

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-25:128	SUBJECT PROPERTY:	835 Regional Road 97, Flamborough
ZONE:	S1, 59 (Settlement Residential)	ZONING BY-LAW:	Hamilton Zoning By-law 05-200

APPLICANTS: Owner: Shawn Noble
 Agent: Gerrit Vander Meulen – Zoltan Engineering

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 0.21 hectares whereas a minimum lot area of 1.5 hectares is required.
2. Notwithstanding Section 4.33.4.a.i) and Special Figure 24.2 of Schedule 'F', an Additional Dwelling Unit – Detached shall be permitted within the Freelon Rural Settlement Area.
3. An Additional Dwelling Unit – Detached shall be permitted to be located within the Front Yard of the existing Single Detached Dwelling whereas the By-law prohibits Additional Dwelling Unit – Detached to be located in the front yard.
4. The front façade of the Additional Dwelling Unit - Detached shall be permitted to be located at a distance of 8.4 metres from the front lot line whereas the by-law requires the Additional Dwelling Unit – Detached to be setback a minimum 5.0 metres from the front façade of the principal dwelling.
5. A maximum building height of 6.1 metres shall be permitted for an Additional Dwelling Unit – Detached instead of the maximum permitted height of 6.0 metres.

PURPOSE & EFFECT: To establish the use of an Additional Dwelling unit – Detached in the front yard of the existing Single Detached Dwelling.

A-25:128

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, August 14, 2025
TIME:	3:20 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

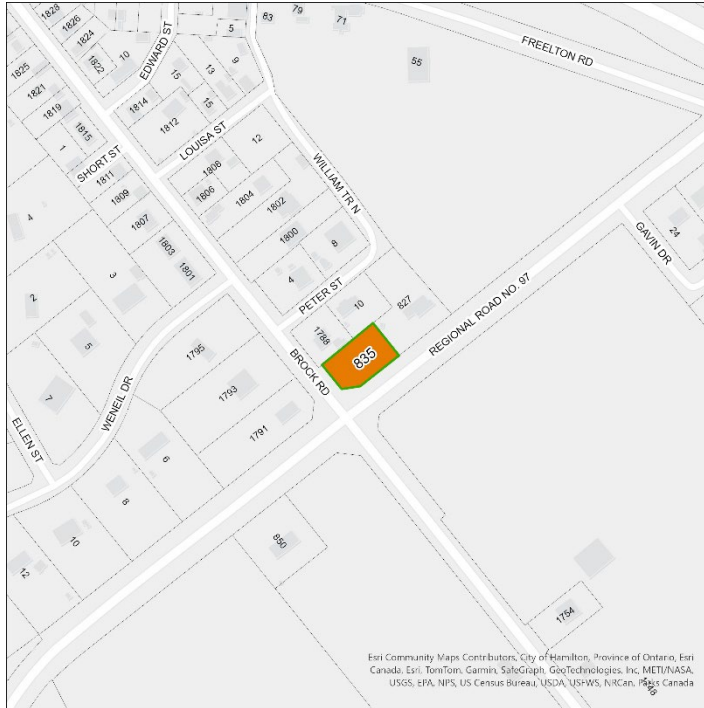
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon August 12, 2025

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 August 13, 2025

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-25:128, 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.



DATED: July 28, 2025

Justin Leung,
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 Submission Ahead of the Meeting

Members of the public who wish to provide input without speaking at the Hearing may submit written comments in advance of the meeting. Comments must be received by 12:00 p.m. (noon) on the date listed on the Notice of Public Hearing.

How to Submit Written Comments:

By Email:

Send to: cofa@hamilton.ca

By Mail:

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

All written comments received will be made available to the Committee and the public by the Tuesday prior to the Hearing.

Oral Submissions During the Hearing

Interested members of the public, agents, and owners may provide oral comments on Committee of Adjustment Hearing items either virtually via Webex (computer or phone) or by attending in person.

Speaking Time Limit:

All participants providing oral submissions, either in person or virtually are limited to a maximum of 5 minutes to speak. This is to ensure all parties have an equal opportunity to be heard and that the meeting runs efficiently.

In-Person Oral Submissions

To participate in person, attend Council Chambers on the date and time listed in the Notice of Public Hearing. You will be required to provide your name and address for the record. It is recommended you arrive at least 10 minutes prior to the scheduled start time.

Virtual Oral Submissions

To participate virtually, you must register by 12:00 p.m. (noon) on the date listed on the Notice of Public Hearing. To register, email cofa@hamilton.ca with the following information:

- Committee of Adjustment file number
- Hearing date
- Name and mailing address of each person wishing to speak
- Method of participation (phone or video), and, if applicable, the phone number to be used
- Each person must register separately

Registered participants will receive a Webex link one business day before the Hearing. Only those registered will be called upon to speak.

Presentations

All presentations are permitted at the discretion of the Committee.

Virtual Presentations:

Presenters participating virtually may be granted permission to share their screen during the Hearing. A copy of the presentation must be submitted to cofa@hamilton.ca no later than 12:00 p.m. (noon) on the business day prior to the Hearing. The submission must be one document in PDF format only.

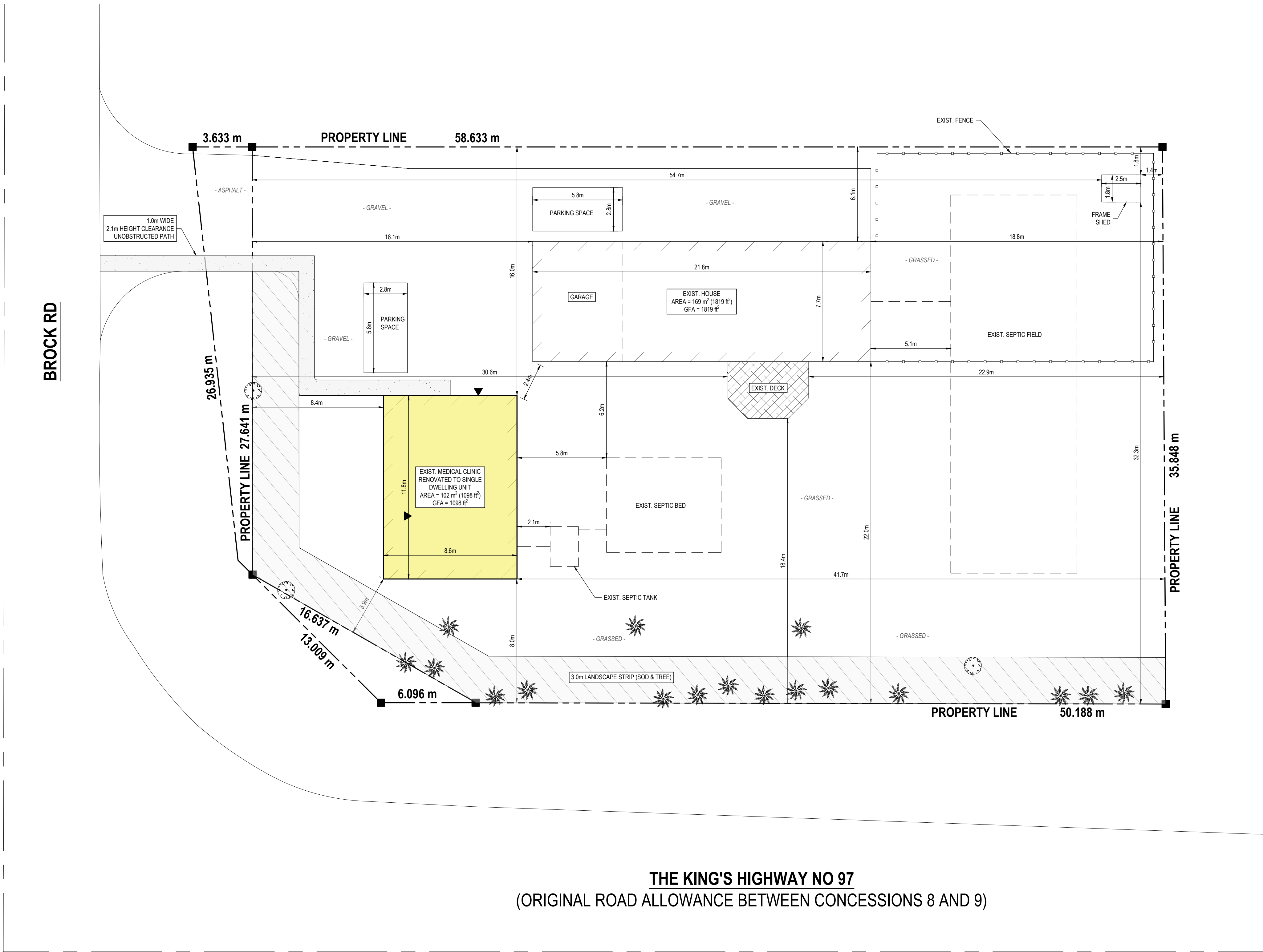
In-Person Presentations:

Presenters attending in person may be granted permission to use the presentation screen. Presentations must be brought on a USB device and opened by the owner/applicant. A copy of the presentation must also be sent to cofa@hamilton.ca by 12:00 p.m. (noon) on the business day prior to the Hearing in PDF format as a single document. Handouts are permitted only if the same content can be displayed on the presentation screen.

Additional Notes

- Webex (video) participation requires a compatible computer or smartphone. The necessary application must be downloaded in advance.
- It is the interested party's responsibility to ensure their device is functional and compatible prior to the Hearing.

For any questions, contact staff at cofa@hamilton.ca or call 905-546-2424 ext. 4221.



1 ARRANGEMENT PLAN
Scale: 1:150

- GENERAL**
- THE DESIGN AND CONSTRUCTION OF ALL WORK ON THIS PROJECT IS TO CONFORM TO THE ONTARIO BUILDING CODE - 2012 INCLUDING ALL AMENDMENTS, AND THE RELEVANT LISTED CSA STANDARDS INCLUDING THE LATEST REVISIONS.
 - READ STRUCTURAL DRAWINGS IN CONJUNCTION WITH ALL RELEVANT ARCHITECTURAL AND SERVICES DRAWINGS AND OTHER CONTRACT DOCUMENTS.
 - THE CONTRACTOR SHALL VERIFY ALL DIMENSIONED DRAWINGS AND REPORT ANY DISCREPANCIES TO THE ENGINEER BEFORE PROCEEDING WITH THE WORK.
 - DO NOT EXCEED DESIGN LIVE LOAD DURING CONSTRUCTION.
 - ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT AND REGULATIONS FOR CONSTRUCTION PROJECTS - O REG. 213/91.
 - THE CONTRACTOR SHALL RETAIN AN INDEPENDENT INSPECTION AND TESTING COMPANY TO ENSURE THAT ALL WORK IS DONE IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS. TESTING SHALL INCLUDE REINFORCING STEEL PLACEMENT, CONCRETE TESTS, SOIL BEARING AND COMPACTION TESTS, AND STRUCTURAL STEEL.
 - IT IS THE RESPONSIBILITY OF BOTH THE OWNER AND THE CONTRACTOR TO NOTIFY THE ENGINEER OF REQUIRED INSPECTION AND TESTING. THE CONTRACTOR SHALL PROVIDE THE ENGINEER WITH A CONSTRUCTION SCHEDULE PRIOR TO STARTING THE WORK. GENERALLY, INSPECTION BY THE ENGINEER WILL BE REQUIRED FOR REBAR PRIOR TO CONCRETE PLACEMENT, FOOTING AND FOUNDATIONS PRIOR TO BACKFILLING, AND ABOVE GRADE FRAMING PRIOR TO INSTALLATION OF INTERIOR FINISHES.
 - SITE VISITS AND REVIEWS BY THE DESIGN ENGINEER OR REPRESENTATIVE ARE INTENDED FOR THE PURPOSE OF ASCERTAINING GENERAL CONFORMANCE WITH THE DESIGN CONCEPT. THE SITE REVIEWS DO NOT MEAN THAT THE DESIGN ENGINEER HAS SEEN ALL OF THE CONSTRUCTION OR CONSTRUCTION PROCEDURES.
 - REVIEW OF CONSTRUCTION BY THE DESIGN ENGINEER DOES NOT RELIEVE THE CONTRACTOR OF HIS RESPONSIBILITY FOR ERRORS AND OMISSIONS AND FOR MEETING ALL THE REQUIREMENTS OF THE CONSTRUCTION AND CONTRACT DOCUMENTS.
 - THE CONTRACTOR IS RESPONSIBLE FOR ANY COSTS ASSOCIATED WITH THE REMOVAL OF FINISHES REQUIRED FOR INSPECTIONS OR TESTING THAT IS COVERED BEFORE INSPECTIONS ARE COMPLETED.
 - SUBSTITUTIONS FROM SPECIFIED PRODUCTS AND MATERIALS MUST BE APPROVED BY THE ENGINEER PRIOR TO ORDERING OF MATERIALS. THE CONTRACTOR SHALL REIMBURSE ALL CONSULTANT FOR ADDITIONAL COSTS INCURRED AS A RESULT OF REVIEWING ANY CHANGES MADE TO THE CONTRACT DOCUMENTS.
 - IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO DESIGN ALL SHORING AND TEMPORARY BRACING PER O REG 213/91 AND THE CONTRACTOR SHALL RETAIN AN ENGINEER AS REQUIRED.

- TIMBER**
- ALL WOOD MATERIALS, FABRICATION, BRACING, AND ERECTION PROCEDURES TO BE IN ACCORDANCE WITH CSA 086-14. ALL TIMBER GRADING TO BE IN ACCORDANCE WITH NLGA.
 - ALL TIMBER FOR RAFTERS, LINTELS, AND BEAMS TO BE SPF #2 UNLESS NOTED ON PLAN.
 - ALL TIMBER SHALL CONFORM TO RECOGNIZE NOMINAL SIZES SHOWN ON PLAN AND STRESS RATINGS FOR APPROPRIATE SPECIES. NO TIMBER SHALL BE USED THAT DOES NOT CONFORM TO DIMENSIONS AND SPECIES.
 - MINIMUM NUMBER OF FASTENERS PER OBC 9.23.3.4
 - THE USE OF AIR NAILS ARE ACCEPTABLE TO SUBSTITUTING (x2) 3" COMMON WIRE NAILS WITH (x3) 3"x120 PROSTRIP TYPE AIR NAILS.
 - ALL JOIST HANGERS TO BE HUS BY SIMPSON STRONG TIE OR APPROVED EQUIVALENT. USE HOT-DIPPED GALVANIZED FINISH STEEL FOR EXTERIOR WORK.
 - SHEATHING
 - ROOF SHEATHING: $\frac{3}{4}$ " PLYWOOD
 - EXTERIOR WALLS: $\frac{1}{2}$ " EXTERIOR TYPE PLYWOOD
 - ALL SHEATHING SHALL BE FASTENED TO THE STUD FRAMING WITH MINIMUM 3" COMMON NAILS @12" O.C. IN THE FIELD, AND @8" O.C. AT SUPPORTED EDGES. REFER TO PLANS FOR ALL ADDITIONAL SHEAR WALL/DIAPHRAGM BLOCKING AND NAILING.
 - BOLTS AND THREADED RODS TO BE A307 OR 300W GRADE
 - ALL WOOD TO BE PRESSURE TREATED MATERIAL PER CAN/CSA-080 "WOOD PRESERVATION" INCLUDING BUT NOT LIMITED TO THE FOLLOWING LOCATIONS:
 - INSTALLED EXTERIOR TO BUILDING
 - INCORPORATED WITH ROOFING SYSTEMS
 - INSTALLED AT EXTERIOR IN CONTACT WITH ROOFING SYSTEM
 - INSTALLED IN CONTACT WITH CONCRETE AND MASONRY
 - ALL TRUSSES MUST BE FABRICATED IN ACCORDANCE WITH OBC/NBC PART 4 AND TRUSS PLATE INSTITUTE.
 - TRUSS FABRICATOR SHALL SUPPLY ALL NECESSARY PLANS INCLUDING PLACING DRAWING SHOWING LOCATION, LOADINGS ALLOWABLE STRESSES, TEMPORARY AND PERMANENT BRACINGS, AND SHALL BEAR A SEAL OF A PROFESSIONAL ENGINEER.
 - ALL HANDLING AND ERECTION OF TRUSSES TO BE IN ACCORDANCE WITH TRUSS SUPPLIERS REQUIREMENTS.
 - ALL TRUSSES MUST BE ANCHORED TO SUPPORTS WITH TIE DOWN METAL FRAMES.

835 REGIONAL RD 97 - ZONING CHART			
S1 - SETTLE RESIDENTIAL (12.3.3)			
ITEM	ZONING BY-LAW	PROVIDED	COMPLIANCE
LOT AREA	MIN. 4000m ²	2135m ²	EXIST.
LOT FRONTAGE	MIN. 30m	35.9m	Y
BUILDING STATISTICS			
MINIMUM FRONT YARD	7.5m	8.4m	Y
MINIMUM REAR YARD	7.5m	41.7m	Y
MINIMUM INTERIOR WEST SIDE YARD	3.0m	16m	Y
MINIMUM EXTERIOR EAST SIDE YARD	3.0m	3.9m	Y
MAXIMUM BUILDING HEIGHT	6.0m	5.8m	Y

PLAN NOTES:

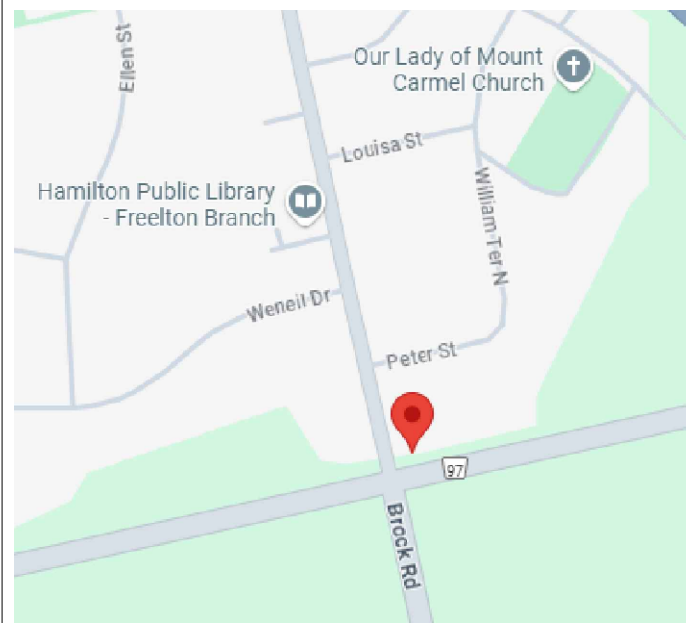
THIS PLAN WAS PREPARED AS A GENERAL ARRANGEMENT FOR THE PROPOSAL AS SHOWN.

INFORMATION PROVIDED BY OWNER.

SITE DIMENSIONS HAVE NOT BEEN FIELD VERIFIED BY ZOLTAN ENGINEERING INC. AT THE TIME OF PLAN PREPARATION.

NOTES:

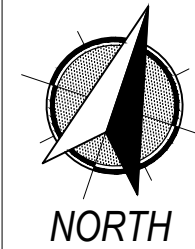
REFERENCE SITE PLAN PROVIDE BY A.T. MCLAREN LIMITED LEGAL AND ENGINEERING SURVEY. DRAWING NUMBER 28594, DATE 03 JUNE 1999.



KEY MAP

THESE DESIGN DOCUMENTS ARE PREPARED SOLELY FOR THE USE BY THE PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS ENTERED INTO A CONTRACT AND THERE ARE NO REPRESENTATIONS OF ANY KIND MADE BY THE DESIGN PROFESSIONAL TO ANY PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS NOT ENTERED INTO A CONTRACT.

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LEGAL DESCRIPTION

REV.	DATE	REMARKS
1	19JUN25	ISSUED FOR MINOR VARIANCE
0	17APR25	ISSUED FOR APPROVAL

ZOLTAN ENGINEERING

25-4380 SOUTH SERVICE ROAD
BURLINGTON, ON L7L 5Y6
(905) 331 - 8307
WWW.ZOLTANENGINEERING.COM

PROJECT TITLE

PROPOSED DWELLING UNIT CONVERSION

835 REGIONAL RD 97, FREELTON,
ON, L8B 0Z4

DRAWING TITLE

ARRANGEMENT PLAN

SCALE	AS NOTED
DATE	AS NOTED
DRAWN	TL
DESIGNED	ZL
CHECKED	ZL



PROJECT NO.

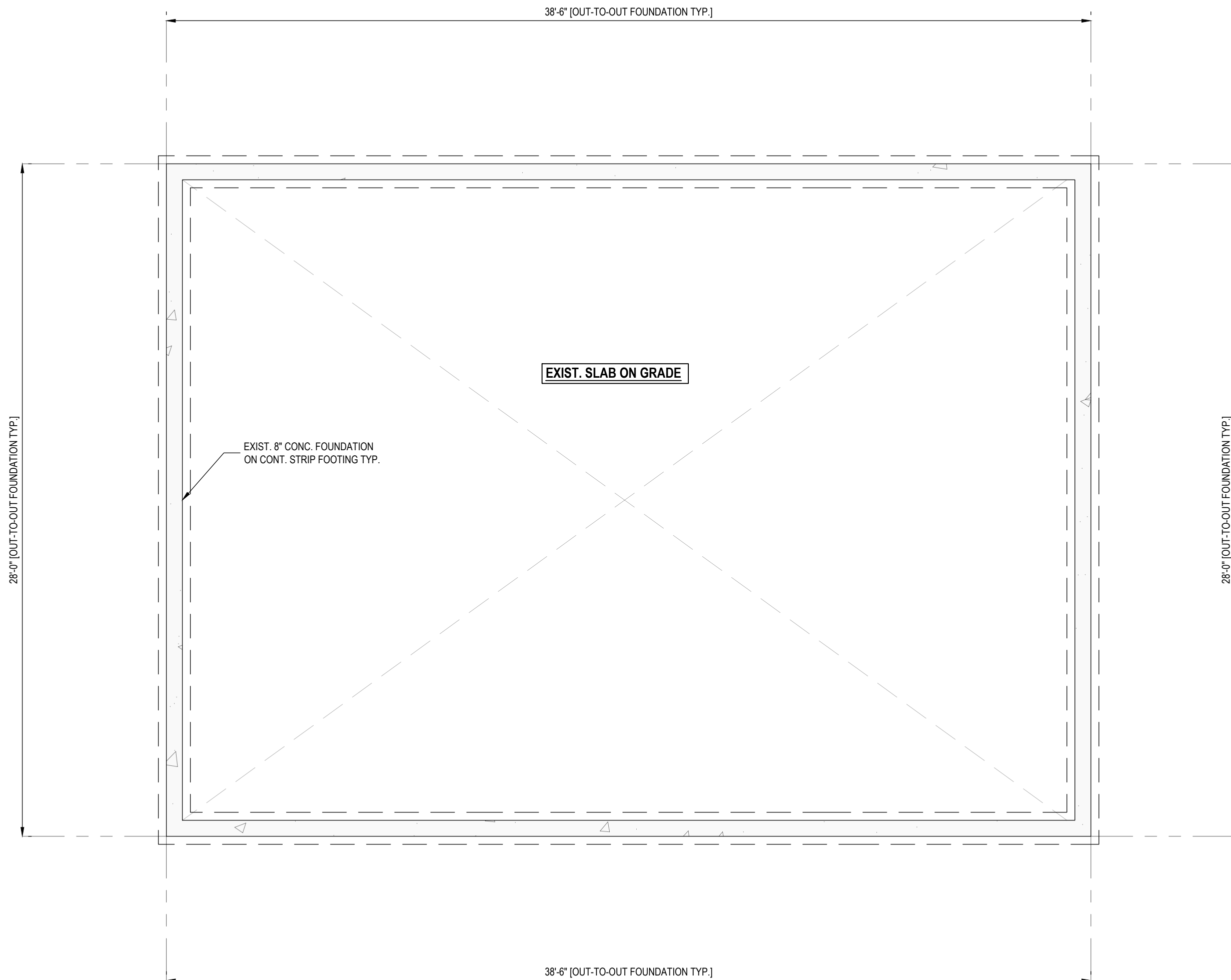
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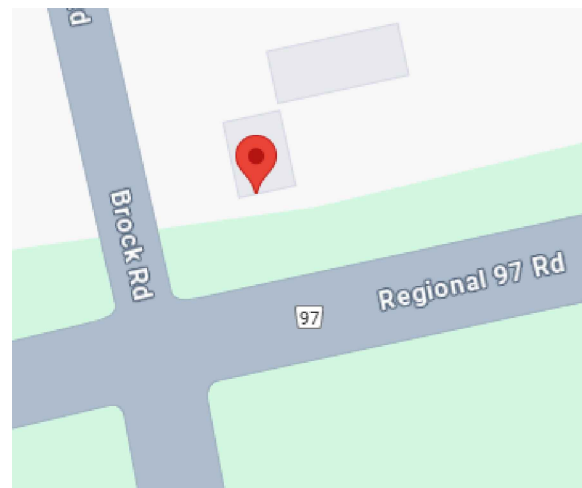
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1 EXIST. FOUNDATION PLAN

Scale: 1/4" = 1'-0"



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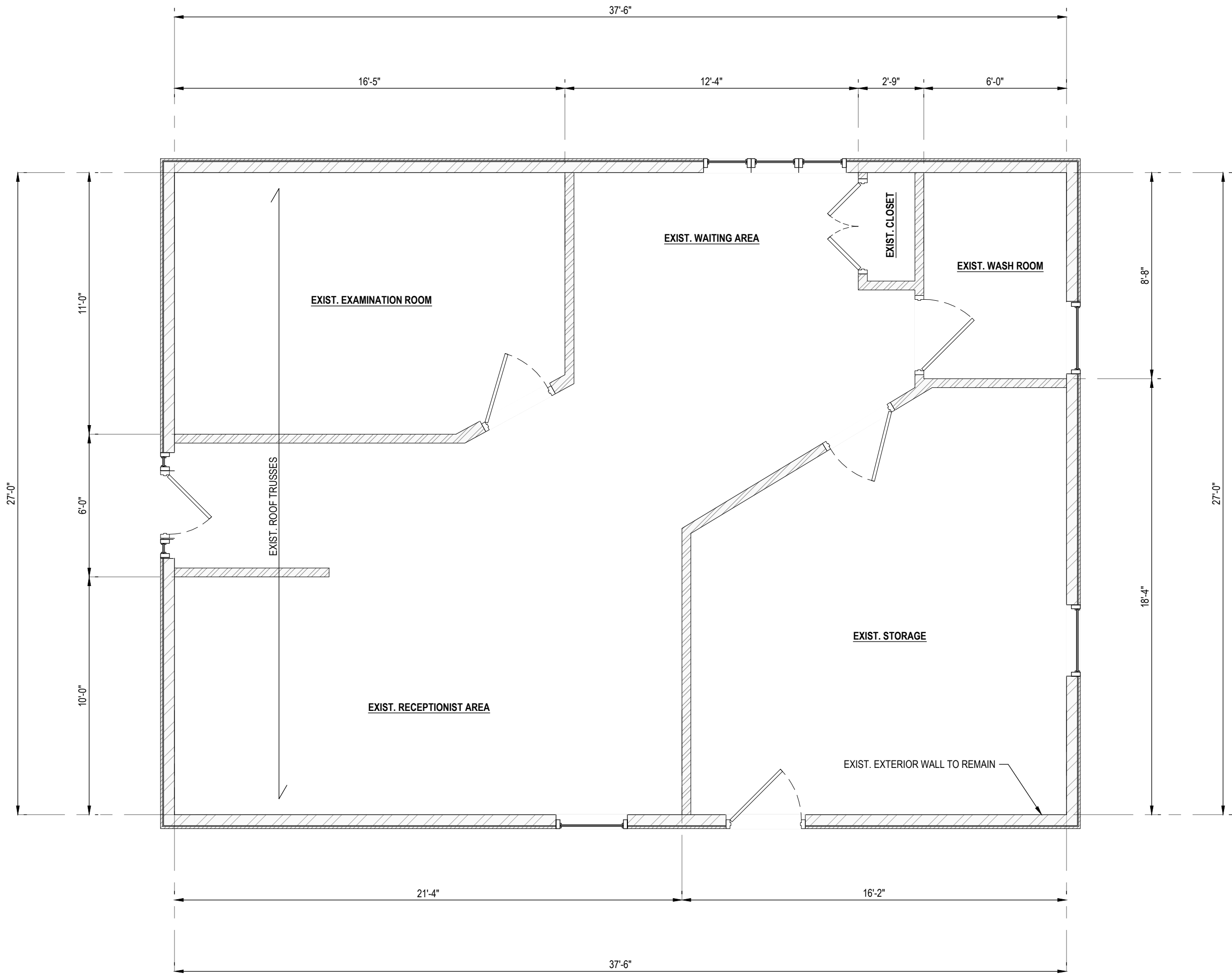
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25-040

SHEET NO.

A1

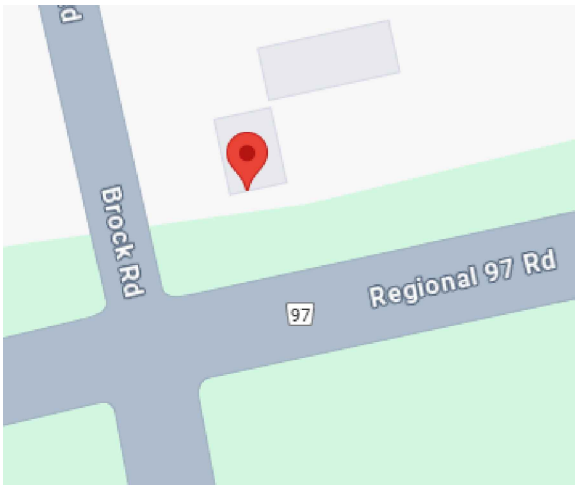
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1

EXIST. MAIN FLOOR PLAN

Scale: 1/4" = 1'-0"



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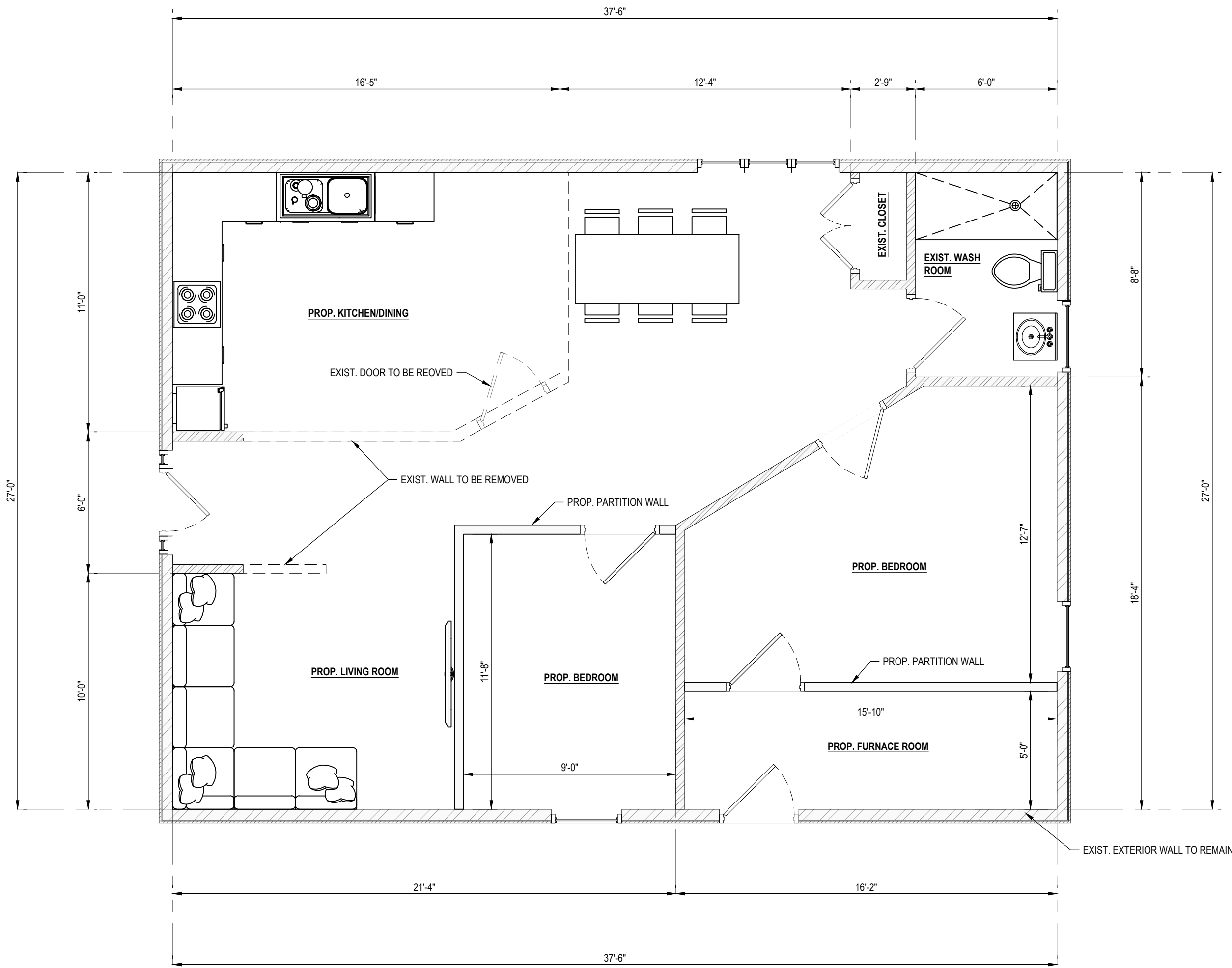
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PROJECT NO.
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SHEET NO.
A2

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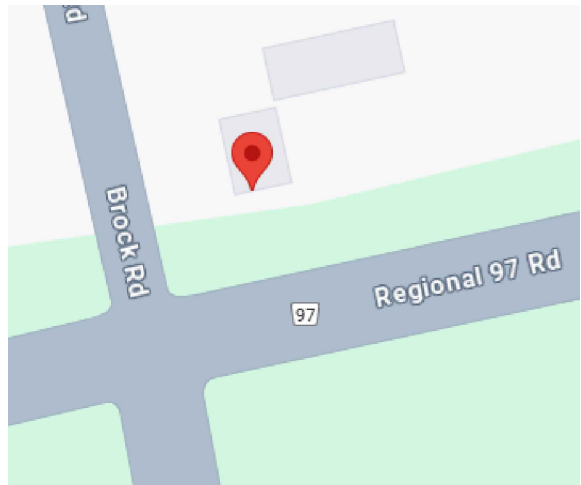
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PROP. MAIN FLOOR PLAN

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PROJECT NO.
25-040

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A3

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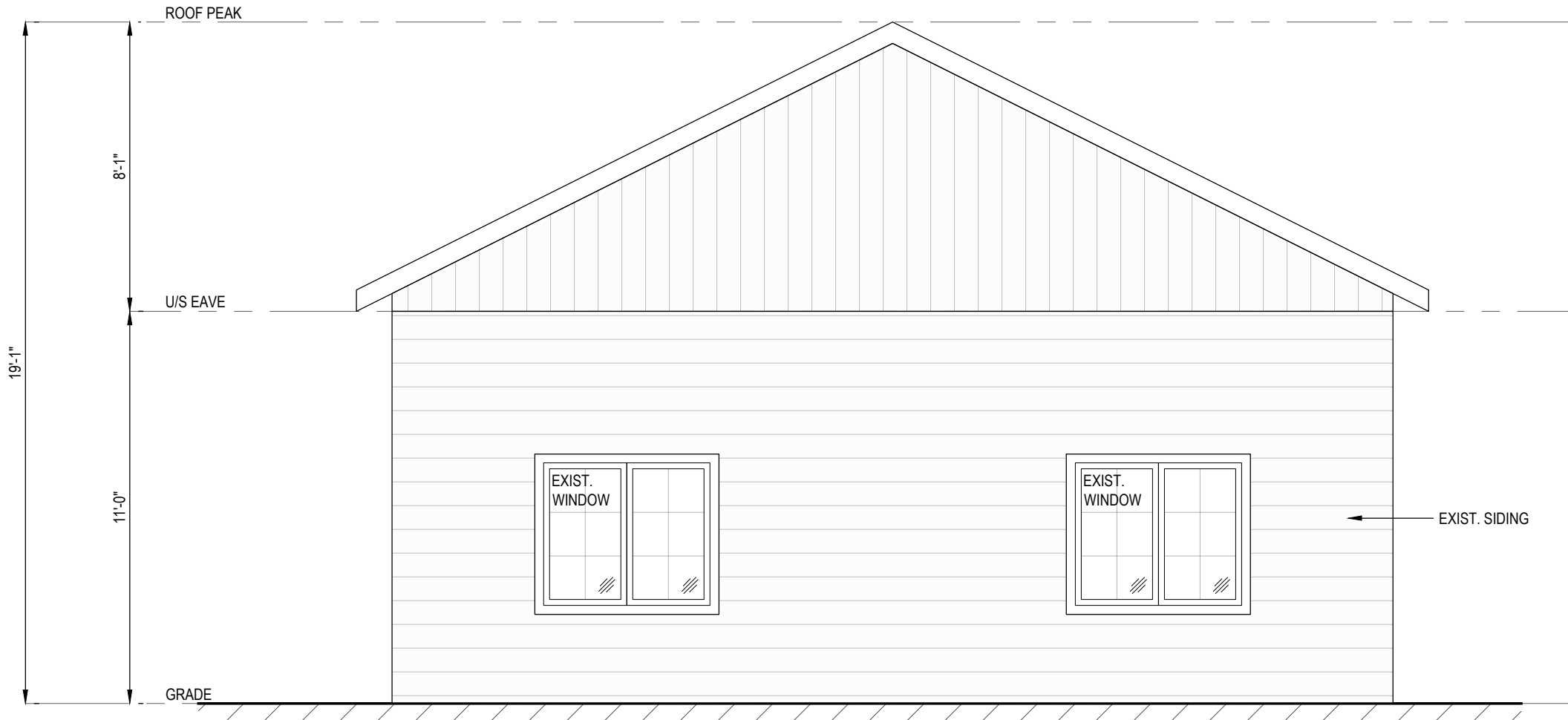
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1

FRONT ELEVATION

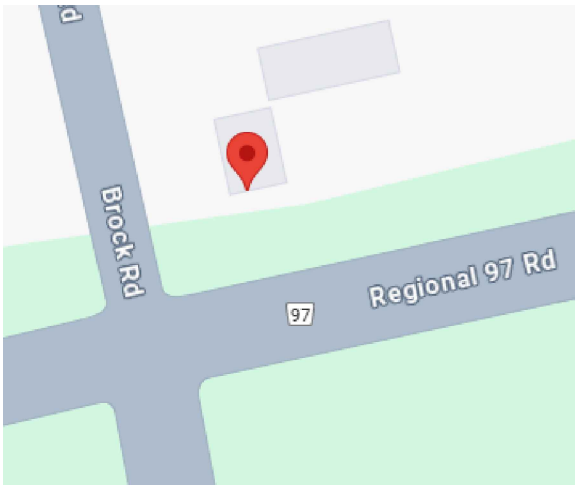
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2

BACK ELEVATION

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PRELIMINARY

PROJECT NO.

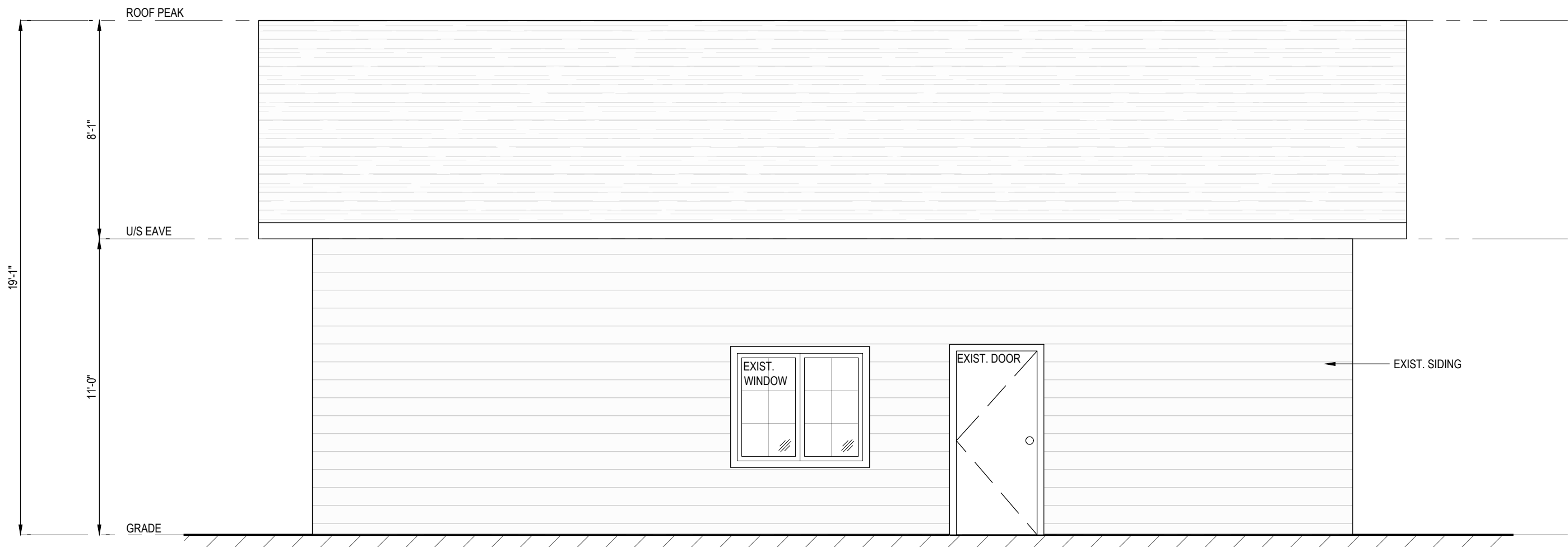
25-040

SHEET NO.

A4

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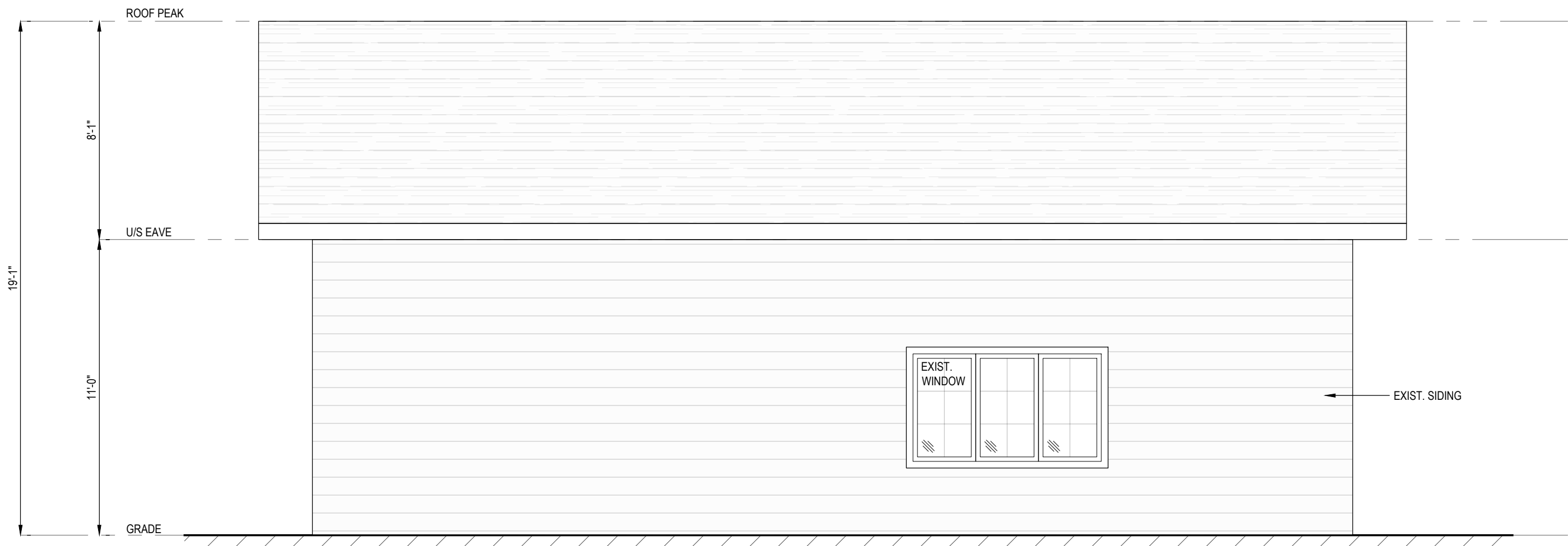
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1

SIDE ELEVATION

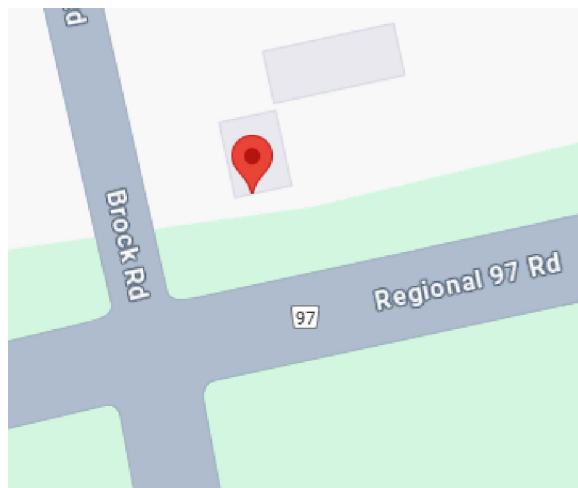
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2

SIDE ELEVATION

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PROJECT NO.

25-040

SHEET NO.

A5



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424 x2719
www.hamilton.ca

May 13, 2025

FILE: ZCR-25-080
ATTENTION OF: Ashley Hladish
TELEPHONE NO: (905) 546-2424
EXTENSION: 1056

Gerrit Vander Meulen

Re: Zoning District: S1, 59 – Settlement Residential
Zoning By-law: Hamilton Zoning By-law 05-200
File Number: ZCR-25-080
Address: 835 Regional Road 97, Flamborough

An Applicable Law Review has been completed and the following comments are provided.

COMMENTS:

1. The applicant is proposing to convert the existing accessory building into an Additional Dwelling Unit – Detached.
2. The property is currently zoned 'S1 – Settlement Residential' within Hamilton Zoning By-law 05-200. Special Exception 59 applies to this property:

In addition to Section 12.3.1, on those lands zoned Settlement Residential (S1) Zone, identified on Map 25 of Schedule "A" – Zoning Maps and described as 835 Regional Road No. 97, a Medical Clinic with a maximum gross floor area of 98.0 square metres shall also be permitted.

3. The applicant has indicated that the existing accessory building has been operating as a legally established (As per Site Exception 59 above) 'Medical Clinic' which has its own separate septic and water service from the existing Single Detached Dwelling.
4. The City of Hamilton Zoning By-law 05-200 permits a legally established accessory building that was existing on May 12, 2021, to be converted into an Additional Dwelling Unit – Detached.
5. As per Special Figure 24.2 of Schedule 'F'; the property is located within the Freelon Rural Settlement Area which prohibits Additional Dwelling Units and Additional Dwelling Units – Detached.
6. The property located at 835 Regional Road 97 is a corner lot with frontage on Brock Road and Flankage on Regional Road 97.
7. Amendments to Ontario Regulation 299/19 were made regarding minimum setback requirements for Additional Dwelling Units:

"The building or structure shall be at least 4 metres from another building or structure on the parcel if the other building or structure contains a residential unit."

These regulatory changes have been reflected in the review of the proposed development.

8. The proposed development has been reviewed and compared to the standards of the current S1, 59 zone as indicated in the following chart:

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 12.3.3 S1, 59 – Settlement Residential Zone			
Special Exception '59' [as per Schedule 'C' Special Exceptions of Hamilton Zoning By-law 05-200]	<i>In addition to Section 12.3.1, on those lands zoned Settlement Residential (S1) Zone, identified on Map 25 of Schedule "A" – Zoning Maps and described as 835 Regional Road No. 97, a Medical Clinic with a maximum gross floor area of 98.0 square metres shall also be permitted.</i>		
Minimum Lot Area [as per section 12.3.3(a) of Hamilton Zoning By-law 05-200]	0.4 hectares	0.21 hectares (as per site statistics)	Non-Conforming
Minimum Lot Width [as per section 12.3.3(b) of Hamilton Zoning By-law 05-200]	30.0 metres	Greater than 30m of frontage onto Brock Road	Existing Conditions
Minimum Front Yard [as per section 12.3.3(c) of Hamilton Zoning By-law 05-200]	7.5 metres	18.1m	Existing conditions
Minimum Side Yard [as per section 12.3.3(d) of Hamilton Zoning By-law 05-200]	3.0 metres	6.1m – interior side yard 22m – flankage side yard	Existing Conditions
Minimum Rear Yard [as per section 12.3.3(e) of Hamilton Zoning By-law 05-200]	7.5 metres	18.8m	Existing Conditions
Maximum Building Height [as per section 12.3.3(f) of Hamilton Zoning By-law 05-200]	10.5 metres	N/A	Existing Conditions
Section 4 – General Provisions			
Mechanical and Unitary Equipment [as per section 4.9 of Hamilton Zoning By-law 05-200]	Hot boxes, 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:		
	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, b) Within a required side yard or	No Mechanical or Unitary Equipment has been proposed at this time.	N/A

	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.		
Additional Dwelling Unit and Additional Dwelling Unit - Detached [as per section 4.33 of Hamilton Zoning By-law 05-200]	<p>a) All the regulations of this By-law applicable to the principal dwelling shall continue to apply unless specifically provided in Section 4.33.</p> <p>b) A Single Detached Dwelling, Duplex Dwelling, or Triplex Dwelling built in conformity with this By-law, may be converted to contain a fourth Additional Dwelling Unit.</p> <p>c) Notwithstanding any applicable regulations of this By-law, no more than four Dwelling Units shall be permitted on a lot that contains an Additional Dwelling Unit and/or Additional Dwelling Unit – Detached.</p>	One Existing Residential Dwelling Unit with One Additional Dwelling Unit – Detached has been proposed on the property.	Conforming
Additional Dwelling Unit – Detached in Agriculture (A1), Rural (A2) and Settlement Residential (S1) Zones [as per section 4.33.4 of Hamilton Zoning By-law 05-200]	a) For lands within an A1, A2, S1 Zone, a maximum of one Additional Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling having a minimum lot area of 1.5 hectares.	0.21 hectares	Non-Conforming
	i) Notwithstanding 4.33.4 a) above, an Additional Dwelling Unit – Detached shall not be permitted on lands identified in Figures 24.1 to 24.5 of Schedule “F” – Special Figures.	Subject property is located within Figure 24.2 of Schedule ‘F’ <i>‘Freelton Rural Settlement Area’</i>	Non-Conforming
	<p>b) In addition to Section 4.33.4 a), a legally established accessory building existing as of May 12, 2021, may be converted to the one Additional Dwelling Unit – Detached permitted on a lot containing an existing Single Detached Dwelling subject to the following provision:</p> <p>i) Any additions over 10% of the existing gross floor area of the</p>	No Additions have been proposed at this time.	N/A

	Required By By-Law	Provided	Conforming/ Non-Conforming
	legally established accessory building converted to an Additional Dwelling Unit – Detached shall be in accordance with the regulations of Section 4.33.4.		
	c) All the regulations of the By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 4.33.4.		
	d) An Additional Dwelling Unit – Detached shall only be permitted in a Rear and/or interior Side Yard.	Existing Accessory Structure is located within the Front Yard.	Non-Conforming
	e) A minimum 1.2 metre setback shall be provided from the interior Side Lot Line and Rear Lot Line	<u>Side Lot Line:</u> 16 metres <u>Rear Lot Line:</u> 41.7 metres	Existing Conditions
	i) Notwithstanding Section 4.33.4 e), an eave or a gutter may extend a maximum of 0.45 metres into a required minimum setback area.	Existing Eaves do not appear to encroach into any required yard.	Existing Conditions
	ii) In addition to Section 4.33.4 e), a landscaped strip is required to be provided within the required side yard adjacent to an Additional Dwelling Unit – Detached and shall be limited to sod, ground cover, permeable pavers, or a planting strip, and may include a visual barrier.	Landscaped strip has not been indicated on the submitted drawings.	Unable to Determine Compliance
	f) An Additional Dwelling Unit – Detached shall not be located closer to the flankage street than the principal dwelling.	ADU-D is located closer to the Principal Dwelling than the flankage street	Conforming
	g) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metre clearance in height from a street line to the entrance of the Additional Dwelling Unit – Detached shall be provided and maintained.	Unobstructed path has not been indicated on the submitted drawings.	Unable to Determine Compliance
	h) The following building separation shall be provided: i) Where an Additional Dwelling Unit – Detached is in the Rear Yard, a minimum distance of 7.5	ADU-D is not located within the rear yard	N/A

	Required By By-Law	Provided	Conforming/ Non-Conforming
	metres 4.0 metres shall be required between the rear wall of the principal dwelling and the Additional Dwelling Unit – Detached.		
	ii) Where an Additional Dwelling Unit – Detached is in an Interior Side Yard, the following is required: A) A minimum distance of 4.0 metres shall be provided between the side wall of the principal dwelling and an Additional Dwelling Unit – Detached;	ADU-D is not located within the interior side yard	N/A
	B) An Additional Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.	The rear wall of the ADU-D is located approximately 1.1 metres closer to the front lot line than the front wall of the existing dwelling.	Non-Conforming
	i) A maximum height of 6.0 metres shall be permitted.	6.1 metres	Non-Conforming
	i) Notwithstanding Section 4.33.4 i), balconies and rooftop patios shall be prohibited above the first floor level.	N/A	
	j) The maximum gross floor area shall not exceed the principal dwelling.	<p>Gross Floor Area for the existing principal dwelling has not been provided.</p> <p>Applicant to Note:</p> <p>Please be advised that the Gross Floor Area of the ADU-D is required to be less than the Gross Floor Area of the principal dwelling.</p> <p>Please see the definition of Gross Floor Area below.</p> <p><u>Gross Floor Area:</u></p>	Unable to Determine Compliance

	Required By By-Law	Provided	Conforming/ Non-Conforming
		<i>Shall mean the aggregate horizontal area measured from the exterior faces of the exterior walls of all floors of a building (excluding any cellar or floor area having a ceiling height of 2.0 metres or less or devoted exclusively to parking) within all buildings on a lot but shall not include any area devoted to mechanical equipment</i>	
	<p>k) Notwithstanding 4.33.4 g) above, the maximum combined lot coverage of all accessory buildings, Farm Labour Residence(s) and the Additional Dwelling Unit – Detached shall be 25%.</p> <p><u>Max Combined Lot Coverage:</u></p> <p>$2135\text{m}^2 \times 0.25 = 533.7\text{m}^2$</p> <p>533.7m² permitted</p> <p><u>Proposed Lot Coverage</u></p> <p>Existing Dwelling: 169m²</p> <p>ADU-D: 102m²</p> <p>$169\text{m}^2 + 102\text{m}^2 = 271\text{m}^2$</p> <p>271m² proposed</p>	271m ² proposed	Existing Conditions
	l) The waste disposal and water supply systems shall be in accordance with Section 4.22 iii).		
Landscape Requirements [as per section 4.35 of Hamilton Zoning By-law 05-200]	<p>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:</p> <p>a) A minimum 50% landscaped</p>	Less than 50% landscaping been indicated within the front yard.	Existing Conditions

	Required By By-Law	Provided	Conforming/ Non-Conforming
	area in the Front Yard;		
	b) A minimum 50% landscaped area in the Flankage Yard; and,	Greater than 50% landscaping has been indicated within the flankage yard.	Existing Conditions
	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 3.75 metres in length; and, ii) shall not contain hard landscaping or structures.	Tree Planting Area has not been indicated.	Unable to Determine Compliance
Section 5 – Parking Supply Requirements and Restrictions			
Minimum Number of Required Parking Spaces [as per section 5.1.1 (a) of Hamilton Zoning By-law 05-200]	The minimum number of required parking spaces which must be provided shall be the result of applying: i) The minimum amount in accordance with the Minimum Required Parking Rate Schedule in Section 5.7.1; ii) Any eligible exception in this Section; and, iii) Any eligible deductions in this Section		
Minimum Parking Space Dimensions [as per section 5.2.1 of Hamilton Zoning By-law 05-200]	a) Minimum Parking Space Dimensions Unless permitted by another regulation in this By-law, parking space sizes shall be a minimum of 2.8 metres in width and 5.8 metres in length.	2.8m x 5.8m indicated	Conforming
Access Requirements [as per section 5.2.4 of Hamilton Zoning By-law 05-200]	a) Access Design Requirements Access to all parking shall: i) be arranged so as to not interfere with normal public use of the street or laneway; ii) be provided by means of an access driveway: 1. located on the lot; or, 2. located partly on the lot in the case of a mutual driveway; or,	Access has been provided on the lot in a way that does not interfere with the normal public use of the street. Access has been provided by means of Right of Way. Ingress and egress are	Existing Conditions

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>3. by means of a Right-of-Way; and,</p> <p>iii) in the case of a Parking Lot, provide ingress and egress of vehicles to and from a street in a forward motion only.</p>	provided in a forward motion only.	
	<p><u>b) Minimum Access Driveway Width</u></p> <p>The width of any driveway providing access to a parking space shall be a minimum of 2.7 metres</p>	6.1m indicated	Existing Conditions
<p>Parking Facility Surface Material Requirements [as per section 5.3.4 of Hamilton Zoning By-law 05-200]</p>	<p><u>a) Parking Spaces, Driveways and Widening(s) in All Zones</u></p> <p>Parking spaces, driveways and widening(s) in all zones shall be provided and maintained with stable surfaces such as asphalt, concrete or other hardsurfaced material, crushed stone, permeable pavers or gravel, and shall be maintained in a dust free condition.</p> <p>i) Notwithstanding Section 5.3.4 a), on a lot containing a residential use in a Residential Zone, any parking provided beyond that which is required by Section 5.7.1 of this By-law shall be maintained with permeable material and shall not be deemed landscaped area in the calculation of total landscaped area on a lot.</p>	Gravel indicated	Existing Conditions
<p>Minimum Required Parking Rate Schedule [as per section 5.7.1 of Hamilton Zoning By-law 05-200]</p>	<p>a) Minimum Required Parking Rate Schedule</p> <p>Parking spaces shall be provided in the minimum quantity specified in Column 2 hereunder for each use listed in Column 1:</p> <p>Refer to table in By-law 5.7.1</p> <p>1 per unit required to be provided for the ADU-D</p>	<p>Two (2) spaces have been indicated on the site plan.</p> <p>One (1) for the ADU-D</p> <p>One (1) for the existing principal dwelling</p>	Conforming

	Required By By-Law	Provided	Conforming/ Non-Conforming
	1 per unit required to be maintained for the existing principal dwelling		

9. Construction of the proposed Additional Dwelling Unit – Detached is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.
10. All new signs proposed for this development must comply with the regulations contained within the Sign By-law 10-197.
11. All new fences proposed for this development must comply with the regulation contained within the Fence By-law 10-142.
12. The designer shall ensure that the fire access route conforms to the Ontario Building Code.

Yours truly

Ashley Hladish

for the Manager of Zoning and Committee of Adjustment



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)	Shawn Noble	
Applicant(s)	Gerrit Vander Meulen - Zoltan Engineering	
Agent or Solicitor	Gerrit Vander Meulen - Zoltan Engineering	

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 be 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	835 Regional Road #97, Freelon, ON L0R 1K0		
Assessment Roll Number			
Former Municipality	Town of Flamborough		
Lot	Lots 135, 136, & 137	Concession	
Registered Plan Number	330	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:

Allowing an existing accessory medical clinic building to be converted to an Additional Dwelling Unit.

☒ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

It is not possible to comply since the building is existing. Also due to location it is not feasible to continue to operate as a medical clinic.

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
27.641m	62.475m	2164 m2	30.48m

4.2 Location of all buildings and structures on or proposed for the subject lands:
(Specify distance from side, rear and front lot lines)

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single Family Dwelling	18.1m	18.8m	6.1m & 22m	01/01/1970
Medical Clinic Office	8.4m	41.7m	16m & 3.9m	01/01/1970
Shed	54.7m	1.4m	1.8m & 32.3m	01/01/1970

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Accessory Dwelling Unit - Detached	8.4m	41.7m	16m & 3.9m	01/01/1970

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single Family Dwelling	168 m2	168 m2	1	4.6m
Medical Clinic Office	101 m2	101 m2	1	5.8m
Shed	4.5 m2	4.5 m2	1	3.1m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Accessory Dwelling Unit - Detached	101 m2	101 m2	1	5.8m

- 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 and additional dwelling unit - detached

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:

2021

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

Single detached dwelling and medical clinic office

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:

> 25 years

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

Rural Hamilton Official Plan designation (if applicable): Rural Settlement Areas

Rural Settlement Area: Freelton

Urban Hamilton Official Plan designation (if applicable) _____

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

Existing building with existing servicing.

7.6 What is the existing zoning of the subject land? S1 - Settlement 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: _____

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 2 Total, including existing.

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

There is currently one existing dwelling unit in the existing house. The proposal is to add a single dwelling unit in the other building (existing medical clinic) on the property. For a total of two dwelling units.

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
