



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

Telephone (905) 546-2424, ext. 4221

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

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

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**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
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<b>APPLICATION NO.:</b>	<b>A-24:122</b>	<b>SUBJECT PROPERTY:</b>	17 Percy Court, Hamilton
<b>ZONE:</b>	“R1” (Low Density Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law No. 05-200

**APPLICANTS:** Owner: Emmanuel Cahigas, Joanna Cahigas  
Agent: Sarah Br Hamilton own Home Design Inc. - Sarah Brown

The following variances are requested:

1. Where an Additional Dwelling Unit – Detached is in an Interior Side Yard, a minimum distance of 0.90 metres shall be provided between the side wall of the principle dwelling and the Additional Dwelling Unit – Detached, instead of the minimum 4.0 metres required;
2. No electric vehicle parking spaces shall be provided, instead of the requirement that for a Dwelling Unit, 100% of all parking spaces shall be provided as electric vehicle parking spaces [as per Section 5.7.4(a) of amending By-law No. 24-052 – not final and binding]

**PURPOSE & EFFECT:** So as to permit an addition to an existing detached garage which is to be converted to contain an Additional Dwelling Unit – Detached on a lot containing a single detached dwelling, notwithstanding

**Notes:**

1. Please note that building height does not appear to be indicated as per the definition of “Building Height” provided in Hamilton Zoning By-law No. 05-200. Note that a maximum height of 6.0 metres shall be permitted, and additional variances may be required if compliance cannot be achieved.
2. Please note that on a lot containing a Single Detached Dwelling, for a dwelling with an attached garage, the finished floor level of the garage shall be a minimum 0.3 metres above grade. Insufficient information has been provided to confirm compliance, and additional variances may be required if compliance cannot be achieved.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

This application will be heard by the Committee as shown below:

<b>DATE:</b>	<b>Tuesday, September 10, 2024</b>
<b>TIME:</b>	<b>1:25 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton

## **PUBLIC INPUT**

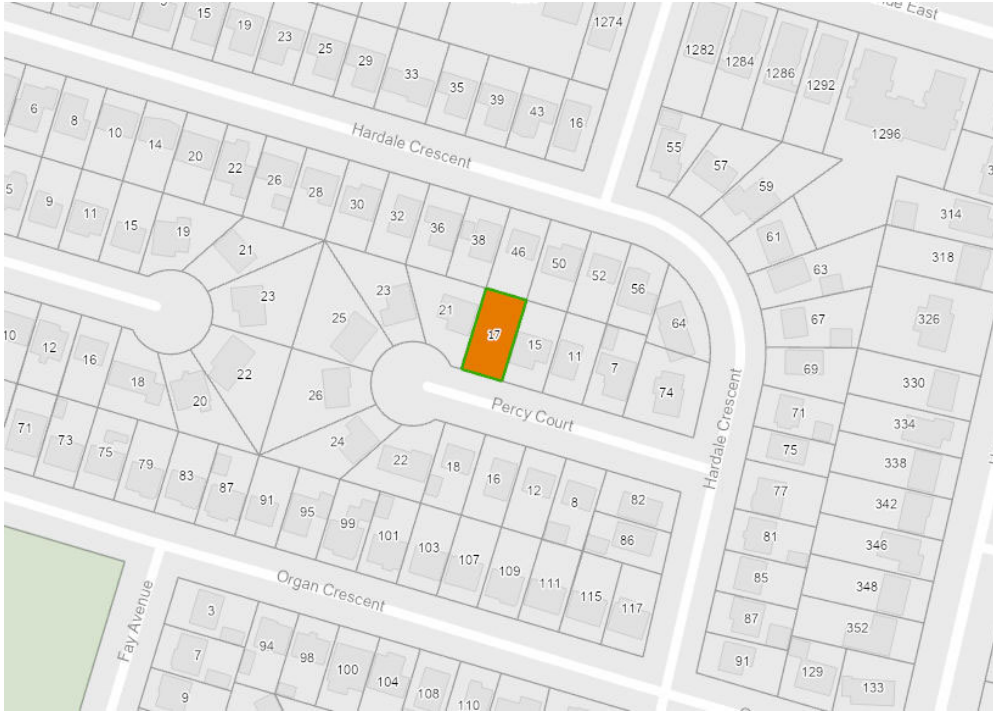
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon September 6, 2024

**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 September 9, 2024

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:122, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



 **Subject Lands**

DATED: August 22, 2024

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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E-mail: [cofa@hamilton.ca](mailto: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](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon on the date listed on the Notice of Public Hearing.**

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

#### Oral Submissions

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

##### 1. Virtual Oral Submissions

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

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

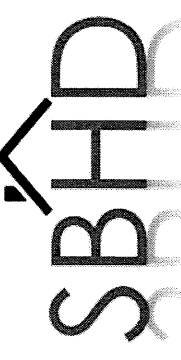
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

##### 2. In person Oral Submissions

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

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

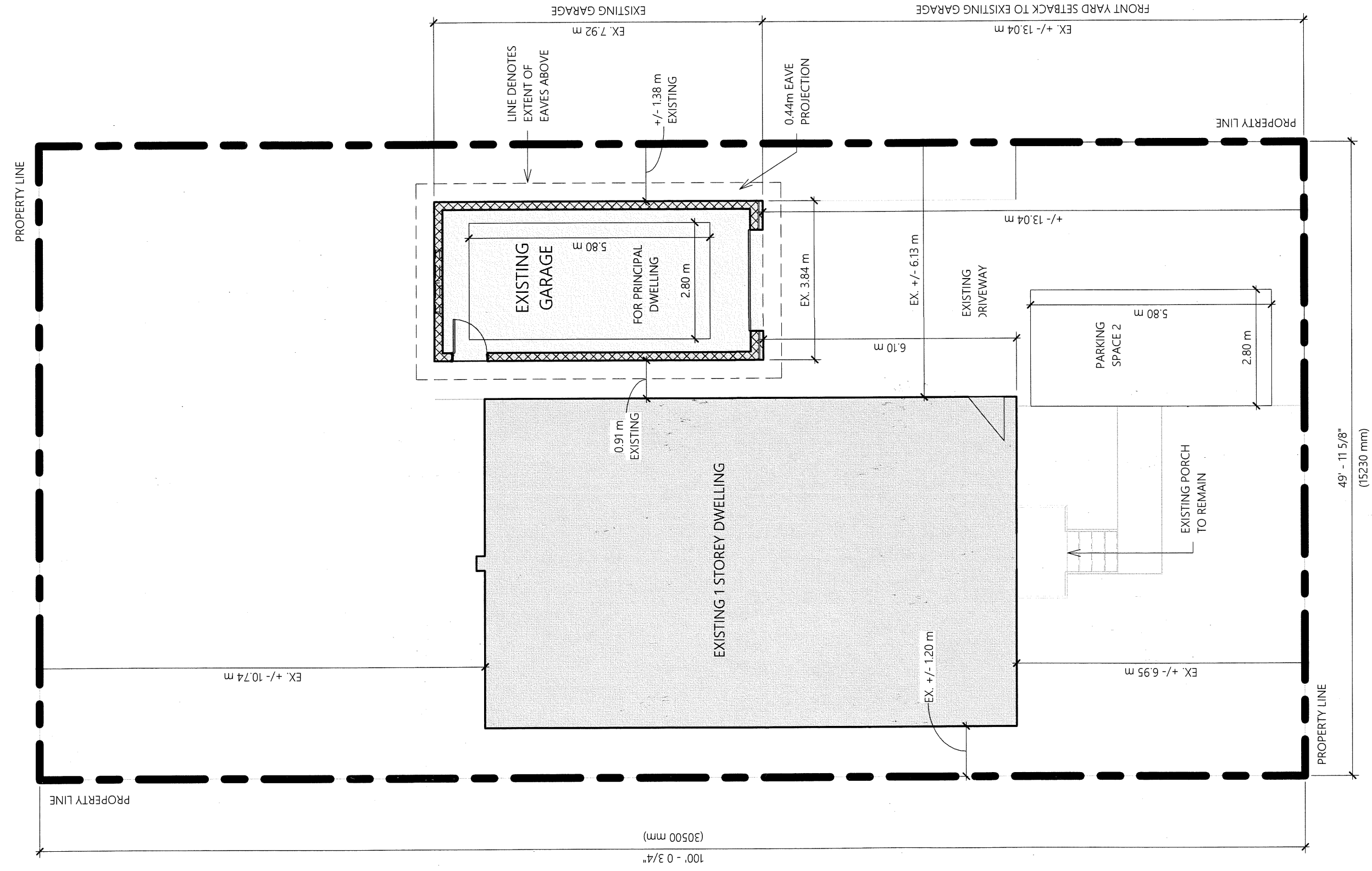
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



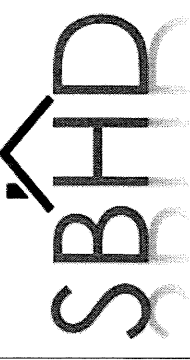
Sarah Brown Home Design Inc.  
 5780 Highway 3, Cayuga  
 Ontario N0A 1E0  
 Phone: 289-776-6303  
 Email: sarah@sbhomedesigninc.com



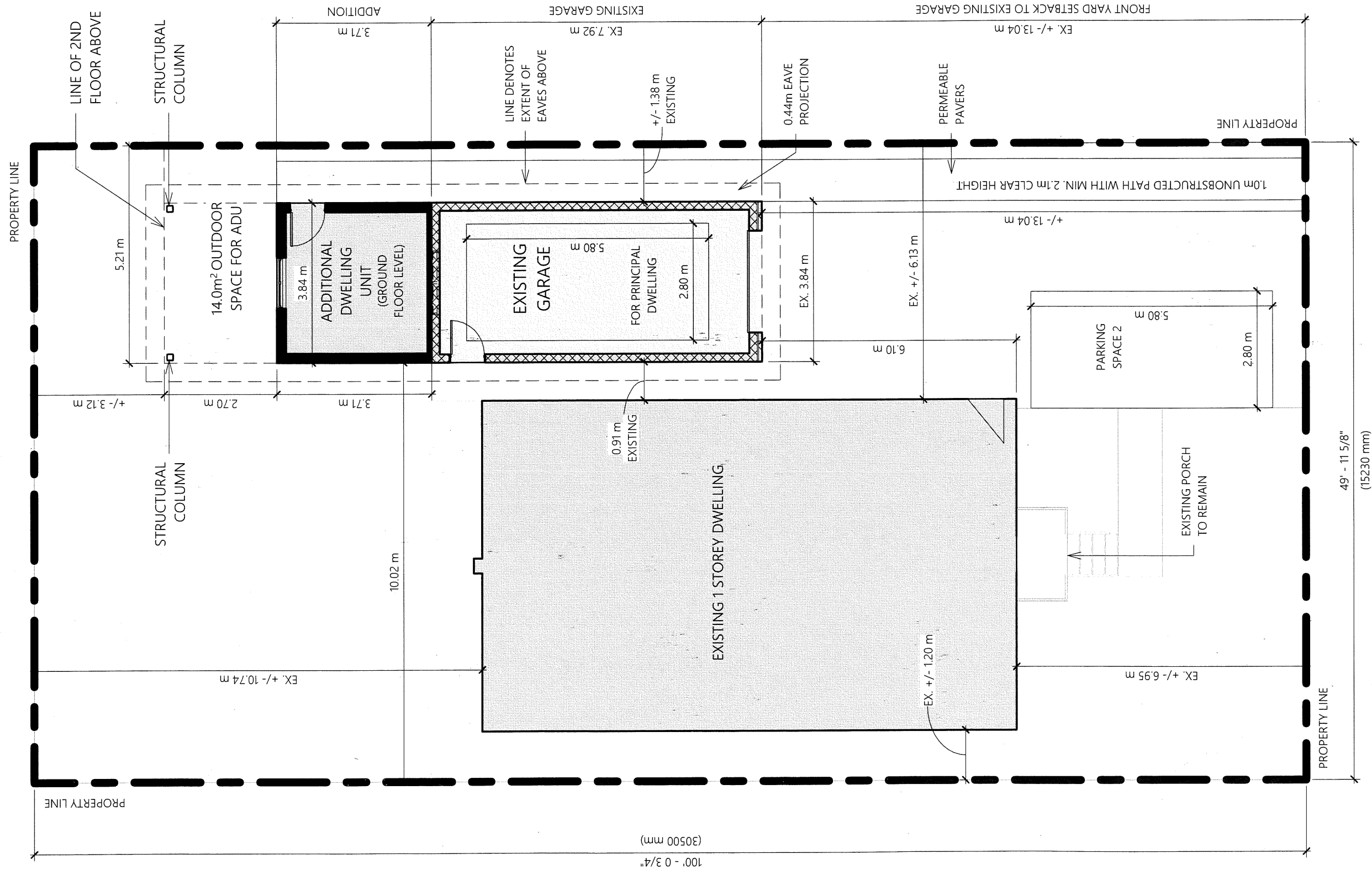
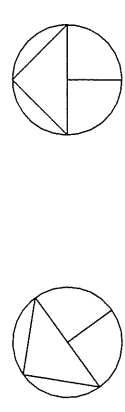
TRUE NORTH PROJECT NORTH



<b>PROJECT:</b>	CAHIGAS RESIDENCE
<b>PROJECT ADDRESS:</b>	17 PERCY COURT HAMILTON, ON L8T 1W7
<b>SHEET SIZE:</b>	11 x 17
<b>SCALE:</b>	1 : 100
<b>DRAWN BY:</b>	SB
<b>PROJECT NO.:</b>	24.005
<b>DATE:</b>	JULY 15, 2024
<b>DRAWING NAME:</b>	EXISTING SITE PLAN
<b>SHEET NO.:</b>	SK1



Sarah Brown Home Design Inc.  
5780 Highway 3, Cayuga  
Ontario N0A 1E0  
Phone: 289-776-6303  
Email: sarah@sbrhomedesigninc.com



GFA OF DETACHED ADU	
GROUND FLOOR	14.3m <sup>2</sup>
SECOND FLOOR	54.8m <sup>2</sup>
<b>TOTAL</b>	<b>69.1m<sup>2</sup></b>
* TOTAL GFA EXCLUDED GARAGE AREA	
GFA OF PRINCIPAL DWELLING = 101m <sup>2</sup> MAX. GFA OF ADU IS 70% OF PRINCIPAL DWELLING = 70.7m <sup>2</sup>	

PARKING (PRA 2)	REQUIRED	PROVIDED
PRINCIPAL DWELLING	1 SPACE	1 SPACE (WITHIN GARAGE)
DETACHED ADDITION DWELLING	NO SPACES ARE REQUIRED IN PRA 2	1 SPACE

**PROJECT:** CAHIGAS RESIDENCE

**PROJECT ADDRESS:** 17 PERCY COURT  
HAMILTON, ON  
L8T 1W7

**SHEET SIZE:** 11 x 17

**SCALE:** As indicated

**DRAWN BY:** SB

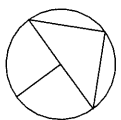
**PROJECT NO.:** 24-005

**DATE:** JULY 15, 2024

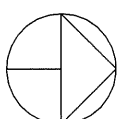
**DRAWING NAME:** GROUND LEVEL SITE PLAN

**SHEET NO.:** SK2

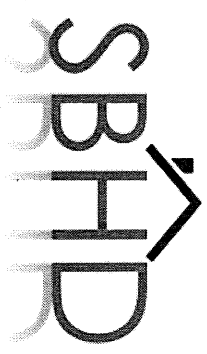




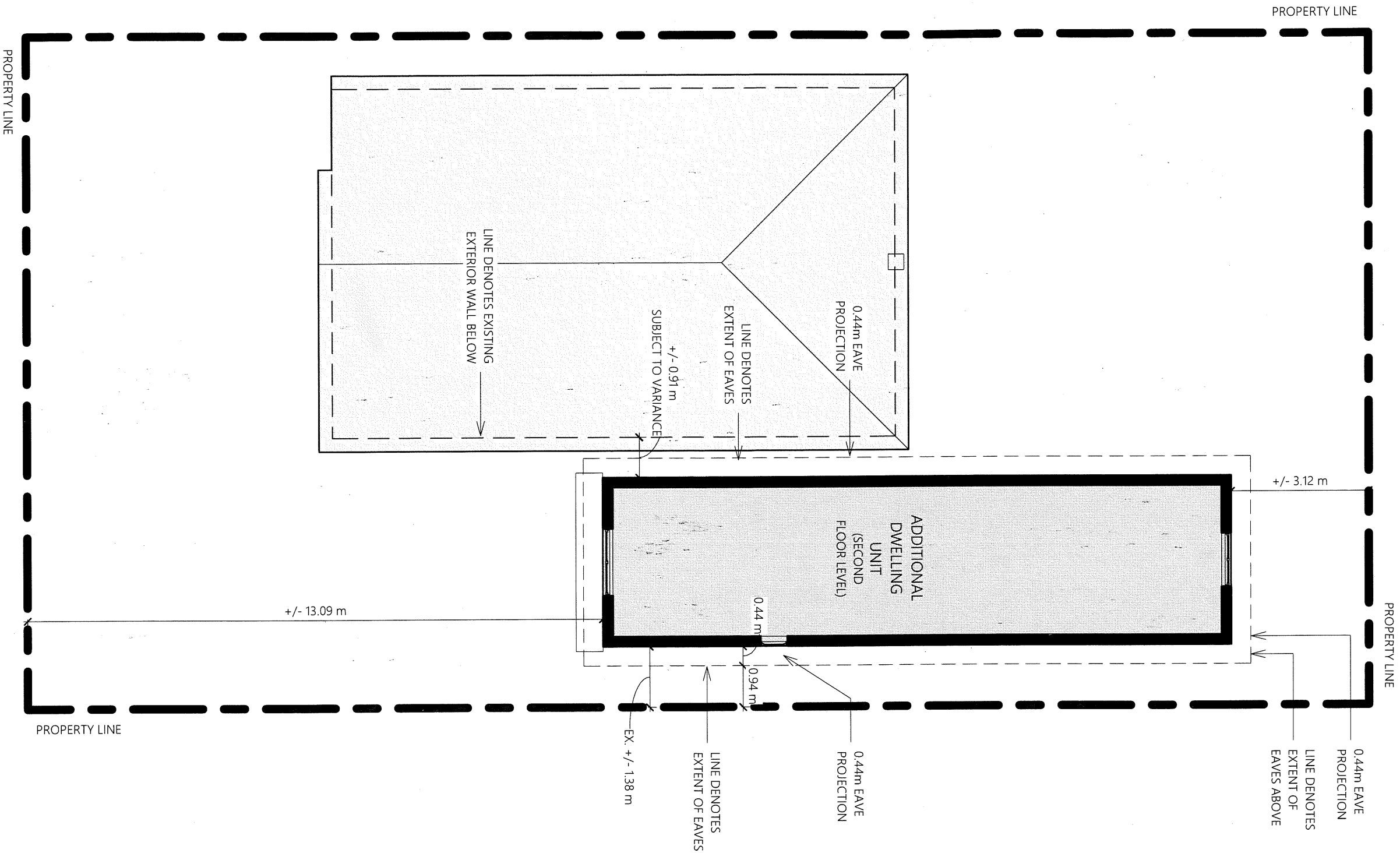
TRUE NORTH



PROJECT NORTH



Sarah Brown Home Design Inc.  
5780 Highway 3, Cayuga  
Ontario N0A 1E0  
Phone: 289-776-6303  
Email: sarah@sphomedesigninc.com



PROJECT:  
CAHIGAS RESIDENCE

PROJECT ADDRESS:  
17 PERCY COURT  
HAMILTON, ON  
L8T 1W7

SHEET SIZE:  
11 x 17

SCALE:  
1 : 100

DRAWN BY:  
SB

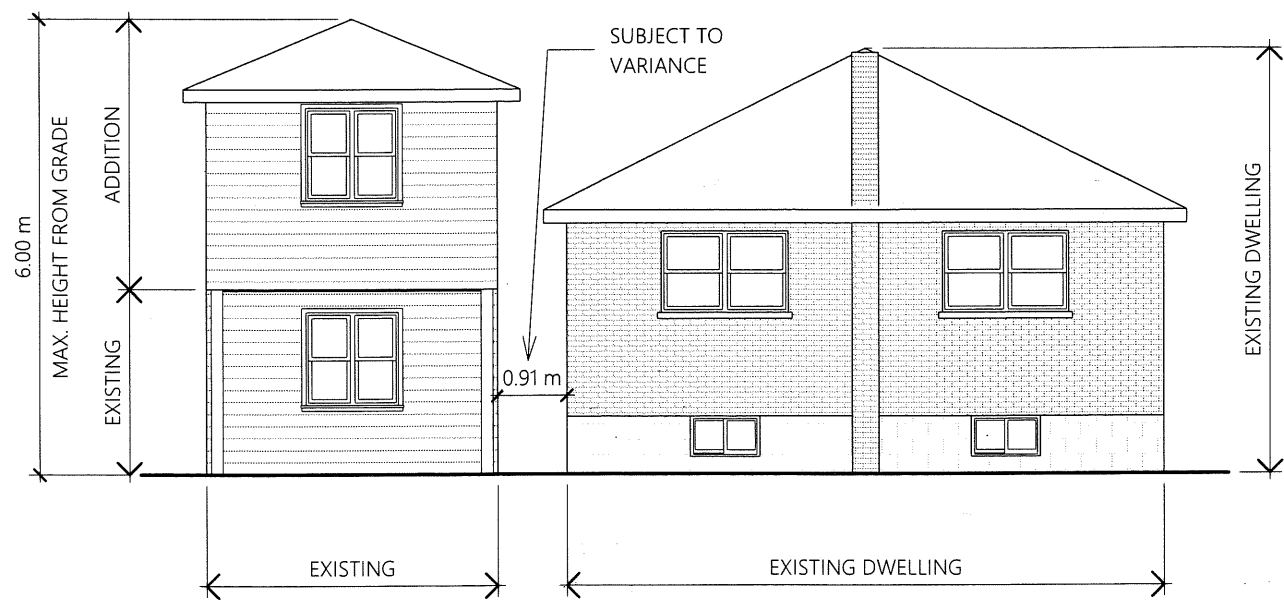
PROJECT NO.:  
24.005

DATE:  
JULY 15, 2024

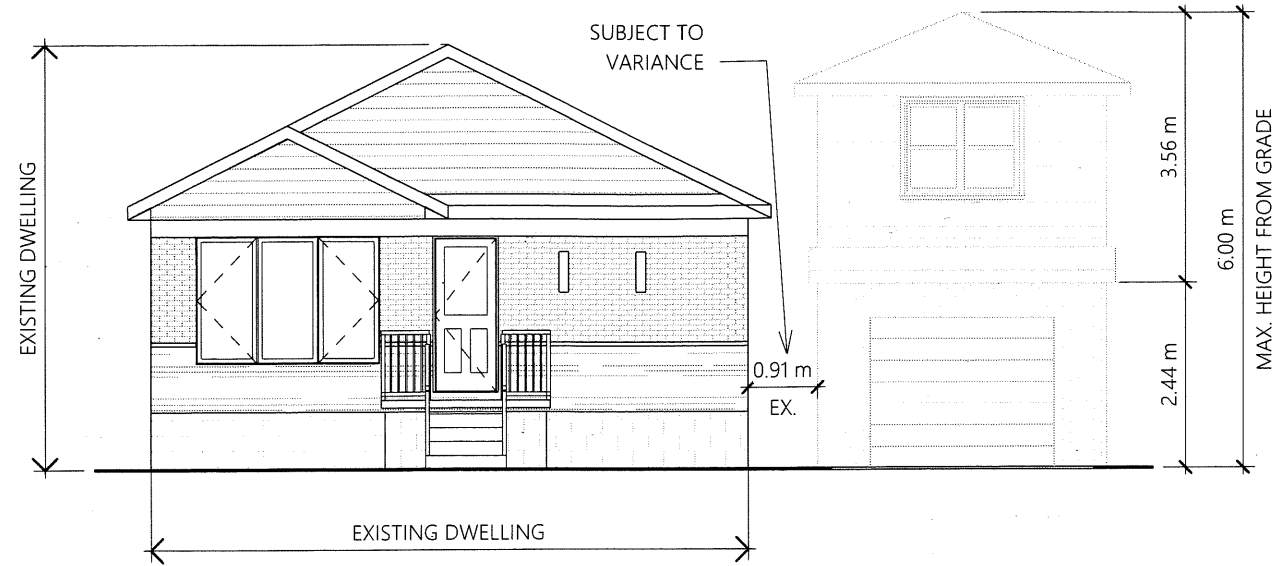
DRAWING NAME:  
SECOND LEVEL SITE  
PLAN

SHEET NO.:

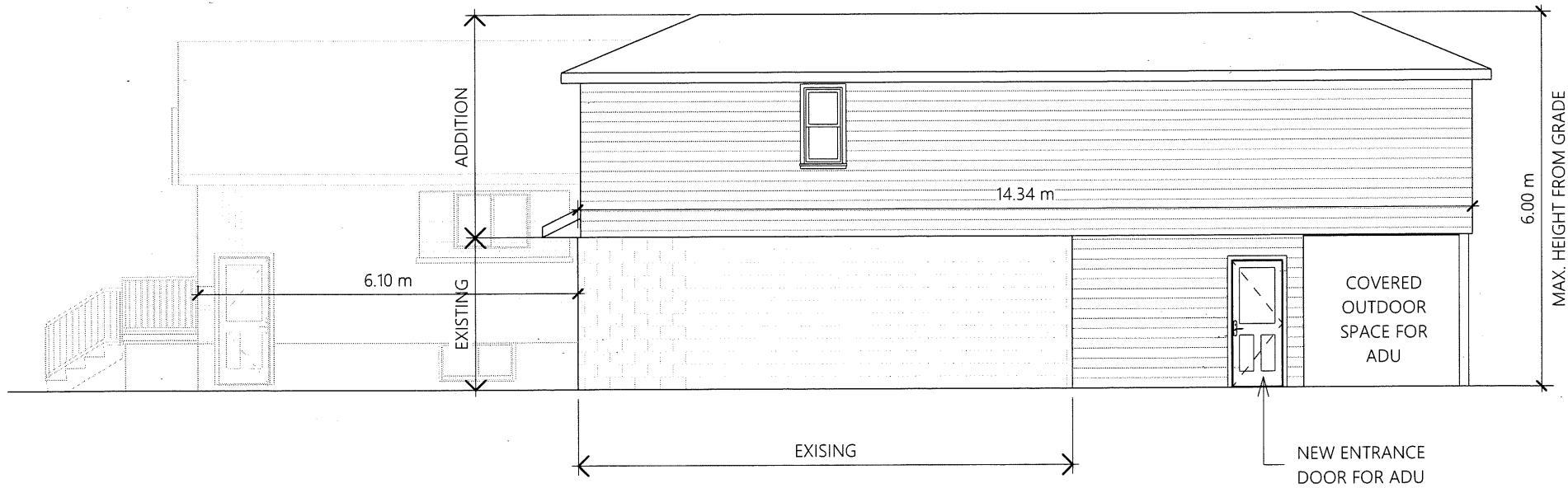
SK3



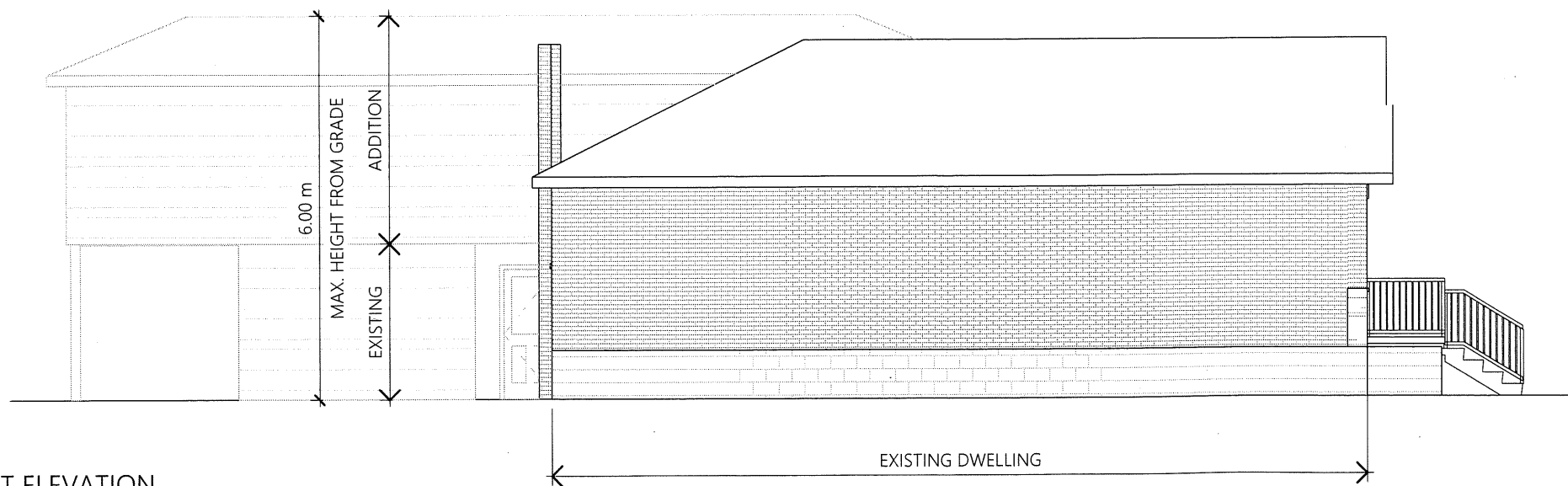
1) NORTH ELEVATION  
1:100



3) SOUTH ELEVATION  
1:100



2) EAST ELEVATION  
1:100



4) WEST ELEVATION  
1:100

PROJECT:  
CAHIGAS RESIDENCE

PROJECT ADDRESS:  
17 PERCY COURT  
HAMILTON, ON  
L8T 1W7

SHEET SIZE:  
11 x 17

SCALE:  
1:100

DRAWN BY:  
SB

PROJECT NO.:  
24.005

DATE:  
JULY 15, 2024

DRAWING NAME:  
ELEVATIONS

SHEET NO.:  
SK4





July 23, 2024

To Whom it May Concern:

Re: Amendment to Minor Variance Application  
17 Percy Court, Hamilton  
File: A-24:122

This letter is to outline the proposed changes to the minor variance application A24:122 for 17 Percy Court.

As per the City comments, the concept for the proposed detached ADU has been revised.

Rather than adding onto the front of the existing garage, the revised concept is to provide an addition to the back of the existing garage and a second storey above.

The dimension from the front face of the principal dwelling to the front face of the existing garage/ADU second floor is now 6.1m therefore eliminating the previously requested variance of the setback from the face of the existing dwelling.

The height of the proposed detached ADU from grade will be 6.0m and the side and rear yard setbacks are greater than the permitted 1.2m and therefore within the requirements of the by-law.

The distance between the existing principal dwelling and the garage will be maintained at 0.91m. The proposed second floor addition for the ADU will maintain the width of the existing garage below and therefore the separation between the principal dwelling and the ADU will be 0.91m. This should be the only requested variance.

Sincerely,

Sarah Brown, Dipl. Arch T. BCIN 122306

Sarah Brown Home Design Inc. BCIN 123117

Sarah Brown Home Design Inc.  
5780 Highway 3, Cayuga  
Ontario N0A 1E0  
289-776-6303



Hamilton

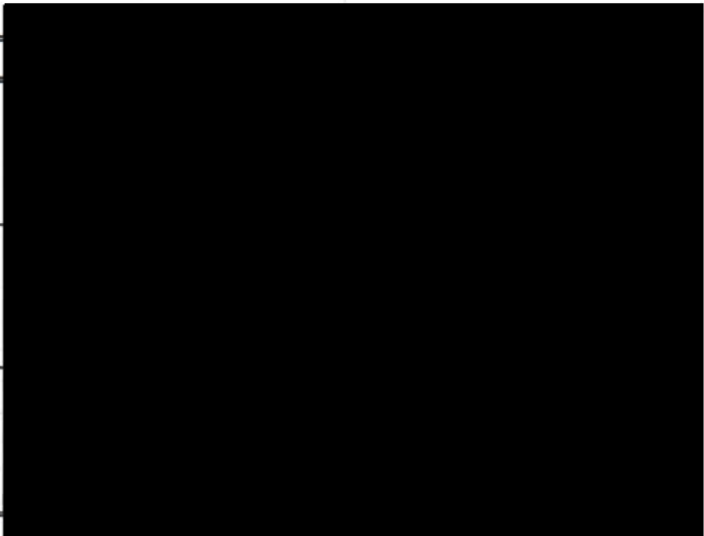
Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

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

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

**1. APPLICANT INFORMATION**

	NAME
<b>Registered Owners(s)</b>	Emmanuel Cahigas Joanna Cahigas
<b>Applicant(s)</b>	Emmanuel Cahigas Joanna Cahigas
<b>Agent or Solicitor</b>	Sarah Brown Home Design Inc. - Sarah Brown



1.2 Primary contact

Applicant

Owner

Agent/Solicitor

1.3 Sign should be sent to

Applicant

Owner

AgentSolicitor

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	17 Percy Court Hamilton, ON L8T 1W7		
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:

To construct an addition onto the rear of an existing detached single car garage with a new 2nd floor addition for a detached Additional Dwelling Unit (ADU).

Distance between the existing principal dwelling and the existing garage is 0.9m

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

The distance between the existing principal dwelling and the existing garage is 0.9m and will be maintained. The width of the site and the location of the existing garage will not allow for a 4.0m separation between the two buildings.

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
+/-15.23m	+/-30.5m	+/-464.5m <sup>2</sup>	20m



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 Dwelling	+/-6.95m	+/-10.74m	+/-6.13m (East) & +/-1.2m (West)	05/13/1954
Detached single car garage	+/-13.04m	+/-9.53m	+/-1.38m (East) & 0.91m	05/13/1954

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Garage/ADU	+/-13.09m	+/-3.12m	+/-1.38m (East) & 0.91m	

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 Dwelling	+/-101.3m <sup>2</sup>	+/-101.3m <sup>2</sup>	1	+/-5.6m
Detached single car garage	30.4m <sup>2</sup>	30.4m <sup>2</sup>	1	+/- 3.6m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Garage/ADU	44.6m <sup>2</sup>	99.4m <sup>2</sup>	2	6.0m

- 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, detached garage and Additional dwelling unit (ADU)

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

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

November 30, 2018

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

Single detached dwelling

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

Single detached dwelling

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

70 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.

7.6 What is the existing zoning of the subject land? R1 - Low Density Residential

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: \_\_\_\_\_

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7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes

No

If yes, please provide the file number: \_\_\_\_\_

**8 ADDITIONAL INFORMATION**

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 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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