



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, 3935

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

<b>APPLICATION NO.:</b>	<b>HM/A-22:320</b>	<b>SUBJECT PROPERTY:</b>	52 BARTON ST W, HAMILTON
<b>ZONE:</b>	"D" (Urban Protected Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: Matthew & Emily Gowing  
Agent: Invizij Architects, Emma Cubitt

The following variances are requested:

1. A Secondary Dwelling Unit – Detached shall be a minimum 0.3m from the rear lot line whereas the building containing a Secondary Dwelling Unit – Detached is required to be a minimum 1.2m from the rear lot line.
2. A Secondary Dwelling Unit – Detached shall be a minimum 0.2m from an interior side lot line whereas the building containing a Secondary Dwelling Unit – Detached is required to be a minimum 1.2m from an interior side lot line.
3. A maximum gross floor area of 101.0m<sup>2</sup> shall be provided instead of the maximum gross floor area of 75.0m<sup>2</sup> permitted for a Secondary Dwelling Unit Detached.
4. A minimum parking space size of 2.7m x 5.5m shall be provided instead of the minimum required parking space size of 2.7m x 6.0m.
5. No onsite manoeuvring shall be provided for the required parking space instead of the requirement that a 6.0m manoeuvring space abutting and accessory to each parking space shall be provided and maintained on the lot.

**PURPOSE & EFFECT:** To permit a new Secondary Dwelling Unit – Detached in the rear yard of the existing Single-Family Dwelling.

**Notes:**

- i. The by-law permits eaves and gutters to project no further than 30cm into a required minimum yard

**HM/A-22:320**

setback and in no case shall extend beyond the property line(s). Insufficient information respecting the distance of the eave and gutter projection has been provided in order to confirm zoning compliance at this time.

**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, February 2, 2023</b>
<b>TIME:</b>	<b>1:15 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 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
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

**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, including deadlines for submitting to be seen by the Committee.

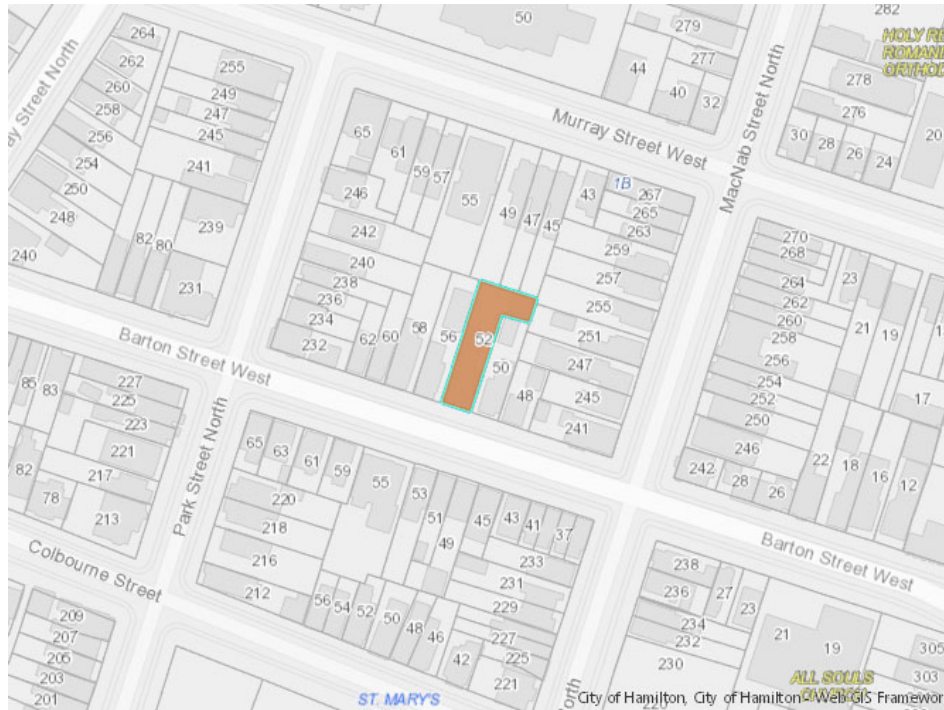
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-22:320, 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 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.

HM/A-22:320

**Subject Lands**

DATED: January 17, 2023

---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public, and may include posting electronic versions.



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, 3935

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

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5<sup>th</sup> Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

### RELEVANT SITE DEVELOPMENT DETAILS

MAJOR OCCUPANCY: D (URBAN PROTECTED RESIDENTIAL)

TABLE 3.1.2.1 OF 2012 OBC AND IN ACCORDANCE WITH  
DEFINITIONS FOR "RESIDENTIAL OCCUPANCY" PER  
ARTICLE 1.4.1.2 DIVISION A OF 2012 OBC

EXISTING GFA OF PRINCIPAL DWELLING: 247 m<sup>2</sup>  
EXISTING GARAGE: 53.7 m<sup>2</sup>  
BASEMENT: 108.24 m<sup>2</sup>

PROPOSED NEW SDU GROSS FLOOR AREA: 75 m<sup>2</sup>  
ZONING MAXIMUM: 75 m<sup>2</sup>

PERCENTAGE OF SDU TO PRINCIPAL DWELLING: 30.4%  
ZONING MAXIMUM: 70%

NEW ADDITION HEIGHT: 5.97 m  
ZONING MAX: 6 m

SIDE YARD - SDU: .2 m  
ZONING MIN: 1.2 m  
REAR YARD - SDU: .3 m  
ZONING MIN: 1.2 m  
SOUTH BOUNDARY LOT LINE - SDU: .36 m  
ZONING MIN: 1.2 m

NUMBER OF STREETS / ACCESS ROUTES: 1





LOT TOTAL AREA: 443.8 m<sup>2</sup>  
EXISTING DWELLING COVERAGE: 177.2 m<sup>2</sup>  
DECK/PORCH AREA: 11.7 m<sup>2</sup>  
PAVED AREA: 95 m<sup>2</sup>

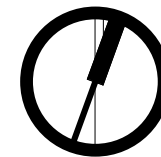
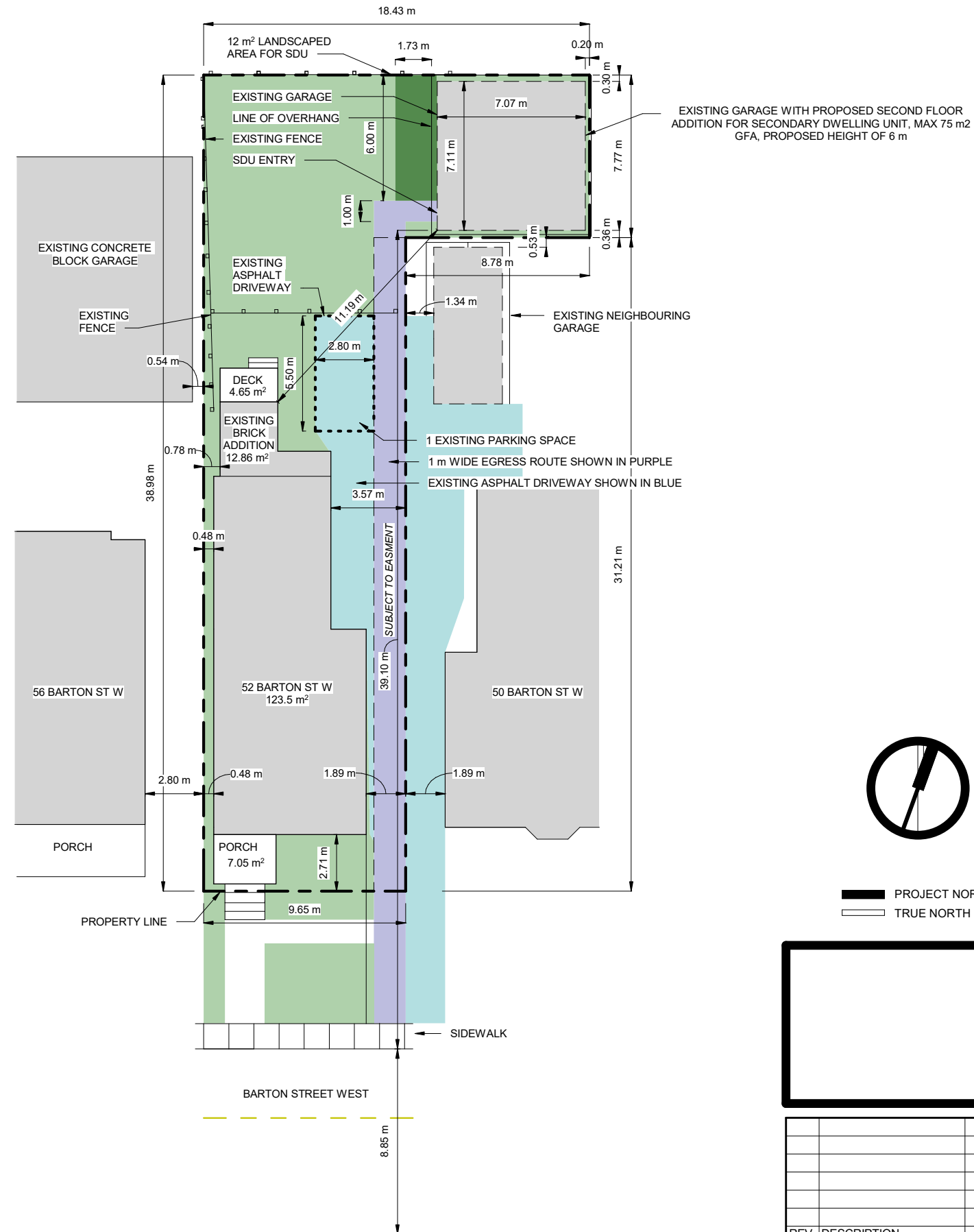
TOTAL LOT COVERAGE FOR ALL STRUCTURES: 42.6%  
ZONING MAXIMUM: 25%


SOFT LANDSCAPE AREA: 164.39 m<sup>2</sup> (37%)

PROPERTY LINES AND SETBACKS BASED ON SURVEY  
BY: LEJAN LAND SURVEYING INC  
DATED: AUGUST 22, 2022

LEGEND

 STRUCTURE BOUNDARY  
 FENCE  
 PROPERTY BOUNDARY  
 EASEMENT BOUNDARY



 PROJECT NORTH  
 TRUE NORTH

REV.	DESCRIPTION	DATE



**INVIZIJ**  
Architects Inc.

185 YOUNG STREET,  
HAMILTON, ON L8N 1V9  
T: 905 525 9000 | [invizij.ca](http://invizij.ca)

DO NOT SCALE DRAWING. DIMENSIONS ARE TO  
BE CHECKED AND VERIFIED BY THE  
CONTRACTOR ON SITE.

ALL DRAWINGS, SPECIFICATIONS, AND RELATED DOCUMENTS ARE THE COPYRIGHT PROPERTY OF THE ARCHITECT AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF DRAWINGS, SPECIFICATIONS, AND RELATED DOCUMENTS IN WHOLE OR IN PART IS STRICTLY FORBIDDEN WITHOUT THE ARCHITECT'S WRITTEN PERMISSION.

THIS DRAWING SHALL NOT BE USED FOR  
CONSTRUCTION PURPOSES UNLESS  
COUNTERSIGNED BY INVIZIJ ARCHITECTS INC.

PROJECT NAME:

GOWING SDU

PROJECT ADDRESS:

52 BARTON ST W

PROJECT NO.:

—

DRAWING TITLE:

## SITE PLAN

DRAWN BY:

JV |

CHECKED BY:

**I**

DATE:

09/23/22

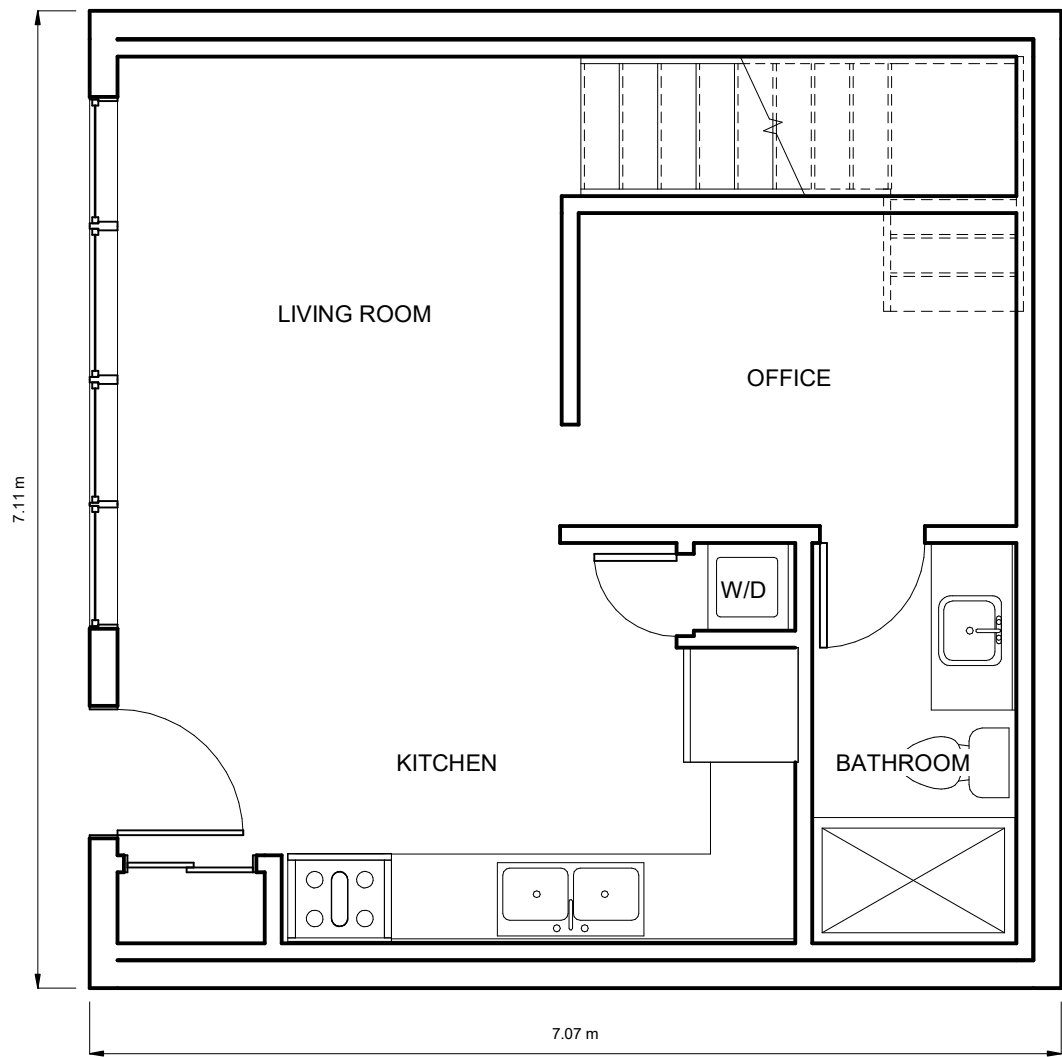
SCALE:

1 : 225

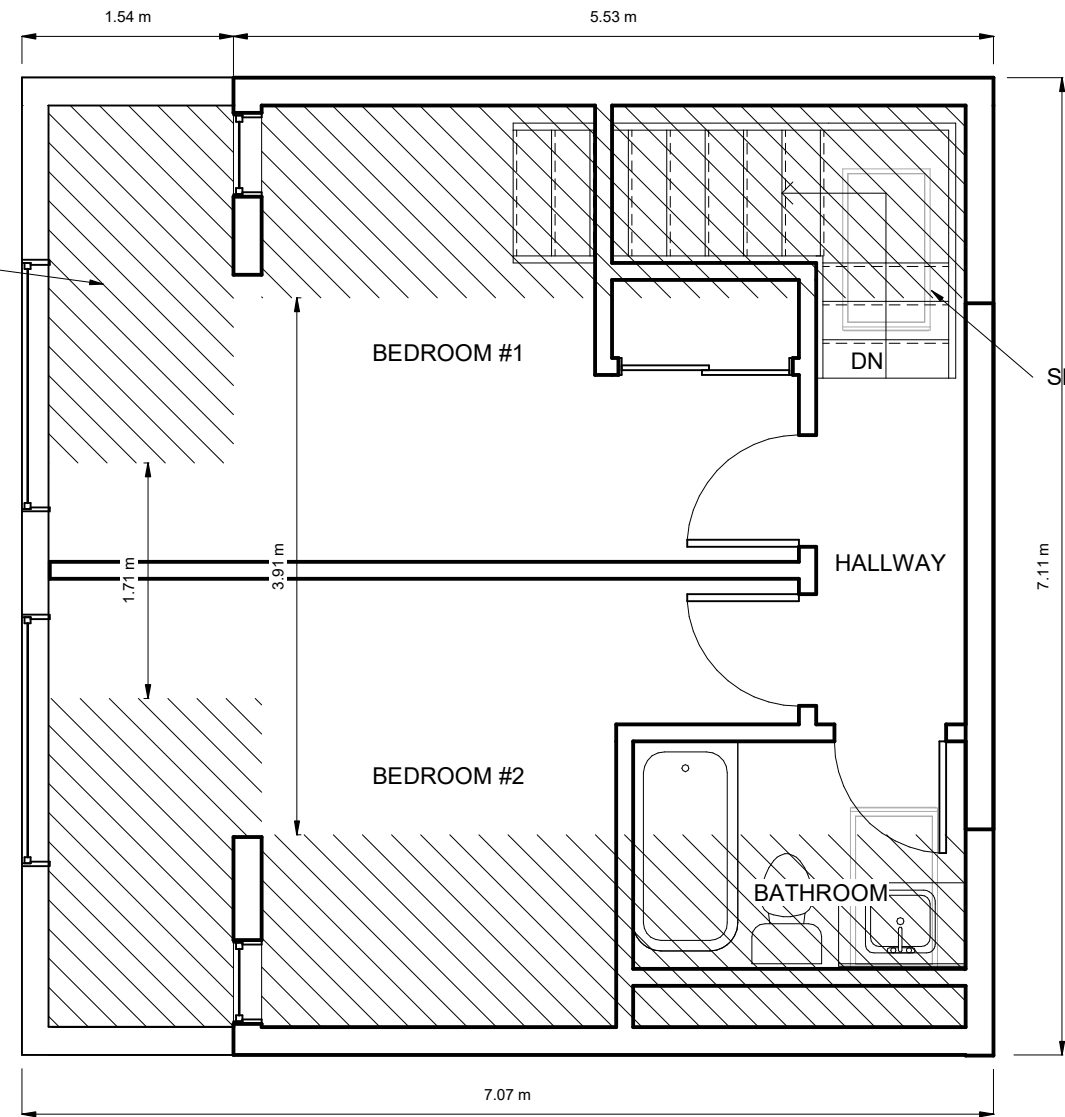
DRAWING NO.:

1

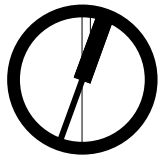
PLOTTED: 2022-10-03 11:02:02 AM



1 Level 1 50.3 m<sup>2</sup>  
1 : 50



2 Level 2 24.3 m<sup>2</sup>  
1 : 50



PROJECT NORTH  
TRUE NORTH



REV.	DESCRIPTION	DATE



**INVIZIJ**  
**Architects Inc.**  
185 YOUNG STREET,  
HAMILTON, ON L89 1V9  
T: 905 525 9000 | invizij.ca

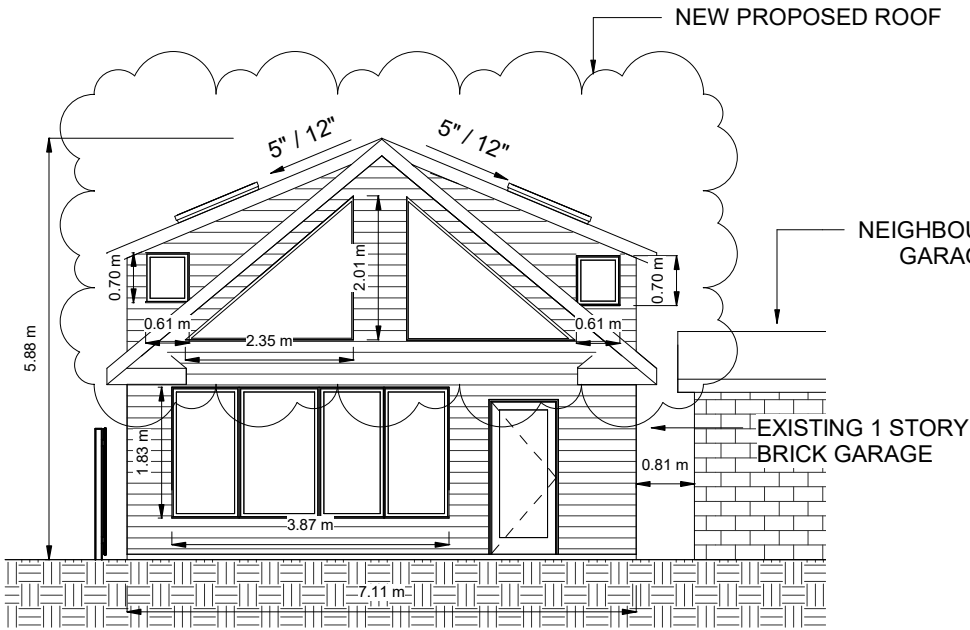
DO NOT SCALE DRAWING. DIMENSIONS ARE TO BE CHECKED AND VERIFIED BY THE CONTRACTOR ON SITE.

ALL DRAWINGS, SPECIFICATIONS, AND RELATED DOCUMENTS ARE THE COPYRIGHT PROPERTY OF THE ARCHITECT AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF DRAWINGS, SPECIFICATIONS, AND RELATED DOCUMENTS IN WHOLE OR IN PART IS STRICTLY FORBIDDEN WITHOUT THE ARCHITECT'S WRITTEN PERMISSION.

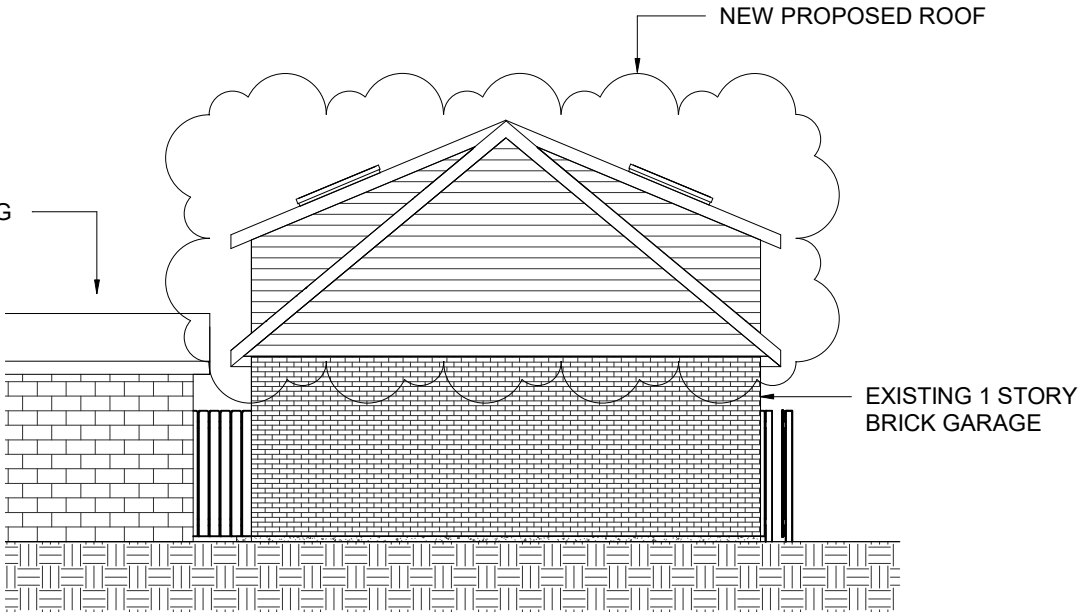
THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS COUNTERSIGNED BY INVIZIJ ARCHITECTS INC.

PROJECT NAME:	GOWING SDU
PROJECT ADDRESS:	52 BARTON ST W
PROJECT NO.:	-
DRAWING TITLE:	FLOOR PLANS
DRAWN BY:	JV
CHECKED BY:	-
DATE:	09/23/22
SCALE:	1 : 50
DRAWING NO.:	3

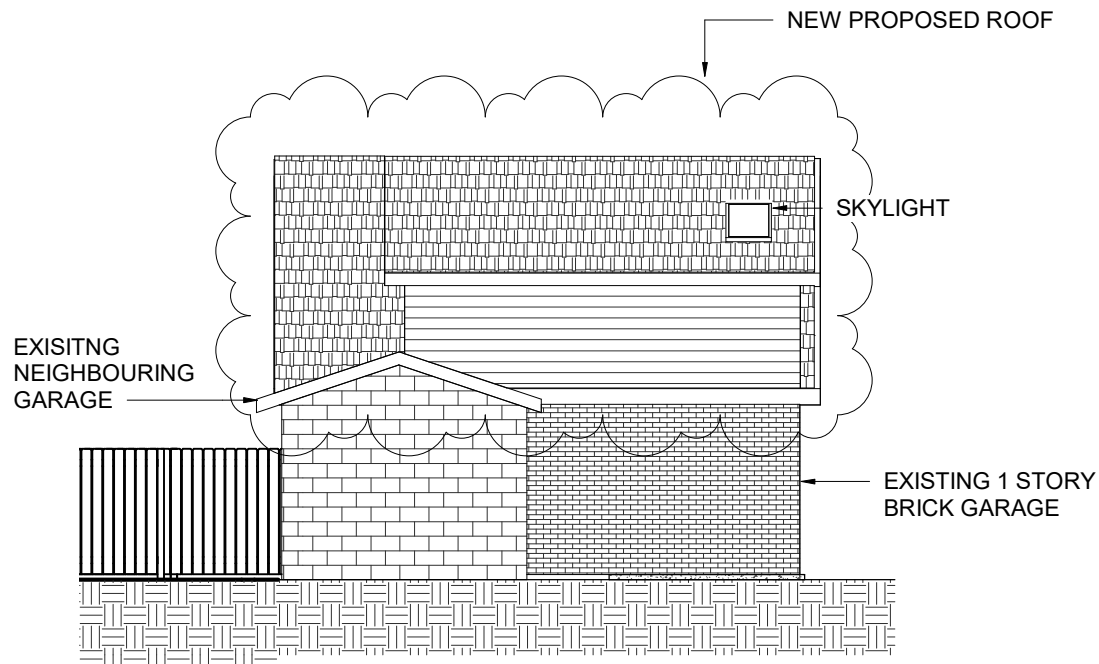
PLOTTED: 2022-09-30 1:27:13 PM



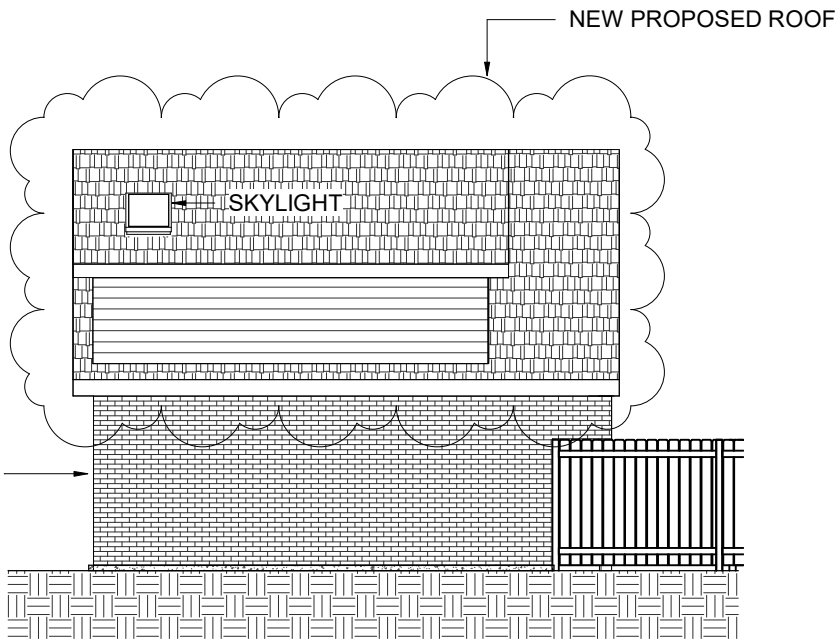
1 East  
1 : 96



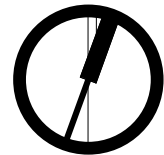
4 West  
1 : 96



2 North  
1 : 96



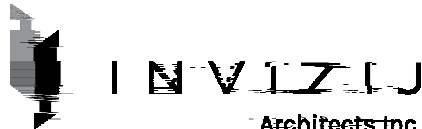
3 South  
1 : 96



PROJECT NORTH  
TRUE NORTH



1	Revision 1	Date 1
REV.	DESCRIPTION	DATE



Architects Inc.  
185 YOUNG STREET,  
HAMILTON, ON L89 1V9  
T: 905 525 9000 | invizij.ca

DO NOT SCALE DRAWING. DIMENSIONS ARE TO BE CHECKED AND VERIFIED BY THE CONTRACTOR ON SITE.

ALL DRAWINGS, SPECIFICATIONS, AND RELATED DOCUMENTS ARE THE COPYRIGHT PROPERTY OF THE ARCHITECT AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF DRAWINGS, SPECIFICATIONS, AND RELATED DOCUMENTS IN WHOLE OR IN PART IS STRICTLY FORBIDDEN WITHOUT THE ARCHITECT'S WRITTEN PERMISSION.

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS COUNTERSIGNED BY INVIZIJ ARCHITECTS INC.

PROJECT NAME:	GOWING SDU
PROJECT ADDRESS:	52 BARTON ST W
PROJECT NO.:	-
DRAWING TITLE:	ELEVATIONS
DRAWN BY:	JV
CHECKED BY:	-
DATE:	09/23/22
SCALE:	1 : 96
DRAWING NO.:	2

PLOTTED: 2022-09-30 1:23:34 PM



**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
Registered Owners(s)	Matthew and Emily Gowing	
Applicant(s)	Matthew and Emily Gowing	
Agent or Solicitor	Invizij Architects, Emma Cubitt	

- 1.2 All correspondence should be sent to

☒ Owner

☒ Agent/Solicitor

☐ Applicant
- 1.2 All correspondence should be sent to

☐ Purchaser

☒ Applicant

☒ Owner

☒ Agent/Solicitor
- 1.3 Sign should be sent to

☐ Purchaser

☐ 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 

mattypandg@gmail.com
- 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.

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	52 Barton Street West, Hamilton ON., L8L1A4		
Assessment Roll Number	020125556400000		
Former Municipality	Hamilton		
Lot	Part of Lot 6	Concession	
Registered Plan Number	127 BLK 21	Lot(s)	
Reference Plan Number (s)		Part(s)	Part Lot 6 L-SHPD

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:

Subject to an easement as in instrument no. VM257950

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:

Reduced side and rear yard setbacks for proposed SDU

☒ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

Reduced side and rear yard setbacks (proposing to convert existing structure to SDU).

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

☐ Yes ☒ No

If yes, please provide an explanation:

Proposed SDU uses an existing historic garage structure which has reduced setbacks

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
31.67 feet	127.80 feet	0.11 AC	8.85 meters

*[Handwritten signature]*  
Metric

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
Garage	0.36m	0.30m	0.20m	Existing/Unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Secondary Dwelling Unit	0.36m	0.30m	0.20m	2023

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
Garage	53.7m2	53.7m2	1	4m
House	123.5 m <sup>2</sup>	123.5 m <sup>2</sup>	2.5	10m
Pre-Existing Back Addition	12.86 m <sup>2</sup>	12.86m <sup>2</sup>	1	4m
Deck (Pre-Existing)	4.65 m <sup>2</sup>	4.65m <sup>2</sup>	1	3m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Secondary Dwelling Unit	53.7m2	75m2	2	5.97m

4.4 Type of water supply: (check appropriate box)

☒ publicly owned and operated piped water system

☐ lake or other water body

☐ privately owned and operated individual well

☐ other means (specify)

4.5 Type of storm drainage: (check appropriate boxes)

☒ publicly owned and operated storm sewers

☐ ditches

☐ swales

☐ other means (specify)

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

- ☒ publicly owned and operated sanitary sewage system
- ☐ privately owned and operated individual septic system
- ☐ other means (specify)
- 

- 4.7 Type of access: (check appropriate box)
- ☐ provincial highway

☐ municipal road, seasonally maintained

☒ municipal road, maintained all year
- ☐ right of way

☐ other public road
- 

- 4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
- Single detached dwelling
- 

- 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:
- June 13, 2013
- 

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

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

- 7.4 Length of time the existing uses of the subject property have continued:
- 9.5 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)
- Please provide an explanation of how the application conforms with the Official Plan.

- 7.6 What is the existing zoning of the subject land? D - 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: