



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424
ext. 4221, 3935
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-19:258
SUBMISSION NO. A-258/19

APPLICATION NO.: **AN/A-19:258**

APPLICANTS: Zelinka Priamo Ltd. c/o Katelyn Crowley on behalf of the owner
CP Reit Ontario Properties Limited Trustee

SUBJECT PROPERTY: Municipal address **54 Wilson St. W., (Ancaster) City of Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: C5, 567 (Mixed Use Medium Density (C5) Zone

PROPOSAL: To permit a Seasonal Garden Centre, including tents, accessory to the existing Retail Store (Fortino's) notwithstanding that:

1. The Seasonal Garden Centre shall be permitted to occupy a maximum of 12.6% of the total number of parking spaces provided instead of the requirement that Seasonal Garden Centre shall not occupy more than 10% of the total number of provided parking spaces.

NOTE:

i) The Seasonal Garden Centre occupies 53 parking spaces of the 422 parking spaces provided on the site.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS July 29th, 2020.

NOTE: This decision is not final and binding unless otherwise noted.



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-20:48
SUBMISSION NO. A-48/20

APPLICATION NO.: AN/A-20:48

APPLICANTS: Urban Solutions on behalf of the owner 1932376 Ontario Inc.

SUBJECT PROPERTY: Municipal address **610 Tradewind Dr., (Ancaster) City of Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 18-219

ZONING: "M2 and Exception 678" (General Business Park) district

PROPOSAL: To permit the construction of a new planned business centre comprising 2,495m² of gross floor area with the potential for nine (9) units, notwithstanding that:

1. The minimum width of a landscaped area abutting parking spaces, aisles and driveways shall be 5.5m instead of the required minimum landscaped area width of 6.0m.
2. The minimum number of parking spaces for the planned business centre shall be based on 1 parking space per 55 square metres of gross floor area for the provision of 45 parking spaces instead of the required 1 parking space per 50 square metres of gross floor area for the provision of 49 parking spaces.

NOTES:

1. The variances have been written as requested by the applicant. The lands are subject to DA-19-149 which received conditional approval on December 20, 2019.
2. The Zoning By-law defines Planned Business Centre as:

Planned Business Centre shall mean a group of business establishments within an Industrial Zone which is planned, developed, managed and operated as a unit with shared on-site parking, and containing four or more separated spaces for lease or occupancy, but shall not be considered as a Shopping Centre.
3. The Zoning By-law requires the landscaped area to include a minimum 3.0m wide planting strip. It is noted that the landscaped area to be addressed in Variance #1 would contain the required 3.0m planting strip.
4. Although dimensions were not identified for the proposed parallel parking spaces which abut the rear wall of the building, the applicant has advised that they would have dimensions of 3.0m x 6.7m which comply with the requirements of the Zoning By-law.
5. Special Exception 678, applicable to the subject property allows for the development of additional permitted uses in the M2 Zone which include a children's play gym and a gymnastics studio.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

M. Switzer

N. Mleczko

L. Gaddye

B. Charters

T. Lofchik

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **July 29th, 2020.**

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-20:58
SUBMISSION NO. A-58/20

APPLICATION NO.: **AN/A-20:58**

APPLICANTS: Owner: Lea Silvestri Investments
Agent: HMBC Planning c/o Gerry Tchisler

SUBJECT PROPERTY: Municipal address **140 Garner Rd. E., Ancaster**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 15-173

ZONING: A2 district (Rural)

PROPOSAL: To permit the creation of two lots through Land Severance Application AN/B-20:17 notwithstanding that;

1. A minimum lot area of 34 hectares shall be provided for the lands to be retained instead of the minimum required lot area of 40.4 hectares for an agricultural use.

Note:

The application is necessary to facilitate land severance application AN/B-20:17.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

L. Gaddy

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS July 29th, 2020.

NOTE: This decision is not final and binding unless otherwise noted.



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENTLAND SEVERANCE

APPLICATION NO. AN/B-20:17
SUBMISSION NO. B-17/20

SUBJECT PROPERTY: **140 Garner Rd. E., Ancaster**

APPLICANT(S): Owner: Lea Silvestri Investments
Agent: HMBC Planning c/o Gerry Tchisler

PURPOSE OF APPLICATION: To permit the conveyance of a vacant parcel of land for a future business park and to retain a parcel of land containing an existing single detached dwelling and agricultural lands.

Severed lands:
160.8 m[±] x 922.0 m[±] and an area of 35.2 ha[±]

Retained lands:
166.1 m[±] x 922.5 m[±] and an area of 34.1 ha[±]

That the said application, as set out above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s).

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
3. The owner shall receive final and binding approval of minor variance application AN/A-20:58.

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Lot 44) will remain as 140 Garner Road East, Hamilton (Ancaster) and the lands to be conveyed (Lot 45) will be assigned the address of 238 Garner Road East, Hamilton (Ancaster).

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 16th, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (July 16th, 2021) OR THE APPLICATION SHALL BE
DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING
APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 5th 2020.**

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. AN/B-20:18
SUBMISSION NO. B-18/20

APPLICATION NUMBER: AN/B-20:18

SUBJECT PROPERTY: 378 Harmony Hall Dr., Ancaster

APPLICANT(S): T. Johns Consulting Group c/o K. Gillis on behalf of the owner 1520896 Ontario Inc.

PURPOSE OF APPLICATION: To permit the severance of a parcel of land to be added to the adjacent property for residential purposes.

Severed lands:
4.11m[±] x 18.28m[±] and an area of 72.1m² [±]

Retained lands:
18.31m[±] x 17m[±] and an area of 313.2m² [±]

That the said application, as set out above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s).

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
3. That final and binding approval of Zoning By-law Amendment Application ZAR-19-034 be received, to the satisfaction of the Manager of Development Planning, Heritage and Design.

4. That, pursuant to subsection 50(12) of the Planning Act, it is hereby stipulated that subsection 50(3) or subsection 50(5) shall apply to any subsequent conveyance of or other transaction involving the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a Solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and that the severed lands, as outlined in the Notice of Hearing, will merge with the severed lands of Consent Application AN/B-20:19, being part of Block 117, Registered Plan 62M-1122, and become one parcel of land.
5. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law or alternatively, apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
6. That the Owner / Applicant enters into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. All to the satisfaction of the City's Manager of Development Engineering Approvals.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 16th, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 16th, 2021) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 5th 2020.**

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will be assigned the address of 104 Gregorio Avenue, Hamilton (Ancaster), the lands to be conveyed will be assigned the address of 108 Gregorio Avenue, Hamilton (Ancaster), and the existing address of 378 Harmony Hall Drive will eventually be retired and no longer referred to upon final approval of the consent applications.



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. AN/B-20:19
SUBMISSION NO. B-19/20

APPLICATION NUMBER: AN/B-20:19

SUBJECT PROPERTY: 0 Harmony Hall Dr., Ancaster

APPLICANT(S): T. Johns Consulting Group c/o K. Gillis on behalf of the owner 1520896 Ontario Inc.

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for residential purposes.

Severed lands:

15m[±] x 31.01m[±] and an area of 395.1m^{2±}

Retained lands:

13.5m[±] x 17m[±] and an area of 219.2m^{2±}

That the said application, as set out above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s).

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
3. A 4.57 metre x 4.57 metre Daylighting Triangle is required at Harmony Hall Drive and Gregorio Ave
4. That final and binding approval of Zoning By-law Amendment Application ZAR-19-034 be received, to the satisfaction of the Manager of Development Planning, Heritage and Design.

5. That, pursuant to subsection 50(12) of the Planning Act, it is hereby stipulated that subsection 50(3) or subsection 50(5) shall apply to any subsequent conveyance of or other transaction involving the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a Solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and that the severed lands, as outlined in the Notice of Hearing, will merge with the severed lands of Consent Application AN/B-20:18, being part of Lot 47, Concession 3 Ancaster, and become one parcel of land.
6. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law or alternatively, apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
7. That the Owner / Applicant enters into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. All to the satisfaction of the City's Manager of Development Engineering Approvals.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

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NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 5th 2020.**

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will be assigned the address of 104 Gregorio Avenue, Hamilton (Ancaster), the lands to be conveyed will be assigned the address of 108 Gregorio Avenue, Hamilton (Ancaster), and the existing address of 378 Harmony Hall Drive will eventually be retired and no longer referred to upon final approval of the consent applications.



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. AN/B-20:20
SUBMISSION NO. B-20/20

APPLICATION NUMBER: AN/B-20:20

SUBJECT PROPERTY: 455 Springbrook Ave., Ancaster

APPLICANT(S): GSP Group Inc. c/o S. Hastings on behalf of the owner Rotuka Developments Inc.

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for residential purposes.

Severed lands:

12m[±] x 35.71m[±] and an area of 991.1m^{2±}

Retained lands:

35.56m[±] x 35.96m[±] and an area of 1,281.2m^{2±}

That the said application, as set out above, IS APPROVED, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s).

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
3. That the owner acquires the lands described as Block 14, Registered Plan 62M-1161; and the lands described as Part of Block 102, Registered Plan 62M-1116, in order to provide adequate frontage on a public road for the severed lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.

4. That the owner takes the necessary steps to lift the reserve block that currently runs along the frontage of Fair Street, described as Block 21, Registered Plan 62M-1161, that any and all costs associated with lifting the reserve block shall be borne by the owner, and that the reserve block is lifted, in order to provide adequate frontage on a public road for the severed lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.
5. Tree Management Plan: That the owner submits and receives approval of a Tree Protection Plan, including the review fee as per the effective Schedule of Rates and Fees (currently \$625), prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.
6. Landscape Plan: That the owner submits and receives approval of a Landscape Plan, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.
7. The owner shall demolish the existing single detached dwelling on the lands to be retained to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law (i.e. rear yard setback). Subject to a demolition permit issued in the normal manner.
8. The owner shall acquire the shaded City owned lands shown on the severance sketch through a purchase agreement with the City of Hamilton and shall merge the acquired lands in title with the balance of the lands to be severed.
9. The owner shall submit survey evidence that the assembled lands to be severed, conform to the requirements of the Zoning By-Law for frontage (respecting Schedule “C” setback requirements) or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
10. That the Owner enters into a Development Agreement with the City of Hamilton and register it on title of the lands, to address issues including but not limited to: extension of the municipal sewers, road reconstruction, lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. All to the satisfaction of the City’s Manager of Development Engineering Approvals.
11. That, the owner will be required to provide a cash payment based on the current “New Roads Servicing Rates” for the future urbanization of Springbrook Avenue to the satisfaction of the City’s Manager of Development Engineering Approvals.
12. That the owner provide cash payment to the City for any outstanding servicing cost required to lift the 0.3m reserve described as Block 21 on 62M-1161 to the satisfaction of the City’s Manager of Development Engineering Approvals.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 16th, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 16th, 2021) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS August 5 2020.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (north lot) will be assigned the address of 453 Springbrook Avenue, Hamilton (Ancaster), the lands to be conveyed (middle lot) will be assigned the address of 457 Springbrook Avenue, Hamilton (Ancaster), and the lands to be retained (south lot) will be assigned the address of 461 Springbrook Avenue, Hamilton (Ancaster).



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. AN/B-20:21
SUBMISSION NO. B-21/20

APPLICATION NUMBER: **AN/B-20:21**

SUBJECT PROPERTY: **455 Springbrook Ave., Ancaster**

APPLICANT(S): GSP Group Inc. c/o S. Hastings on behalf of the
owner Rotuka Developments Inc.

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for
residential purposes.

Severed lands:
11.85m[±] x 35.96m[±] and an area of 426.1m^{2±}

Retained lands:
11.85m[±] x 35.96m[±] and an area of 427.1m^{2±}

That the said application, as set out above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s).

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
3. That all upgrades to municipal services and any new services required for the proposed lots fronting onto Springbrook Avenue shall be completed, to the satisfaction of the Manager of Development Planning, Heritage and Design.

- 4. That both the severed lot and the retained lots have frontage on Springbrook Avenue, to the satisfaction of the Manager of Development Planning, Heritage and Design.
- 5. Tree Management Plan: That the owner submits and receives approval of a Tree Protection Plan for both the severed and retained lands, including the review fee as per the effective Schedule of Rates and Fees (currently \$625), prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.
- 6. Landscape Plan: That the owner submits and receives approval of a Landscape Plan for both the severed and retained lands, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.
- 7. That the Owner enters into a Development Agreement with the City of Hamilton and register it on title of the lands, to address issues including but not limited to: extension of the municipal sewers, road reconstruction, lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. All to the satisfaction of the City's Manager of Development Engineering Approvals.
- 8. That, the owner will be required to provide a cash payment based on the current "New Roads Servicing Rates" for the future urbanization of Springbrook Avenue to the satisfaction of the City's Manager of Development Engineering Approvals.
- 9. That the owner provide cash payment to the City for any outstanding servicing cost required to lift the 0.3m reserve described as Block 21 on 62M-1161 to the satisfaction of the City's Manager of Development Engineering Approvals.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

M. Switzer

N. Mleczko

L. Gaddye

B. Charters

T. Lofchik

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July16th, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 16th, 2021) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 5 2020.**

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (north lot) will be assigned the address of 453 Springbrook Avenue, Hamilton (Ancaster), the lands to be conveyed (middle lot) will be assigned the address of 457 Springbrook Avenue, Hamilton (Ancaster), and the lands to be retained (south lot) will be assigned the address of 461 Springbrook Avenue, Hamilton (Ancaster).



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
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Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. DN/A-20:52
SUBMISSION NO. A-52/20

APPLICATION NO.: **DN/A-20:52**

APPLICANTS: Shane VanBarneveld on behalf of the owners Barry Dunne & Amanda Guyatt

SUBJECT PROPERTY: Municipal address **260 MacNab St., (Dundas) City of Hamilton**

ZONING BY-LAW: Zoning By-law 3581-86, as Amended

ZONING: "R2" (Single Detached Residential) district

PROPOSAL: To permit the construction of a new two-storey addition and roofed-over unenclosed deck in the rear yard of the existing single detached dwelling notwithstanding that:

1. An easterly side yard of 0.0m shall be provided instead of the minimum required 1.2m side yard setback.
2. A westerly side yard of 3.2m shall be provided instead of the minimum required 5.0m side yard setback.
3. A rear yard setback of 5.8m shall be provided instead of the minimum required 7.5m rear yard setback.

NOTES:

- i. Further variances have been requested by the applicant respecting eave and gutter projections and the proposed rear unenclosed deck. However, these features will conform as shown provided that variance #1 through #3 are approved.
- ii. The current R2 zone of Dundas Zoning By-law 3581-86 requires dwellings to provide a 1.2m side yard setback except that when there is no garage or carport, one side shall be setback at least 5.0m.

That the said application, as set out above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

Having regard to the matters under subsection 45(9) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s):

- 1. That the applicant provides additional information on how they intend to handle the increased stormwater runoff/impervious area of the site and illustrate the 6.0m required rear yard setback to the satisfaction of the Manager Development Engineering Approvals.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatak

D. Smith

M. Switzer

N. Mleczko

L. Gaddye

B. Charters

T. Lofchik

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS July 29th, 2020.

NOTE: This decision is not final and binding unless otherwise noted.



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. DN/A-20:64
SUBMISSION NO. A-64/20

APPLICATION NO.: DN/A-20:64

APPLICANTS: Sebastian Vuong

SUBJECT PROPERTY: Municipal address **12 Autumn Leaf Rd., (Dundas) City of Hamilton**

ZONING BY-LAW: Zoning By-law 3581-86, as Amended

ZONING: "R2" (Single Detached Residential) district

PROPOSAL: To permit the establishment of a 5.1 m² walk-in closet and storage area within the existing attached garage and to relocate the required parking space into the driveway notwithstanding that;

1. The required parking space shall be located within the required front yard notwithstanding that a required parking space is not permitted to be located within the front yard; and
2. No manoeuvring shall be provided on site instead of the minimum required 6.0 m manoeuvring space.

That the variances, as set out above, are GRANTED for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS July 29th, 2020.

NOTE: This decision is not final and binding unless otherwise noted.



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. FL/A-20:47
SUBMISSION NO. A-47/20

APPLICATION NO.: FL/A-20:47

APPLICANTS: Shane K. Wilson on behalf of the owner Willaim Searle

SUBJECT PROPERTY: Municipal address **14 Stonebury PI (Flamborough) City of Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: "A2 and Exception 234" (Rural) Zone

PROPOSAL: To permit the construction of a detached garage (accessory building) which is accessory to the existing single detached dwelling, notwithstanding,.

1. The proposed accessory building shall be permitted to be located within the front yard whereas the Zoning By-law does not permit accessory buildings to be located within a front yard.

NOTES:

1. The applicant shall ensure the proposed building height is provided in accordance with the definition of "Building Height" and "Grade" as defined within the Zoning By-law.
2. A further variance will be required if the gross floor area of all existing and proposed accessory buildings exceed 200 square metres.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter did not affect the decision.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS July 29th, 2020.

NOTE: This decision is not final and binding unless otherwise noted.

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO.FL/B-20:16
SUBMISSION NO. B-16/20

APPLICATION NUMBER: FL/B-20:16

SUBJECT PROPERTY: 320 Neff's Ln., Flamborough

APPLICANT(S): Owner: Birgit Brunotti
Agent: Cynthia Louise Goodes

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land containing part of an existing shed to be added to property known as 262 Hwy 8, as shown on the attached sketch.

Severed lands (Part 2):
60.9m[±] x 5.7m[±] and an area of 352.9m^{2±}

Retained lands (Par 1):
594.4m[±] x 428.0m[±] and an area of 27.6ha[±]

That the said application, as set out above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s).

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

3. Approximately 6.0 metres are to be dedicated to the right-of-way, on Highway 8, as per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications. Highway 8 ultimate right-of-way is to be 36.576 metres to the satisfaction of Transportation Planning. A survey conducted by an Ontario Land Surveyor and at the applicant's expense will determine the ultimate dimensions for the road allowance widening(s).
4. That the Owner dedicate sufficient land across the frontage of the property to be conveyed to establish the designated road allowance width of Highway 8 at 36.576m. All costs associated with the dedication of the required lands are to be borne by the Owner.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

M. Smith

N. Mleczko

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 16th, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 16th, 2021) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 5 2020.**

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.



Committee of Adjustment
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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-19:105
SUBMISSION NO. A-105/19

APPLICATION NO.: GL/A-19:105

APPLICANTS: Rocco & Tanya Pugliese, Owners

SUBJECT PROPERTY: Municipal address **8 Grassypain Dr., (Glanbrook) City of Hamilton**

ZONING BY-LAW: Zoning By-law 464, as Amended

ZONING: "R3-158" (Residential "R3") Zone

PROPOSAL: To permit the construction of a 5.5m by 4.6m (25 square metre) roofed over patio in the rear yard notwithstanding that:

1. A minimum rear yard of 3.0 metres shall be permitted instead of the minimum 7.5 metre rear yard required.
2. A minimum distance of 1.5 metres shall be provided from the boundary of a transmission pipeline right-of-way instead of the minimum required 10 metres from the boundary of a transmission pipeline right-of-way."

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

N. Mleczko

L. Gaddy

M. Switzer

M. Smith

T. Lofchik

B. Charters

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **July 29th, 2019.**

NOTE: This decision is not final and binding unless otherwise noted.



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-20:46
SUBMISSION NO. A-46/20

APPLICATION NO.: **GL/A-20:46**

APPLICANTS: Applecreek Farms Inc. c/o Rick Vandembos on behalf of the owner Chris Attema

SUBJECT PROPERTY: Municipal address **8149 English Church Rd., (Glanbrook)**
City of Hamilton

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 15-173

ZONING: "A1" (Agriculture) Zone

PROPOSAL: To permit the demolition of an existing accessory building (hog barn) and construct a new accessory building (hog barn) notwithstanding that:

3. The accessory building with livestock shall be setback a minimum of 184m from Type B land uses instead of the minimum required setback of 566m for buildings with livestock.

NOTES:

1. The required distances and accessory building setbacks were based on Minimum Distance Separation II report prepared by Chris Attema dated February 3, 2020. The MDS II Setback Distance Summary chart does not provide exact distance measurements. As a result, variances have been written exactly as requested by the applicant.

2. Submitted plans were lacking details to determine the exact location of the proposed accessory building. The owner shall ensure the new accessory building is not located within the front yard. Section 3 states; Front Yard - shall mean a yard extending across the full width of a lot measured between the front lot line and the nearest part of a building on the lot.

3. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.

4. The submissions made regarding this matter affected the decision by supporting the granting of the application, with amendments.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

M. Switzer

N. Mleczko

L. Gaddy

B. Charters

T. Lofchik

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **July 29th, 2020.**

NOTE: This decision is not final and binding unless otherwise noted.

NOTE:

“Acknowledgement: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).”



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:259
SUBMISSION NO. A-259/20

APPLICATION NO.: HM/A-19:259

APPLICANTS: Zelinka Priamo Ltd. c/o Katelyn Crowley on behalf of the owner
CP Reit Ontario Properties Limited Trustee

SUBJECT PROPERTY: Municipal address **1579 Main St. W., City of Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: "C6" (District Commercial (C4) Zone

PROPOSAL: To permit a Seasonal Garden Centre, including tents, accessory to the
existing Retail Store (Fortino's) notwithstanding that:

1. The Seasonal Garden Centre shall be permitted to occupy a maximum of 15.4% of the total number of parking spaces provided instead of the requirement that Seasonal Garden Centre shall not occupy more than 10% of the total number of provided parking spaces.

NOTE:

i) The Seasonal Garden Centre occupies 87 parking spaces of the 567 parking spaces provided on the site.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **July 29th, 2020.**

NOTE: This decision is not final and binding unless otherwise noted.



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-19:260
SUBMISSION NO. A-260/19

APPLICATION NO.: **HM/A-19:260**

APPLICANTS: Zelinka Priamo Ltd. c/o Katelyn Crowley on behalf of the owner
CP Reit Ontario Properties Limited Trustee

SUBJECT PROPERTY: Municipal address **65 Mall Road, City of Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: "C4" (Mixed Use High Density (C4) Zone)

PROPOSAL: To permit a Seasonal Garden Centre, including tents, accessory to the
existing Retail Store (Fortino's) notwithstanding that:

1. The Seasonal Garden Centre shall be permitted to occupy a maximum of 17.1% the total number of parking spaces provided instead of the requirement that a Seasonal Garden Centre shall not occupy more than 10% of the total number of provided parking spaces.

NOTE:

- i) The Seasonal Garden Centre occupies 80 parking spaces of the 469 parking spaces provided on the site.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS July 29th, 2020.

NOTE: This decision is not final and binding unless otherwise noted.



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:280
SUBMISSION NO. A-280/20

APPLICATION NO.: HM/A-19:280

APPLICANTS: John Sibenik on behalf of the owner Waylon John Lech-Baur

SUBJECT PROPERTY: Municipal address **4 Glenview Crt., City of Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: D/S-263 (Urban Protected Residential - One and Two Family Dwellings) district

PROPOSAL: To to establish the front yard landscaping for one half of a semi-detached dwelling notwithstanding that:

1. The front yard landscaped area shall be a minimum of 30.0% the gross area of the front yard instead of the minimum 50.0% required front yard landscaped area

NOTES:

1. Variances have been written exactly as requested by the applicant. Fully scaled and dimensioned site plans showing the entire semi-detached dwelling with elevations and interior floor plans have not been provided; therefore, only front yard landscaping and parking requirements have been reviewed for zoning compliance. A full zoning review could not be conducted. Be advised, further variances may be required at such time that a full zoning review is conducted.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **July 29th, 2020.**

NOTE: This decision is not final and binding unless otherwise noted.



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COMMITTEE OF ADJUSTMENT
CORRECTED DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-19:290
SUBMISSION NO. A-290/19

APPLICATION NO.: HM/A-19:290

APPLICANTS: Owner: Kevin Daley
Agent: Jared Marcus

SUBJECT PROPERTY: Municipal address **315B Aberdeen Ave., Hamilton**

ZONING BY-LAW: Zoning By-law 6993, as Amended

ZONING: C and D district (Urban Protected Residential)

PROPOSAL: To establish lot frontage on Aberdeen Avenue and to facilitate the construction of a two-storey single family dwelling on an irregular shaped lot notwithstanding that::

1. A lot width of at least 3.6 metres shall be permitted instead of the required lot width of at least 12.0 metres.
2. The gross area of the front yard shall be permitted to contain no landscaped area instead of the required minimum 50.0% of the gross area of the front yard to be provided as a landscaped area.

NOTES:

1. Parking has been reviewed for a single family dwelling with eight (8) habitable rooms or less. Additional variances may be required if the proposed single family dwelling exceeds eight (8) habitable rooms.
2. Variances are based on the owner acquiring and permanently closing the portions of alleyway located directly to the east of 315 & 293 Aberdeen Avenue, as well as the portion of alleyway directly to the north of 293 Aberdeen Avenue (abutting 315B Aberdeen Avenue).
3. Variances are based on the owner merging all portions of acquired and closed alleyway portions on title, with the lands known as 293 Aberdeen Avenue and 315B Aberdeen Avenue.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.

4. The submissions made regarding this matter affected the decision by supporting the granting of the application, with conditions.

Having regard to the matters under subsection 45(9) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:

1. The applicant provide confirmation that the alleyway has been acquired to the satisfaction of the Manager of Development Planning, Heritage and Design;
2. The applicant shall merge the existing properties and the acquired alleyway into one property on title to the satisfaction of the Manager of Development Planning, Heritage and Design;
3. That no window for habitable rooms is permitted on the westerly façade or windows for habitable rooms on the westerly façade are comprised of opaque materials to the satisfaction of the Manager of Development Planning, Heritage and Design; and
4. That the maximum lot coverage shall be 40%.

DATED AT HAMILTON this 15th day of July, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

L. Gaddy

N. Mleczko

M. Smith

M. Switzer

B. Charters

T. Lofchik

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **July 29th, 2020.**

NOTE: This decision is not final and binding unless otherwise noted.



Committee of Adjustment
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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:13
SUBMISSION NO. A-13/20

APPLICATION NO.: HM/A-20:13

APPLICANTS: Joe & Shelley Graci

SUBJECT PROPERTY: Municipal address **103 Whitney Avenue**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-laws 95-02, 95-33, 80-274 & 19-307

ZONING: "C/S-1335, 1335a, 720 & 1788" (Urban Protected Residential further amended) district

PROPOSAL: To permit the increase in the number of habitable rooms in an existing single-family dwelling from 7 to 10 notwithstanding that;

1. A minimum of 2.3 m access width shall be maintained instead of the minimum required access driveway having a width of at least 2.8 m.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatak

D. Smith

M. Switzer

L. Gaddy

B. Charters

T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **July 29th, 2020**.

NOTE: This decision is not final and binding unless otherwise noted.



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:50
SUBMISSION NO. A-50/20

APPLICATION NO.: **HM/A-20:50**

APPLICANTS: Tricia Thomson on behalf of the owner The Hamilton Young Woman's Christian Association c/o Denise Christopherson CEO

SUBJECT PROPERTY: Municipal address **52 Ottawa St. N., City of Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "C5a, 710 (Mixed Use Medium Density - Pedestrian Focus (C5a) Zone

PROPOSAL: To permit the construction a six (6) storey YWCA building containing a Community Centre/Place of Assembly/Social Services Establishment, Administrative Offices and a Multiple Dwelling containing a maximum of fifty (50) dwelling units in order to facilitate Site Plan Application File Numbers DA-18-043 and MDA-19-154 notwithstanding that:

1. A minimum rear yard of 2.7m shall be permitted instead of the minimum required rear yard of 7.5m.
2. Rooftop mechanical equipment shall not be required to be located or screened from view of the abutting streets instead of the requirement that rooftop mechanical equipment shall be located and/or screened from view of any abutting street.
3. A minimum of 36% of the area of the ground floor façade facing Ottawa Street North and a minimum of 32% of the area of the ground floor façade facing Dunsmure Road shall be composed of doors and windows instead of the requirement that a minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows.
4. A 5.7m parking space length shall be permitted to be reduced in length for the area of the space occupied by a sign instead of the requirement that a parking space length of 5.7m shall be provided.
5. Parking spaces and aisles shall be permitted to be located within 2.1m of the Ottawa Street North street line instead of the requirement that parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall not be located within 3.0 metres of a street line.
6. A minimum 2.0m wide landscaped area shall be provided between the Ottawa Street North street line and the parking spaces and aisles and a column exceeding a maximum height of 0.6m shall be permitted to be located within this landscaped area instead of the requirement that a 3.0 metre wide planting strip shall be required and permanently maintained between the street line and the parking spaces or aisle and where a planting strip is provided any architectural wall or feature within the planting strip shall be limited to a maximum height of 0.6 metres.

7. No short term bicycle parking spaces shall be required instead of the minimum required five (5) short term bicycle parking spaces

NOTE:

- i) The variances are necessary to facilitate Site Plan Application File Numbers DA-18-043 and MDA-19-154

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatak

D. Smith

M. Switzer

N. Mleczko

L. Gaddy

B. Charters

T. Lofchik

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **July 29th, 2020.**

NOTE: This decision is not final and binding unless otherwise noted.

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.212.8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.212.7499).”



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:53
SUBMISSION NO. A-53/20

APPLICATION NO.: **HM/A-20:53**

APPLICANTS: Shane VanBarneveld on behalf of the owners C. Moffat & T. O'Neill

SUBJECT PROPERTY: Municipal address **89 Paisley Ave. N., City of Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-laws 96-109 and 19-307

ZONING: "C/S-1361 and C/S-1788" (Urban Protected Residential, etc.) district

PROPOSAL: To the construction of a one (1) storey addition to the rear of the existing single family dwelling, notwithstanding,

1. A floor area ratio of 0.85 shall be applied, permitting a gross floor area of 309.5 square metres, instead of applying the permitted floor area ratio of 0.45 allowing a gross floor area of 163.8 square metres.

NOTES:

1. The variance requested for the increased floor area ratio of 0.85 has been written as requested by the applicant. It should be noted that a gross floor area of 285.08 square metres is indicated to be proposed on the application; additionally, it appears the lot area may be greater than the lot area of 364.22 square metres indicated to be provided on the application.

2. It is unclear if the deductions permitted to be excluded from the Gross Floor Area calculation as provided in amending By-law 96-109 (S-1361) have been applied to the proposed gross floor area calculation.

3. The "Cover Sheet" submitted with this application does not accurately reflect the proposed alterations. Be advised, further variances will be required should the intent be to alter the existing dwelling as shown on the submitted "Cover Sheet".

4. Where an addition or an alteration to an existing single family dwelling does not result in greater than eight (8) habitable rooms being provided in the dwelling the existing parking conditions are permitted to be maintained. As such, the requested variance for a reduction in the number of parking spaces is not required as the submitted drawings indicate a total of eight (8) habitable rooms are proposed.

5. The requested variance to permit a maximum height of three (3) storeys is not required as the proposed addition does not exceed the maximum permitted height of two (2) storeys and 9.0 metres. Please be advised that the height of the existing dwelling is deemed to be legally established non-complying.

That the variances, as set out above, are GRANTED for the following reasons:

- 1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
- 2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
- 3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
- 4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

M. Switzer

N. Mleczko

L. Gaddye

B. Charters

T. Lofchik

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:61
SUBMISSION NO. A-61/20

APPLICATION NO.: HM/A-20:61

APPLICANTS: A-Railing Inc.

SUBJECT PROPERTY: Municipal address **106 Barnesdale Ave. N., City of Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 92-281
(Section 19)

ZONING: "C" (Urban Protected Residential) district

PROPOSAL: To permit the conversion of a single family dwelling to create a second dwelling unit under Section 19 of the Zoning By-law, notwithstanding that:

1. The minimum lot area shall be 183 square metres instead of the required minimum lot area of 270 square metres for a converted dwelling.
2. The required parking shall consist of one (1) parking space for both dwelling units which is based on 0.5 parking spaces per dwelling unit instead of the required two (2) parking spaces which is based on one (1) space per dwelling unit.

NOTES:

1. The variances are written as requested by the applicant.
2. The property is a corner lot. The frontage of the property is recognized as being along Barnesdale Avenue North and the flankage side is along Edward Street.
3. The proposed parking space is intended to be within an existing 3.7m x 7.3m garage which is accessible from Edward Street. The applicant's site plan does not identify a parking space but the garage would be of sufficient size to accommodate one parking space with the required minimum dimensions of 2.7m x 6.0m.
4. No manoeuvring space would be provided for the proposed parking space. However, this would be considered to comply with the Section 19 requirements which permits manoeuvring to be off-site for one of the required parking spaces.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

M. Switzer

N. Mleczko

L. Gaddye

B. Charters

T. Lofchik

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:62
SUBMISSION NO. A-62/20

APPLICATION NO.: **HM/A-20:62**

APPLICANTS: John Witten on behalf of the owners Grant Ranalli & Bonnie McInnes

SUBJECT PROPERTY: Municipal address **7 Orchard Hill City of Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 19-307

ZONING: "C" and "C/S-1787" (Urban Protected Residential, etc.) district

PROPOSAL: To permit the construction a 3.66m (12') x 6.10m (20') rear one storey (sunroom) addition onto the existing single family dwelling and to recognize the location of an existing accessory building (frame shed) notwithstanding that:

1. A westerly minimum side yard width of 0.6m shall be provided instead of the minimum required side yard width of 0.9m.
2. The existing accessory building (frame shed) located in the rear yard shall be 0.0m from the easterly 100.0' side lot, the angled 5.65' side lot line and the 21.0' rear lot line instead of the requirement that every accessory building which is located entirely within the rear yard shall be distant at least 0.45 metres from the nearest lot line.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:63
SUBMISSION NO. A-63/20

APPLICATION NO.: HM/A-20:63

APPLICANTS: Owner: Anthony Cambro

SUBJECT PROPERTY: Municipal address **87 Chedoke Ave., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 19:307

ZONING: C district (Urban Protected Residential)

PROPOSAL: To to permit the construction of a third storey addition to an existing single family dwelling to have nine (9) habitable rooms notwithstanding that:

1. A northerly side yard width of 0.6m shall be provided instead of the minimum required 2.7m side yard required.
2. A southerly side yard width of 2.3m shall be provided instead of the minimum required 2.7m side yard required.

NOTES:

1. The zoning by-law permits a maximum height of 11.0m for a single family dwelling in the proposed district. The submitted drawings have not included elevations to confirm compliance with proposed building height. The owner shall ensure that the height of the building has been measured from grade as defined in Hamilton Zoning By-law 6593; otherwise additional variances may be required.

Height: means the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure.

Grade: with reference to the height of a building or structure, wherever curb-level has been established, shall mean the elevation of curb level opposite the highest point of the building or structure, on a line perpendicular to the street line, or, wherever curb-level has not been established, or wherever the mean elevation of the ground adjoining the building or structure on all sides and within 4.5 metres of it is higher than curb-level opposite the highest point of the building or structure, then grade shall mean the mean elevation of all the ground adjoining the building of structure and within 4.5 metres of it,

2. The Zoning By-law states that an eave/gutter may project into a side yard to a maximum of one-half of its width or 1.0m whichever is the lesser. Therefore, eaves/gutters may project a maximum of 0.3m to the new 0.6m side yard width. No details were provided to confirm compliance; as such, further variances may be required.

3. Successful minor variance application HM/A-04:203 permitted two required parking spaces instead of the minimum required three parking spaces. As such, the existing parking area is deemed to comply, as the proposed alterations are not exceeding ten (10) habitable rooms.

Habitable Room: means any room of a residential building or an institutional building, used or capable of being used by one or more persons for living, eating or sleeping, or as a kitchen serving a dwelling unit; but does not include a bathroom, water-closet compartment, laundry, serving or storage pantry, corridor or other space not for use frequently or during extended periods.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

That the said application IS GRANTED subject to the following condition(s):

1. That the proposed rear addition is built in accordance with the submitted Elevation drawings to the satisfaction of the Manager of Development Planning, Heritage and Design.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

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NOTE:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.212.8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.212.7499).”



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:68
SUBMISSION NO. A-68/20

APPLICATION NO.: HM/A-20:68

APPLICANTS: Matthew Ribau on behalf of the owner Stephen White

SUBJECT PROPERTY: Municipal address **153 Haddon Ave. S., City of Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "C/S-1335 and C/S-35a and C/S-1788" (Urban Protected Residential, etc.) district

PROPOSAL: To permit the construction a 7.32m (24'0") x 7.92m (26'0") detached garage accessory to an existing single detached dwelling notwithstanding that:

1. A maximum accessory building height of 6.61m shall be permitted instead of the maximum permitted accessory building height of 4.0m.
2. Eaves and gutters for the accessory building shall be permitted to project 0.3m into the required easterly side yard and may be as close as 0.15m to the easterly side lot line instead of the maximum permitted eave and gutters may project into the required side yard not more than ½ of its width (being 0.225m).

NOTE:

- i) The detached garage shall not be used for human habitation, commercial or industrial purposes.

That VARIANCE #1, as set out above, is **DENIED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief is NOT of a minor nature.
2. The relief is NOT desirable for the appropriate development of the land and building and is not consistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is NOT satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the DENIAL of the variance.

That VARAINCE #2, as set out above, is **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.

HM/A-20:68
Page 2

- 2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
- 3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
- 4. The submissions made regarding this matter affected the decision by supporting the granting of the variance.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

M. Switzer

N. Mleczko

L. Gaddy

B. Charters

T. Lofchik

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. SC/A-20:49
SUBMISSION NO. A-49/20

APPLICATION NO.: SC/A-20:49

APPLICANTS: Brien Young

SUBJECT PROPERTY: Municipal address **73 Pinelands Ave., (Stoney Creek) City of Hamilton**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended

ZONING: "R2" (Single Residential) Zone

PROPOSAL: To permit the construction of an 88.4 square metre detached garage in the rear yard of the existing single detached dwelling notwithstanding that:

1. A maximum accessory building height of 6.7m shall be permitted for the proposed detached garage instead of the maximum required accessory building height of 4.5m.

NOTES:

1. The existing single detached dwelling has not been reviewed for zoning compliance.
2. Human habitation is prohibited within the accessory building. Any proposed storage shall be incidental and associated only with the existing single detached dwelling. Any use or storage not associated with the principal use is not permitted including home occupations, commercial and industrial uses.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. SC/A-20:59
SUBMISSION NO. A-59/20

APPLICATION NO.: SC/A-20:59

APPLICANTS: Agent SMPL Design Studio on behalf of the owners Lacey VanDerMarel and Jason Rhodes

SUBJECT PROPERTY: Municipal address **111 Teal Avenue (Stoney Creek) City of Hamilton**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended

ZONING: "R2" (Single Residential) district

PROPOSAL: To permit the construction of a new two-storey single detached dwelling notwithstanding that:

1. A minimum front yard of 4.1m shall be provided instead of the minimum required 6.0m front yard setback.
3. A minimum southerly side yard of 1.0m shall be provided instead of the minimum required 1.25m side yard setback.

NOTES:

- i. In the event variance #1 and #2 are granted, the roofed-over unenclosed front porch will be permitted to project 3.0m into the 4.1m required front yard setback, therefore may be as close as 1.1m from the front lot line. The location of the front porch is unclear on the submitted site plan in order to confirm zoning compliance therefore variances have been written as requested by the applicant.
- ii. Please be advised that a maximum building height of 11.0m is permitted. Insufficient information has been provided to determine zoning compliance. As such, further variances may be required if compliance with this provision cannot be achieved.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

M. Switzer

N. Mleczko

L. Gaddye

B. Charters

T. Lofchik

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. SC/A-20:65
SUBMISSION NO. A-65/20

APPLICATION NO.: **SC/A-20:65**

APPLICANTS: Schilstra Builders Inc. on behalf of the owner Milian Petko

SUBJECT PROPERTY: Municipal address **1091 Hwy #8 (Stoney Creek) City of Hamilton**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended

ZONING: "RC-2(T) & AS-10(T) (Agricultural Specialty & Rural Commercial) district

PROPOSAL: To to permit the expansion of the existing legal non-conforming single detached dwelling by constructing a new 10.79m x 9.14m addition in the rear yard notwithstanding that:

1. The use of a single detached dwelling is not permitted.
2. A side yard setback of 4.0m shall be provided instead of the minimum required 10.0m side yard.

NOTES:

- i. This property is zoned RC-2(T) and AS-10(T). The existing dwelling as well as the proposed addition appears to be located entirely within the portion of the property zoned RC-2(T).

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

M. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS July 29th, 2020.

NOTE: This decision is not final and binding unless otherwise noted.