



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

Telephone (905) 546-2424, ext. 4221

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

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

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**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
  - Applicant/agent on file, or
  - Person likely to be interested in this application
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<b>APPLICATION NO.:</b>	<b>A-24:258</b>	<b>SUBJECT PROPERTY:</b>	476 Book Road East, Ancaster
<b>ZONE:</b>	M11 (Airport Prestige Business)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      Owner: Jill Penny & John Penny  
                                 Agent: X-Design Inc. - Sheri Crawford

The following variances are requested:

1. An expansion of the legally established non-conforming single detached dwelling use shall be permitted in the form of a new Additional dwelling units – detached.
2. The construction of an Additional Dwelling Unit - Detached shall not be considered development or site alteration for the purposes of the ["H37"] holding provision.
3. An Additional Dwelling Unit – Detached shall be permitted to have a Gross Floor Area of 164.6m<sup>2</sup> instead of the maximum required Gross Floor Area shall not exceed 75m<sup>2</sup>.
4. An Additional Dwelling Unit – Detached shall be permitted to have a maximum height of 6.9 m instead of the maximum required height of 6.0m.

**PURPOSE & EFFECT:** To permit the construction of an Additional Dwelling Unit Detached within the rear yard of an existing Single Detached Dwelling

**Notes:**

- i. Please note variances 1 and 2 have been provided as it relates to the M11 zone not permitting a Single Detached Dwelling and any expansion to the existing legally established building. The construction of the Additional Dwelling Unit - Detached is considered to be an expansion of the legally established non-conforming use. Furthermore, variance 2 has been provided to address Holding provision 37 which applies to this property.

**A-24:258**

- ii. Be advised that insufficient information has been provided to determine the minimum parking space dimensions for the Additional Dwelling Unit – Detached. Should the proposed spaces not meet the requirements under Section 5.2.1 under Hamilton Zoning By-law 05-200, additional variances may be required.
- iii. All development in the City of Hamilton shall comply with the Hamilton Airport Zoning (Height) Regulations established by Transport Canada, which are registered at the local Land Titles Office and which may be amended from time to time. No projections shall be permitted beyond this maximum height.

**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, January 21, 2025</b>
<b>TIME:</b>	<b>3:10 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**

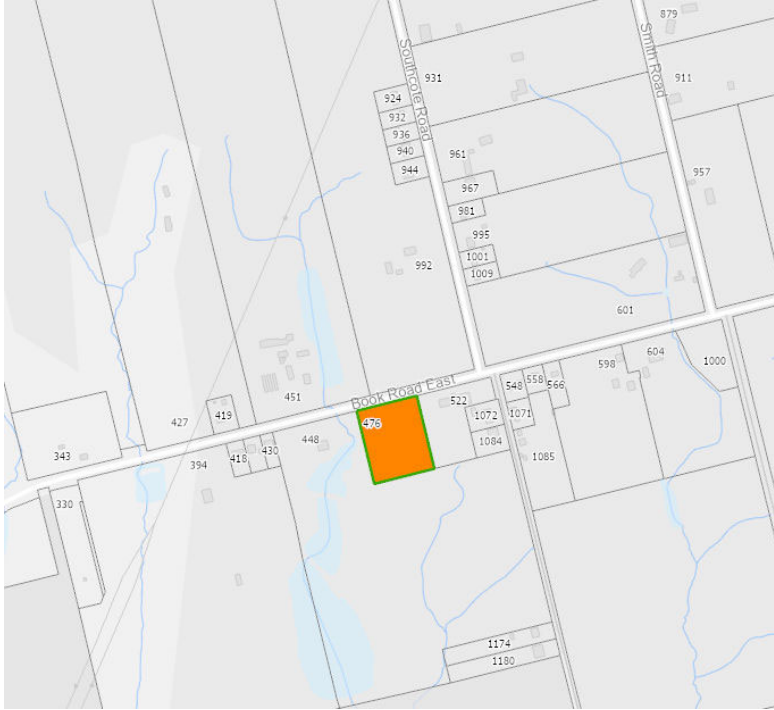
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon January 17, 2025

**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-24:258, 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: January 2, 2025

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

#### Oral Submissions

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

##### 1. Virtual Oral Submissions

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

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

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

##### 2. In person Oral Submissions

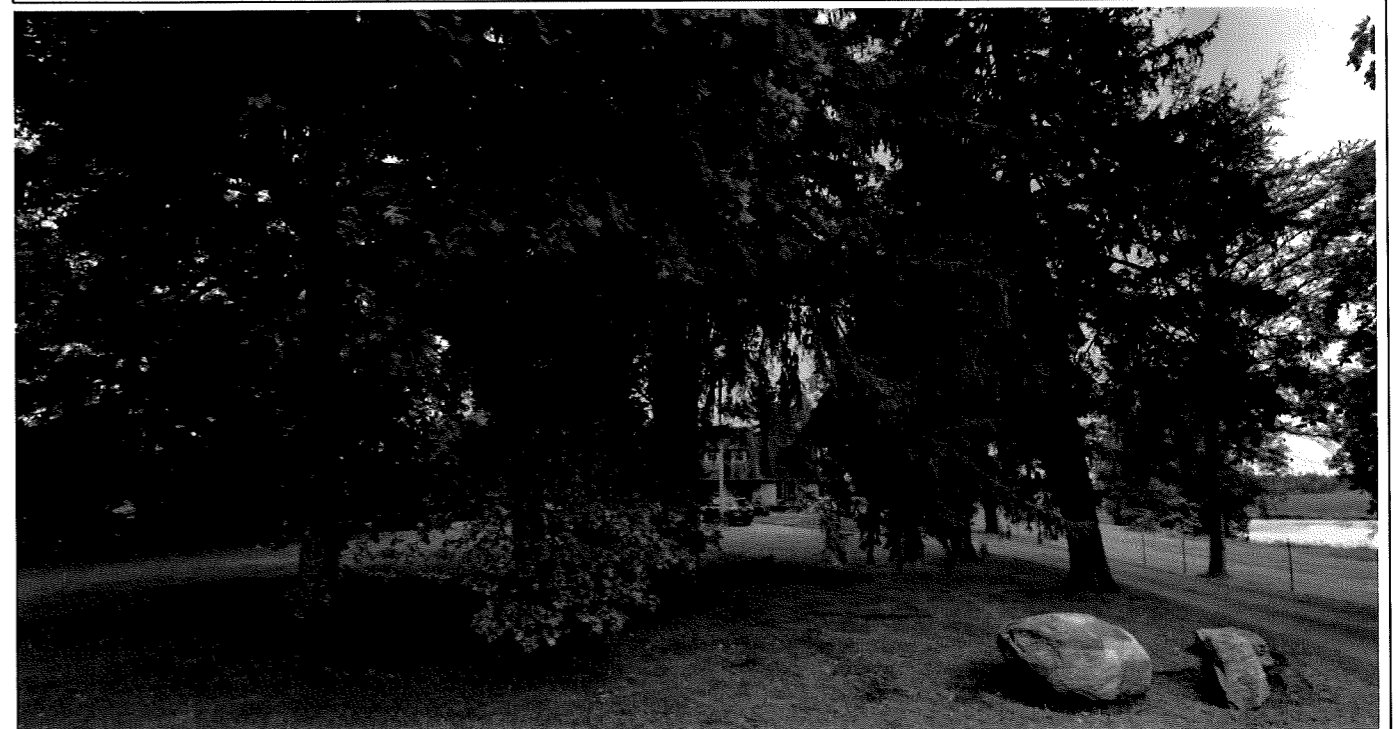
Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than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

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

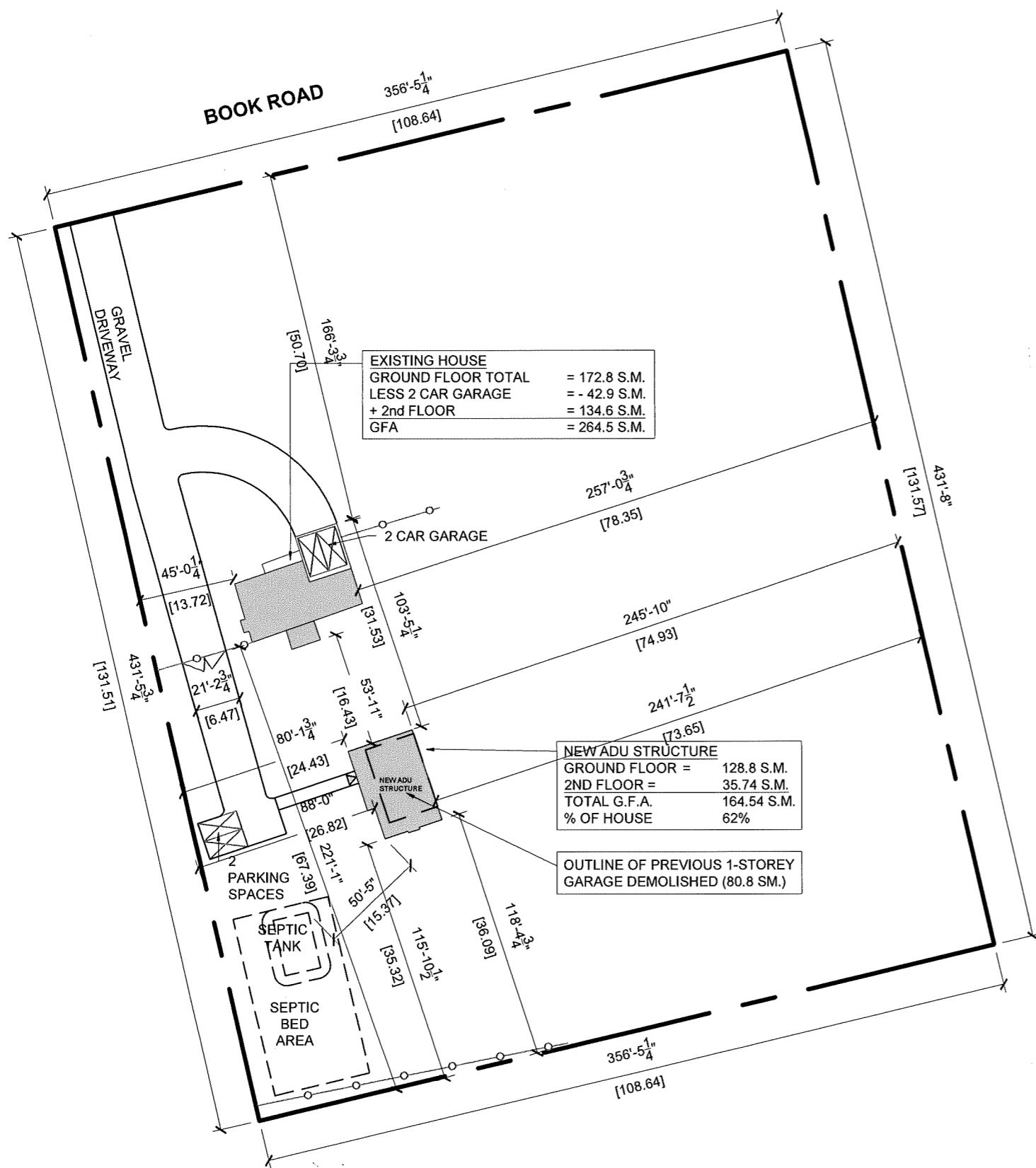
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

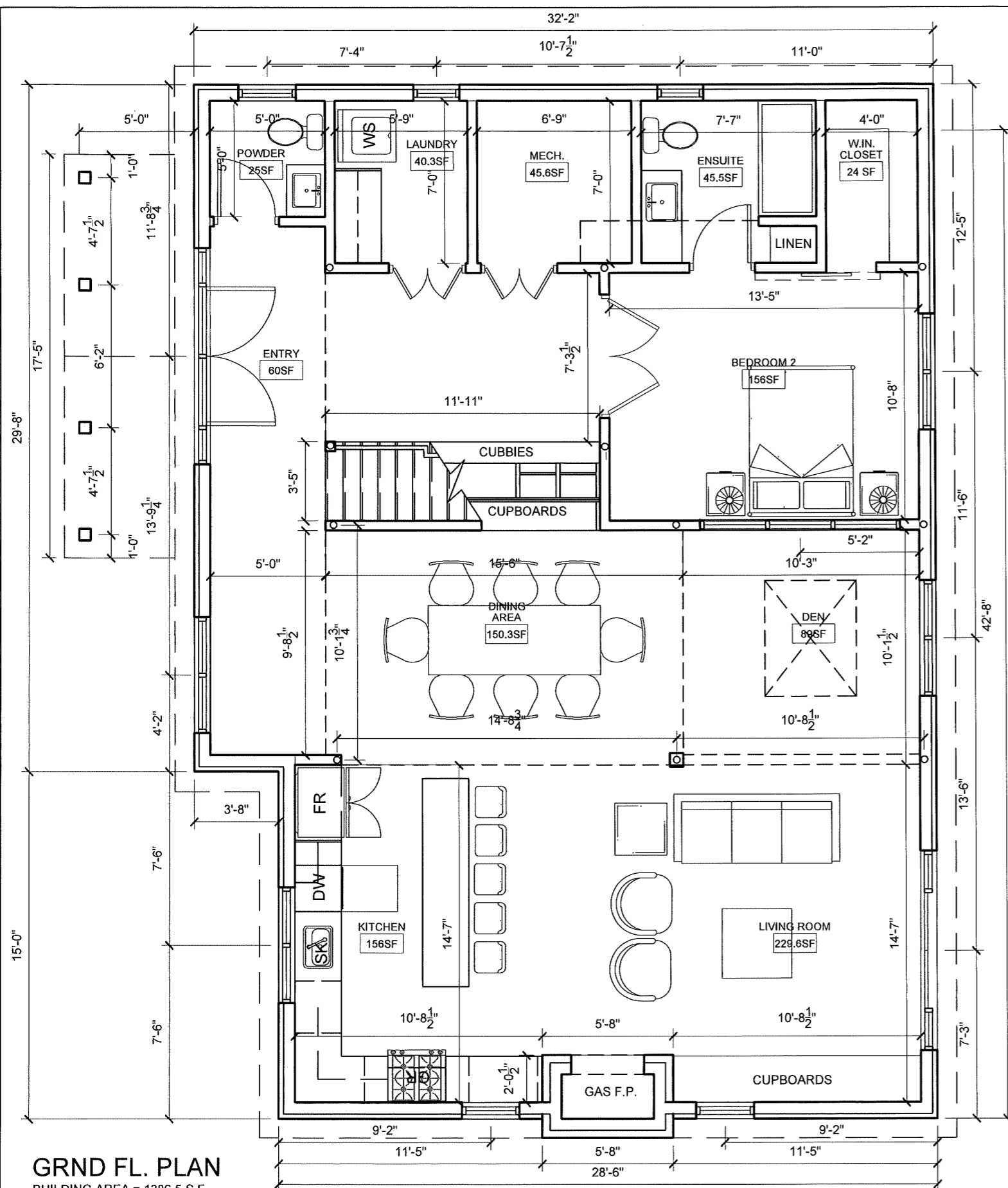
**SITE INFORMATION**

DESCRIPTION	BY-LAW	SITE	CofA REQ'D
ZONING	M11 - AIRPORT PRESTIGE BUSINESS		
LOT AREA	4000 S.M.	4999.8 S.M.	NO
LOT WIDTH	60 M	108.64 M.	NO
LOT DEPTH		131.5 M.	NO
GFA HOUSE		264.5 S.M.	NO
ADDITIONAL DWELLING UNIT:	05-200, SECTION 4.33.2		
ADU GFA	75 S.M.	164.54 S.M.	YES
ADU HEIGHT	6 M.	6.9 M	YES
ADU SIDE YARD	1.2 M.	24.43, 26.82, 74.93 & 73.65 M	NO
ADU DISTANCE FROM DWELLING	7.5 M.	16.43 M	NO
ACCESSORY BUILDING REAR YARD	1.2 M.	35.32 & 36.09 M.	NO
LANDSCAPED AREA	15%	78%	NO

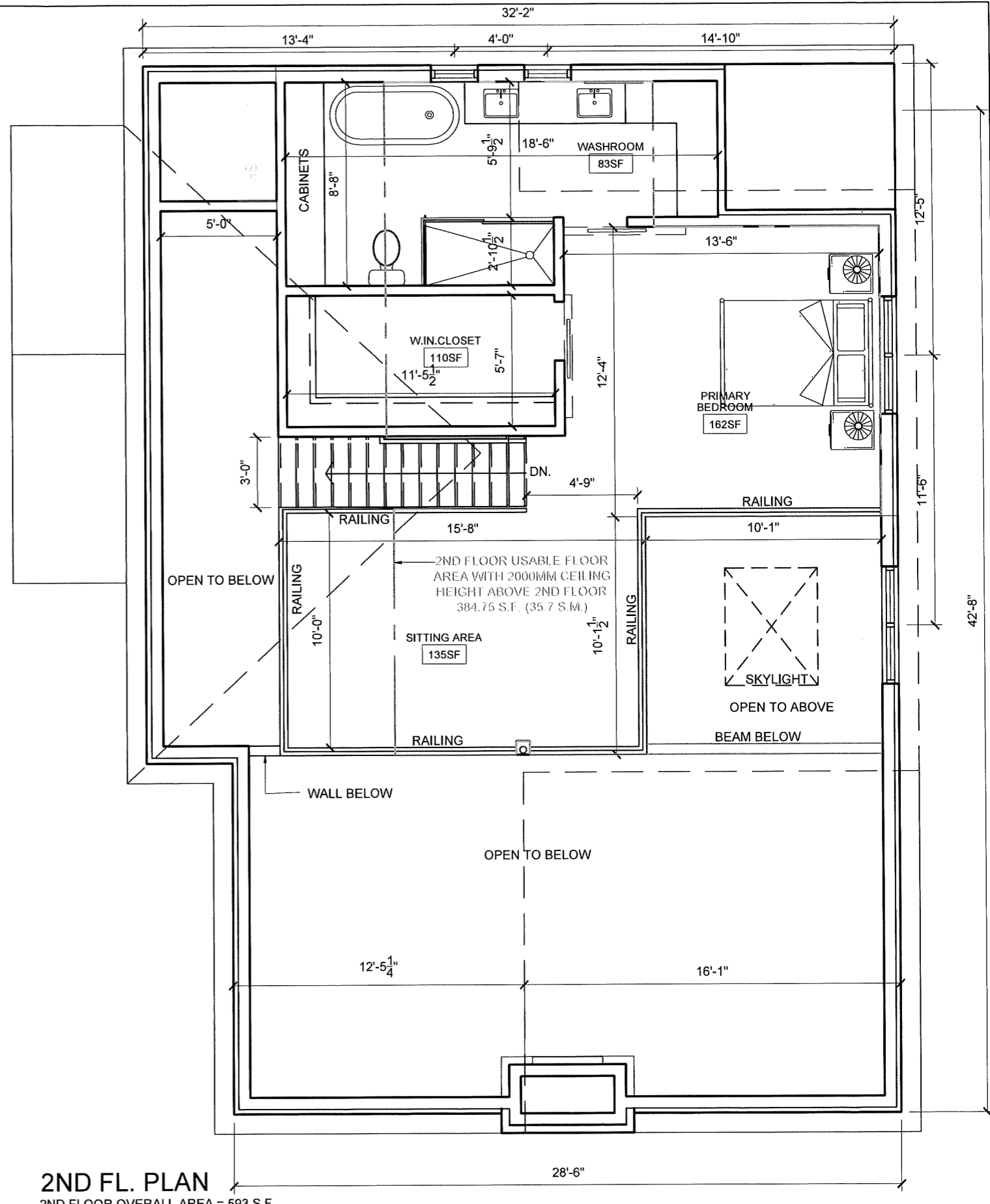


SIGHTLINE FROM STREET (ADU BUILDING NOT VISIBLE)

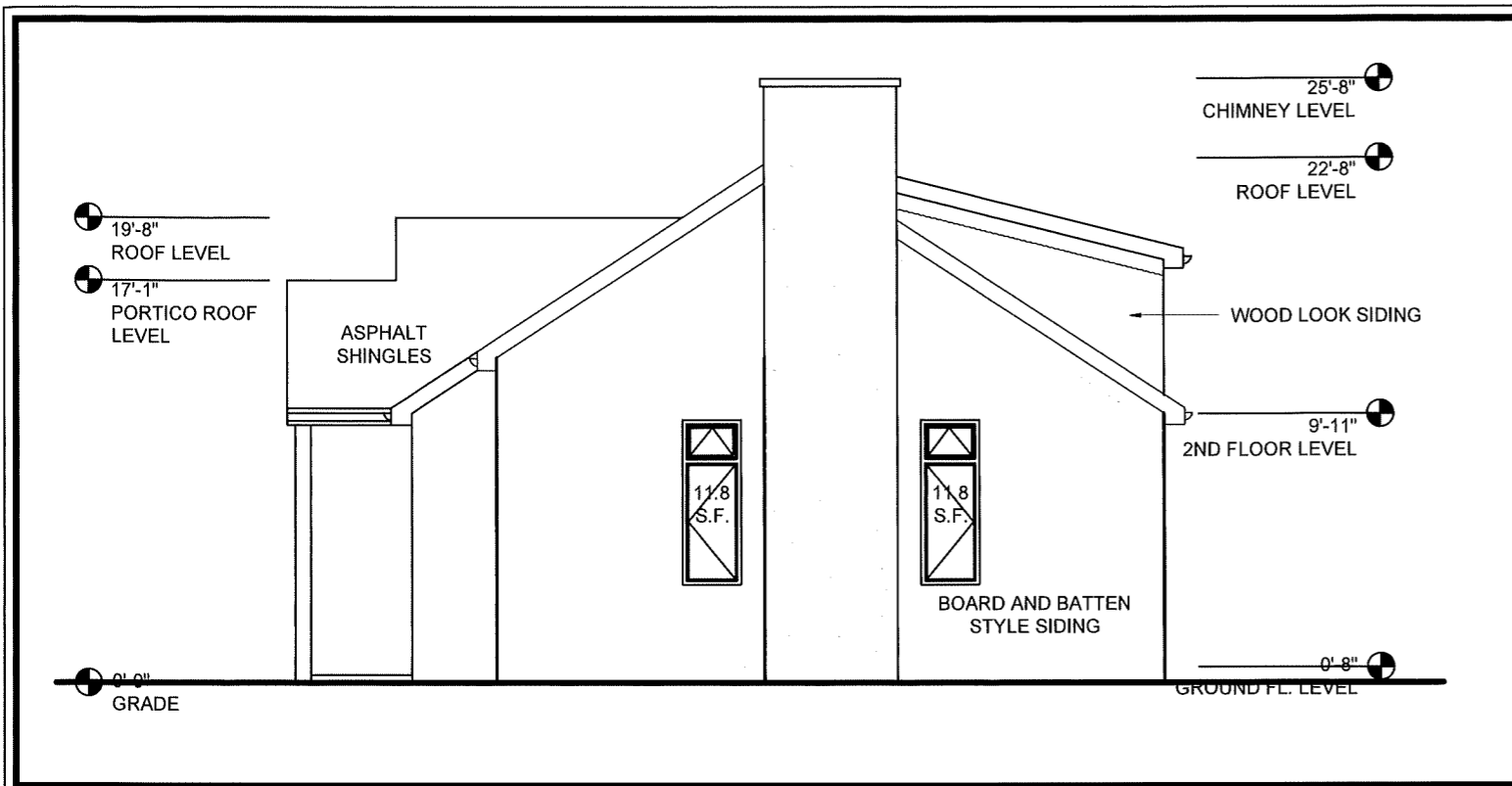




**GRND FL. PLAN**  
 BUILDING AREA = 1386.5 S.F.  
 USABLE FLOOR AREA = 1263.4 S.F.

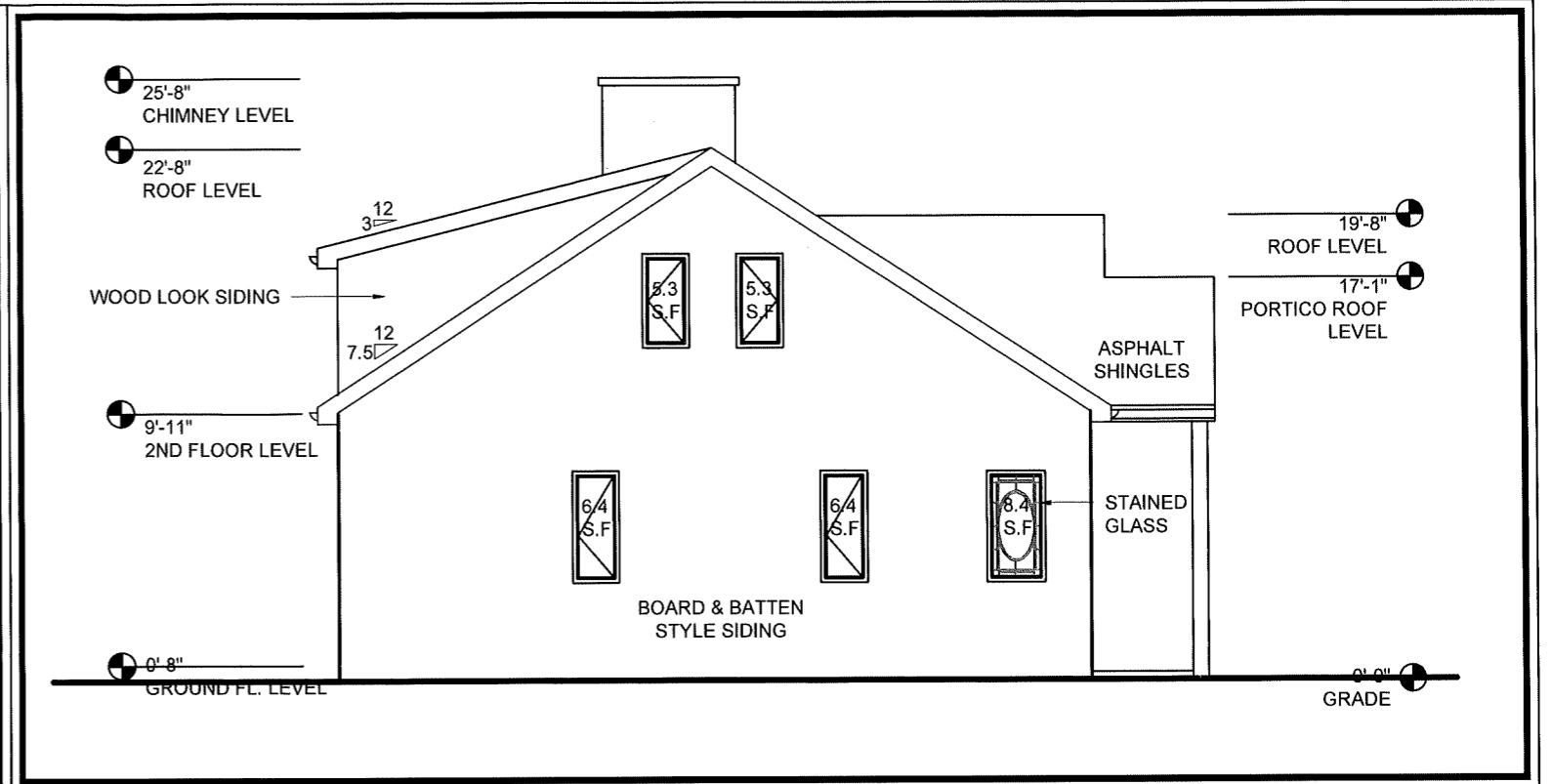


**2ND FL. PLAN**  
 2ND FLOOR OVERALL AREA = 593 S.F.  
 USABLE 2ND FLOOR AREA = 384.8 S.F.



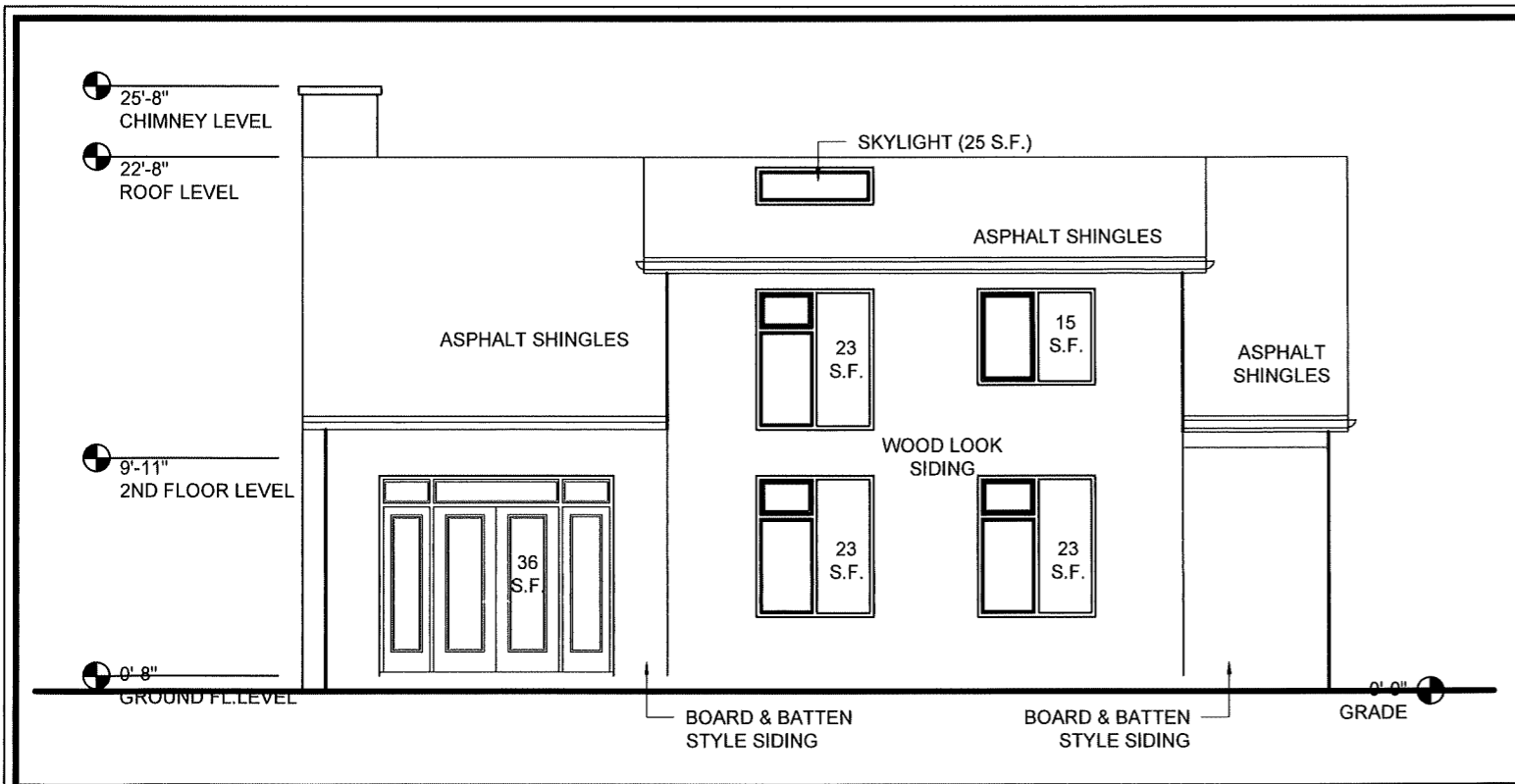
**1 SOUTH ELEVATION**

SCALE: 1/8"=1'-0"



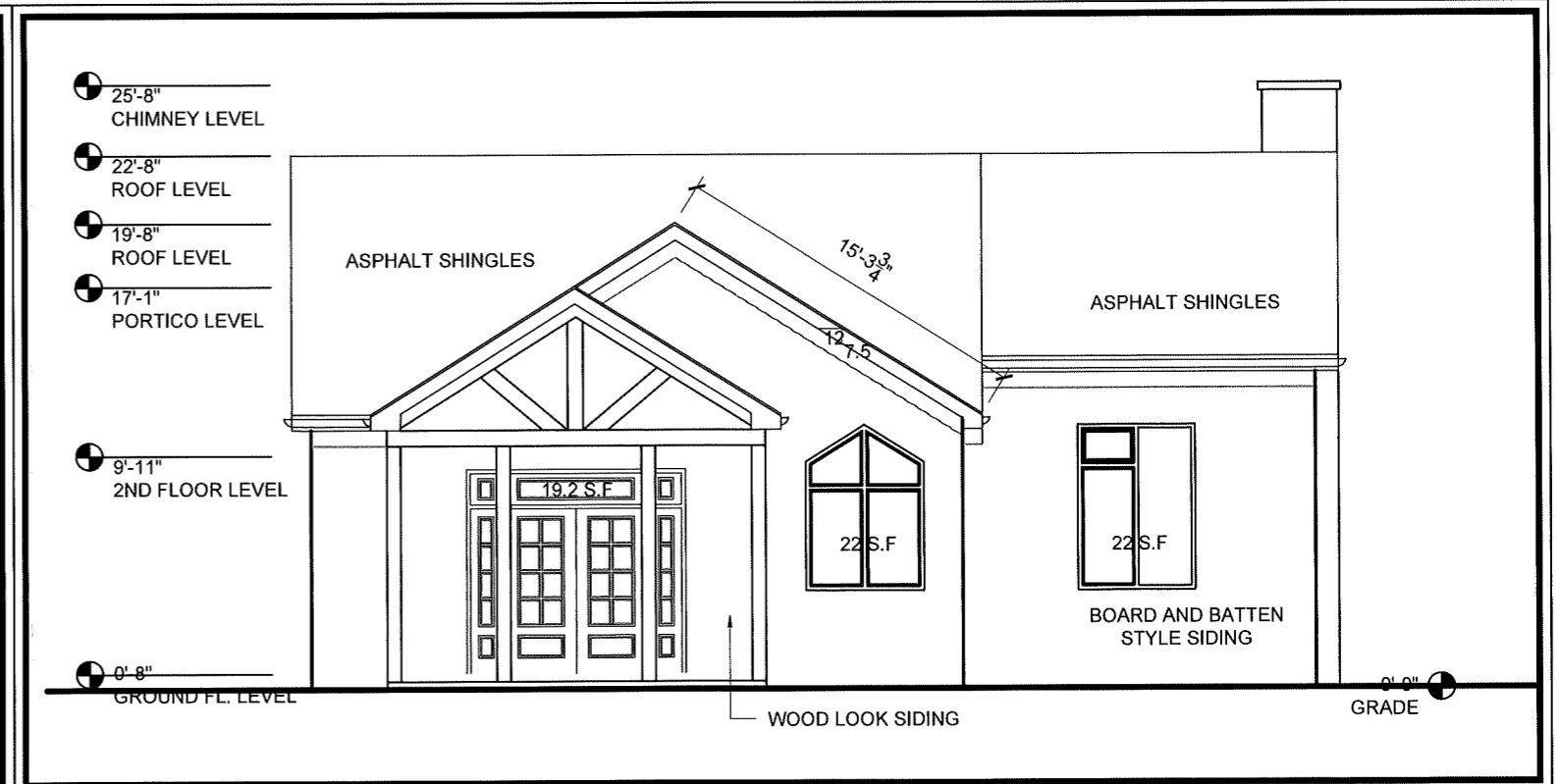
**2 NORTH ELEVATION**

SCALE: 1/8"=1'-0"



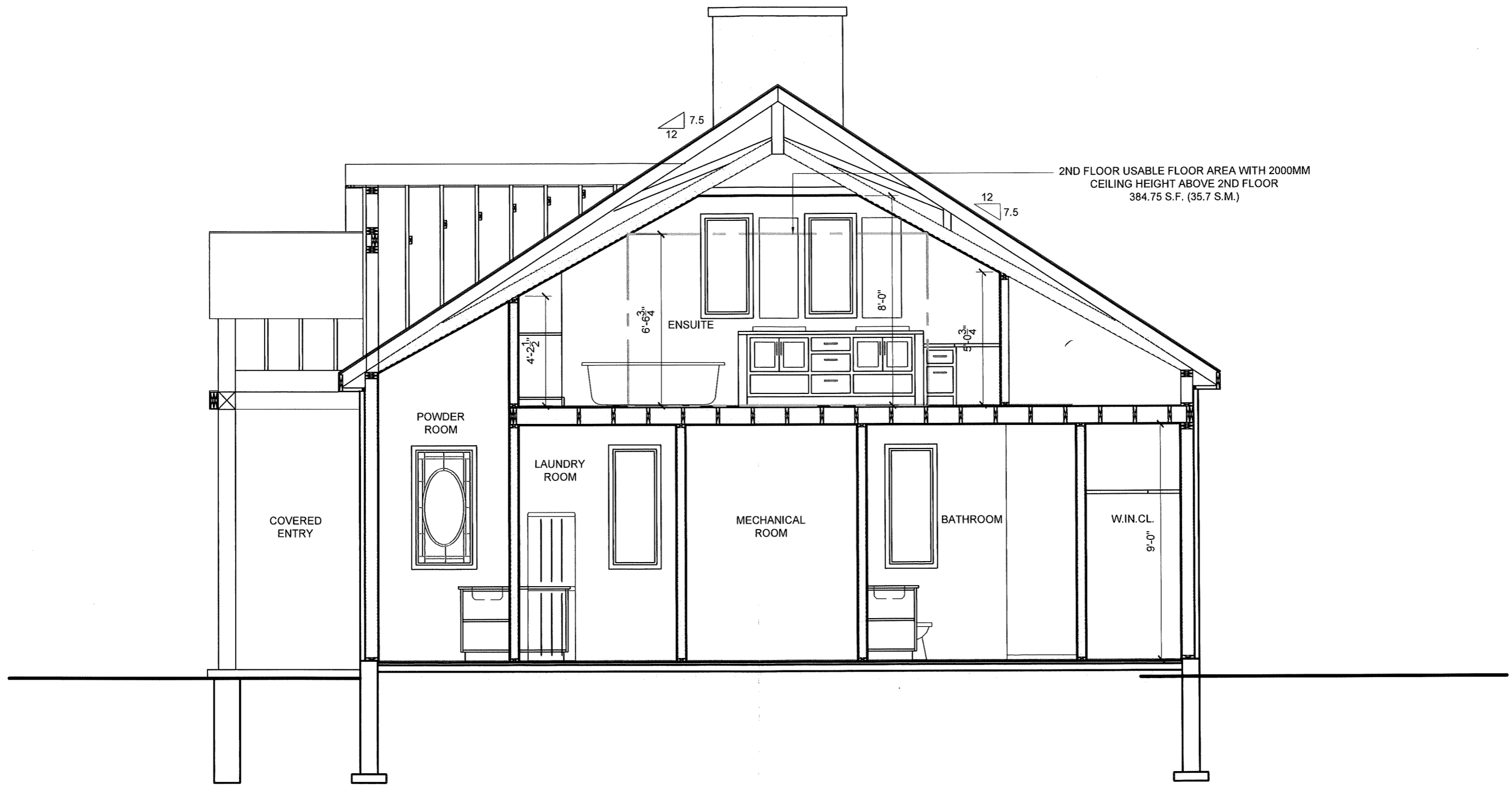
**3 EAST ELEVATION**

SCALE: 1/8"=1'-0"



**4 WEST ELEVATION**

SCALE: 1/8"=1'-0"







Hamilton

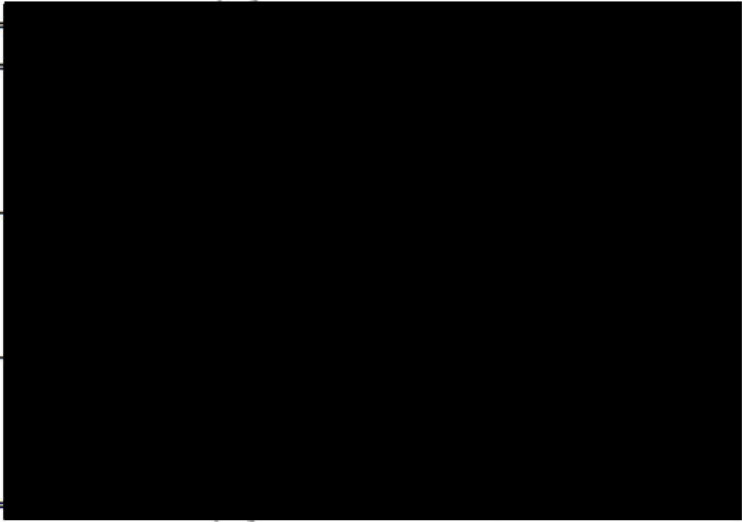
Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

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
Registered Owners(s)	Jill Penny & John Penny
Applicant(s)	X-Design Inc.
Agent or Solicitor	Sheri Crawford



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

Cheque

Credit over phone\*

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	476 Book Rd. E., Ancaster, ON		
Assessment Roll Number			
Former Municipality	Glanbrook		
Lot		Concession	5
Registered Plan Number	62R-7955	Lot(s)	
Reference Plan Number (s)		Part(s)	1

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes  No

If YES, describe the easement or covenant and its effect:

## 3. PURPOSE OF THE APPLICATION

**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

To allow for an increased height of 0.9m (6.9m vs. 6m) and an increased area of 164.54 s.m. versus 75 s.m. on an Additional Dwelling unit in the rear yard of an established residential property.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

The owner would like to create a multi-generational property and build this home for their grandchild and spouse and near future great-grandchildren. The current allowable 75 s.m. does not incorporate the needs of the growing family. The existing property is large and can easily accommodate a larger additional home.

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

Yes

No

If yes, please provide an explanation:

The existing single detached dwelling is recognized as a lawfully existing use on the property.

## 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
108.64m	131.573m	4999.8 s.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
Single Family Dwelling	50.695m	67.01m	13.723 & 77.58m	04/01/1965

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Additional Dwelling Unit	82.23 m	36.09 m	73.65, 74.93, 26.82 & 24.43m	04/01/2025

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single Family Dwelling	189.5 s.m.	359 s.m.	2	6.1 m +/-

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Additional Dwelling Unit	128.8 s.m.	164.54 s.m.	2	6.9 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 single family home to remain with additional dwelling unit in rear yard.

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

Single detached dwellings

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

1965

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

No previous uses other than residential and agricultural

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:

100 + years

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

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

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Airport Employment Growth

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

With overall objectives such as plantings and natural features surrounding the building as well as utilizing existing driveways and the area in which an accessory building once existed, this home with rear ADU maintains the agricultural and natural land within the property. The ADU Architecture contains natural cladding and complements the existing home.

7.6 What is the existing zoning of the subject land? M11 Airport Prestige Business

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: AN/A:23:95

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

Yes

No

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

**8 ADDITIONAL INFORMATION**

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 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
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