



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-24:276</b>	<b>SUBJECT PROPERTY:</b>	1192 Concession 4 West, Flamborough
<b>ZONE:</b>	A1 (Agriculture)	<b>ZONING BY-LAW:</b>	Hamilton Zoning By-law 05-200 as Amended by By-law 15-173

**APPLICANTS:** Owner: William Van Huisstede, Donna Van Huisstede, Eric Hart, Rebecca Hart  
Agent: Eric Hart

The following variances are requested:

1. An Additional Dwelling Unit- Detached shall be permitted on a lot containing a Single Detached Dwelling having a minimum lot area of 1.2 hectares instead of the minimum lot area of 1.5 hectares required.

**PURPOSE & EFFECT:** To facilitate the establishment of a proposed additional dwelling unit-detached.

**Notes:** N/A

**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>3:40 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>

## **A-24:276**

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**

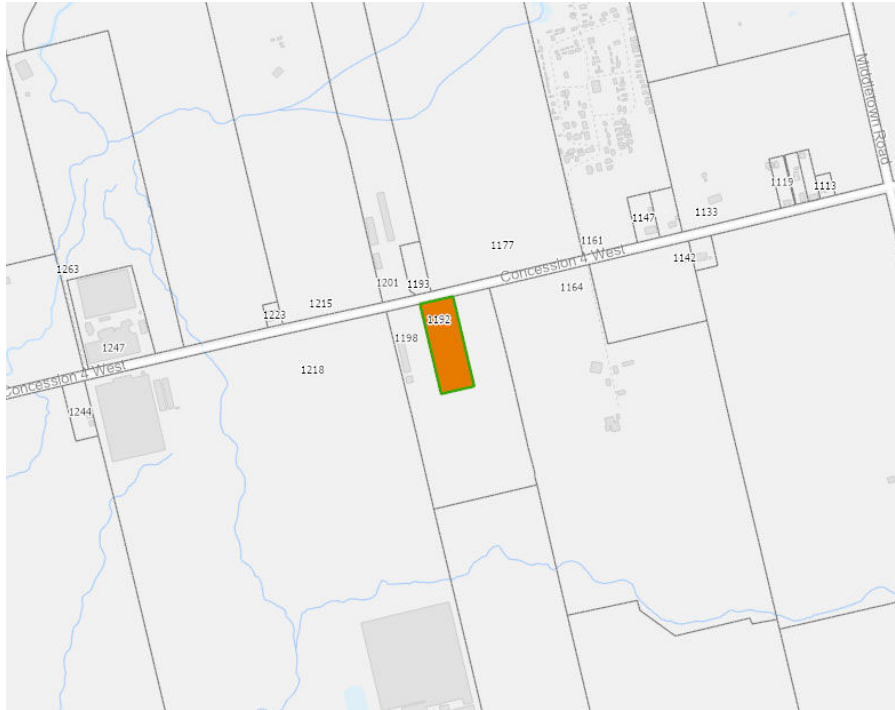
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon February 11, 2025

**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-24:276, 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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### 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.

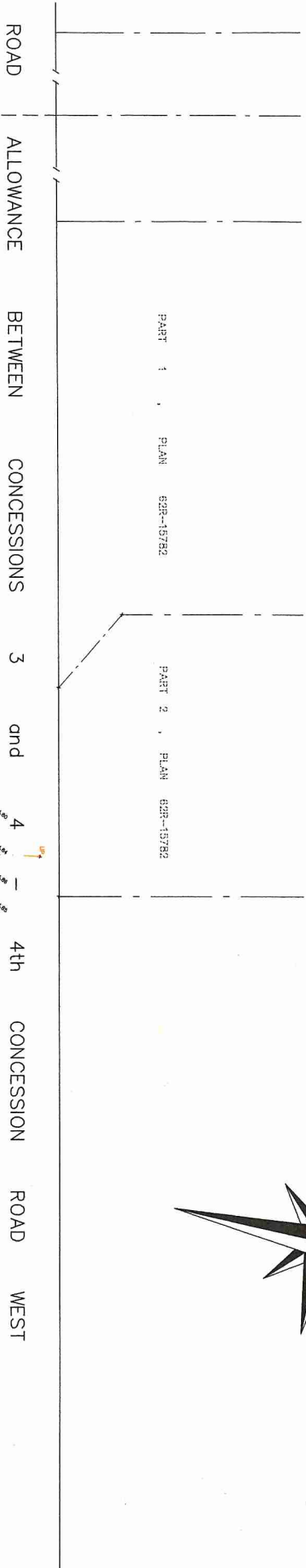
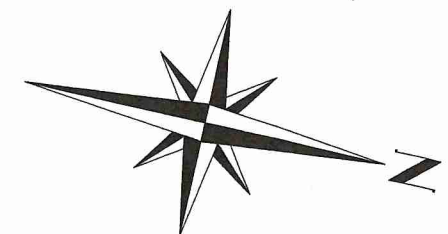
THIS PLAN, SPECIFICATIONS AND CONTRACTS, DRAWINGS OR PARTS THEREOF, SHALL BE CONSIDERED TO BE PART OF THE CONTRACT.

# GRAVING PLAN

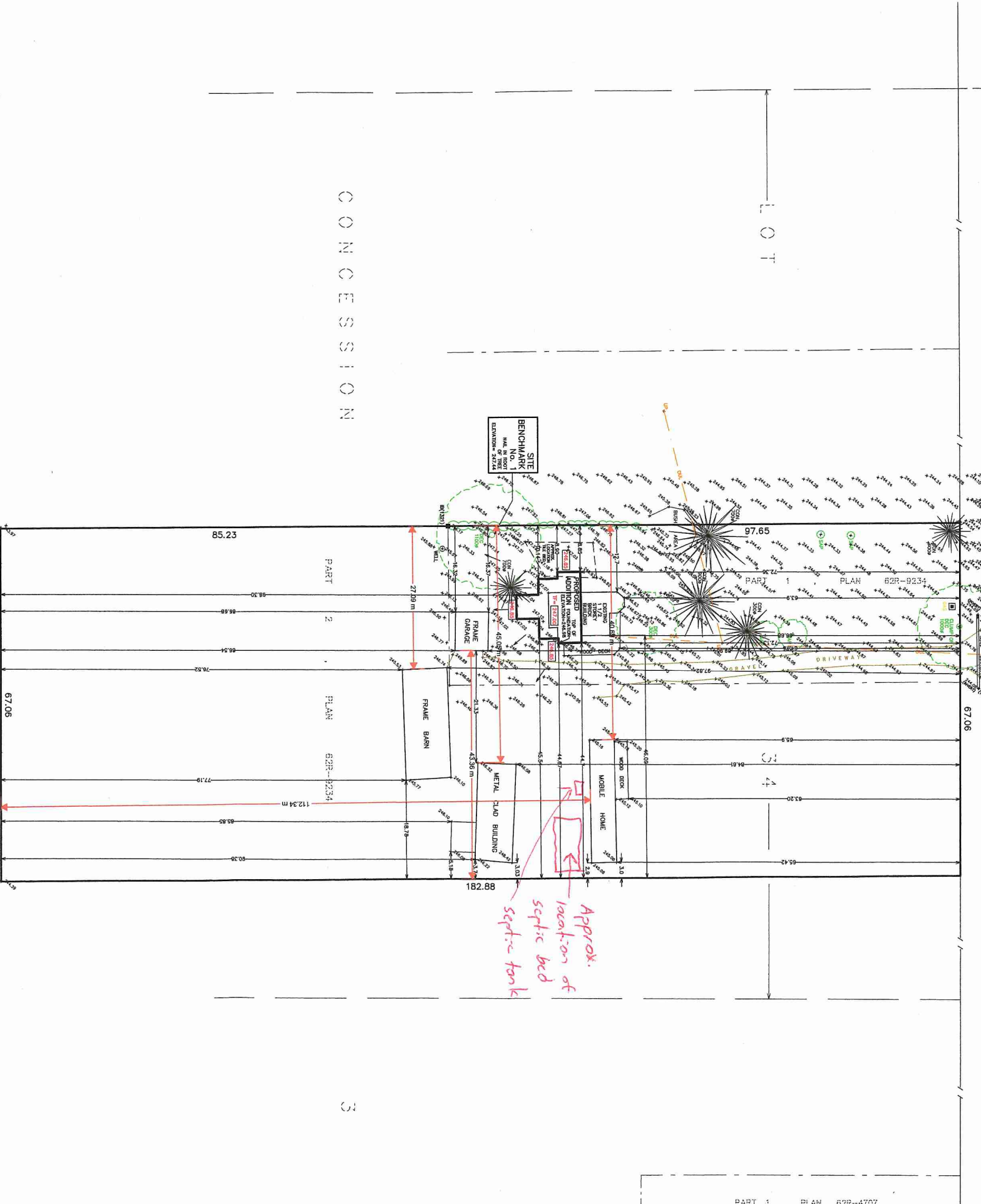
SCALE - 1 : 400

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WEST & RUUSKA LTD.  
© COPYRIGHT, 2022.



CONCESSION



**ELEVATION NOTE :**

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE DERIVED FROM CANSET CAN-NET UNDER THE 1% MARS (GSD) (2010). ELEVATION REFERENCE DATUM IS CGVD2011.

**NOTE:**

THIS PLAN HAS BEEN COMPILED FROM FIELD MEASUREMENTS AND FROM PREVIOUS RECORDS.

**CAUTION :**

UNDERGROUND SERVICES TO BE LOCATED BY THE CONTRACTOR/OWNER PRIOR TO ANY CONSTRUCTION.

**LEGEND**

- DENOTES SET MONUMENT
- DENOTES ROUND IRON BAR
- DENOTES SHORT STANDARD IRON BAR
- DENOTES OVERHEAD UTILITY LINE
- DENOTES DEPRESSION
- DENOTES DIAMETER (in millimeters)
- DENOTES PROPOSED SWALE
- DENOTES GENERAL DRAINAGE
- DENOTES TYPE OF FOUNDATION ELEVATION
- DENOTES DESIGN ELEVATION

**GEOGRAPHIC INFORMATION:**  
PART OF LOT 34, CONCESSION 3, CITY OF HAMILTON

Date: 19 November, 2024.

**WEST & RUUSKA LTD.**  
Land Surveyors  
17 NELSON STREET, MISSISSAUGA, ONTARIO, M5T 3A8  
DRAWN BY: T. S. KUTYLAK, P. ENG. 11220333



November 27, 2024

City of Hamilton  
Planning Department,  
71 Main Street West, 3<sup>rd</sup> Floor,  
Hamilton, Ontario L8P 4Y5

Further to our online meeting with Jennifer Catarino on September 19, 2024, and the email from Tara Nikolic on October 2, 2024 which included the minor variance application form as included herewith, please see some details below.

Some background information was provided to Jennifer which included our dilemma where, when we purchased the property in January 2021, we had tried to contact the City of Hamilton to discuss the Garden Suite because we were made aware that it was approved for the previous owner's mother for a period of 10 years. This time period would have expired in September 2018. It was our desire to find out from the City, how this variance could be extended, as it was our intent to use the Garden Suite as it was previously – "for the aging parents". Our attempts to speak to someone from the City were not successful as we did not receive any return calls. This was during the height of Covid when there likely would have been no one in the physical office.

The Garden Suite and associated septic system were installed under permits: Septic 08-263551-SS and the Garden Suite 08-263548-R9. The Suite is a permanent structure. It is on a concrete pad, hurricane tied, it is hooked to water and natural gas, and has its own septic system. There have been no issues with this unit in over 15 years. Both the house and mobile are registered with MPAC, with appropriate taxes being applied and paid.

The property is owned, by separate agreement, two thirds – William and Donna Van Huisstede and one third – Eric and Rebecca Hart (nee Van Huisstede).

Should you require any further information, please let us know.

Respectfully submitted,



William Van Huisstede



Donna Van Huisstede



Eric Hart



Rebecca Hart



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)	William VanHeisstede Donna VanHeisstede Eric Hart Rebecca Hart
Applicant(s)	Eric Hart
Agent or Solicitor	Greg Brehm Eric Hart

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	1192 Concession 4 West, Waterdown, ON L8B 1K3		
Assessment Roll Number	301340678000000		
Former Municipality	Beverly Flamborough		
Lot	34	Concession	
Registered Plan Number	62R9234 Parts 1 & 2	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:

Zoning bylaw requires 1.5 hectares for an ADU.  
We are proposing an ADU on 1.2 hectares.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

existing property is not 1.5 hectares.

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
67.06	182.88	12,263.93	



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
House	63.9	98.3	8.85, 44.67	01/01/1935
Garden Suite	65.42	112.34	2.9, 40.69	01/01/2009
Barn	97.82	76.52	18.78, 27.09	
Shop (Metal Clad Building)	84.61	90.38	3.03, 45.05	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
ADU	65.42	112.34	2.9, 40.69	

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
House	197	226	2	6
Garden Suite	127	127	1	4.2
Barn	183	278	2	7.6
Shop (Metal Clad Building)	173	298	2	7.3

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
ADU	127	127	1	4.2

- 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 plus ADU
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
farmland and barn

**7 HISTORY OF THE SUBJECT LAND**

- 7.1 Date of acquisition of subject lands:  
June 3, 2021
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
single detached dwelling and Garden Suite
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
single detached dwelling and Garden Suite
- 7.4 Length of time the existing uses of the subject property have continued:  
15 years
- 7.5 What is the existing official plan designation of the subject land?
- Rural Hamilton Official Plan designation (if applicable): Agriculture
- Rural Settlement Area: \_\_\_\_\_
- Urban Hamilton Official Plan designation (if applicable) \_\_\_\_\_
- Please provide an explanation of how the application conforms with the Official Plan.

7.6 What is the existing zoning of the subject land? A1

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: A1

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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: 2

8.2 Number of Dwelling Units Proposed: 2

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

see attached page for additional information for items 4.2, 4.3 and 4.6.

## 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
- 
-

## Additional Information

### **4.2 Location of existing buildings**

- Garage – setbacks
  - o Front – 89.96
  - o Back – 86.54
  - o Side – 16.32, 43.36
  - o Date of Construction – unknown
- Proposed building – will not be adding another building to the property. The existing Garden Suite will become the ADU.

### **4.3 Particulars of existing buildings**

- Garage
  - o Ground floor area – 58
  - o Gross floor area – 58
  - o Number of storeys – 1
  - o Height – 4.8
- Proposed building – will not be adding another building to the property. The existing Garden Suite will become the ADU.

### **4.6 Sewage disposal**

- House and Garden suite have individual septic systems.