



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-24:170	SUBJECT PROPERTY:	18 Howard Boulevard, Waterdown
ZONE:	"R1-6" (Urban Residential – Single Detached)	ZONING BY-LAW:	Flamborough Zoning By-law No. 90-145

APPLICANTS: Owner: John Ronalds & Norm Goldby
Agent: Cynthia Zahoruk - Architect Inc.

The following variances are requested:

1. A maximum lot coverage of 33% shall be permitted, instead of the permitted maximum lot coverage of 15% [Section 6.3.6(d)]
2. A minimum northerly interior side yard of 2.10 metres shall be permitted, instead of the minimum 3.0 metres required. [Section 6.3.6(e)]
3. A minimum southerly interior side yard of 2.0 metres shall be permitted, instead of the minimum 3.0 metres required. [Section 6.3.6(e)]
4. An unenclosed porch, including eaves/gutters, shall be permitted to encroach 0.61 metres into the northerly required interior side yard, instead of the requirement that an unenclosed porch is not permitted to encroach into a required interior side yard. [Section 5.30]
5. An unenclosed porch, including eaves/gutters, shall be permitted to encroach 1.98 metres into the required front yard, instead of the maximum permitted encroachment of 1.5 metres. [Section 5.30]

PURPOSE & EFFECT: So as to permit the development of a new two (2) storey Single Detached Dwelling containing one (1) Secondary Dwelling Unit.

Notes: Notes:

- i. This application is subsequent to Consent/Land Severance Application No. FL/B-22:112

A-24:170

which was granted to establish the subject lot as indicated on the submitted Site Plan.

- ii. Please note that Minor Variance Application No. FL/A-22:335 was granted to permit a minimum lot area of 540 square metres, instead of the minimum 1390 square metres lot area required, and a minimum lot frontage of 17.77 metres, instead of the minimum 30.0 metres lot frontage, required for the subject lot. The decision of the Committee of Adjustment became final and binding on December 29th, 2022.
- iii. Please note that for the purpose of applying the regulations of Flamborough Zoning By-law No. 3692-92, an “Unenclosed Porch” is a structure located at the front of the dwelling (i.e. the unenclosed covered porch as indicated at the front of the dwelling), and a “Deck” is a structure at the rear of the dwelling (i.e. the unenclosed covered porch as indicated at the rear of the dwelling). A deck is considered an accessory structure as per the definition of Accessory Building or Structure and is subject to the accessory building/structure regulations.
- iv. Should the variance be granted to Section 6.3.6(e) to permit a minimum northerly interior side yard of 2.10 metres, the unenclosed covered deck at the rear of the dwelling would no longer encroach into the required northern interior side yard, and would be in compliance.
- v. Should the variance be granted to Section 6.3.6(e) to permit reduced minimum interior northerly and southerly side yards, eaves/gutters of the principle dwelling, which are indicated as projecting 0.46 metres, would be in compliance.
- vi. Should a variance be granted to permit a minimum northerly interior side yard of 2.10 metres, the unenclosed covered porch at the front of the dwelling, including the eaves/troughs, would encroach 0.61 metres in the required northerly side yard. Therefore, Variance No. 4 has been requested to permit the unenclosed covered porch to encroach 0.61 metres into the northerly interior side yard.
- vii. Please note that the applicant confirmed via email dated July 17th, 2024, that the stairs in the front yard are not connected to the unenclosed covered porch at the front of the dwelling, and therefore have not been considered to be part of the porch structure.

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:	2:05 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:

A-24:170

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

PUBLIC INPUT

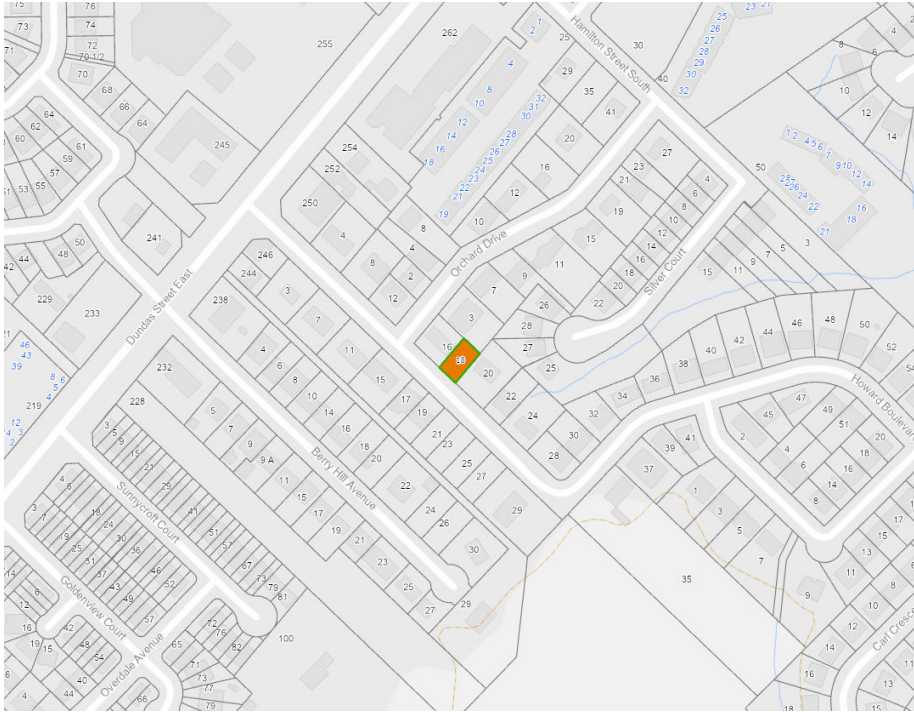
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon August 16, 2024

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-24:170, 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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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.

NOT FOR CONSTRUCTION



CYNTHIA ZAHORUK ARCHITECTS

3077 NEW STREET, BURLINGTON, ON L7N1M6 905.331.4480



NOTES: 1. THE CONTRACTOR OR PROJECT MANAGER WILL CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS ON THE JOB AND REPORT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO THE COMMENCEMENT OF CONSTRUCTION...

Table with 2 columns: DDMMYY, # REVISION. Row 1: 28/06/2024, ISSUED FOR MINOR VARIANCE APPLICATION

SCALE: AS NOTED

DRAWN BY: KR/CZ

PRINT DATE: 28/06/2024

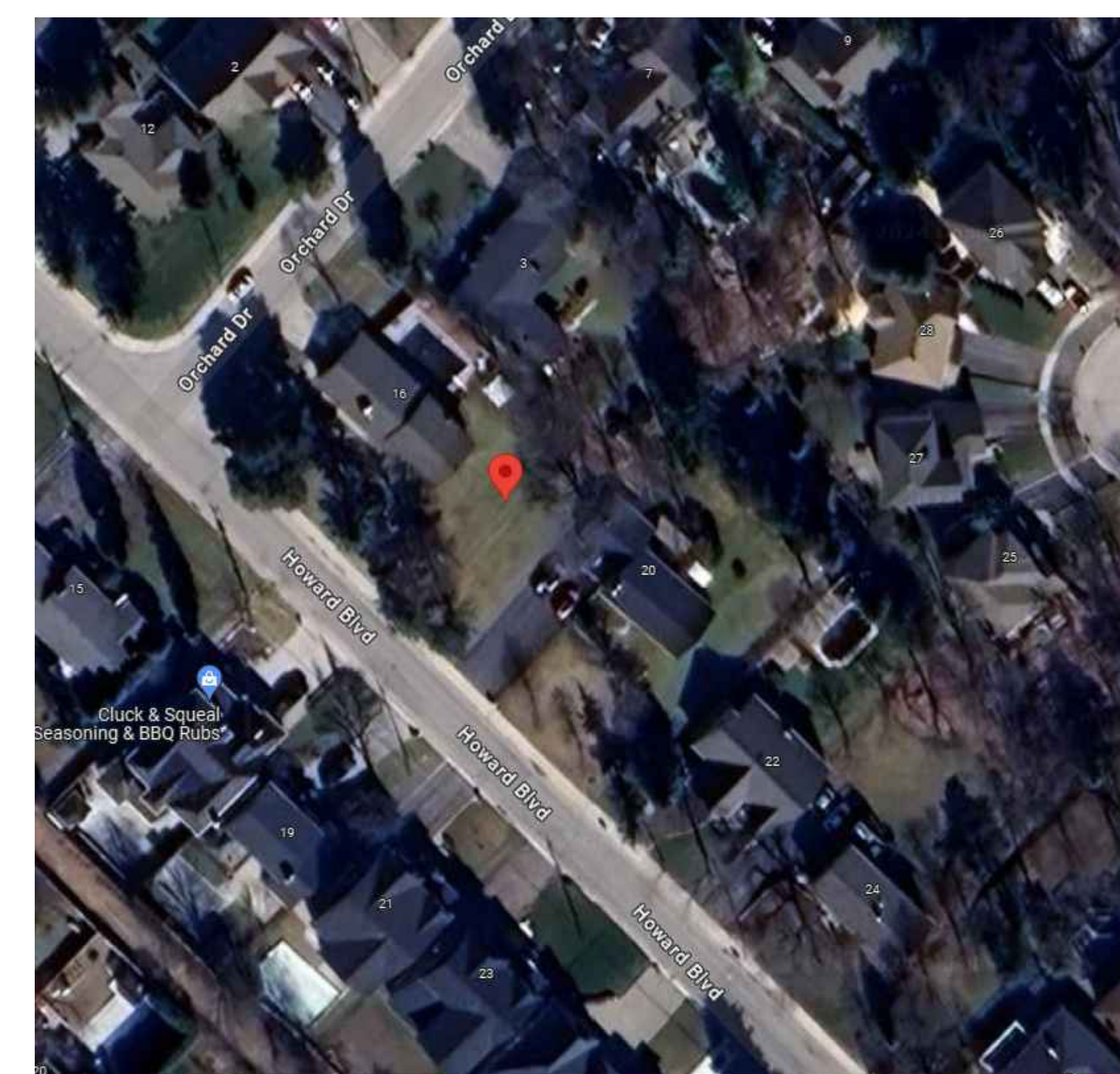
GOLDBY RESIDENCE NEW SINGLE FAMILY DWELLING 18 HOWARD BOULEVARD WATERDOWN, ONTARIO

SITE PLAN AND DEVELOPMENT STATISTICS

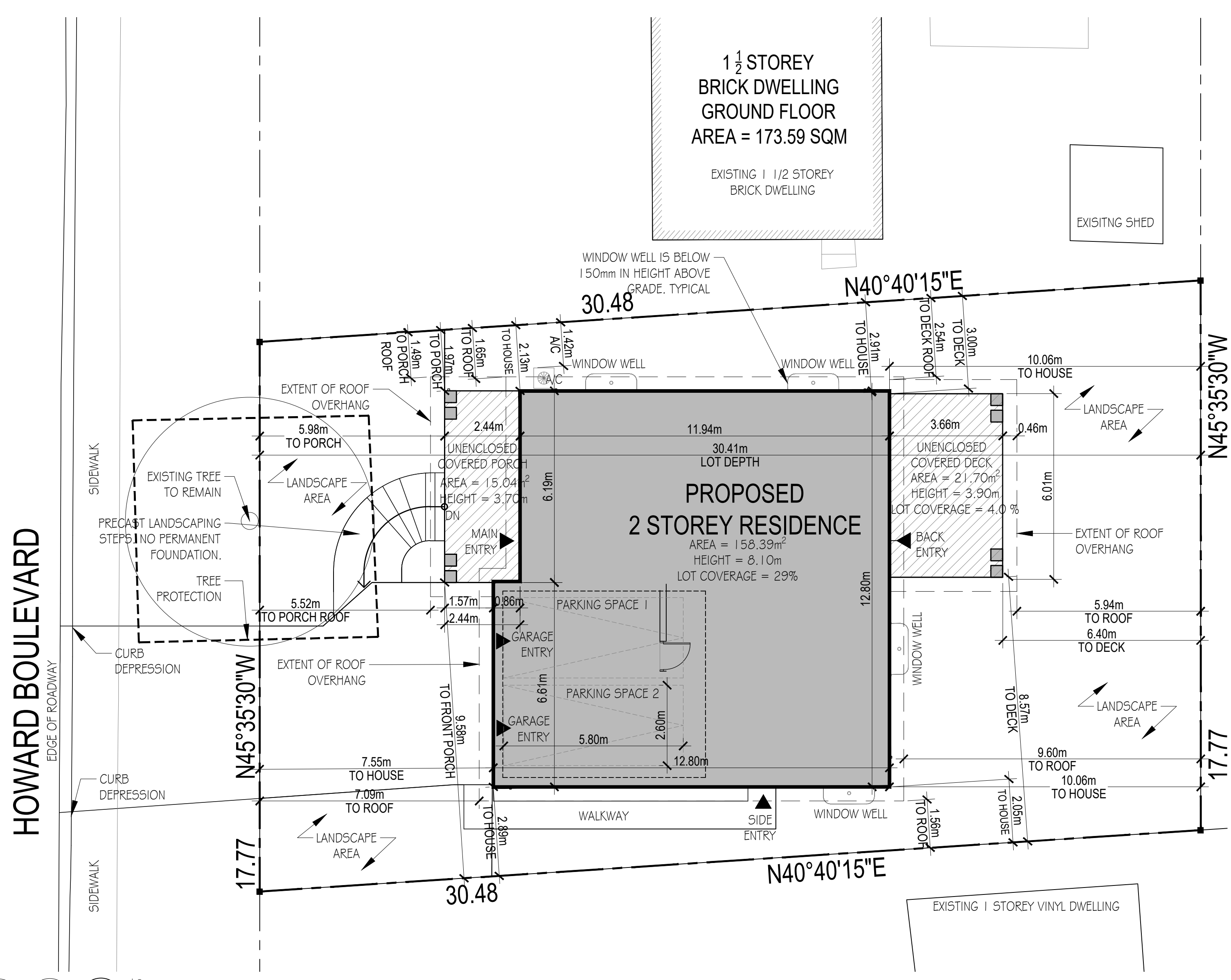
SP1

DEVELOPMENT STATISTICS June 28, 2024. Table with columns for Municipal Address, Legal Description, Zoning Regulations, Site Data, Parking and Driveway, Building Area, Lot Coverage, Building Height, Dwelling Unit Area, Floor Space, Fences - Height, Exterior Entrances of Elevation Facing Street, Landscaped Open Spaces - Front Yard, Landscaped Open Spaces - Rear Yard, Yards and Setbacks - House, Encroachments - House, Covered Porch and Covered Deck (Accessory Building).

3 DEVELOPMENT STATISTICS NTS



2 LOCATION MAP NTS



1 SITE PLAN SCALE: 1:100

GENERAL NOTES

- 1. CONTRACTOR OR OWNER ACTING AS GENERAL CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS ON SITE PRIOR TO PROCEEDING WITH ANY WORK... 2. CONTRACTOR TO OBTAIN WORKER'S COMPENSATION INSURANCE... 3. CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND INSPECTIONS AS REQUIRED BY CURRENT LEGISLATION... 4. LINEAR DIMENSIONS INDICATING NEW CONSTRUCTION ARE TO FACE OF THE FINISHED WALL... 5. ALL CONSTRUCTION TO BE CARRIED OUT IN ACCORDANCE WITH THE ONTARIO BUILDING CODE 2012 EDITION... 6. THICKNESS OF CONCRETE BLOCK WALLS SHALL BE AS NOTED ON DRAWINGS... 7. WHERE SOUND ATTENUATION BLANKET IS SPECIFIED, APPLY ACOUSTICAL SEALANT TO PARTITION PERIMETER... 8. CONTRACTOR TO PROVIDE SHOP DRAWINGS FOR CONSULTANTS REVIEW PRIOR TO MANUFACTURING FOR ELEVATORS, RAILINGS, STAIRS, DOORS, WINDOWS AND ALL OTHER ITEMS AS LISTED ON STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.

Table with 2 columns: DWG/DETAIL REFERENCE, IDENTIFICATION REFERENCE. Includes symbols for window identification, door identification, screen identification, wall identification, grid marker, revision number, room number, and interconnected smoke & CO alarm.

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CYNTHIA ZAHORUK ARCHITECTS
 3077 NEW STREET,
 BURLINGTON, ON L7N1M6
 905.331.4480



ONTARIO ASSOCIATION OF ARCHITECTS
 CYNTHIA ZAHORUK LICENCE 4488
 ONTARIO ASSOCIATION OF ARCHITECTS

NOTES:

- THE CONTRACTOR OR PROJECT MANAGER WILL CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS ON THE JOB AND REPORT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. COORDINATION OF WORK IS THE RESPONSIBILITY OF THE CONTRACTOR OR OWNER/CONTRACTOR.
- THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS SIGNED BY THE ARCHITECT.
- ALL DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND MAY NOT BE COPIED, REPRODUCED OR ALTERED WITHOUT WRITTEN PERMISSION FROM THE ARCHITECT.
- DO NOT SCALE THE DRAWINGS.

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28/06/2024	1	ISSUED FOR MINOR VARIANCE APPLICATION

SCALE: AS NOTED

DRAWN BY: KR/CZ

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GOLDBY RESIDENCE
 NEW SINGLE FAMILY DWELLING
 18 HOWARD BOULEVARD
 WATERDOWN, ONTARIO

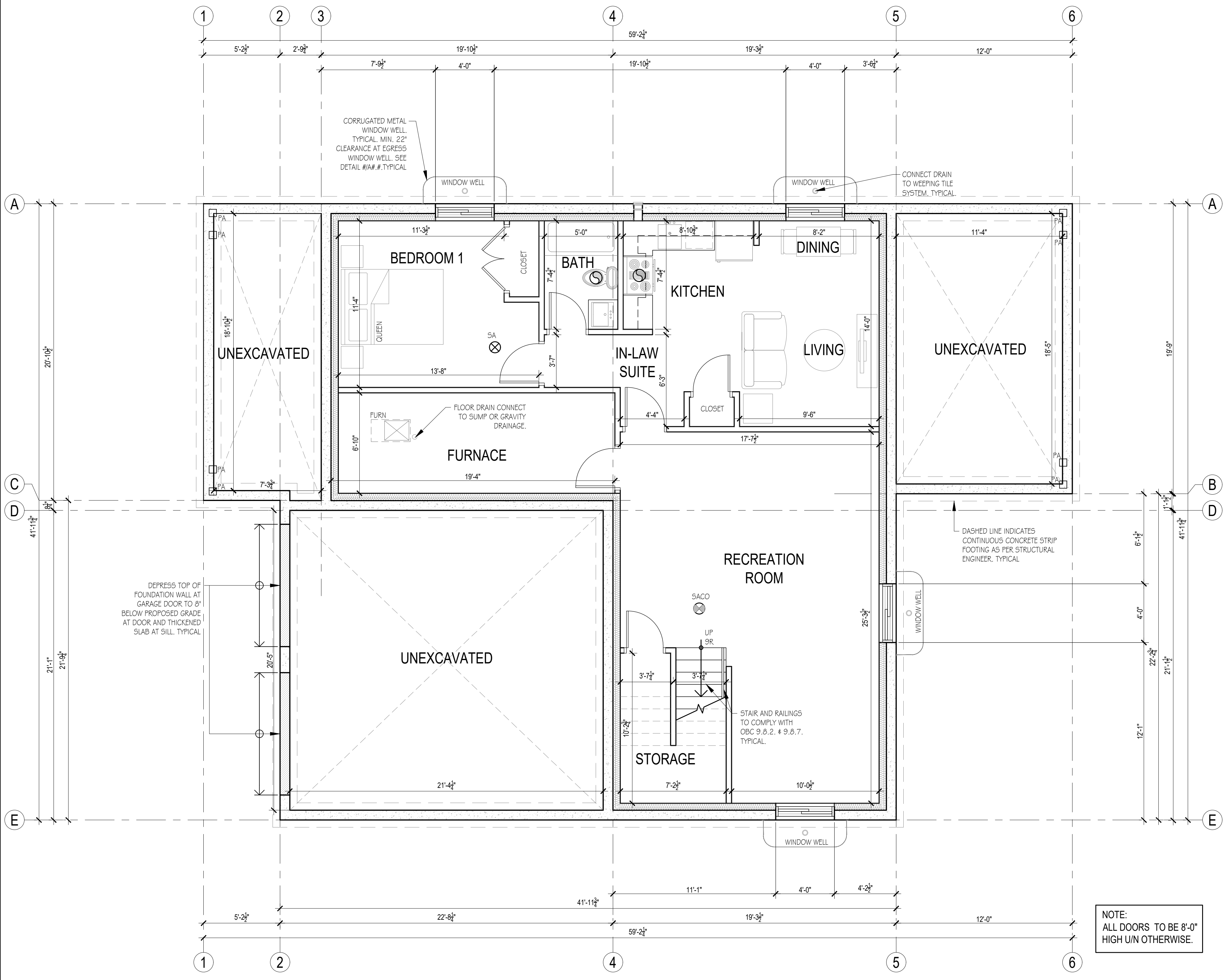
PROPOSED BASEMENT FLOOR PLAN

A1.01

GENERAL NOTES

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DWG. REF. NO. / DWG. ON PAGE	SCREEN IDENTIFICATION
DWG. REF. NO. / DWG. ON PAGE	WALL IDENTIFICATION
DWG. REF. NO. / DWG. ON PAGE	GRID MARKER
DWG. REF. NO. / DWG. ON PAGE	REVISION NUMBER
DWG. REF. NO. / DWG. ON PAGE	ROOM NUMBER
DWG. REF. NO. / DWG. ON PAGE	INTERCONNECTED SMOKE & CO ALARM



NOTE:
 ALL DOORS TO BE 8'-0"
 HIGH U/N OTHERWISE.

1 PROPOSED BASEMENT FLOOR PLAN
 SCALE: 1/4" = 1'-0"

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 BURLINGTON, ON L7N1M6
 905.331.4480



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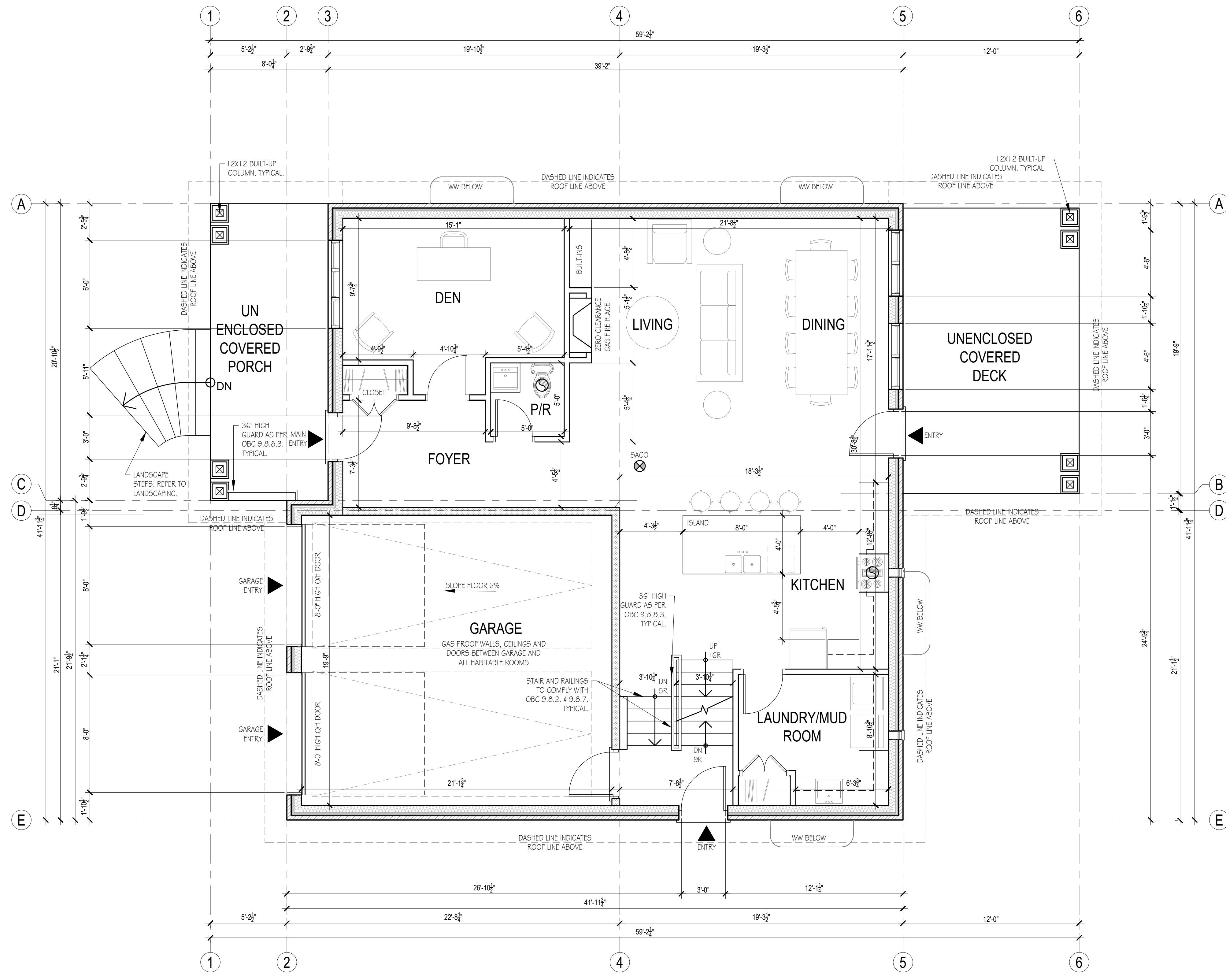
PROPOSED GROUND FLOOR PLAN

A1.02

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SECTION/DWG REFERENCE DWG. REF. NO. DWG. ON PAGE	GRID MARKER REVISION NUMBER ROOM NUMBER
ELEVATION REFERENCE DWG. REF. NO. DWG. ON PAGE	INTERCONNECTED SMOKE & CO ALARM



1 PROPOSED GROUND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

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CYNTHIA ZAHORUK ARCHITECTS
3077 NEW STREET,
BURLINGTON, ON L7N1M6
905.331.4480



ONTARIO ASSOCIATION OF ARCHITECTS
CYNTHIA ZAHORUK LICENCE 4488

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NEW SINGLE FAMILY DWELLING
18 HOWARD BOULEVARD
WATERDOWN, ONTARIO

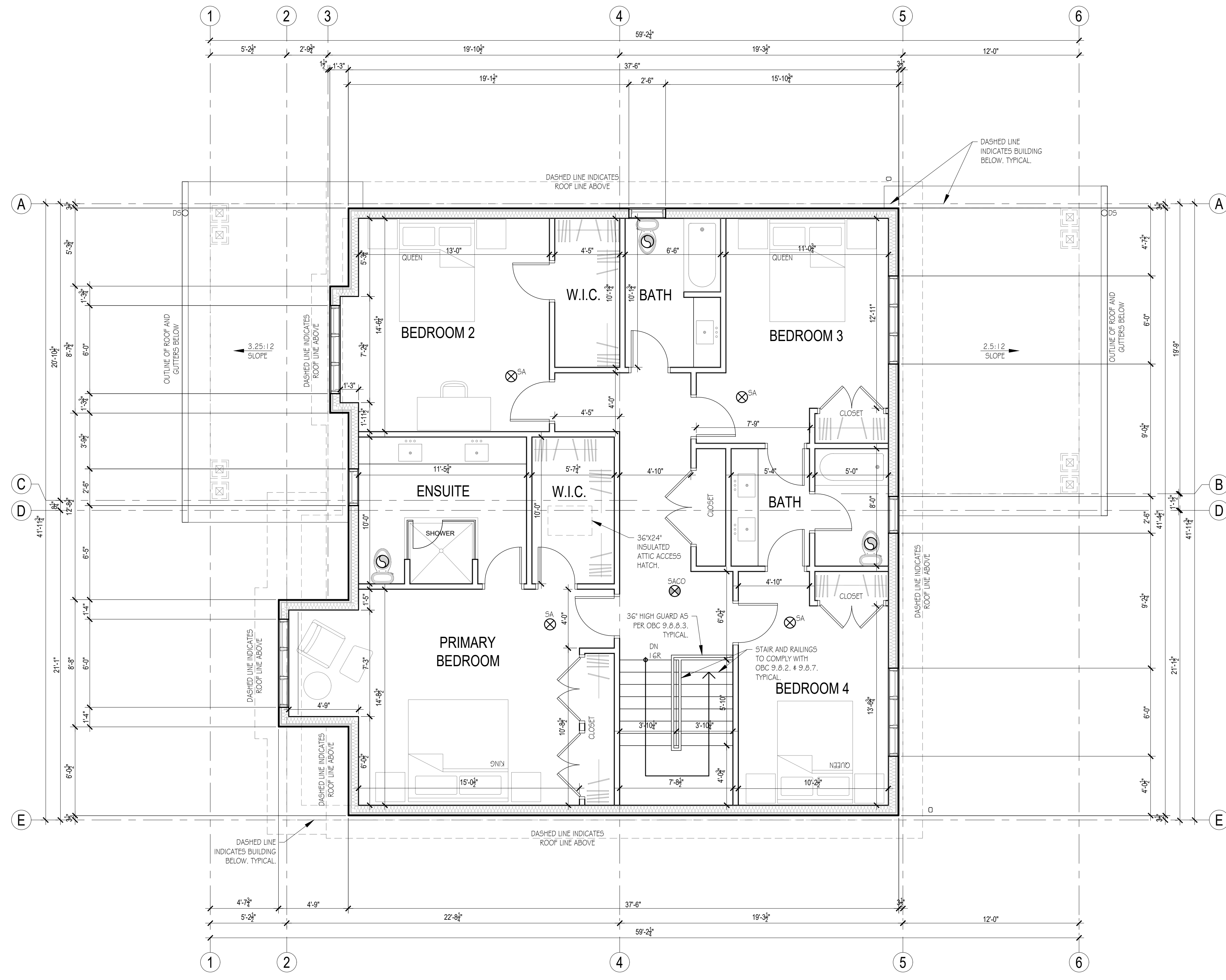
PROPOSED SECOND FLOOR PLAN

A1.03

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SECTION/DWG REFERENCE X DWG. REF. NO. XXX DWG. ON PAGE	GRID MARKER 3 REVISION NUMBER 101 ROOM NUMBER
ELEVATION REFERENCE X DWG. REF. NO. XXX DWG. ON PAGE	INTERCONNECTED SMOKE & CO ALARM



1 PROPOSED SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

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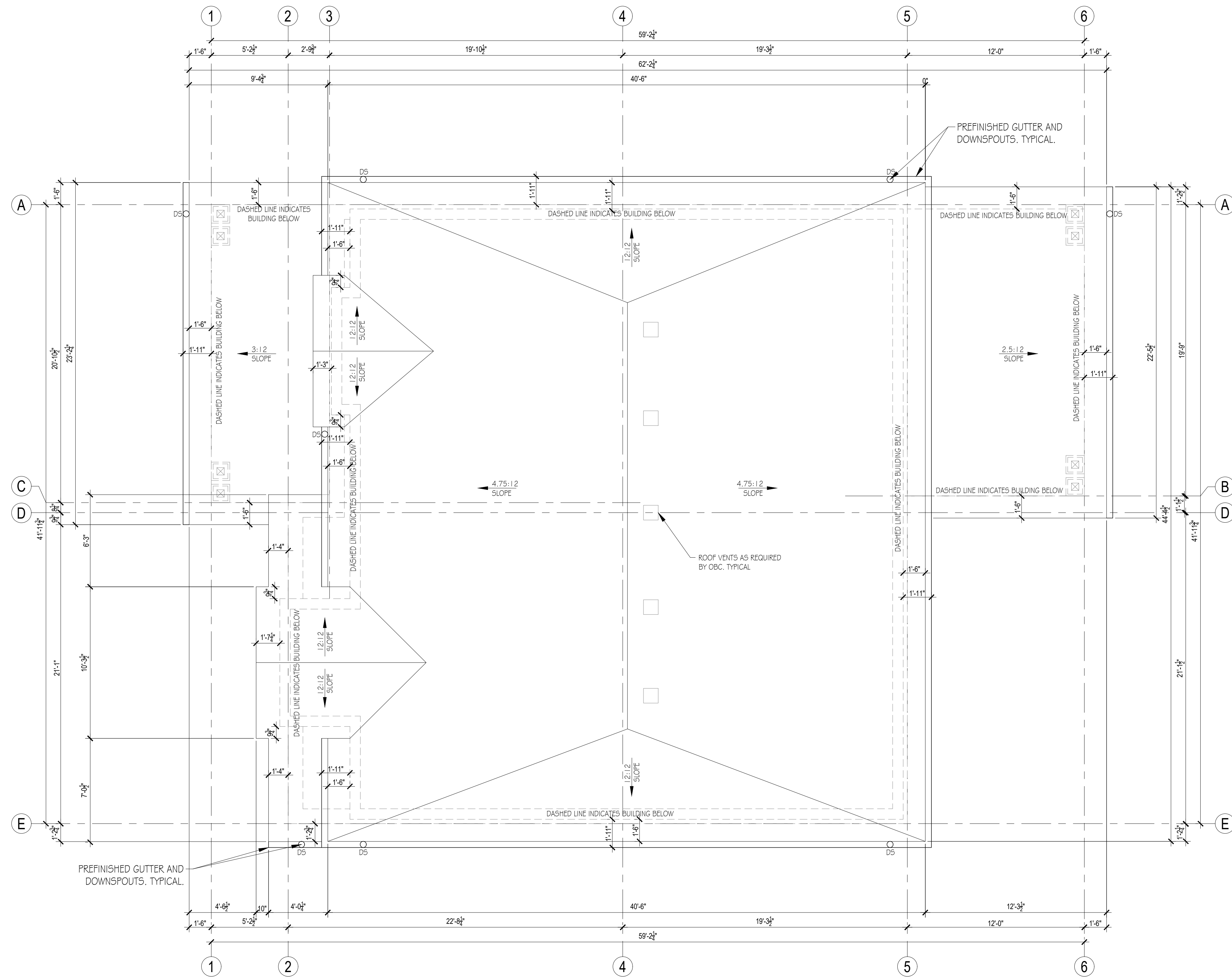
PROPOSED ROOF PLAN

A1.04

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1 PROPOSED ROOF PLAN
SCALE: 1/4" = 1'-0"

NOT FOR CONSTRUCTION



CYNTHIA ZAHORUK ARCHITECTS
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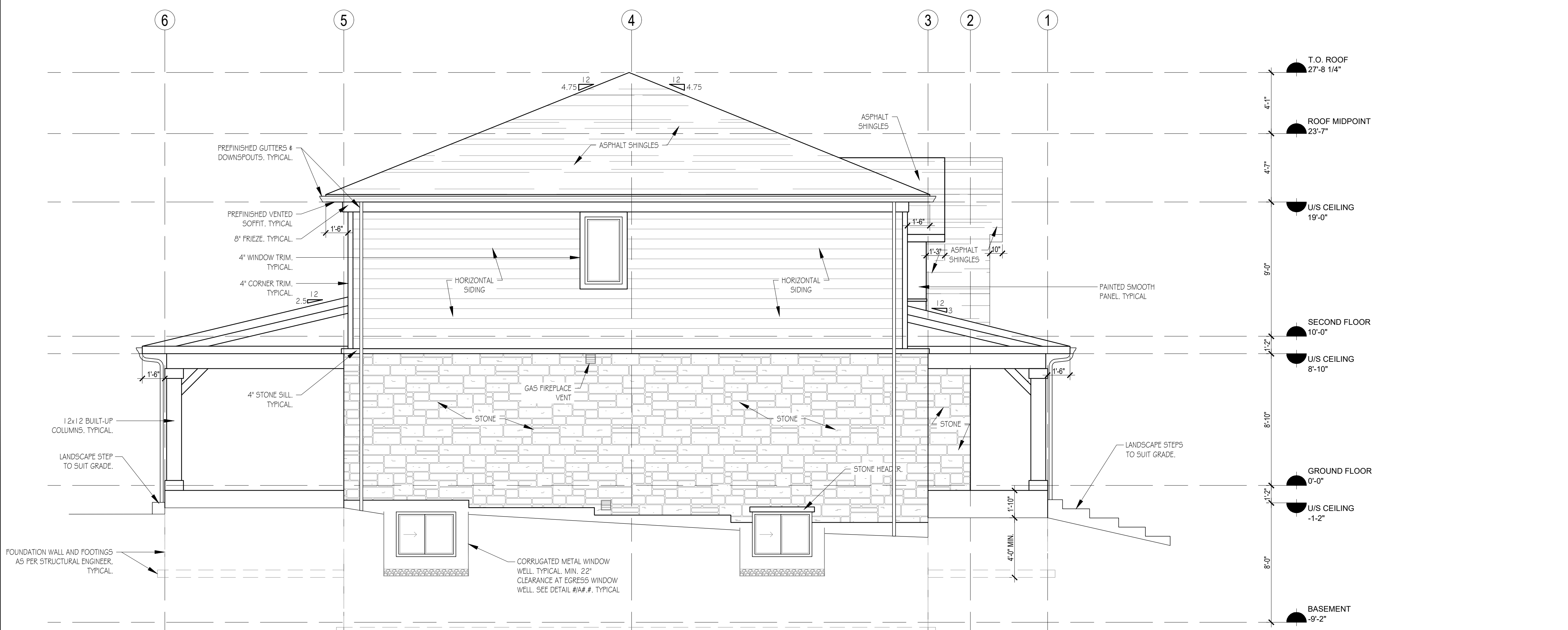
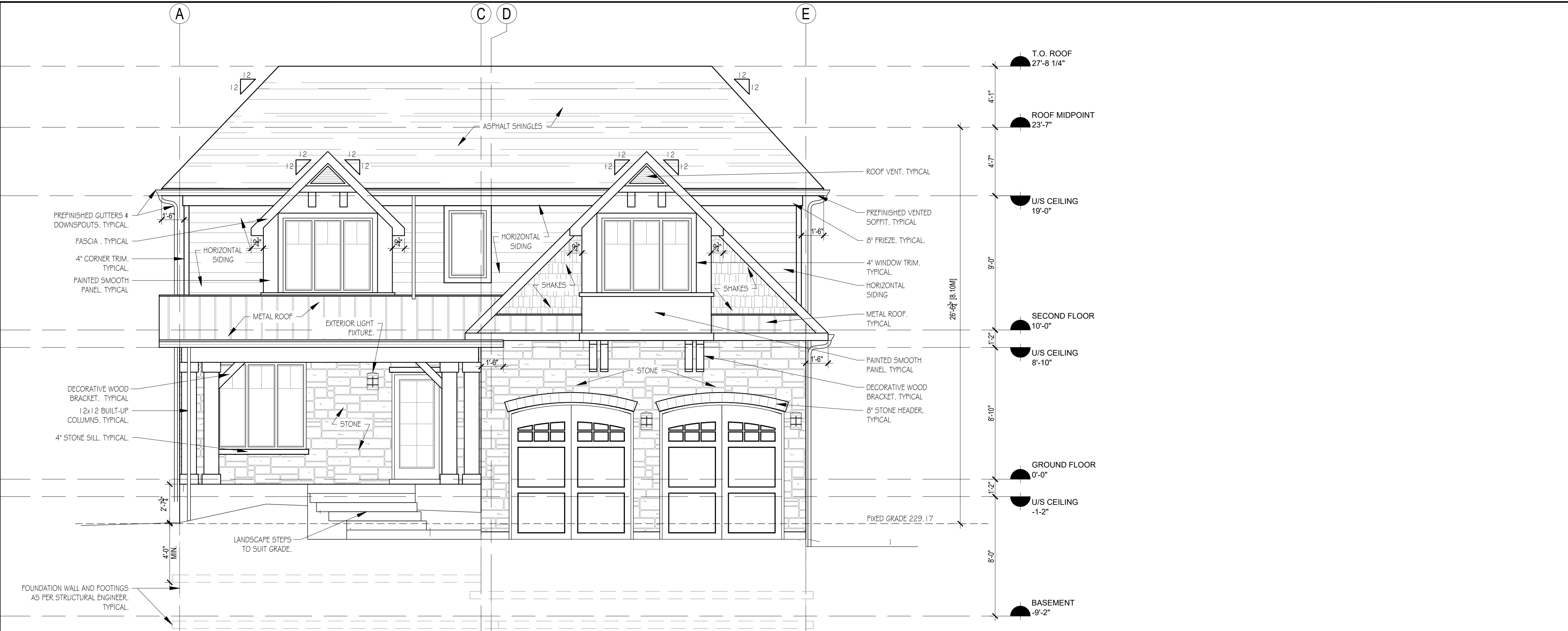
GOLDBY RESIDENCE
 NEW SINGLE FAMILY DWELLING
 18 HOWARD BOULEVARD
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PROPOSED ELEVATIONS

A2.01

GENERAL NOTES	
1. CONTRACTOR OR OWNER ACTING AS GENERAL CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS ON SITE PRIOR TO PROCEEDING WITH ANY WORK AND REPORT ANY DISCREPANCIES TO THE ARCHITECT. ARCHITECT IS NOT RESPONSIBLE FOR ANY CHANGES TO THE PROJECT, IN LAYOUT OR MATERIALS UNLESS APPROVED BY THE ARCHITECT PRIOR TO THE CHANGE.	
2. CONTRACTOR TO OBTAIN WORKER'S COMPENSATION INSURANCE AND REGISTER "NOTICE OF PROJECT" WITH WSIB IN ACCORDANCE WITH LEGISLATION. PROVIDE ALL NECESSARY HEALTH AND SAFETY DEVICES AND BARRIERS.	
3. CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND INSPECTIONS AS REQUIRED BY CURRENT LEGISLATION.	
4. LINEAR DIMENSIONS INDICATING NEW CONSTRUCTION ARE TO FACE OF THE FINISHED WALL. ALL EXISTING DIMENSIONS PROVIDED ARE TO BE USED AS REFERENCE ONLY.	
5. ALL CONSTRUCTION TO BE CARRIED OUT IN ACCORDANCE WITH THE ONTARIO BUILDING CODE 2012 EDITION AND APPLICABLE BYLAWS AND LEGISLATION FOR THE MUNICIPALITY AND PROVINCE.	
7. THICKNESS OF CONCRETE BLOCK WALLS SHALL BE AS NOTED ON DRAWINGS. HEIGHTS OF THESE WALLS TO BE U/S OF ROOF/FLOOR DECK ABOVE. (UNLESS NOTED OTHERWISE) ALL BLOCK WALLS TO HAVE SOLID TOP COURSE AND ARE TO BE LATERALLY SUPPORTED AT ALL CHASES.	
8. WHERE SOUND ATTENUATION BLANKET IS SPECIFIED, APPLY ACOUSTICAL SEALANT TO PARTITION PERIMETER ON BOTH SIDES, TOP & BOTTOM.	
9. CONTRACTOR TO PROVIDE SHOP DRAWINGS FOR CONSULTANTS REVIEW PRIOR TO MANUFACTURING FOR ELEVATORS, RAILINGS, STAIRS, DOORS, WINDOWS AND ALL OTHER ITEMS AS LISTED ON STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.	

DWG/DETAIL REFERENCE	IDENTIFICATION REFERENCE
DWG. REF. NO. / DWG. ON PAGE	WINDOW IDENTIFICATION DOOR IDENTIFICATION SCREEN IDENTIFICATION WALL IDENTIFICATION
SECTION/DWG REFERENCE / DWG. REF. NO. / DWG. ON PAGE	GRID MARKER REVISION NUMBER / ROOM NUMBER
ELEVATION REFERENCE / DWG. REF. NO. / DWG. ON PAGE	INTERCONNECTED SMOKE & CO ALARM



NOT FOR CONSTRUCTION



CYNTHIA ZAHORUK ARCHITECTS
 3077 NEW STREET,
 BURLINGTON, ON L7N1M6
 905.331.4480



ONTARIO ASSOCIATION OF ARCHITECTS
 CYNTHIA ZAHORUK
 LICENCE 4488

DDMMYY	#	REVISION
28/06/2024	1	ISSUED FOR MINOR VARIANCE APPLICATION

SCALE: AS NOTED
 DRAWN BY: KR/CZ
 PRINT DATE: 28/06/2024

GOLDBY RESIDENCE
 NEW SINGLE FAMILY DWELLING
 18 HOWARD BOULEVARD
 WATERDOWN, ONTARIO

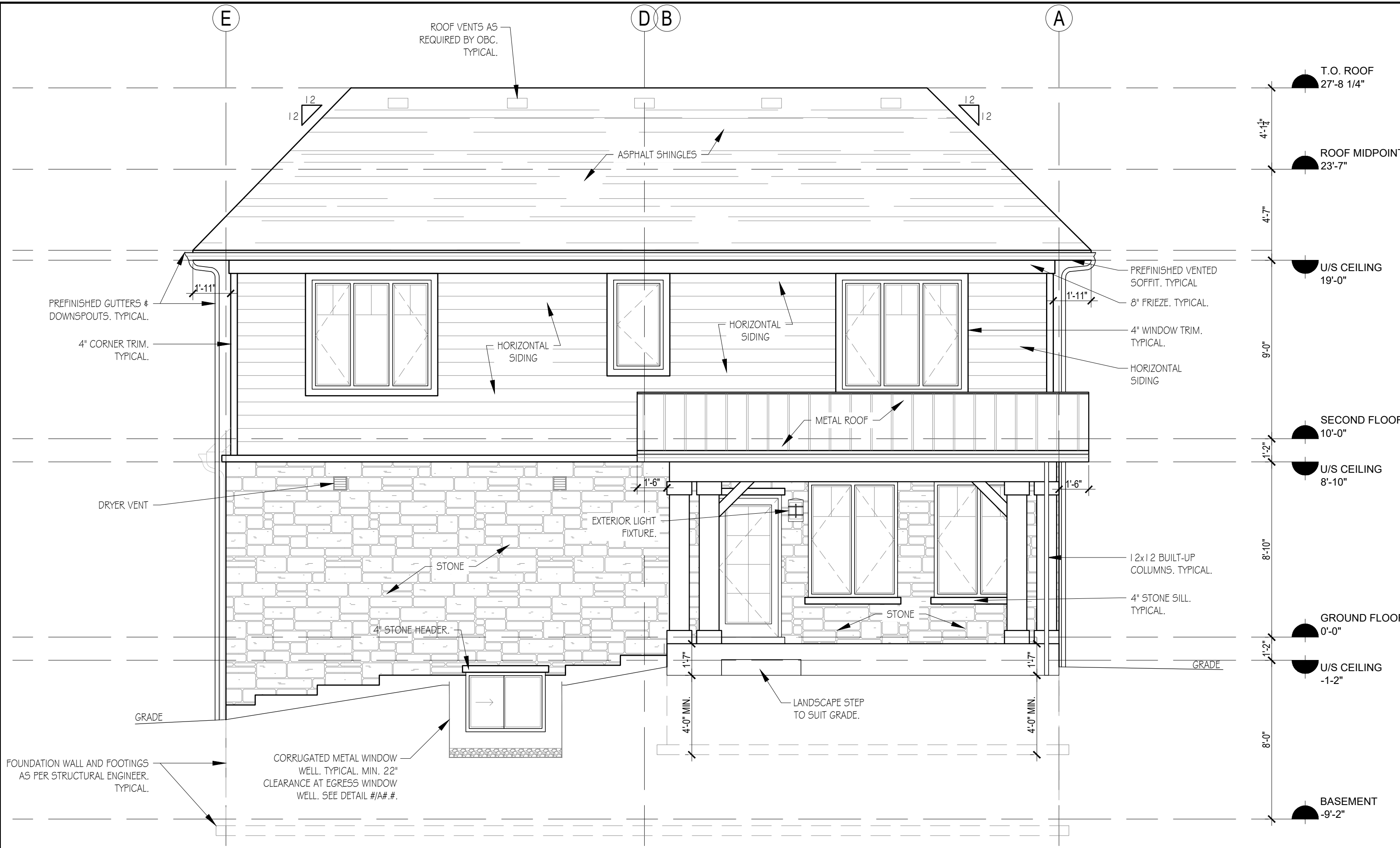
PROPOSED ELEVATIONS

A2.02

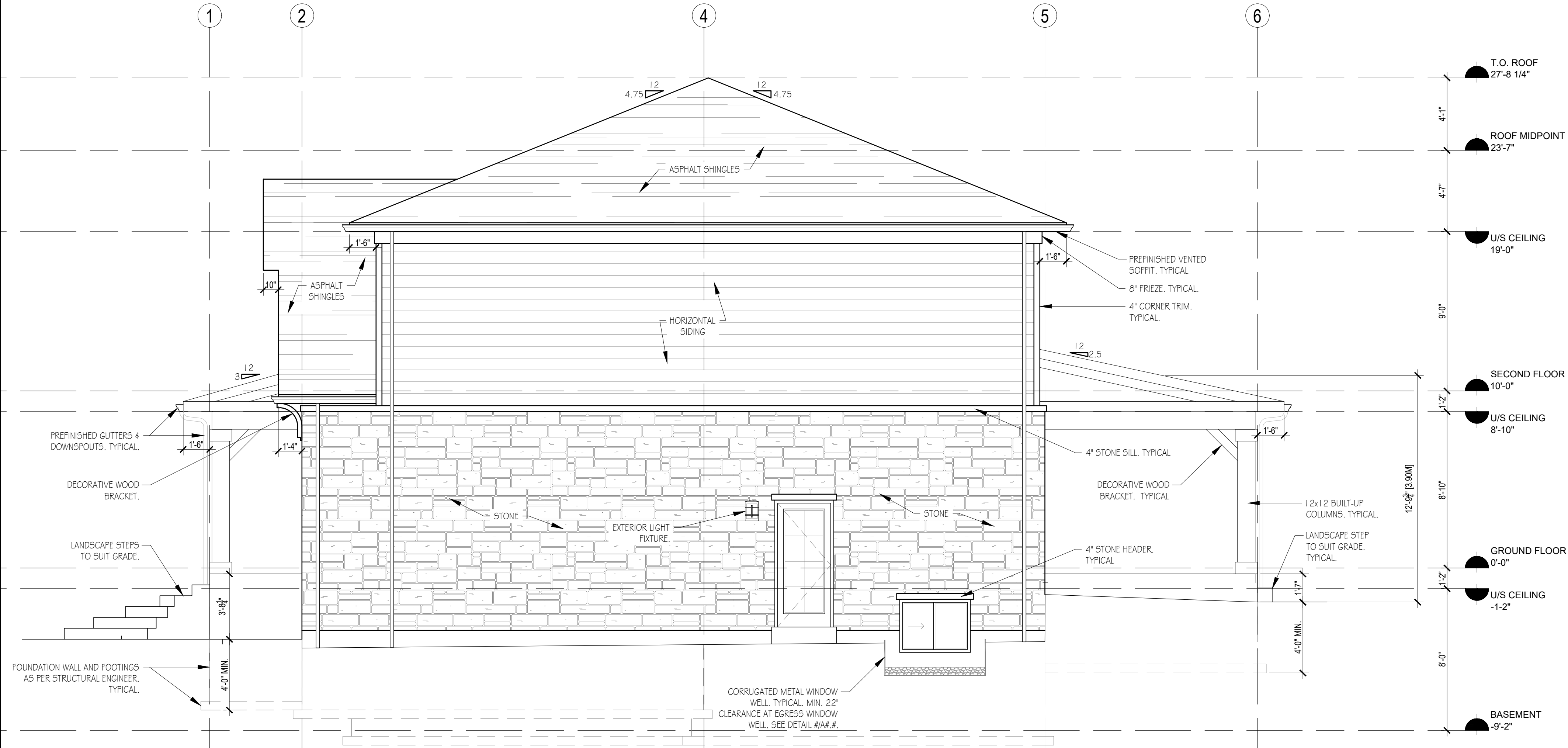
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DWG. REF. NO. DWG. ON PAGE	INTERCONNECTED SMOKE & CO ALARM



1 PROPOSED EAST ELEVATION
 SCALE: 1/4" = 1'-0"



1 PROPOSED SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division
71 Main Street West
Hamilton, Ontario, Canada, L8P 4Y5
Phone: 905.546.2720 Fax: 905.546.2764
www.hamilton.ca

May 5, 2024

ATTENTION OF: Brody Paul
EMAIL: brody.paul@hamilton.ca

Cynthia Zahoruk
3077 New Street, Suite 201
Burlington, L7N1M6

Attention:

Re: Applicable Law Review – Zoning By-law Compliance
Zoning District: “R1-6” (Urban Residential – Single Detached) Zone
Zoning By-law: Flamborough Zoning By-law No. 90-145
Address: 18 Howard Boulevard, Hamilton

An Applicable Law Review respecting zoning by-law compliance has been completed and the following comments are provided.

COMMENTS:

1. This application will facilitate the construction of a new two (2) storey Single Detached Dwelling containing one (1) Secondary Dwelling Unit.
2. The use of a Single Detached Dwelling is permitted in the current “R1-6” (Urban Residential – Single Detached) Zone. A Secondary Dwelling Unit is permitted within the Single Detached Dwelling, and does not result in a change to the defined dwelling type on the lot.
3. This Zoning Compliance review is subsequent to Consent/Land Severance Application No. FL/B-22:112 which was granted to establish the subject lot as indicated on the submitted Site Plan. There is insufficient information available at this time to confirm the current status of the severance application. Should the lot not be established as indicated, further review shall be required and the following comments shall no longer be applicable.
4. Please note that Minor Variance Application No. FL/A-22:335 was granted to permit a minimum lot area of 540 square metres, instead of the minimum 1390 square metres lot area required, and a minimum lot frontage of 17.77 metres, instead of the minimum 30.0 metres lot frontage, required for the subject lot. The decision of the Committee of Adjustment became final and binding on December 29th, 2022.
5. Please note that for the purpose of applying the regulations of Flamborough Zoning By-law No. 3692-92, an “Unenclosed Porch” is a structure located at the front of the dwelling (i.e. the unenclosed covered porch as indicated at the front of the dwelling), and a “Deck” is a structure at the rear of the dwelling (i.e. the unenclosed covered porch as indicated at the

rear of the dwelling). A deck is considered an accessory structure as per the definition of Accessory Building or Structure.

- The proposed development has been reviewed and compared to the standards of the “R1-6” (Urban Residential – Single Detached) Zone, as indicated in the following chart:

By-law Requirement	Required	Provided	Conforms/ Non-conforming
R1-6 Regulations Section 6.3.6 and 7.2			
Lot Area (minimum) <i>Section 6.3.6(a)</i>	1390 square metres As per Minor Variance <u>Application No. FL/A-22:335</u> A minimum lot area of 540m ² shall be provided instead of the minimum 1390m ² lot area required.	Lot area indicated as 540.0 square metres as per Development Statistics.	Conforms as per Minor Variance Decision
Lot Frontage (minimum) <i>Section 6.3.6(b)</i>	30 metres As per Minor Variance <u>Application No. FL/A-22:335</u> A minimum lot frontage of 17.77m shall be provided instead of the minimum 30.0m required lot frontage.	Lot frontage indicated as a minimum of 17.77 metres	Conforms as per Minor Variance Decision
Height (maximum) <i>Section 6.3.6(c)</i> Height shall mean the vertical distance between the grade of a building or structure and (c) in the case of any other roof, the midway point between the eaves and the ridge. Grade shall mean the average level of proposed or finished ground adjoining a building at all exterior walls.	8.2 metres	Development Statistics indicate a height of +/- 7.97 metres from average grade to midpoint of roof. Elevation Drawings indicate a maximum building height of 7.97 metres from average grade to midpoint of roof.	Conforms NOTE: Applicant to confirm “Grade” has been indicated as per the noted definition.
Lot Coverage (maximum) <i>Section 6.3.6(d)</i> Coverage shall mean that percentage of the lot area covered by any buildings and structures on or above ground level. NOTE: Lot coverage shall not include an unenclosed porch.	15%	Lot Coverage indicated as 29.3% as per Development Statistics.	Non-conforming NOTE: Applicant to confirm Lot Coverage has been indicated as per the noted definitions/ interpretations.

By-law Requirement	Required	Provided	Conforms/ Non-conforming
<p>NOTE: A deck i.e. the unenclosed covered porch as indicated in the rear yard, is considered an accessory structure as per the definition of Accessory Building or Structure. As per Section 5.2.4, lot coverage of all accessory buildings or structures shall be included within the total lot coverage on any lot.</p>			
<p>Interior Side Yard (minimum) Section 6.3.6(e)</p>	<p>3 metres</p>	<p>Southerly interior side yard indicated as a minimum of 2.05 metres.</p> <p>Northerly interior side yard indicated as a minimum of 2.13 metres.</p> <p>NOTE: Additional information regarding the “window wells” indicated in the interior side yards is required, to confirm if setbacks shall be measured from this building feature i.e. if the features do not extend greater than 6” (0.15m) above grade, they shall be permitted to encroach into a required yard (the setback will be measured from the dwelling/building). However, should any portion extend greater than 6” above grade, then the minimum required setback must be taken from the structure.</p>	<p>Non-conforming</p>
<p>Floor Space (maximum) Section 6.3.6(f)</p> <p>Where the By-law stipulates a maximum “Floor Space”, this shall</p>	<p>1 storey: 186 square metres</p> <p>1-1/2 storeys: 186 square metres on main floor</p> <p>2 storeys: 372 square</p>	<p>Floor area indicated as 309.93 square metres as per Development Statistics.</p>	<p>Conforms</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
<p>be interpreted to mean the same as "Gross Floor Area", which is defined as follows:</p> <p>Gross Floor Area shall mean the total sum of the horizontal areas of a building or structure measured from the exterior faces of the exterior wall or from the centreline of any common or partition wall but shall not include the horizontal area of any cellar, attic, enclosed parking area, enclosed loading space, or any unenclosed porch, verandah, balcony or similar structure</p>	<p>metres</p>		
<p>Other Provisions <i>Section 6.3.6(g)</i></p>	<p>All other zone provisions of Section 7.2 shall apply</p>	<p>See review below.</p>	<p>See review below</p>
<p>Front Yard (minimum) <i>Section 7.2(e)</i></p>	<p>7.5 metres</p>	<p>A minimum front yard of 7.55 metres has been indicated.</p>	<p>Conforms</p>
<p>Rear Yard (minimum) <i>Section 7.2(f)</i></p>	<p>10 metres</p>	<p>A minimum rear yard of 10.06 metres has been indicated.</p> <p>NOTE: Additional information regarding the "window wells" indicated in the rear yard is required, to confirm if setbacks shall be measured from this building feature i.e. if the features do not extend greater than 6" (0.15m) above grade, they shall be permitted to encroach into a required yard (the setback will be measured from the dwelling/building). However, should any portion extend greater than 6" above grade, then the minimum required setback must be taken from the structure.</p>	<p>Appears to Comply</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
Exterior Side Yard (minimum) <i>Section 7.2(h)</i>	7.5 metres	N/A	N/A
Landscaped Open Space (minimum) <i>Section 7.2(h)</i>	No minimum	N/A	N/A
General Provisions <i>Section 7.2(j)</i>	General Provisions - in accordance with the provisions of Section 5 hereof.	See review below.	See review below
Section 5: General Provisions			
Accessory Buildings/Structures <i>Section 5.2.2</i> <i>NOTE: A deck i.e. the unenclosed covered porch as indicated in the rear yard, is considered an accessory structure as per the definition of Accessory Building or Structure</i>	No accessory building or structure shall exceed 4.6 metres in height subject to the provisions of subsection 5.9.	Height of covered deck not indicated. It is noted that from average grade to second floor is 3.95 metres. Please see definition of Height in Flamborough Zoning By-law No. 90-145 to establish height of structure.	Unable to Determine Compliance
Accessory Buildings/Structures <i>Section 5.2.3</i> <i>NOTE: A deck i.e. the unenclosed covered porch as indicated in the rear yard, is considered an accessory structure as per the definition of Accessory Building or Structure.</i> NOTE: Required interior side yard is 3.0 metres	(b) Notwithstanding subsection 5.2.3 (a), no deck shall be permitted in any required front yard or in any required exterior side yard, or in any required interior side yard	A deck is indicated which is indicated as a minimum of 2.45 metres from the northerly interior side lot line (including roof overhang of deck) and 2.91 metres from the northerly interior side lot line (not including roof overhang of deck); therefore, the deck is partially located in the required interior side yard.	Non-conforming
	(c) no accessory building or structure shall be located within 1 metre of an interior side lot line or rear lot line, except for a jointly owned double garage which may be across a mutual side lot line	A deck is indicated which is indicated as a minimum of 2.45 metres from the northerly interior side lot line, and a minimum of 5.95 metres from the rear lot line (including roof overhang of deck).	Conforms
	(e) Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located	Not indicated.	Applicant to note compliance with Subsection 5.2.3(e) shall be required if mechanical equipment is proposed.

By-law Requirement	Required	Provided	Conforms/ Non-conforming
	<p>only in accordance with the following regulations:</p> <p>i) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,</p> <p>ii) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.</p>		
<p>Accessory Structure Lot Coverage <i>Section 5.2.4</i></p>	<p>The total lot coverage of all accessory buildings or structures on a lot, except for swimming pools, shall not exceed 5 percent of the lot area. <u>The lot coverage of all accessory buildings or structures shall be included within the total lot coverage on any lot.</u></p>	<p>Deck indicated as having an area of 22.16 square metres. Therefore, it is 4.1% of the lot area.</p>	<p>Conforms</p>
<p>Dwelling Unit Area (minimum) <i>Section 5.4.2(a)</i></p>	<p>No dwelling unit shall be erected or used unless it has the following minimum gross floor area:</p> <p>(a) a single detached dwelling - 83 square metres or as specified within a zone; and,</p>	<p>Floor area indicated as 309.93 square metres as per Development Statistics.</p>	<p>Conforms</p>
<p>Fences <i>Section 5.6</i></p>	<p>See Section 5.6</p>	<p>Not indicated</p>	<p>Applicant to note compliance with Section 5.6 shall be required if a fence is proposed.</p>
<p>Landscaped Open Space <i>Section 5.12.1</i></p> <p>Landscaped open space shall be provided in accordance with zone provisions as set out for any zone and the following general provisions:</p>	<p>(a) all parts of a lot which are not occupied by buildings, structures, parking areas, loading spaces, driveways, excavations, agriculture uses or permitted outdoor storage shall be maintained as landscaped open space;</p> <p>(b) nothing in this By-law shall apply to prevent a landscaped open space from being crossed by a pedestrian walkway or a driveway;</p>	<p>(a) all parts of the lot which are not occupied by buildings, structure or parking areas appears to be landscaped open space.</p> <p>(b), (c) Applicant to note Subsection 5.12.1(b) and (c).</p> <p>(d) Insufficient information</p>	<p>Unable to Determine Compliance</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
	<p>(c) no part of any driveway, parking area, loading space, rooftop terrace, balcony or space enclosed within a building, other than a landscaped area located above an underground parking area, shall be considered part of the required landscaped open space for a lot; and,</p> <p>(d) within any Residential R1, R2, R3, R4, R5 and R6 (street townhouse) zone, a minimum of 50% of the front yard shall be landscaped open space and notwithstanding 5.12.1 (b), shall not be crossed by a driveway.</p>	<p>provided.</p>	
<p>Parking Space Requirements <i>Section 5.21.1</i></p>	<p>Single Detached Dwelling: 1 parking space per dwelling unit.</p> <p>(aaa) Secondary Dwelling Unit: 1.0 space per unit</p>	<p>Two (2) parking spaces are indicated within the attached garage.</p>	<p>Conforms</p>
<p>Dimensions of Parking Spaces <i>Section 5.21.4</i></p>	<p>Each parking space shall have a minimum width of 2.6 metres and minimum length of 5.8 metres except for a parallel parking space which shall have a minimum width of 2.5 metres and a minimum length of 6.5 metres. Notwithstanding the minimum width dimensions of this provision, a parking space for disabled persons shall have a minimum width of 4.4 metres</p>	<p>Parking spaces are indicated as a minimum width of 2.67 metres and a minimum length of 5.81 metres</p>	<p>Conforms</p>
<p>Location of Parking on a Lot <i>Section 5.21.5(a)</i></p> <p>Notwithstanding any yard requirements of this By-law to the contrary, uncovered surface parking areas shall be permitted in any required yard subject to the provisions of subsection 5.27 except as follows:</p>	<p>in all Residential zones, the required parking spaces shall be prohibited within the required front yard or required exterior side yard except that a driveway within the required front yard or required exterior side yard which is provided for any single detached, link, semi-detached, duplex, triplex or quadruplex dwellings, townhouse or street townhouse or mobile home may be used to provide additional parking</p>	<p>Two (2) parking spaces have been indicated within the attached garage.</p>	<p>Conforms</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
	supplementary to the parking required in this By-law, and provided that the maximum width of the driveway, or cumulative width of the driveways, shall not exceed 12 metres		
Surface and Drainage of Parking Areas and Driveways <i>Section 5.21.7</i>	All parking spaces, areas and driveways shall be provided and maintained with a stable surface which is treated in a manner to prevent the raising of dust or loose particles and shall be drained in a manner to prevent the pooling of surface water or the flow of surface water to adjacent lots	Asphalt driveway indicated.	Conforms
Special Setbacks <i>Section 5.28.1</i>	Notwithstanding any other provisions of this By-law, minimum yard requirements for any buildings or structures adjacent to any Provincial Highway or Regional Road shall be as required by the Ministry of Transportation and the Regional Municipality of Hamilton Wentworth respectively.	Applicant to note Section 5.28.1	Applicant to note Section 5.28.1
Special Setbacks <i>Section 5.28.2</i>	Notwithstanding any other provisions of this By-law, no building or structure shall be erected within 15 metres of the Conservation Management-CM zone boundary without the written approval of the Conservation Authority having jurisdiction	The subject lot is not within 15 metres of a Conservation Management-CM zone	Conforms
Special Setbacks <i>Section 5.28.3</i>	Notwithstanding any other provisions of this By-law, within a Residential zone, any new construction which results in the creation of an additional dwelling unit, shall maintain a minimum setback of 30 metres from a railway right-of-way.	The subject lot is not within 30 metres of a railway right-of-way.	Conforms

By-law Requirement	Required	Provided	Conforms/ Non-conforming
<p>Yard Encroachments <i>Section 5.30</i></p> <p>Min Interior Side Yard: 3.0 metres</p> <p>Min Front Yard: 7.5 metres</p> <p>Min Rear Yard: 10 metres</p> <p><i>NOTE: An "Unenclosed Porch" is a structure located at the front of the dwelling (i.e. the unenclosed covered porch as indicated at the front of the dwelling)</i></p>	<p><u>Sills, beltcourses, cornices, chimney breasts, bay windows, pilasters, eaves or gutters:</u></p> <p>Yard into Which Encroachment is Permitted: All</p> <p>Maximum Encroachment Permitted into Required Yard: 0.65 metres</p>	<p>Eaves/roof overhang indicated as projecting 0.46 metres.</p> <p>Therefore:</p> <p><u>Front Yard:</u> Encroaches 0.41 metres into minimum required front yard (not including eaves/roof projection of unenclosed covered porch).</p> <p><u>Rear Yard:</u> Encroaches 0.40 metres into minimum required rear yard (not including eaves/roof projection of deck).</p> <p><u>Interior Side Yard:</u> Encroaches 1.33 metres into minimum required northerly interior side yard (not including eaves/roof projection of unenclosed covered porch).</p> <p>Encroaches 1.40 metres into minimum required southerly interior side yard.</p>	<p>Non-conforming</p> <p>NOTE: Should a variance be requested to Section 6.3.6(e) regarding the minimum interior side yard, eaves/roof overhang of principle building would be in compliance.</p>
	<p><u>Balconies, canopies, awnings, steps or unenclosed porches</u></p> <p>Yard into Which Encroachment is Permitted: Required front, required rear and required exterior side</p> <p>Maximum Encroachment Permitted into Required Yard: 1.5 metres</p>	<p>Unenclosed porch, including eaves/roof overhang, indicated as encroaching 1.49 metres into minimum required northerly interior side yard.</p> <p>Unenclosed porch, including eaves/roof overhang, indicated as encroaching 1.98 metres into minimum required</p>	<p>Non-conforming</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
		<p>front yard (not including steps).</p> <p>NOTE: Projection of steps shall be indicated to confirm total distance unenclosed porch projects into minimum required front yard.</p>	
	<p><u>Fire escapes or exterior Staircases</u></p> <p>Yard into Which Encroachment is Permitted: Required exterior side and required rear</p> <p>Maximum Encroachment Permitted into Required Yard: 1.5 metres</p>	<p>Not indicated</p>	<p>N/A</p>
<p>Secondary Dwelling Unit – General Regulations <i>Section 5.43</i></p>	<p>(ii) Notwithstanding Section 5.21.5 (a) as it regulates the location of required parking spaces, a maximum of two parking spaces for a Secondary Dwelling Unit and/or Secondary Dwelling Unit - Detached may be provided in the required Front Yard; and</p>	<p>Two (2) parking spaces have been indicated within the attached garage</p>	<p>Conforms</p>
	<p>(iii) Notwithstanding Section 5.21.5 (a) as it regulates the location of required parking spaces, parking for a Secondary Dwelling Unit and/or Secondary Dwelling Unit – Detached may be provided in the required Exterior Side Yard and shall maintain a minimum of 50% landscaped area in the Exterior Side Yard</p>	<p>Two (2) parking spaces have been indicated within the attached garage</p>	<p>Conforms</p>
<p>Secondary Dwelling Unit <i>Section 5.43.1</i></p>	<p>(a) For lands within a R1, R4, R5, R6 and UC Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, Semi-Detached Dwelling, Link or Street Townhouse Dwelling on a divided or undivided lot and shall not result in a change to the</p>	<p>One (1) Secondary Dwelling Unit is indicated within a Single Detached Dwelling.</p>	<p>Conforms</p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
	defined dwelling type on the lot.		
	(b) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 5.43.	See review of principle dwelling above.	See review of principle dwelling above
	(c) There shall be no outside stairway above the first floor other than a required exterior exit.	No outside stairway above the first floor has been indicated.	Conforms
	(d) maximum of one entrance shall be permitted on the front façade of a dwelling containing a Secondary Dwelling Unit.	One entrance has been indicated on the front façade of the dwelling.	Conforms

7. Construction of the proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.
8. All new signs proposed for this development must comply with the regulations contained within the Sign By-law 10-197.
9. All new fences proposed for this development must comply with the regulations contained within Fence By-law 10-142.
10. The designer shall ensure that the fire access route conforms to the Ontario Building Code.

Yours truly

for the Manager of Building Engineering and Zoning



Hamilton

Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

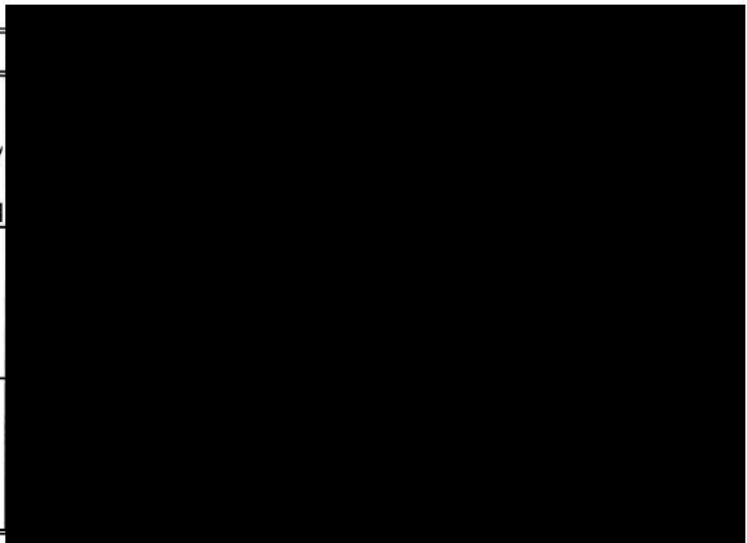
Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

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

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	John Ronalds&Norm Goldby
Applicant(s)	Cynthia Zahoruk Architect Inc.
Agent or Solicitor	Cynthia Zahoruk Architect Inc.



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	18 Howard Blvd., City of Waterdown		
Assessment Roll Number	unknown (newly severed lot)		
Former Municipality	Flamborough		
Lot	11	Concession	
Registered Plan Number	984	Lot(s)	
Reference Plan Number (s)	62R-22137	Part(s)	2

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:

A surface drainage easement

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
17.77 m	30.48 m	540 m ²	unknown

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
None				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
2 Storey Dwelling	7.55 m	10.06 m	2.05 m & 2.13 m	
Unenclosed Covered Porch	5.98 m	N/A	1.97 m & 9.58 m	
Unenclosed Covered Deck	N/A	6.40 m	3.00 m & 8.57 m	

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
None				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
2 Storey Dwelling	114.45m ²	263.46m ²	2	8.1m

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 detached with basement accessory dwelling

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

Single Family Detached

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2024

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

Single Family Detached

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

Single Family Detached

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

50 plus 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) Low density residential

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

Low Density Residential permitted

7.6 What is the existing zoning of the subject land? R1-6 Zoning Bylaw 90-145-2 as amended

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: FL/A 22:335

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: FL/A 22:335 (already approved)

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: N/A

(1 Single Family Dwelling and 1
Secondary Dwelling Unit)

8.2 Number of Dwelling Units Proposed: 2

(1 Single Family Dwelling and 1
Secondary Dwelling Unit)

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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