



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-24:223</b>	<b>SUBJECT PROPERTY:</b>	247 Herkimer Street, Hamilton
<b>ZONE:</b>	R1 (Low Density Residential)	<b>ZONING BY-LAW:</b>	Hamilton Zoning By-law 05-200, as Amended by By-law 22-197

**APPLICANTS:** Owner: Mark Fuller, Kelly Hepworth  
Agent: Len Angelici

The following variances are requested:

1. A minimum 1.1 metre Front Yard shall be permitted instead of the minimum required 4.0 metre setback.
2. A minimum 0.5 metre Side Yard shall be permitted instead of the minimum required 1.2 metre setback.
3. A minimum 20% landscaped area shall be permitted instead of the minimum required 30% landscaped area.
4. A minimum 13% landscaped area in the Front Yard shall be permitted instead of the minimum required 50%.

**PURPOSE & EFFECT:** To facilitate the construction of a side yard addition, rear deck and front porch addition for an existing single detached dwelling.

**Notes:**

1. Please be advised insufficient information was provided to determine zoning compliance with Second 4.9 of Hamilton Zoning By-law 05-200. Additional variances may be required of compliance cannot be achieved.
2. Please be advised the proposed development shall be in accordance with Section 4.35 c).

## A-24:223

**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>Thursday, February 13, 2025</b>
<b>TIME:</b>	<b>2:10 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 February 11, 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 February 12, 2025

### **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:223, 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 27, 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.



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

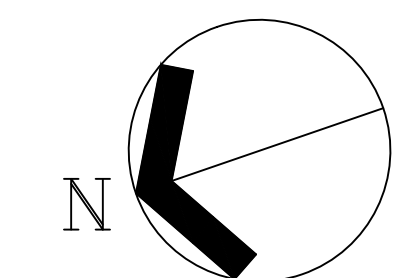
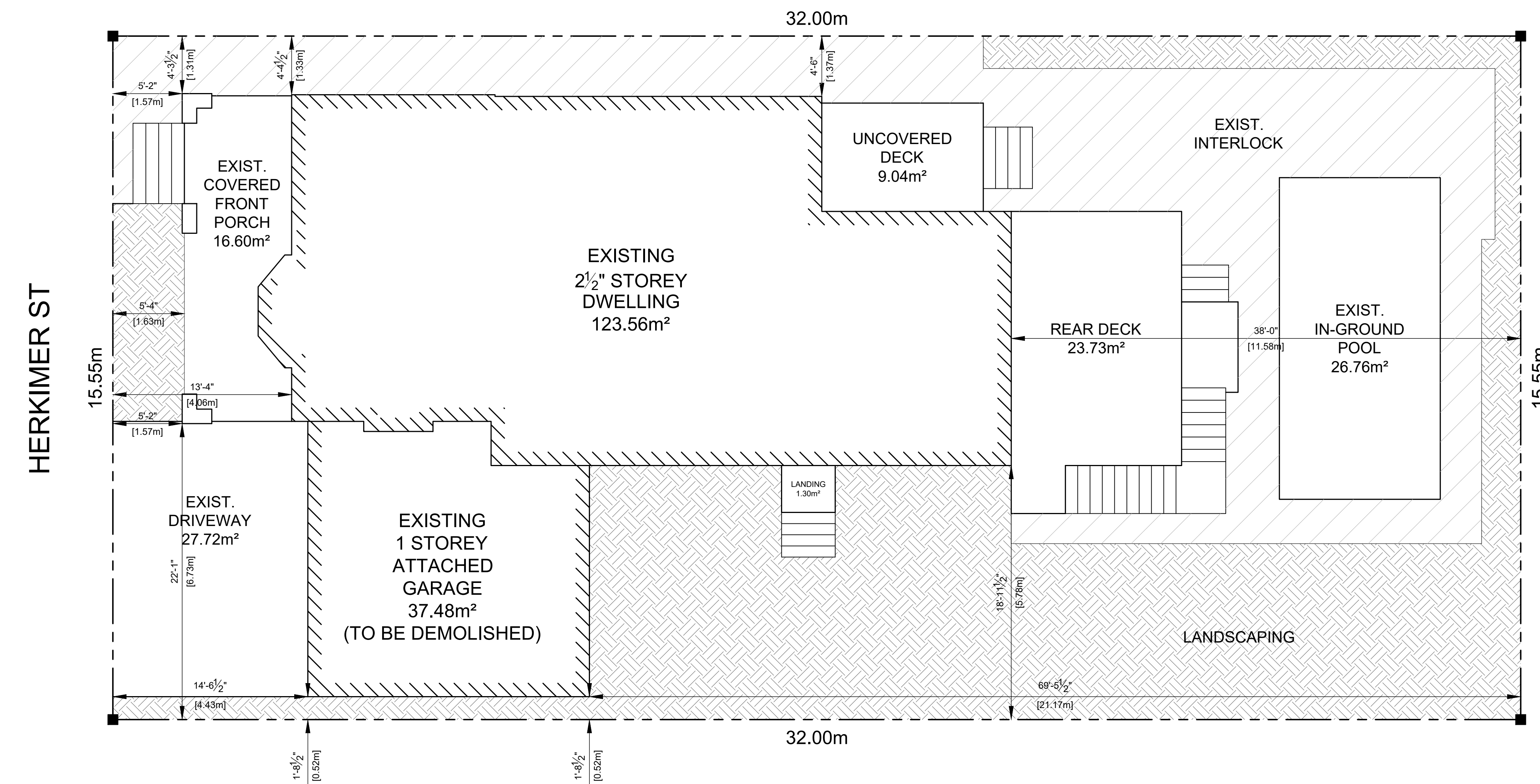
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

##### 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.



PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
02.	REVISIONS FOR VARIANCE	12/19/2024
01.	DRAWINGS FOR VARIANCE	07/15/2024

- ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
- THIS DRAWING IS NOT TO BE SCALED. ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF LEN ANGELICI DESIGN AND MUST BE RETURNED UPON REQUEST.
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- LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

SEAL

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.

QUALIFICATION INFORMATION  
 LEONARD ANGELICI 42391  
 NAME BCIN

REGISTRATION INFORMATION  
 LEN ANGELICI DESIGN 124457  
 NAME BCIN

12/19/2024  
 DATE SIGNATURE

SITE DATA	
ZONE:	R1a
LOT AREA:	497.50m <sup>2</sup>
EXISTING DWELLING FOOTPRINT:	123.56m <sup>2</sup>
EXISTING FRONT PORCH:	16.60m <sup>2</sup>
EXISTING LANDING:	1.30m <sup>2</sup>
EXISTING GARAGE:	37.48m <sup>2</sup>
LOT COVERAGE:	35.70%
BUILDING HEIGHT	
No. of STOREYS:	2
EXIST GARAGE SETBACKS	
FRONT:	4.43m
REAR:	21.17m
LEFT SIDE:	0.52m

LANDSCAPING	
LOT AREA:	497.50m <sup>2</sup>
FRONT YARD AREA:	63.17m <sup>2</sup>
FRONT YARD LANDSCAPED AREA:	10.10m <sup>2</sup>
FRONT YARD LANDSCAPING COVERAGE:	15.99%
EXISTING DRIVEWAY:	27.72m <sup>2</sup>
EXISTING INTERLOCK:	86.79m <sup>2</sup>
TOTAL LANDSCAPED AREA:	130.25m <sup>2</sup>
TOTAL LANDSCAPED COVERAGE:	26.18%

**Len Angelici Design**

270 SHERMAN AVE N. UNIT MILL-125  
 HAMILTON, ON L8L 6N4  
 (905) 393-8868  
 info@lenangelicidesign.ca

PROJECT

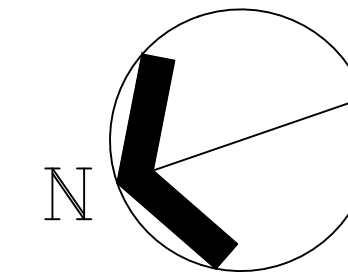
**247 HERKIMER ST  
 HAMILTON, ON**

SHEET TITLE

**EXISTING SITE PLAN**

DRAWN BY	L. ANGELICI
DATE	12/19/2024
SCALE	3/8" = 1'-0"
PROJECT No.	23053

**SP1**



PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
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QUALIFICATION INFORMATION	
LEONARD ANGELICI	42391
NAME	BCIN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	124457
NAME	BCIN
12/19/2024	
DATE	SIGNATURE

**Len Angelici Design**

270 SHERMAN AVE N, UNIT MILL-125  
HAMILTON, ON L8L 6N4  
(905) 393-8868  
info@lenangelicidesign.ca

PROJECT
<b>247 HERKIMER ST HAMILTON, ON</b>

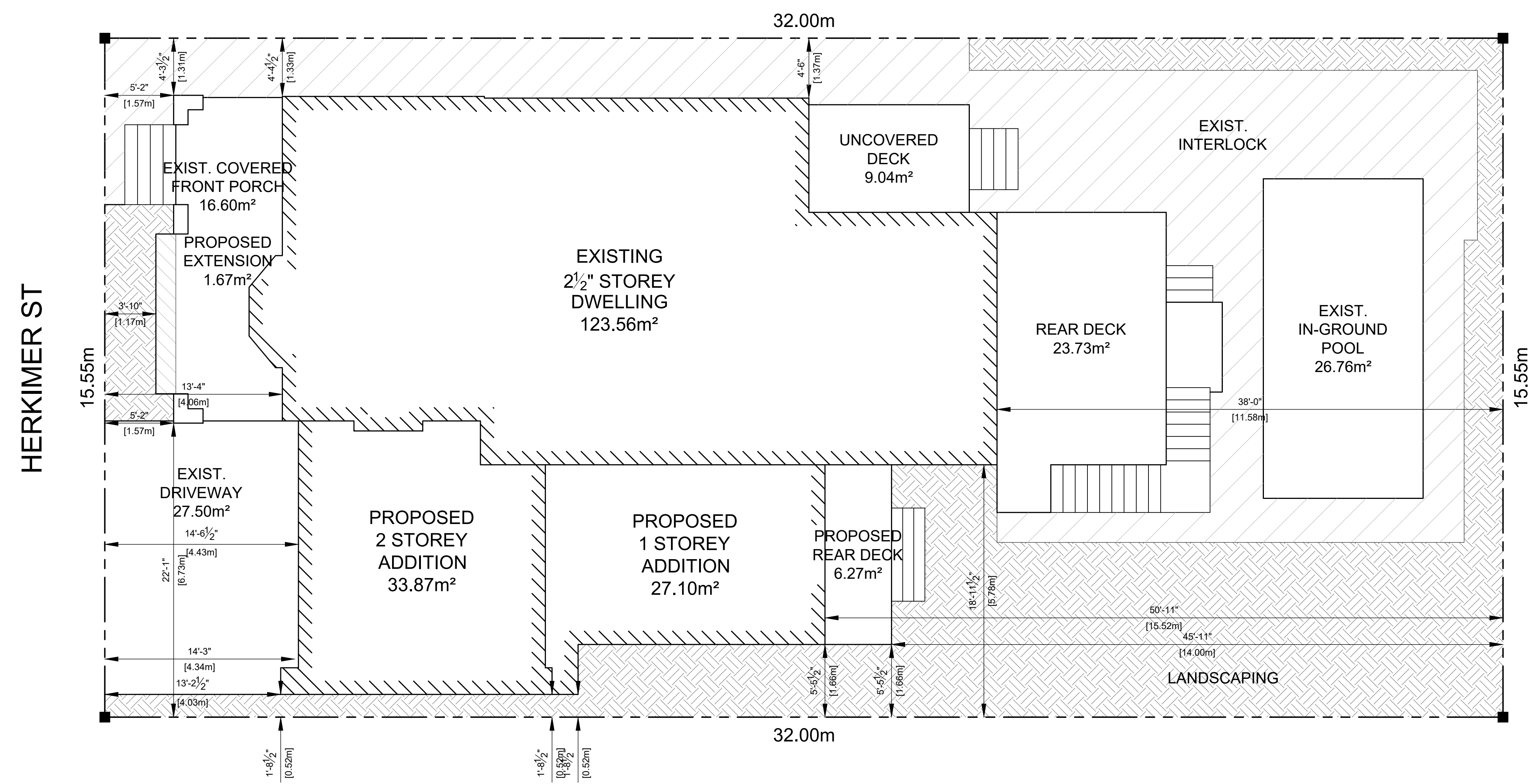
SHEET TITLE
<b>PROPOSED SITE PLAN</b>

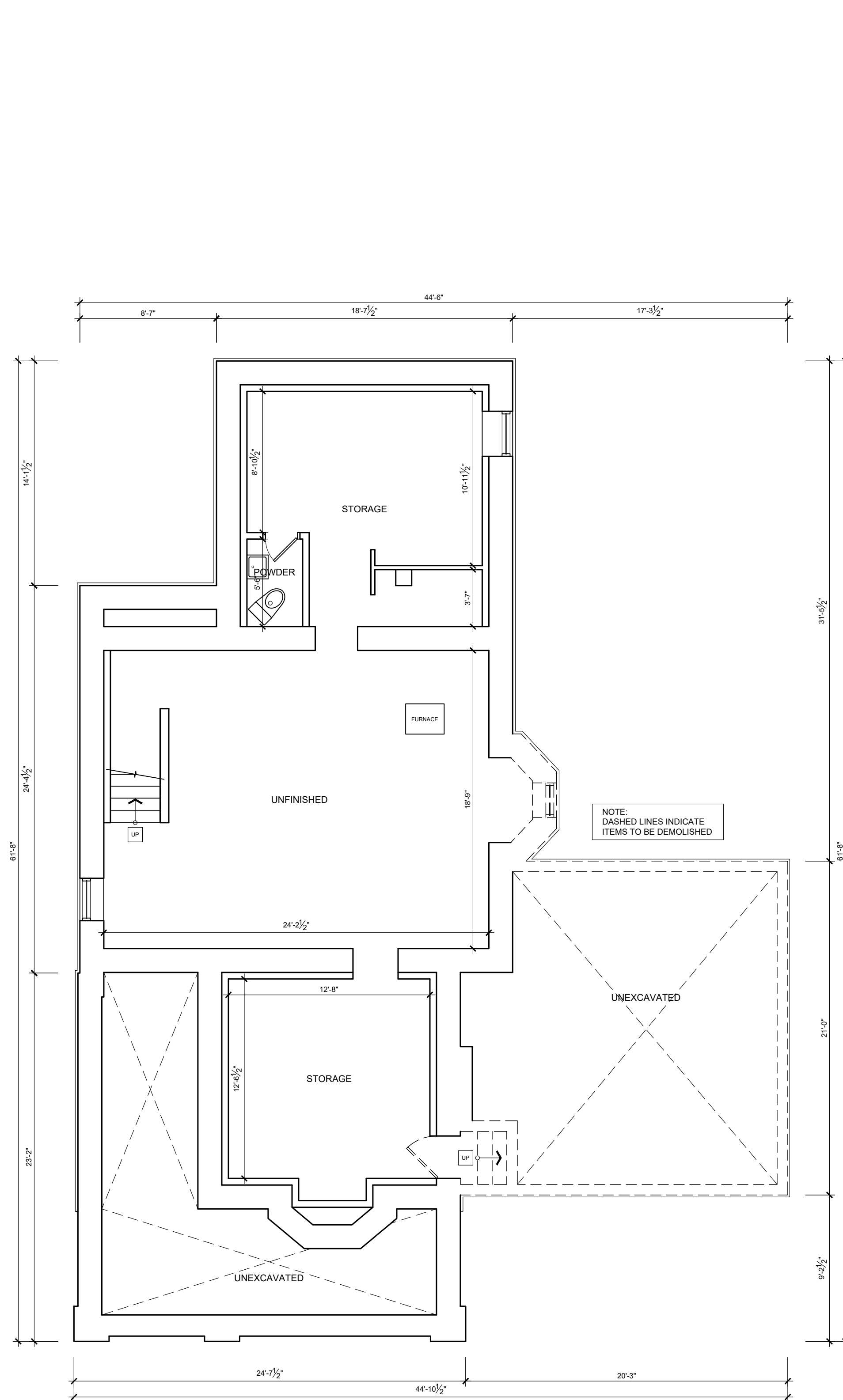
DRAWN BY	L. ANGELICI
DATE	12/19/2024
SCALE	3/8" = 1'-0"
PROJECT No.	23053

**SP2**

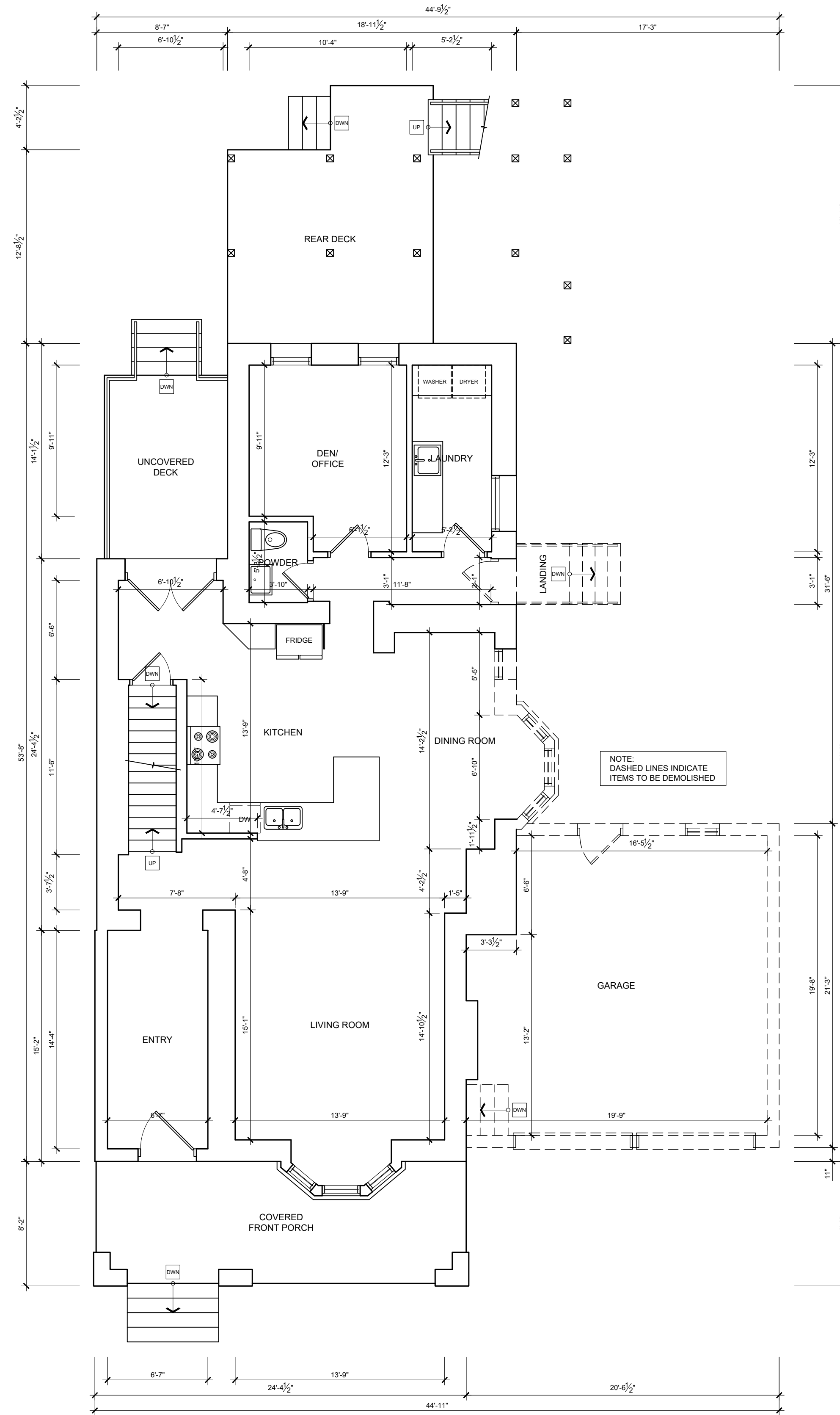
SITE DATA	
ZONE:	R1a
LOT AREA:	497.50m <sup>2</sup>
EXISTING DWELLING FOOTPRINT:	123.56m <sup>2</sup>
EXISTING FRONT PORCH:	16.60m <sup>2</sup>
PROPOSED FRONT PORCH EXTENSION:	1.67m <sup>2</sup>
PROPOSED 2 STOREY ADDITION:	33.87m <sup>2</sup>
PROPOSED 1 STOREY ADDITION:	27.10m <sup>2</sup>
PROPOSED REAR DECK:	6.27m <sup>2</sup>
LOT COVERAGE:	37.09%
BUILDING HEIGHT	
No. of STOREYS:	2
ADDITION SETBACKS	
FRONT:	4.03m
REAR:	15.52m
LEFT SIDE:	0.52m

LANDSCAPING	
LOT AREA:	497.50m <sup>2</sup>
FRONT YARD AREA:	63.17m <sup>2</sup>
FRONT YARD LANDSCAPED AREA:	8.43m <sup>2</sup>
FRONT YARD LANDSCAPING COVERAGE:	13.35%
EXISTING DRIVEWAY:	27.50m <sup>2</sup>
EXISTING INTERLOCK:	86.79m <sup>2</sup>
TOTAL LANDSCAPED AREA:	99.97m <sup>2</sup>
TOTAL LANDSCAPED COVERAGE:	20.09%

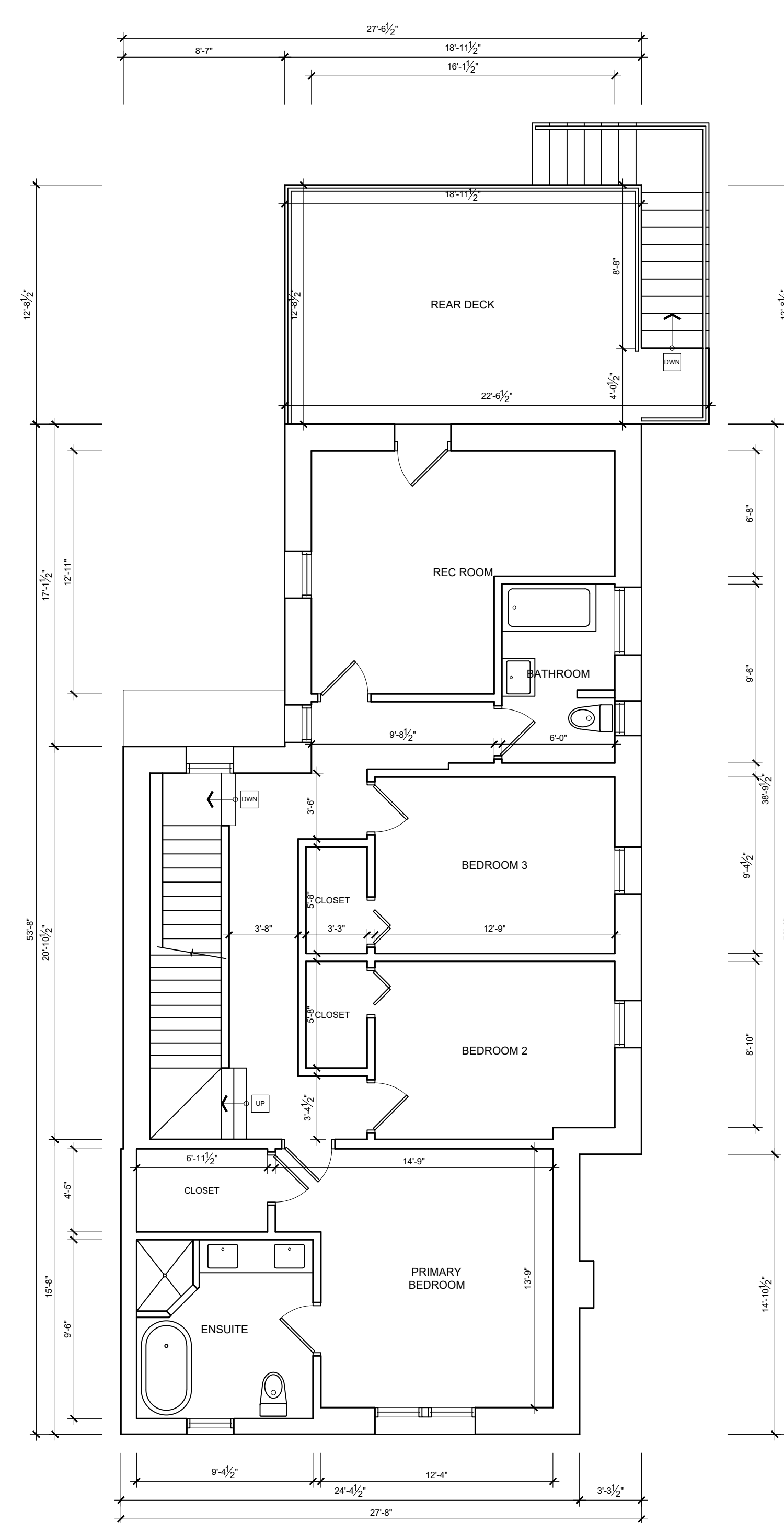




**EXISTING BASEMENT PLAN**  
SCALE 3/16" = 1' - 0"



**EXISTING MAIN FLOOR PLAN**  
SCALE 3/16" = 1' - 0"  
FLOOR AREA: 1347.89sqft (125.22m<sup>2</sup>)



**EXISTING SECOND FLOOR PLAN**  
SCALE 3/16" = 1' - 0"

FLOOR AREA: 1204.96sqft (111.94m<sup>2</sup>)  
STAIRS: 80.93sqft (7.52m<sup>2</sup>)

PROJECT NORTH	TRUE NORTH
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 LEONARD ANGELICI 42391  
 NAME BCIN

**REGISTRATION INFORMATION**  
 LEN ANGELICI DESIGN 124457  
 NAME BCIN

12/19/2024  
 DATE SIGNATURE

**Len Angelici Design**

270 SHERMAN AVE N, UNIT MILL-125  
 HAMILTON, ON L8L 6N4  
 (905) 393-8868  
 info@lenangelicidesign.ca

PROJECT  
**247 HERKIMER ST  
 HAMILTON, ON**

SHEET TITLE  
**EXISTING FLOOR  
 PLANS**

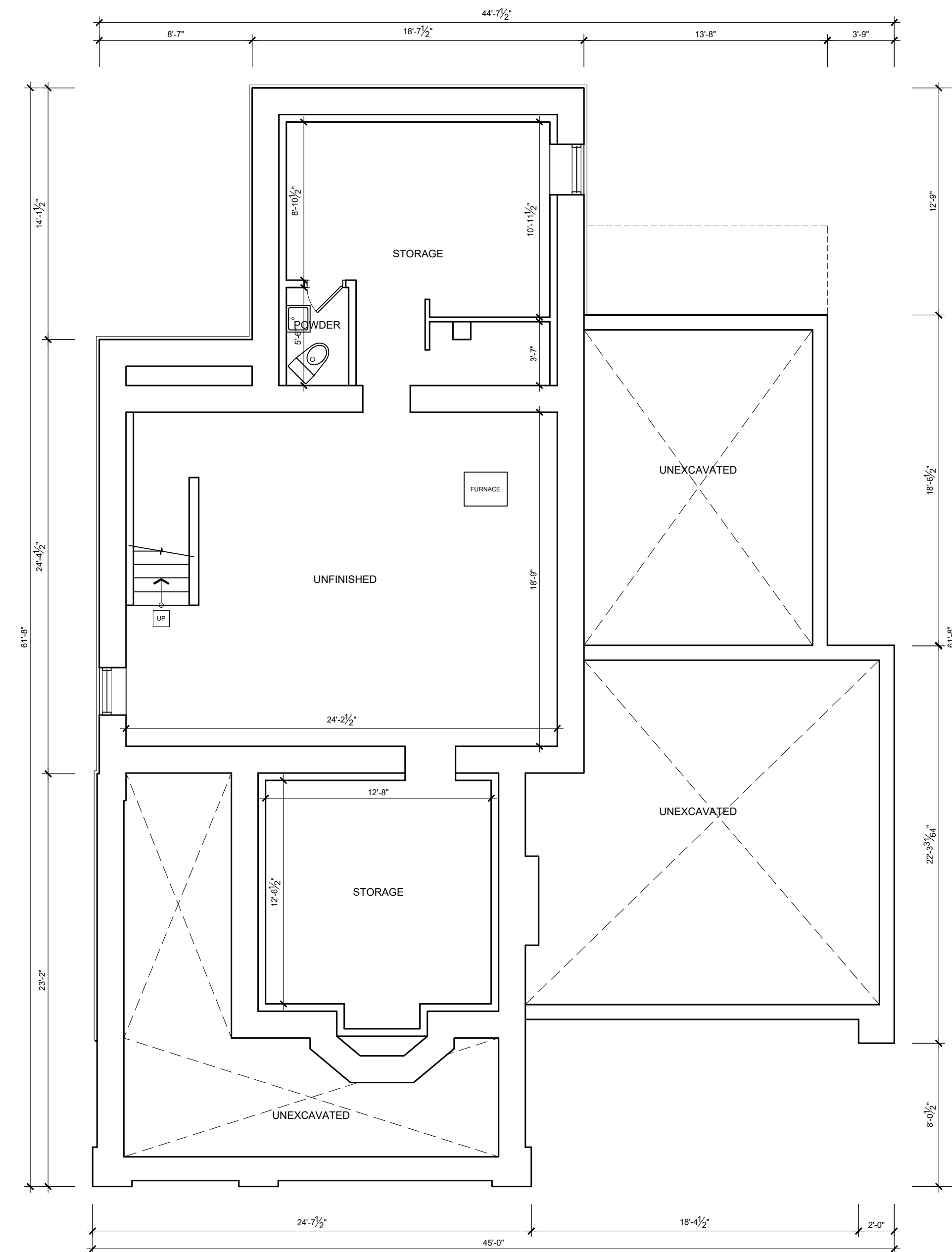
DRAWN BY  
 L. ANGELICI

DATE  
 12/19/2024

SCALE  
 3/16"=1'-0"

PROJECT No.  
 23053

**A1**



**PROPOSED BASEMENT PLAN**  
SCALE 3/16" = 1' - 0"

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12/19/2024  
 DATE SIGNATURE

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PROJECT

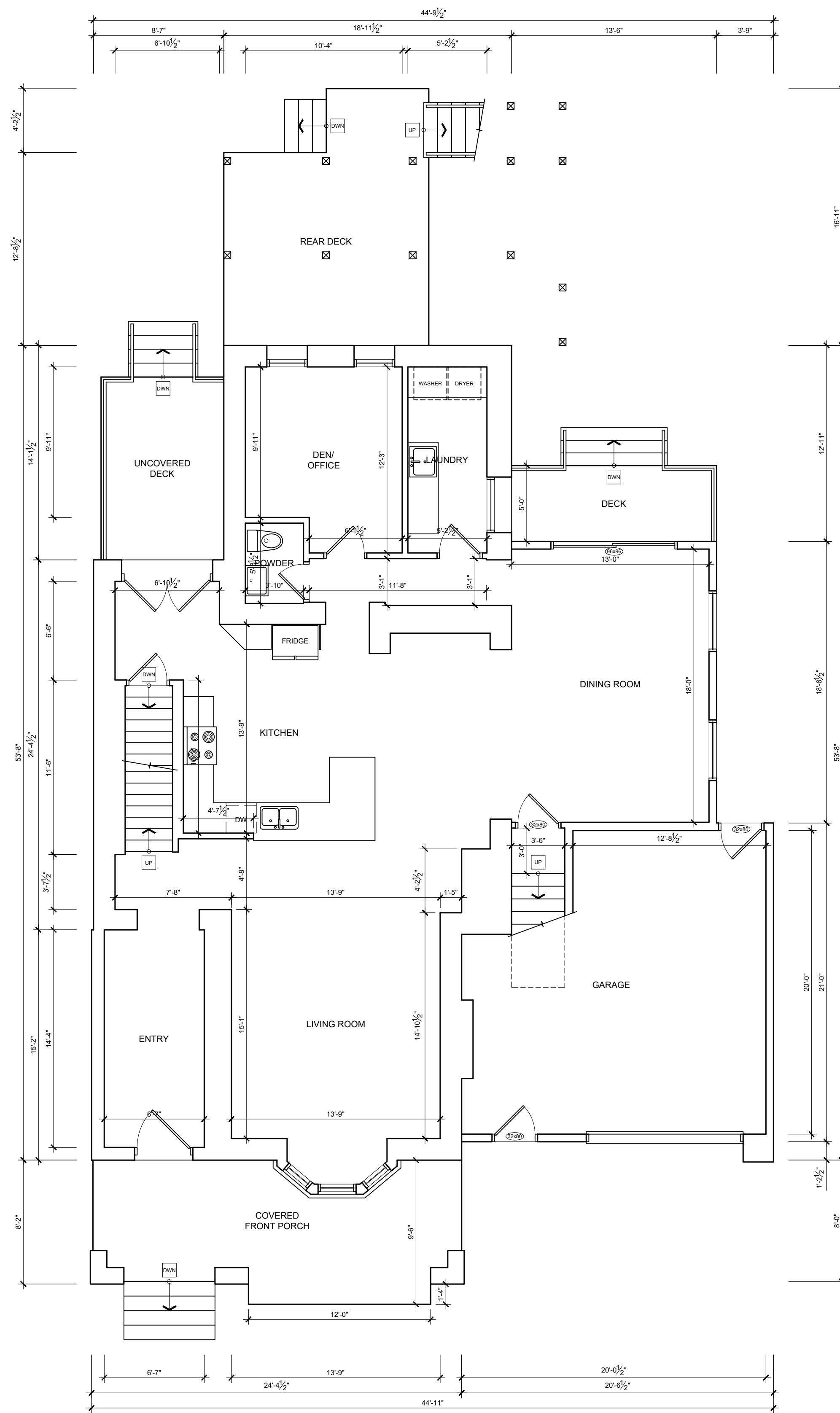
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SHEET TITLE

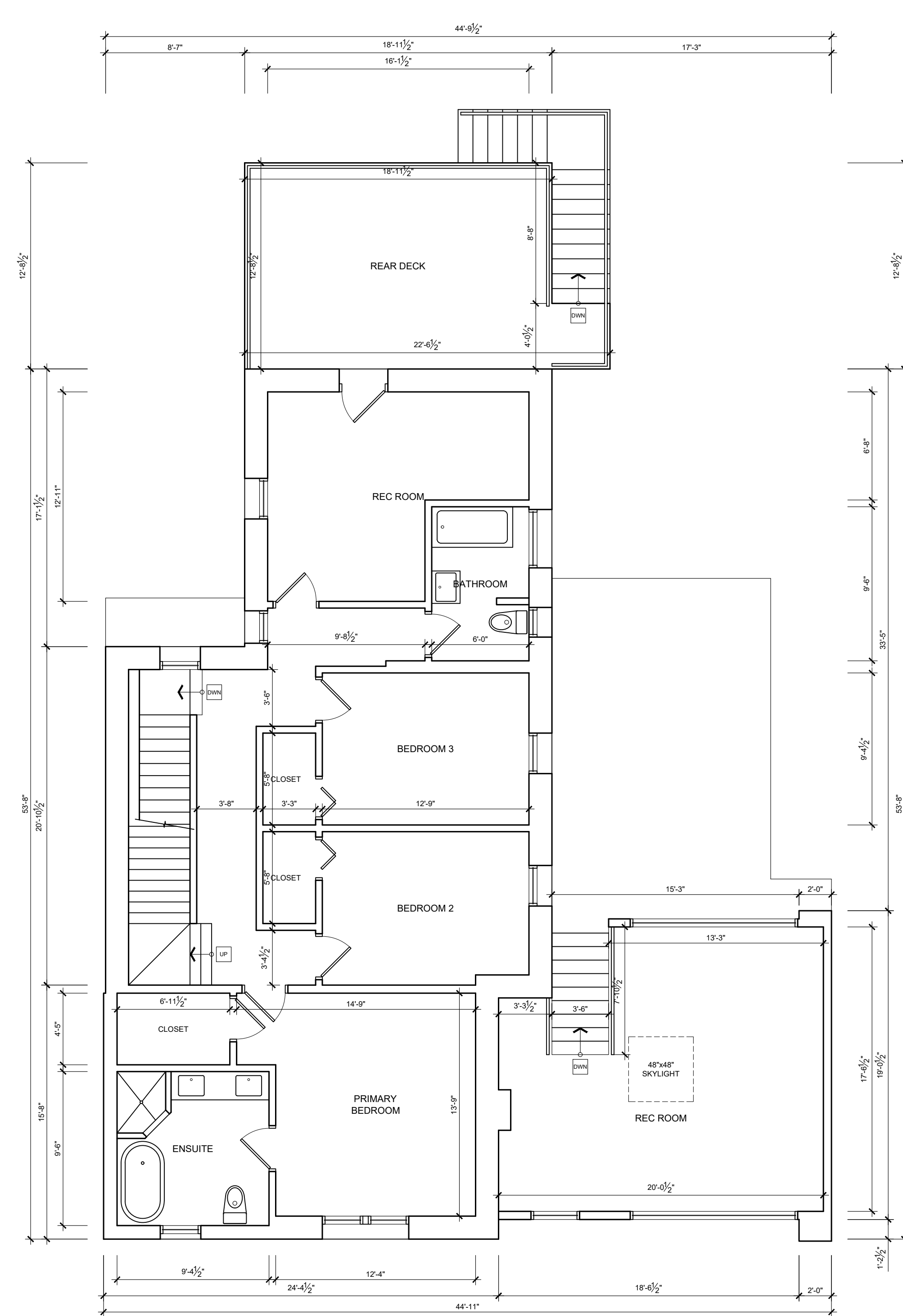
**PROPOSED  
 BASEMENT PLAN**

DRAWN BY	A2
L. ANGELICI	
DATE	
12/19/2024	
SCALE	
3/16"=1'-0"	
PROJECT No.	23053





PROPOSED MAIN FLOOR PLAN  
SCALE 3/16" = 1' - 0"



PROPOSED SECOND FLOOR PLAN  
SCALE 3/16" = 1' - 0"

PROJECT NORTH	TRUE NORTH

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QUALIFICATION INFORMATION	
LEONARD ANGELICI	42391 BCN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN	124457 BCN
12/19/2024	<i>Len Angelici</i>
DATE	SIGNATURE

**Len Angelici Design**

270 SHERMAN AVE N, UNIT MILL-125  
HAMILTON, ON L8L 6N4  
(905) 393-8868  
info@lenangelicidesign.ca

PROJECT  
**247 HERKIMER ST  
HAMILTON, ON**

SHEET TITLE  
**PROPOSED MAIN &  
SECOND FLOOR  
PLANS**

DRAWN BY	L. ANGELICI
DATE	12/19/2024
SCALE	3/16" = 1'-0"
PROJECT No.	23053

**A3**

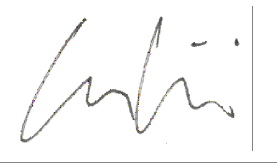
PROJECT NORTH	TRUE NORTH

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270 SHERMAN AVE N, UNIT MILL-125  
HAMILTON, ON L8L 6N4  
(905) 393-8868  
info@lenangelicidesign.ca

PROJECT

**247 HERKIMER ST  
HAMILTON, ON**

SHEET TITLE	
<b>PROPOSED ELEVATIONS</b>	
DRAWN BY	L. ANGELICI
DATE	12/19/2024
SCALE	3/16"=1'-0"
PROJECT No.	23053

**A4**



**FRONT ELEVATION**  
SCALE 3/16" = 1' - 0"



**RIGHT SIDE ELEVATION**  
SCALE 3/16" = 1' - 0"



**REAR ELEVATION**  
SCALE 3/16" = 1' - 0"

**EXTERIOR FINISH INDEX**

A	EXISTING STUCCO FINISH
B	NEW STUCCO FINISH
C	METAL PANELING
D	ASPHALT SHINGLES
E	5" PRE-FIN. ALUM. EAVETROUGH ON 8" WITH PRE-FIN. ALUM. FASCIA C/W PRE-FIN. ALUM. DOWNSPOUT

# Len Angelici Design

Len Angelici Design Inc.  
270 Sherman Ave N, Unit Mill-125  
Hamilton, ON  
L8L 6N4

December 17, 2024

Committee of Adjustment  
71 Main Street West – 5th Floor  
Hamilton, Ontario  
L8P 4Y5

Re: 247 Herkimer St.  
Hamilton, ON  
File # A.24.233

This application was deferred during the November 12<sup>th</sup> hearing date, the following additional minor variances have been added to the application:

- 1) Relief from the front yard landscaped area requirement.
- 2) Relief from the total landscaped area requirement for the entire property.

Please let me know if you require any additional information, we will provide whatever you require immediately.

Yours,



Len Angelici, Principal  
Owner & Principal, Len Angelici Design Inc.  
BCIN 42391  
(416) 206-4675  
len@lenangelicdesign.ca

December 17, 2024  
Date



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		
<b>Registered Owners(s)</b>	MARK FULLER KELLY HEPWORTH		
<b>Applicant(s)</b>	LEN ANGELICI		
<b>Agent or Solicitor</b>		<b>Phone:</b>	
		<b>E-mail:</b>	

1.2 All correspondence should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  AgentSolicitor

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.

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	247 HERKIMER ST, 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:

RELIEF FROM FRONT YARD SETBACK OF 4m TO 1.17m FOR FRONT PORCH EXTENSION  
RELIEF FROM SIDE YARD SETBACK OF 1.2m TO 0.52m FOR ADDITION  
RELIEF FROM 50% FRONT YARD LANDSCAPING TO 13.35% (4.35(a))  
RELIEF FROM TOTAL LANDSCAPED AREA OF 30% TO 20.09% (15.2.2.1h))

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

FRONT PORCH SETBACK ALREADY DOES NOT COMPLY  
PROPOSED ADDITION TO BE BUILT TO THE EXISTING SIDE SETBACK OF THE GARAGE  
EXISTING LANDSCAPED AREA DOES NOT COMPLY

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
15.55m	32.00m	497.50m <sup>2</sup>	N/A

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
DWELLING	4.06m	11.58m	1.33m, 5.78m	
FRONT PORCH	1.57	-	1.31m, 6.73m	
ATTACHED GARAGE	4.34m	-	0.52m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
ADDITION	4.43m	15.52m	0.52m	
FRONT PORCH EXTENSION	1.17m	-	4.48m, 7.04m	
REAR DECK	-	14.00m	1.66m	

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
DWELLING	125.22m <sup>2</sup>	299.89m <sup>2</sup>	2.5	10.17m
FRONT PORCH	16.60m <sup>2</sup>	16.60m <sup>2</sup>	1	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
ADDITION	60.97m <sup>2</sup>	94.84	2	6.47m
REAR DECK	6.27m <sup>2</sup>			
FRONT PORCH EXTENSION	1.67m <sup>2</sup>	1.67m <sup>2</sup>		

- 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

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:

UNKNOWN

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: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) NEIGHBOURHOOD

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: \_\_\_\_\_

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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: \_\_\_\_\_

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: 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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