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. GL/A-20:97
SUBMISSION NO. A-97/20

APPLICATION NO.: **GL/A-20:97**

APPLICANTS: Owner: Mulas Construction Ltd.
Agent: Urban Solutions

SUBJECT PROPERTY: Municipal address **1800 Upper James St., Glanbrook**

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

ZONING: C7 district (Arterial Commercial)

PROPOSAL: To permit the construction of a food production manufacturing facility, notwithstanding that;

1. The use a manufacturing facility for food production is not permitted in the C7 zone.

Notes:

This variance is necessary to facilitate Site Plan Application DA-19-155.

The Zoning By-law permits a maximum height of 14.0m. The site statistics indicate a height of 12.85m; however, no elevation plans where submitted to confirm compliance. Therefore, further variances may be required.

The zoning By-law requires a minimum 3.0m wide planting strip along the street line. No details were shown on the site from which to confirm compliance. Therefore, further variances may be required.

The zoning By-law requires minimum planting strip requirements consisting of landscaped areas or landscaped parking islands for a parking lot containing 50 or more parking spaces in a Commercial and Mixed Use zone. It does not appear that compliance has been achieved based on the submitted site plan. Therefore, the applicant shall ensure that the required plantings are provided; otherwise, further variances shall be required.

Based on the proposed 51 parking spaces shown on the submitted site plan, it appears that the site will contain surplus parking. However, the applicant shall confirm the total gross floor area intended for the office component within the proposed manufacturing facility in order to confirm the minimum number of parking spaces required for the development.

THE DECISION OF THE COMMITTEE IS:

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

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

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2. The relief requested is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 45 of The Planning Act, 1990.

3. The Committee having regard to the intensity of use of the subject parcel of land is of the opinion that such development would not be appropriate for the lands.

4. The submissions made regarding this matter affected the decision by supporting the refusal of the application.

DATED AT HAMILTON this 6th day of August 2020.

M. Dudzic (Chairman)	M. Smith
D. Smith	L. Gaddye
M. Switzer	T. Lofchik

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 26th, 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-20:87
SUBMISSION NO. A-87/20

APPLICATION NO.: **DN/A-20:87**

APPLICANTS: Owner: Luis Sanurio
Agent: Lisa Cockwell

SUBJECT PROPERTY: Municipal address **236 Old Guelph Rd., Dundas**

ZONING BY-LAW: Zoning By-law 3581-86, as Amended by By-law 4066-93

ZONING: RU/S-58 (Rural) district

PROPOSAL: To permit a 24 square metre 1-storey addition to the rear of an existing single detached dwelling notwithstanding that:

1. An addition to a legally existing single detached dwelling is not permitted in the RU/S-58 zone.

2. A minimum lot area of 0.19 hectares (1923 square metres) shall be permitted instead of the minimum lot area of 0.8 hectares (8000 square metres) required.

NOTE:
1. The rear deck noted on plans has not been reviewed for zoning compliance as insufficient details were provided for a full zoning review. Should the rear yard deck not be in compliance with Dunas Zoning By-law 3581-86, 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 6th day of August, 2020.

M. Dudzic (Chairman)

D. Smith

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SECRETARY - TREASURER

D. Serwatuk

L. Gaddye

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. DN/A-20:88
SUBMISSION NO. A-88/20

APPLICATION NO.: **DN/A-20:88**

APPLICANTS: Owner: Susan Frasson
Agent: J.H. Cohoon Engineering

SUBJECT PROPERTY: Municipal address **3 Janis Crt., Dundas**

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

ZONING: R2 (Single-Detached Residential) district

PROPOSAL: To permit the construction of a new one (1) storey detached accessory structure to be located in the rear yard of an existing single-detached dwelling notwithstanding that;

1. A minimum side yard setback of 0.9 m shall be provided instead of the minimum required 2.0 m side yard setback; and

2. A minimum rear yard setback of 0.9 m shall be provided instead of the minimum required 2.0 m rear yard setback; and

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.

4. The submissions made regarding this matter did not affect the decision.

DATED AT HAMILTON this 6th day of August, 2020.

M. Dudzic (Chairman)

D. Smith

D. Serwatuk

L. Gaddye

.../2

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SECRETARY - TREASURER

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. FL/A-20:129
SUBMISSION NO. A-129/20

APPLICATION NO.: **FL/A-20:129**

APPLICANTS: Owner: Ron Nicholson & Lisa Singh

SUBJECT PROPERTY: Municipal address **7 Greenwood Crt., Flamborough**

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

ZONING: S1 (Settlement Residential) district

PROPOSAL: To permit the construction of a new deck in the rear yard of the existing single detached dwelling notwithstanding that;

1. A minimum 3.0m setback shall be permitted from the rear lot line instead of the minimum 6.0m setback 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 6th day of August, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddye

D. Smith

B. Charters

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SECRETARY - TREASURER

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. FL/A-20:89
SUBMISSION NO. A-89/20

APPLICATION NO.: **FL/A-20:89**

APPLICANTS: Owner: Tyler Porteous
Agent: SMPL Design Studio c/o Lindsey Bruce

SUBJECT PROPERTY: Municipal address **182 11th Con. Rd. E., Flamborough**

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

ZONING: P7, P8, A2 (Conservation/Hazard Land - Rural, Rural) district

PROPOSAL: To permit the construction of an 88.10 square metre addition to an existing single detached dwelling, notwithstanding that:

1. A maximum expansion of 44 percent of the gross floor area of an existing building or structure shall be permitted, allowing a gross floor area expansion of 88.10 square metres, instead of the permitted maximum expansion of 10 percent of the gross floor area of an existing building or structure, allowing a maximum gross floor area expansion of 16.38 square metres.

NOTE:

1. No elevation drawings or floor plans were included as part of this application. Further variances may be required if compliance with Hamilton Zoning By-law 05-200 is not possible.

2. Specific details regarding permitted yard encroachments were included as part of this application. Further variances may be required if compliance with Hamilton Zoning By-law 05-200 is not possible.

3. 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.

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 6th day of August, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddye

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. GL/A-20:90
SUBMISSION NO. A-90/20

APPLICATION NO.: **GL/A-20:90**

APPLICANTS: Owner: Gianni & Julia Smerilli
Agent: Len Angelici Design

SUBJECT PROPERTY: Municipal address **8010 Dickenson Rd., Glanbrook**

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

ZONING: A2 & P7 (Rural & Conservation/Hazard Lands) district

PROPOSAL: To permit the construction of a one-storey, 110m² addition to the east side of the existing single detached dwelling, a covered front porch and a new covered rear porch, along with a 92.0m² accessory structure in the rear yard notwithstanding that:

4. A front yard setback of 2.4m shall be provided instead of the minimum required 10.0m front yard setback.

5. A building height of 6.5m shall be provided for the accessory building instead of the maximum permitted building height of 6.0m for accessory buildings.

6. A gravel access driveway shall be provided whereas the by-law requires an access driveway to be either asphalt or concrete for a minimum of 10.0m extending from the street.

NOTES:

4. A variance has also been requested to permit the projection of the proposed covered front porch. However, Section 4.6(d) permits a porch to encroach into a yard not more than half the distance of the required front yard. As such, the location of the proposed covered front porch will comply provided that variance #1 is granted.

5. A portion of the rear yard is zoned 'P7' (Conservation/Hazard Land). Be advised that the Hamilton Zoning By-law 05-200 prohibits new buildings from being within 7.5m of the boundary of a 'P7' zone. Insufficient information has been provided in order to determine zoning compliance. Further variances may be required if any new construction is proposed within 7.5m of the P7 zone.

6. One (1) parking space is required to be provided for the single detached dwelling. Each parking space shall be at least 3.0m in width and 5.8m in length and shall be provided in accordance with Section 5 of Hamilton Zoning By-law 05-200. Parking Details have not been provided to determine zoning compliance.

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.

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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 6th day of August, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddye

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-20:91
SUBMISSION NO. A-91/20

APPLICATION NO.: **SC/A-20:91**

APPLICANTS: Owner: 2354538 Ontario Inc.
Agent: Ed Fothergill

SUBJECT PROPERTY: Municipal address **267 Upper Centennial Pkwy., Stoney Creek**

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

ZONING: C7, 315 and H83 (Arterial Commercial (C7)) district

PROPOSAL: To permit the construction of a commercial shopping centre in order to facilitate Site Plan File No. DA-19-101 notwithstanding that:

1. A maximum front yard setback shall not be required instead of the maximum required 6.0m front yard.

2. A maximum building setback shall not be required from the Mud Street West street line, the Upper Centennial Parkway street line and the street line at the hypotenuse of the daylight triangle at the corner of Mud Street West and Upper Centennial Parkway instead of the maximum building setback of 6.0m.

3. A landscape/planting strip having a minimum width of 1.2m shall be provided adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone, except for points of ingress and egress, instead of the requirement that a landscape strip having a minimum width of 3.0 shall be provided adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone.

4. A planting strip having a minimum width of 1.2m shall be provided adjacent to the northerly rear lot line abutting a Residential (R1) zone, except for points of ingress and egress, instead of the requirement that Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained

5. A minimum 1.8m planting strip shall be provided along the north rear lot line abutting a Residential (R1) zone, except for points of ingress and egress, instead of the requirement that for a Motor Vehicle Gas Bar, a minimum 3.0m planting strip shall be required abutting a Residential Zone or Institutional zone lot line, except for points of ingress and egress.

6. No visual barrier shall be required along the entire northerly rear lot line abutting the Residential "R1" zone instead of the requirement that a visual barrier shall be required along any lot line abutting a Residential Zone or Institutional Zone property line in accordance with the requirements of Section 4.19 of Hamilton Zoning By-law No. 05-200.

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7. No visual barrier shall be required along the entire northerly rear lot line abutting the Residential "R1" zone instead of the requirement where a parking lot is situated on a lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown D5 or Downtown D6 Zone, a visual barrier shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown D5 Zone or Downtown D6 Zone in accordance with Section 4.19 of Hamilton Zoning By-law No. 05-200.

8. A loading space shall not be required to be screened from view by a visual barrier instead of the requirement that a loading space shall be screened from view by a Visual Barrier in accordance with Section 4.19 of Hamilton Zoning By-law No. 05-200.

9. No maximum gross floor area shall be provided for accessory Retail uses to a Motor Vehicle Gas Bar instead of the maximum permitted gross floor area of 175m2 for accessory Retail uses to a Motor Vehicle Gas Bar.

11. The drive-through facility stacking lanes for CRU 4/5 (293 Upper Centennial Pkwy) shall be permitted to be located between the streets and the building instead of the requirement that no drive-through facility stacking lane shall be permitted between the street and the building, except where other buildings on the same lot occupy the space between the drive-through facility and a street.

12. A minimum 1.8m planting strip shall be provided along the north rear lot line abutting the "R1" zone, except for points of ingress and egress, instead of the requirement where a landscaped area occupies the space between a Drive-Through Facility and a Residential Zone or an Institutional Zone property line a minimum 3.0 metre planting strip shall be provided and maintained along that portion of the lot line that abuts a Residential Zone or Institutional Zone property line or lot containing a residential use.

13. No visual barrier shall be required along the entire northerly rear lot line abutting the Residential "R1" zone instead of the requirement that where a landscaped area occupies the space between a Drive-Through Facility and a Residential Zone or an Institutional Zone property line, in addition to Section 4.19, a minimum 1.8 metre solid visual barrier shall be provided and maintained along that portion of the property line that abuts Residential Zone or Institutional Zone property line or a lot containing a residential use.

14. The outdoor commercial patios for CRU 2 (279 Upper Centennial Pkwy) and CRU 7 (Upper Centennial Pkwy) shall be permitted in all yards instead of the requirement where only the rear lot line abuts a Residential Zone, Downtown D5 or Downtown D6 Zone or the lot is separated from the Residential Zone, Downtown D5 or Downtown D6 Zone by a laneway, an outdoor patio shall be permitted in the front yard.

NOTE:

i) This development also includes lands known municipally as 14 Mud Street West and 297 – 363 Upper Centennial Pkwy.
ii) The variance are necessary to facilitate Site Plan File No. DA-19-101.
iii) No short-term bicycle parking spaces are required for Buildings CRU 2 (279 Upper Centennial Pkwy) and CRU 7 (275 Upper Centennial Pkwy) as they are intended to contain Restaurants and have a gross floor area less than 450m2.

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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.

DATED AT HAMILTON this 6th day of August, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddye

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-20:115
SUBMISSION NO. A-115/20

APPLICATION NO.: **HM/A-20:115**

APPLICANTS: Owner: Karen Schmidt
Agent: Jenny Bognar

SUBJECT PROPERTY: Municipal address **210 Bond St. N., Hamilton**

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

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

PROPOSAL: To permit the reconstruction of the existing "three seasons room" at the rear of the existing single family dwelling, notwithstanding,

1. A floor area ratio of 0.68 shall be applied, permitting a maximum gross floor area of 216.90 square metres, instead of applying the maximum permitted floor area ratio of 0.45 which permits a maximum gross floor area of 145.68 square metres; and,

2. Two (2) parking spaces shall be provided instead of providing a minimum of three (3) parking spaces which are required to be provided for a single family dwelling containing nine (9) habitable rooms.

NOTES:

1. A lot area of 323.74 square metres (0.08 acres), obtained from GISNet, has been used to calculate the proposed floor area ratio.

2. By-law 96-125 allows for the floor occupied by heating and laundry equipment to be deducted from the total gross floor area of the dwelling for the purpose of determining the maximum permitted gross floor area. Details regarding the total area deducted for the area occupied by heating and air conditioning equipment and laundry facilities have not been provided. Pursuant to Zoning Policy ZON-006, a maximum of 15.8 square metres may be deducted for the area occupied by heating and air conditioning equipment and laundry facilities. A further variance will be required if the total area deducted for heating and air conditioning equipment and laundry facilities exceeds 15.8 square metres.

3. A further variance will be required of any portion of the dwelling provides a ceiling height in excess of 4.6 metres.

4. A further variance will be required if the eave and gutter for the proposed addition encroaches greater than 0.45 metres into the required northerly side yard.

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5. Minor variance application HM/A-19:153 was previously approved to facilitate the proposed reconstruction of the existing sunroom.

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.

DATED AT HAMILTON this 6th day of August, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddye

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-20:124
SUBMISSION NO. A-124/20

APPLICATION NO.: **HM/A-20:124**

APPLICANTS: Owner: 1649626 Ontario Inc.
Agent: Sam Esposto

SUBJECT PROPERTY: Municipal address **801 King St. W., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 00-97

ZONING: E-H/S-1446 (Multiple Dwellings, Lodges, Clubs and Etc.) district

PROPOSAL: To permit the construction of a seven (7) storey multiple dwelling containing a total of one hundred (100) dwelling units as per related Site plan application SPA-20-003, notwithstanding that;

1. A minimum front yard depth of 5.3m shall be permitted from the Carling street front lot line instead of the minimum 6.0m front yard depth required.

2. A minimum rear yard depth of 6.1m shall be permitted instead of the minimum 9.2m rear yard depth required.

3. A maximum gross floor area of 11, 014m² shall be permitted instead of the maximum 7735.0m² gross floor area permitted by previous Committee of Adjustment decision HM/A-09:233.

4. A minimum of fifty-six (56) parking spaces shall be permitted instead of the minimum 102 parking spaces required for the one-hundred dwelling units.

5. A minimum of eleven (11) parking spaces shall be provided exclusively for visitors instead of the minimum twenty (20) visitors parking spaces required.

6. The required 1.5m wide planting strip along the easterly side lot line shall be permitted to be obstructed by an existing retaining wall and the required 1.5m wide planting strip along the westerly side lot line shall be permitted to be obstructed by a visual barrier/fence whereas the zoning By-law does not permit a required planting strip to be obstructed by retaining wall or a visual barrier.

7. A transformer shall be permitted to be located a minimum distance of 0.4m from the Carling Street front lot line instead of the minimum required 3.0m setback from front lot line.

Notes:
These variances are necessary to facilitate Site Plan applications SPA-20-003.
Previous Committee Decision HM/A-09:233, permitted a minimum of fifty-five (55) parking spaces (including ten (10) parking spaces which were exclusively devoted for visitor parking) for the original proposal consisting of 63 dwelling units. The proposed increase in the number of dwelling units to a total of one hundred (100) units, requires an additional 47 parking spaces for a total of 102 spaces to be provided on site.

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The applicant requested a variance to permit the parking area to be located as close as 3.1m from the Carling street front lot line; however, the requested variance is not required as previous Committee Decision HM/A-09:233, permitted the surface parking area to be located as close as 1.5m from the Carling Street lot line.

No elevation plans were provided to determine compliance respecting the maximum permitted 28.5m height and nine (9) storeys. In addition, previous submitted elevation plans showed proposed balconies and canopy encroachments which are not shown on the site plan drawing. Therefore, further variances may be required.

No landscaped plan was provided to confirm that the required planting strip as defined is provided along the required easterly and westerly sides. As such, further variances may be required.

Details respecting the required visual barriers were not clearly shown on the submitted plan. In addition, a chain link fence does not meet the requirement for a visual barrier. Therefore, further variances may be required.

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.

DATED AT HAMILTON this 6th day of August, 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 26th, 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-20:120
SUBMISSION NO. A-120/20

APPLICATION NO.: **HM/A-20:120**

APPLICANTS: Owner: Nikolas Wagner
Agent: Katerina Semenova

SUBJECT PROPERTY: Municipal address **54 Robins Ave., 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 construction of a full 2nd storey addition to the existing 1½ storey single family dwelling notwithstanding that;

1. A minimum front yard depth of 3.1 m shall be provided instead of the minimum required 6.0 m; and

2. A minimum northerly side yard width of 0.3 m shall be provided instead of the minimum required 1.2 m; and

3. A minimum southerly side yard width of 1.0 m shall be provided instead of the minimum required 1.2 m; and

4. Eaves and gutters shall be permitted to encroach the entire width of the northerly side lot line for the proposed second storey addition instead of the maximum permitted encroachment of one half of the required side yard.

Notes:

No details on the existing 50 % front yard landscaped area have been provided. Applicant shall ensure that the 50 % of the front yard landscaping is maintained or further variances may be required.

No details of the total number of habitable rooms (existing and proposed) have been provided with the application; therefore, if the total number of habitable rooms exceeds 8 then further variances for parking shall 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

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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 6th day of August, 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 26th, 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-20:117
SUBMISSION NO. A-117/20

APPLICATION NO.: **HM/A-20:117**

APPLICANTS: Owner: Gateway Solutions Group Inc. c/o Charles Wah
Agent: Urban Solutions c/o Matt Johnston

SUBJECT PROPERTY: Municipal address **302 Cumberland Ave., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 02-267

ZONING: DE-H/S-1472 (Low Density Multiple Dwellings) district

PROPOSAL: To permit the existing 875m² building to be converted to a multiple dwelling containing a maximum eight (8) residential units notwithstanding that:

1. A minimum lot width of 3.5 m shall be maintained whereas the By-Law requires a minimum of 27.0 m lot width to be provided; and

2. A minimum parking space length of 5.8 m shall be provided instead of the minimum required 6.0 m parking space length; and

3. To permit a parking area boundary containing five (5) or more parking spaces to be located 0.0 m from the adjoining residential district to the west and the north instead of the minimum required 1.0 m; and

4. No planting strip shall be provided between the boundary of the parking area and the residential district to the north and the west instead of the minimum required area landscaped with a 1.5 m planting strip between the boundary of the parking area and the residential district; and

5. A minimum of 3.0 m access driveway width shall be maintained whereas the By-Law requires a mutual access driveway having a width of at least 5.5 m; and

6. A minimum landscaped area of 100.0 m² shall be provided on site instead of the minimum required 232.0 m² (per Site Specific By-Law 02-267).

Notes:

These variances are necessary to facilitate Site Plan Control application DA-20-016.

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

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SECRETARY-TREASURER

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 6th day of August, 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 26th, 2020.**

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

Hamilton

Committee of Adjustment
Hamilton City Hall
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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:123
SUBMISSION NO. A-123/20

APPLICATION NO.: **HM/A-20:123**

APPLICANTS: Owner: Inderjit Sian
Agent: Ken Bekendam

SUBJECT PROPERTY: Municipal address **11 Fairleigh Ave. N., Hamilton**

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

ZONING: D (Urban Protected Residential) district

PROPOSAL: To permit the conversion of the existing single family dwelling to contain two dwelling units notwithstanding that:

1. A lot area of 240.0m² shall be provided instead of the minimum required lot area of 270.0m².

NOTES:

i. The applicant shall ensure that no more than two dwelling units are proposed.

ii. Please be advised that the external appearance and character of a converted dwelling is required to be maintained and preserved. Further variances may be required if changes are proposed to the exterior of the existing building. Insufficient information has been provided to determine compliance at this time.

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 6th day of August, 2020.

M. Dudzic (Chairman) N. Mleczko

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SECRETARY - TREASURER

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

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 26, 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
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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:128
SUBMISSION NO. A-128/20

APPLICATION NO.: **HM/A-20:128**

APPLICANTS: Owner: 9681833 Canada Inc.
Agent: Darren Voros

SUBJECT PROPERTY: Municipal address **73 Salem Ave., Hamilton**

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

ZONING: C (Urban Protected Residential and etc.) district

PROPOSAL: To permit the conversion of the existing single family dwelling to a two (2) family dwelling under Section 19 (Residential Conversion Requirements) of the Zoning Bylaw, notwithstanding,

1. A minimum floor area of 62 square metres shall be provided for the proposed dwelling unit instead of the minimum area of 65 square metres required to be contained within each dwelling unit;

2. A minimum parking space size measuring 2.7 metres in width by 5.1 metres in length shall be permitted instead of the minimum required parking space size of 2.7 metres in width by 6.0 metres in length; and,

3. Manoeuvring space in accordance with the Zoning By-law shall not be provided for the most southerly parking space instead of providing an unobstructed manoeuvring space with a minimum width of 6.0 metres required to be provided abutting upon and accessory to each required parking space.

NOTES:

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

2. It is noted that the two proposed parking spaces at the rear of the property are situated in the location of the existing garage. Please note that a demolition permit is required for the removal of the existing garage; however, the Building Division has no record of an application for a demolition permit to remove the existing garage.

3. A further variance will be required if gravel or similar surface or other suitable paving is not provided for every parking space and access driveway.

DATED AT HAMILTON this 6th day of August, 2020.

M. Dudzic (Chairman)

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SECRETARY - TREASURER

.../2

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 26th, 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
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Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. SC/A-20:127
SUBMISSION NO. A-127/20

APPLICATION NO.: **SC/A-20:127**

APPLICANTS: Owner: 5000933 Ontario Inc.
Agent: UrbanCore Developments

SUBJECT PROPERTY: Municipal address **20 Sauvugnon Cres., Stoney Creek**

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

ZONING: R2-61 (Single Residential) district

PROPOSAL: To permit the creation of a lot for the future establishment of a single detached dwelling notwithstanding that:

1. A minimum lot frontage of 12.0 metres shall be permitted instead of the minimum required lot frontage of 15.0 metres.

NOTES:

1. Drawings submitted have not been dimensioned noting the 7.5m setback from the parallel of the chord of the lot frontage. Should the lot frontage be measured at a distance of less than 7.5m; further variances may be required.

   Lot - Frontage as defined:
   Means the horizontal distance between the side lot lines which distance is to be measured along the continuous front lot line to determine the lot frontage but if the front lot line is not continuous then the lot frontage is to be determined by measuring the distance along the longest front lot line, but:

   (b) Where the front lot line is not a straight line and the side lot lines are not parallel, the lot frontage is to be determined by measuring the distance of the line drawn 7.5 metres back and parallel to the chord of the lot frontage and for the purposes of this paragraph the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot line;

2. Variances have been written as requested by the applicant, which are based on lot area and lot frontage only. Insufficient details (i.e. no building envelope, building plans, elevations or parking details etc.) were provided. Therefore, compliance with Section 6.3 of Stoney Creek Zoning By-law 3692-92 shall be determined at building permit stage, and 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:

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

.../2

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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 6th day of August, 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 26, 2020.**

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

Hamilton

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Hamilton City Hall
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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-20:131
SUBMISSION NO. A-131/20

APPLICATION NO.: **AN/A-20:131**

APPLICANTS: Owner: Montour Enterprises Inc. c/o Leonard Montour
Agent: Urban Solutions c/o Matt Johnston

SUBJECT PROPERTY: Municipal address **657 Mohawk Rd., Ancaster**

ZONING BY-LAW: Zoning By-law 87-57, as Amended by By-law 18-105

ZONING: ER (Existing Residential) district

PROPOSAL: To facilitate the creation of two (2) lots in conjunction with Severance Application AN/B-20:37, notwithstanding that:

1. A minimum lot frontage of 15.24 metres shall be provided instead of the minimum required lot frontage of 18.0 metres, for both the portion of the lands to be retained and the portion of the lands to be severed.

NOTE:

1. No details for the proposed development for the portion of the lands to be retained/severed have been shown on the submitted survey; therefore, this Division cannot confirm zoning compliance. Further variances may be required if compliance with Ancaster Zoning By-law No. 87-57 cannot be achieved.

2. Please note this application is to be heard in conjunction with Severance Application AN/B-20:37.

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 6th day of August, 2020.

M. Dudzic (Chairman)

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SECRETARY - TREASURER

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 26, 2020**.

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

IMPORTANT INFORMATION FOR MINOR VARIANCES

THE LAST DATE OF APPEAL IS:

August 26, 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
71 Main Street West, 5th floor
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.HM/B-20:33
SUBMISSION NO. B-33/20

APPLICATION NUMBER: **HM/B-20:33**

SUBJECT PROPERTY: **225 Sherman Ave. S., Hamilton**

APPLICANT(S): Owners: Peter Martin and Tania Cardenas
Agent: FIJ Law LLP

PURPOSE OF APPLICATION: To permit the creation of an easement for access purposes.

Easement lands: (Part 2)
9.75m± x 8.5-12.5m± and an area of 88m^2 ±

Retained lands: (Part 1)
9.75m± x 37.18m± and an area of 362m^2 ±

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 demonstrate how the vehicles are to access the rear lands of 227 Sherman Avenue through a certified vehicle turning template and appropriate headlight projection screening from vehicles parking would also be required, all to the satisfaction of the Manager of Development Engineering Approvals.

3. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

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SECRETARY-TREASURER

DATED AT HAMILTON this 6th day of August, 2020.

M. Dudzic (Chairman)

D. Smith

B. Charters

M. Switzer

L. Gaddye

N. Mleczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS August 13, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (August 13, 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 **September 2 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
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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO.SC/B-20:34
SUBMISSION NO. B-34/20

APPLICATION NUMBER: **SC/B-20:34**

SUBJECT PROPERTY: **860 Queenston Rd., Stoney Creek**

APPLICANT(S): Owner: Silvercreek Business Park
Agent: GSP Group Inc. c/o Sarah Knoll

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for residential purposes and to retain a parcel of land containing an existing commercial building.

Severed lands:
90 m± x 109 m± and an area of 9,753 m^2 ±

Retained lands:
35m± x varies and an area of 2,672 m^2 ±

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 submit survey evidence that the lands to be retained, including the location of any existing structure(s), parking and landscaping etc., conform to the requirements of the Zoning By-Law 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).

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3. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Building Engineering Section).

4. The applicant must enter into and register on title of the lands, a Consent Agreement, 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 as required and securities for items that may include: lot grading ($10,000.00 grading security), driveway approachesand culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time).

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.

DATED AT HAMILTON this 6th day of August, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddye

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS August 13, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (August 13, 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 **September 2 2020.**

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

The lands to be retained (Part 1) will remain as 860 Queenston Road, Hamilton (Stoney Creek). The lands to be conveyed (Part 2) will be assigned the address of 870 Queenston Road, Hamilton (Stoney Creek).

Hamilton

Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
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Telephone (905) 546-2424
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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO.AN/B-20:36
SUBMISSION NO. B-36/20

APPLICATION NUMBER: **AN/B-20:36**

SUBJECT PROPERTY: **40-46 Roselawn Ave., Ancaster**

APPLICANT(S): Justin & Andrea deVries
Agent: Gerry Gatto

PURPOSE OF APPLICATION: To permit the conveyance of an exiting single detached dwelling and to retain an existing single detached dwelling.

Severed lands:
22.86m± x 35.02m± and an area of 801.2m²±

Retained lands:
22.86m± x 35.02m± and an area of 801.2m²±

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 comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division –Plan Examination Section).

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3. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

4. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law 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).

5. 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), 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.

6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

7. 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.

DATED AT HAMILTON this 6th day of August, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddye

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS August 13, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (August 13, 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 **September 2 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

NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO.AN/B-20:37
SUBMISSION NO. B-37/20

APPLICATION NUMBER: **AN/B-20:37**

SUBJECT PROPERTY: **657 Mohawk Rd., Ancaster**

APPLICANT(S): Owner: Montour Enterprises Inc. c/o Leonard Montour
Agent: Urban Solutions c/o Matt Johnston

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land to create a new residential building lot. The existing dwelling will be demolished to facilitate this application.

To be heard in conjunction with AN/A-20:131.

Severed lands:
15.24m± x 60.87m± and an area of 954.9m^{2} ±

Retained lands:
15.24m± x 51.02m± and an area of 772.8m^{2}±

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 receive final and binding approval of minor variance application AN/A-20:131

3. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.

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SECRETARY - TREASURER

4. Approximately, 5.0 metres are to be dedicated to the right-of-way on Mohawk Road, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Mohawk Road (Hwy 403 to McNiven Road) is to be 30.480 metres. 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).

5. 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, urbanization, 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.

6. That the Owner dedicate to the City of Hamilton by deed, sufficient land adjacent in order to establish the property line 15.24m from the original centreline of Mohawk Road.

7. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

8. 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.

DATED AT HAMILTON this 6th day of August, 2020.

M. Dudzic (Chairman)

D. Serwatuk

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NOTE:

"**Acknowledgement Note:** 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 (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the 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)."

The lands to be retained will be assigned the address of 653 Mohawk Road, Hamilton (Ancaster).

The lands to be conveyed will remain as 657 Mohawk Road, Hamilton (Ancaster).

IMPORTANT INFORMATION FOR CONSENTS

THE LAST DATE OF APPEAL IS:

September 2, 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)