



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-24:232	SUBJECT PROPERTY:	28 Oak Avenue, Hamilton
ZONE:	R1a (Low Density Residential – Small Lot)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended by By-law No. 22-197

APPLICANTS: Owner: Manh Nguyen
Agent: Michael P. Sabelli

The following variances are requested:

Lands to be Retained:

1. A minimum lot area of 269.2 square metres shall be permitted instead of the required minimum lot area of 270.0 square metres;
2. A minimum setback to the southerly side lot line of 0.90 metres shall be permitted instead of the required minimum setback to a side lot line of 1.2 metres.

Lands to be Conveyed:

1. A minimum lot area of 193.8 square metres shall be permitted instead of the required minimum lot area of 270 square metres;
2. A minimum lot width of 6.2 metres shall be permitted instead of the required minimum lot width of 9.0 metres;
3. A minimum setback to the side lot line of 0.9 metres shall be permitted instead of the required minimum setback to a side lot line of 1.2 metres.
4. A minimum front yard setback of 2.0 metres shall be permitted instead of the minimum front yard setback of within 10 percent of the average setback from the front lot line of the two adjacent dwellings.

PURPOSE & EFFECT: To permit the Severance of a lot and construction of a Dwelling on the lot to be Conveyed.

Notes:

- i. This application shall be heard in conjunction with Consent application B-24:65
- ii. Please note that specific details regarding the proposed Dwelling on the lot to be conveyed have not been provided as it relates to Landscaped Area, Yard Encroachments or other applicable requirements. As such, a complete review cannot be provided at this time. Should the proposed building not comply with all applicable provisions of the By-law, additional variances may be required.
- iii. Please note, variance #3, as it relates to the lot to be retained, has been provided as requested by the applicant. Be advised that the 0.46 metre setback is in reference to the northerly side lot line which is an existing condition and is deemed to be in compliance. The appropriate side yard setback should be in reference to the new southerly side lot line for 0.9 metres, however the applicant shall determine if adjustments to the variance is preferred.

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:	Thursday, February 13, 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

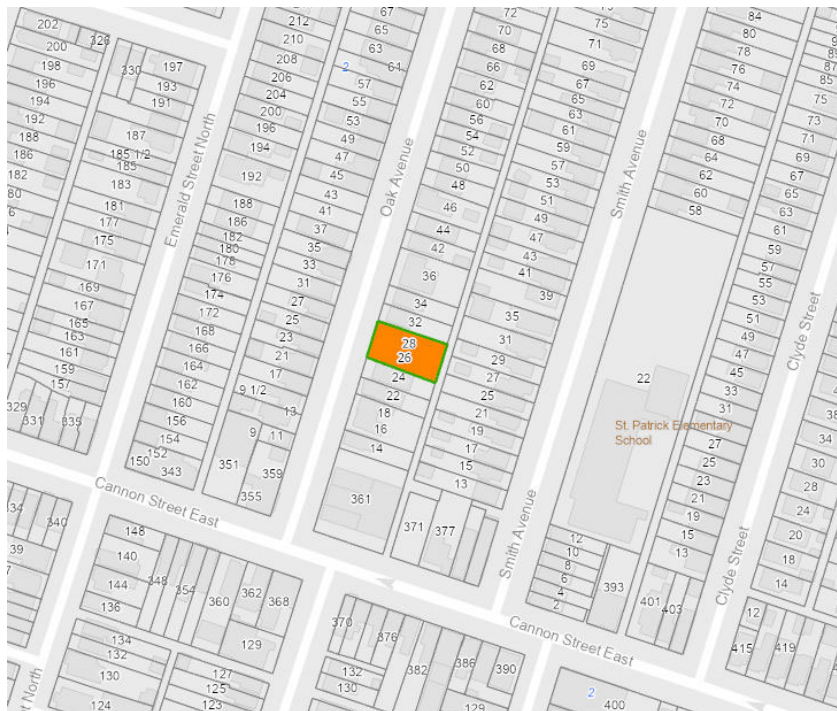
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon February 11, 2025

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-24:232, 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.



 **Subject Lands**

DATED: January 27, 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.



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

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 Tuesday 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.

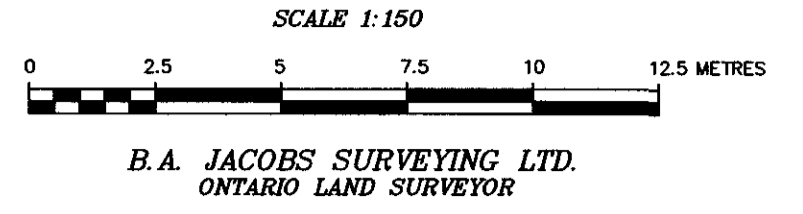
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca.

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.

BARTON STREET EAST
(ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2, P.I.N. 17186-0011 (LT))

LAND DIVISION SKETCH
(28 OAK AVENUE)
PART OF LOTS 67 & 68
REGISTERED PLAN 235

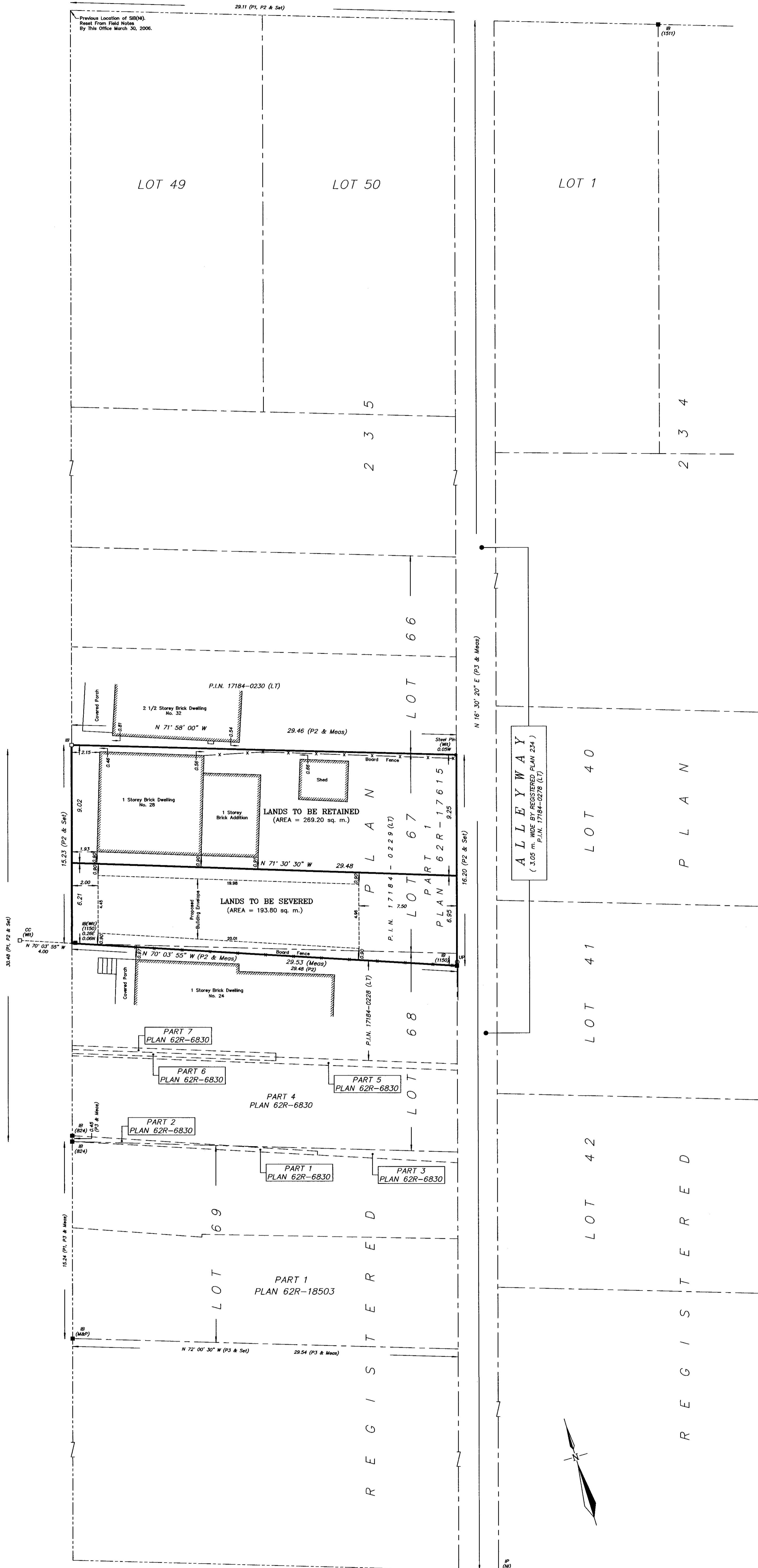
CITY OF HAMILTON



METRIC NOTE:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

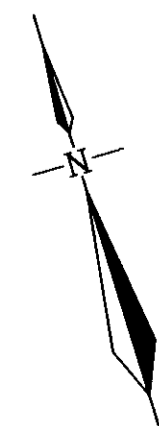
BEARING NOTE:
BEARINGS ARE ASTROMOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF OAK AVENUE AS SHOWN ON PLAN 62R-17615, HAVING A BEARING OF N 16° 35' 00" E.

OAK AVENUE
(FORNKEY CHISHOLM STREET, 18.29 m. WIDE BY REGISTERED PLAN 235, P.I.N. 17184-0277 (LT))
N 16° 35' 00" E (REFERENCE BEARING)
320.04 (P1 & Meas)



- LEGEND:**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT PLANTED
 - IB DENOTES STANDARD IRON BAR
 - IP DENOTES IRON PIPE
 - CC DENOTES CUT CROSS
 - WT. DENOTES WITNESS
 - (N) DENOTES NOT IDENTIFIABLE
 - P1 DENOTES REGISTERED PLAN 235
 - P2 DENOTES PLAN 62R-17615
 - P3 DENOTES PLAN 62R-18503
 - (824) DENOTES A.T. McLAREN O.L.S.
 - (1511) DENOTES G.V. CONSOUL O.L.S.
 - (M&P) DENOTES MACKAY MACKAY & PETERS LTD.
 - (1150) DENOTES MARIO IAROCCHI O.L.S.
 - U.P. DENOTES UTILITY POLE

CANNON STREET EAST

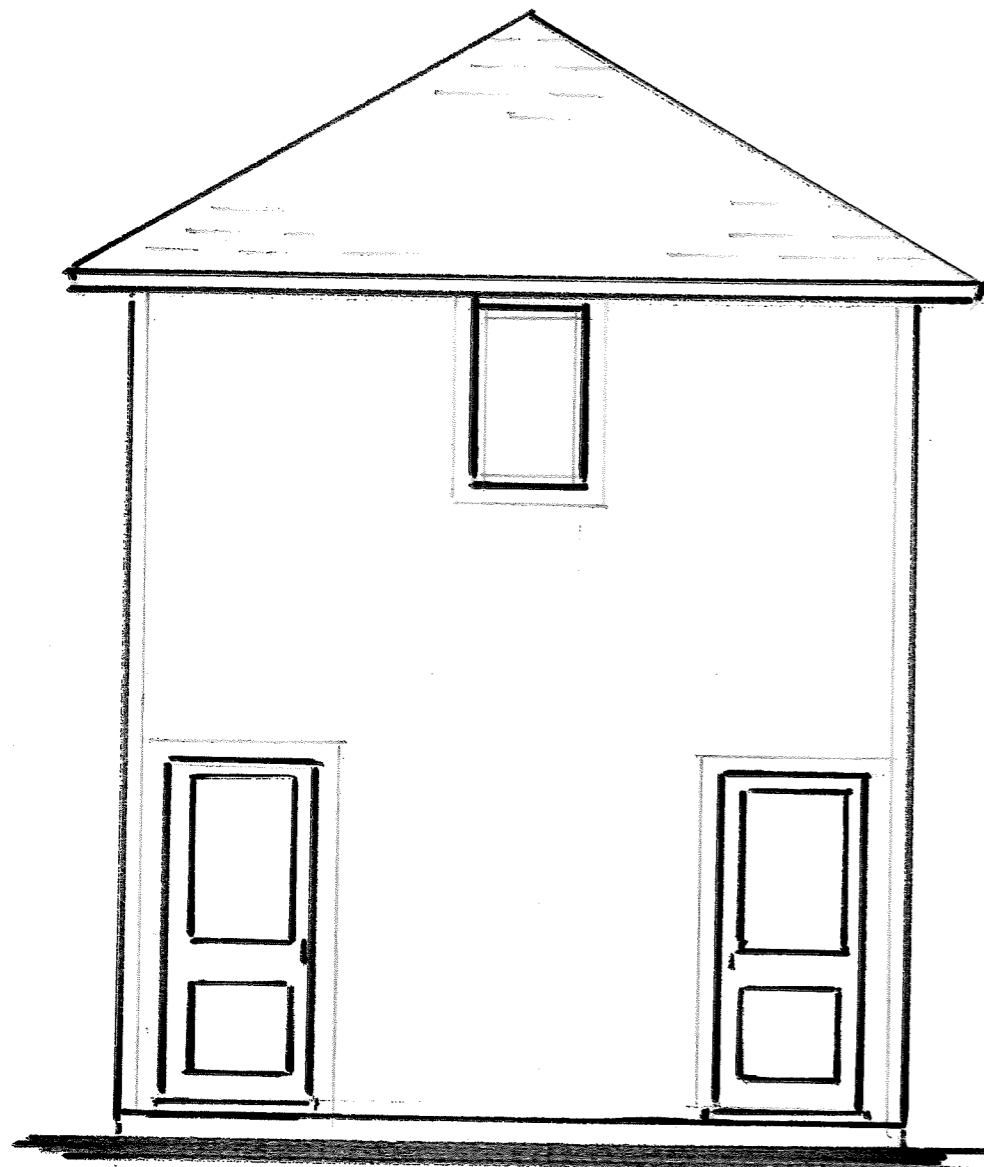


NOVEMBER 19, 2024
DATE

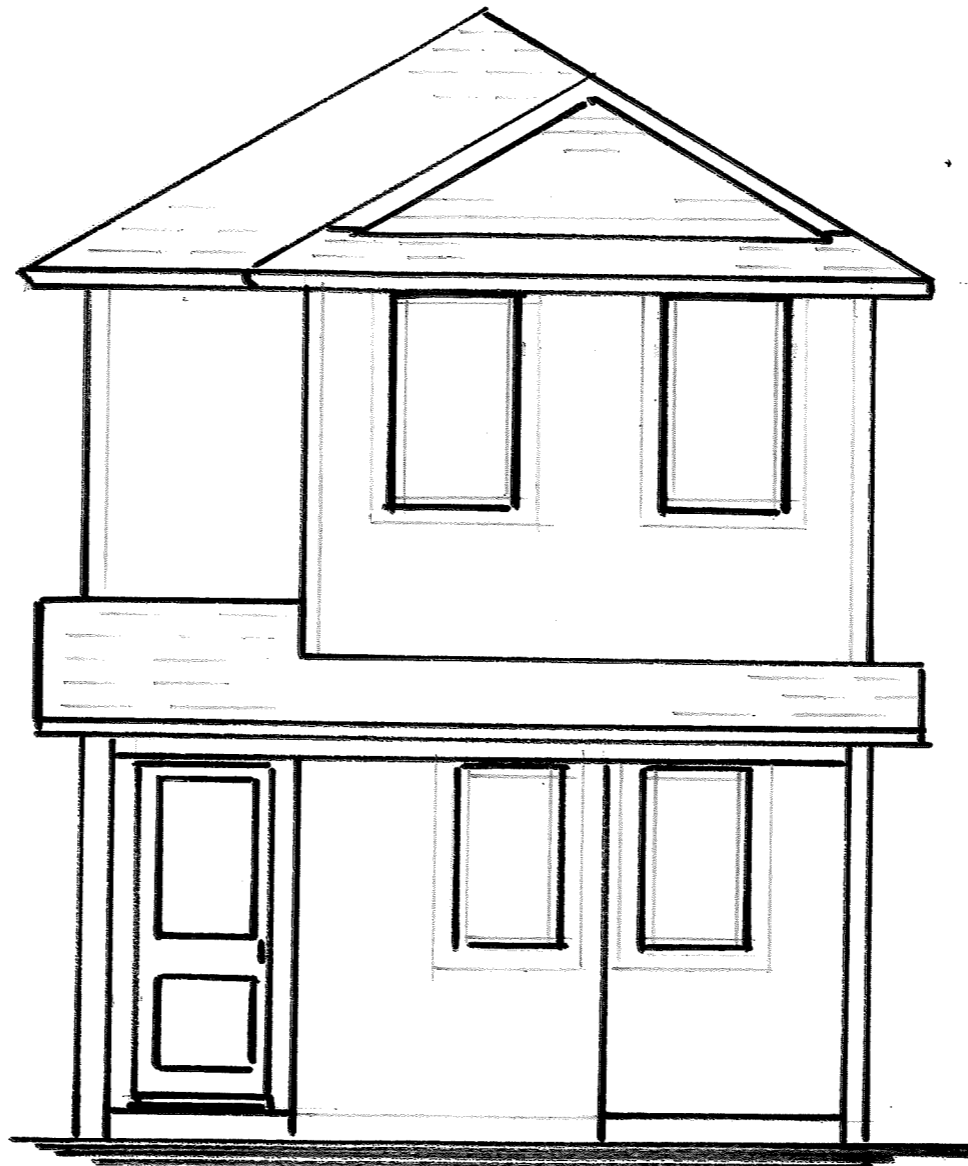
Brylan Jacobs
BRYLAN JACOBS
ONTARIO LAND SURVEYOR

B.A. JACOBS SURVEYING LTD.
152 JACKSON STREET EAST, SUITE 102
HAMILTON, ONTARIO (L8N 1L3)
PHONE 905-521-1535 bajacobs@rogers.com

© - COPYRIGHT JOB No. 24841-LDS



REAR
ELEVATION



FRONT
ELEVATION

25'-0"

PROPOSED
TWO STOREY
28 OAK AV
HAMILTON

Innovative design

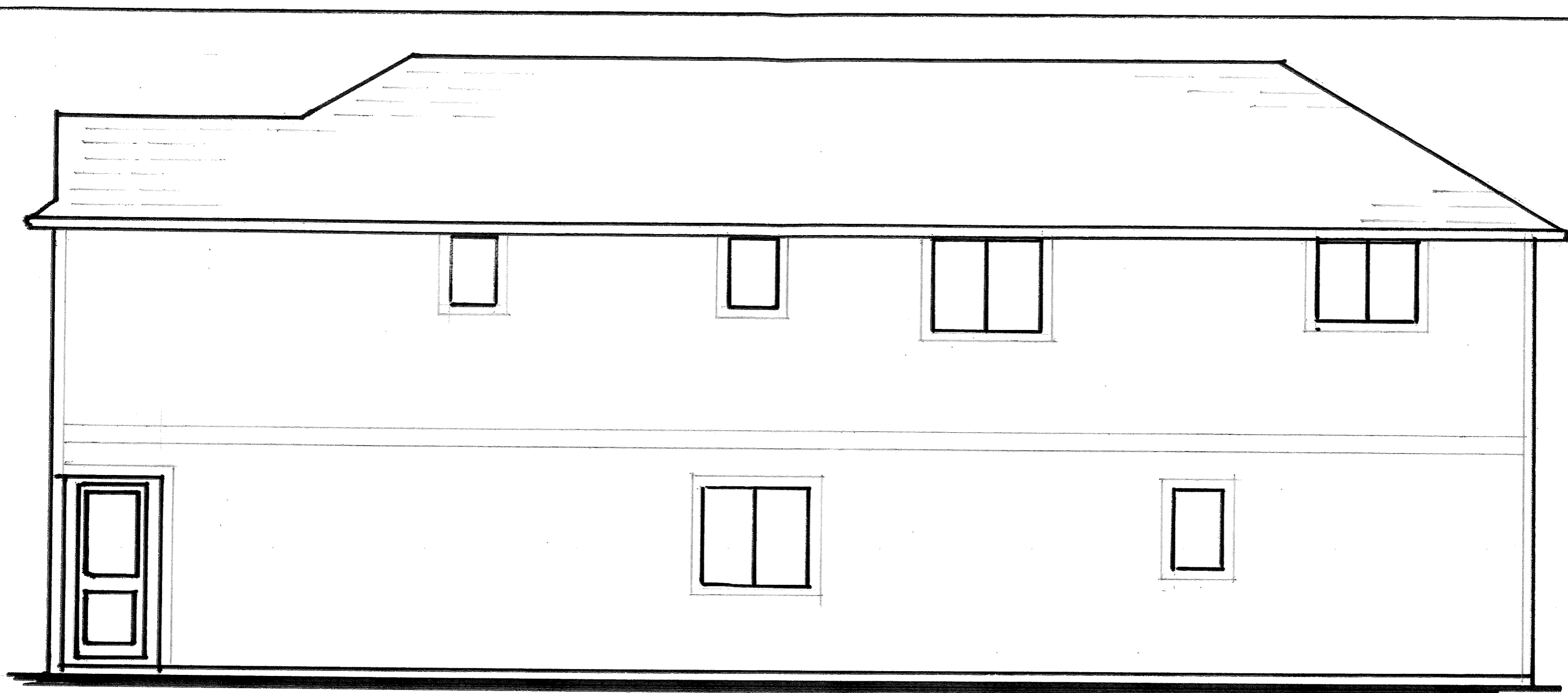


JOHN CARNAHAN
28 Michelle's Way
Hagersville, ON
905-573-3224

SCALE	1/4" = 1'
DRAWN BY	J
CHECKED BY	J
DATE	DEC. 29
DATE OF PRINT	

A24-12
PROP.
1

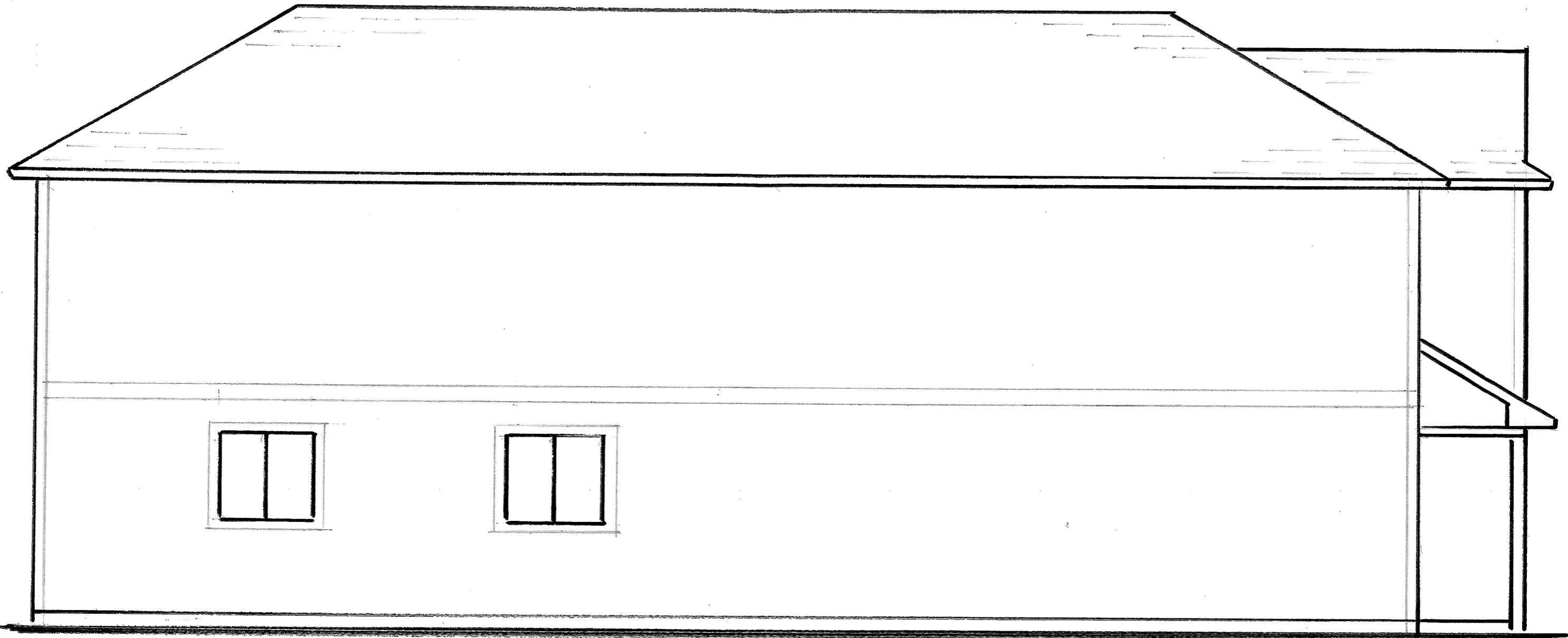
2200 SQ.FT.



RIGHT SIDE ELEVATION

SCALE	1/4" = 1'
DRAWN BY	J
CHECKED BY	J
DATE	DEC/24
DATE OF PRINT	

A24-12
2



LEFT SIDE ELEVATION

SCALE	1/4" = 1'
DRAWN BY	S
CHECKED BY	S
DATE	DEL 29
DATE OF PRINT	

A24-12
3



Hamilton

October 8, 2024

FILE: ALR
FOLDER: 24-043
ATTENTION OF: Brody Paul
TELEPHONE NO: (905) 546-2424
EXTENSION: 6261

Michael Sabelli
343 Delancey Boulevard
Hamilton, ONTARIO L9B 2B4

Attention:

Re: APPLICABLE LAW REVIEW – ZONING BYLAW
Zone: “R1a” (Low Density Residential – Small Lot)
Zoning By-law: Hamilton Zoning By-law No. 05-200
Address: 28 Oak Avenue, Hamilton

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

COMMENTS:

1. This application is to facilitate a severance/consent application to create a new severed lot, and to retain the existing Dwelling on the portion of the lands to be retained.
2. The existing use of the portion of the lands to be retained appears to be a Single Detached Dwelling, however, the specific use has not been identified. As such, the following Zoning Compliance Review comments may not be complete.
3. Please note that specific details/detailed drawings regarding the development of the portion of the lands to be severed have not been provided, including the specific use being proposed for this portion of the lands. As such, the following Zoning Compliance Review comments may not be complete.
4. Please note that for the purpose of the following Zoning Compliance Review, it is assumed that both the existing use on the portion of the lands to be retained, and the proposed use for the portion of the lands to be severed is a Single Detached Dwelling, which is permitted in the current “R1a” (Low Density Residential – Small Lot) Zone. Should the use(s) be other than a Single Detached Dwelling, further review will be required and the following comments shall no longer be applicable.
5. The portion of the lands to be retained/severed are considered to be interior lots. Therefore, the front lot line is the lot line abutting the Oak Avenue for both lots. The rear lot is the lot line

farthest and opposite lot line to the front line and all other lot lines are considered side lot lines.

6. Please note that the "Description of the Development" as indicated in the submitted Zoning Compliance Review application form, indicates the municipal address of the subject property as 28 Arthur Street, Hamilton, whereas the project location and drawings indicate the municipal address of the subject property as 28 Oak Avenue, Hamilton. For the purpose of the following Zoning Compliance Review comments, the property has been reviewed as 28 Oak Avenue, Hamilton. Should the municipal address be other than 28 Oak Avenue, Hamilton, further review shall be required and the following comments shall no longer be applicable.
7. Please note that the subject lot is located in Parking Rate Area 1 for the purpose of establishing the minimum number of required parking spaces as per amending By-law No. 24-052. However, as no parking spaces are required for the use of a Single Detached Dwelling located in Parking Rate Area 1, and no parking spaces have been indicated, a full review of Section 5: Parking has not been provided. Should parking be proposed on either the portion of the lands to be retained or the portion of the lands to be severed, compliance with Section 5: Parking shall be required.
8. Please see Section 4.23 of Hamilton Zoning By-law No. 05-200 for regulations pertaining to Special Setbacks.
9. Construction is subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
10. Demolition of any existing buildings/structures are subject to the issuance of a demolition permit in the normal manner.
11. All new fences proposed for this development must comply with the regulations contained within Hamilton Fence By-law 10-142.
12. The designer shall ensure that the fire access route conforms to the Ontario Building Code.
13. The **proposed retained/severed lands** have been reviewed and compared to the standards of the "R1a" Zone as indicated in the following chart:

	Required By By-Law	Provided	Conforming/ Non-Conforming
Low Density Residential – Small Lot (R1a) Zone			
Section 15.2.2.1 – Single Detached Dwelling			
Minimum Lot Area [as per Section 15.2.2.1 a)]	270.0 square metres	<u>Lands to be Retained:</u> Minimum lot area indicated as 257.30 square metres <u>Lands to be Severed:</u> Minimum lot area indicated as 205.70 square metres	Non-conforming VARIANCE REQUIRED

	Required By By-Law	Provided	Conforming/ Non-Conforming
Minimum Lot width [as per Section 15.2.2.1 b)]	9.0 metres	<u>Lands to be Retained:</u> Minimum lot width indicated as 8.62 metres <u>Lands to be Severed:</u> Minimum lot width indicated as 6.61 metres	Non-conforming VARIANCE REQUIRED
Minimum setback from the Front Lot line [as per Section 15.2.2.2 c)]	i) 4.0 metres; ii) Notwithstanding Section 15.2.2.2 c) i), for lots identified on Figure 36 of Schedule "F" – Special Figures of this By-law, a building may be erected closer to the front lot line in accordance with the following: 1. Within 10 percent of the average setback from the front lot line or flankage lot line of the two adjacent dwellings, or in the case of a corner lot, within 10% of the setback from the front lot line of the adjacent dwelling sharing a side lot line. 2. In no cases shall the setback from the front lot line be less than 0.5 metres NOTE: The subject lot is identified on Figure 36 of Schedule "F" – Special Figures. Please note the setback from the front lot line of the two adjacent dwellings for the portion of the lands to be severed is required to confirm the minimum required setback from the front lot line.	<u>Lands to be Retained:</u> Existing site condition which is not impacted by proposed severance. <u>Lands to be Severed:</u> Minimum front yard indicated as 2.0 metres	Existing Unable to Determine Compliance
Minimum Setback from a Side Lot Line [as per Section 15.2.2.1 d)]	1.2 metres	<u>Lands to be Retained:</u> The minimum setback to the southerly side lot line (i.e. side lot line created by the proposed severance/ consent) indicated as a minimum of 0.50 metres. The minimum setback to the northerly side lot line is an existing site condition which is not impacted by the proposed severance/ consent.	Non-conforming VARIANCE REQUIRED

	Required By By-Law	Provided	Conforming/ Non-Conforming
		<u>Lands to be Severed:</u> The minimum setback to the northerly and southerly side lot lines indicated as a minimum of 0.50 metres.	
Minimum Setback from a Flankage Lot Line [as per Section 15.2.2.1 e)]	3.0m	<u>Lands to be Retained:</u> N/A <u>Lands to be Severed:</u> N/A	N/A
Minimum Setback from a Rear Lot Line [as per Section 15.2.2.1 f)]	7.5m	<u>Lands to be Retained:</u> Existing site condition which is not impacted by the proposed severance/ consent. <u>Lands to be Severed:</u> The minimum setback from the rear lot line indicated as 7.5 metres	N/A Conforms
Maximum Building Height [as per Section 15.2.2.2 g)]	10.5m	<u>Lands to be Retained:</u> Existing site condition which is not impacted by the proposed severance/ consent. <u>Lands to be Severed:</u> Insufficient information provided.	N/A Unable to Determine Compliance
Minimum Landscaped Area [as per Section 15.2.2.2 h)]	i) 30.0% ii) Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply Note: Section 4.35 states the following: a) A minimum 50% landscaped area in the Front Yard; b) A minimum 50% landscaped area in the Flankage Yard; and, c) A single area within the required landscaped area for tree protection and/or tree planting, subject to the following: i) each side shall be a minimum	<u>Lands to be Retained:</u> Insufficient information provided. <u>Lands to be Severed:</u> Insufficient information provided.	Unable to Determine Compliance

	Required By By-Law	Provided	Conforming/ Non-Conforming
	3.75 metres in length; and, ii) shall not contain hard landscaping or structures.		
Section 4 – General Provisions			
Frontage on a Street Section 4.3 a) of Hamilton Zoning By-law 05-200	No lot shall have built upon it a building for any purpose in any zone unless the lot abuts a street for a minimum of 4.5 metres. Provided, however, that where a lot is separated from a street by land owned by the City or the Province of Ontario which land is held by such public agency for future road widening purposes or as a 0.3 metre reserve, a building may be erected upon such lot if registered rights-of-way giving access to a street have been granted and such access scheme is part of a Development Agreement pursuant to the Planning Act.	<u>Lands to be Retained:</u> The subject lot abuts a street for a minimum of 4.5 metres <u>Lands to be Severed:</u> The subject lot abuts a street for a minimum of 4.5 metres	Conforms
Permitted Yard Encroachments [as per section 4.6 of Hamilton Zoning By-law 05-200]	a) Eaves, troughs and other similar architectural features may be permitted in any required yard, or to a maximum of half the distance of the required yard, whichever is the lesser.	<u>Lands to be Retained:</u> Insufficient information provided. <u>Lands to be Severed:</u> Insufficient information provided.	Unable to Determine Compliance
	d) A porch, deck or canopy may encroach into any required yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser;	<u>Lands to be Retained:</u> Insufficient information provided. <u>Lands to be Severed:</u> Insufficient information provided.	Unable to Determine Compliance
	(f) A bay window or alcove, without foundation, may encroach into any required yard to a maximum of 0.6 metres, or half the distance of the required yard, whichever is the lesser. No such feature shall have a width greater than 3.0 metres.	<u>Lands to be Retained:</u> Insufficient information provided. <u>Lands to be Severed:</u> Insufficient information provided.	Unable to Determine Compliance

	Required By By-Law	Provided	Conforming/ Non-Conforming
<p>Accessory Buildings all Zones [as per section 4.8 of Hamilton Zoning By-law 05-200]</p>	<p>a) Unless otherwise provided for in this By-law, Accessory Buildings shall not be used as a dwelling unit.</p>	<p><u>Lands to be Retained:</u> Accessory building ("shed") indicated.</p> <p><u>Lands to be Severed:</u> Accessory building not indicated.</p>	<p>Appears to Comply</p>
	<p>b) Accessory Buildings shall not be permitted within a front or flankage yard.</p>	<p><u>Lands to be Retained:</u> Accessory building ("shed") is not located within a front or flankage yard.</p> <p><u>Lands to be Severed:</u> Accessory building not indicated.</p>	<p>Conforms</p>
	<p>g) All Accessory Buildings shall have a maximum height of 4.5 metres.</p>	<p><u>Lands to be Retained:</u> Height of accessory building ("shed") is existing site condition which is not impacted by the proposed severance/consent.</p> <p><u>Lands to be Severed:</u> Accessory building not indicated.</p>	<p>N/A</p>
	<p>h) Notwithstanding Subsection 4.6a), an eave or gutter of any Accessory Building may encroach into any required yard to a maximum of 0.45 metres.</p>	<p><u>Lands to be Retained:</u> Eaves/gutters of the accessory building ("shed") not indicated, but based on setback to new southerly side lot line, does not appear that eaves/gutters will encroach into a required side yard.</p> <p><u>Lands to be Severed:</u> Accessory building not indicated.</p>	<p>Appears to Comply</p>
<p>Buildings Accessory to Single Detached Dwellings [as per section 4.8.1.1 of Hamilton Zoning By-law 05-200]</p>	<p>a) The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 45 square metres or 7.5% total lot coverage, whichever is the lesser.</p>	<p><u>Lands to be Retained:</u> Lot coverage of accessory building ("shed") not indicated.</p> <p><u>Lands to be Severed:</u> Accessory building not indicated.</p>	<p>Unable to Determine Compliance</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>c) All Accessory Buildings having a Gross Floor Area less than 18 square metres shall conform to the following regulations:</p> <p>i) Building Setback from Rear Lot Line: Minimum 1.0 metres</p> <p>ii) Building Setback from Side Lot Line: Minimum 1.0 metres</p> <p>NOTE: Gross Floor Area of accessory building ("Shed") required to confirm applicable zoning regulations.</p>	<p><u>Lands to be Retained:</u></p> <p>A setback greater than 1.0 metres has been provided to the southerly side lot line for the accessory building ("shed").</p> <p>Setback to northerly side lot line and rear lot line is an existing site condition which is not being impacted by the proposed severance/ consent.</p> <p><u>Lands to be Severed:</u></p> <p>Accessory building not indicated.</p>	<p>Conforms</p>
	<p>d) All accessory buildings with a Gross Floor Area greater than or equal to 18 square metres shall conform to the following regulations:</p> <p>i) Building Setback from Rear Lot Line: Minimum 1.2 metres</p> <p>ii) Building Setback from Side Lot Line: Minimum 1.2 metres</p> <p>NOTE: Gross Floor Area of accessory building ("Shed") required to confirm applicable zoning regulations.</p>	<p><u>Lands to be Retained:</u></p> <p>A setback greater than 1.2 metres has been provided to the southerly side lot line for the accessory building ("shed").</p> <p>Setback to northerly side lot line and rear lot line is an existing site condition which is not being impacted by the proposed severance/ consent.</p> <p><u>Lands to be Severed:</u></p> <p>Accessory building not indicated.</p>	<p>Conforms</p>
<p>Mechanical and Unitary Equipment Section 4.9 of Hamilton Zoning By-law 05-200</p>	<p>Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:</p> <p>a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,</p> <p>b) Within a required side yard or</p>	<p><u>Lands to be Retained:</u></p> <p>Not indicated.</p> <p><u>Lands to be Severed:</u></p> <p>Not indicated.</p>	<p>N/A</p> <p>NOTE: Should Mechanical or Unitary Equipment be proposed, compliance with Section 4.9 shall be required.</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.		
Section 5 – Parking			
Minimum Parking Schedule [as per Section 5.7.1(a)(i) of Hamilton Zoning By-law 05-200	Single Detached Dwelling: (a) in PRA 1, no parking spaces are required.	<u>Retained:</u> No parking spaces indicated. <u>Severed:</u> No parking spaces indicated.	Conforms

Yours truly

for the Manager of Zoning & Committee of Adjustment

BP/bp

Revisions to Application A-24:232 ~~≠~~ B-24:65
28 Oak Avenue, Hamilton

Lands to be Retained

- 1) A minimum lot area of 269.20 square metres.
- 2) A minimum lot width of 9.02 metres.
- 3) A minimum setback to the southerly lot line of 0.90 metres and a setback to the northerly lot line of 0.46 metres (existing).

Lands to be Conveyed

- 1) A minimum lot area of 193.80 square metres.
- 2) A minimum lot width of 6.21 metres.
- 3) A minimum setback to the side lot line of 0.90 metres
- 4) A minimum front yard setback of 2.0 metres.

Proposed Variances

- 1) Variance for lands to be retained to permit minimum lot area of 257.30 square metres and for lands to be severed of 205.70 square metres.
- 2) Variance for lands to be retained to permit minimum lot width of 8.62 metres and for lands to be severed of 6.61 metres.
- 3) Variance for lands to be retained for minimum setback from front lot line of 1.93 metres and for lands to be severed of 2.0 metres.
- 4) Variance for lands to be retained for minimum sideyard setback of 0.46 metres and for lands to be severed of 0.50 metres.
- 5) No on-site parking will be provided. Entire front yards of lands to be retained and severed to be sodded (landscaped).



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)	MANH NGUYEN
Applicant(s)	
Agent or Solicitor	MICHAEL P. SABELLI



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	28 OAK AVENUE, HAMILTON		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number	235	Lot(s)	PART OF 67 & 68
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:

SEE ATTACHED SHEET

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

THE SIZE OF THE LOTS DO NOT ALLOW FOR A SUITABLE RESIDENTIAL DWELLING.

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

Yes

No

If yes, please provide an explanation:

THE PRESENT AND PROPOSED USE OF THE SUBJECT LANDS CONFORMS TO THE PERMITTED USES.

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
RETAINED 8.62 SEVERED 6.61	RETAINED 21.4 SEVERED 21.8	RETAINED 257.30m ² SEVERED 205.70m ²	20 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
1 STOREY BRICK DWELLING	1.93M	7.50M	0.46M NORTH 0.50 SOUTH	GREATER THAN 50 YEARS

Proposed: (SELECTED LOT)

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
RESIDENTIAL	2.00M	7.50M	0.50M NORTH 0.50M SOUTH	TBD

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
1 STOREY BRICK DWELLING	110M ²	110M ²	1	9.5M

Proposed: (SELECTED LOT)

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
RESIDENTIAL DWELLING	112M ²	210M ²	2	9.5

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.):

SINGLE DETACHED DWELLING

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:

MORE THAN 50 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) *RESIDENTIAL NEIGHBORHOODS*

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

MAINTAIN EXISTING USE

7.6 What is the existing zoning of the subject land? *"R19" LOW DENSITY 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: _____

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: PROPOSED SEVERANCE APPLICATION

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

SEPARATE SHEET OUTLINING
REQUESTED VARIANCES