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	A-25:144	SUBJECT	3392 Homestead Drive,
NO.:		PROPERTY:	Glanbrook
ZONE:	R2 (Low Density Residential –	ZONING BY-	Hamilton Zoning By-law 05-200
	Large Lot)	LAW:	

APPLICANTS: Owner: Ernesto Costa and Paula Costa

Agent: Caridad Malebranche

The following variances are requested:

- 1. A minimum Lot Width of 14.0 metres shall be permitted for the portion of the lands to be severed instead of the minimum required Lot Width of 18.0 metres.
- 2. An Accessory Building shall be permitted to be erected on the portion of the lands to be severed prior to the erection of a principal building or structure.
- 3. The maximum combined Lot Coverage of all Accessory Buildings shall be permitted to be 63.0 square metres instead of the maximum permitted 45.0 square metres or 7.5% of the lot area, whichever is the lesser.

PURPOSE & EFFECT:

To facilitate a consent/land severance application for the creation of a new Lot and the retention of an existing Accessory Building on the portion of the lands to be severed.

Notes:

- i. Specific details regarding the proposed Dwelling in the lands to be severed have not been indicated.
- ii. Consent/Severance Application File No. B-24:57 is associated with this address, and is currently on-hold.

A-25:144

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:	12:55 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

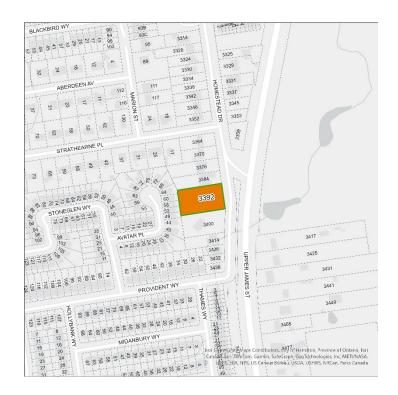
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon August 12, 2025

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-25:144, 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: 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.



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.

A-25:144

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.

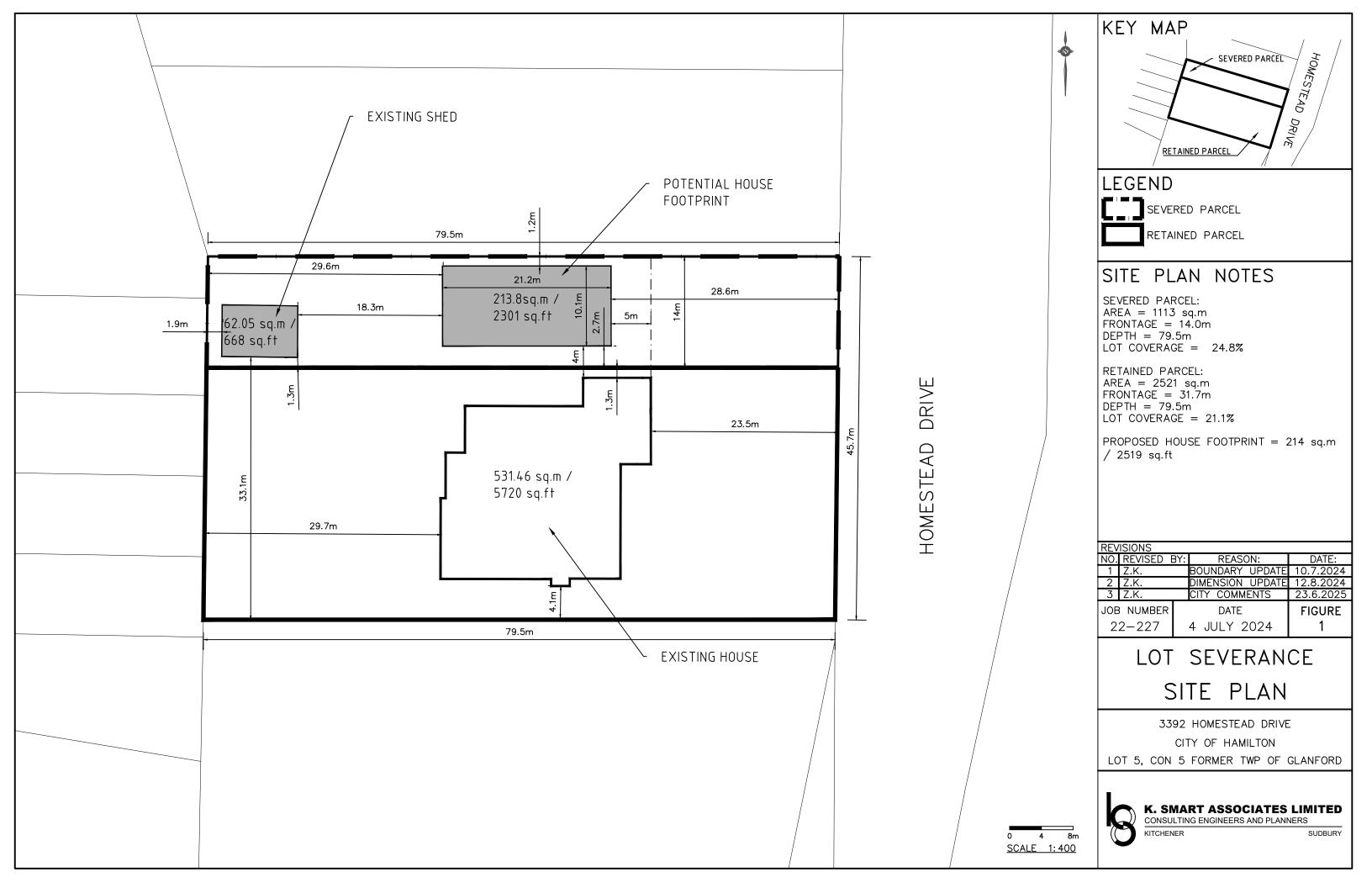
In-Person Presentations:

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.





June 12, 2025 File 22-227

Tel: 519-748-1199

Fax: 519-748-6100

City of Hamilton Planning and Economic Development 71 Main Street West, 5th Floor Hamilton, Ontario L8P 4Y5

Attention: Spencer Skidmore, RPP, MCIP, Area Planning Manager

Re: 3392 Homestead Drive, Hamilton Minor Variance Application

Dear Mr. Skidmore,

Kitchener, ON N2R 1H6

We are pleased to submit this Planning Justification Letter in support of a Minor Variance application for the property municipally known as 3392 Homestead Drive in the City of Hamilton.

Proposal

This application is being submitted in co-ordination with the settlement discussions related to the appeal of a previously denied severance application (File No. FC-23-014) and seeks relief from provisions of Zoning By-law 05-200 in relation to the proposed severed parcel.

The variances requested are as follows:

- Lot Frontage (severed parcel)
 - o Minimum Permitted: 18.0m
 - o Proposed: 14.0m
- Accessory Building Without Primary Use
 - Zoning Requirement: Accessory buildings must be accessory to a primary residential use.
 - o Proposed: To permit the existing shed to temporarily remain on the severed parcel prior to the construction of a new single-detached dwelling.

The intent of the proposal is to facilitate a residential infill severance that would result in two lots, each to host a single-detached dwelling. The retained parcel contains an existing dwelling. The severed parcel is proposed to be developed with a new single-detached house, and currently contains a small shed that is proposed to remain temporarily until construction begins.

Site Location and Background

The subject property is municipally known as 3392 Homestead Drive and is located within a residential area characterized by single-detached dwellings on lots of varying sizes. The property has a total area of 3,651 sq m and is designated:

- **Neighbourhoods** (Schedules E and E-1)
- Airport Influence Area (Schedule F)

The lands are zoned **R2** – **Low Density Residential** under the City of Hamilton Zoning By-law 05-200.

Surrounding land uses consist primarily of low-density residential development. The form and scale of housing along Homestead Drive is varied, with recent new developments including semi-detached and townhouse units.

The severance would result in two lots with the following characteristics:

- Severed Parcel
 - \circ Area = 1,118 sq m
 - \circ Frontage = 14.0m
 - o Existing shed = 62.05 sq m
- Retained Parcel
 - o Area = 2,517 sq m
 - \circ Frontage = 27.7m
 - o Existing dwelling area = 531.46 sq m

Both parcels would comply with all applicable zoning standards, with the exception of the reduced frontage on the severed parcel and the temporary presence of the shed without a primary residential building.

Planning Background

City of Hamilton Urban Official Plan (2022)

- **Neighbourhoods** (Schedules E and E-1)
- Airport Influence Area (Schedule F)

City of Hamilton Zoning By-law (2024)

• Low Density Residential – Large Lot (R2) Zone

Tests for a Minor Variance

Below are the four tests for a minor variance outlined in the context of this proposal:

Does the proposal maintain the general intent and purpose of the Official Plan?

Yes. The subject property is designated "**Neighbourhoods**" in the City of Hamilton Urban Official Plan, which supports low-density residential uses such as single-detached dwellings. The proposed minor variances will facilitate the creation of a new residential lot within the built-up urban area, in a manner that is consistent with the overall intent of the Neighbourhoods designation.

The proposal has been evaluated against the intensification criteria set out in **Policies 2.4.1.4 and 2.4.2.2** of the OP. The development is compatible with the existing neighbourhood in terms of land use, building type, and built form. The proposed dwelling on the severed parcel is a single-detached bungalow unit, similar to those in the surrounding area, and will maintain adequate setbacks, open space, and lot coverage. The new lot continues the established residential function of the area and reflects the prevailing low-density character of the neighbourhood.

Policies 2.4.1.4(b) and 2.4.2.2(b) emphasize the importance of compatibility with existing neighbourhood character. The proposed lot configuration and dwelling placement respect existing building separations and setbacks and does not introduce higher densities or non-residential uses.

The proposal contributes to a range of housing options, helping to support the City's objective of modest intensification within the Urban Boundary. It also maintains the function of the existing streetscape, as the reduced frontage does not disrupt the visual rhythm or cohesion of Homestead Drive. Neighbourhood lot frontages vary, and several nearby homes sit on frontages similar in length to the proposed 14.0m for the severed parcel, helping it blend into the surrounding context.

There are no known cultural heritage features on site, and this application will have no impacts on the City's infrastructure or transportation system. The lot is adequately serviced by existing municipal water, wastewater, and stormwater services. No natural features are present that would be affected by the development.

With respect to the temporary presence of an accessory structure on the severed lot without a primary dwelling, the policy intent of the Official Plan is maintained. The shed is small in scale, visually attractive, and clearly intended to support future residential use. Its temporary standalone condition will be addressed upon the timely construction of a new residential dwelling.

In summary, the proposal is consistent with the intent and objectives of the Official Plan as it enables context-appropriate intensification, respects neighbourhood character, and supports efficient use of serviced lands.

Does the proposal maintain the general intent and purpose of the Zoning By-Law?

Yes. The property is zoned R2 – Low Density Residential under the City Zoning By-law, which permits single-detached dwellings and associated accessory structures. The proposed variance for reduced frontage (14.0m as opposed to the required 18.0m) affects only one zoning standard and does not alter the overall functionality or form of the lot. The proposed

severed parcel will comply with all other regulations, including lot area, lot coverage and setbacks.

Although the Zoning By-law requires that accessory buildings be located on lots containing a principal dwelling, this requirement is intended to ensure that such structures remain subordinate in scale and function. In this case, the accessory structure (a 62.05 sq m shed) is modest in size, compliant with all location and setback requirements, and will remain on site only temporarily without a principal building. Once the new single-detached dwelling is constructed, the structure will meet the by-law's definition of "accessory" and no further variance will be necessary.

The proposed development respects the underlying intent of the Zoning By-law by preserving the low-density residential function of the site and maintaining appropriate built form relationships between properties.

Is the proposal desirable for the development and use of the lands?

Yes. The proposal enables the efficient use of underutilized land within a fully serviced urban area. The reduced frontage allows for the creation of a second lot that complies with most required standards and supports a single-detached dwelling, which is consistent with the character of Homestead Drive and the broader neighbourhood.

The lot design facilitates appropriate spacing between buildings, preserves access to private amenity space, and maintains the existing residential character of the street. The form and scale of the proposed dwelling are consistent with surrounding homes, reinforcing the desirability of this development form.

The temporary standalone status of the shed does not undermine the appropriateness of the development. The structure is clearly intended to be secondary to a primary residence, and will eventually be associated with a principal dwelling on the severed parcel. Its continued presence supports the future use of the lot without resulting in any functional or aesthetic impacts on the neighbourhood.

Is the proposal minor in nature?

Yes. The proposed reduction in frontage from 18.0m to 14.0m represents a 4.0m deviation from the standard. However, the resulting lot is still large by urban residential standards (1,118 sq m), and no other zoning provisions are being contravened. Similar frontages currently exist along Homestead Drive, reinforcing the contextual appropriateness of the proposed lot.

The variance related to the accessory structure is also minor in nature. The shed is not increasing in size or intensity of use; it will simply remain in place for a limited time before a new home is constructed. This condition is temporary and transitional, and does not result in overdevelopment or conflict with the surrounding land use pattern.

All in all, the proposed variance facilitates modest intensification in a stable residential neighbourhood while maintaining compatibility, functionality, and character.

Conclusion

Based on our review of applicable policies and evaluation of the proposed accessory structure, it is our opinion that the proposal meets the four tests for a minor variance.

If there are any questions regarding this project, please contact me at our Kitchener office.

Regards,

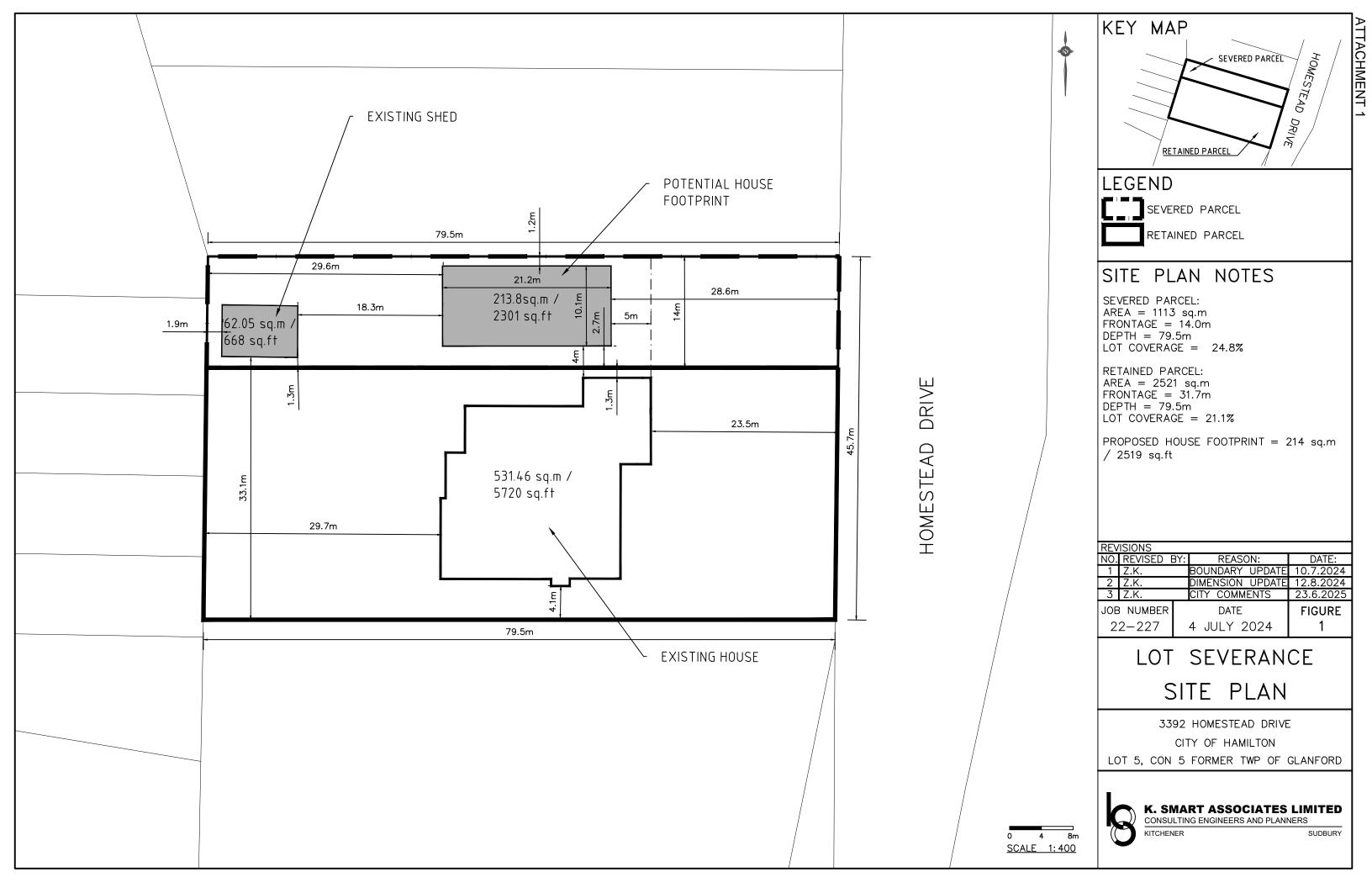
Prepared by: Approved by:

Zaid Kashef AlGhetaa Steven Jefferson, RPP, MCIP Land Use Planner Manager, Land Use Planning (519) 748-1100 x 231 (519) 748-1100 x 230

Copy to: Ernesto Costa, Paula Costa, Caridad Malebranche

Attachments:

Attachment 1 Severance Sketch



June 25, 2025

City of Hamilton Planning and Economic Development 71 Main Street West, 5th Floor Hamilton, Ontario L8P 4Y5

Attention: Spencer Skidmore, RPP, MCIP, Area Planning Manager

Re: 3392 Homestead Drive, Hamilton
Minor Variance Application – Fee Waiver Request

Dear Mr. Skidmore,

Realtor®

On behalf of Ernesto and Paula Costa, I am writing regarding the required fees for the upcoming Minor Variance application at 3392 Homestead. They hereby request a waiver of the Minor Variance application fee due to the nature of this application and the minimal adjustments made compared to the 2024 Consent application (B-24:57). The Consent application b-24:57 is subject to an appeal under the Ontario Land Tribunal (OLT-24-001188). This Minor Variance application is submitted as part of the settlement discussions between the applicant and City of Hamilton staff.

Through this upcoming Minor Variance, we address the comments from our meeting with City of Hamilton Planning staff in February 2025. The proposed adjustments did not significantly alter the scope and intent of the 2024 Consent application. Given the minimal nature of these changes, the applicants firmly believe that a fee waiver is appropriate for this Minor Variance application.

Please find attached a detailed summary of the minor revisions to the Severance Sketch, along with the application form and a Planning Opinion Letter prepared by K. Smart Associates Planning staff. I kindly ask you to review these materials and consider this request favorably.

Thank you for your attention to this matter. Pl	ease do not hesitate to contact Steve Jefferson	
or myself at	or via email at	Ι,
should you require any additional information	or wish to discuss this further.	
Sincerely,		
Caridad Malebranche, M.Sc.		
Land Development Consultant		



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	MAILIN	IG ADDRESS	
Registered Owners(s)	Ernesto Costa, Paula Costa			
Applicant(s)	Steven Jefferson / K. Smar Associates Limited	t		
Agent or Solicitor	Caridad Malebranche			
.2 Primary contact		☐ Applica	nt	☑ Owner ☐ Agent/Solicitor
.3 Sign should be se	ent to	☐ Applica	nt	☑ Owner ☐ AgentSolicitor
.4 Request for digita	al copy of sign	☑ Yes*	□ No	
If YES, provide e	mail address where sig	n is to be se	ent	
.5 All corresponden	ce may be sent by emai	il	✓ Yes*	□ No
(if applicable). Or	nail must be included for nly one email address s s not guarantee all corr	ubmitted w	Il result in the	
.6 Payment type		☑ In perso		☐ Credit over phone*
			*Must pro	ovide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	3392 Homestead Drive				
Assessment Roll Number	251890251019400	251890251019400			
Former Municipality	Glanford				
Lot	5	Concession	5		
Registered Plan Number	62R-16831	Lot(s)			
Reference Plan Number (s)	17400-0611 (LT)	Part(s)	Part 12		

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
	ditional sheets can be submitted if there is not sufficient room to answer the following estions. Additional sheets must be clearly labelled
All c etc.	dimensions in the application form are to be provided in metric units (millimetres, metres, hectares,)
3.1	Nature and extent of relief applied for:
	Minimum permitted lot frontage is 18m, while the proposed parcel frontage is 14m, so relief is needed. Relief is also needed to permit the external shed as a stand-alone accessory building upon completion of the severance until a dwelling is constructed on the severed parcel that the shed can be deemed accessory to.
	☐ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling
3.2	Why it is not possible to comply with the provisions of the By-law?
	The subject lands have a combined frontage of 45.7m. To accommodate the retention of the existing dwelling and provide a viable new residential lot, a reduced frontage for the severed parcel is proposed. Moreover, the shed was constructed legally and, to avoid its removal, a holding provision is needed to allow for the transition period between the completion of the severance and the construction of a new dwelling. The severed parcel meets all other zoning provisions.
3.3	Is this an application 45(2) of the Planning Act. ☐ Yes ☑ No
	If ves inlease 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
14.0m	79.5m	1134 sq m	36.38m

	buildings and structur ice from side, rear and		r the subject lands:	
Existing:				
Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single detached dwelling	23.5m	29.7m	4.1m, 1.3m (from proposed lot line)	
Accessory Building	68.1m	1.9m	1.2m, 2.7m (from proposed lot line)	
Proposed:			T	_
Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single detached dwelling	28.6m	29.6m	1.2m, 4m (from proposed lot line)	
4.3. Particulars of a sheets if neces Existing:	_	tures on or proposed	for the subject lands (attach additional
Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single detached dwelling	531.46 sq m	531.46 sq m	1	
Accessory building	62.05 sq m	62.05 sq m	1	
Proposed:			,	
Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single detached dwelling	215 sq m (estimated)	215 sq m (estimated)	1	
publicly ow privately ov □ privately ov 4.5 Type of storm	supply: (check appropertion and operated pipers) whed and operated in drainage: (check appered and operated stort	ped water system ndividual well propriate boxes)	☐ lake or other ☐ other means ☐ ditches ☐ other means	s (specify)

4.0	rype 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 ☐ municipal road, maintained all year
4.8	Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
	Residential - single detached dwelling.
4.9	Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.): Residential - single detached dwellings.
7	HISTORY OF THE SUBJECT LAND
7.1	Date of acquisition of subject lands: July 2010
7.2	Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc) Single detached dwelling
7.3	Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
	Single detached dwelling
7.4	Length of time the existing uses of the subject property have continued:
	Since prior to acquisition by current owner.
7.5	What is the existing official plan designation of the subject land?
	Rural Hamilton Official Plan designation (if applicable): N/A
	Rural Settlement Area: N/A
	Urban Hamilton Official Plan designation (if applicable) Neighbourhoods
	Please provide an explanation of how the application conforms with the Official Plan. Single detached dwellings permitted in this designation of Official Plan
7.6	What is the existing zoning of the subject land?
7.8	Has the owner previously applied for relief in respect of the subject property? (Zoning By-lawAmendment or Minor Variance) ☐ Yes ☑ No
	If yes, please provide the file number:

7.9	Is the subject property the subject Planning Act?		current app	lication for consent under Section 53 of the
			'es	□No
	If yes, please provide the file nur	mber:	FC-23-014	
8	ADDITIONAL INFORMATION			
8.1	Number of Dwelling Units Existing	ng:	1	_
8.2	Number of Dwelling Units Propo	sed:	1	_
8.3	Additional Information (please in	clude	separate sh	eet if needed):
	retained parcel will contain the house will be poposed on the soneeded to permit a reduced from	existir evere ntage he se he pro	ng dwelling, d parcel. Th on the seve vered parce	red parcel, and permit the existing I) to remain as an accessory structure

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