



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### **NOTICE OF PUBLIC HEARING** **Minor Variance**

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**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
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<b>APPLICATION NO.:</b>	<b>A-25:159</b>	<b>SUBJECT PROPERTY:</b>	292 Hunter Street West, Hamilton
<b>ZONE:</b>	R1a (Low Density Residential – Small Lot)	<b>ZONING BY-LAW:</b>	Hamilton Zoning By-law 05-200, as Amended

**APPLICANTS:** Owner: Miguel Lima  
Applicant: Rodney Friesen Fine Line Drafting and Design Inc

The following variances are requested:

1. A minimum setback of 2.0 metres from the rear lot line shall be permitted instead of the minimum required setback of 7.5 metres from a rear lot line.
2. An exterior staircase shall be permitted to encroach the entire depth of the minimum required 0.5 metre front yard instead of the maximum permitted encroachment of one-half the distance of the minimum required yard.
3. A tree protection area with each side measuring a minimum of 1.75 metres, which does not contain hard landscaping or structures, in the required landscaped area shall be permitted instead of providing a tree protection with each side measuring 3.75 metres in the required landscaped area.

**PURPOSE & EFFECT:** To permit the construction of a Triplex Dwelling

**Notes:**

- i. It appears a basement walk-out is proposed along the easterly building face. Should the foundation wall surrounding the proposed basement walk-out, excluding guards, project greater than 6" above grade principal building setbacks shall apply and a further variance will be required.

- ii. A further variance will be required should the eave and gutter project greater than 0.6 metres into a required yard, or to a maximum distance of half the width of the required yard, whichever is the lesser.
- iii. The lands are located within a Parking Rate Area (PRA) 1 which does not require any parking spaces to be provided for the proposed Triplex Dwelling; it is indicated that parking spaces are not intended to be provided.

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

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

<b>DATE:</b>	<b>Thursday, September 4, 2025</b>
<b>TIME:</b>	<b>1:25 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton

## **PUBLIC INPUT**

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon September 2, 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 September 3, 2025

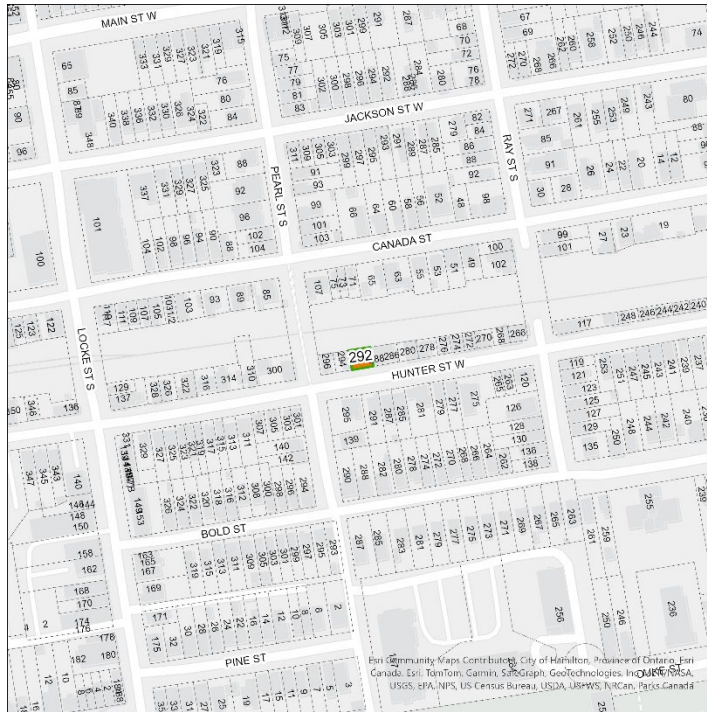
## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding A-25:159, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written

**A-25:159**

request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



**Subject Lands**

DATED: August 18, 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.



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## PARTICIPATING PROCEDURES

### 1. 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 deadline date for written comment submissions listed on the Notice of Public Hearing.

#### How to Submit Written Comments:

##### By Email:

Send to: [cofa@hamilton.ca](mailto: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.

### 2. 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.

### 3. 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.

#### 4. Virtual Oral Submissions

To participate virtually, you must register by 12:00 p.m. (noon) on the virtual oral submissions registration deadline date. This is listed on the Notice of Public Hearing.

- 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.

#### 5. 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](mailto:cofa@hamilton.ca) **by 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:**

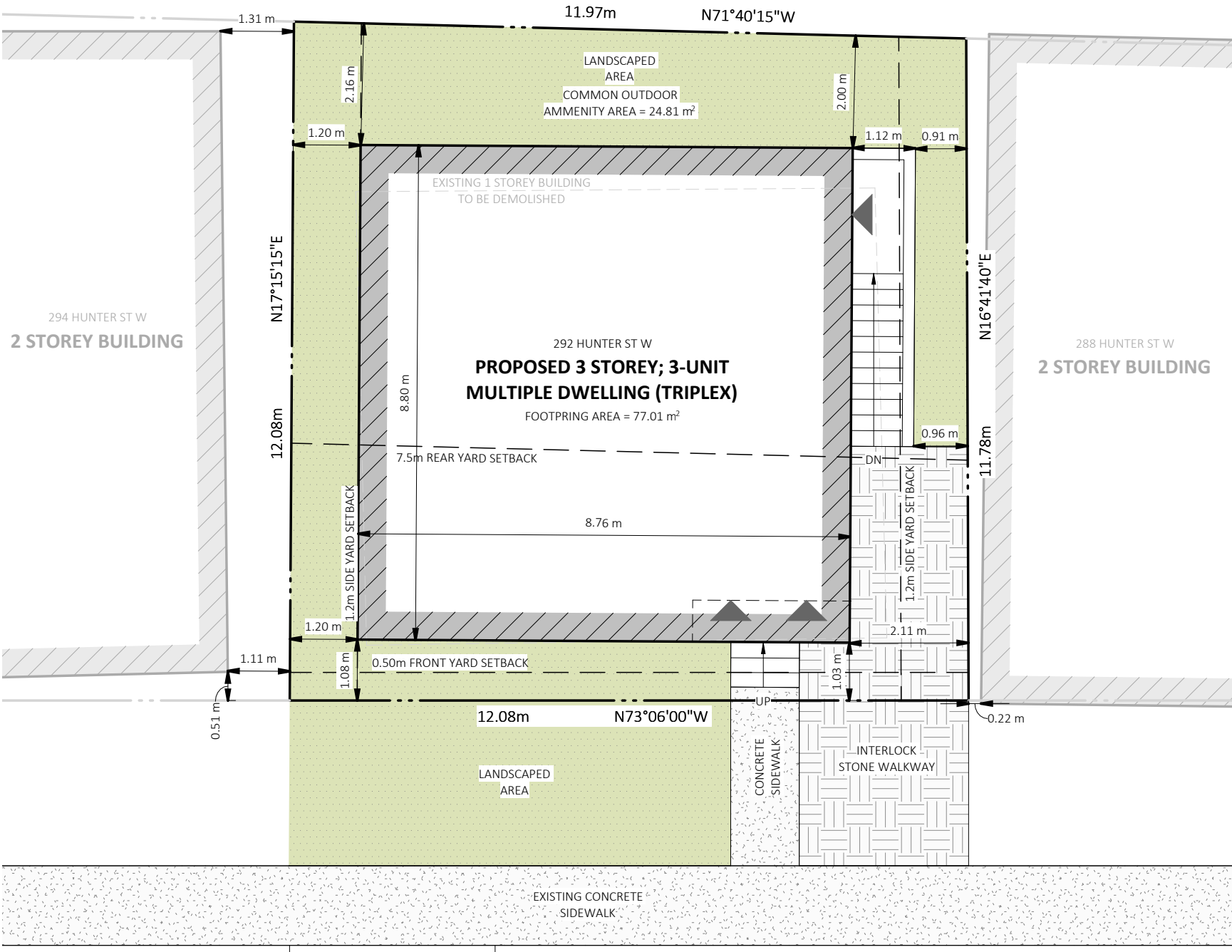
Presenters attending in person may be granted permission to use the presentation screen. Presentations must be brought on a USB device and opened by the owner/applicant. A copy of the presentation must also be sent to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) **by 12:00 p.m. (noon) on the business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

#### 6. Additional Notes

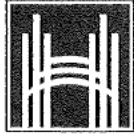
- Webex (video) participation requires a compatible computer or smartphone. The necessary application must be downloaded in advance.
- It is the interested party's responsibility to ensure their device is functional and compatible prior to the Hearing.

**For any questions, contact staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or call 905-546-2424 ext. 4221.**

SITE STATISTICS			
PROJECT INFORMATION			
Project Description:	LIMA MULIT-DWELLING PROJECT		
Client:	MIGUEL LIMA		
Project Address:	292 HUNTER ST WEST, HAMILTON, ONTARIO L8P 1S3		
SITE STATISTICS			
Zoning:	LOW DENSITY RESIDENTIAL – SMALL LOT (R1a) ZONE City of Hamilton Zoning By-law No. 05-200		
Permitted Uses:	Triplex Dwelling		
AREAS			
	MINIMUM	MAXIMUM	PROVIDED
Lot Area	270.0 m²	--	143.41 m²
Building Footprint (at grade)	--	--	77.01 m²
Total Impervious Area	--	--	11.99 m² (8.36 %)
Lot Permeable Area	30 %	--	48.74 m² (34.0 %)
SETBACKS			
	MINIMUM	MAXIMUM	PROVIDED
Front Yard Setback (South)	0.5 m	--	0.50 m
Rear Yard Setback (North)	7.5 m	--	2.0 m
Internal Side Yard Setback (East)	1.2 m	--	2.03 m
Internal Side Yard Setback (West)	1.2 m	--	1.2 m
FRONTAGE			
	MINIMUM	MAXIMUM	PROVIDED
Lot Frontage	9.0 m	--	12.08 m
LANDSCAPING			
	MINIMUM	MAXIMUM	PROVIDED
Lanscaped Area	30 %	--	48.74 m² (34.0 %)
BUILDING DATA			
BUILDING AREA			
			PROVIDED
Level 1 (Ground Floor)			77.01 m²
Level 2			77.01 m²
Level 3			55.27 m²
Gross Floor Area (Above Grade)			209.29 m²
BUILDING HEIGHT			
	MINIMUM	MAXIMUM	PROVIDED
Building Height		10.5 m	10.22 m
RESIDENTIAL UNITS			
	1 Bed	2 Bed	3 Bed
Level 1		1	
Level 2		1	
Level 3	1		
Total Units	3		
PARKING			
Zoning:	LOW DENSITY RESIDENTIAL – SMALL LOT (R1a) ZONE City of Hamilton Zoning By-law No. 05-200		
		REQUIRED	PROVIDED
Parking Calculation = 0.0/unit		0	0



HUNTER STREET WEST



Hamilton

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS
<b>Registered Owners(s)</b>	Miguel Lima	
<b>Applicant(s)</b>	Rodney Friesen Fine Line Drafting and Design Inc.	
<b>Agent or Solicitor</b>	Rodney Friesen Fine Line Drafting and Design Inc.	

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

☐ Cheque

☒ Credit over phone\*

\*Must provide number above



## 2. LOCATION OF SUBJECT LAND

### 2.1 Complete the applicable sections:

Municipal Address	292 Hunter Street West		
Assessment Roll Number			
Former Municipality	City of Hamilton		
	PART OF LOT 16, BLOCK 3, RANGE 2		
	(BOUNDED BY PEARL STREET, WILLIAM STREET,		
	RAY STREET AND CANADA STREET)		
	IN THE		
	CITY OF HAMILTON		

### 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:

Relief is requested for a reduced front yard setback to accommodate stair encroachment of 0.60m, and a rear yard setback encroachment of 5.5m due to limited lot depth, and an area of 143.41 m<sup>2</sup>.

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

The existing property has a shallow depth, making it physically unfeasible to meet the required front and rear yard setbacks. The proposed design includes a front stair encroachment of 0.26 m and a rear yard setback encroachment of 5.5 m. These are necessary to maintain safe access and functional space within the limited lot dimensions.

### 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
12.08	12.08	143.41	± 5.37

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
Existing House (to be demolished)	0.96	2.68	1.69 (E), 1.25 (W)	1980's

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
House	1.08	2.00	2.03 (E), 1.2 (W)	2025

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

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

- 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, triplex

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Single Detached Dwelling, multiple

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2025

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:

20 + years

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

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

The proposal conforms to the Urban Hamilton Official Plan as the subject property is designated "Neighbourhoods," which permits low-density residential uses such as single-detached dwellings. The requested minor variances are intended to accommodate reconstruction of an existing dwelling while maintaining the residential character of the area and supporting the efficient use of land within the urban boundary.

7.6 What is the existing zoning of the subject land? LOW DENSITY RESIDENTIAL - SMALL LOT (R1a) ZONE

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

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

We are proposing to reconstruct an existing dwelling on the lot. Due to the shallow depth of the property, undersized lot area, and existing conditions, full compliance with the Zoning By-law provisions is not feasible. Relief is requested for the following:

A reduced front yard setback to permit stair encroachment of 0.26 m

A reduced rear yard setback, with a proposed encroachment of 5.5 m

A lot area of 143.41 m<sup>2</sup>, whereas the Zoning By-law requires a minimum lot size of 270 m<sup>2</sup>

Despite these variances, the site remains functional and capable of supporting residential use. It continues to provide adequate landscaped open space, sufficient amenity area, and all necessary servicing and access requirements outlined by the Planning Act.

We are of the opinion that the application satisfies the four tests under Section 45(1) of the Planning Act:

The variances are minor in nature

They are desirable for the appropriate development and use of the land

The general intent and purpose of the Zoning By-law is maintained

The general intent and purpose of the Official Plan is maintained

The proposed design respects the residential character of the neighbourhood and contributes to the City's objective of encouraging compact, efficient, and context-sensitive development within the urban boundary.

## 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

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