



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-24:73	SUBJECT PROPERTY:	21 Kennedy Avenue, Hamilton
ZONE:	“R1” (Low Density Residential)	ZONING BY-LAW:	Hamilton Zoning By-law No. 05-200

APPLICANTS: Owner: Anthony Zizza
Agent: A.J. Clarke & Associated Ltd. – James Thomas / Liam Doherty

The following variances are requested:

Lands to be Retained (Part 1):

1. A minimum 45% landscaped area shall be permitted in the Front Yard, instead of the minimum 50% landscaped area required.

Lands to be Conveyed (Part 2):

To permit an existing accessory building (“shed”) prior to the erection of a principle dwelling on the same lot.

PURPOSE & EFFECT: So as to permit the creation of a new lot to accommodate the development of a Single Detached Dwelling.

Notes:

- Please note that this application is subsequent to Consent/Severance Application No. HM/B-24:19, which received conditional approval on May 7th, 2024, to establish the two (2) lots as indicated.
- Please note that specific details regarding parking have not been provided for either the portion of the lands that are to be retained (Part 1) or the portion of the lands that is to be conveyed

A-24:73

(Part 2). Additional variances may be required if compliance with Section 5: Parking cannot be achieved.

- Detailed drawings for the proposed Single Detached Dwelling on the portion of the lands to be conveyed (Part 2) have not been provided to confirm zoning compliance. Additional variances may be required if compliance with all sections of Hamilton Zoning By-law No. 05-200 cannot be achieved.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

This application will be heard by the Committee as shown below:

DATE:	Tuesday, November 26, 2024
TIME:	2:35 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

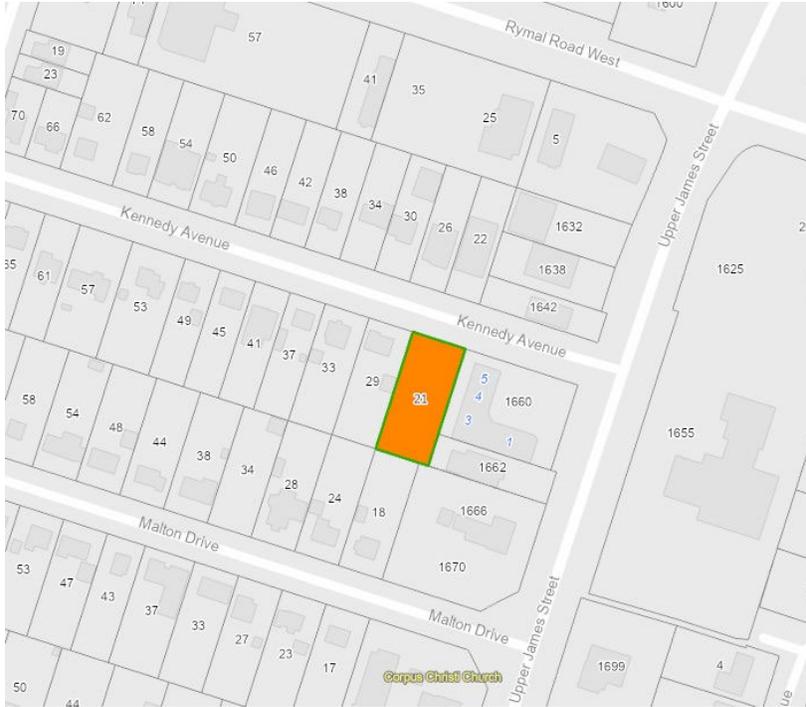
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon November 22, 2024

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 November 25, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:73, 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: November 7, 2024

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.

GENERAL NOTES

1. THIS/ THESE PLANS (S) ARE NOT TO BE USED FOR CONSTRUCTION UNTIL SEALED BY THE ENGINEER AND SIGNED/ ISSUED FOR CONSTRUCTION ON THE DRAWING.
2. THIS/ THESE PLANS (S) ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF BARICH GRENKIE SURVEYING LIMITED.
3. INFORMATION REGARDING ANY EXISTING SERVICES AND/OR UTILITIES SHOWN ON THE APPROVED SET OF CONSTRUCTION DRAWINGS ARE FURNISHED AS THE BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL INTERPRET THIS INFORMATION AS HE SEES FIT WITH THE UNDERSTANDING THAT THE OWNER AND HIS AGENTS DISCLAIM ALL RESPONSIBILITY FOR ITS ACCURACY AND /OR SUFFICIENCY. THE CONTRACTOR SHALL ASSUME LIABILITY FOR ANY DAMAGE TO EXISTING WORKS.
4. SITE PLAN INFORMATION TAKEN FROM SURVEY BY BARICH GRENKIE SURVEYING LTD.
5. THIS/ THESE PLANS (S) TO BE USED FOR SERVING AND GRADING ONLY, FOR BUILDING LOCATION REFER TO THE SITE PLAN.
6. MUNICIPAL APPROVAL OF THESE DRAWINGS IS FOR MATERIAL AND COMPLIANCE WITH CITY/TOWN STANDARDS AND PROVINCIAL SPECIFICATIONS AND STANDARDS ONLY. APPROVAL AND INSPECTION OF THE WORKS BY THE CITY/TOWN STAFF DOES NOT CERTIFY THE LINE AND GRADE OF THE WORKS NOR RELIEVE THE CONTRACTOR OF CERTIFICATION OF ALL WORKS BY THE OWNER'S ENGINEER.
7. ALTERNATE MATERIALS MAY BE ACCEPTABLE PROVIDED WRITTEN APPROVAL HAS FIRST BEEN OBTAINED FROM THE CITY OF HAMILTON AND THE ENGINEER.
8. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - ROAD CUT PERMITS
 - SEWER PERMITS
 - APPROACH APPROVAL PERMITS
 - RELOCATION OF SERVICES
 - COMMITTEE OF ADJUSTMENT
 - ENFORCEMENT ADJUSTMENTS
9. PRIOR TO CONSTRUCTION THE CONTRACTOR MUST:
 - i. CHECK AND VERIFY ALL DIMENSIONS AND EXISTING ELEVATIONS WHICH INCLUDE BUT ARE NOT LIMITED TO THE BENCHMARK ELEVATIONS, EXISTING SERVICE CONNECTIONS, EXISTING INVERTS AND REPORT FINDING IN WRITING TO THE ENGINEER.
 - ii. OBTAIN ALL UTILITY LOCATES AND REQUIRED PERMITS AND LICENSES.
 - iii. VERIFY ALL FINISHED FLOOR ELEVATIONS AND BASEMENT FLOOR ELEVATIONS WHICH MY APPEAR ON THESE PLANS COMPLY WITH THE FINAL ARCHITECTURAL DRAWINGS.
 - iv. CONFIRM ALL DRAWINGS USED FOR CONSTRUCTION ARE OF THE MOST RECENT REVISION.
 - v. NOTIFY THE ENGINEER OF THE PROPOSED CONSTRUCTION SCHEDULE FOR COORDINATION OF NECESSARY INSPECTIONS.
10. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING THE ENGINEER 48 HOURS PRIOR TO THE COMMENCEMENT OF SITE WORKS FOR INSPECTION. THE ENGINEER SHALL DETERMINE THE EXTENT OF INSPECTION AND TESTING REQUIRED FOR CERTIFICATION OF THE UNDERGROUND SERVICE INSTALLATION AS MANDATED BY THE ONTARIO BUILDING CODE DIVISION C, PART 1, SECTION 1.2.2. FAILURE TO MAKE SUFFICIENT ARRANGEMENTS TO ALLOW FOR INSPECTION SHALL LEAD TO POST CONSTRUCTION TESTING AND INSPECTION AS DETERMINED BY THE ENGINEER. THE COSTS OF WHICH INCLUDING ANY DELAYS IN CONSTRUCTION SHALL BE BORNE BY THE CONTRACTOR. FULL PAYMENT FOR UN-INSPECTED WORKS MAY BE WITHHELD UNTIL THE COMPLETION OF THE POST CONSTRUCTION INSPECTION AND TESTING TO THE SATISFACTION OF THE ENGINEER.
11. INSPECTION BY THE OWNER'S ENGINEER IS FOR CERTIFICATION AND GENERAL CONFORMANCE PURPOSES AND DOES NOT CERTIFY LINE AND GRADE OR IMPLY AN ASSURANCE OF QUALITY CONTROL. THE CONTRACTOR SHALL BE RESPONSIBLE TO ENSURE THE INSTALLATION OF THE WORKS TO PROPER LINE, GRADE AND QUALITY TO CURRENT INDUSTRY STANDARDS.
12. ANY UTILITY RELOCATIONS AND RESTORATIONS DUE TO THE DEVELOPMENT TO BE UNDERTAKEN AT THE EXPENSE OF THE OWNER/DEVELOPER AND SHALL BE COORDINATED BY THE CONTRACTOR.
13. ALL RESTORATIONS AND RECONSTRUCTIONS SHALL BE COMPLETED TO MATCH EXISTING CONDITIONS OR BETTER AND ARE TO BE PERFORMED TO THE SATISFACTION OF THE ENGINEER AND THE CITY/TOWN STANDARDS.
14. SERVING CONTRACTOR TO MAINTAIN A "DEFINED TRENCH CONDITION" IN ALL SEWER AND WATERMAIN INSTALLATION TRENCHES.
15. THE SITE SERVING CONTRACTOR SHALL TERMINATE ALL SERVICES 1.0m FROM THE BUILDING FACE.
16. NO BLASTING WILL BE PERMITTED.

SEWERS

1. STORM SEWERS
 - A. CONSTRUCTION OF STORM SEWERS SHALL BE IN ACCORDANCE WITH CITY STANDARDS & SPECIFICATIONS (LATEST EDITION) AND MINISTRY OF ENVIRONMENT (MSE) GUIDELINES (LATEST EDITION).
 - B. COVER AND BEDDING MATERIAL FOR PVC PIPE SHALL BE GRANULAR 'A' MATERIAL AS PER OPSD 802.00 OR 802.01.
 - C. PVC PIPE WILL REQUIRE SPECIAL CONSTRUCTION PROCEDURES AS PER CITY SPECIFICATIONS.
 - D. ALL SEWERS TO BE VIDEO INSPECTED.
 - E. ALL SEWERS TO BE FLUSHED PRIOR TO VIDEO INSPECTION.
 - F. STORM SEWERS 250mm TO 600mm IN DIAMETER SHALL BE PVC PIPE, CSA B182.2, SDR-35.
 - G. PROPOSED PRIVATE REAR LOT CATCH BASINS (RCBS) ARE TO BE AS PER OPSD 705.00. COMPLETE WITH BROUZE FRAME AND GRATE AS PER OPSD 400.120. REAR LOT CATCH BASINS ARE TO BE SIMPLESS.
 - H. ALL PVC SEWERS ARE TO BE TESTED FOR DEFLECTION (MANHOLE PASSAGE) AFTER INSTALLATION.
2. STORM AND SANITARY PRIVATE DRAINS
 - A. CONSTRUCTION OF PRIVATE DRAINS SHALL BE IN ACCORDANCE WITH CITY STANDARDS & SPECIFICATIONS (LATEST EDITION) AND MINISTRY OF ENVIRONMENT (MSE) GUIDELINES (LATEST EDITION).
 - B. PRIVATE DRAINS TO BE 150mm PVC PIPE, CSA B182.1 M-1983, SDR 28 AS PER FORM 500. STORM PIPE SHALL BE WHITE AND SANITARY SHALL BE ANY COLOUR OTHER THAN WHITE. WOOD MARKING AT END OF SANITARY PRIVATE DRAIN SHALL BE PAINTED RED.
 - C. COVER AND BEDDING MATERIAL FOR PRIVATE DRAINS SHALL BE GRANULAR 'A' INSTALLED AS PER OPSD 802.00 OR 802.01.
 - D. MINIMUM FALL FOR PRIVATE DRAINS TO BE 2.0%
 - E. TOP OF SANITARY PRIVATE DRAINS AT STREET LINE TO BE 2.2M (MIN.) BELOW CENTERLINE ROAD ELEVATION AT THAT POINT OR AS DETAILED.
 - F. TOP OF STORM PRIVATE DRAINS AT STREET LINE TO BE 1.2M (MIN.) BELOW CENTERLINE ROAD ELEVATION AT THAT POINT OR AS DETAILED.
 - G. BUILDING RAINWATER LEADERS SHALL NOT BE CONNECTED TO THE STORM PRIVATE DRAIN BUT SHALL DISCHARGE TO LANDSCAPED SURFACES VIA SPLASH PADS.
 - H. SUMP PUMPS WITH CHECK VALVES SHALL BE INSTALLED IN EACH DWELLING TO PUMP THE BUILDING WASTEWATER TO THE STORM PRIVATE DRAIN. THE SUMP PUMP INTAKE PIPE SHALL EXTEND A MINIMUM OF 150mm ABOVE THE PROPOSED GRADE AT THE DWELLING (BASEMENT CEILING) PRIOR TO DISCHARGING TO THE STORM PRIVATE DRAIN. SEE DETAIL 'S'.
 - I. IF THE APPLICANT/OWNER INTENDS TO REUSE A PORTION OF A SITE'S EXISTING SEWER SYSTEM, IT IS THEIR RESPONSIBILITY TO ENSURE THAT THE SEWER IS OF ADEQUATE CAPACITY, MEETS ALL APPLICABLE BY-LAW REQUIREMENTS, AND IS IN GOOD WORKING ORDER. SEWERS TO BE REUSED MUST BE VIDEO INSPECTED. WHILE THE CITY/TOWN SEWER INSPECTION IS IN PROGRESS, THE APPLICANT/OWNER IS RESPONSIBLE FOR MAKING ALL ARRANGEMENTS WITH THEIR PRIVATE VIDEO INSPECTION CONTRACTOR ALONG WITH PAYMENT OF AN INSPECTION FEE.

WATERMANS AND WATER SERVICES

1. WATER SERVICES
 - A. CONSTRUCTION OF PRIVATE WATER SERVICES SHALL BE IN ACCORDANCE WITH CITY STANDARDS & SPECIFICATIONS (LATEST EDITION) AND MINISTRY OF ENVIRONMENT (MSE) GUIDELINES (LATEST EDITION).
 - B. WHERE METAL FITTINGS ARE TO BE USED ON PVC MAINS SUFFICIENT CATHODIC PROTECTION MUST BE PROVIDED AS PER THE FOLLOWING REQUIREMENTS:
 - i. ONE 11KG ZINC ANODE SHALL BE INSTALLED FOR EACH COPPER WATER SERVICE CONNECTION.
 - ii. ONE 11KG ZINC ANODE SHALL BE INSTALLED ON EVERY VALVE, HYDRANT, BOND, TEE, SLEEVE, REDUCER, PLUG, CAP, JOINT RESTRAINT, COUPLING, ETC., CONNECTED TO THE PVC PIPE.
 - C. WATER SERVICE TO BE 25mm DIA. TYPE 'K' SOFT COPPER AS PER MM-207.01 OR AS DETAILED.
 - D. GRANULAR BEDDING AS PER MM-200.01 AND MM-200.02 TO BE GRANULAR 'A' AS PER FORM 600.
 - E. ALL VALVE BOXES TO BE SET TO PROPOSED GRADES.

GRADING NOTES

1. GENERAL GRADING
 - A. ALONG ADJOINING PROPERTIES GRADE TO MEET EXISTING OR PROPOSED ELEVATIONS WITH SODDED SLOPES (MIN. 3% TO 1%) AND/OR RETAINING WALLS AS SPECIFIED.
 - B. ALL RETAINING WALLS, WALKWAYS, CURBS, ETC. SHALL BE PLACED A MIN. OF 0.45m OFF THE PROPERTY LINE. ALL WALLS 1.0m OR HIGHER SHALL BE DESIGNED BY A P.E.N.C.
 - C. SHOULD A RETAINING WALL BE REQUIRED, THE TOP OF WALL ELEVATIONS SHALL BE SET 150mm ABOVE THE PROPOSED SIDE YARD SWALES.
 - D. RETAINING WALLS 0.6m IN HEIGHT OR GREATER REQUIRE CONSTRUCTION OF A FENCE OR GUARD RAIL AT THE TOP OF THE REAR OF THE WALL. GUARDS FOR RETAINING WALLS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF EXTERIOR GUARDS AS CONTAINED IN THE ONTARIO BUILDING CODE.
 - E. TOP OF FOUNDATION WALLS FOR BUILDINGS SHALL BE 150mm (MIN) ABOVE FINISHED GRADE.
 - F. DRIVEWAY SLOPES SHALL NOT BE LESS THAN 2% AND NOT MORE THAN 7.0% REVERSED SLOPED DRIVEWAYS IN NEW DEVELOPMENTS ARE NOT PERMITTED.
 - G. IF GRADING IS REQUIRED ON LANDS ADJACENT TO THE DEVELOPMENT WHICH ARE NOT OWNED BY THE DEVELOPER, THEN THE DEVELOPER MUST OBTAIN WRITTEN PERMISSION FROM THE ADJACENT PROPERTY OWNER TO ALLOW THE DEVELOPER TO GRADE ON THE ADJACENT LANDS. OTHERWISE RETAINING WALLS MUST BE USED.
 - H. THE WRITTEN PERMISSION REQUIRED FROM THE ADJACENT LANDOWNER SHALL BE OBTAINED PRIOR TO ENTERING THE LANDS. SHOULD PERMISSION NOT BE OBTAINED OR IS WITHDRAWN PRIOR TO COMMENCING THE WORK, THEN THE DEVELOPER SHALL LIMIT HIS ACTIVITIES TO THE LIMITS OF THE DEVELOPMENT SITE.
 - I. DRIVEWAY AND DRIVEWAY APPROACHES SHALL BE LOCATED SUCH THAT HYDRO VALVETS AND OTHER STREET FURNITURE ARE A MIN. OF 1.2m FROM THE PROJECTIONS OF THE OUTSIDE GARAGE WALLS.
 - J. ANY CHANGES IN GRADES AND CATCH BASINS REQUIRE THE APPROVAL OF THE CITY'S MANAGER OF DEVELOPMENT ENGINEERING.
 - K. ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE. THEREAFTER ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
 - L. SLOPES OF SWALES FOR BOTH "BACK TO FRONT" AND "SPLIT" DRAINAGE SHALL BE NO LESS THAN 2.0% GRADE AND NO GREATER THAN 33.0% GRADE (3:1 SLOPE).
 - M. WHEN MATCHING TO EXISTING PROPERTIES WHERE A 2.0% GRADE CANNOT BE ACHIEVED, A 1.5% GRADE IS PERMITTED, PROVIDED A 150mm SUBDRAIN IS INSTALLED BELOW THE BOTTOM OF THE SWALE AND DRAINED TO A SUITABLE OUTLET (WITH A MINIMUM 0.3m COVER OVER THE SUBDRAIN), OR OTHER MITIGATION MEASURES.
 - N. MINIMUM GRADE FOR WRAP-AROUND SWALE IN BACKYARDS SHALL BE 1.0% UNLESS OTHERWISE NOTED. THE GRADE BETWEEN PROPOSED ELEVATIONS ON SIDE LOTS SHALL BE GRADED IN A STRAIGHT LINE.
 - O. GARAGE FLOOR ELEVATIONS TO BE SET 0.3m HIGHER THAN BACK OF WALK, UNLESS OTHERWISE SPECIFIED.
 - P. ALL FILL PLACED ON LOTS SHALL BE COMPACTED TO A MINIMUM 95% S.P.D. (UNLESS OTHERWISE RECOMMENDED BY THE GEOTECHNICAL ENGINEER). ALL MATERIAL SHALL BE PLACED IN LIFTS NOT EXCEEDING 300mm.
2. BACKYARD GRADING
 - A. DEFINITION: "REQUIRED BACK YARD" SHALL MEAN THE LESSER OF THE DISTANCE REGULATED BY THE ZONING BY-LAW R 6.0m.
 - B. THE MAXIMUM SLOPE RESTRICTION SHALL NOT APPLY TO THE SIDES OF A SWALE ALONG THE BACK OF THE LOT, PROVIDING THE TOTAL WIDTH OF THE SWALE DOES NOT EXCEED 1.0m ON EACH LOT.
 - C. WHERE THE 5.0% RESTRICTION ON BACKYARD GRADES RESULTS IN ELEVATION DIFFERENCES BETWEEN DIFFERENT PROPERTIES, RETAINING WALLS SHALL BE CONSTRUCTED ALONG THE SIDES AND BACK OF THE LOT. 3:1 SLOPES CAN REPLACE THE WALLS WHERE THE DIFFERENCE IN ELEVATION IS LESS THAN 0.3m.
 - D. GENERALLY, SLOPES SHALL BE PLACED ON THE LOWER LOT, WHEREAS RETAINING WALLS SHALL BE PLACED ON THE HIGHER LANDS.
 - E. THERE IS NO CONTROL ON THE STEEPNESS OF THE SLOPES IN SIDE YARDS, FRONT YARDS, AND BACK YARDS, OUTSIDE THE AREAS DEFINED IN ITEM "A" ABOVE, PROVIDING THE SLOPES ARE STABLE FOR THE SOILS OF THE AREA (3:1 MAXIMUM).

COMPACTION REQUIREMENTS

UNLESS OTHERWISE NOTED OR DIRECTED BY THE GEOTECHNICAL CONSULTANT, THE FOLLOWING SHALL APPLY:

- A. ALL BEDDING AND BACKFILL MATERIAL, ROAD SUB-GRADES AND GENERALLY ALL MATERIAL USED FOR LOT GRADING AND FILL SECTIONS, ETC., SHALL BE COMPACTED TO MIN. 98% S.P.D. ALL MATERIAL SHALL BE PLACED IN LAYERS NOT EXCEEDING 300mm LIFTS.
- B. ALL GRANULAR FILL BASE MATERIALS SHALL BE COMPACTED TO 98% S.P.D.
- C. FOR ALL SEWERS AND WATERMANS IN FILL SECTIONS, THE COMPACTION SHALL BE CERTIFIED BY A GEOTECHNICAL ENGINEER PRIOR TO LAYING OF PIPE.

SILTATION AND EROSION CONTROL

- A. SILTATION CONTROL BARRIERS SHALL BE PLACED AS DETAILED.
- B. ALL SILTATION CONTROL MEASURES SHALL BE CLEANED AND MAINTAINED AFTER EACH RAINFALL AS DIRECTED AND TO THE SATISFACTION OF THE CITY/TOWN AND/OR THE CONSERVATION AUTHORITY.
- C. ADDITIONAL SILT CONTROL LOCATIONS MAY BE REQUIRED AS DETERMINED BY THE ENGINEER, THE CITY/TOWN AND/OR THE CONSERVATION AUTHORITY.

RESTORATIONS

- A. ALL TRENCH EXCAVATION WITHIN EXISTING ROAD ALLOWANCES SHALL BE BACKFILLED WITH GRANULAR 'A', COMPACTED TO 98% S.P.D. PAVEMENT RESTORATION SHALL BE PERFORMED AS PER RD-100.01 & 100.02.
- B. ALL BOULEVARDS TO BE RESTORED WITH #1 NURSERY SOD ON 100mm MINIMUM THICK SELECT TOPSOIL.
- C. CHECKING MATERIALS TO BE AS PER FORM 600. COMPACTION TO BE AS PER FORM 900.

REMOVALS & ABANDONMENTS

1. COMPLETELY REMOVE ABANDONED SEWER/WATERMAIN WHERE POSSIBLE AND/OR AS DIRECTED BY THE CITY OF HAMILTON. IF MAINS TO BE ABANDONED IN PLACE, FOLLOW OPSD 510.
2. WHERE ABANDONING A WATER SERVICE CONNECTION OR WATERMAIN CONNECTED TO A LIVE MAIN, THE PREFERRED METHOD IS TO REMOVE THE CURB STOP AND STEM, SHUT OFF MAIN STOP AND DISCONNECT/CUT WATER SERVICE AT MAIN STOP.

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KEY MAP

NOT TO SCALE

ADDRESS: 21 KENNEDY AVENUE, HAMILTON

SITE AND GRADING PLAN OF LOT 27 & PART OF LOT 28 REGISTERED PLAN 784 IN THE CITY OF HAMILTON BARICH GRENKIE SURVEYING LTD. A DIVISION OF GEOMAPLE © COPYRIGHT 2024

METRIC

DISTANCES AND CO-ORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND

CT	DENOTES DECIDUOUS TREE
CF	DENOTES CONIFEROUS TREE
SV	DENOTES SERVICE VALVE
SL	DENOTES SUBJECT LANDS BOUNDARY
DL	DENOTES DEED LINE
LO	DENOTES LOT LINE
FL	DENOTES FENCE LINE
RE	DENOTES TREES TO BE REMOVED
NE-S-W	DENOTES NORTH-EAST-SOUTH-WEST
100.00	DENOTES EXISTING ELEVATION
1000.00	DENOTES PROPOSED TREE PROTECTION
○	DENOTES PROPOSED SILT FENCE
SP	DENOTES DUMP SPOUT WITH SPLASH PAD
MM	DENOTES SUMP PUMP LOCATION
EM	DENOTES WATER METER
SW	DENOTES PROPOSED SWALE
EX SW	DENOTES EXISTING SWALE ELEVATION
SW 1000.00	DENOTES PROPOSED SWALE ELEVATION
MIN. B.F.E	DENOTES PROPOSED MINIMUM BASEMENT FLOOR ELEVATION

ELEVATION NOTE

ELEVATIONS ARE REFERRED TO THE CANADIAN GEODETIC VERTICAL DATUM (CGVD-1928/1978) AND ARE DERIVED FROM CITY OF HAMILTON BENCHMARK NO. 07720020012 HAVING AN ELEVATION OF 84.543 m.

1	10/11/2024	GF	ISSUED AS PER CITY'S COMMENTS
0	08/02/2024	GF	ISSUED FOR REVIEW

NO.	DATE	BY	REVISIONS	
DESIGN	GF	CHK'D	RH	DATE
DRAWN	GF	CHK'D	RH	OCTOBER 11, 2024

Scale 1:150

2 0 2 4 6 8 10 METRES

APPROVALS

STAMP

REGISTERED PROFESSIONAL ENGINEER
M. FATHI
100086843
OCTOBER 11, 2024
PROVINCE OF ONTARIO

CLIENT: ANTONIO ZIZZA

PROJECT NAME: PROPOSED DWELLING 21 KENNEDY AVENUE, HAMILTON

TITLE: SITE AND GRADING PLAN

PROJECT No. 24-3268 DRAWING No. 24-3268 SGP

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2 Kennedy Ave., Hamilton, ON L8P 4K8
516-223-2326
www.barichgrenkie.com

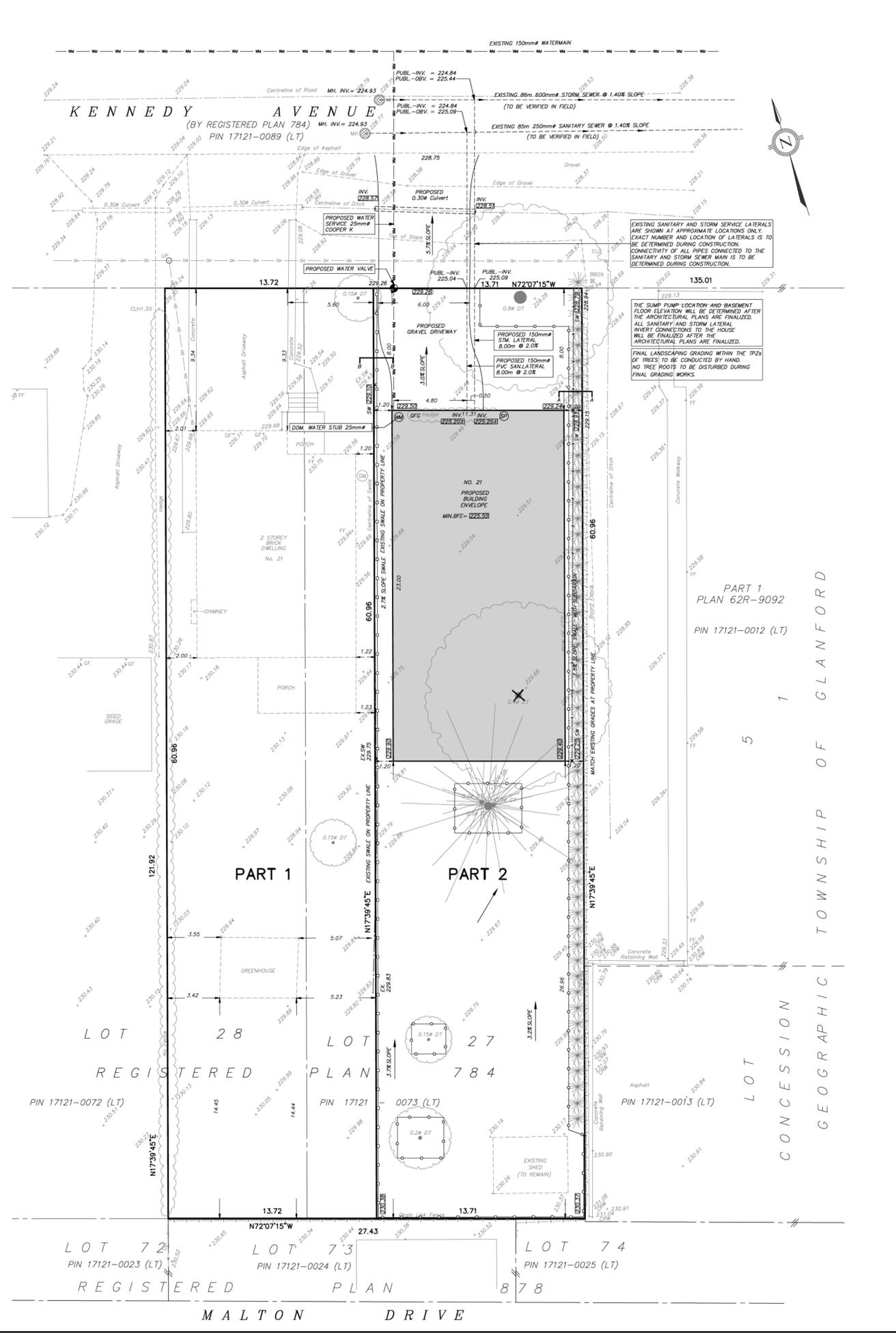
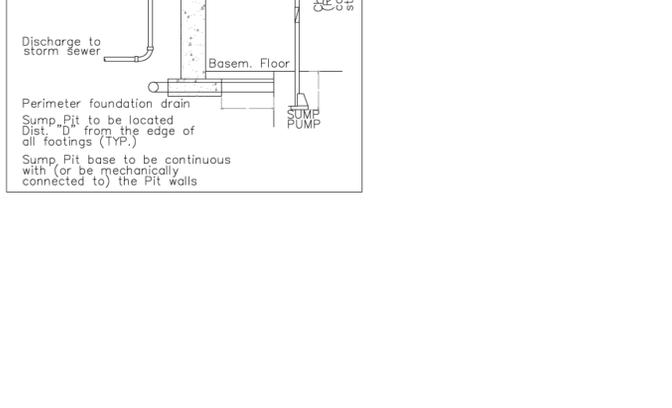
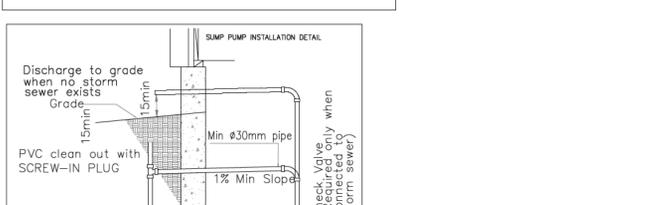
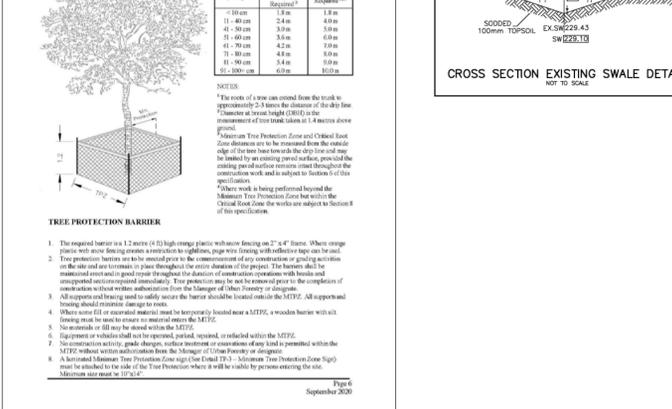
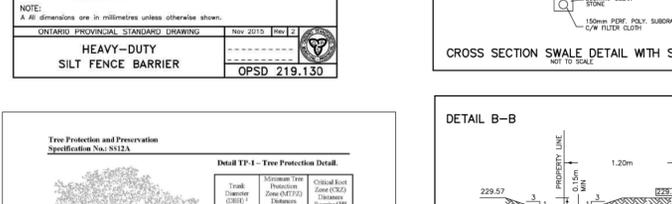
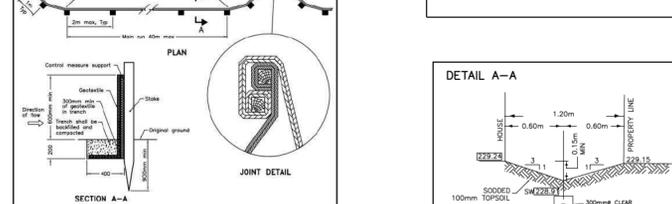
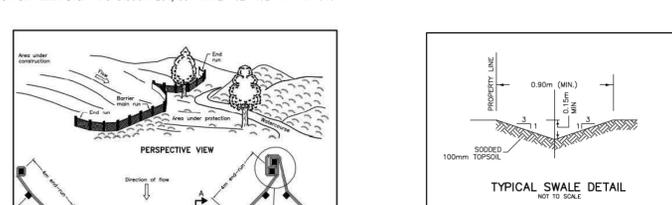
MUNICIPAL ADDRESS
21 KENNEDY AVENUE, HAMILTON

LEGAL DESCRIPTION
LOT 27 & PART OF LOT 28 REGISTERED PLAN 784 IN THE CITY OF HAMILTON

ZONING
(B) ZONE-SUBURBAN AGRICULTURE AND RESIDENTIAL

ZONING
(R1) ZONE-LOW DENSITY RESIDENTIAL

SITE STATISTICS	BYLAW (B)	BYLAW(R1)	PROPOSED
LOT AREA	N/A	360 m ²	215.49 m ²
LOT WIDTH	N/A	12.00 m	7.62 m
FRONT YARD SETBACK	12.00 m	4.00 m	5.39 m
REAR YARD SETBACK	7.50 m	7.50 m	7.56 m
SIDE YARD SETBACK	3.0 m	1.20 m	1.72 m
HEIGHT (PEAK OF ROOF)	11 m	10.5 m	N/A



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SP	DENOTES DUMP SPOUT WITH SPLASH PAD
MM	DENOTES SUMP PUMP LOCATION
EM	DENOTES WATER METER
SW	DENOTES PROPOSED SWALE
EX SW	DENOTES EXISTING SWALE ELEVATION
SW 1000.00	DENOTES PROPOSED SWALE ELEVATION
MIN. B.F.E	DENOTES PROPOSED MINIMUM BASEMENT FLOOR ELEVATION

ELEVATION NOTE

ELEVATIONS ARE REFERRED TO THE CANADIAN GEODETIC VERTICAL DATUM (CGVD-1928/1978) AND ARE DERIVED FROM CITY OF HAMILTON BENCHMARK NO. 07720020012 HAVING AN ELEVATION OF 84.543 m.

1	10/11/2024	GF	ISSUED AS PER CITY'S COMMENTS
0	08/02/2024	GF	ISSUED FOR REVIEW

NO.	DATE	BY	REVISIONS	
DESIGN	GF	CHK'D	RH	DATE
DRAWN	GF	CHK'D	RH	OCTOBER 11, 2024

Scale 1:150

2 0 2 4 6 8 10 METRES

APPROVALS

STAMP

REGISTERED PROFESSIONAL ENGINEER
M. FATHI
100086843
OCTOBER 11, 2024
PROVINCE OF ONTARIO

CLIENT: ANTONIO ZIZZA

PROJECT NAME: PROPOSED DWELLING 21 KENNEDY AVENUE, HAMILTON

TITLE: SITE AND GRADING PLAN

PROJECT No. 24-3268 DRAWING No. 24-3268 SGP



Hamilton

October 8, 2024

FILE: ALR
ATTENTION OF: Ross McIntosh

JAMES THOMAS (A.J. CLARKE)
25 MAIN ST W, SUITE 300 HAMILTON,
ON L8P 1H1

Re: ZONING COMPLIANCE REVIEW- In support of a Minor Variance Application (Revision)
Zoning: "R1" Low Density Residential (05-200)
Address: 21 KENNEDY AVE., HAMILTON

A Zoning Compliance Review has been completed and the following comments are provided.

COMMENTS:

1. Through consent application B-24:19, the applicant has proposed to maintain the existing dwelling on the lands to be retained and proposes a single detached dwelling on the lots to be conveyed along with the existing shed.
2. The subject lands have received conditional approval for the consent application to create the 2 lots through application HM/B-24:19, conditionally approved on May 7, 2024.
3. This review is intended to highlight all necessary minor variances for the Minor Variance application HM/A-24:73.
4. The subject lands are zoned "R1" Low Density Residential of the City of Hamilton Zoning By-law 05-200.
5. The current/ intended uses are permitted within the current and impending zoning designations.
6. The lots are considered interior lots.
7. All new fences proposed for this development must comply with the regulations contained within the Fence By-law 10-142.
8. The designer shall ensure that the fire access route conforms to The Ontario Building Code.
9. The proposed development has been reviewed and compared to the standards of the B District (6593) and the R1 Zone (Law 05-200) as indicated in the following chart:

Zoning Compliance Review
21 Kennedy Ave., Hamilton, Hamilton

	“B” District Requirement <i>(no longer applicable)</i>	“R1” Zone Requirement	Provided	Conforming/ Non-Conforming
Minimum Lot Area	1,000.0m ²	360.0 m ²	Part 1: 836.37m ² Part 2: 835.76m ²	Conforms
Minimum Lot Width	20.0m	12.0m	Part 1: 13.72m Part 2: 13.71m	Conforms
Minimum Setback from the Front Lot Line	12.0m	4.0m	Part 1: 9.33m Part 2: 8.0m	Conforms
Minimum Setback from a Side Lot Line	3.0.m	1.2m	Part 1: 1.22m Part 2: 1.20m	Conforms
Minimum Setback from a Rear Lot Line	9.0m	7.5m	> 9.0m	Conforms
Maximum Building Height	11.0m	10.5m	Applicant has stated heights will adhere	Conforms
Minimum Landscaped Area	Not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials;	i) 30%; ii) Within the landscaped area, the requirements of Section 4.35 of this Bylaw shall apply. (See below: non-conforming to section 4.35)	Part 1: 45.0% of front yard	Conforms
Accessory Buildings	Prior to Erection of Principal Building: No accessory building shall be erected prior to the erection of the principal building on the same lot, <u>except where it is necessary for the storage of tools and materials for use in connection with the construction of the principal building or structure, and no such accessory building shall, prior to the erection of the principal building, be used for any purpose other than such storage;</u>	Except as permitted in Subsection 4.18 a), an Accessory Building shall not be erected prior to the erection of the principal building or structure on the lot. <u>4.18 Temporary Uses:</u> A construction camp, construction trailer, work camp, tool shed, scaffold or other temporary building incidental to and accessory for construction work on the premises, but only for so long as may be reasonably necessary to complete such construction;	Part 2: Existing shed located in rear yard	Non-Conforming <i>(if not used for the construction of the proposed dwelling)</i>

Zoning Compliance Review
21 Kennedy Ave., Hamilton, Hamilton

General Provisions			
<i>In accordance with the requirements of Section 4 of Hamilton Zoning By-law 05-200</i>			
Landscape Requirements [as per section 4.35 of Hamilton Zoning By-law 05-200]	On lots containing a single detached dwelling, semi-detached dwelling, duplex dwelling, triplex dwelling, fourplex dwelling, or street townhouse dwelling in all zones, the following shall be provided:	45.0%	Non-Conforming
	a) A minimum 50% landscaped area in the Front Yard;		
	b) A minimum 50% landscaped area in the Flankage Yard; and,	No flankage lot line	N/A
	c) A single area within the required landscaped area for tree protection and/or tree planting, subject to the following:	Provided	Conforms
	i) each side shall be a minimum 3.75 metres in length; and,		
	ii) shall not contain hard landscaping or structures.		



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

October 24, 2024

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (*email: Jamila.Sheffield@hamilton.ca*)

**Re: 21 Kennedy Avenue, Hamilton
Recirculation of Minor Variance Application (A-24:73)**

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by the owner, Anthony Zizza, for the purposes of submitting the enclosed Minor Variance Application recirculation for the subject lands, municipally known as 21 Kennedy Avenue, in the City of Hamilton. Below is a summary of the materials submitted to your attention:

- One (1) digital copy of the previously submitted Minor Variance Application Form;
- One (1) digital copy of the Site and Grading Plan, "24-3268 SGP", prepared by Barich Grenkie Surveying Ltd., dated October 11, 2024;
- One (1) digital copy of a Zoning Compliance Review, dated October 8th, 2024;
- One (1) cheque in the amount of \$320.00 representing the required Minor Variance Recirculation fees;

The subject lands are located within a low-density residential neighbourhood with Upper James Street Arterial Corridor to the east and Rymal Road Arterial to the north. The subject lands are located on the south side of Kennedy Avenue between Upper James Street, to the east, and Christie Street, to the west. The subject lands are currently occupied by a two-storey, single-detached dwelling with attached garage, a hobby greenhouse, and a shed.

The subject lands obtained conditional approval of a severance application (B-24:19) to sever the lands into two relatively equal pieces, with the existing single-detached dwelling to remain. The previously submitted Minor Variance Application was tabled on May 7, 2024.

This analysis is in support of a recirculated Minor Variance Application for the subject lands. The subject lands were part of the city-wide Zoning By-law Amendment that rezoned the subject lands to the "Low Density Residential (R1) Zone". As such, most of the previously requested variances are no longer required.

However, upon further survey of the subject lands it was determined that one new variance would need to be requested to reduce the required front yard landscaping from 50% to 45% to address an existing driveway and connecting paths.



Required Variances

As mentioned above, the subject lands are now zoned 'Low Density Residential (R1) Zone' in the City of Hamilton Zoning By-law 05-200. With the new zoning in place, the previously requested variances for front yard setback, minimum lot width, minimum lot area, and minimum side yard are no longer required. However, to clear all conditions of the conditionally approved Consent Application B-24:19, two variances are still requested to ensure both the severed and retained lands comply with all zoning requirements. The variances requested are as follows:

Part 1 (retained):

1. To permit a Front Yard Landscaped Area of 45% of the total front yard, whereas 50% is required.

Part 2 (severed):

2. To permit an existing accessory building (shed) prior to the erection of a principle dwelling on the same lot.

Variance 1: Front Yard Landscaping Reduction

The proposed lot width recommended for approval and approved by committee for Consent Application B-24:19, created a zoning compliance issue regarding the percentage of area reserved for landscaping within the front yard to maintain the existing driveway on the retained lands.

As defined in Zoning By-law 05-200, "landscaped area" shall mean any portion of a lot which:

- a) Contains no building thereon;
- b) Is not used for parking, access to parking, driveways of loading space;**
- c) Is used for the purpose of landscaping; and,
- d) Landscaped areas may include bell pedestals and light standards but shall not include courier or mail boxes.

Based on the definition above, the existing driveway conditions exceed the 50% landscaped area requirement. The reason the site does not meet the landscaped area requirement is because the definition above negates the front stairs and pathway as they connect to a driveway. It is a highly technical matter and in my opinion is incredibly minimal. Presently, **all** hardscaped areas, buildings, and structures occupy approximately 33% of the total proposed lot area to be retained, leaving a total landscaped area of 67% which far exceeds the 30% minimum. Further, the reduction from 50% to 45% constitutes an area of 6.4m², or 0.008% of the total lot area.

Variance 2: Permit the Existing Accessory Building to Remain.

An existing accessory building (shed) is located in a zoning-compliant location on the lands to be severed. It is desired to maintain the structure as the proposed dwelling to be constructed will be for the current owner's father. Allowing the accessory building simply saves the applicant the time, money, and unnecessary labour of moving the shed to the lands to be retained until the new dwelling is constructed on the lands to be severed. The shed will also allow for the storage of tools and supplies required in the construction of the dwelling.

Further, this structure is located approximately 55 metres (180 ft) from the front lot line and will have no negative impact to the street or neighbourhood as the structure is barely visible from the street during winter months when there is reduced vegetative cover.



Conclusion

As described above, both requested variances are incredibly minor and should have no negative impacts. The variances will facilitate the clearance of several conditions required of Consent Application B-24:19.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

James Thomas, CPT, HBA
Planner
A. J. Clarke and Associates Ltd.



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	MAILING ADDRESS
Registered Owners(s)	Anthony Zizza	
Applicant(s)	same as above	
Agent or Solicitor	A.J. Clarke & Associated Ltd.	

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	21 Kennedy Avenue		
Assessment Roll Number	08110106190		
Former Municipality	Hamilton		
Lot	5	Concession	1
Registered Plan Number	784	Lot(s)	Pt Lts 27 & 28
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:

Lot width/ frontage, lot area, and side yard setbacks for proposed lots, both retained and severed. Please see cover letter.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Please see attached cover letter for details.

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
27.43 (±13.7m each)	±60.9	±1,672m ² (±836m ² each)	23.16

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-detached	8.19m	±33m	2m (west)/ 14.93 (east)	08/01/2012
greenhouse	42.53	14.33m	3.42 (west)/ 14.82 (east)	08/01/2012
shed	±55.5	1.64	±21.4 (west)/ 1.14 (east)	08/01/2012

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Part 1: existing dwelling	8.19m	±33m	2m (west)/ 1.2 m (east)	08/01/2012
Part 1: existing greenhouse	42.53	14.33	3.42 (west)/ 1.09 (east)	08/01/2012
Part 2: new single-detached	to comply with by-law	to comply with by-law	1.2m (east and west)	09/01/2025
Part 2: shed	±55.5	1.64	±21.4 (west)/ 1.14 (east)	08/01/2012

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-detached	±165m ²	±313m ²	2	less than 11m
greenhouse	±33m ²	±33m ²	1	3.5m
shed	±18m ²	±18m ²	1	3

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
single-detached	TBD	TBD	TBD	TBD
existing house to remain				
existing greenhouse to remain				
existing shed to remain				

- 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.):
Both parcels to be single-detached use.

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
single-detached residential (South and West), commercial plaza (east)

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

May 2019

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

Single-detached residential

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

single-detached residential

7.4 Length of time the existing uses of the subject property have continued:

since original Plan 784 Subdivision 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) "neighbourhoods"

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

Please see attached cover letter.

7.6 What is the existing zoning of the subject land? "B" Suburban Agriculture And Residential, Etc.

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: HM/A-10:297

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: concurrent consent application

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 2

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

Variances are to address reduced frontage/ lot width, side yard setbacks, and total lot area for both severed and retained parcels. The existing dwelling and accessory building greenhouse(constructed 2011) and shed will continue to exist the lands.

Severed lands will be purchased by owner's father to construct single-detached dwelling, with accessibility features in mind, for their personal use.

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

Cover letter/ justification
