



Hamilton

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-20:100
SUBMISSION NO. A-100/20

APPLICATION NO.: AN/A-20:100

APPLICANTS: Fothergill Planning & Development on behalf of the owner
Ancaster Christian Reformed Church c/o Jim Bezemer

SUBJECT PROPERTY: Municipal address **70 Garner Rd. E. (Ancaster)**

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

ZONING: "I3,39 and H37" (Major Institutional) district

PROPOSAL: To permit the construction a one storey front yard addition having an area of 58.0m² as well as to permit the construction of a one storey westerly side 871.0m² addition to the existing place of worship as per Site Plan application SPA-20-010, notwithstanding that;

1. A minimum westerly side yard of 6.2m shall be permitted instead of the minimum 7.0m side yard required.
2. A minimum of 157 parking spaces shall be permitted instead of the minimum 236 parking spaces required.

Notes: These variances are required to facilitate Site Plan Control application SPA-20-010.

The submitted plan is illegible; therefore, the applicant shall ensure that the proposal conforms to all the regulations of the Hamilton Zoning By-law 05-200 (i.e. building height, landscaping, parking space sizes, etc.). The variances are written as requested.

The lands are subject to holding provision "H37", which stipulates specific regulations applicable to site alterations for lands that are zoned Major Institutional (I3). In addition, the "H" provision shall be removed from the lands through amendment to the by-law per Section 2.4 d) of the Hamilton Zoning By-law 05-200.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three 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.

CERTIFIED A TRUE COPY

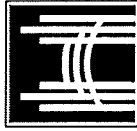
SECRETARY - TREASURER

DATED AT HAMILTON this 23rd day of July, 2020.

<u>D. Smith (Acting Chairman)</u>	<u>B. Charters</u>
<u>D. Serwatuk</u>	<u>L. Gaddye</u>
<u>M. Switzer</u>	<u>T. Lofchik</u>
<u>N. Mleczko</u>	<u>M. Smith</u>

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL
TRIBUNAL (LPAT) MAY BE FILED IS August 12, 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. SC/A-20:103
SUBMISSION NO. A-103/20

APPLICATION NO.: SC/A-20:103

APPLICANTS: Owner: 5000993 Ontario Inc.
Agent: Urbancore Developments c/o S. Manchia

SUBJECT PROPERTY: Municipal address **1329 Barton St., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended by By-law 13-130

ZONING: RM3-47 district (Multiple Residential "RM3" zone)

PROPOSAL: To permit the construction of two (2) Townhouse blocks, consisting of a total of 11 townhouse dwelling units, notwithstanding,

1. A minimum front yard of 2.5 metres shall be permitted, instead of the minimum required front yard of 3.0 metres;
2. A maximum density of 43 units per hectare, allowing a maximum of 11 dwelling units, shall be permitted, instead of the maximum permitted density of 40 units per hectare allowing a maximum of ten (10) dwelling units;
3. A minimum of 35% of the total lot area shall be landscaped instead of providing a minimum of 40% of the total lot area required to be landscaped;
4. A landscaped strip having a minimum width of 1.3 metres shall be provided adjacent to every portion of the lot abutting a street, except for points or ingress and egress, instead of providing a landscaped strip with a minimum width of 2.0 metres required to be provided adjacent to every portion of the lot abutting the street, except for points of ingress and egress;
5. Visitor parking spaces shall be permitted to be located a minimum of 2.0 metres from the lot line abutting Barton Street, instead of providing a minimum of 3.0 metres required to be provided from any parking spaces to a lot line where four (4) or more parking spaces are provided;
6. Visitor parking spaces shall be permitted to provide a minimum width of 2.4 metres instead of the minimum required width of 2.6 metres;
7. No barrier free parking spaces shall be provided instead of providing a minimum of one (1) parking space required to be designated as a barrier free parking space; and,
8. A pedestrian walkway shall be permitted to cross a required landscape strip notwithstanding the definition of a Landscaped Strip, as defined within the Zoning By-law, does not allow for a pedestrian walkway to cross a landscaped strip.

CERTIFIED A TRUE COPY¹²

SECRETARY - TREASURER

NOTE:

1. These variances are necessary to facilitate Site Plan application SPA-18-192.
2. The applicant has advised the proposed Townhouse development is intended to function as a Standard Condominium.
3. Construction of the proposed development is subject to the issuance of a building permit(s). Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
4. This is a corner lot; as such, the lot line abutting Foothills Lane, being the shortest lot line abutting a street, is deemed to be the front lot line with the westerly lot line being deemed the rear lot line. All other lot lines are deemed to be side lot lines.
5. The applicant shall clearly identify the parking spaces located on the “paved asphalt” area as visitor parking space.
6. Details regarding the two (2) required parking spaces for each townhouse dwelling have not been provided. A further variance will be required if a minimum unobstructed parking space size measuring 2.6 metres in width by 5.8 metres in length is not provided for the required parking spaces located within an attached garage and driveway area.
7. Details regarding any proposed Mechanical or Unitary equipment have not been provided. Further variance(s) will be required if compliance with Section 4.16 of the Zoning By-law cannot be achieved.
8. Details regarding any proposed Yard Encroachments have not been provided. Further variance(s) will be required of compliance with Section 4.19 of the Zoning By-law cannot be achieved.
9. As defined in the Zoning By-law, a *Landscaped Strip means an area of land devoted solely to the growing of grass, ornamental shrubs or trees and may include fences and berms.*

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three 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.

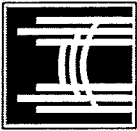
DATED AT HAMILTON this 23rd day of July, 2020.

D. Smith (Acting Chairman)

D. Serwatuk	L. Gaddy
M. Switzer	B. Charters
N. Mieczko	M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS August 12, 2020.

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. SC/A-20:105
SUBMISSION NO. A-105/20

APPLICATION NO.: SC/A-20:105

APPLICANTS: Urbancore Developments c/o S. Manchia on behalf of the owner 1800615 Ontario Inc.

SUBJECT PROPERTY: Municipal address **1335 Barton St., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended by By-laws 13-130 & 14-082

ZONING: "RM3-47 and RM3-48" (Multiple Residential "RM3" Zone

PROPOSAL: To permit the construction of a forty-two (42) unit Townhouse development in order to facilitate Site Plan File No. DA-18-175 notwithstanding that:

1. A minimum lot frontage of 35.0m shall be provided instead of the minimum required lot frontage of 50.0m required by the standard condominium regulations of the "RM3-48" site-specific zone.
2. A minimum front yard of 4.80m shall be provided abutting the Foothills Lane front lot line instead of the minimum required front yard of 5.0m required by the standard condominium regulations of the "RM3-48" site-specific zone.
3. A minimum side yard of 6.0m shall be provided abutting the westerly side lot line instead of the minimum required side yard of 7.0m required by the standard condominium regulations of the "RM3-48" site-specific zone.
4. A minimum rear yard of 3.75m shall be provided abutting the easterly 133.89m rear lot line instead of the minimum required rear yard of 6.0m required by the standard condominium regulations for the "RM3-48" site-specific zone.
5. A maximum density of 50 units per hectare shall be provided instead of the maximum permitted density of 40 units per hectare as required by the standard condominium regulations of the "RM3-47" site-specific zone and the maximum permitted density of 41 units per hectare as required by the standard condominium regulations of the "RM3-48" site-specific zone.
6. A maximum lot coverage of 40% shall be permitted instead of the maximum permitted lot coverage of 35%.
7. Not less than 35% of the lot area shall be landscaped including privacy areas instead of the requirement that not less than 40% of the lot area shall be landscaped including privacy areas as required by the standard condominium regulations of the "RM3-47" site-specific zone.

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8. A minimum of 0.25 visitor parking spaces for each townhouse dwelling unit shall be provided instead of the minimum required 0.5 visitor parking spaces for each townhouse dwelling unit.
9. Where there is a grouping of three (3) or more parking spaces, a parking space shall be permitted to be as close as 1.25m to any dwelling unit located on the same lot, except that the provisions of this clause shall not apply to any parking space located within a private garage instead of the requirement that where there is a grouping of three (3) or more parking spaces, no parking space shall be provided closer than 3 metres to any dwelling unit located on the same lot, except that the provisions of this clause shall not apply to any parking space located within a private garage or underground garage.
10. Where the required minimum number of parking spaces is four (4) or more, the parking spaces shall be permitted to be as close as 0.5m to any lot line instead of the requirement that where the required minimum number of parking spaces is four (4) or more, no parking space shall be provided closer than 3.0m to any lot line.
11. Where the required minimum number of parking spaces is four (4) or more, the parking spaces shall be permitted to be as close as 4.8m to any dwelling unit located on a lot other than the said lot instead of the requirement that where the required minimum number of parking spaces is four (4) or more, no parking space shall be provided closer than 5.0m to any dwelling unit located on a lot other than the said lot.
12. Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, shall be permitted to project into a required side yard not more than 4.0m instead of the requirement that balconies, canopies, unenclosed porches and decks are not permitted to project into a required side yard.

NOTE:

- i) The variances are necessary to facilitate Site Plan File No. DA-18-175.
- ii) This lot is intended to be developed as a Standard Condominium.
- iii) The variances are based on Minor Variance Plan 3 (dated June 26, 2020), The development is composed of Block 27 and part of Block 28 pursuant to Plan 62M-1241. The applicant shall ensure that the lots are merged in title or registered under identical ownership for the purpose of this development.
- iv) Pursuant to Variance No. 5, a maximum of 42 dwelling units shall be permitted.
- v) Pursuant to Variance No. 8, a minimum of eleven (11) visitor parking spaces shall be provided.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three above, are **GRANTED AS AMENDED** 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.

That the said application is GRANTED subject to the following condition:

1. That final and binding approval of Official Plan Amendment application UHOPA-19-009 be received, to the satisfaction of the Manager of Development Planning, Heritage and Design.

DATED AT HAMILTON this 23rd day of July, 2020.

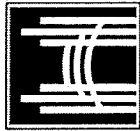
<u>D. Smith (Acting Chairman)</u>	<u>B. Charters</u>
<u>D. Serwatuk</u>	<u>L. Gaddy</u>
<u>M. Switzer</u>	<u>T. Lofchik</u>
<u>N. Mleczko</u>	<u>M. Smith</u>

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS August 12, 2020.

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

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 Government and Consumer Services (416-212-7499).



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. SC/A-20:106
SUBMISSION NO. A-106/20

APPLICATION NO.: SC/A-20:106

APPLICANTS: Urbancore Developments c/o S. Manchia on behalf of the owner 5000993 Ontario Inc. c/o Avatar International

SUBJECT PROPERTY: Municipal address 36 Foothills Lane, Stoney Creek

ZONING BY-LAW: Zoning By-law 3692-91, as Amended by By-laws 13-330 and 14-082

ZONING: "RM2-38 & RM3-47" (Multiple Residential "RM2" Zone and Multiple Residential "RM3" Zone)

PROPOSAL: To permit the construction of two (2) Street Townhouse buildings each containing seven (7) dwelling units notwithstanding that:

1. A minimum lot area of 135m² shall be provided for an interior unit and a minimum lot area of 175m² shall be provided for an end unit instead of the minimum required lot area of 180m² for an interior unit and the minimum required lot area of 240m² for an end unit.
2. A minimum lot frontage of 5.70m shall be provided for an interior unit and a minimum lot frontage of 7.25m shall be provided for an end unit instead of the minimum required lot frontage of 6.0m for an interior unit and the minimum required lot frontage of 8.0m for an end unit.
3. A minimum front yard of 4.5m to the dwelling except 6.0m to an attached garage shall be permitted for the portion of the lot zoned "RM3-47" instead of the minimum required front yard of 6.0m.
4. A minimum rear yard of 6.0m shall be permitted instead of the minimum required rear yard of 7.0m for the portion of the lot zoned "RM2-38" and 7.5m for the portion of the lot zoned "RM3-47".
5. A minimum privacy area of 30m² per unit shall be provided instead of the minimum required privacy area of 36m² per unit.

NOTE:

i) The variances are based on Minor Variance Plan 2 (dated June 24, 2020), which is composed of Block 26 and part of Block 28 pursuant to Plan 62M-1241.

ii) Details have not been provided respecting yard encroachments and unitary equipment. If compliance with the regulations of Sections 4.16(b), 4.19 and 6.9.3(k) of Stoney Creek Zoning By-law No. 3692-92 cannot be achieved, further variances may be necessary.

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SECRETARY - TREASURER

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three 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.

DATED AT HAMILTON this 23rd day of July, 2020.

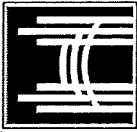
<u>D. Smith (Acting Chairman)</u>	<u>B. Charters</u>
<u>D. Serwatuk</u>	<u>L. Gaddy</u>
<u>M. Switzer</u>	<u>T. Lofchik</u>
<u>N. Mleczko</u>	<u>M. Smith</u>

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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 Government and Consumer Services (416-212-7499).



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-20:109
SUBMISSION NO. A-109/20

APPLICATION NO.: GL/A-20:109

APPLICANTS: MBTW c/o Michael Hannay on behalf of the owner Cachet
MDRE (Mount Hope) Inc. /o Ramsey Shaheen

SUBJECT PROPERTY: Municipal address **9255 Airport Rd., Glanbrook**

ZONING BY-LAW: Zoning By-law 464, as Amended by By-laws 18-014 (Glanbrook 464) and 18-014 (Glanbrook 464)

ZONING: "R4-218(A)" and "RM2-194(A)" (Residential and Residential Multiple) district

PROPOSAL: To permit the construction of one (1) single detached dwellings on lot # 24, one (1) single detached dwelling on lot 113 and a proposed one (1) street townhouse dwelling per lot on Lot 205, all within the Draft Plan of Lancaster Height for a Proposed Subdivision of Part of Lot 4, Concession 6 Registered Plan 62R-16543 notwithstanding that;

LOTS ZONED "R4-218 (A)":

1. A minimum rear yard of 6.0 m shall be provided for lot # 24 instead of the minimum required 7.0 m rear yard; and
2. A minimum rear yard of 6.0 m shall be provided for lot # 113 instead of the minimum required 7.0 m rear yard; and

LOT ZONED "RM2-194 (A)":

1. A minimum side yard of 2.2 m shall be provided for lot # 205 instead of the minimum required 3.0 m side yard; and

Notes:

Variances have been written as requested by the applicant.

A maximum building height of 10.7 m is permitted for the lots zoned "R4-218(A)". No details have been provided to determine zoning compliance; therefore, further variances may be required.

A minimum landscaped area of 30 % shall be provided for Lot # 205 zoned "RM2-194(A)". No details provided to determine zoning compliance; therefore, further variances may be required.

THE DECISION OF THE COMMITTEE IS:

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

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SECRETARY - TREASURER

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.

DATED AT HAMILTON this 23rd 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 August 12, 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. SC/A-20:110
SUBMISSION NO. A-110/20

APPLICATION NO.: SC/A-20:110

APPLICANTS: Owner: Bruno Ruberto

SUBJECT PROPERTY: Municipal address **53 Blenheim Dr., Stoney Creek**

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

ZONING: R7 (Residential) district

PROPOSAL: To accommodate cantlevered bump-outs along the front facade and rear wall for a two (2) storey dwelling under construction notwithstanding that:

1. The minimum front yard shall be 2.3 metres instead of the minimum required 2.6 metres.
2. The minimum rear yard shall be 4.2 metres instead of the minimum required 4.5 metres.
3. The minimum width of manoeuvring spaces for the separate driveways accessible from Blenheim Drive shall be 2.6 metres instead of the minimum required 6.0 metres.

NOTES:

1. The variances are written as requested by the applicant.
2. The property was the subject of Minor Variance Application SC/A-18:163 and was created through Consent Application SC/B-18:62. Application SC/A-18:163 allowed for the reduction of the front yard and rear yard. The current application is required to address additional variances that were identified.
3. As the proposed bump-outs will create additional gross floor area, they are considered part of the dwelling rather than projections.
4. The plans did not show the parking spaces. The owner has confirmed that the parking will be within the garage and the second driveway within the southerly side yard.
5. Elevations were not provided for the application. Additional photos to illustrate the nature if the variances were provided by the owner.

THE DECISION OF THE COMMITTEE IS:

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

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SECRETARY - TREASURER

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.

DATED AT HAMILTON this 23rd day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

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D. Smith

B. Charters

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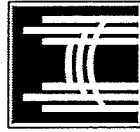
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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-20:92
SUBMISSION NO. A-92/20

APPLICATION NO.: GL/A-20:92

APPLICANTS: Owner: 1804482 Ontario Ltd.
Agent: Wellings Planning Consultants

SUBJECT PROPERTY: Municipal address **3311 Homestead Dr., Glanbrook**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 17-240

ZONING: C5, Exception 652, Holding 102; and, C6 and Exception 580
(Mixed Use Medium Density (C5) Zone and District Commercial
(C6)) district

PROPOSAL: To permit the development consisting 26 Street Townhouse blocks (identified as Blocks A-Z), consisting of a total of 164 Street Townhouse dwellings, which front on a common element condominium road which is deemed a street for the purpose of applying the provisions of the Zoning By-law, notwithstanding,

1. The external boundaries of the lands to be used for the proposed Street Townhouse development, as delineated on conditionally approved site plan DA-19-099, shall be deemed to be the lot lines for the purpose of applying the provisions of the Zoning By-law instead of the property boundaries of the individual lots created by a Condominium Act or Planning Act application;
2. The regulations of the C5, Exception 652 Zone shall apply to the entire proposed Street Townhouse Development, as delineated on conditionally approved site plan DA-19-099, notwithstanding a portion of the lands are situated within the C6, Exception 580 Zone which does not permit the use of Street Townhouse Dwellings;
3. The proposed Street Townhouse Dwellings shall not be required to provide a minimum finished floor elevation of 0.9 metres above grade, whereas the Zoning By-law requires any dwelling unit to provide a minimum finished floor elevation of 0.9 metres above grade;
4. A minimum setback of 6.0 metres to a street line shall be provided for townhouse Blocks M, L, G, F, and A; a minimum setback of 1.8 metres to a street line shall be provided for townhouse Block Z; a minimum setback of 5.8 metres to a street line shall be provided for townhouse Block W; and, a minimum setback of 8.5 metres to a street line shall be provided for townhouse Block B, instead of the minimum required setback of 9.0 metres to a street line;
5. A minimum rear yard setback of 1.8 metres shall be provided for Block Z; a minimum rear yard setback of 9.0 metres shall be provided for Block Y; a minimum rear yard setback of 9.3 metres shall be provided for Block X; a minimum rear yard of 5.8 metres shall be provided for Block W; and, a minimum rear yard setback of 8.5 metres shall be provided for Block B, instead of the minimum required rear yard setback of 10.7 metres;

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SECRETARY - TREASURER

6. A maximum building height of 11.9 metres shall be provided for Blocks C, F, G, H, J, K, L, M, and Q; and, a maximum building height of 12.4 metres shall be permitted for Blocks D, E, I, N, O, P, R, S, T, U, and V, instead of the maximum permitted building height of 10.7 metres;
7. Visitor parking and aisles shall be permitted to be located between a building façade and the flankage (Upper James Street) lot line, whereas the Zoning By-law does not permit parking or aisles to be located between a building façade and a front or flankage lot line;
8. The proposed Street Townhouse Dwellings shall not be required to provide a minimum of one principal entrance within the ground floor façade of a building which is closest to a street line which provides access from a public sidewalk, whereas the Zoning By-law requires a minimum of one principal entrance within the ground floor façade that is setback back closest to the street line which provides direct access from the public side walk;
9. Driveways located at the intersection of the common element condominium road which provide access to a parking space contained within an attached garage shall be permitted to be less than 5.8 metres from the common element condominium road instead of being located a minimum of 5.8 metres from the common element condominium road;
10. Visitor parking spaces shall be permitted to be located within the minimum required 10.7 metres rear (flankage) yard, whereas the Zoning By-law does not permit parking to be located in a required flankage yard;
11. A maximum lot coverage of 29.9% shall be permitted, instead of the maximum permitted lot coverage of 25%; and,
12. A minimum interior side yard of 3.0 metres shall be permitted for Block S and a minimum interior side yard of 4.4 metres shall be provided for Block M, instead of providing the minimum required interior side yard setback of 7.5 metres to a lot abutting containing a residential use.

NOTES:

1. A building permit is required for the construction of the proposed development. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
2. The requested variances are necessary to facilitate site plan application DA-19-099.
3. The applicant shall ensure the maximum requested building height has been provided in accordance with the definition of "Building Height" and "Grade" as defined within the Zoning By-law.
4. This is a through lot; at the option of the owner, the front lot line has been deemed to be the lot line abutting Homestead Drive. As such, the lot line abutting Upper James Street is deemed to be the rear lot line, as well as a flankage lot line. All other lot lines are deemed to be side lot lines.
5. Pursuant to Section 4.3 b) of the Zoning By-law, where a building is developed abutting a driveway a common element as part of a condominium registered under the Condominium Act such driveway shall be deemed to be a street for the purpose of applying the provisions of the Zoning By-law.

6. Please be advised; at the request of Development Planning, no buildings or structures are permitted to be erected north of the Noise Exposure Forecast Contour line of 30, identified as “NEF-30” as shown on conditionally approved site plan DA-19-099.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three 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.

That the said application is GRANTED subject to the following condition:

1. That the owner shall carry out the development proposal substantially and in accordance with the conditionally approved site plan for DA-19-099, drawing attached as Appendix A, to the satisfaction of the Manager of Development Planning, Heritage and Design.

DATED AT HAMILTON this 23rd day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

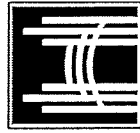
T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS August 12, 2020.

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



Hamilton

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. DN/A-20:35
SUBMISSION NO. A-35/20

APPLICATION NO.: DN/A-20:35

APPLICANTS: Richard Parker, owner

SUBJECT PROPERTY: Municipal address **226 Park St. W., Dundas**

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

ZONING: "R4" (Low Density Residential) Zone

PROPOSAL: To permit the construction of a front and rear dormer onto an existing semi-detached dwelling with one dwelling unit notwithstanding that:

1. A minimum front yard of 0.0 metres shall be permitted instead of the minimum front yard required of 6.0 metres.
2. An existing roofed-over unenclosed one-storey porch at the first storey level, including eaves and gutters, projects into a required front yard to a distance of 0.0 metres, the projecting porch is 0.0 metres from the front lot line instead of the permitted distance of not more than 3.0 metres, and every such projecting porch shall be distant at least 4.0 metres from the front lot line.
3. No landscaping is provided for the existing residential front yard.

NOTES:

1. Owner shall ensure maximum building height of the front and rear dormers does not exceed 10.5 metres. If the front and rear dormers exceed 10.5 metres in building height, further variances will be required.
2. Based on the survey provided by Barich Grenkie Surveying Ltd., dated April 6, 2020, the front and rear dormers do not appear to be encroaching onto the Park Street West road allowance. As such, if the above variances are approved, no Encroachment Agreement with Public Works will be required at this time. Please note that if the proposed front and rear dormers exceed beyond the building envelope of the existing semi-detached dwelling the owner will be required to enter into an Encroachment Agreement with The City of Hamilton.
3. Based on the survey provided by Barich Grenkie Surveying Ltd., dated April 6, 2020, the existing roof-over unenclosed porch appears to be encroaching onto the Park Street West road allowance. At this time no alterations are proposed to the existing concrete porch. Should the owner choose to alter the existing conditions in future, please note that an Encroachment Agreement will be required with The City of Hamilton.
4. The existing sided garage has not been reviewed as part of this application as no alterations are proposed at this time. Sided garage is deemed to be existing.

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SECRETARY - TREASURER

THE DECISION OF THE COMMITTEE IS:

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

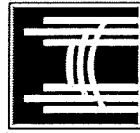
1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan 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.

DATED AT HAMILTON this 23rd day of July, 2020.

<u>M. Dudzic (Chairman)</u>	
<u>D. Serwatuk</u>	<u>L. Gaddy</u>
<u>D. Smith</u>	<u>B. Charters</u>
<u>M. Switzer</u>	<u>T. Lofchik</u>
<u>N. Mleczko</u>	<u>M. Smith</u>

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS August 12, 2020.

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



Hamilton

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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:102
SUBMISSION NO. A-102/20

APPLICATION NO.: HM/A-20:102

APPLICANTS: Ken Bekendam on behalf of the owner Emanuel Salem

SUBJECT PROPERTY: Municipal address **574 Cannon St. E., Hamilton**

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

ZONING: "D" (Urban Protected Residential - One and Two Family Dwellings) district

PROPOSAL: To permit the conversion of the existing single family dwelling to a two (2) family dwelling under Section 19 (Residential Conversions) of the Zoning By-Law, notwithstanding that;

1. A minimum floor area of 36.7 m² shall be provided for Unit # 1 instead of providing the minimum required floor area of 65.0 m² for each dwelling unit; and
2. A minimum floor area of 51.9 m² shall be provided for Unit # 2 instead of providing the minimum required floor area of 65.0 m² for each dwelling unit; and
3. A minimum Lot Area of 182.0 m² shall be provided instead of the minimum required lot area of 270.0 m²; and
4. No onsite manoeuvring shall be provided instead of the minimum required 6.0 m; and
5. A minimum access driveway width of 2.4 m shall be provided instead of the minimum required 2.8 m; and
6. A minimum parking space width of 2.4 m shall be provided for the required parking space abutting the alleyway instead of the minimum required parking space width of 2.7 m; and
7. To permit one of the required parking spaces to be obstructed whereas the By-Law states that sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.

Notes:

The proposed floor plans illustrate three (3) dwelling units are proposed, pursuant to the definition of "Dwelling Unit" as defined in the Zoning By-Law; please be advised that the use of a three (3) family dwelling is not permitted at this location. The "Weet Bar" shown to be located within the basement level is not permitted and will be required to be removed prior to the application for a building permit to convert the existing single-family dwelling to a two (2) family dwelling.

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SECRETARY - TREASURER

The applicant shall ensure that the minimum clear height as required by the Ontario Building Code is provided for the required floor area in each dwelling unit.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three 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.

That the said application is GRANTED subject to the following condition:

1. That the “wet bar” shown to be located within the basement floor plan be removed prior to the application for a building permit.

DATED AT HAMILTON this 23rd day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczo

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS August 12, 2020.

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



Hamilton

Committee of Adjustment
Hamilton City Hall
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Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:96
SUBMISSION NO. A-96/20

APPLICATION NO.: HM/A-20:96

APPLICANTS: Owner: Butty Property Management
Agent: Paul Mariutti

SUBJECT PROPERTY: Municipal address **75 Woodman Dr. S., Hamilton**

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

ZONING: DE (Low Density Multiple Dwellings)district

PROPOSAL: To permit the conveyance of land in accordance with land severance application HM/B-19:99 notwithstanding that:

Lands to be Conveyed:

1. 55 parking spaces shall be provided instead of the minimum required 63 parking spaces.
2. A minimum parking space size of 2.5m x 5.3m shall be provided instead of the minimum required parking space size of 2.7m x 6.0m.
3. The boundary of the parking area shall be 1.2m from the adjoining residential district to the east (retained lands) whereas the by-law requires parking areas which contain five (5) or more parking spaces to be a minimum distance of 1.5m from an adjoining residential district.
4. A planting strip being 1.2m in width shall be provided along the easterly property line instead of the minimum 1.5m wide planting strip required between the parking area and an adjoining residential district.
5. No visual barrier shall be provided along the easterly property line whereas the by-law requires a visual barrier to be provided between the parking area and an adjoining residential district.
6. No loading space shall be provided instead of the one (1) required loading space.

Notes for lands to be Conveyed:

- i. The lands to be conveyed through land severance application HM/B-19:99 include the existing buildings known as 69 and 75 Woodman Drive South and 20, 22 and 26 Glen Echo Drive.

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SECRETARY - TREASURER

- ii. At least 13 of the provided 55 parking spaces onsite are required to be reserved and dedicated as being for visitors. Insufficient information has been provided respecting visitor parking spaces in order to confirm zoning compliance. If compliance with the provision cannot be achieved, further variances will be required.

Lands to be Retained:

1. A minimum rear yard depth (west) of 5.5m shall be provided instead of the minimum required rear yard depth of 7.5m.
2. A minimum parking space size of 2.5m x 5.3m shall be provided instead of the minimum required parking space size of 2.7m x 6.0m.
3. The boundary of the parking area shall be 1.2m from the adjoining residential district to the west (conveyed lands) whereas the by-law requires parking areas which contain five (5) or more parking spaces to be a minimum distance of 1.5m from an adjoining residential district.
4. A planting strip being 1.2m in width shall be provided along the westerly property line instead of the minimum 1.5m wide planting strip required between the parking area and an adjoining residential district.
5. No visual barrier shall be provided along the westerly property line whereas the by-law requires a visual barrier to be provided between the parking area and an adjoining residential district.
6. No loading space shall be provided instead of the one (1) required loading space.

Notes for lands to be Retained:

- i. The lands to be retained through land severance application HM/B-19:99 include the existing buildings known as 10 Glen Echo Drive and 42 Nash Road South.
- ii. At least 16 of the provided 87 parking spaces onsite are required to be reserved and dedicated as being for visitors. Insufficient information has been provided respecting visitor parking spaces in order to confirm zoning compliance. If compliance with the provision cannot be achieved, further variances will be required.

THE DECISION OF THE COMMITTEE IS:

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

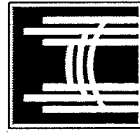
1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan 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.

DATED AT HAMILTON this 23rd day of July, 2020.

D. Serwatuk	L. Gaddye
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 August 12, 2020.

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



Hamilton

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. HM/A-20:98
SUBMISSION NO. A-98/20

APPLICATION NO.: HM/A-20:98

APPLICANTS: Manco Design c/o Julia Mancini on behalf of the owner Angelo Costanzo

SUBJECT PROPERTY: Municipal address **72 Parkside Dr., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-laws 96-125 & 19-307

ZONING: "C/S-1364 & C/S-1788" (Urban Protected Residential, etc.) district

PROPOSAL: To permit the construction of a second-storey addition to the existing single family dwelling, notwithstanding that:

1. A maximum floor area ratio factor of 0.62 shall be permitted, permitting a maximum gross floor area of 194.31 square metres, instead of the permitted maximum floor area ratio factor of 0.45, allowing a maximum gross floor area of 140.90 square metres.
2. A minimum northerly side yard width of 0.64 metres shall be permitted, instead of a minimum required northerly side yard width of ten percent of the width of the lot, but no less than 0.9 metres.
3. To permit the eave and gutter to encroach into the entire width of the northerly side yard instead of the maximum permitted encroachment of one-third its width.

NOTE:

1. Specific details have not been provided regarding proposed yard encroachments. Further variances may be required if compliance with Section 18(3)(vi) cannot be achieved.
2. Construction of the proposed addition is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
3. With respect to Variance No. 2, as the subject lot is a lot of record as defined, a variance is required to Section 18(3)(v) as opposed to Section 9(3)(ii).

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three 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.

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SECRETARY - TREASURER

DATED AT HAMILTON this 23rd day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddye

D. Smith

B. Charters

M. Switzer

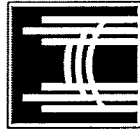
T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS August 12, 2020.

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



Hamilton

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Hamilton City Hall
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Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:112
SUBMISSION NO. A-112/20

APPLICATION NO.: HM/A-20:112

APPLICANTS: Owner: Vladimir Ljubucuc
Agent: Shane Vanberneveld

SUBJECT PROPERTY: Municipal address **156 Glen Rd., Hamilton**

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

ZONING: C/S-1364 & C/S-1788 (Urban Protected Residential) district

PROPOSAL: To permit the construction of a new two (2) storey addition, a one (1) storey addition and a new 31.7m² deck at the rear of the existing single family dwelling notwithstanding that:

1. A maximum floor area ratio of 0.73 shall be permitted instead of the maximum 0.45 floor area ratio permitted.
2. No parking spaces shall be provided onsite instead of the minimum two (2) required parking spaces.

NOTES:

- i. A boulevard parking agreement is required for the parking space located partially on the road allowance.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three 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.

DATED AT HAMILTON this 23rd day of July, 2020.

M. Dudzic (Chairman)

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SECRETARY - TREASURER

...12

D. Serwatuk	L. Gaddye
D. Smith	B. Charters
M. Switzer	T. Lofchik
N. Mieczko	M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS August 12, 2020.

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Hamilton

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Hamilton City Hall
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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:111
SUBMISSION NO. A-111/20

APPLICATION NO.: HM/A-20:111

APPLICANTS: Carrothers & Associates c/o Jennifer Concelos on behalf of the
owner Matthew Jackson

SUBJECT PROPERTY: Municipal address **49 Murray St. E., Hamilton**

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

ZONING: "D" (Urban Protected Residential - One and Two Family
Dwellings and etc.) district

PROPOSAL: To permit the construction of a 39.8m² one storey westerly addition
and a 6.1m² uncovered rear porch (deck) at the first storey onto the
existing single family dwelling notwithstanding that:

1. A minimum westerly side yard width of 1.0m shall be provided instead of the minimum
required side yard width of 2.7m.
2. Two (2) parking spaces shall be provided instead of the minimum required three (3)
parking spaces.
3. No front yard landscaping shall be provided instead of the requirement that not less
than 50% of the gross area of the front yard shall be used for a landscaped area excluding
concrete, asphalt, gravel, pavers, or other similar materials.

NOTE:

- i) Based on the plans submitted, there are 10 habitable rooms within the building
(including the addition) which requires three (3) parking spaces.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three 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.

.../2

CERTIFIED A TRUE COPY

SECRETARY - TREASURER

DATED AT HAMILTON this 23rd 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 August 12, 2020.

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

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).”

IMPORTANT INFORMATION FOR MINOR VARIANCES

THE LAST DATE OF APPEAL IS:

August 12, 2020

THIS DECISION IS NOT FINAL AND BINDING AND MUST NOT BE ACTED UPON UNTIL THE PERIOD OF APPEAL HAS EXPIRED

THE DECISION DOES NOT RELEASE ANY PERSONS FROM THE NECESSITY OF OBSERVING THE REQUIREMENTS OF BUILDING REGULATIONS, THE LICENSE BY-LAW, OR ANY OTHER BY-LAW OF THE CITY OF HAMILTON.

Appeal to L.P.A.T.

45(12) The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the *Local Planning Appeal Tribunal Act, 2017* as payable on an appeal from a committee of adjustment to the Tribunal. *Planning Act, R.S.O. 1990*

Where no appeal

45(14) If within such 20 days no notice of appeal is given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality. *Planning Act, R.S.O. 1990*

APPEALS MAY BE FILED:

1. BY MAIL/COURIER ONLY

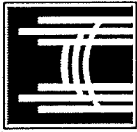
- 1.1 Appeal package delivered to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.
 - MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE
- 1.2 Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.
- 1.3 Appeal package must include all of the following:
 - Notice of appeal, setting out the objection to the decision and the reasons in support of the objection;
 - LPAT appeal form, this can be found by contacting Committee of Adjustment staff at cofa@hamilton.ca or at the LPAT website <https://elto.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/>;
 - Filing fee, the fee is currently \$400 (subject to change) and must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance;
 - All other information as required by the Appeal Form.

2. BY EMAIL AND MAIL/COURIER

- 2.1 Electronic appeal package must be delivered by email to cofa@hamilton.ca.
 - MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE
- 2.2 Physical appeal package must be delivered by mail to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.
- 2.3 Electronic appeal package must contain:
 - a copy of the notice of appeal;
 - a copy of the LPAT appeal form;
 - a copy of the certified cheque or money order.
- 2.4 Physical appeal package must contain all information as noted in Section 1.3

Questions or Information:

Contact Committee of Adjustment Staff (cofa@hamilton.ca)



Hamilton

Committee of Adjustment
Hamilton City Hall
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Hamilton, ON L8P 4Y5
Telephone (905) 546-2424
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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. GL/B-20:29
SUBMISSION NO. B-29/20

APPLICATION NUMBER: GL/B-20:29

SUBJECT PROPERTY: 5299 Chippewa Rd. E., Glanbrook

APPLICANT(S):

Owner: Duad Inc.
Agent: Sorbara, Schumacher, McCann c/o Ron Nightingale

PURPOSE OF APPLICATION:

To create an easement for access in favour of Niagara Peninsula Conservation Authority.

Severed lands:

2.5m[±] x 199m[±] and an area of 498m²±

Retained lands:

595m[±] x 945m[±] and an area of 56 ha[±]

THE DECISION OF THE COMMITTEE IS:

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

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. 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 conditions:

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 pdf 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.

DATED AT HAMILTON this 23rd day of July, 2020.

M. Dudzic (Chairman)

CERTIFIED A TRUE COPY

SECRETARY - TREASURER .../2

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 30th, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (July 30th, 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 192020.

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
Telephone (905) 546-2424
ext. 4221, 3935
Fax (905) 546-4202

Hamilton

COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. AN/B-20:30
SUBMISSION NO. B-30/20

APPLICATION NUMBER: AN/B-20:30

SUBJECT PROPERTY: 822 Book Rd. W., Ancaster

APPLICANT(S):

Owner: Knollwood Golf Ltd.
Agent: Urban Solutions c/o Matt Johnston

PURPOSE OF APPLICATION:

To permit the conveyance of a parcel of land containing an existing dwelling known as 822 Book Rd. W. and to retain lands for use as a golf course.

To be heard in conjunction with AN/B-20:31 and AN/B-20:32.

Severed lands:

61m[±] x 71m[±] and an area of 0.4 ha[±]

Retained lands:

758m[±] x 1002m[±] and an area of 112.4 ha[±]

THE DECISION OF THE COMMITTEE IS:

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

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. 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 conditions:

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 pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).

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SECRETARY-TREASURER

3. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "P4" and "P6" Zones 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).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division - Building Engineering Section).
5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
6. The owner submits to the Committee of Adjustment office an administration fee of \$20.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
7. That the Owner enter 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), driveway approaches, and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.
8. That the Owner submits a Geotechnical and Hydrogeological Report(s) to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view to the satisfaction of the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.
9. The applicant / proponent shall submit a Hydrogeological Study to the satisfaction of the Director, Hamilton Water.
10. The application / proponent shall submit and receive approval of a zoning by-law amendment to rezone the residential parcels so as to permit a residential use.
11. Approximately 8.0 metres are to be dedicated to the right-of-way on Book Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Book Road) are to be 36.0 metres, if required.
12. Approximately 3.5 metres are to be dedicated to the right-of-way on Shaver Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Shaver Road) are to be 36.0 metres, if required.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

DATED AT HAMILTON this 23rd day of July, 2020.

M. Dudzic (Chairman)

N. Mleczko

<u>D. Serwatuk</u>	<u>L. Gaddy</u>
<u>D. Smith</u>	<u>B. Charters</u>
<u>M. Switzer</u>	<u>T. Lofchik</u>

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 30, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (July 30, 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 19 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 remain as **822
Book Road West, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned
the address of **828 Book Road West, Hamilton (Ancaster)**.



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Hamilton City Hall
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Hamilton

COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. AN/B-20:31
SUBMISSION NO. B-31/20

APPLICATION NUMBER: AN/B-20:31

SUBJECT PROPERTY: 914 Book Rd. W., Ancaster

APPLICANT(S): Owner: Knollwood Golf Ltd.
Agent: Urban Solutions c/o Matt Johnston

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land containing an existing dwelling known as 914 Book Rd. W. and to retain lands for use as a golf course.

To be heard in conjunction with AN/B-20:33 and AN/B-20:32.

Severed lands:
66m[±] x 50m[±] and an area of 0.4 ha[±]

Retained lands:
758m[±] x 1002m[±] and an area of 111.6 ha[±]

THE DECISION OF THE COMMITTEE IS:

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

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. 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 conditions:

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 pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).

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3. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "P4" and "P6" Zones 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).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division - Building Engineering Section).
5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
6. The owner submits to the Committee of Adjustment office an administration fee of \$20.00 payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
7. That the Owner submits an assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwellings and that the lot size is sufficient to provide for a reserve septic bed and/or a new water well if required all supported by the existing soil conditions to the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.
8. A satisfactory Hydrogeological Report be completed to the satisfaction of Director, Hamilton Water. However, Committee should be aware that with the proposed lot sizes, successfully obtaining approval from Hamilton Water may not be possible unless lot sizes were augmented.
9. The application / proponent shall submit and receive approval of a zoning by-law amendment to rezone the residential parcels so as to permit a residential use.
10. Approximately 8.0 metres are to be dedicated to the right-of-way on Book Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Book Road) are to be 36.0 metres, if required.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

DATED AT HAMILTON this 23rd day of July, 2020.

M. Dudzic (Chairman)

N. Mleczko

D. Serwatuk

L. Gaddye

D. Smith

B. Charters

M. Switzer

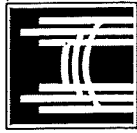
T. Lofchik

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 30, 2020.
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NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING
APPEAL TRIBUNAL (LPAT) MAY BE FILED IS August 19 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 remain as **914
Book Road West, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned
the address of **920 Book Road West, Hamilton (Ancaster)**.



Hamilton

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

NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. AN/B-20:32
SUBMISSION NO. B-32/20

APPLICATION NUMBER: AN/B-20:32

SUBJECT PROPERTY: 1276 Shaver Rd., Ancaster

APPLICANT(S):

Owner: Knollwood Golf Ltd.
Agent: Urban Solutions c/o Matt Johnston

PURPOSE OF APPLICATION:

To permit the conveyance of a parcel of land containing an existing dwelling known as 1276 Shaver Rd. and to retain lands for use as a golf course.

To be heard in conjunction with AN/B-20:30 and AN/B-20:31.

Severed lands:

67m² x 60m² and an area of 0.4 ha[±]

Retained lands:

758m² x 1002m² and an area of 111.2 ha[±]

THE DECISION OF THE COMMITTEE IS:

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

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. 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 conditions:

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 pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).

CERTIFIED A TRUE COPY

OFFICIAL'S SIGNATURE

3. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "P4" and "P6" Zones 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).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division - Building Engineering Section).
5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
6. The owner submits to the Committee of Adjustment office an administration fee of \$20.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
7. That the Owner submits an assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwelling and that the lot size is sufficient to provide for a reserve septic bed and/or a new water well if required all supported by the existing soil conditions to the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.
8. A satisfactory Hydrogeological Report be completed to the satisfaction of Director, Hamilton Water. However, Committee should be aware that with the proposed lot sizes, successfully obtaining approval from Hamilton Water may not be possible unless lot sizes were augmented.
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A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

DATED AT HAMILTON this 23rd day of July, 2020.

M. Dudzic (Chairman)

N. Mleczko

D. Serwatuk

L. Gaddye

D. Smith

B. Charters

M. Switzer

T. Lofchik

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NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING
APPEAL TRIBUNAL (LPAT) MAY BE FILED IS August 19 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 remain as **1276
Shaver Road, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned the
address of **1260 Shaver Road, Hamilton (Ancaster)**.

IMPORTANT INFORMATION FOR CONSENTS

THE LAST DATE OF APPEAL IS:

August 19, 2020

THIS DECISION IS NOT FINAL AND BINDING AND MUST NOT BE ACTED UPON UNTIL THE PERIOD OF APPEAL HAS EXPIRED.

THE DECISION DOES NOT RELEASE ANY PERSONS FROM THE NECESSITY OF OBSERVING THE REQUIREMENTS OF BUILDING REGULATIONS, THE LICENSE BY-LAW, OR ANY OTHER BY-LAW OF THE CITY OF HAMILTON.

Appeal to L.P.A.T.

53(19) Any person or public body may, not later than 20 days after the giving of notice under subsection (17) is completed, appeal the decision or any condition imposed by the council or the Minister or appeal both the decision and any condition to the Tribunal by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017. *Planning Act, R.S.O. 1990*

Where no appeal

53(21) If no appeal is filed under subsection (19) or (27), subject to subsection (23), the decision of the council or the Minister, as the case may be, to give or refuse to give a provisional consent is final. *Planning Act, R.S.O. 1990*

Where delegation

53(44) If a land division committee or a committee of adjustment has had delegated to it the authority for the giving of consents, any reference in this section to the clerk of the municipality shall be deemed to be a reference to the secretary-treasurer of the land division committee or committee of adjustment. *Planning Act, R.S.O. 1990*

APPEALS MAY BE FILED:

1. BY MAIL/COURIER ONLY

- 1.1 Appeal package delivered to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.
- MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE
- 1.2 Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.
- 1.3 Appeal package must include all of the following:
- Notice of appeal, setting out the objection to the decision and the reasons in support of the objection;
 - LPAT appeal form, this can be found by contacting Committee of Adjustment staff at cofa@hamilton.ca or at the LPAT website <https://elto.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/>;
 - Filing fee, the fee is currently \$400 (subject to change) and must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance;
 - All other information as required by the Appeal Form.

2. BY EMAIL AND MAIL/COURIER

- 2.1 Electronic appeal package must be delivered by email to cofa@hamilton.ca.
- MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE
- 2.2 Physical appeal package must be delivered by mail to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.
- 2.3 Electronic appeal package must contain:
- a copy of the notice of appeal;
 - a copy of the LPAT appeal form;
 - a copy of the certified cheque or money order.
- 2.4 Physical appeal package must contain all information as noted in Section 1.3

Questions or Information:

Contact Committee of Adjustment Staff (cofa@hamilton.ca)