



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-24:261	SUBJECT PROPERTY:	83 Ewen Road, Hamilton
ZONE:	R1 (Low Density Residential)	ZONING BY-LAW:	Hamilton Zoning By-law 05-200, as Amended 24-051

APPLICANTS: Owner: Agata Mucha
Agent: Brian Muthaliff

The following variances are requested:

1. The eave and gutter of the proposed accessory building shall be permitted to encroach 0.61 meters into the required 1.2 metre required northerly side yard instead of the maximum permitted encroachment of 0.45m into a required yard.
2. An aggregate gross floor area of 85.5 square metres for all accessory buildings shall be permitted instead of the maximum permitted aggregate gross floor area of 45.0 square metres for all accessory buildings.
3. The maximum combined lot coverage of 85.5 square metres for all accessory buildings shall be permitted instead of the maximum permitted lot coverage of 45.0 square metres for all accessory buildings.
4. A maximum driveway width of 11.3 metres shall be permitted instead of the maximum permitted driveway width of 8.0 metres for a dwelling without an attached garage.

PURPOSE & EFFECT: To permit the construction of an accessory building in the rear yard of the existing building.

Notes: N/A

A-24:261

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, January 21, 2025
TIME:	2:40 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- 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 January 17, 2025

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 January 20, 2025

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:261, 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: January 2, 2025

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



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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.

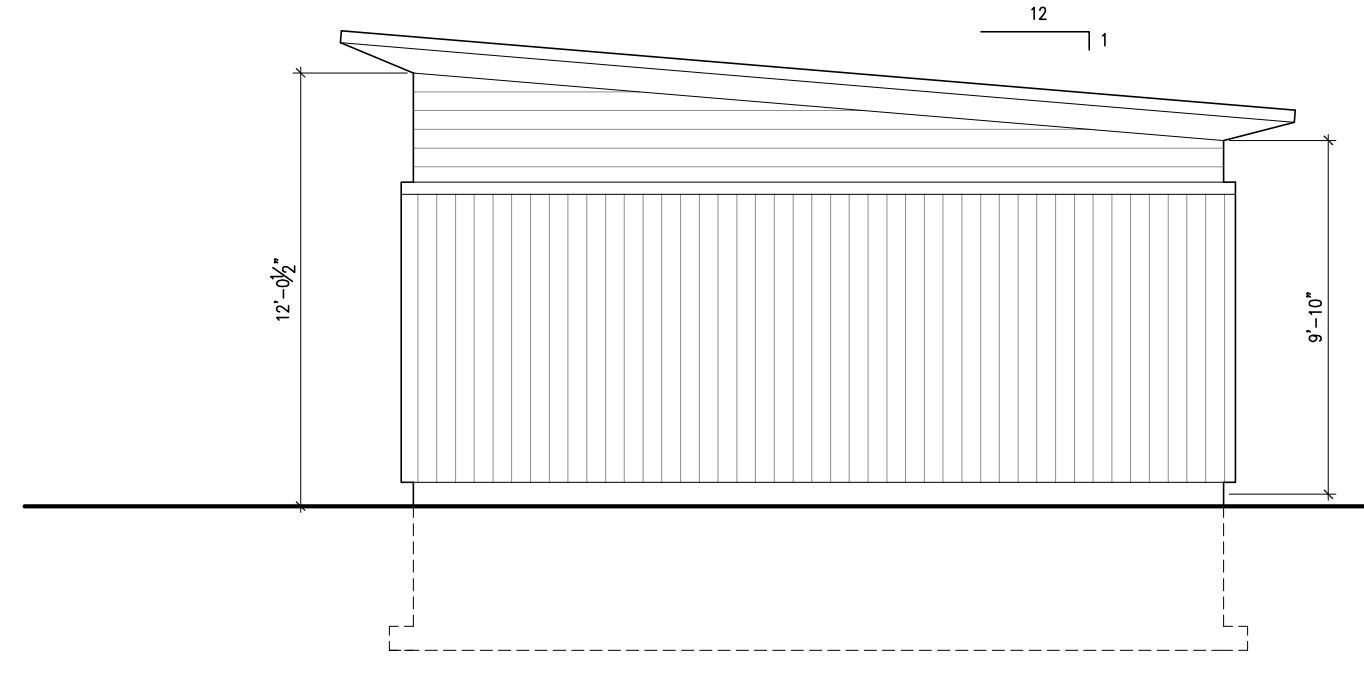
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

2. In person Oral Submissions

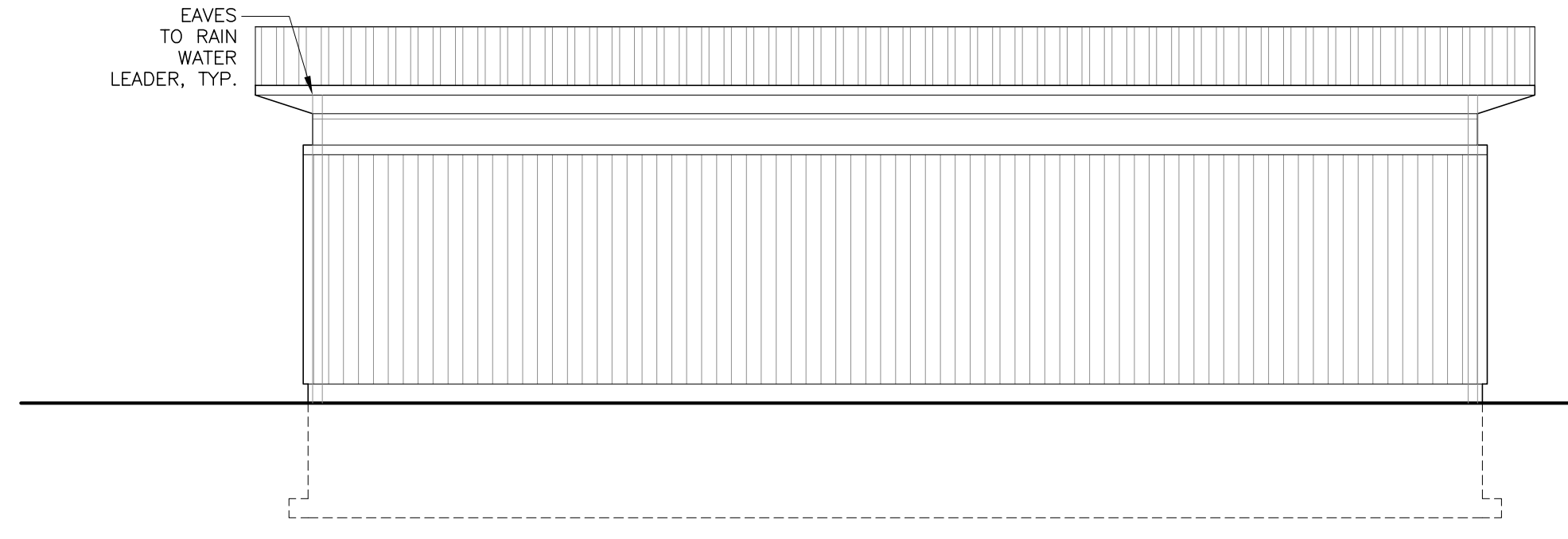
Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than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

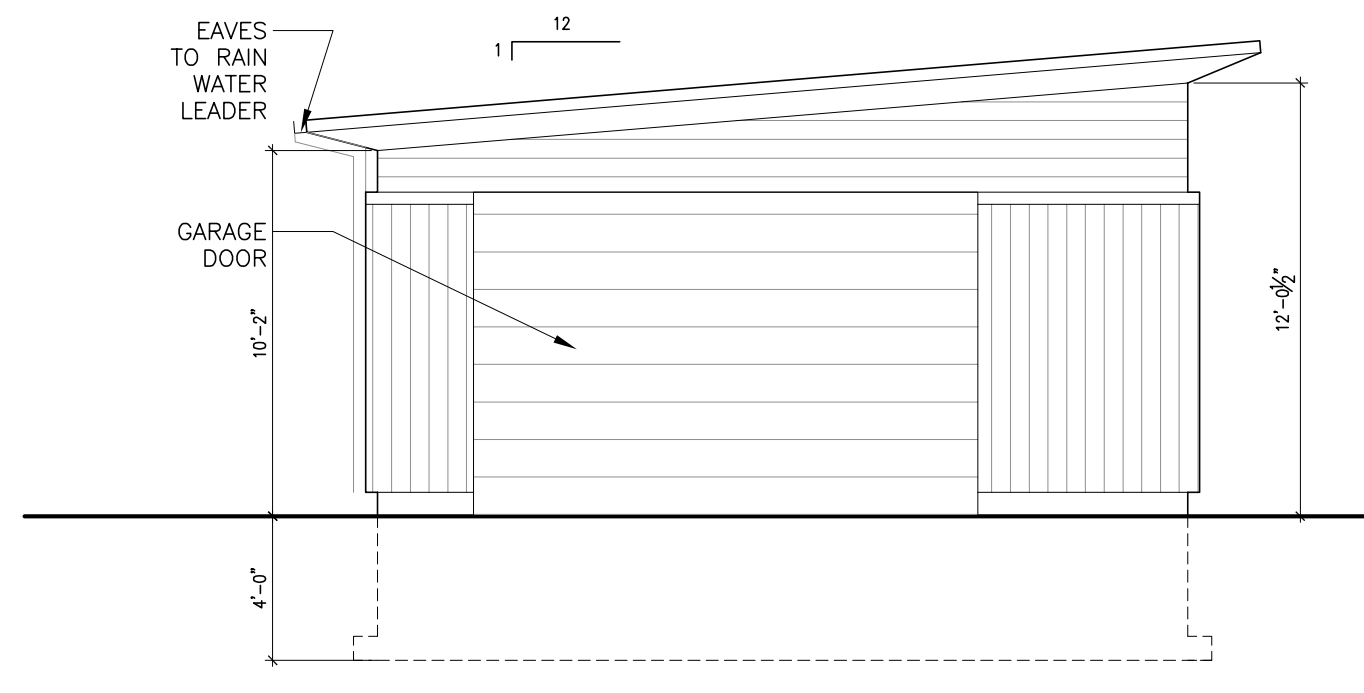
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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



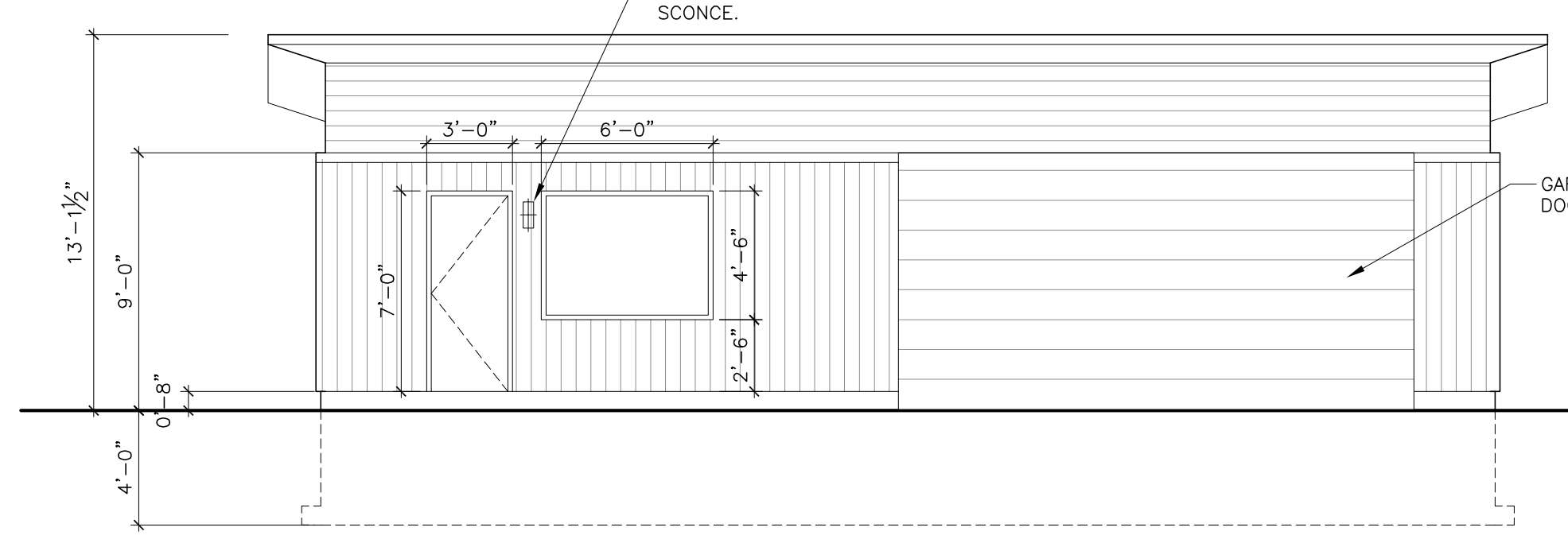
6 WEST ELEVATION
A1.0 3/16"=1'-0"



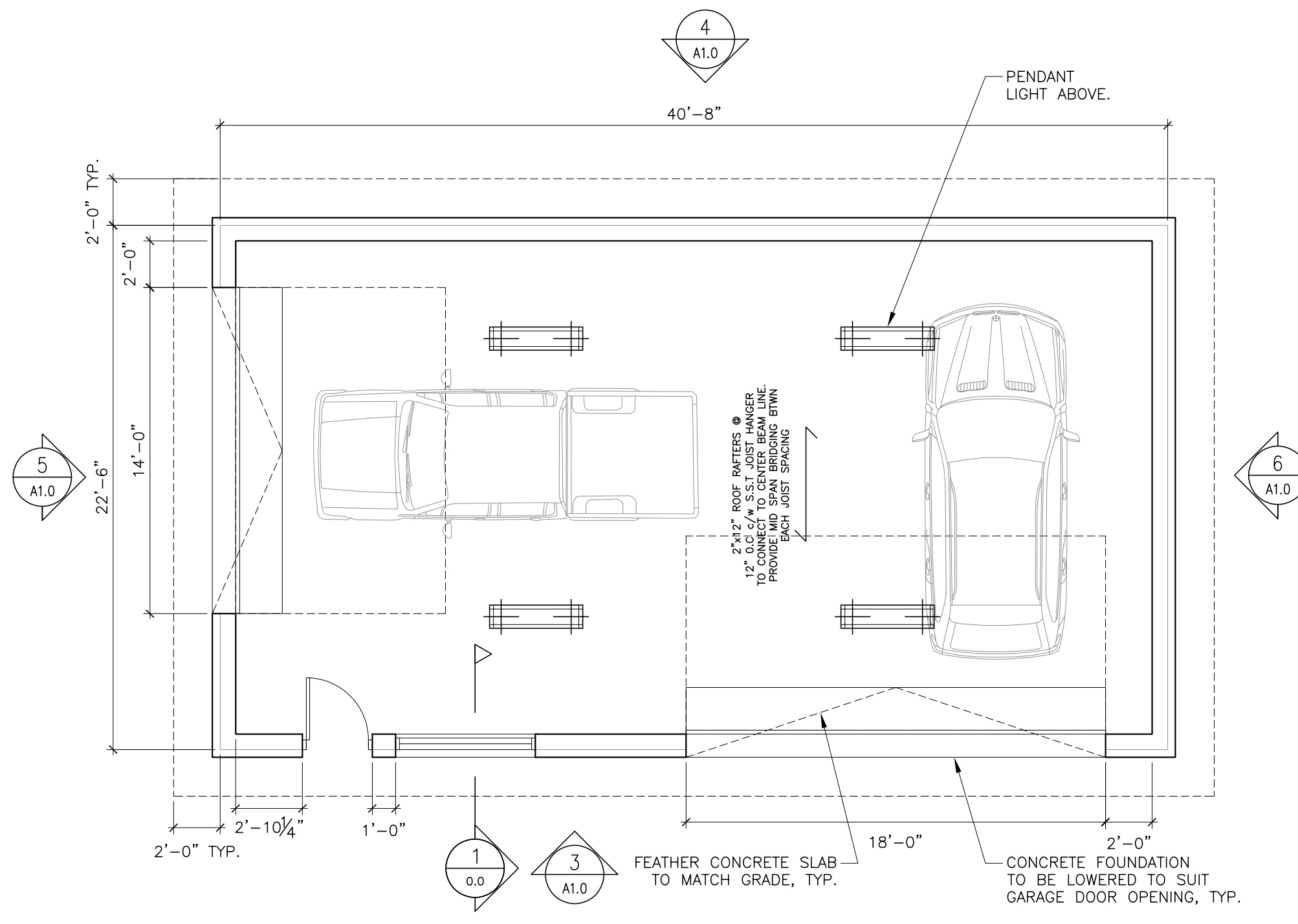
4 NORTH ELEVATION
A1.0 1/16"=1'-0"



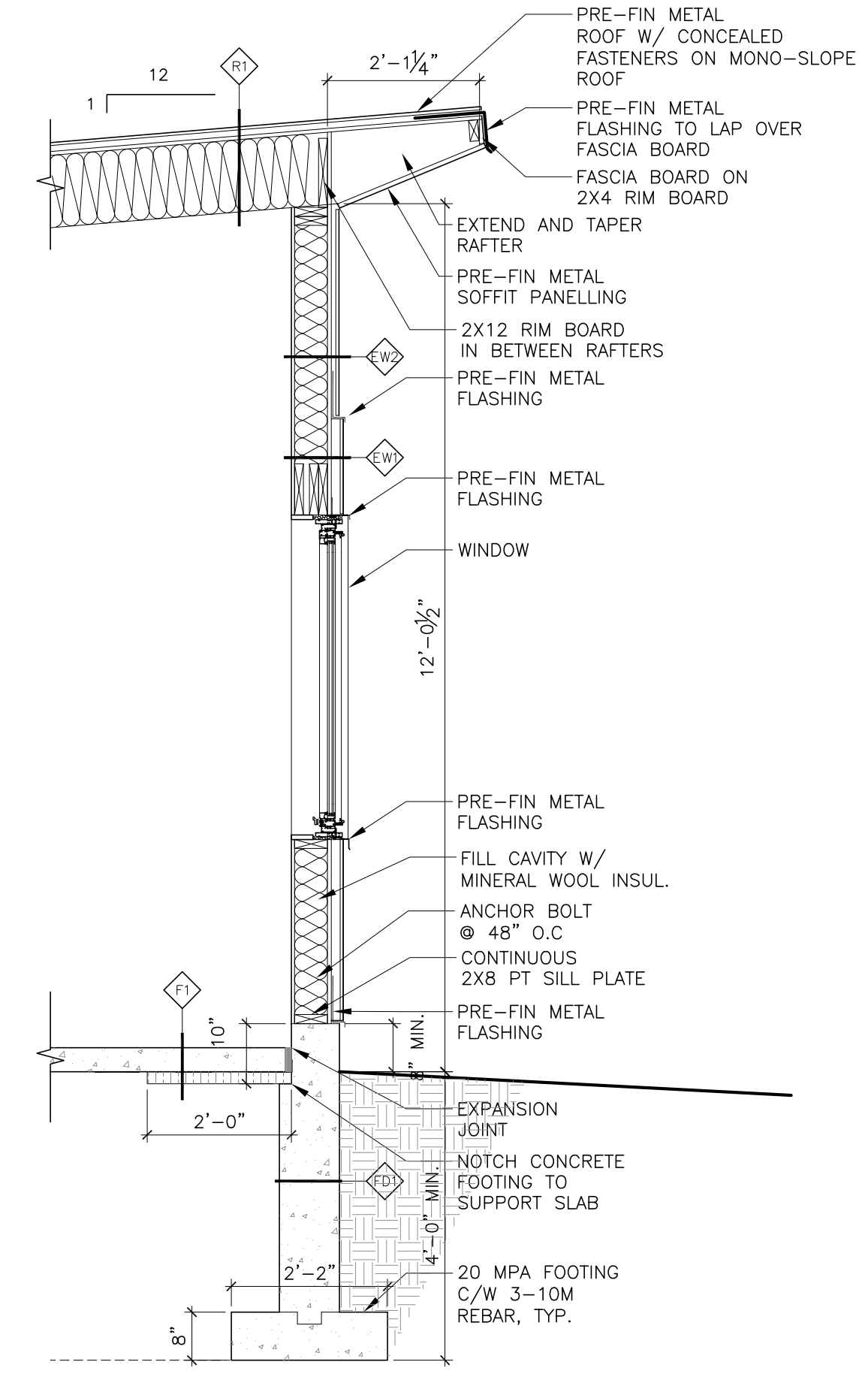
5 EAST ELEVATION
A1.0 3/16"=1'-0"



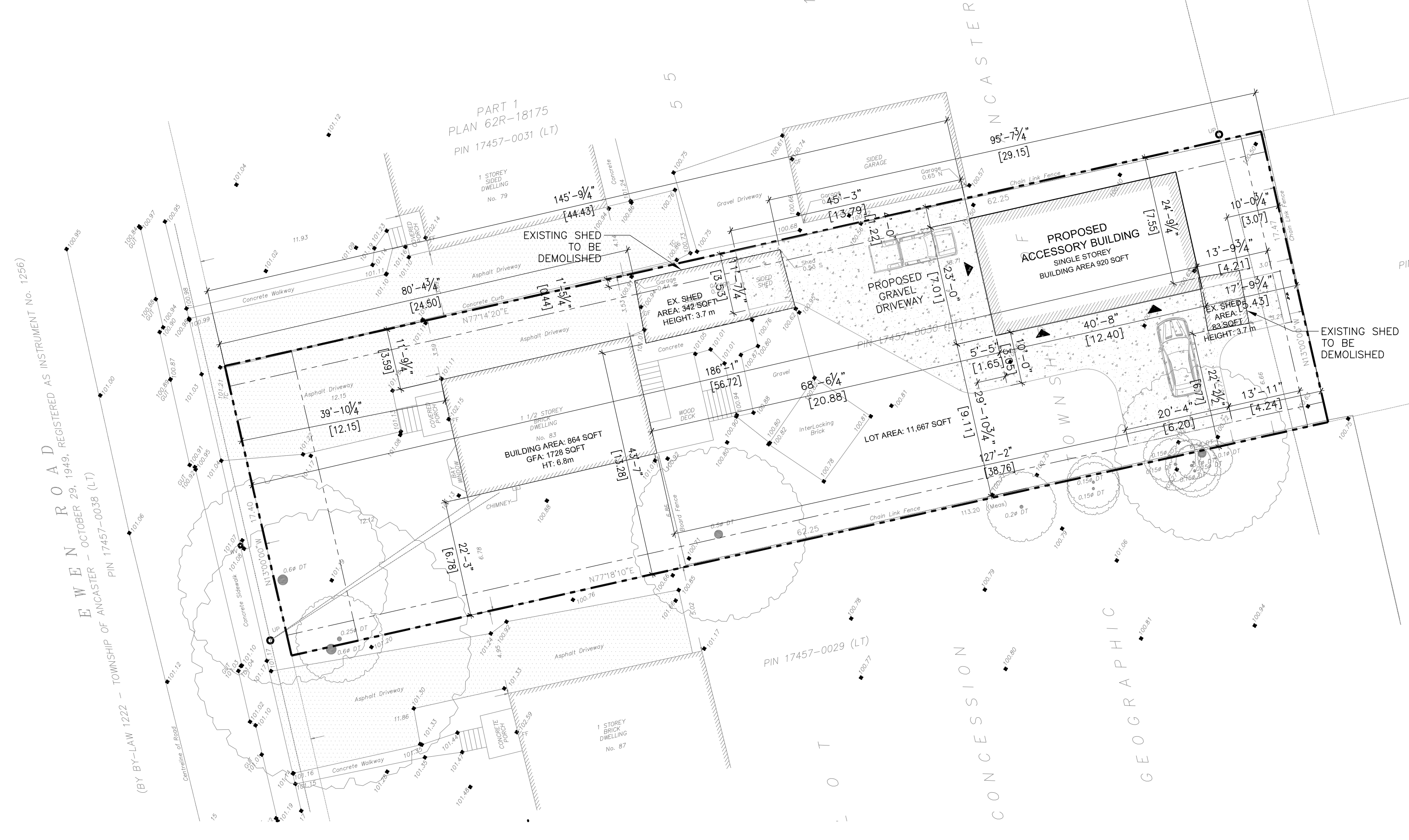
3 SOUTH ELEVATION
A1.0 3/16"=1'-0"



2 PLAN
A1.0 3/16"=1'-0"



6 WALL SECTION - TYP.
A1.0 1/2"=1'-0"



1 SITE PLAN
A1.0 1/16"=1'-0"

PLAN KEYNOTES	
NOTE: ALL KEYNOTES MAY NOT BE USED	
PLAN NOTES	
1. ALL EXTERIOR WALLS TO BE EXCEPT THOSE AREAS NOTED AS OTHERWISE NOTED ON DRAWING AS.1, ELEVATIONS	
2. ALL PARTITIONS ARE UNLESS OTHERWISE NOTED	
3. LOCATE DOOR FRAMES 50mm FROM ADJACENT WALL UNLESS NOTED OTHERWISE.	
EXTERIOR WALL ASSEMBLIES	
EW1	-HORIZONTAL WOOD SIDING ON -1" VERTICAL STRAPPING ON -7/16" SHEATHING C/W AVB MEMBRANE ON -2x6 WD STUDS @16" O.C. ON -MINERAL WOOL INSUL.(R19 MIN.) ON -AVB MEMBRANE ON -1/2" GWB, PTD.
EW2	-VERTICAL WOOD SIDING -1" VERTICAL STRAPPING ON -7/16" SHEATHING C/W AVB MEMBRANE ON -2x6 WD STUDS @16" O.C. ON -MINERAL WOOL INSUL.(R19 MIN.) ON -AVB MEMBRANE ON -1/2" GWB, PTD.
PARTITION WALL ASSEMBLIES	
P1	-1/2" GWB -2"x4" WD STUDS @16"O.C. -SOUND ABSORBITIVE FIBRE BOARD -1/2" GWB *NOTE: REPLACE GWB W/ MOISTURE RESISTANT GWB IN ALL WET ROOMS (WASHROOMS, LAUNDRY, POWDER ROOMS)
ROOF ASSEMBLIES	
R1	-PREFINISHED METAL ROOF ON -1" STRAPPING ON -2" RIGID INSULATION -ROOF SHEATHING C/W AVB MEMBRANE ON -ROOF TRUSS (SEE TRUSS PACKAGE) C/W BLOW-IN INSUL. (MIN. R60) ON -VAPOUR BARRIER ON -1" STRAPPING ON -5/8" GWB, PTD.
FLOOR ASSEMBLIES	
F1	-4" CONCRETE SLAB (20MPA) C/W 6"x6"x2.9x2.9 WWF ON -6 MIL POLY (RADON BARRIER) ON -2"x24" WIDE RIGID INSUL. (MIN. R10) AT SLAB PERIMETER ON -8" CLEAR STONE
FOUNDATION ASSEMBLIES	
FD1	-10" POURED CONCRETE (25 MPA) ON -POURED CONCRETE FOOTING

PLAN LEGEND	
	EXISTING
	DEMOLITION
	NEW CONSTRUCTION
	NEW WALL
	EXISTING DOOR TO REMAIN
	NEW DOOR
	EXTENT OF WALL TILE. REFER TO INTERIOR ELEVATIONS FOR HEIGHTS
	FLOOR DRAIN
	PB PUSH BUTTON FOR AUTOMATIC DOOR OPENER

ONTARIO ASSOCIATION OF ARCHITECTS
BRIAN E. MUTHALIFF
LICENCE 8908

Drawn: BM	Chkd: BM
Proj. No.: 23005	As noted
Scale:	Date: 2024.08.06

Dwg. Title:
**SITE PLAN,
FLOOR PLAN,
ELEVATIONS,
WALL SECTION**

Dwg. No.: **A1.0**

No.	Date	Remarks
01	2024.08.20	Issued For Client Review
02	2024.08.21	Issued For Planner Review
03	2024.09.11	Issued For Permit
04	2024.11.11	Issued For Minor Variance

MANA
CONSTRUCTION OF AN ACCESSORY BUILDING
83 EWEN RD
HAMILTON,
Ontario



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)	Agata Mucha
Applicant(s)	Agata Mucha
Agent or Solicitor	Brian Muthaliff - MaNA Inc.

1.2 Primary contact

- Applicant
- Owner
- Agent/Solicitor

1.3 Sign should be sent to

- Applicant
- Owner
- Agent/Solicitor

1.4 Request for digital copy of sign

- Yes*
- No

If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email

- Yes*
- No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type

- In person
- Credit over phone*
- Cheque

*Must provide number above _____

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	83 Ewen Rd, Hamilton ON		
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:

The owner is looking to construct an Accessory Garage Building. The project was designed under the 6593 Former Hamilton By-law which was the current by-law at the time. At the time of submission, the Zoning for the property was changed to By-law 05-200. There was no indication provided by the City regarding the date of which the latest by-law was to be effective. The permit application was submitted shortly after the by-law change which now requires the Accessory Garage Building to be almost have the intended size.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The client is looking to add an accessory building to suit their storage and vehicle needs. A reduction in half the size of the building will prove the building to be insufficient for their use.

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

Yes No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
17.4m	62.25	1084.9 sqm	12 m

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
S1: Two Family Residence	12.15 m	38.76 m	3.59 / 6.78 m	
S2: Existing Shed	24.50 m	29.15 m	0.44 / 13.28 m	
S3: Existing Shed	56.72 m	3.07 m	7.55 / 6.77 m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
S4: Proposed Accessory Building	44.41m	5.4m	1.2m	

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
S1: WOOD FRAME	80 SQM	118 SQM	1.5	6.8 m
S2: WOOD FRAME	32 SQM	32 SQM	1	3.7 m
S3: WOOD FRAME	7.6 SQM	7.6 SQM	1	3.7 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
S4: WOOD FRAME	85.5 SQM	85.5 SQM	1	3.96 m

- 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.):
- Existing use: Two family Dwelling
Proposed use: Two Family Dwelling
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
- Residential

7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
- Dec 2/2013
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
- Single Detached Family Dwelling
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
- Two Family Dwelling
- 7.4 Length of time the existing uses of the subject property have continued:
- 2 years
- 7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): n/a

Rural Settlement Area: n/a

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

The application is does not propose any changes to the use of the property, only an increase in size of the accessory building per the previous by-law.

7.6 What is the existing zoning of the subject land? 05-200 (Effective September 24, 2024)

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: 05-200 (Effective September 24, 2024)

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: 2

8.2 Number of Dwelling Units Proposed: 2

8.3 Additional Information (please include separate sheet if needed):

On Friday August 23, 2024, we were notified (via email) by City Planner Jennifer Allen that the property was zoned "C/S-1335" and "C/S-1335a" (Urban Protected Residential, etc.). We were also notified that there were zoning updates provided by the City that may or may not come into effect. There was no information provided as to when any changes would come into effect. It should be noted that a permit submission for this project was attempted on September 16th 2024 and received by Permit Application Specialist Chase Kempen. At this time, there was no indication from the Permit Application Specialist that the proposed zoning changes would come into effect. This information would have been integral for our client to make a decision on how to proceed with the project. However, it was requested that a site grading plan be provided as part of the package so that the application could be accepted. The owner was happy to oblige. Upon submitting the permit application with the site grading plan as requested on October 15, there was no indication by the City Clerk that any zoning changes had come into effect. Again, this information would have been integral for our client to make a decision on how to proceed with the project. The Permit application fees were paid. We understand that there are a number of different authorities and processes presiding over the zoning changes, however we are asking for some leniency and grace on this permit application, due to the unfortunate timeline of events, without having to approach the Committee of Adjustment and increase the overall cost of the project.

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
