



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**

**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

<b>APPLICATION NO.:</b>	<b>A-24:238</b>	<b>SUBJECT PROPERTY:</b>	5 Cumminsville Drive, Flamborough
<b>ZONE:</b>	S1 Settlement Residential	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended by By-law 15-173

**APPLICANTS:** Owner: Kyle Imrie  
Agent: Matthew Ribau

The following variances are requested:

1. An Additional Dwelling Unit- Detached shall be permitted on a lot containing a Single Detached Dwelling having a minimum lot area of 0.26 hectares, instead of the minimum 1.5 hectare lot area required
2. A maximum Additional Dwelling Unit- Detached building height of 8.14 metres shall be permitted instead of the maximum 6.0 metre building height required

**PURPOSE & EFFECT:** To facilitate the construction of a secondary dwelling unit- detached

**Notes:**

- 1.Applicant to note that for an additional dwelling unit- detached, balconies and rooftop patios shall be prohibited above the first floor level
- 2.Variances written as requested by the applicant

**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, November 26, 2024</b>
<b>TIME:</b>	<b>3:00 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**

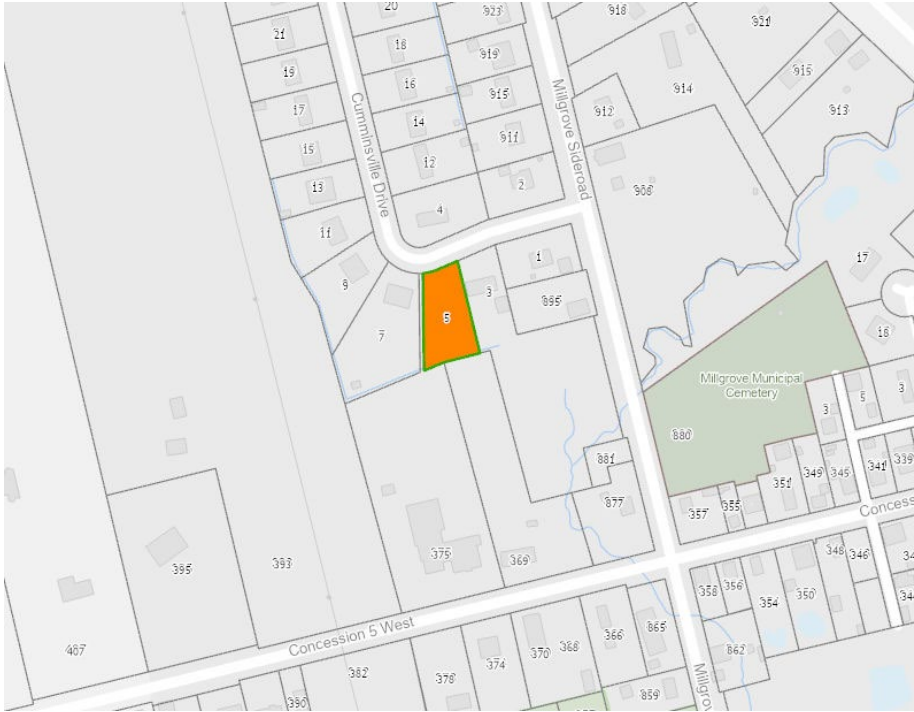
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon November 22, 2024

**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 November 25, 2024

### **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:238, 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: November 7, 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.



SITE PLAN IS FOR REFERENCE ONLY.  
 REFER ALSO TO GRADING PLAN

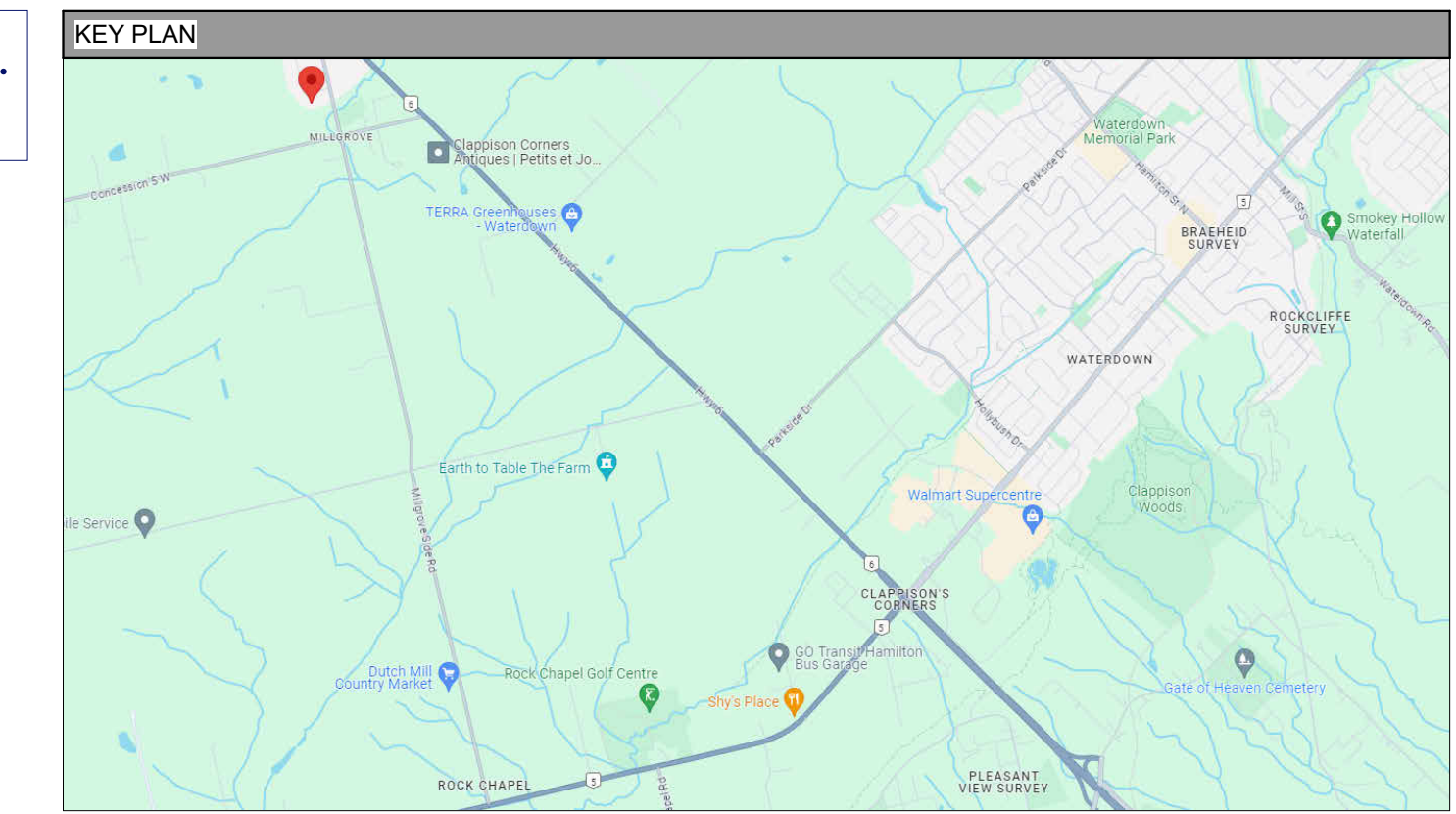
**SITE PLAN LEGEND**

- EXISTING DWELLING FOOTPRINT
- PROPOSED ADDITION
- SODDED / SOFT LANDSCAPING
- WALKWAYS / INTERLOCKING
- ASPHALT / DRIVEWAY
- DWELLING ENTRANCE / ACCESS

**AVERAGE GRADE CALCULATION**

A1- 254.63  
 A2- 254.53  
 B1- 254.60  
 B2- 254.52

TOTAL 1018.28 / 4  
 AG= 254.57



**BUILDING & LOT DATA**

ADDRESS	5 CUMMINSVILLE DRIVE, MILGROVE
LEGAL DESCRIPTION	LOT 1, REGISTERED PLAN M-314
WARD	
NEIGHBOURHOOD	
DISTRICT	
EXISTING USE	DETACHED GARAGE
PROPOSED USE	ADU
ZONING	S1- SETTLEMENT RESIDENTIAL
LOT AREA	2,619.34 m <sup>2</sup> / 28,194.37 ft <sup>2</sup>
LOT FRONTAGE	28.48 m / 93.44 ft

SETBACKS, LENGTH & HEIGHT	REQUIRED	PROPOSED	EXISTING
NO. OF STORIES	-	-	2
NO. OF PARKING	-	-	2
BUILDING HEIGHT	6.00 m / 19.69 ft	8.14 m / 26.71 ft	6.69 m / 21.95 ft
SETBACK BET. PRINCIPAL DWELLING	7.50 m / 24.61 ft	0.00 m / 0.00 ft	16.17 m / 53.05 ft
INTERIOR SIDE YARD SETBACK	1.20 m / 3.94 ft	0.00 m / 0.00 ft	3.47 m / 11.38 ft
REAR YARD SETBACK	1.20 m / 3.94 ft	0.00 m / 0.00 ft	5.72 m / 18.77 ft
SIDE YARD SETBACK (2ST FLR)	0.00 m / 0.00 ft	0.56 m / 1.84 ft	3.47 m / 11.38 ft

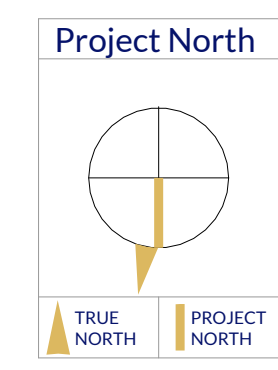
LOT COVERAGE	EXISTING	PROPOSED	TOTALS
PRIMARY DWELLING	197.79 m <sup>2</sup> / 2,128.99 ft <sup>2</sup>	0.00 m <sup>2</sup> / 0.00 ft <sup>2</sup>	197.79 m <sup>2</sup> / 2,128.99 ft <sup>2</sup>
(ADU) 2ND FLOOR OVERHANG	0.00 m <sup>2</sup> / 0.00 ft <sup>2</sup>	13.47 m <sup>2</sup> / 144.99 ft <sup>2</sup>	13.47 m <sup>2</sup> / 144.99 ft <sup>2</sup>
(ADU) 1ST FLOOR W/ GARAGE	111.80 m <sup>2</sup> / 1,203.41 ft <sup>2</sup>	0.00 m <sup>2</sup> / 0.00 ft <sup>2</sup>	111.80 m <sup>2</sup> / 1,203.41 ft <sup>2</sup>
<b>TOTAL LOT COVERAGE</b>		<b>12.33%</b> / <b>323.06 m<sup>2</sup> / 3,477.39 ft<sup>2</sup></b>	<b>3,477.39 ft<sup>2</sup></b>
<b>TOTAL PERMITTED COVERAGE</b>		<b>25%</b> / <b>654.84 m<sup>2</sup> / 7,048.59 ft<sup>2</sup></b>	

NOTE: PERMIT COVERAGE IS 25% OF PRINCIPAL DWELLING FOR ADU

GROSS FLOOR AREA	EXISTING	PROPOSED	TOTALS
GARAGE AREA	111.80 m <sup>2</sup> / 1,203.41 ft <sup>2</sup>	64.77 m <sup>2</sup> / 697.18 ft <sup>2</sup>	64.77 m <sup>2</sup> / 697.18 ft <sup>2</sup>
(ADU) FIRST FLOOR	0.00 m <sup>2</sup> / 0.00 ft <sup>2</sup>	46.96 m <sup>2</sup> / 505.47 ft <sup>2</sup>	46.96 m <sup>2</sup> / 505.47 ft <sup>2</sup>
2ND FLOOR AREA	84.62 m <sup>2</sup> / 910.84 ft <sup>2</sup>	36.96 m <sup>2</sup> / 397.83 ft <sup>2</sup>	121.58 m <sup>2</sup> / 1,308.68 ft <sup>2</sup>
<b>TOTAL PROPOSED GFA</b>		<b>6.43%</b> / <b>168.54 m<sup>2</sup> / 1,814.15 ft<sup>2</sup></b>	
<b>TOTAL PERMITTED GFA</b>		<b>75%</b> / <b>229.79 m<sup>2</sup> / 2,473.47 ft<sup>2</sup></b>	



1 SITE PLAN  
 SCALE: 1/16" = 1'-0"



Municipie Stamp



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**PROP. ADU TO EXISTING GARAGE**

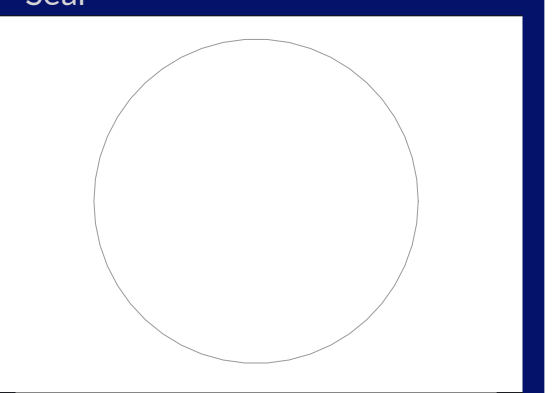
5 CUMMINSVILLE DRIVE  
 CITY OF HAMILTON

Project No. PV24-006

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

Issue/Revision	SENT FOR COA REVIEW	24/10/22
1	SENT FOR COA REVIEW	24/10/22
2	PRE-SCREEN RESUBMISSION	24/10/23

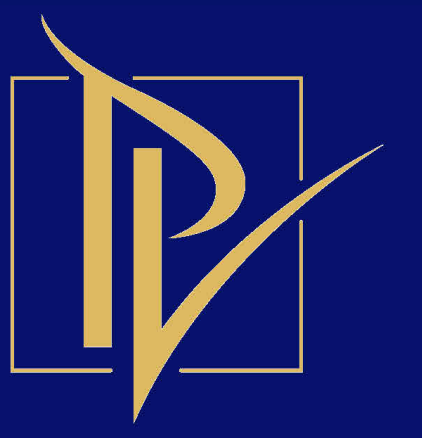
Approver



Scale As indicated  
**SITE PLAN**

**A100**  
 2024-10-23 11:53:40 AM





### Drawing List

A00	COVER PAGE
A101	EXIST. FIRST FLOOR PLAN
A102	PROP. FIRST FLOOR PLAN
A103	EXIST. SECOND FLOOR PLAN
A104	PROP. SECOND FLOOR PLAN
A105	EXIST. ROOF PLAN
A106	PROP. ROOF PLAN
A107	PROP. NORTH ELEVATION (FRONT)
A108	PROP. WEST ELEVATION
A109	PROP. SOUTH ELEVATION
A110	PROP. EAST ELEVATION
A301	CROSS SECTION
A302	CROSS SECTION

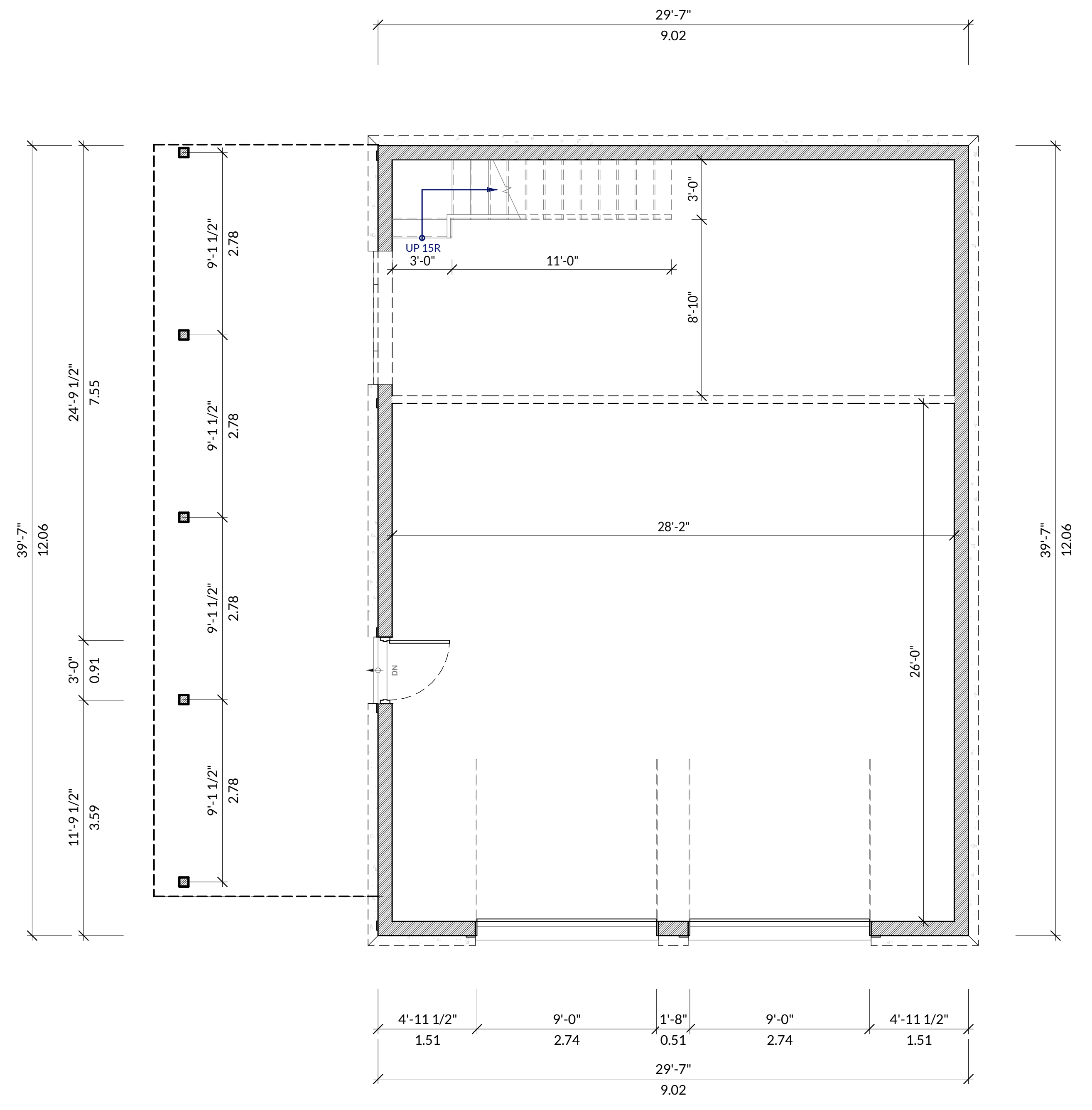
# CUMMINSVILLE RESIDENCE

## CONSULTANTS:

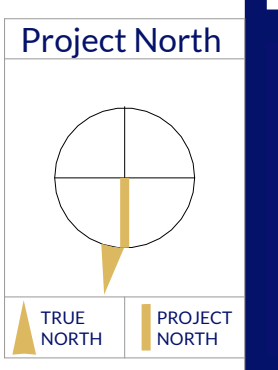
### ARCHITECTURAL DESIGN

#### **PERSPECTIVE VIEWS**

23-5359 Timberlea Blvd.  
Mississauga, ON L4W 4N5  
p. 647.894.0889  
e. info@perspectiveviews.com  
w. www.perspectiveviews.com



**1**  
A101 **EXIST. FIRST FLOOR**  
SCALE: 1/4" = 1'-0"



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**PROP. ADU TO EXISTING GARAGE**

5 CUMMINSVILLE DRIVE  
CITY OF HAMILTON

Project No. PV24-006

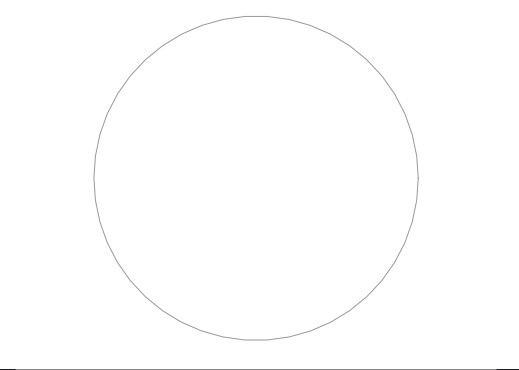
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**115278**

Approver

Issue/Revision		
1	SENT FOR COA REVIEW	24/10/22
2	PRE-SCREEN RESUBMISSION	24/10/23

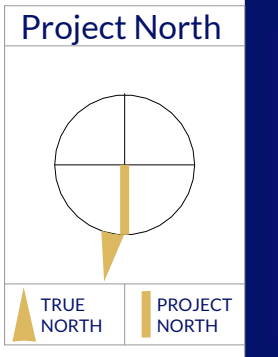
Seal



Scale 1/4" = 1'-0"

**EXIST. FIRST FLOOR PLAN**

**A101**



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CITY OF HAMILTON

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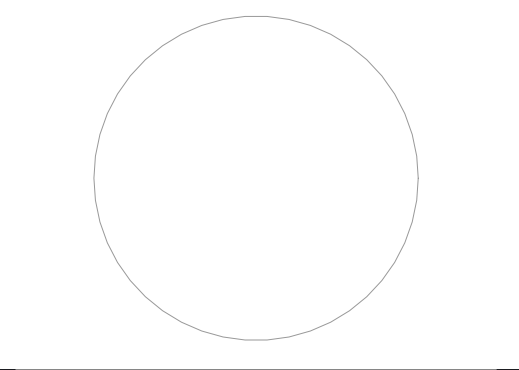
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Seal

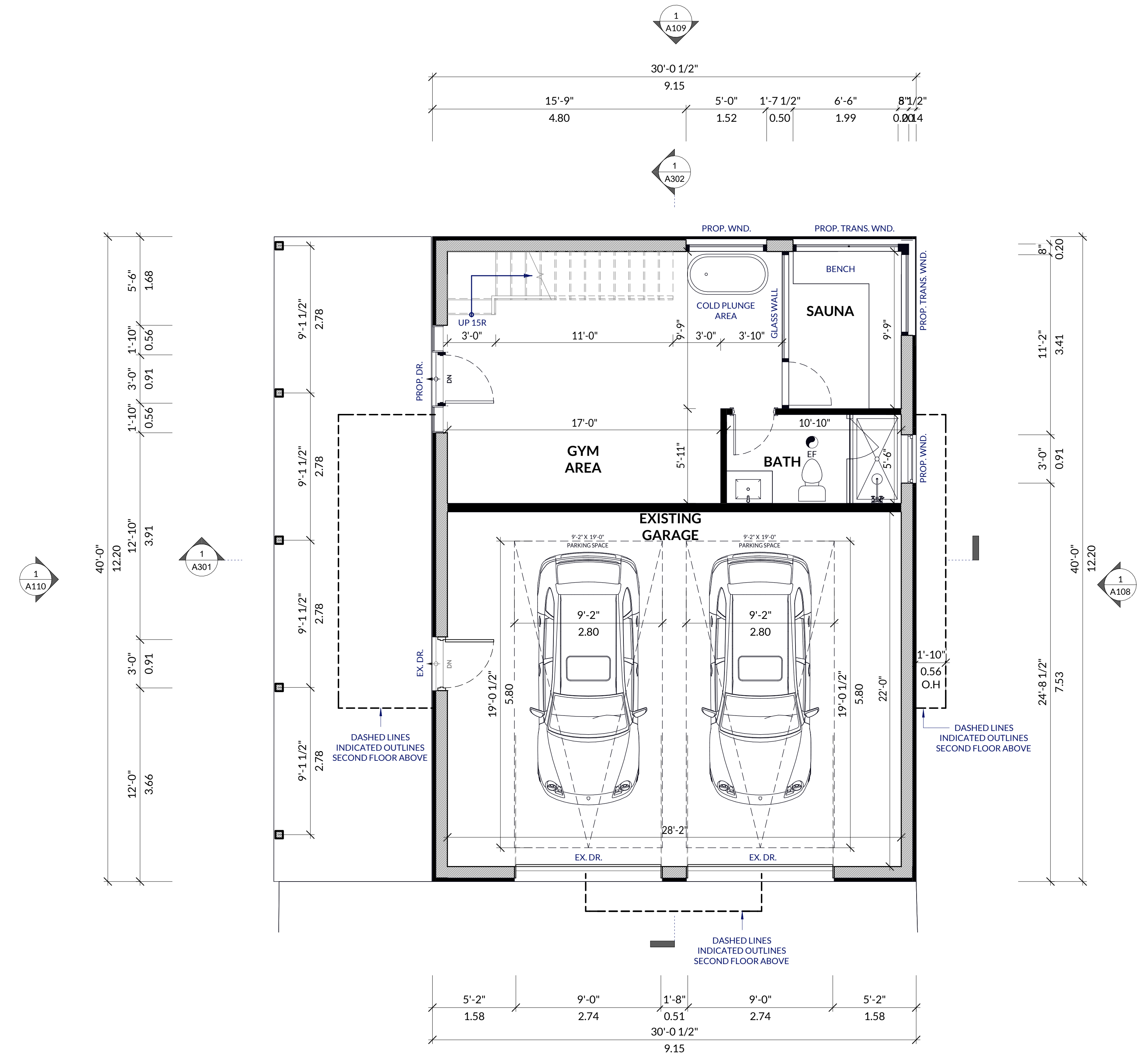


Scale 1/4" = 1'-0"

### PROP. FIRST FLOOR PLAN

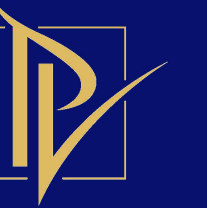
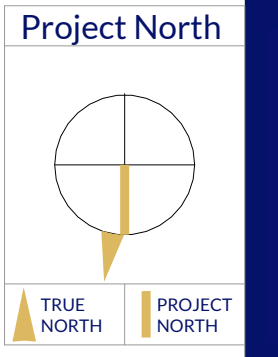
# A102

2024-10-23 11:53:41 AM



**1**  
A102 **PROP. FIRST FLOOR**  
SCALE: 1/4" = 1'-0"





PERSPECTIVE VIEWS  
ARCHITECTURAL DESIGN

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CITY OF HAMILTON

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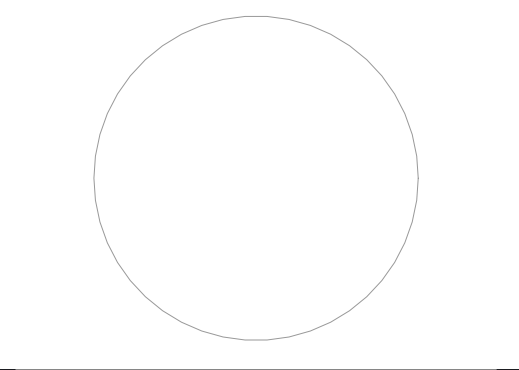
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	RESUBMISSION	

Seal

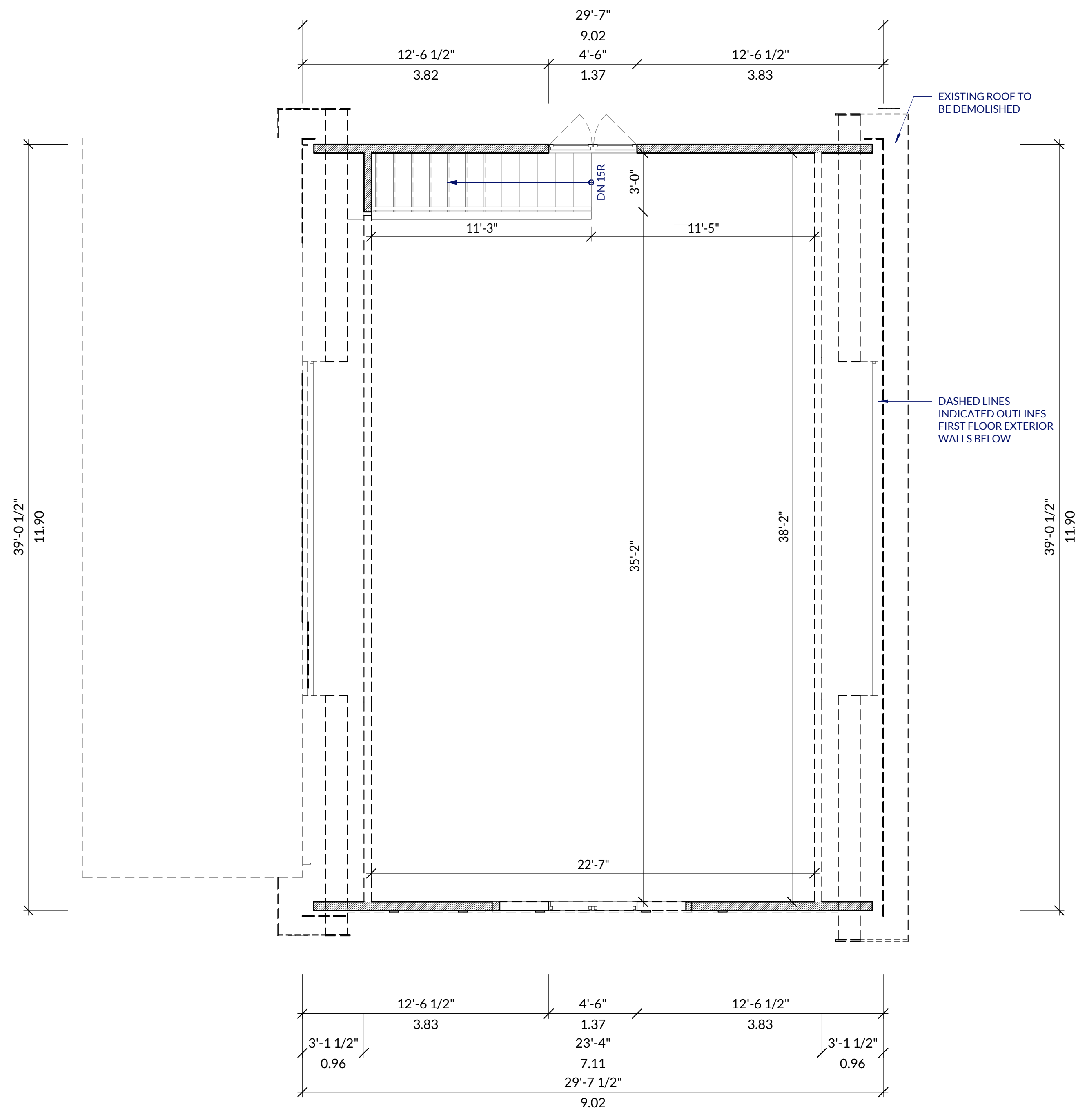


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EXIST. SECOND FLOOR PLAN

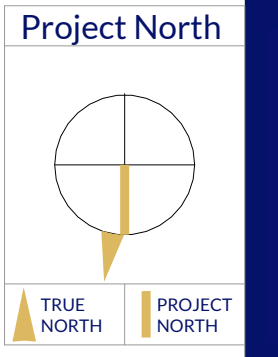
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2024-10-23 11:53:42 AM



1 EXIST. SECOND FLOOR  
A103 SCALE: 1/4" = 1'-0"





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### PROP. ADU TO EXISTING GARAGE

5 CUMMINSVILLE DRIVE CITY OF HAMILTON

Project No. PV24-006

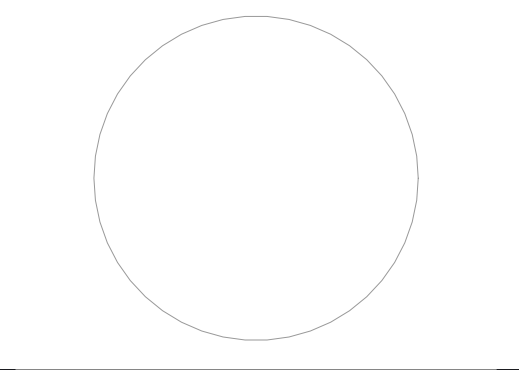
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Approver

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Seal

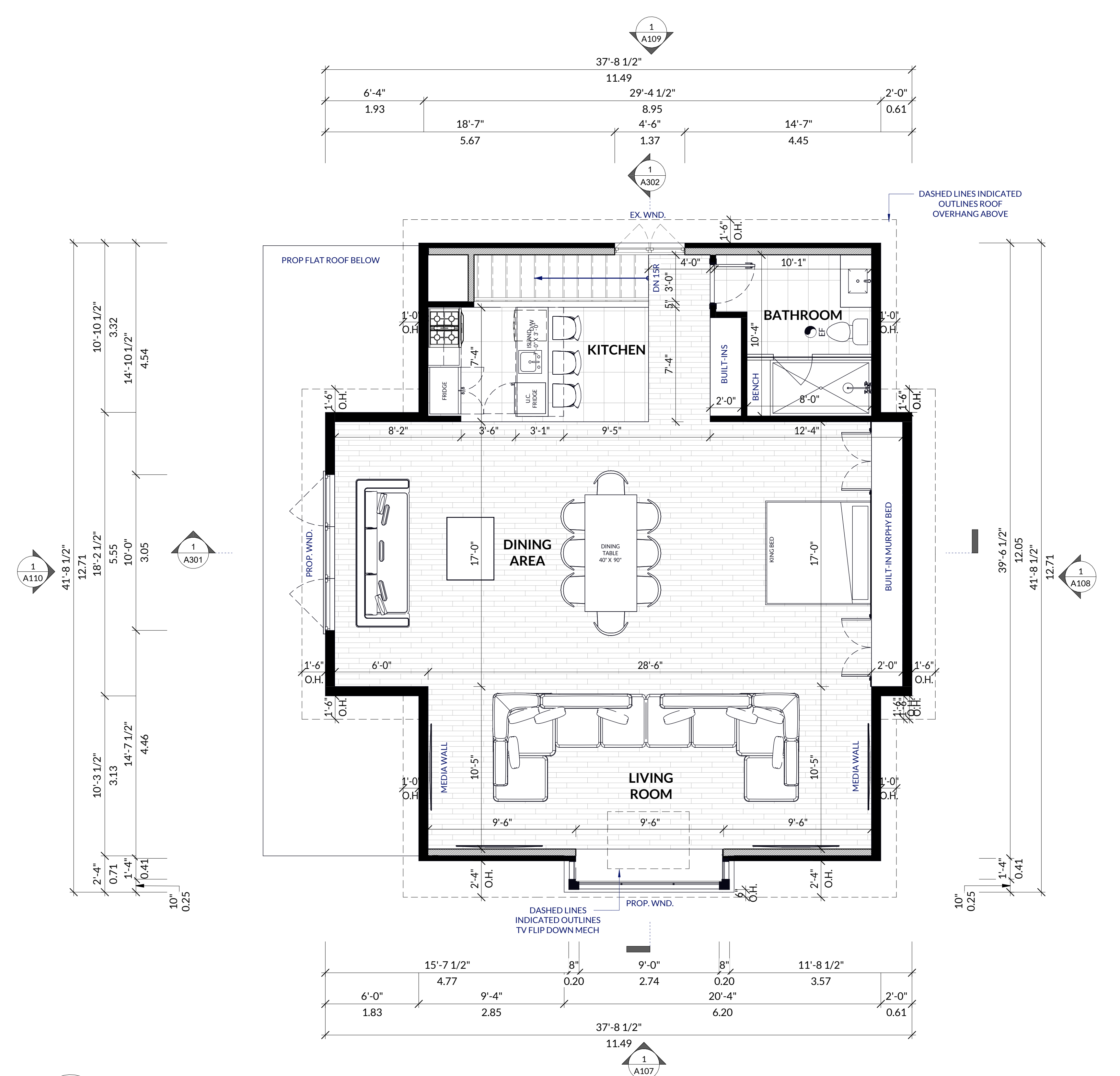


Scale 1/4" = 1'-0"

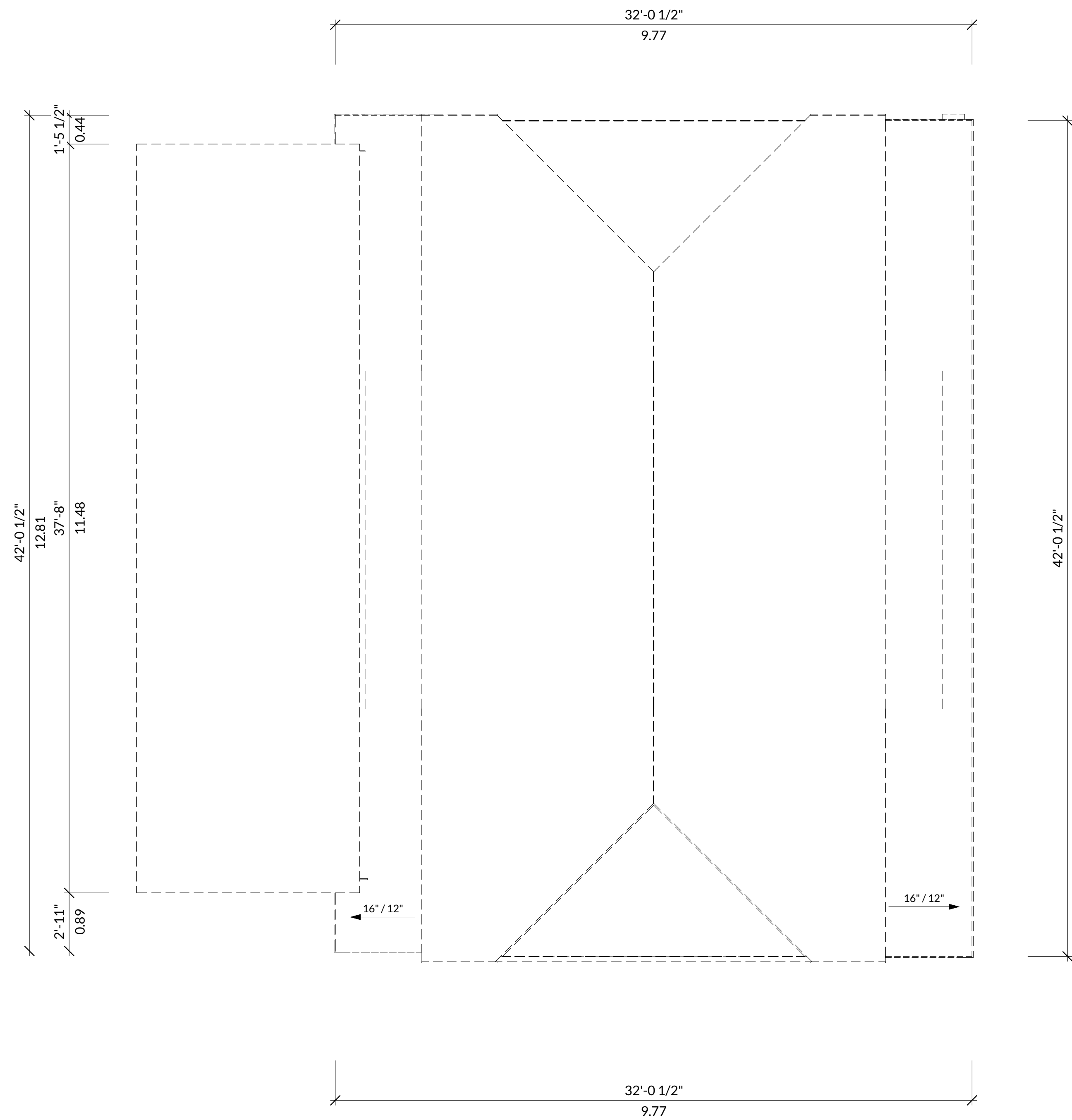
### PROP. SECOND FLOOR PLAN

# A104

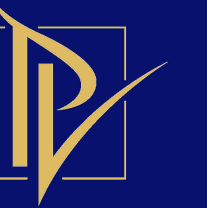
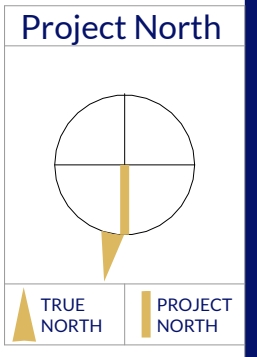
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**1** PROP. SECOND FLOOR  
A104 SCALE: 1/4" = 1'-0"



1  
A105 EXIST. TOP OF ROOF  
SCALE: 1/4" = 1'-0"



PERSPECTIVE VIEWS  
ARCHITECTURAL DESIGN

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**PROP. ADU  
TO EXISTING  
GARAGE**

5 CUMMINSVILLE DRIVE  
CITY OF HAMILTON

Project No. PV24-006

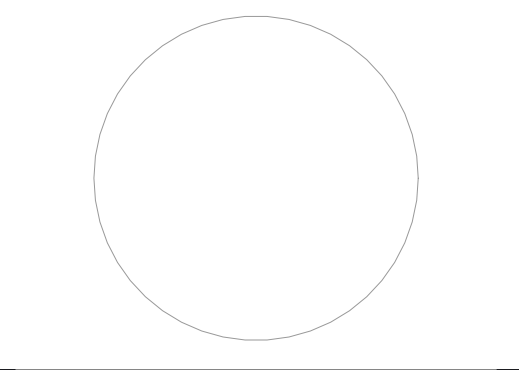
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**115278**

Approver

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1	REVIEW	
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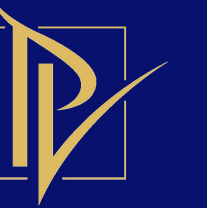
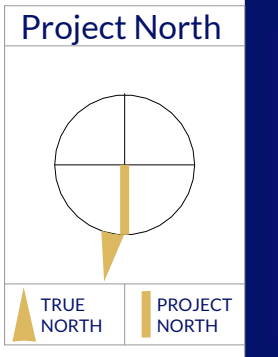
Seal



Scale 1/4" = 1'-0"

EXIST. ROOF PLAN

**A105**



PERSPECTIVE VIEWS  
ARCHITECTURAL DESIGN

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### PROP. ADU TO EXISTING GARAGE

5 CUMMINSVILLE DRIVE  
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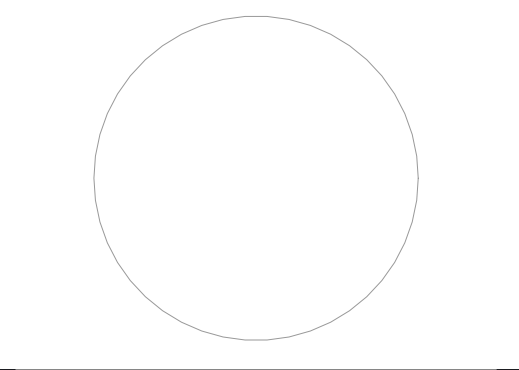
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1	REVIEW	
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	RESUBMISSION	

Seal

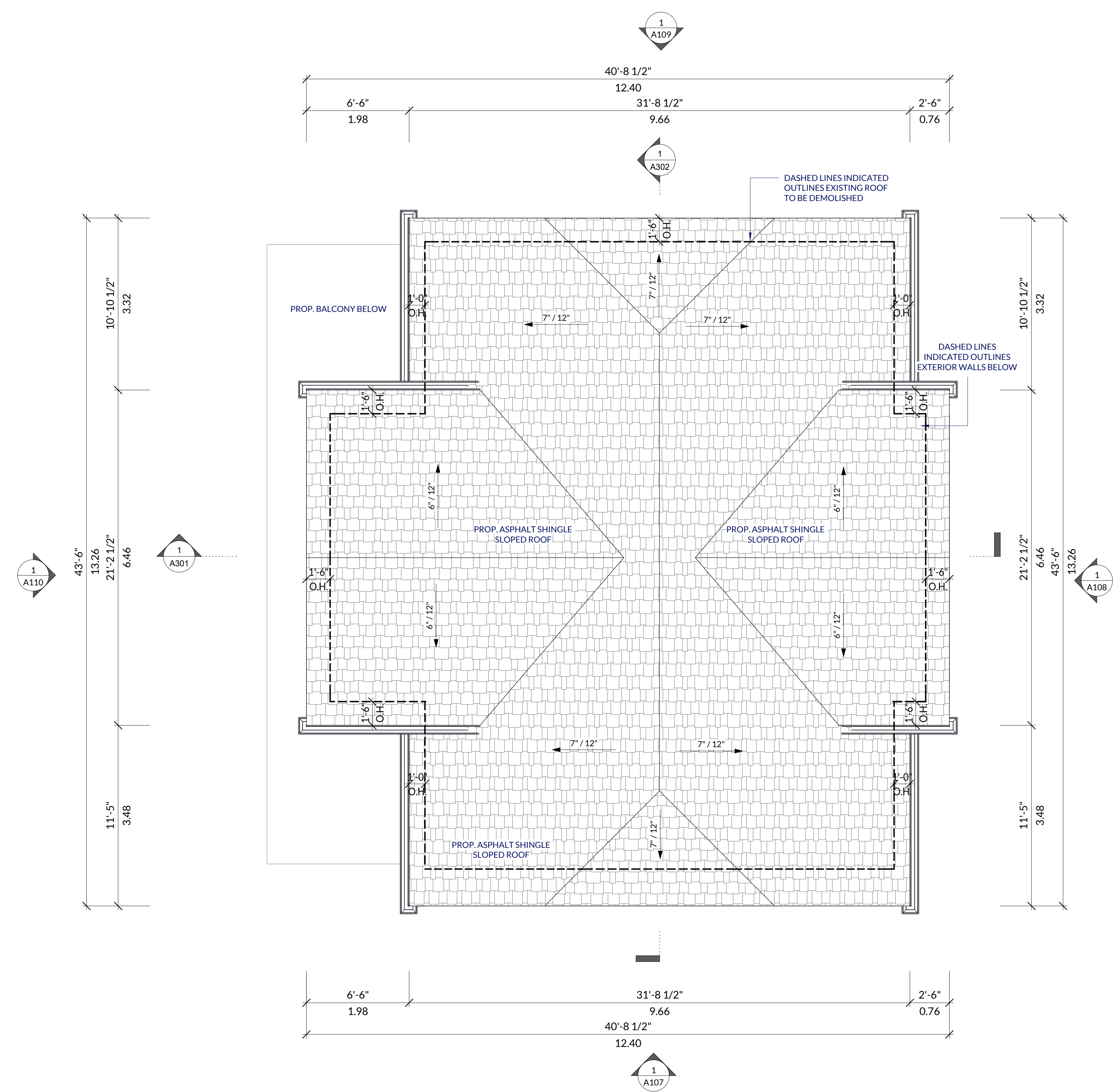


Scale 1/4" = 1'-0"

PROP. ROOF PLAN

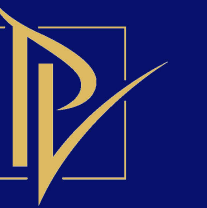
# A106

2024-10-23 11:53:45 AM



**1**  
**A106** PROP. TOP OF ROOF  
SCALE: 1/4" = 1'-0"





PERSPECTIVE VIEWS  
ARCHITECTURAL DESIGN

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### PROP. ADU TO EXISTING GARAGE

5 CUMMINSVILLE DRIVE  
CITY OF HAMILTON

Project No. PV24-006

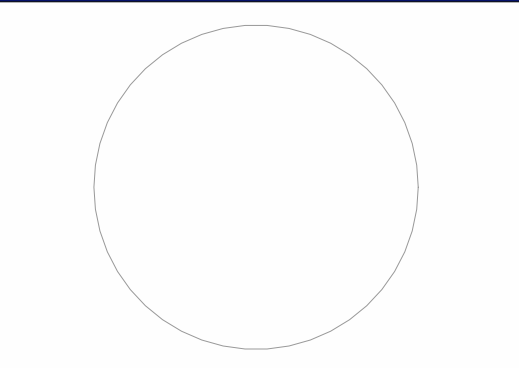
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

# 115278

Approver

Issue/Revision	SENT FOR COA	24/10/22
1	REVIEW	
2	PRE-SCREEN RESUBMISSION	24/10/23

Seal

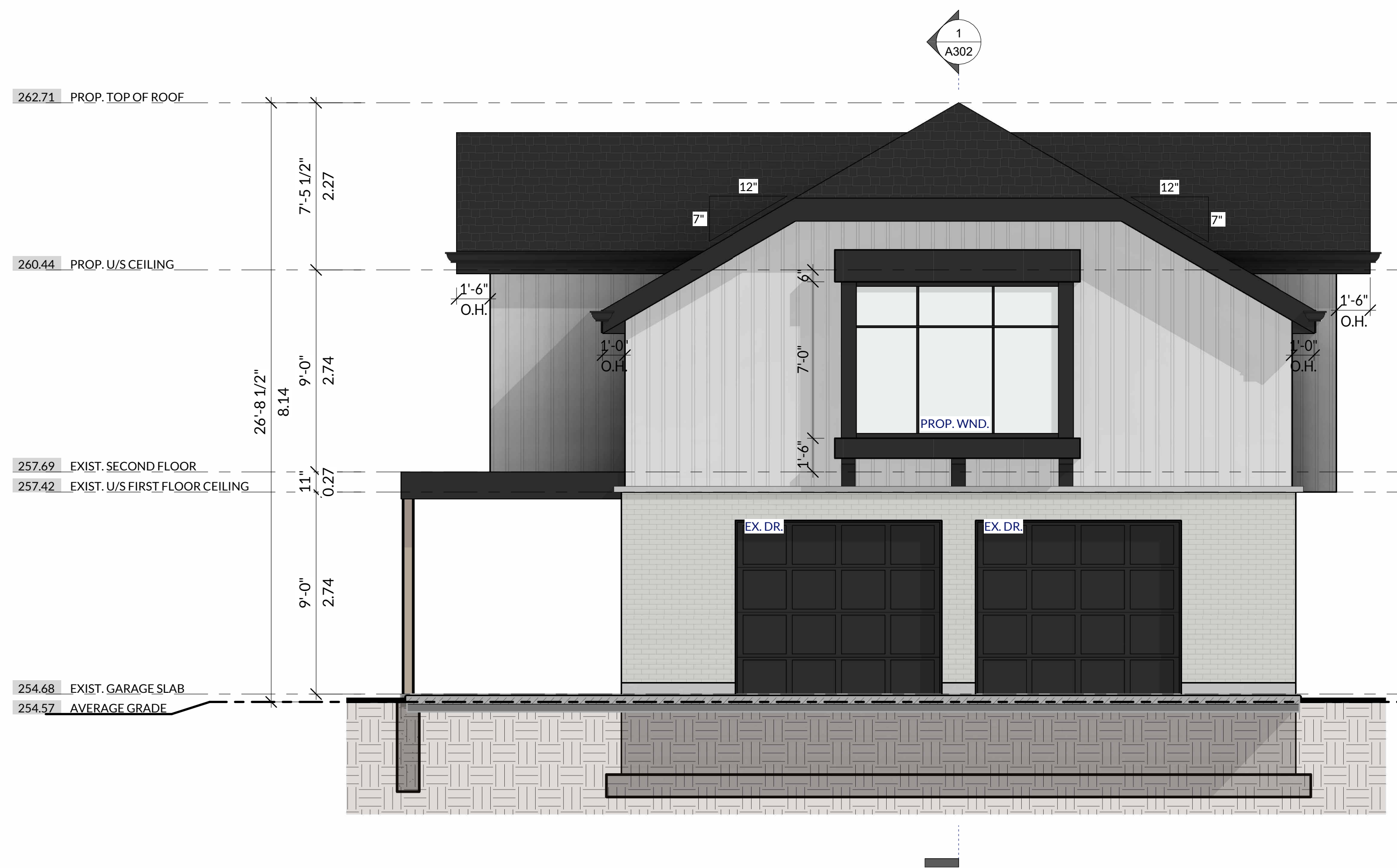


Scale 1/4" = 1'-0"

PROP. NORTH ELEVATION (FRONT)

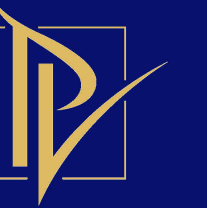
# A107

2024-10-23 11:53:52 AM



**1** PROP. NORTH (FRONT)  
**A107** SCALE: 1/4" = 1'-0"





PERSPECTIVE VIEWS  
ARCHITECTURAL DESIGN

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5 CUMMINSVILLE DRIVE  
CITY OF HAMILTON

Project No. PV24-006

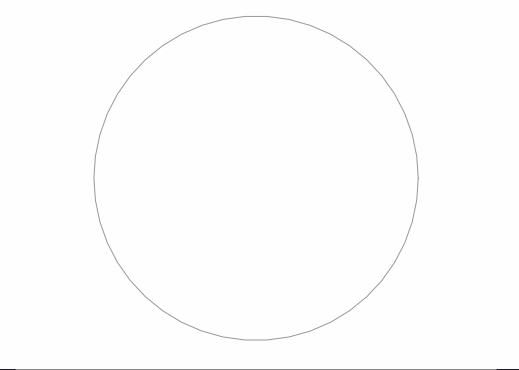
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Seal

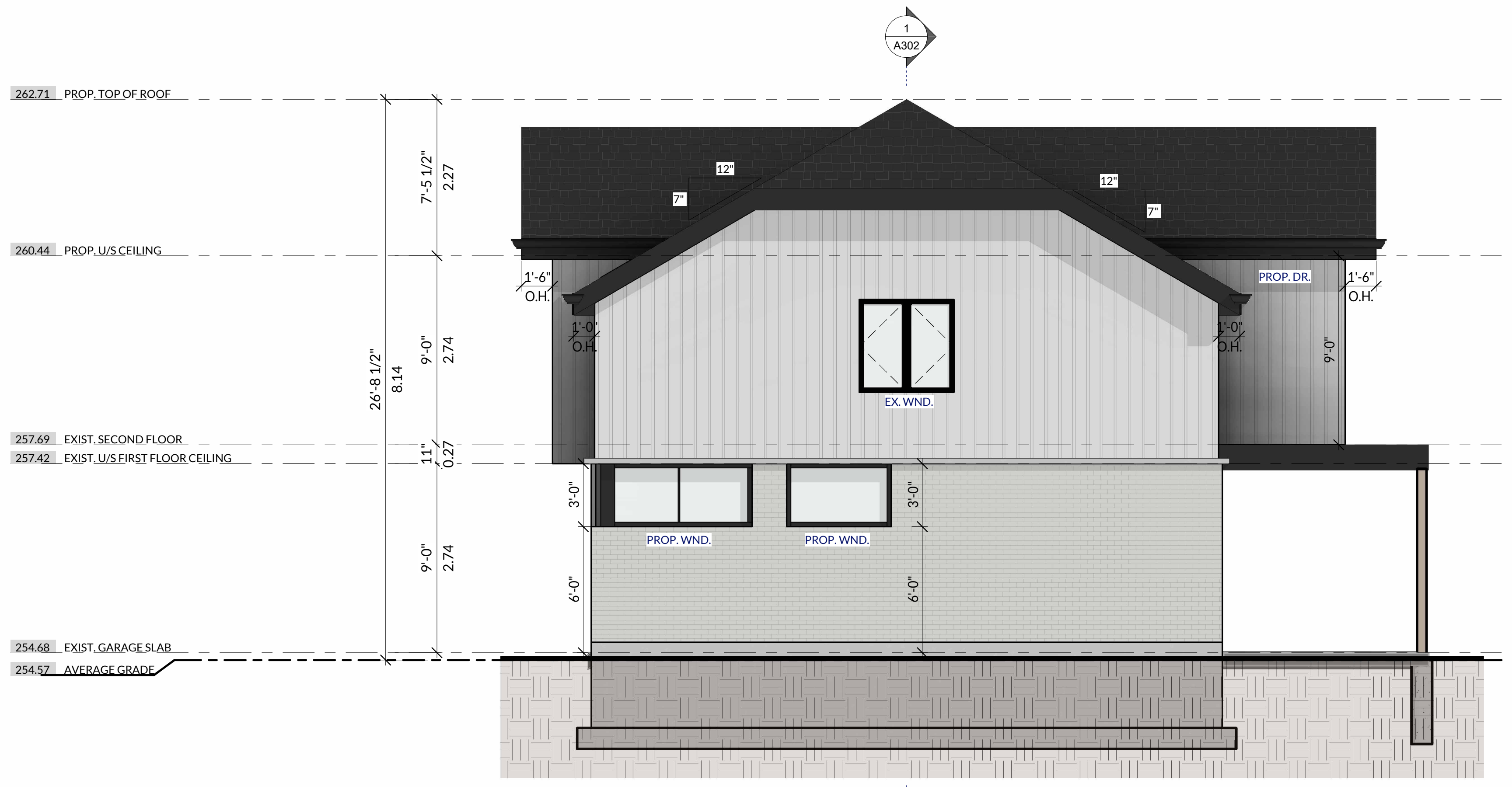


Scale 1/4" = 1'-0"

### PROP. SOUTH ELEVATION

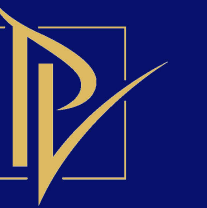
# A109

2024-10-23 11:54:06 AM



1  
A109 PROP. SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"





PERSPECTIVE VIEWS  
ARCHITECTURAL DESIGN

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### PROP. ADU TO EXISTING GARAGE

5 CUMMINSVILLE DRIVE  
CITY OF HAMILTON

Project No. PV24-006

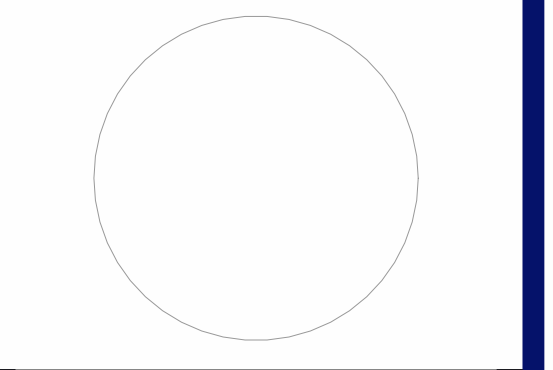
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Seal



Scale 1/4" = 1'-0"

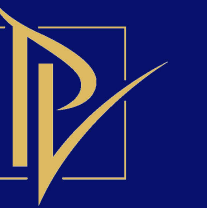
### PROP. EAST ELEVATION

# A110

2024-10-23 11:54:13 AM



**1**  
A110 **PROP. EAST ELEVATION**  
SCALE: 1/4" = 1'-0"



PERSPECTIVE VIEWS  
ARCHITECTURAL DESIGN

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CITY OF HAMILTON

Project No. PV24-006

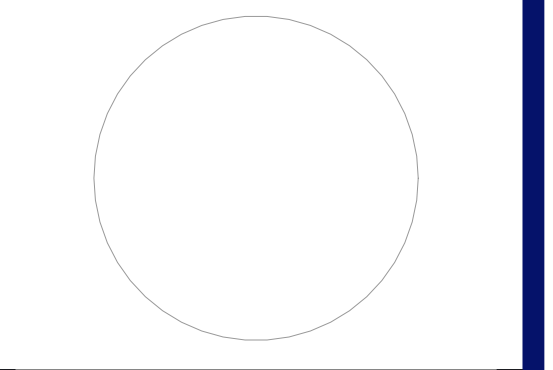
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Seal

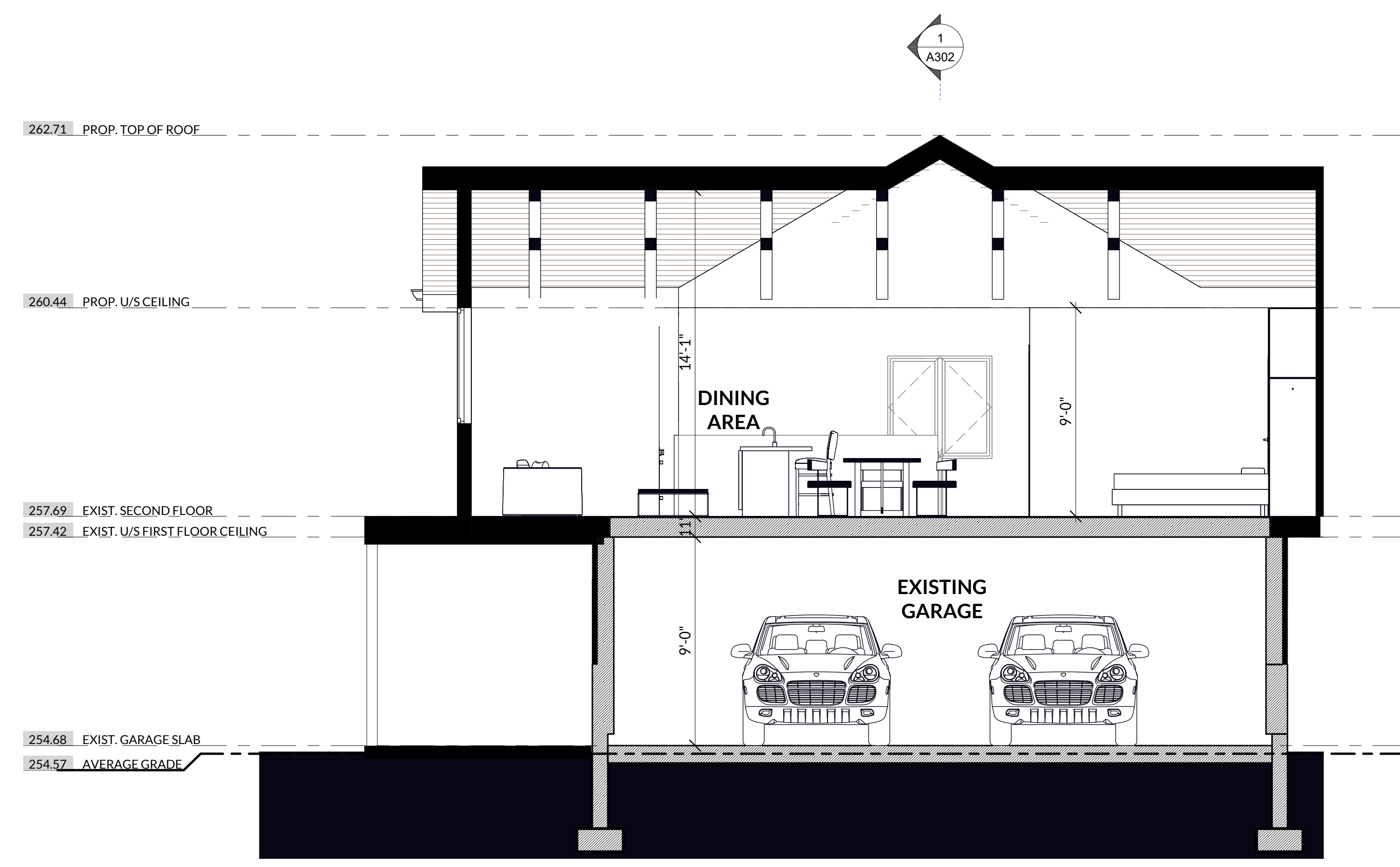


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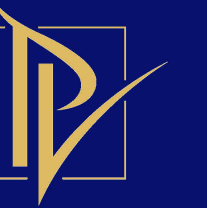
CROSS SECTION

# A301

2024-10-23 11:54:13 AM



**1**  
A301 **CROSS SECTION 1**  
SCALE: 1/4" = 1'-0"



PERSPECTIVE VIEWS  
ARCHITECTURAL DESIGN

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CITY OF HAMILTON

Project No. PV24-006

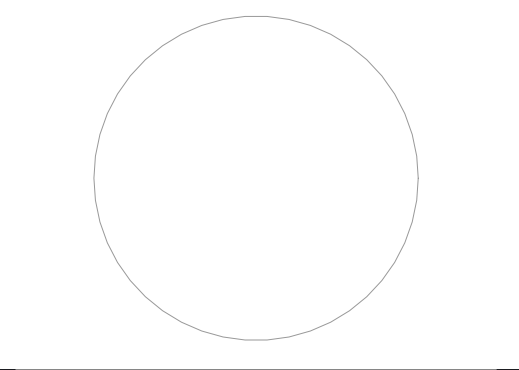
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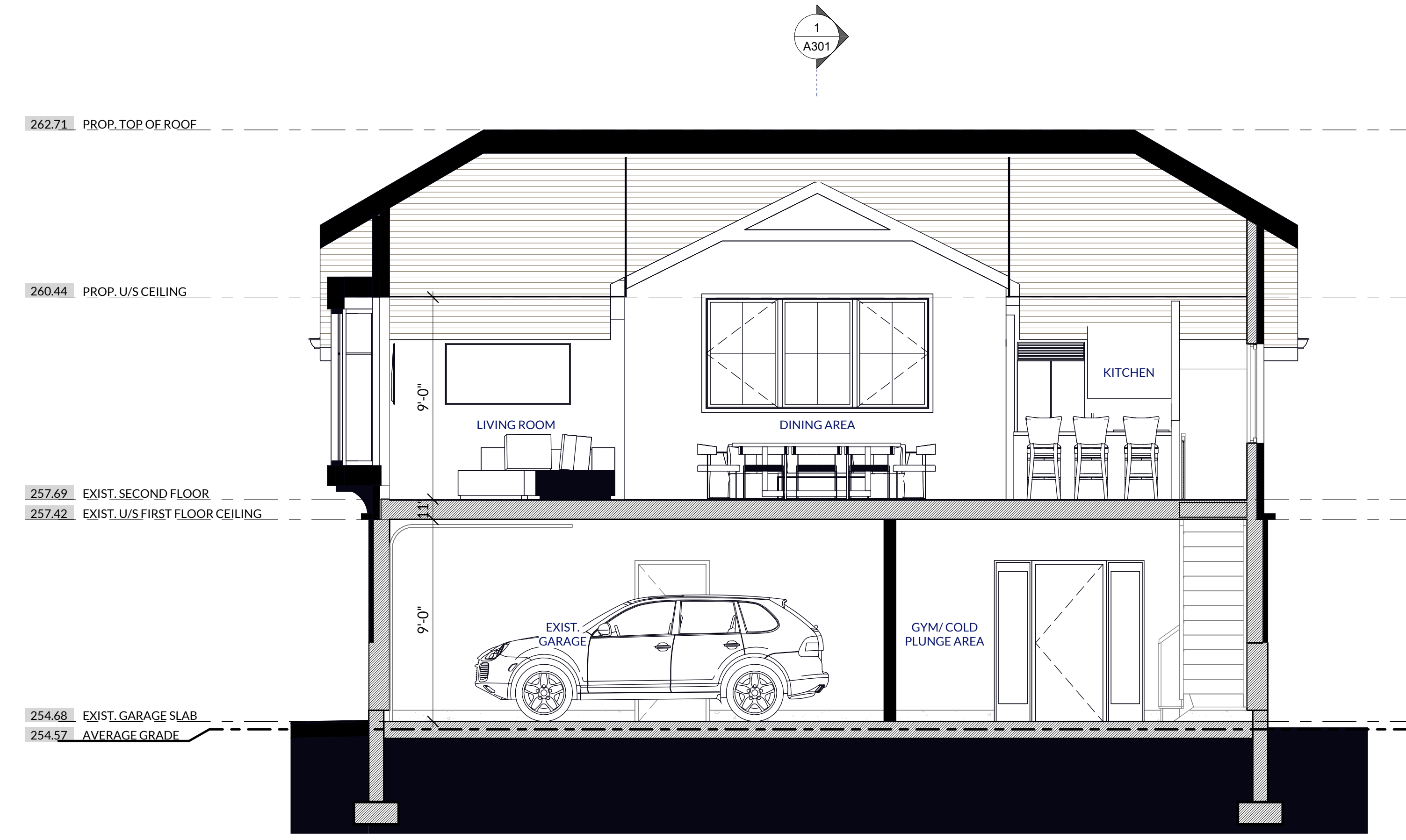


Scale 1/4" = 1'-0"

CROSS SECTION

# A302

2024-10-23 11:54:14 AM



**1**  
**A302** **CROSS SECTION 2**  
SCALE: 1/4" = 1'-0"





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	MAILING ADDRESS
Registered Owners(s)	Kyle Imrie	[REDACTED]
Applicant(s)	Matthew Ribau	
Agent or Solicitor		

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 [REDACTED]

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  [REDACTED]  Cheque

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	5 Cumminsville Drive		
Assessment Roll Number			
Former Municipality	City of Hamilton		
Lot	1	Concession	
Registered Plan Number	Plan M-314	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:

No. LT111851

## 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:

Min. Lot Area= 1.5 hectares, Proposed ADU-Detached Lot Area=0.26 ha  
Max. Height= 6.0m, Proposed Height= 8.14m

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Due to lot size and provisions pertaining to existing dwelling

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
28.48 m	75.10 m	2,619.34 m <sup>2</sup>	

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
Principal Dwelling	21.87m	29.11m	5.35m	
Detached Garage	51.84m	5.71m	4.01m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
ADU-detached	51.84m	5m	3.47m	

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
Principal Dwelling			1	
Detached Garage	108.78 m2	84.62	2	6.69m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
ADU-detached	46.96 m2	121.58 m2	2	8.14m

- 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 detached dwelling with ADU-detached

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

single detached dwelling

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

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:  
since construction

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

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: MILLGROVE

Urban Hamilton Official Plan designation (if applicable) \_\_\_\_\_

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

Meets the 4 tests and requested variances are minor in nature

7.6 What is the existing zoning of the subject land? S1 Settlement 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: S1 Settlement Residential

---

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: 1

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
- 
-