



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-24:206	SUBJECT PROPERTY:	47- 49 Ontario Avenue, Hamilton
ZONE:	"R1a" (Low Density Residential)	ZONING BY-LAW:	Zoning By-law No. 05-200

APPLICANTS: Owner: Tramy Nguyen - OJM Realty Inc
Agent: Ken Bekendam- King Homes Inc

The following variances are requested:

Portion of Lands to be Retained:

1. A deck shall be permitted to encroach 0.73 metres into minimum required southerly side yard, instead of the maximum permitted encroachment of 0.6 metres.

Portion of Lands to be Severed:

1. A minimum lot area of 230 square metres shall be permitted, instead of the minimum required lot area of 300.0 square metres;
2. A minimum lot width of 8.28 metres shall be permitted, instead of the minimum required lot width of 10.0 metres;
3. The minimum aggregate setback from a side lot line shall be 2.62 metres, instead of the minimum required aggregate setback of 3.5 metres;
4. A deck shall be permitted to encroach 3.70 metres into the minimum required rear yard, instead of the maximum permitted encroachment of 1.5 metres;
5. An accessory building ("Frame Garage") shall be permitted to be erected prior to the erection of a principle building or structure, instead of the requirement that an accessory building shall not be erected prior to the erection of a principle building or structure on the lot.

A-24:206

PURPOSE & EFFECT: So as to facilitate the creation of two (2) lots, and the construction of a multiple dwelling / fourplex dwelling on the portion of the lands to be severed, notwithstanding that.

Notes:

- i. This application is subsequent to Land Severance / Consent Application No. HM/B-22:119, which was granted with conditions for the creation of a new lot for residential purposes.
- ii. Minor Variance Application No. HM/A-22:357 approved several variances for both the portion of the lands to be severed and the portion of the lands to be retained. However, as the intended use has changed on the portion of the lands to be severed from a single detached dwelling to a multiple dwelling / fourplex dwelling, the approved variances are not applicable to the severed lands.
- iii. Detailed elevation drawings were not provided as part of the submitted Minor Variance Application to confirm the maximum building height of the proposed multiple dwelling / fourplex dwelling. Additional variance shall be required if compliance with Section 15.2.2.4 g) is not possible.
- iv. Please note that the applicant advised via email dated September 24th, 2024, that the location of the proposed accessory building indicated as “Shed – Waste/Storage” on the portion of the lands to be severed, will be revised to comply with all required building setbacks, and therefore a variance to the required setbacks has not been requested.
- v. A variance has been added to permit an accessory building to be erected prior to the erection of a principle building or structure, as the applicant has advised that the existing accessory building (“Frame Garage”) will remain on the on the portion of the lands to be severed, prior to the proposed multiple dwelling / fourplex dwelling, being constructed. The Committee of Adjustment may wish to impose a time frame on how long the accessory building may remain on its own.
- vi. Should Variance No. 4 be approved for the portion of the lands to be severed to permit the minimum setback from a side lot line to be an aggregate of 2.62 metres, the deck in the rear yard will not encroach into a minimum required side yard and will be in compliance.

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, October 22, 2024
TIME:	1:35 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

A-24:206

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 October 18, 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 October 21, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:206, 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: October 3, 2024

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

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Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

Comments are available the Friday prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

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

1. Virtual Oral Submissions

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

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

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

2. In person Oral Submissions

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

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca.

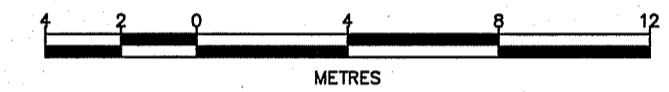
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

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

SCHEDULE				
PART	LOT	PLAN	PIN	AREA IN SQUARE METRES
1	ALL OF 28	117	17176-0182	231.1
2				230.5

PARTS 1 AND 2 COMPRISE ALL OF PIN 17176-0182.

PLAN OF SURVEY OF
 LOT 28
 REGISTERED PLAN 117
 CITY OF HAMILTON
 SCALE 1:200



THE INTENDED PLOT SIZE OF THIS PLAN IS 609mm IN WIDTH BY 457mm IN HEIGHT
 WHEN PLOTTED AT A SCALE OF 1:300

MacAulay, White & Muir Ltd.

NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (2010). DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9996139. ALL DIMENSIONS ARE MEASURED UNLESS QUALIFIED. ALL FENCES ARE "ON LINE" UNLESS TIES TO THE PROPERTY LINE ARE SHOWN. ALL PINS ARE (LT) UNLESS NOTED (R). FOR BEARING COMPARISONS, A ROTATION OF 01'00'30" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 2R-6639. ALL SET SSIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17, NAD83 (CSRS) (2010)
 CO-ORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O. REG 216/10.

POINT ID	NORTHING	EASTING
A	4789374.84	592960.26
B	4789132.09	593186.15

CO-ORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

THE RESULTANT TIE BETWEEN ORP A AND ORP B IS N43°03'W 344.18.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 12TH DAY OF AUGUST, 2024.

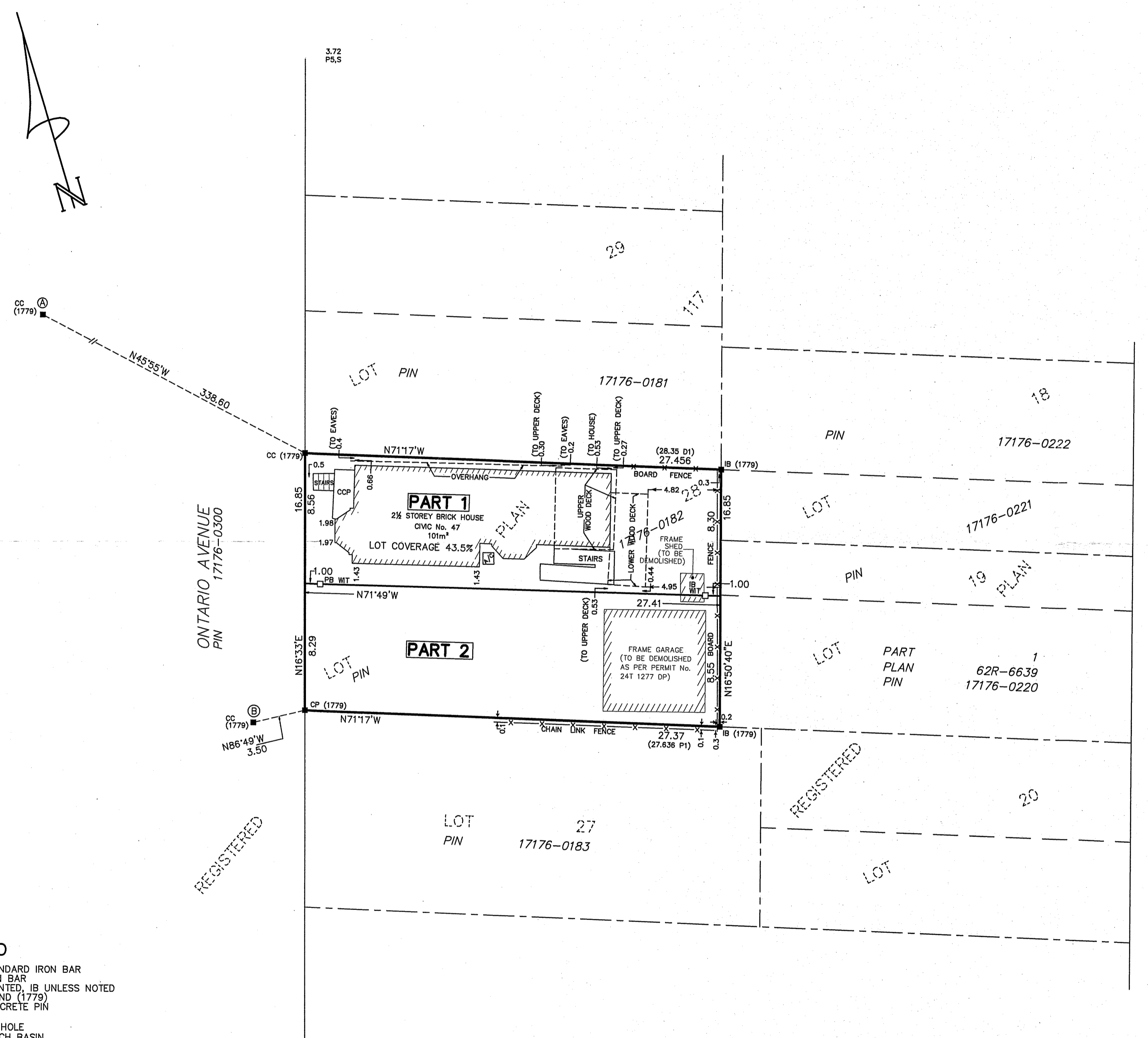
AUGUST 13, 2024

JOHN W. MUIR

ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-

<p>MacAulay, White & Muir Ltd. A Wholly Owned Subsidiary of J.D. Barnes Limited 440 HARDY ROAD, UNIT 2, BRANTFORD, ON N3T 5L8 T: (519) 752-0040 www.jdbarnes.com</p>	DRAWN:	LD
	CHECKED:	JM
	Ref. No.	23-50-016-00



LEGEND

- SIB - STANDARD IRON BAR
- IB - IRON BAR
- - PLANTED, IB UNLESS NOTED
- - FOUND (1779)
- CP - CONCRETE PIN
- S - SET
- MH - MANHOLE
- CB - CATCH BASIN
- U- - OVERHEAD HYDRO LINE
- HP - HYDRO POLE
- 216.30 - EXISTING ELEVATION
- GM - GAS METER
- WRTW - WOOD RETAINING WALL
- CORW - CONCRETE RETAINING WALL
- CCP - CONCRETE PORCH
- P1 - REGISTERED PLAN 117
- P2 - PLAN 62R-6639
- D1 - PIN 17176-0181 (INST. VMI38328)

NOTE:

GROUND ELEVATION	ROOF PEAK ELEVATION	ROOF PEAK HEIGHT
94.11m	104.06m	9.95m

SITE INFORMATION & STATISTICS	
ADDRESS:	49 ONTARIO AVENUE HAMILTON, ON
ZONING TYPE:	R1a
LOT AREA:	4971.76 SQ FT (461.89 m ²)
LOT FRONTAGE:	55' - 3 1/2" (16.85 m)

GENERAL NOTES:

1. ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
2. ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
3. ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
4. CONTRACTOR IS TO VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO COMMENCING WORK.
5. READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
6. ELEVATION REFERENCES ARE BASED ON 100'-0" = 131.70m GEODETIC ELEVATIONS AS NOTED ON A1 SITE PLAN.
7. ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION, AND INCONSISTENCIES ARE TO BE REPORTED TO THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.
8. THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFIRM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
9. PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
10. CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCING NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
11. REFER TO LANDSCAPING PLAN FOR PLANTING CONFIRM LAYOUT WITH LANDSCAPE CONTRACTOR
12. DESIGNER NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.

EXISTING STRUCTURE NOTE:

OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK, ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER PRIOR TO ANY WORK, OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK.

BUILDING CODE COMPLIANCE NOTE:

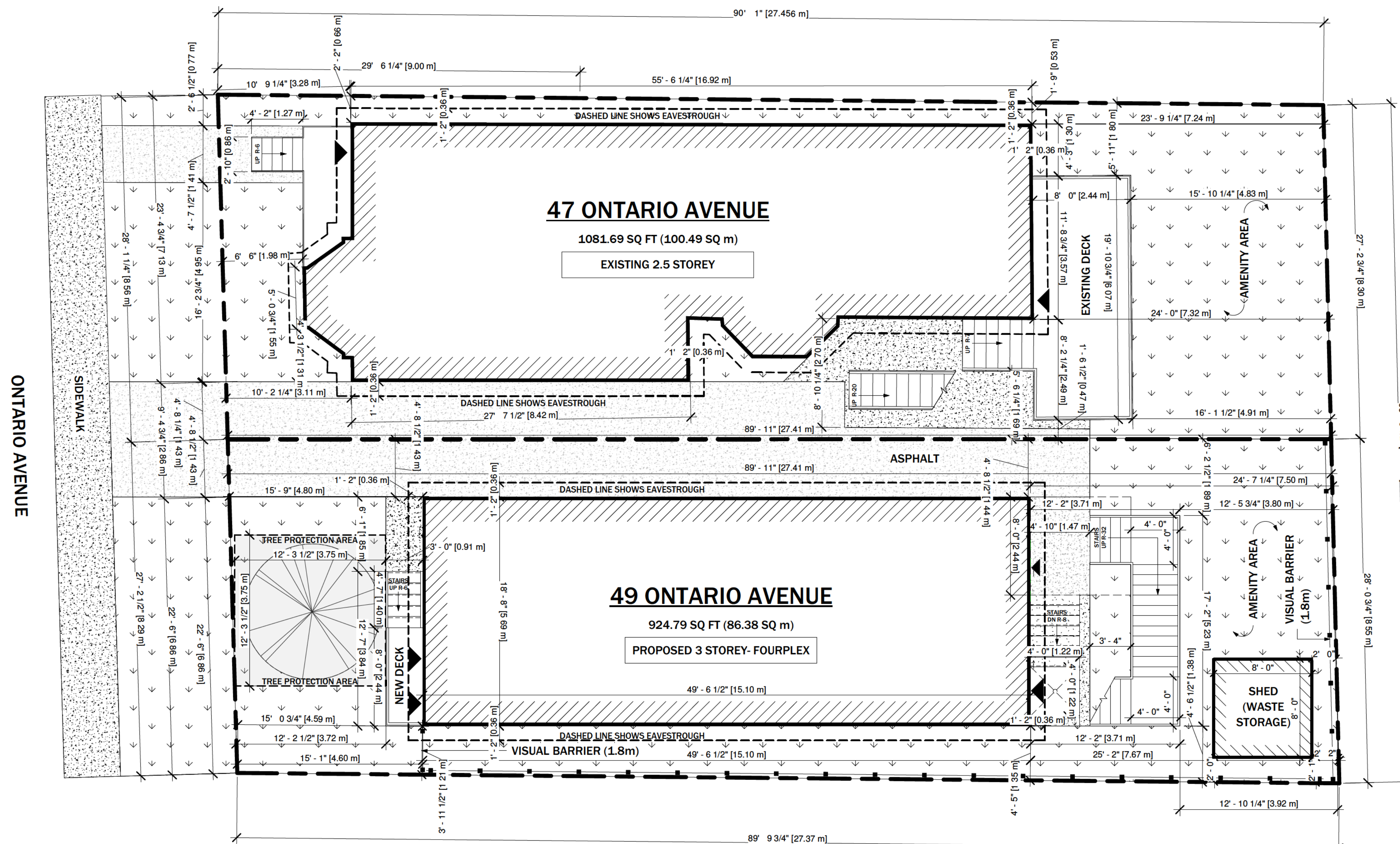
THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH ALL ASPECTS OF THE O.B.C. AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS.

SITE PLAN:

BASED ON HAMILTON SITE MAPS AND MEASUREMENTS ON SITE DESIGNER ASSUMES NO RESPONSIBILITY FOR ACCURACY OF HAMILTON MAPS. THIS SITE SHALL NOT BE USED FOR ANY OTHER PURPOSES. NO WORK TO ENCROACH ONTO ADJOINING PROPERTIES.

FRONTYARD LANDSCAPED SURFACE AREA
 FRONT LANDSCAPED AREA = 123.28 SQFT (66.94%)
 FRONT HARD SURFACE AREA TOTAL = 60.88 SQFT (33.06%)
 TOTAL AREA = 184.16 SQFT (100%)

PROPOSED LOT AREA: 2488.26 SQFT (231.17 SQ m)



FRONTYARD LANDSCAPED SURFACE AREA
 FRONT LANDSCAPED AREA = 291.89 SQFT (94.12%)
 FRONT HARD SURFACE AREA TOTAL = 18.23 SQFT (5.88%)
 TOTAL AREA = 310.12 SQFT (100%)

PROPOSED LOT AREA: 2483.50 SQFT (230.72 SQ m)

DESCRIPTION	PROPOSED	REQUIRED
ZONING CATEGORY	R1a	R1a
LOT AREA	2488.26 SQFT (231.17 SQM)	3229.17 SQFT (300 SQM)
LOT FRONTAGE	28' - 1 1/4" (8.56 M)	-
GROSS FLOOR AREA	1081.69 SQFT (100.49 SQM)	-
LOT WIDTH	28' - 1 1/4" (8.56M)	32' - 9 3/4" (10.00 M)
BUILDING HEIGHT	2.5 STOREYS (9.83 M)	10.5 M
FRONT YARD SETBACK	10' - 2 1/4" (3.11 m)	13' - 1 1/2" (4.0 m)
REAR YARD SETBACK	23' - 9 1/4" (7.24 m)	24' - 7 1/4" (7.5 m)
SIDE YARD-INTERIOR	1' - 9" (0.53 m)	3' - 11 1/4" (1.2 m)
LANDSCAPE OPEN SPACE	934.74 SQFT (27.31%) (86.84 SQM)	30%
AMENITY AREA	800.58 SQFT (74.37 SQM)	-

NO.	DATE	GENERAL DESCRIPTION	INITIALS
01			
02			
03			
04			

DESCRIPTION	PROPOSED	REQUIRED
ZONING CATEGORY	R1a	R1a
LOT AREA	2483.50 SQFT (230.72 SQM)	3229.17 SQFT (300 SQM)
LOT FRONTAGE	27' - 1 1/2" (8.29 M)	32' - 9 3/4" (10.00 M)
GROSS FLOOR AREA	924.79 SQFT (86.38 SQM)	-
LOT WIDTH	27' - 1 1/2" (8.29 M)	32' - 9 3/4" (10.00 M)
BUILDING HEIGHT	3 STOREYS (9.83 M)	10.5 M
FRONT YARD SETBACK	15' - 3/4" (4.59 m)	13' - 1 1/2" (4.0 m)
REAR YARD SETBACK	24' - 7 1/4" (7.5 m)	24' - 7 1/4" (7.5 m)
SIDE YARD-INTERIOR	3' - 11 1/2" (1.21 m)	3' - 11 1/4" (1.2 m)
LANDSCAPE OPEN SPACE	1095.44 SQFT (30.61%) (101.76 SQM)	30%
AMENITY AREA	1015.76 SQFT (94.36 SQM)	-

CITY ELECTRONIC STAMP:



LEGAL SECOND SUITES ARCHITECTURAL AND ENGINEERING SERVICES ARE OWNED AND OPERATED BY KING HOMES INC.
LEAD DESIGNER & CONSULTANT: KEN BEKENDAM, B.A. BUSCOM, L.T.
 979 MAIN ST. E. HAMILTON, ON
 905-965-0647
 kenbekendam@gmail.com

The undersigned has reviewed and takes the responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
 Required unless design is exempt under 2.17.5.1 of the building code

Name: Signature: BCIN

REGISTRATION INFORMATION
 Required unless design is exempt under 2.17.5.1 of the building code

Name: KING HOMES INC. 121307

Name: BCIN

GENERAL NOTES:

1. DO NOT SCALE DRAWINGS. FULL SCALE: 24" X 36"
2. ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE LEAD DESIGNER MUST BE NOTIFIED IMMEDIATELY.
3. FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.
4. UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS, NO PROVISION HAS BEEN MADE IN THE DESIGN FOR CONDITIONS OCCURRING DURING CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL NECESSARY BRACING SUPPORTS, SHEET PILING OR OTHER TEMPORARY SUPPORTS, TO SAFEGUARD ALL EXISTING OR ADJACENT STRUCTURES AFFECTED BY THIS WORK.
5. USE LATEST REVISED DRAWINGS.
6. ALL CONSTRUCTION TO MEET LATEST ONTARIO BUILDING CODE.
7. ALL DRAWINGS, SPECIFICATIONS, RELATED DOCUMENTS AND DESIGN ARE THE COPYRIGHT PROPERTY OF LEGAL SECOND SUITES. REPRODUCTION OF THIS PROPERTY IN WHOLE OR IN PART IS STRICTLY PROHIBITED WITHOUT LEGAL SECOND SUITES WRITTEN PERMISSION (LEGAL SECOND SUITES ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THIS PROPERTY UNLESS IT BEARS THE APPROPRIATE PEO NUMBER AND ORIGINAL SIGNATURE.)
8. BUILDING OWNER(S) WILL BE RESPONSIBLE FOR HIRING A CERTIFIED CONTRACTOR TO PERFORM SCOPE OF WORK AS PER ISSUED PERMIT.
9. CONTRACTOR WILL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SAFETY REQUIREMENTS ON SITE.

NO.	DATE	GENERAL DESCRIPTION	INITIALS
01			
02			
03			
04			



ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:
49 ONTARIO AVENUE FOURPLEX

SHEET NAME:
SITE PLAN

PROJECT NO. DATE: 24-13 07/06/22

SCALE: 3/16" = 1'-0" REVISION:

DRAWN BY: Author REVIEWED BY: KEN BEKENDAM

SHEET NO.

SP1.01



Hamilton

July 26, 2024

FILE: ALR
FOLDER: 24- ALR
ATTENTION OF: Victoria Brito
TELEPHONE NO: (905) 546-2424
EXTENSION:

KEN BEKENDAM
160 WHITE SWAN ROAD
BRANTFORD, ONTARIO N3T 5L4

Attention:

Re: APPLICABLE LAW REVIEW – ZONING BYLAW
Present Zoning: R1a (Low Density Residential – Small Lot)
Address: 47 and 49 Ontario Avenue, Hamilton

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

COMMENTS:

1. The applicant is proposing to construct a new fourplex on a proposed severed lot.
2. Please be advised that By-laws 24-051 and 24-052, were passed on April 10th, 2024, which approved new changes to the Hamilton Zoning By-law 05-200. However, By-laws 24-051 and 24-052 are not yet final. At present, all proposed development is reviewed under both the exiting and the proposed Zoning By-laws with the more restrictive zoning regulations being applied.
3. A fourplex is permitted under the new proposed zoning regulations; however, it is not permitted under the existing regulations. The following comments are provided on the consideration that By-law 24-051 is final & binding.
4. Our records indicate that Land Severance application HM/B-22:119, was approved with conditions for the creation of a new lot for residential purposes. The following comments will also address Conditions #6, 7, and 8 of said decision.
5. Our records indicate that Minor Variance Decision HM/A-22:357, approved several variances for both the severed and the retained lands. However, as the intended use has changed on the severed lands from a single detached dwelling to a fourplex, the approved variances are not applicable to the severed lands.
6. The lots are considered to be interior lots. Therefore, the front lot line is the lot line abutting the Ontario Avenue street line for both lots. The rear lot is the lot line farthest and opposite lot line to the front line and all other lot lines are considered side lot lines.

7. Any proposed accessory building shall comply with the requirements of Section 4.8 of the Hamilton Zoning By-law 05-200. Currently, no accessory buildings are shown as part of the proposal.
8. Any other encroachments shall comply with requirements of Section 4.6 of the Hamilton Zoning By-law 05-200.
9. Please note, that this Division is unable to clear conditions #6, 7 and 8 of Land Severance HM/A-22:119, at this time as the proposal does not conform and additional variances are required. See comments below.
10. The construction of the proposed fourplex is subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
11. All new fencing proposed for this development must comply with the regulations contained within Hamilton Fence By-law 10-142.
12. The designer shall ensure that the fire access route conforms to the Ontario Building Code.
13. The proposed **retained lands** have been reviewed and compared to the standards of the R1a zone as indicated in the following chart:

	Required By By-Law	Provided	Conforming/ Non-Conforming
Low Density Residential – Small Lot (R1a) Zone			
Section 15.2.2.1 – Single Detached Dwelling (Retained lands)			
Minimum Lot Area [as per Section 15.2.2.1 a) as approved by Minor Variance HM/A-22:357]	231.17m ²	231.17m ²	Conforming
Minimum Lot width [as per Section 15.2.2.1 b) per approved Minor Variance HM/A-22:357]	8.56m	8.56m	Conforming
Minimum setback from the Front Lot line [as per Section 15.2.2.1 c)]	3.0m	1.98m Note: The severance does not affect the existing front yard.	Existing
Minimum setback from the Front Lot line [as per Section 15.2.2.2 c)] NOT FINAL	i) 4.0 metres; ii) Notwithstanding Section 15.2.2.2 c) i), for lots identified on Figure 36 of Schedule "F" – Special Figures of this By-law, a building may be erected closer to the front lot line in accordance with the following: 1. Within 10 percent of the average setback from the front lot line or flankage lot line of the two	1.98m Note: The severance does not affect the existing front yard.	Existing

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>adjacent dwellings, or in the case of a corner lot, within 10% of the setback from the front lot line of the adjacent dwelling sharing a side lot line.</p> <p>2. In no cases shall the setback from the front lot line be less than 0.5 metres</p> <p>(By-law No. 24-051, April 10, 2024, not final & binding)</p>		
<p>Minimum Setback from a Side Lot Line [as per Section 15.2.2.1 d)]</p>	1.2 metres	<p>0.53m (to the north)</p> <p>Note: The severance does not affect the existing northerly side yard.</p> <p>1.43m (to the south)</p>	<p>Existing</p> <p>Conforms</p>
<p>Minimum Setback from a Flankage Lot Line [as per Section 15.2.2.1 e)]</p>	3.0m	This is not a corner lot.	N/A
<p>Minimum Setback from a Rear Lot Line [as per Section 15.2.2.1 f)]</p>	7.5m	<p>7.24m</p> <p>Note: The severance does not affect the existing rear yard.</p>	Conforms
<p>Maximum Building Height [as per Section 15.2.2.2 g)]</p>	10.5m	Existing building	Existing
<p>Minimum Landscaped Area [as per Section 15.2.2.2 h)] NOT FINAL</p>	<p>i) 30.0%</p> <p>ii) Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply</p> <p>Note: Section 4.35 states the following:</p> <p>a) A minimum 50% landscaped area in the Front Yard;</p> <p>b) A minimum 50% landscaped area in the Flankage Yard; and,</p> <p>c) A single area within the required landscaped area for tree protection and/or tree planting, subject to the following:</p> <p>i) each side shall be a minimum 3.75 metres in length; and,</p> <p>ii) shall not contain hard landscaping or structures.</p>	<p>66.94% - Existing</p> <p>Tree Protection Area Added</p>	Existing

	Required By By-Law	Provided	Conforming/ Non-Conforming
	(By-law No. 24-051, April 10, 2024, not final & binding)		
Section 4 – General Provisions			
Permitted Yard Encroachments [as per section 4.6 of Hamilton Zoning By-law 05-200]	a) Eaves, troughs and other similar architectural features may be permitted in any required yard, or to a maximum of half the distance of the required yard, whichever is the lesser.	Details not provided. 14" Eaves trough added	Unable to determine compliance
	d) A porch, deck or canopy may encroach into any required yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser; The required side yard is 1.2m. Therefore, the ex. porch including any associated steps shall maintain a setback of 0.6m from the southerly side lot line.	A setback of 0.47m is shown from the existing deck to the southerly side lot line.	Non-conforming Variance Required

14. The proposed **severed lands** has been reviewed and compared to the standards of the R1a zone as indicated in the following chart:

	Required By By-Law	Provided	Conforming/ Non-Conforming
Low Density Residential – Small Lot (R1a) Zone			
Section 15.2.2.4 – Fourplex (Severed lands) NOT FINAL			
Minimum Lot Area [as per Section 15.2.2.4 a)] NOT FINAL	300.0 square metres	230.72m ²	Non-conforming Variance Required
Minimum Lot width [as per Section 15.2.2.4 b)] NOT FINAL	10.0 metres	8.29m	Non-conforming Variance Required
Minimum setback from a Street Line [as per Section 15.2.2.4 c)] NOT FINAL	i) 4.0 metres; ii) Notwithstanding Section 15.2.2.4 c) i), for lots identified on Figure 36 of Schedule "F" – Special Figures of this By-law, a building may be erected closer to the front lot line in accordance with the following: 1. Within 10 percent of the average setback from the front lot line or flankage lot line of the two adjacent dwellings, or in the case of a corner lot, within 10% of the	i) 4.0 m ii) not applied. Front Yard Setback 4.59m	Conforms N/A

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>setback from the front lot line of the adjacent dwelling sharing a side lot line.</p> <p>2. In no cases shall the setback from the front lot line be less than 0.5 metres. (By-law No. 24-051, April 10, 2024, not final & binding)</p>		
Minimum Setback from a Side Lot Line [as per Section 15.2.2.4 d)] NOT FINAL	1.2 metres, and a minimum aggregate of 3.5 metres	1.43m (to the north) 1.20 to 1.35m (to the south)	Non-conforming Variance Required
Minimum Setback from a Flankage Lot Line [as per Section 15.2.2.4 e)] NOT FINAL	3.0m	This is not a corner lot.	N/A
Minimum Setback from a Rear Lot Line [as per Section 15.2.2.4 f)] NOT FINAL	7.5m	7.5m	Conforms
Maximum Building Height [as per Section 15.2.2.4 g)] NOT FINAL	10.5m	9.83m per elevation plans.	Conforms
Minimum Landscaped Area [as per Section 15.2.2.4 h)] NOT FINAL	i) 30.0% ii) Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply Note: Section 4.35 states the following: c) A single area within the required landscaped area for tree protection and/or tree planting, subject to the following: i) each side shall be a minimum 3.75 metres in length; and, ii) shall not contain hard landscaping or structures. d) On a lot containing a fourplex dwelling, when parking spaces are located in the rear yard, the following shall be provided: i) A minimum 1.5 metre wide landscaped strip shall be provided between the parking spaces and/or aisle, and the side lot line, and shall contain a wall or fence in	i) Greater than 30.0% c) i) and ii) Appears an area greater 3.75m is capable to be accommodated and does not contain hard landscaping or structures. d) i) and ii) no parking spaces are shown in the rear yard.	Appears to conform Tree Protection Added N/A

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>accordance with the requirements of Section 4.19; and,</p> <p>ii) A minimum 3 metre wide landscaped strip shall be provided between the parking spaces and/or aisle, and the rear lot line, and shall contain a Visual Barrier in accordance with the requirements of Section 4.19</p> <p>(By-law No. 24-051, April 10, 2024, not final & binding)</p>		
Visual Barrier [as per Section 15.2.2.4 i)] NOT FINAL	<p>i) A Visual Barrier shall be required along side lot lines and the rear lot line in accordance with the requirements of Section 4.19 of this By-law.</p> <p>ii) Notwithstanding Section 15.2.2.4 i) i), rear yard parking shall comply with the requirements of Section 4.35 d) of this By-law.</p>	Details not provided.	<p>Unable to determine compliance</p> <p>Visual Barrier Added 1.8m high</p>
Amenity Area [as per Section 15.2.2.4 j)] NOT FINAL	Amenity areas shall not be permitted in the side yard or on the rooftop of the dwelling.	<p>Details not provided.</p> <p>Amenity area added</p>	Unable to determine compliance
Waste Storage [as per Section 15.2.2.4 k)] NOT FINAL	Outdoor waste storage shall be fully enclosed and shall not be located in the front yard.	<p>Details not provided.</p> <p>Waste Storage Shed added</p>	Unable to determine compliance
Section 4 – General Provisions			
Permitted Yard Encroachments [as per section 4.6 of Hamilton Zoning By-law 05-200]	a) Eaves, troughs and other similar architectural features may be permitted in any required yard, or to a maximum of half the distance of the required yard, whichever is the lesser.	<p>Details not provided.</p> <p>14" Eavestrough added</p>	Unable to determine compliance
	d) A porch, deck or canopy may encroach into any required yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser;	A setback of 3.80m is shown from the deck and associated steps to the rear lot line.	Non-conforming Variance Required
	<p>The required rear yard is 7.5m. Therefore, the proposed porch including any associated steps shall maintain a setback of 6.0m from the rear lot line.</p> <p>The required side yard is 1.2m, a minimum aggregate of 3.5m.</p>	<p>A setback of 1.38m is shown from the southerly side lot line and a setback of 1.89m is shown from the northerly side lot line.</p> <p>A setback of 3.09m appears to be maintained from the</p>	<p>Non-conforming Variance Required</p> <p>Appears to</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	The required front yard is 4.0m. Therefore, a porch shall maintain a setback of 2.5m from the front lot line.	front lot line for the New Deck.	conforms Setback added. Complies. 3.72m

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 5 – Parking (Existing Regulations)			
Location (All Uses) [as per section 5.1(a) of Hamilton Zoning By-law 05-200]	i) Required parking facilities shall be located on the same lot as the use requiring the parking.	No parking is proposed to be maintained on the retained lands. However, records indicate that the existing dwelling was built in the year 1895 at which time there were no requirements. No parking is proposed to be maintained on the severed lands.	Conforms – Existing Non-conforming Variance Required
Minimum Number of Required Parking Spaces [as per section 5.6 c) of Hamilton Zoning By-law 05-200]	<u>Single Detached Dwelling</u> 1 parking space per unit However, our records indicate that the existing dwelling was built in the year 1895 at which time there were no requirements. <u>Multiple Dwelling Unit:</u> 1 per unit, except where a dwelling units is 50m ² of GFA or less in which case at a rate of 0.3 per unit. Please note that under the existing zoning regulations, there are no requirements for a fourplex. The use is considered a multiple dwelling with four (4) units. In addition, the GFA for each unit is unknown as such, worse case scenario has been applied. Therefore, 4 units x 1 = 4 spaces shall be maintained on the severed lands.	No parking is intended to be maintained on the retained lands. No parking is intended to be maintained on the severed lands.	Existing Non-conforming Variance Required

	Required By By-Law	Provided	Conforming/ Non-Conforming
SECTION 5: PARKING (BY-LAW 24-052, PROPOSED REGULATIONS - NOT FINAL)			
5.1 PARKING SUPPLY REQUIREMENTS AND RESTRICTIONS			
Minimum Number of Required Parking Spaces [as per section 5.1.1 (a) of Hamilton Zoning By-law 05-200]	<p>The minimum number of required parking spaces which must be provided shall be the result of applying:</p> <p>i) The minimum amount in accordance with the Minimum Required Parking Rate Schedule in Section 5.7.1;</p> <p>ii) Any eligible exception in this Section; and,</p> <p>iii) Any eligible deductions in this Section</p> <p>Per Schedule in Section 5.7.1 the following is required:</p> <p><u>Single Detached Dwelling in PRA1:</u></p> <p>a) In PRA 1, no parking spaces are required.</p> <p><u>Fourplex Dwelling in PRA1:</u></p> <p>a) In PRA 1, no parking spaces are required</p>	No parking spaces will be maintained on the severed or retained lands.	N/A
Minimum Required Number of Electric Vehicle Parking Spaces [as per section 5.1.4 of Hamilton Zoning By-law 05-200]	<p>a) <u>Minimum Required Number of Electric Vehicle Parking Spaces</u></p> <p>Where parking spaces are provided, Electric Vehicle Parking Spaces shall be provided in accordance with:</p> <p>i) The minimum rates in accordance with the Parking Schedule in Section 5.7.4;</p> <p><u>Single Detached Dwelling or Fourplex:</u></p> <p>A minimum of 100.0% of all parking spaces shall be provided as Electric Vehicle Parking.</p>	No parking is intended to be maintained on either of the retained or severed lots.	N/A

	Required By By-Law	Provided	Conforming/ Non-Conforming
5.7 PARKING SCHEDULES			
Parking Schedules [as per section 5.7 of Hamilton Zoning By-law 05-200]	<u>a) Parking Rate Areas</u> Where this By-law indicates that a Parking Rate Area (PRA) applies for the purpose of calculating a parking requirement or permission, such Parking Rate Area shall apply to lands and shall be indicated as Parking Rate Area (PRA1), (PRA2) and (PRA3) on Schedule "A" – Zoning Maps.	These lands both severed and retained are indicated as being located in Parking Area 1 (PRA1).	See comments above
	<u>b) Application of Parking Rate Areas</u> Where a parking rate or requirement contained in this By-law does not contain reference to a Parking Rate Area (PRA), such parking rate shall apply to all lands throughout the City. Only where a parking rate refers to a specific Parking Rate Area, and where such use is located within that specified Parking Rate Area, shall there be any modification to the parking rate, and only in the manner prescribed.		

Yours truly



 for the Manager of Zoning & Committee of Adjustment
 VB/vb



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)	Tramy Nguyen OJM Realty Inc		
Applicant(s)	Ken Bekendam King Homes Inc		
Agent or Solicitor			Phone: 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	47-49 Ontario Ave		
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:

[See Applicable Law Review with additional notes added](#)

Second Dwelling Unit Reconstruction of Existing Dwelling

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

[Existing site constraints. Existing Conditions](#)

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

Yes No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
See Site Plan			

4.2 Location of all buildings and structures on or proposed for the subject lands:
(Specify distance from side, rear and front lot lines)

Existing:

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

Proposed:

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

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

Existing:

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

Proposed:

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

- 4.4 Type of water supply: (check appropriate box)
 publicly owned and operated piped water system
 privately owned and operated individual well

- lake or other water body
 other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)
 publicly owned and operated storm sewers
 swales

- ditches
 other means (specify)

4.6 Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage
- system privately owned and operated individual
- septic system other means (specify) _____

4.7 Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

[47 Ontario - Existing Single Detached](#)

[49 Ontario - Proposed Fourplex](#)

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

[Existing Residential](#)

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

[Jan 31st 2022](#)

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:

[Unknown](#)

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) [Neighbourhoods](#)

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

7.6 What is the existing zoning of the subject land? [R1a](#)

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: [HM.B.22.119 and HM.A.22.357](#)

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: HM.B.22.119

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 4

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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