO, L9A 1W5

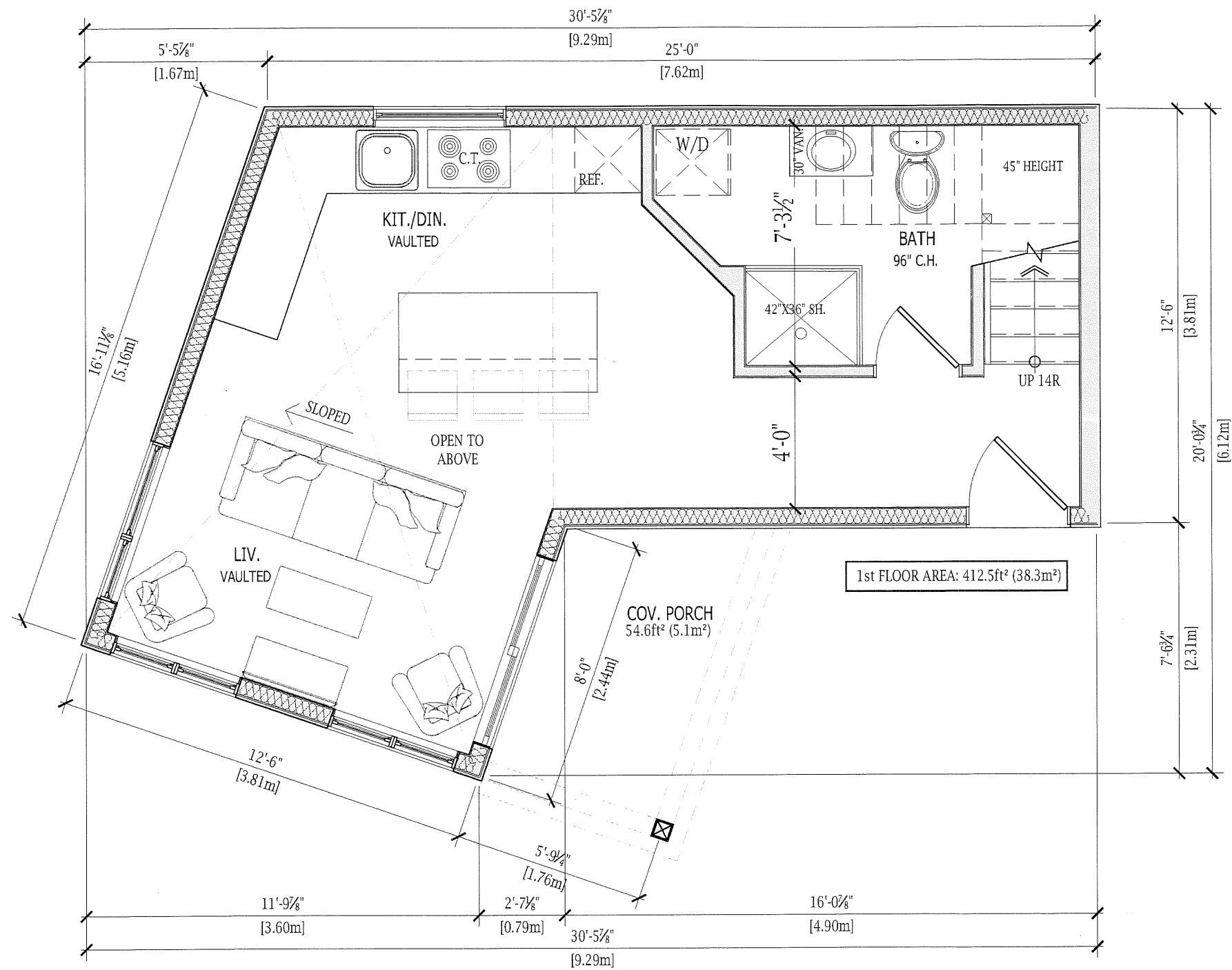
DRAWING TITLE:
FOUNDATION PLAN

Ministry of Municipal Affairs and Housing
QUALIFICATION INFORMATION

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	BCIN 37240
CHRISTINE BROWN	
	BCIN 113120
MY HOUSE DESIGNS	

DRAWN: CB	SCALE: 1/4" = 1'-0"
DATE: Jul 2, 24	SHEET: A1.01
JOB NO.: 24-151	



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REF	DATE:	DESCRIPTION:

MY HOUSE DESIGNS
RESIDENTIAL DESIGN AND DRAFTING SERVICES

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HAMILTON, ON L8V 4B9
cbrown@friendlyadmonkey.com

CLIENT:
WATSON RESIDENCE ADU

ADDRESS: 7 ANDREW COURT
CITY: HAMILTON, ONTARIO, L9A 1W5

DRAWING TITLE:
1ST FLOOR PLAN

Ministry of Municipal Affairs and Housing
QUALIFICATION INFORMATION

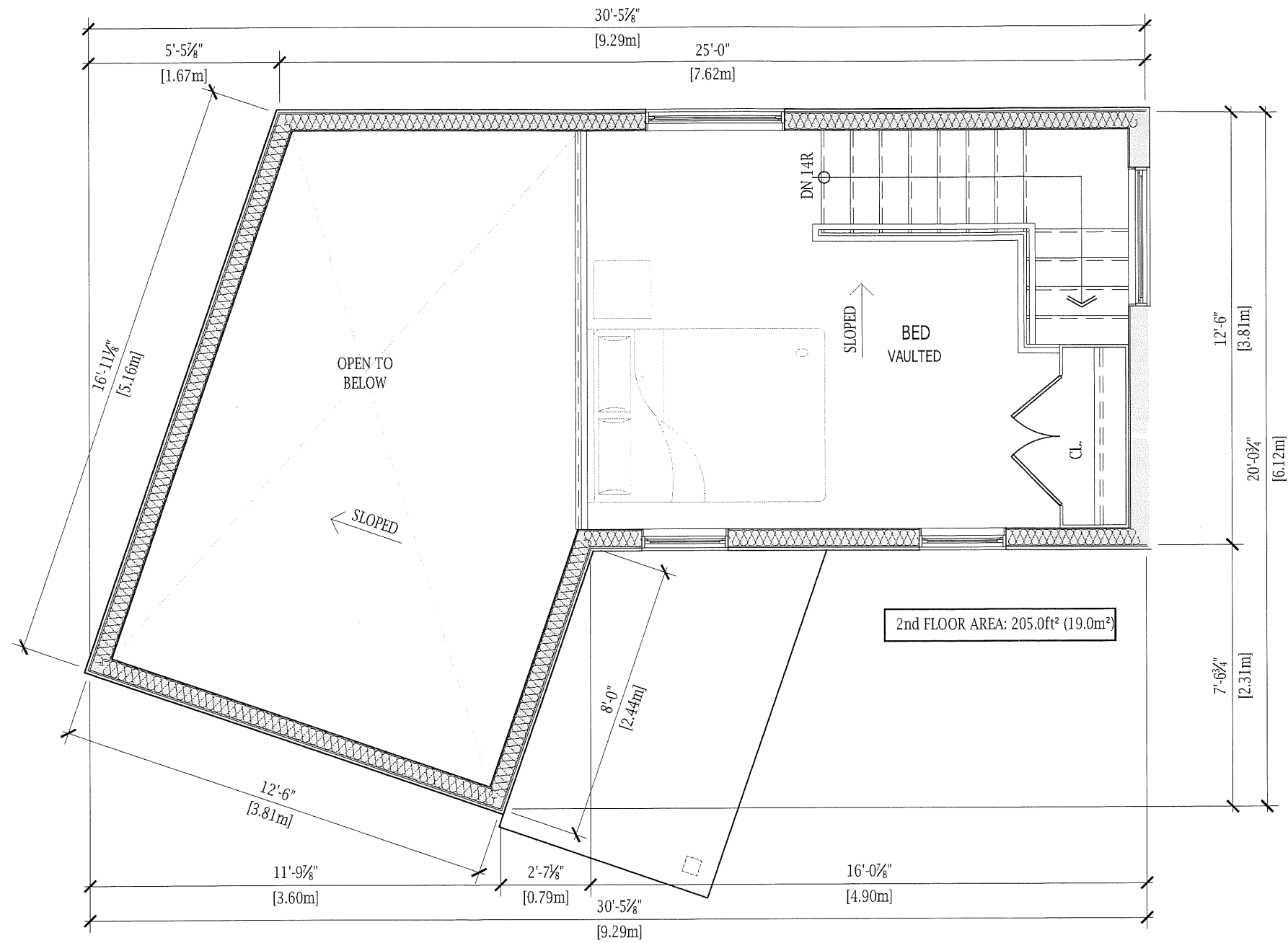
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Signature: CB
CHRISTINE BROWN B.C.N. 37240

Signature: PD
MY HOUSE DESIGNS B.C.N. 113120

DRAWN: CB	SCALE: 1/4" = 1'-0"
DATE: Jul. 2, 24	SHEET: A1.02
JOB NO.: 24-151	

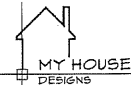
1 1ST FLOOR PLAN
A1.02 1/4" = 1'-0"




Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.

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1	01.21.23	ISSUED FOR REVIEW

REF. DATE: DESCRIPTION:



RESIDENTIAL
DESIGN AND
DRAFTING SERVICES



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CLIENT:
WATSON RESIDENCE
ADU

ADDRESS: 7 ANDREW COURT
CITY: HAMILTON, ONTARIO, L9A 1W5

DRAWING TITLE:
2ND FLOOR PLAN

**Ministry of Municipal
Affairs and Housing**

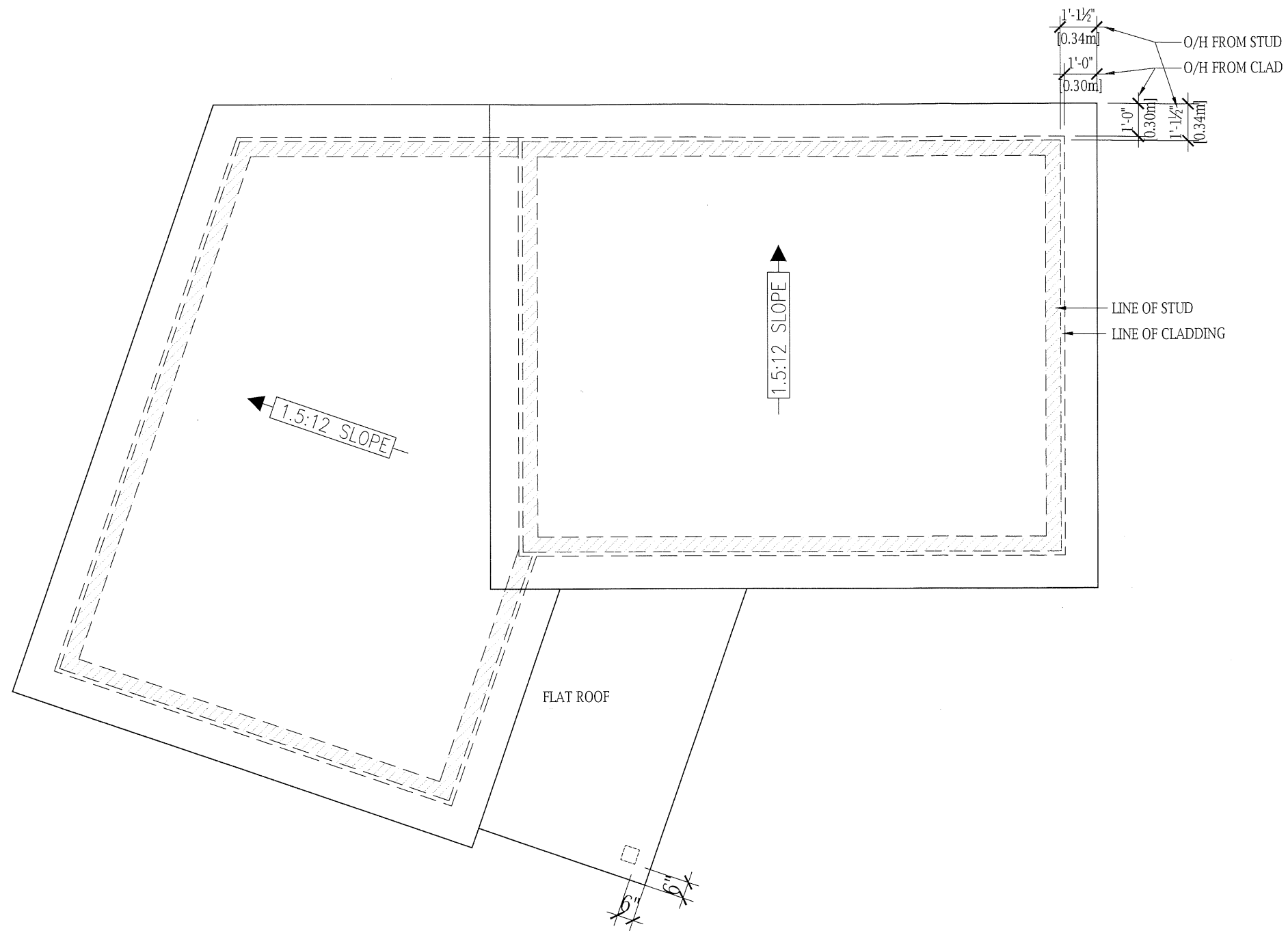
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	BCIN 37240
CHRISTINE BROWN	
	BCIN 113120
MY HOUSE DESIGNS	

DRAWN: CB	SCALE: 1/4" = 1'-0"
DATE: Jul. 2, 24	SHEET: A1.03
JOB NO.: 24-151	

1 2ND FLOOR PLAN
A1.03 1/4" = 1'-0"




1 ROOF PLAN
A1.04 1/4" = 1'-0"


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3	04.23.24	ISSUED FOR PRELIM. DESIGNS
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1	01.21.23	ISSUED FOR REVIEW

REF. DATE: DESCRIPTION:



RESIDENTIAL DESIGN AND DRAFTING SERVICES



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cbrown@friendlycadmonkey.com

CLIENT:
WATSON RESIDENCE
ADU

ADDRESS: 7 ANDREW COURT
CITY: HAMILTON, ONTARIO, L9A 1W5

DRAWING TITLE:
ROOF PLAN

Ministry of Municipal Affairs and Housing
QUALIFICATION INFORMATION

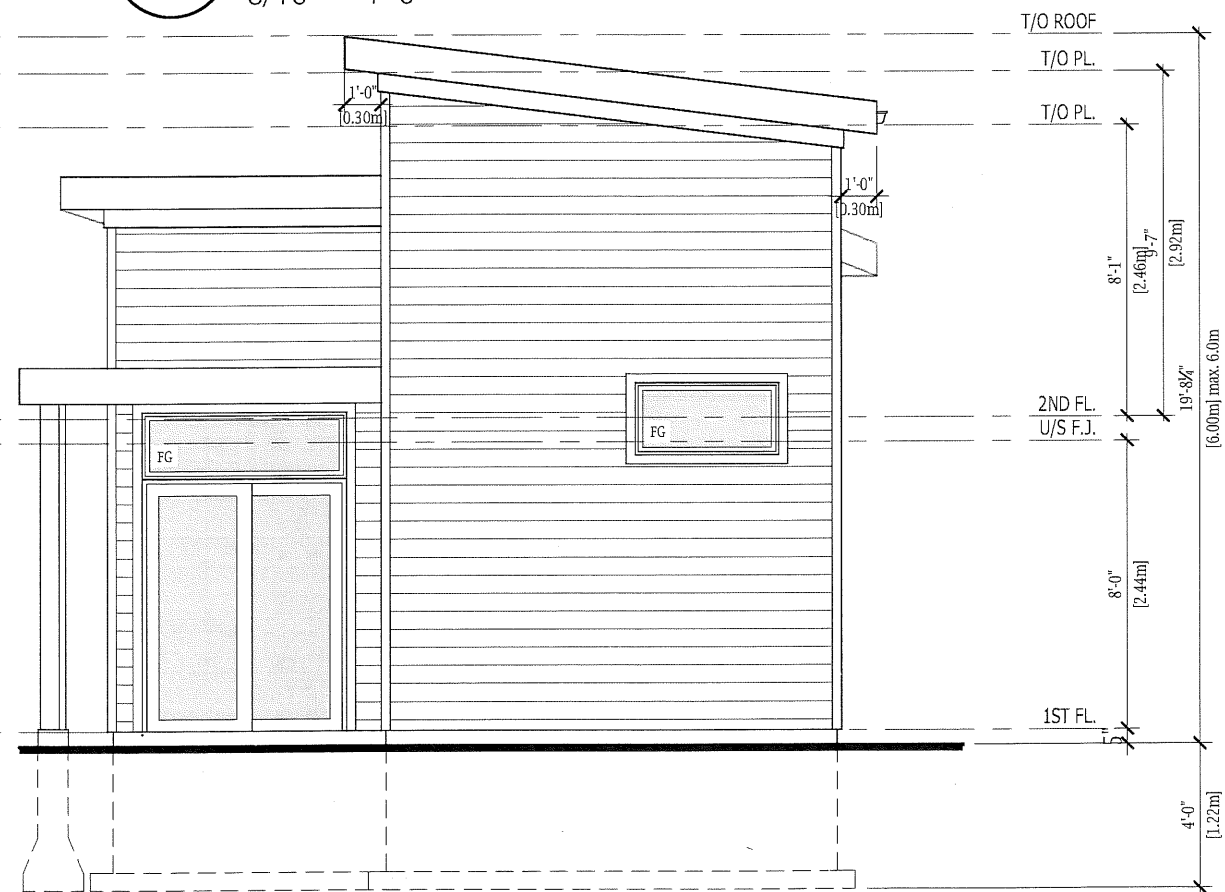
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Signature: CB	BCIN
CHRISTINE BROWN	37240
Signature: PB	BCIN
MY HOUSE DESIGNS	113120

DRAWN: CB	SCALE: 1/4" = 1'-0"
DATE: Jul. 2, 24	SHEET: A1.04
JOB NO.: 24-151	



1 FRONT ELEVATION
A2.01 3/16" = 1'-0"




2 RIGHT SIDE ELEVATION
A2.01 3/16" = 1'-0"


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1	01.21.23	ISSUED FOR REVIEW

REF. DATE: DESCRIPTION:



RESIDENTIAL DESIGN AND DRAFTING SERVICES



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CLIENT:
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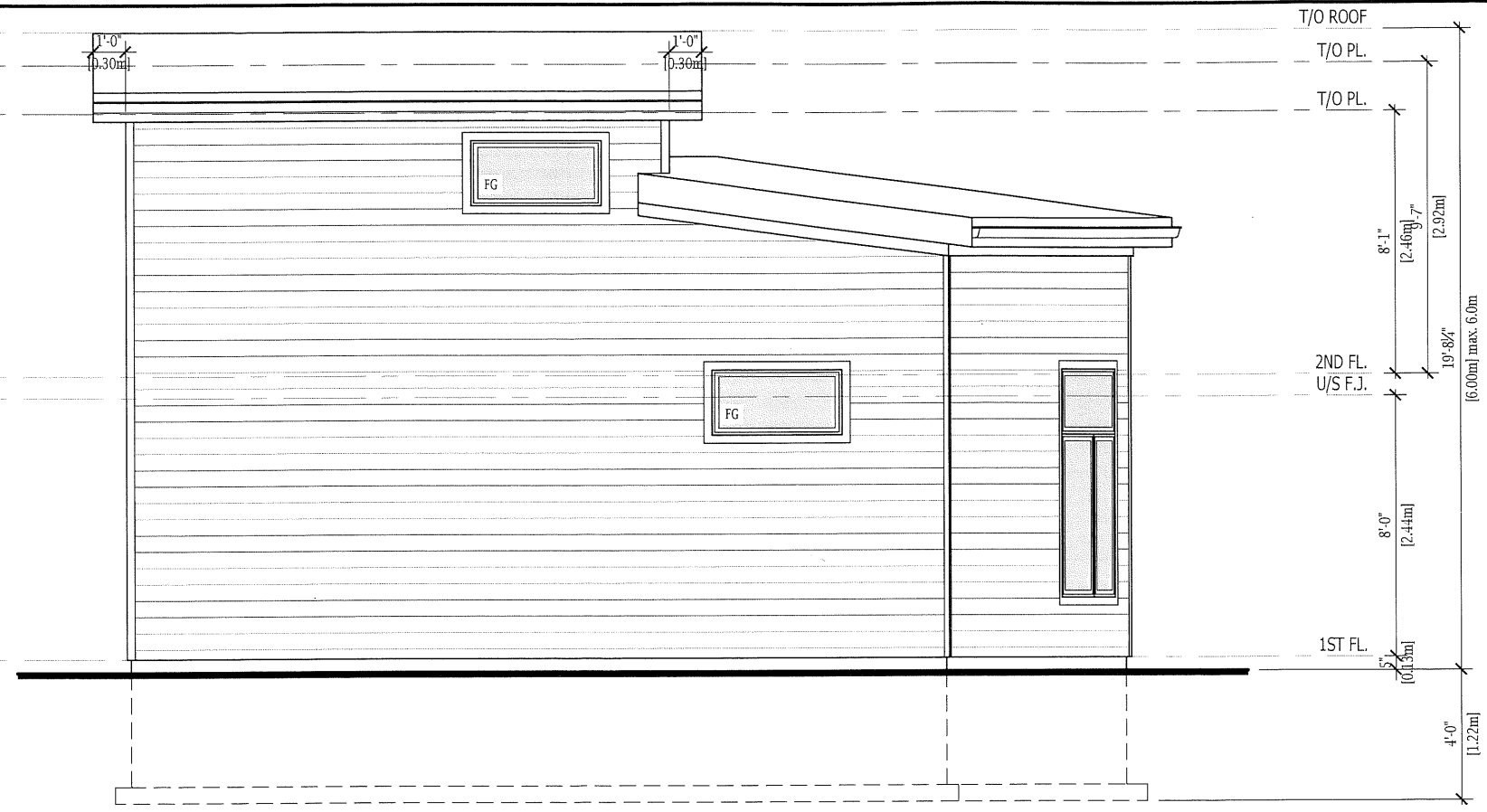
ADDRESS: 7 ANDREW COURT
CITY: HAMILTON, ONTARIO, L9A 1W5

DRAWING TITLE:
FRONT & RIGHT
SIDE ELEVATIONS

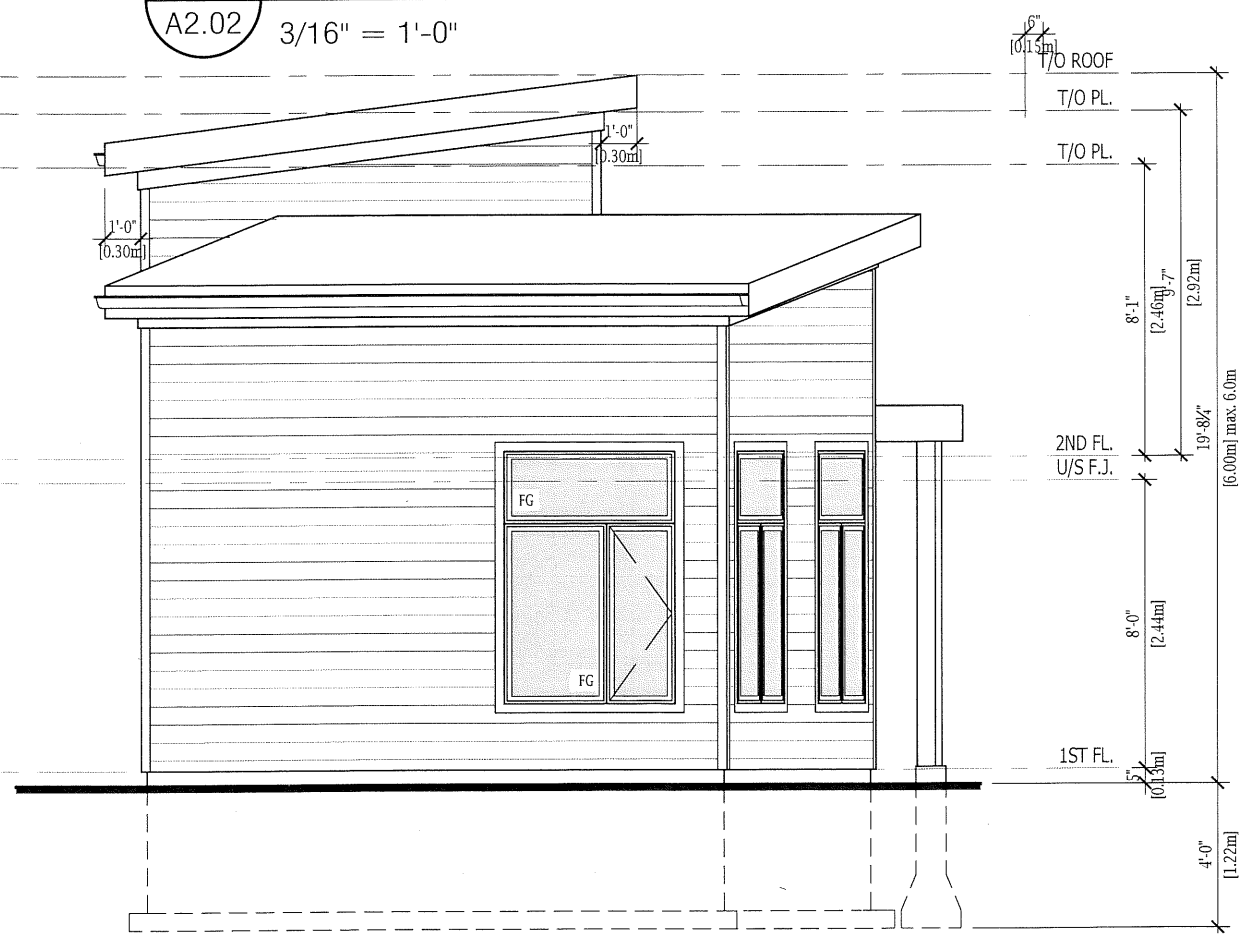
Ministry of Municipal Affairs and Housing
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Signature: CB	BCIN: 37240
CHRISTINE BROWN	
Signature: MB	BCIN: 113120
MY HOUSE DESIGNS	

DRAWN: CB	SCALE: 3/16" = 1'-0"
DATE: Jul 2, 24	
JOB NO.: 24-151	SHEET: A2.01



1 REAR ELEVATION
A2.02 3/16" = 1'-0"

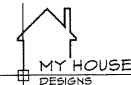


2 LEFT SIDE ELEVATION
A2.02 3/16" = 1'-0"


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REF. DATE: DESCRIPTION:



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cbrown@friendlycadmonkey.com


CLIENT:
WATSON RESIDENCE ADU


ADDRESS: 7 ANDREW COURT
CITY: HAMILTON, ONTARIO, L9A 1W5

DRAWING TITLE:
REAR & LEFT SIDE ELEVATIONS

Ministry of Municipal Affairs and Housing
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Signature:  BCIN: 37240
CHRISTINE BROWN

Signature:  BCIN: 113120
MY HOUSE DESIGNS

DRAWN: CB
DATE: Jul 2, 24
JOB NO.: 24-151

SCALE: 3/16" = 1'-0"
SHEET: A2.02



Hamilton

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

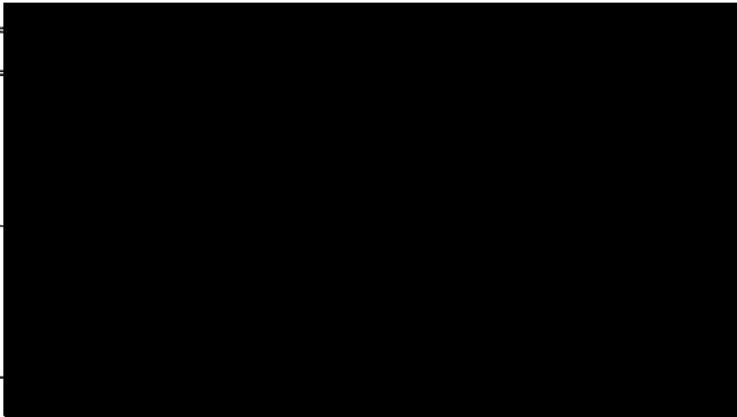
Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE/PERMISSION

UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME	
Registered Owners(s)	Elycia Watson/Ivan Mikesic	
Applicant(s)	Christine Brown	
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*

Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	7 Andrew Court		
Assessment Roll Number	080-894-03530-0000		
Former Municipality	City of Hamilton		
Lot	51	Concession	
Registered Plan Number	1203	Lot(s)	
Reference Plan Number (s)		Part(s)	1

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:

to permit a rear yard separation from primary dwelling and proposed ADU of 5.0m where the bylaw requires 7.5m

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Due to the pie shape of the lot and the location of the existing dwelling, the rear yard is very compromised and no other location on the property would support an ADU. The proposed ADU complies with the bylaw in all other aspects.

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
9.14m	36.54m	604.5	

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	11.8m	7.18m	1.9m/3.9m	01/01/1965
shed	30.18m	0.97m	0.96m/13.91m	08/01/2022

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
ADU	29.1m	1.2m	1.2m/10.3m	TBD
shed			8.77m/9.88m	

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	104.1s.m.	-	1	4.82m
shed	9.2s.m.	-	1	2.6m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
ADU	38.3s.m.	57.3s.m.	1	6.0m
shed				

- 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.):

2 family property

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

single family dwelling

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

October 17, 2011

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)

single family dwelling

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

approximately 60 years

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.

adding an ADU intensifies the residential neighbourhood use of the property 7.6

What is the existing zoning of the subject land? 05-200 R1

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: 2

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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