



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-25:151	SUBJECT PROPERTY:	22 Lakeshore Drive, Stoney Creek
ZONE:	R1 (Low Density Residential)	ZONING BY-LAW:	Hamilton Zoning By-law 05-200

APPLICANTS: Owner: Gaetano Spiniello and Jennifer McKay
Applicant: Toms + McNally Design c/o Russell Wooten

The following variances are requested:

1. A balcony shall be permitted to encroach a maximum of 1.8 metres into the required rear yard instead of the maximum permitted encroachment of 1.0 metres.

PURPOSE & EFFECT: To permit the construction of a second storey balcony in the rear yard of the existing Single Family Dwelling.

Notes:

- i. Applicant shall ensure that the existing right of way is registered on title; otherwise, further variances may be required.
- ii. The existing principal dwelling westerly side yard setback is 0.3 metres instead of the required 1.2 metres. This is deemed to comply as per the Vacuum Clause in Section 4.12 and 0.3 metres shall be the minimum required side yard setback for the westerly side yard.
- iii. The existing principal dwelling rear yard setback is 2.1 metres instead of the required 7.5 metres. This is deemed to comply as per the Vacuum Clause in Section 4.12 and 2.1 metres shall be the minimum required rear yard setback.

A-25:151

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, September 4, 2025
TIME:	2:50 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

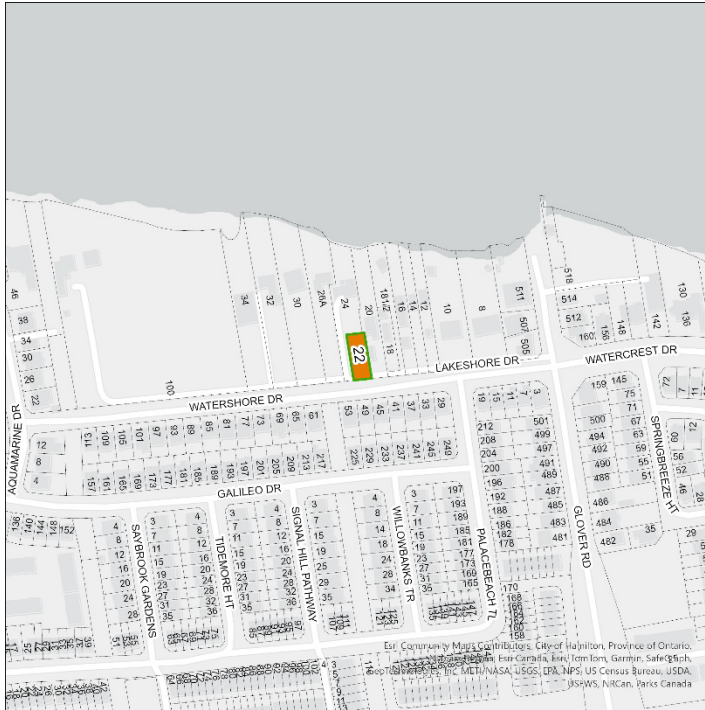
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon September 2, 2025

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-25:151, 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: 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.



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

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

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 **by 12:00 p.m. (noon) on the business day prior to the Hearing**. The submission must be one document in PDF format only.

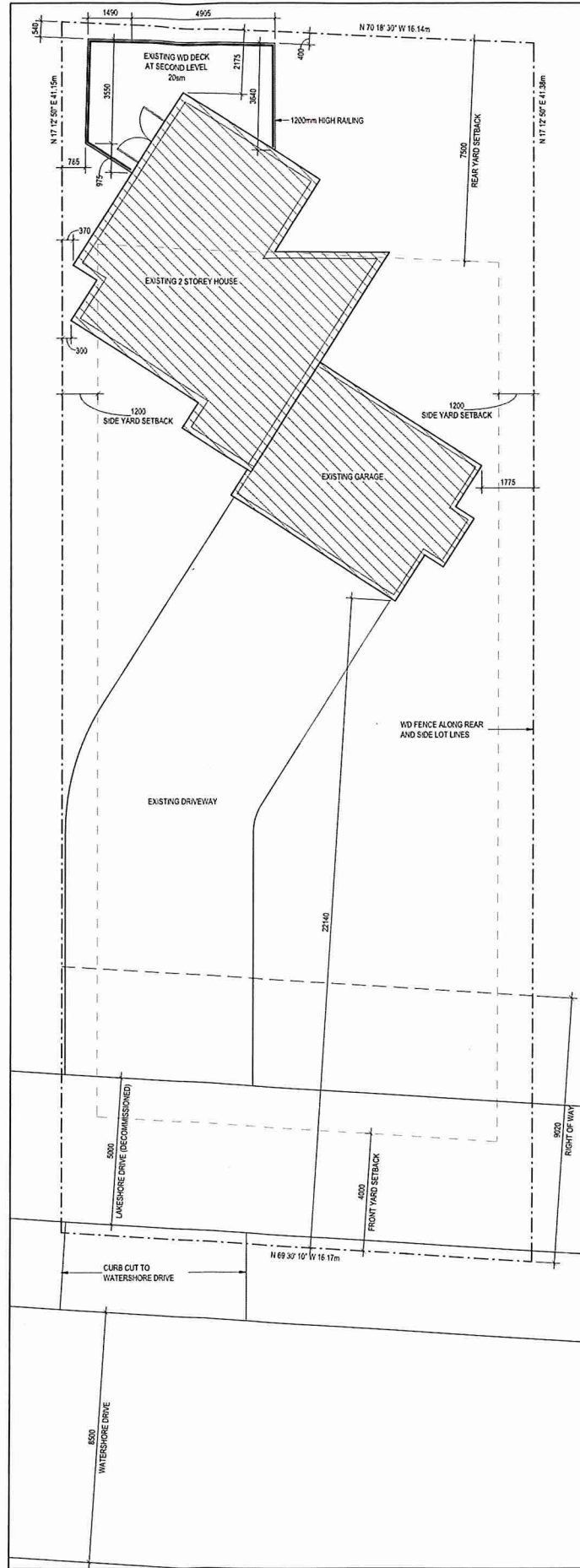
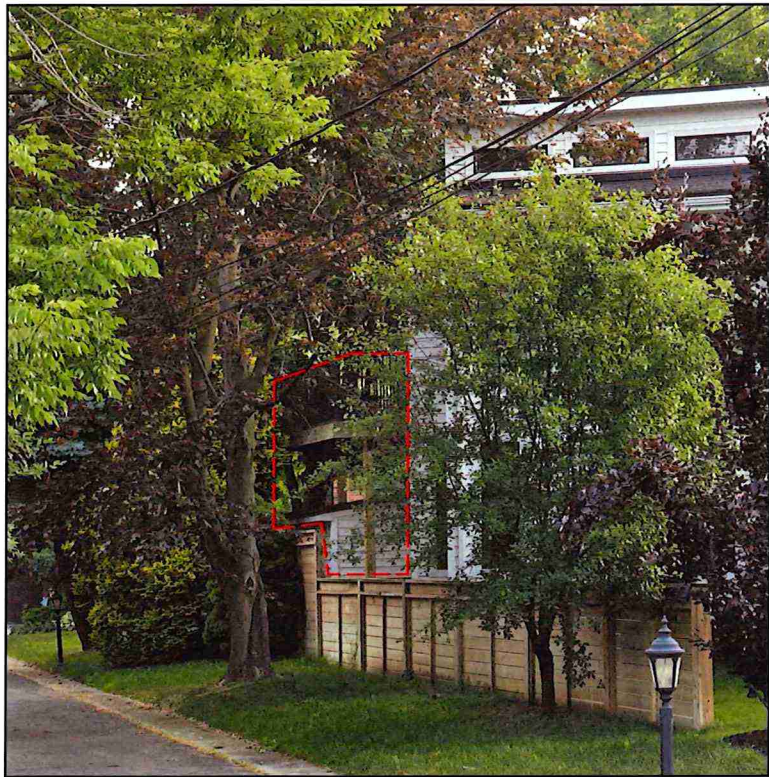
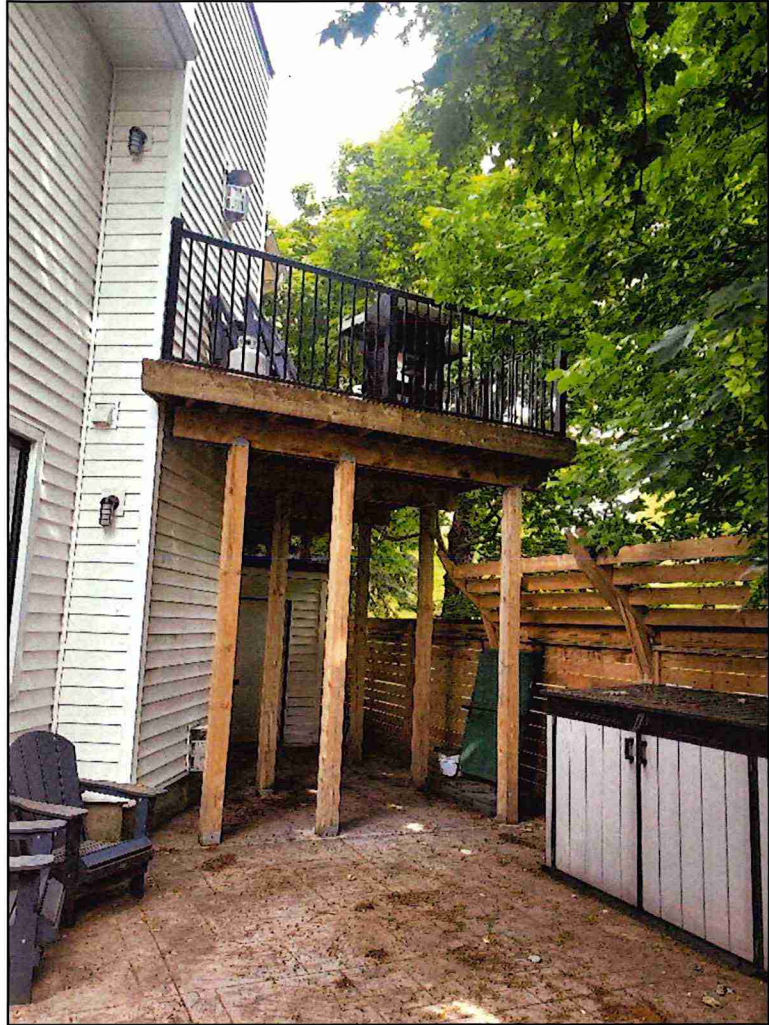
In-Person Presentations:

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 **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

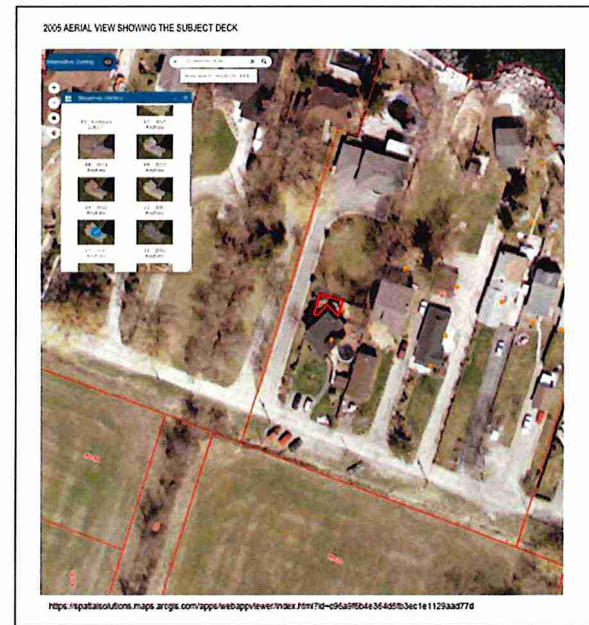
- Webex (video) participation requires a compatible computer or smartphone. The necessary application must be downloaded in advance.
- It is the interested party's responsibility to ensure their device is functional and compatible prior to the Hearing.

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



SITE PLAN 1:100

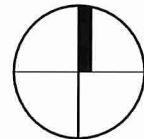
Address: 22 Lakeshore Drive Proposed use: Single Family Dwelling			
Regulation	Required	Proposed	Conforms?
10.5a.1 Permitted Uses	Single Detached Dwelling	Single Detached Dwelling	Yes
10.5a.3 a)	Minimum Setback from the Front Lot Line 4m	N/A	Yes
b)	Min rear yard 7.5m	.4m	no
c)	Min side yard 1.2m	.7m	no
d) Building Height	Max Building Height 10.5m	N/A	Yes
j) Visual Barrier Req.	Visual Barrier required abutting residential zone	Wood fence	yes
k) Outdoor Storage	i) no outdoor storage of good/materials	None	yes
10.5a.5 Accessory Buildings	Section 4.8	N/A	N/A



CONTEXT 1:1 A1.00

GENERAL NOTES:

- The Architect bears no responsibility for the interpretations of these documents by the Contractor. Upon written application the Architect will provide written and graphic clarification or supplementary information regarding the intent of the Contract Documents. The Architect will review Shop Drawings submitted by the Contractor for design conformance only.
- Drawings are not to be scaled for construction. Contractor to verify all existing conditions and dimensions required to perform the Work and report any discrepancies with the Contract Documents to the Architect before commencing work.
- Positions of exposed or finished mechanical or electrical devices, fittings, and fixtures are indicated on the Architectural drawings. The locations shown on the Architectural drawings govern over the Mechanical and Electrical drawings. Those items not clearly located will be located as directed by the Architect.



1 ISSUED FOR MINOR VARIANCE 2025/07/16		
No.	Description	Date

TOMS + MCNALLY
DESIGN | ARCHITECTURE | URBANISM | CONSTRUCTION
41 King William, Suite 301 | Hamilton | Ontario | L8R 1A2 | 289-788-2211
www.toms-mcnally.ca

Lakeshore Residence
22 LAKESHORE DRIVE, STONEY CREEK, HAMILTON, ON
SITE PLAN

Project No.: 25041
Scale: As indicated
Drawn By: Author
Checked By: Checker

Re: 22 Lakeshore Drive Minor Variance

Below is a note from neighbours who have lived at [REDACTED] (adjacent property to the west) for 25 years that the deck in question was built 25 years ago.

"Fred and Muffy Viinikka
[REDACTED]"

Hi, Sande

Regarding your porch and balcony, to the best of my knowledge they have been there for over 25 years as we have been neighbours for 36 years!"

Russell Wooten,

Graham McNally, OAA




Hamilton
Conservation
Authority

A Healthy Watershed for Everyone

BY E-MAIL

July 4, 2025

GC-SC

Gaetano Spiniello


Dear Gaetano Spiniello:

RE: Letter of Permission for the Construction of a Rear Yard Deck

Location: 22 Lakeshore Drive
Part of Lot 11, Broken Front Concession City of Hamilton (Stoney Creek)

Staff of the Hamilton Conservation Authority (HCA) have reviewed the above-noted proposal including the deck Site Plan prepared by Toms + McNally dated June 18, 2025 (attached).

The subject property is regulated by the HCA pursuant to *Ontario Regulation 41/24 (Prohibited Activities, Exemptions, and Permits)* made under the *Conservation Authorities Act, R.S.O. 1990* due to the proximity of Stoney Creek Watercourse 6.2 and the associated flood and erosion hazards. However, the existing house and deck are located outside of the hazards associated with the watercourse. Therefore, please accept this correspondence as recognition of the construction of a rear yard deck on lands regulated by the HCA. We do not have any objection to the issuance of a building permit by the municipality.

If you have any questions regarding the above, please do not hesitate to contact the undersigned at ext. 165.

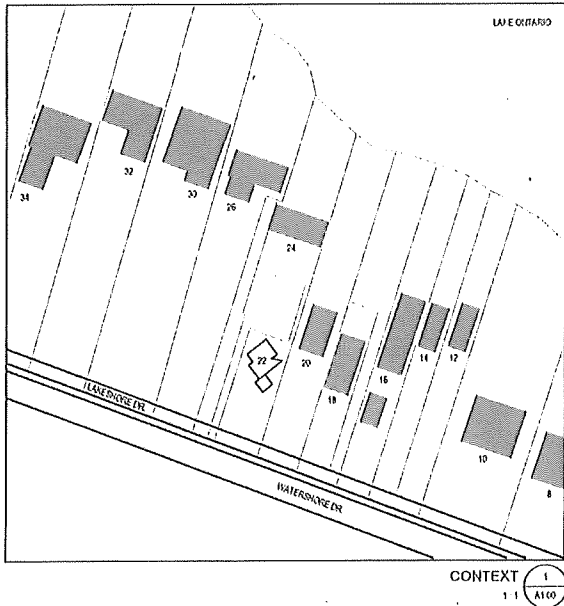
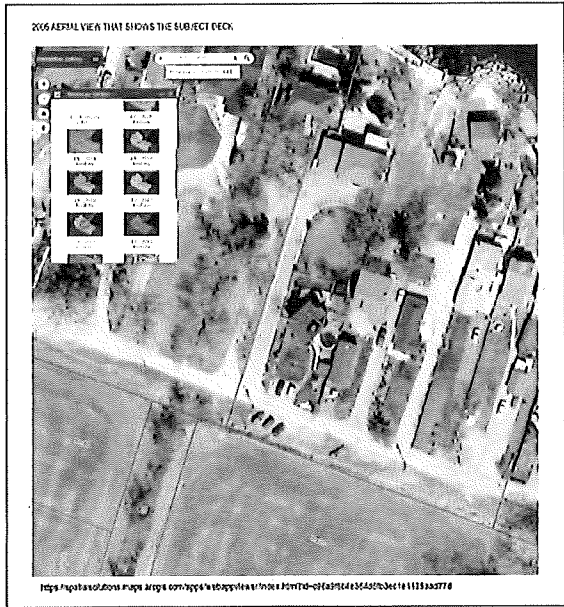
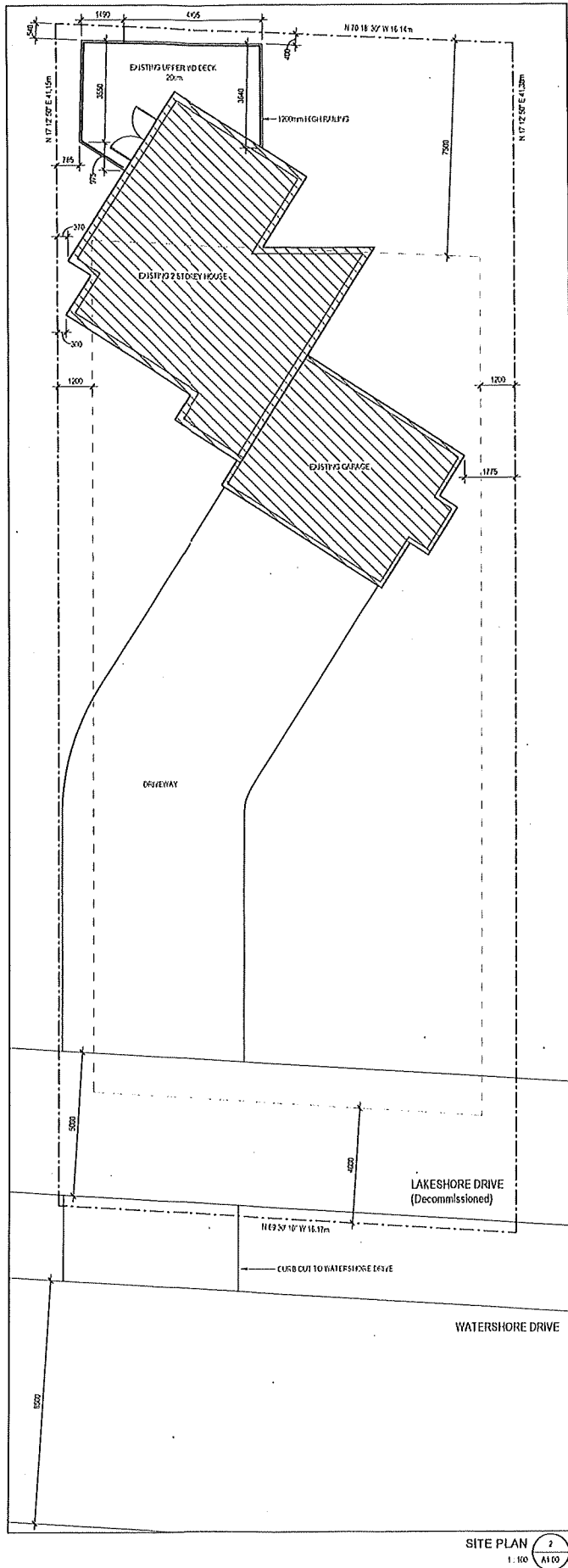


Elizabeth Reimer
Conservation Planner

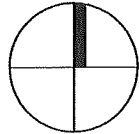
July 4, 2025
Date

Encl. approved plans

C.c. Chantal Costa, Plan Examination Secretary, City of Hamilton, Building Division (by email)
Russel Wooten, Toms + McNally Design (by email)



- GENERAL NOTES:
1. The Architect bears no responsibility for the interpretation of these documents by the Contractor. Upon written application the Architect will provide written and graphic clarification or supplementary information regarding the intent of the Contract Documents. The Architect will review Shop Drawings submitted by the Contractor for design conformance only.
 2. Drawings are not to be scaled for construction. Contractor to verify all existing conditions and dimensions required to perform the Work and report any discrepancies with the Contract Documents to the Architect before commencing work.
 3. For tests of exposed or finished mechanical or electrical devices, fittings, and fixtures are indicated on the Architectural drawings. The locations shown on the Architectural drawings govern over the Mechanical and Electrical drawings. Those items not clearly located will be located as directed by the Architect.



No.	Description	Date
-----	-------------	------

TOMS + MCNALLY
DESIGN | ARCHITECTURE | URBANISM | CONSTRUCTION
41 King Street East, Suite 300 | Hamilton, Ontario | L8N 1K2 | 905.521.2211
www.toms-mcnally.ca

Lakeshore Residence
22 LAKESHORE DRIVE, STONEY CREEK, HAMILTON, ON
SITE PLAN

Project No.:	25041
Scale:	As indicated
Drawn By:	Author
Checked By:	Checker



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)	Gaetano Spiniello Jennifer McKay		
Applicant(s)	Toms + McNally Design Russell Wooten		
Agent or Solicitor			Phone:
			E-mail:

1.2 Primary contact

☒ Applicant

☐ Owner

☐ Agent/Solicitor

1.3 Sign should be sent to

☒ Applicant

☒ Owner

☐ AgentSolicitor

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

☐ Cheque

☐ Credit over phone*

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	22 Lakeshore Drive, Stoney Creek, Hamilton, On		
Assessment Roll Number	00302036600		
Former Municipality	Stoney Creek		
Lot	11	Concession	BROKEN FRONT
Registered Plan Number		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:

THERE IS A RIGHT OF WAY THAT EXTENDS FROM THE FRONT LOT LINE TO 9.02M TO THE NORTH ACCROSS THE PROPERTY

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:

Seeking relief for existing structures from side and rear yard setbacks to accommodate existing 300mm distance from property lines,

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

The structures in question were constructed by a previous owner before the year 2000

3.3 Is this an application 45(2) of the Planning Act.

☒ Yes

☐ No

If yes, please provide an explanation:

Seeking recognition of existing conditions

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
16.1m	41.3m	665sm	8.5m

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 2 Storey Detached Dwelling	22m±	2.1m±	.3m±/1.7m±	01/01/1985
Existing Wood Deck	N/A	.4m±	.78m±	01/01/2005

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

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
Existing 2 Storey Detached Dwelling	850sm±	1700sm±	2	9m
Existing Wood Deck		20sm±		4m

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)
- ground infiltration

4.6 Type of sewage disposal proposed: (check appropriate box)

☒ publicly owned and operated sanitary sewage

☐ system privately owned and operated individual

☐ septic system other means (specify) _____

4.7 Type of access: (check appropriate box)

☐ provincial highway

☐ municipal road, seasonally maintained

☒ municipal road, maintained all year

☐ right of way

☐ other public road

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
Single Family Detached Dwelling. No Change

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
2018

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

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

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

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.

Proposed relief does not change the use of the property.

7.6 What is the existing zoning of the subject land? R1

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: R1

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: 1

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

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
