

Appendix "C" to Report PED25009 Page 1 of 15 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	GL/A-24:09	SUBJECT	2016 Regional Road 56,
NO.:		PROPERTY:	Glanbrook
ZONE:	A1 (Agriculture)	ZONING BY-	Zoning By-law City of Hamilton 05-
		LAW:	200

APPLICANTS: Owner: Mitchell Gelms, Elzo and Patricial Gelms

Agent: Jen Vanderherberg

The following variances are requested:

1. An additional dwelling unit within the A1 Zone shall be permitted on a lot that is 0.15 hectares in size instead of the minimum required lot area of 0.6 hectares.

PURPOSE & EFFECT: To facilitate the construction of an additional dwelling unit within an existing

single detached dwelling.

Notes:

- 1. Please be advised the lands are subject to amending by-law 24-051, which are not yet final and binding.
- 2. The waste disposal and water supply shall be in accordance with Section 4.22 iii), as per amending by-law 24-051 not yet final and binding.

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, September 10, 2024
TIME:	2:20 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)

GL/A-24:09

To be streamed (viewing only) at
www.hamilton.ca/committeeofadjustment

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

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

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon 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 GL/A-24:09, 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.



DATED: August 22, 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.

Page 3 of 3



Appendix "C" to Report PED25009 Page 4 of 15 COMMITTEE OF ADJUSTMENT

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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.

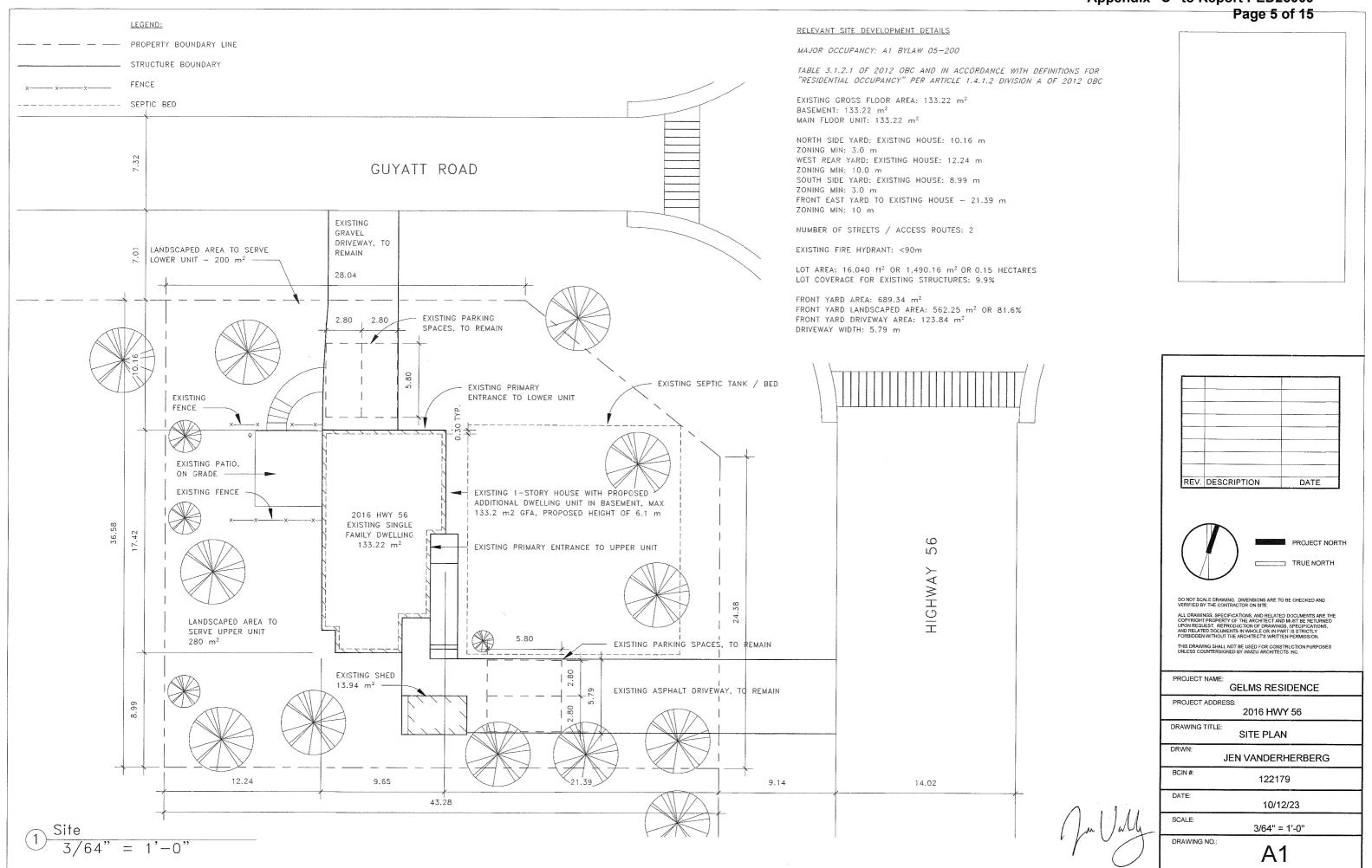
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

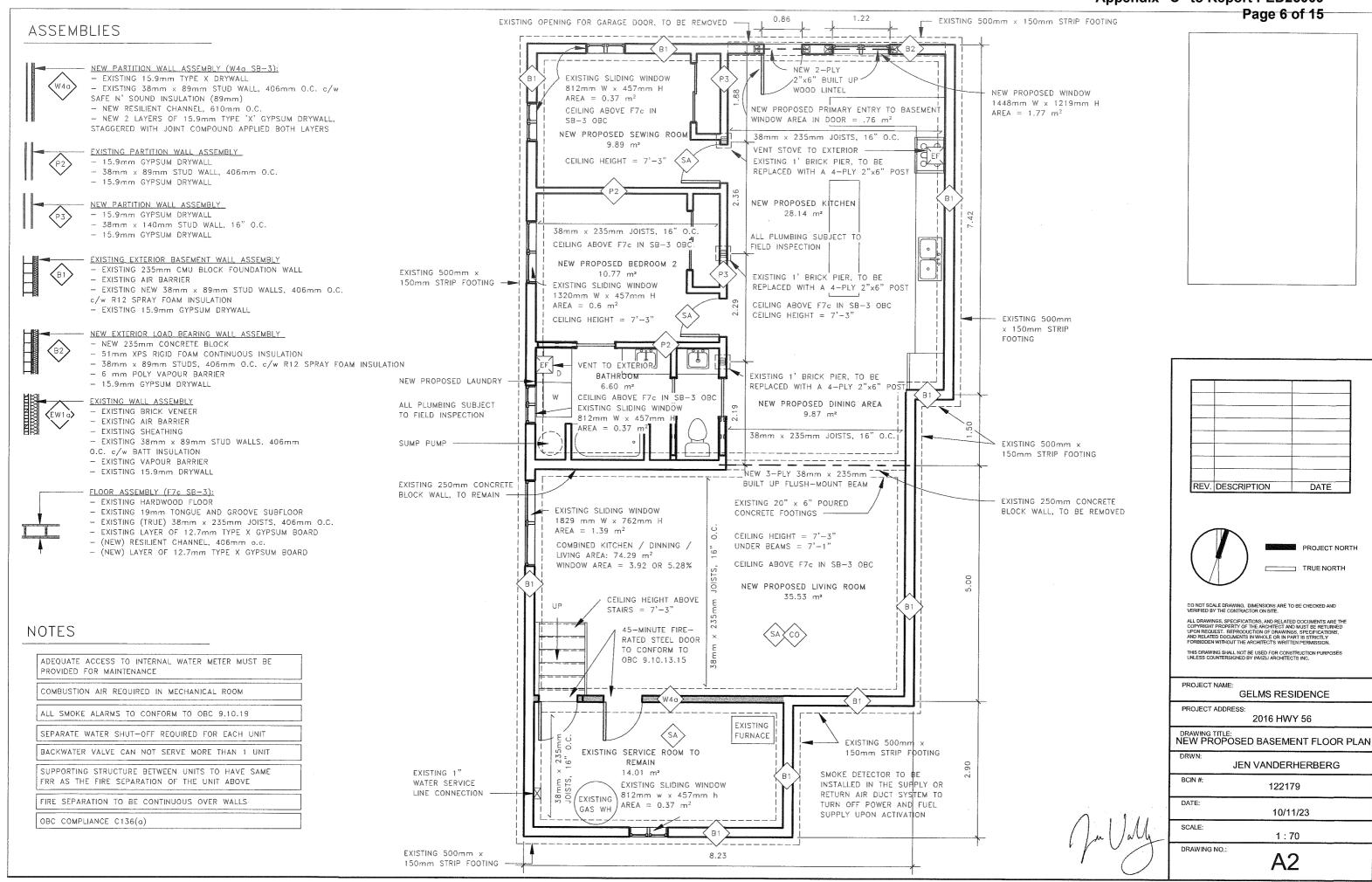
2. In person Oral Submissions

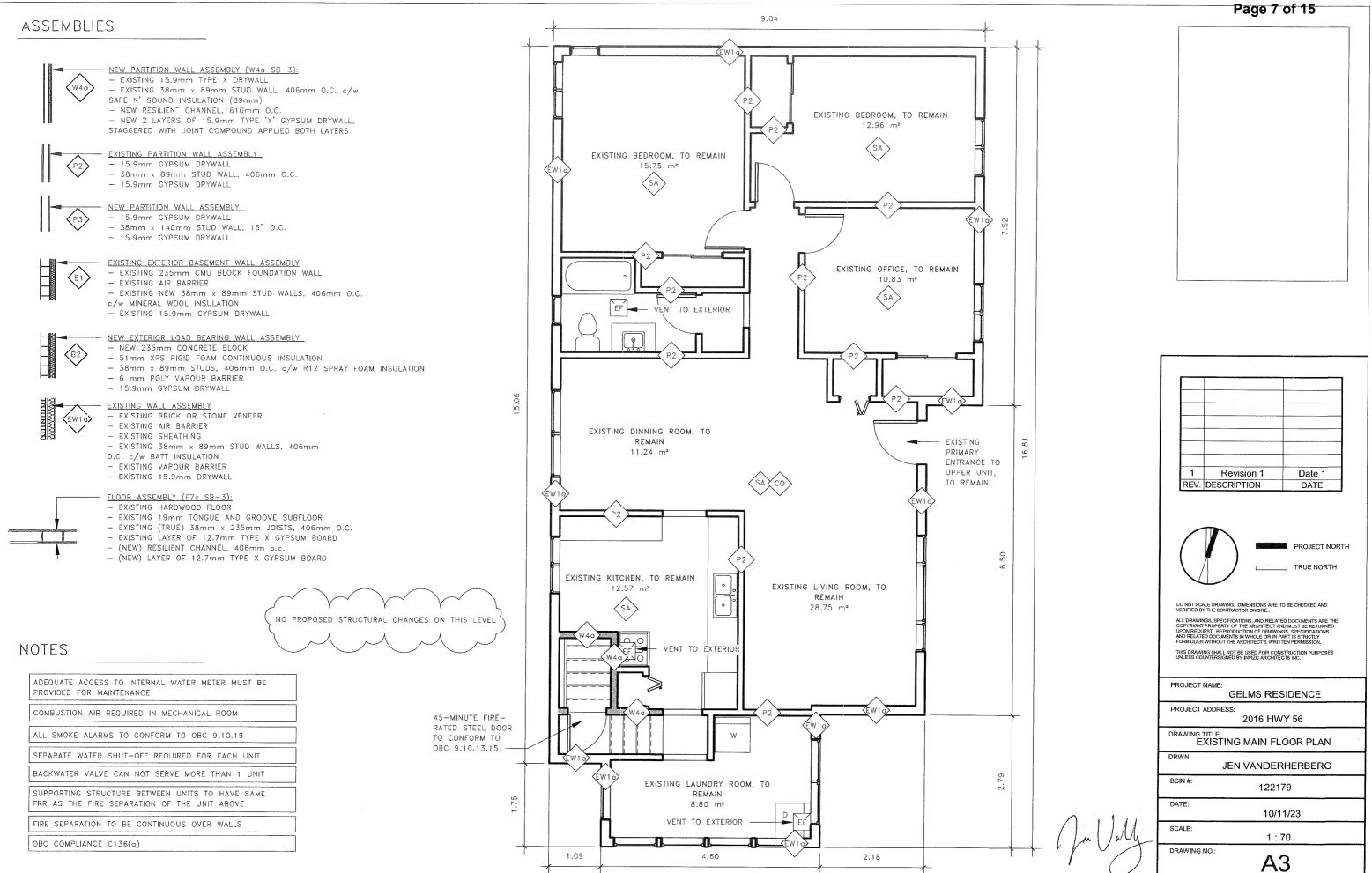
Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than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

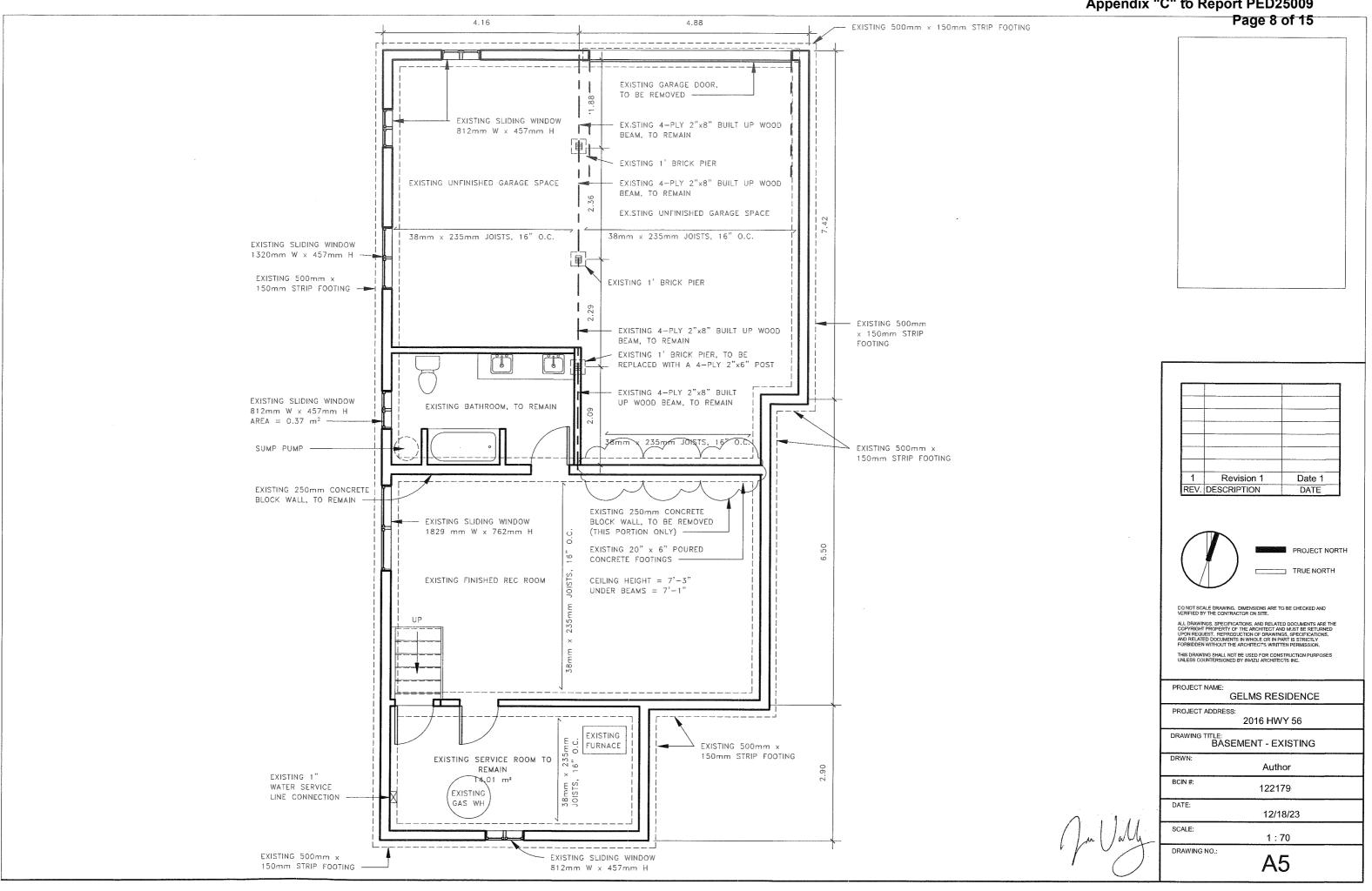
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca.

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.











Appendix "C" to Report PED25009 Page 9 of 15

6468 Sixteen Road, R.R. #2 Smithville, ON Canada LOR 2A0 Phone 905.957.7541 • Ikillins@live.com

December 18, 2023

Mitchell Gelms,

Email: mitchellgelms@gmail.com

RE:

Septic System Appraisal

2016 Highway #56, Hamilton

Dear Mr. Gelms,

As per your request an on-site inspection was completed regarding the existing sewage system currently servicing the dwelling known as 2016 Highway #56, Hamilton.

Based upon information you provided, the existing dwelling unit has fixture units consisting of the following: 2 bathroom groups, 2 washing machines, 1 dishwasher and 2 kitchen sinks thus 19.5 fixture units in addition to three bedrooms. The existing Class 4 sewage system consists of a treatment tank (pumped in 2022 by Glanborough Pumping) which discharges to an in-ground tile disposal bed located to the east of the dwelling.

Water service is provided via a cistern storage tank with water purchased on a monthly basis or as may be needed. The volume of water delivery is 2000 gallons.

At the time of inspection, no visual evidence was observed of sewage effluent ponding on the ground surface or discharge to adjacent drainage swales, thus compliance with Section 8.9.1.2 General Requirements for Operation and Maintenance (Septic Systems), Ontario Building Code.

Please note the preceding is based upon visual observations at the time of inspection and does not guarantee the future functional capability of the sewage system. The conclusions presented in this report are based, in part, on visual observations of the site and attendant structures. Our conclusions cannot and are not extended to include those portions of the site or structures which were not reasonably available in Enviro-Check's opinions for direct observation.

We trust the preceding serves as requested; however, should additional information and/or clarification be required please contact the undersigned at 905-957-7541.

Yours truly,

BCIN # 11112

/jk

Appendix "C" to Report PED25009 Page 10 of 15



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)	Motobell Gelms Elzoand Patricia Geli	MS		
Applicant(s)	Jen Vanderherberg			
Agent or Solicitor				Phone: E-mail:
1.2 All corresponder	nce should be sent to	☐ Purchas ☑ Applicar		☐ Owner ☐ Agent/Solicitor
1.3 Sign should be s	ent to	☐ Purchas ☐ Applicar		☑ Owner ☐ AgentSolicitor
1.4 Request for digit	al copy of sign	✓ Yes*	□No	
If YES, provide e	email address where sig	n is to be se	nt	
1.5 All corresponder	nce may be sent by ema	à i I	✓ Yes*	□ No
(if applicable). O	nail must be included fo only one email address s es not guarantee all con	submitted wil	I result in the	AND the Applicant/Agent voiding of this service.
2. LOCATION OF S	UBJECT LAND			
2.1 Complete the an	olicable sections:			

Appendix "C" to Report PED25009 Page 11 of 15

Municipal Address	2016 Regional Road 56		
Assessment Roll Number			
Former Municipality	Glanbrook		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

Lot			Concession	1
Re	gistered Plan Number		Lot(s)	
Re	ference Plan Number (s)		Part(s)	
2.2	Are there any easements	or restrictive covenan	ts affecting the subje	ect land?
	☐ Yes ☑ No			
	If YES, describe the easer	ment or covenant and	its effect:	
3.	PURPOSE OF THE APPL	-ICATION		
	litional sheets can be sub stions. Additional sheets			answer the following
All d etc.)		n form are to be provid	ed in metric units (m	illimetres, metres, hectares,
3.1	Nature and extent of relie	ef applied for:		
	To allow for a Secondary Dy property less than 0.6 hecta	welling Unit to be permitures in size.	tted within the existing	house on an A1 zoned
	☑ Second Dwelling Unit	t Reconst	ruction of Existing D	welling
3.2	Why it is not possible to	comply with the provis	ions of the By-law?	
	The property parcel is 0.15 hectares to allow for a seco			
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
24.38 metres	43.28 metres	16,040 ft2 OR 0.15 hectares	14.02 metres

	buildings and structur ice from side, rear and	1874	r the subject lands:	
Existing:				
Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Primary Dwelling	21.39 m	12.24 m	8.99 (south) & 10.16 (north)	est. 1960
Shed	19.67 m	19.04 m	2.59 m	unknown
Proposed:				
Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
4.3. Particulars of a sheets if neces	9	ures on or proposed	for the subject lands (a	ttach additional
Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Primary Dwelling	133.22 m2	149.65 m2	1	4.94 m
Shed	13.94 m2	13.94 m2	1	3.66 m
¥				
Proposed:				
Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
☐ publicly ow ☐ privately o	supply: (check approp med and operated pip wned and operated in	oed water system dividual well	☐ lake or other ☐ other means ☐ Privately own	(specify)
	drainage: (check app ned and operated sto		☑ ditches ☐ other means	(specify)

4.2

	Appendix "C" to Rep	
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)	Page 13 of 15
4.7	Type of access: (check appropriate box) ☐ provincial highway ☐ municipal road, seasonally maintained ☐ municipal road, maintained all year ☐ Type of access: (check appropriate box) ☐ right of we contain the contained all year	
4.8	Proposed use(s) of the subject property (single detached dwelling duplex, re	tail, factory etc.):
4.9	Existing uses of abutting properties (single detached dwelling duplex, retail, Agricultural	factory etc.):
7	HISTORY OF THE SUBJECT LAND	
7.1	Date of acquisition of subject lands: 12/12/2019	
7.2	Previous use(s) of the subject property: (single detached dwelling duplex, re Detached Single Family Dwelling	tail, factory etc)
7.3	Existing use(s) of the subject property: (single detached dwelling duplex, ret Single Family Dwelling	ail, factory etc)
7.4	Length of time the existing uses of the subject property have continued:	
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)	
	Please provide an explanation of how the application conforms with the Office	cial Plan.
7.6	What is the existing zoning of the subject land?	
7.8	(Zoning By-lawAmendment or Minor Variance) ☐ Yes ☑ No	
	If yes, please provide the file number:	

Appendix "C" to Report PED25009 Page 14 of 15

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:
7.10	If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
	☐ Yes ☐ No
7.11	If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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):
	Mitchell Gelms did renovations to the house without a building permit. They converted the garage into living area in the basement and put in a kitchen. Bylaw came by and issued a Stop Work Order as well as a fine for the work without a permit. They have been required to submit for Building Permits. They have not yet completed the renovation required to convert the dwelling into 2 legal seperate units (fire seperations). They are now required to apply for a

minor variance to convert the house into a legal duplex dwelling as the zoning bylaw does not

permit a secondary dwelling unit on an A1 zoned land less than 0.6 hectares in size.

Appendix "C" to Report PED25009
Page 15 of 15

COMPLETE APPLICATION REQUIREMENTS 11.1 All Applications Application Fee Site Sketch Complete Application form Signatures Sheet 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