

IMPORTANT INFORMATION FOR MINOR VARIANCES

THE LAST DATE OF APPEAL IS:

September 16, 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)

IMPORTANT INFORMATION FOR CONSENTS

THE LAST DATE OF APPEAL IS:

September 23, 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*

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 - 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.

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 - 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)



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. AN/A-20:142
SUBMISSION NO. A-142/20

APPLICATION NO.: **AN/A-20:142**

APPLICANTS: Ancaster-Rose Homes Inc. c/o Joe Laronga

SUBJECT PROPERTY: Municipal address **1049-1109 Garner Rd. E., Ancaster**

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

ZONING: "RM2-616" (Multiple Residential) district

PROPOSAL: To permit the construction of four (4) street townhouse buildings containing a total of thirty-one (31) dwelling units fronting onto a window road notwithstanding that:

1. A side yard of 1.2m shall be provided abutting each end unit whereas the by-law requires a minimum 2.5m side yard for each end unit which does not abut a flankage street.
2. A building height of 12.3m shall be provided instead of the maximum permitted building height of 10.5m.
3. A concrete pad and/or concrete pavers shall be permitted within a required landscape strip.

NOTE:

- i. These variances are necessary to facilitate Site Plan Control Application No. DA-20-019.
- ii. The municipal address for this development is 1049 through to 1109 Garner Road East, Ancaster.
- iii. The owner shall ensure building height is provided as defined in Ancaster Zoning By-law 87-57. Should building height maximum exceed 12.3 metres, further variances will be required.
- iv. The concrete pad/pavers referenced in variance #3 are proposed in order to provide a stable surface at each dedicated garbage pickup location along Garner Road East.

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

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

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

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

B. Charters

T. Lofchik

N. Mleczko

L. Gaddy

M. Switzer

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 16th, 2020.**

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



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-20:143
SUBMISSION NO. A-143/20

APPLICATION NO.: **AN/A-20:143**

APPLICANTS: Ancaster-Rose Homes Inc. Att: Joe Laronga

SUBJECT PROPERTY: Municipal address **287-363 Raymond Rd., Ancaster**

ZONING BY-LAW: Zoning By-law 87-57, as Amended by By-law 10-303

ZONING: "RM2-616" (Residential Multiple) district

PROPOSAL: To permit the establishment of thirty-nine (39) street townhouse dwellings along a condominium window road notwithstanding that:

1. Lot 125 shall have a minimum lot frontage of 13.7 metres instead of the minimum required lot frontage of 17 metres.
2. A minimum side yard of 1.2m shall be permitted for Lots 130, 131, 136, 137, 142, 143, 149, 150, 156 and 157 for a dwelling end unit which does not abut a flanking street instead of the 2.5 metres required.
3. A maximum building height of 11.2 metres shall be provided instead of the maximum building height of 10.5 metres required.
4. A concrete pad and/or concrete pavers shall be permitted within a required landscape strip".

NOTES:

1. The owner shall ensure building height is provided as defined in Ancaster Zoning By-law 87-57. Should building height maximum exceed 11.2 metres, further variances will be required.
2. Applicant shall ensure parking is in compliance with Section 7.14 Parking and Loading, Section 9.8 Private Garages and Section 15.2 Residential Multiple Zone. A fully scaled and dimensioned site plan showing the details of the proposed street townhouses with the parking area was not provided. Therefore, a full zoning review could not be conducted. Be advised, further variances may be required at such time that a full zoning review is conducted.
3. Variances have been written exactly as requested by the applicant. Please note, that this property is subject to Site Plan Control DA-20-017; to date, a recirculation of the revised plan has not been submitted and a full zoning review has not been conducted for the new proposal. Further variances may be required at such time that a full zoning review is conducted on the new proposal.

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

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

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

B. Charters

T. Lofchik

N. Mleczko

L. Gaddy

M. Switzer

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. DN/A-20:147
SUBMISSION NO. A-147/20

APPLICATION NO.: **DN/A-20:147**

APPLICANTS: Danielle DesJardins on behalf of the owner Grant Linney

SUBJECT PROPERTY: Municipal address **155 Park St. W., Dundas**

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

ZONING: "R2" (Single Detached Residential) district

PROPOSAL: To permit the construction of a rear addition over the existing one storey portion of the existing single detached dwelling, notwithstanding that;

1. A minimum westerly side yard of 4.1m shall be permitted instead of the minimum 5.0m side yard required on one side of an interior lot upon which there is not garage or carport.
2. A minimum setback of 0.3m shall be permitted for the rear shed instead of the minimum 2.0m setback required from a side lot line.

Note: No elevation plans were provided to confirm compliance.

The easterly side yard shows a bump-out encroaching into the required 1.2m side yard. Details of the nature of the bump-out were not provided from which to determine compliance; as such, further variances may be required.

The zoning By-law permits an eave/gutter to projection into a side yard not more than one-half of its width or 1.0m whichever is the lesser. No details were provided from which to determine compliance; as such, further variances may be required.

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

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

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

B. Charters

T. Lofchik

L. Gaddy

M. Switzer

N. Mleczko

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. FL/A-20:136
SUBMISSION NO. A-136/20

APPLICATION NO.: FL/A-20:136

APPLICANTS: Camshel Holdings Ltd., on behalf of the owner Adwin Jansen

SUBJECT PROPERTY: Municipal address **136 Rockcliffe Rd., Flamborough**

ZONING BY-LAW: Zoning By-law 90-145-Z, as Amended

ZONING: "R1-6" (Urban Residential (Single Detached) Zone

PROPOSAL: To permit the construction of a one storey single detached dwelling with attached garage upon demolition of the existing single detached dwelling and associated accessory structure, notwithstanding,

1. A maximum lot coverage of 21.7% shall be permitted instead of the maximum permitted lot coverage of 15%; and,
2. A maximum floor area of 229 square metres shall be permitted for the proposed single detached dwelling instead of the maximum permitted floor area of 186 square metres permitted for a one (1) storey single detached dwelling.

NOTES:

1. Details regarding the proposed building height have not been provided. A further variance will be required if the proposed building height, provided in accordance with the definition of Height and Grade as defined within the Zoning By-law, exceeds 8.2 metres.
2. A Basement defined as that portion of a building between two floor levels which is partly below ground level and is at least 50 percent above ground relative to the average finished grade adjacent to the exterior walls of the building is included in the total gross floor area calculation, whereas a Cellar defined as that portion of a building between two floor levels which is partly or wholly below ground level and which is more than 50 percent below ground relative to the average finished grade adjacent to the exterior walls of the building is not included in the total gross floor area calculation. A further variance will be required should Basement be proposed.
3. The minimum front yard setback has not been provided from the closest part of the proposed building to the front lot line. A further variance will be required if the minimum required front yard of 7.5 metres is not provided.
4. A further variance will be required if all portions of the lot which is not occupied by buildings, structures, parking areas and driveways are not provided and maintained as landscaped open space.
5. A further variance will be required if a minimum of 50% of the front yard is not provided as landscaped open space.

6. A further variance will be required if a minimum of one (1) parking space with an unobstructed area measuring 2.6 metres in width by 5.8 metres in length is not provided within the attached garage.

7. A further variance will be required if the driveway area of not provided and maintained with a stable surface which is treated in a manner to prevent the raising of dust or loose particles which is drained in a manner to prevent the pooling of surface water or the flow of surface water to adjacent lots.

8. A further variance will be required if the eave and gutter encroach greater than 0.65 metres into any required yard.

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

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

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

L. Gaddy

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

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“Acknowledgement: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any

mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries.

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



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:108
SUBMISSION NO. A-108/20

APPLICATION NO.: HM/A-20:108

APPLICANTS: Emma Cubitt, owner

SUBJECT PROPERTY: Municipal address **220 Charlton Ave. W., Hamilton**

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

ZONING: “D/S-1787” (Urban Protected Residential – One and Two Family Dwellings, etc. – Special Exception) district

PROPOSAL: To permit the construction of a detached one and a half storey accessory building to be used as a garage and workshop for an existing two family dwelling, notwithstanding that:

1. The building height shall be a maximum of 6.0m instead of the required 4.0m maximum height for an accessory building.

NOTES:

1. The zoning by-law requires that any projection of eaves into the side yard not exceed the lesser of 1.0 metre or one half of the width of the side yard. Therefore, the eaves for the proposed accessory building shall not project more than 0.53 metres into the westerly side yard.

2. The zoning by-law requires that the surface elevation of the floor for an accessory building shall not exceed 0.5m above the mean elevation of the nearest portion of the roadway opposite. As this information has not been confirmed, variances would be required if the surface elevation of the garage exceeds the 0.5m requirement.

3. The existing dwelling was constructed around 1915 and is recognized as legal non-complying in terms of the front yard and easterly side yard.

4. Exception 1787 is a temporary zoning created by amending by-law 10-307 to allow for the creation of second dwelling units under Section 19 of Zoning By-law 6593 through modified regulations.

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

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

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

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

L. Gaddy

B. Charters

M. Switzer

T. Lofchik

M. Smith

N. Mleczko

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



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:125
SUBMISSION NO. A-125/20

APPLICATION NO.: **HM/A-20:125**

APPLICANTS: Jennifer Concelos on behalf of the owners Jill Davis & Jeremy Henderson

SUBJECT PROPERTY: Municipal address **60 Bond St. S., Hamilton**

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

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

PROPOSAL: To permit the construction of a 26.6 square metre addition on two floors for a single family dwelling to allow for the creation of a mudroom on the first floor, a den on the second floor and a basement crawlspace and to permit the construction of a roof over an existing 27.7 square metre rear deck, notwithstanding that,

1. The maximum gross floor area for a single detached dwelling in the C/S-1361 District shall not exceed the factor of 0.56 (i.e. 56% of the lot area) instead of the required maximum factor of 0.45 (i.e. 45%).
2. The minimum northerly side yard shall be 0.54 metres instead of the minimum required 1.2m side yard.
3. One (1) parking space shall be required instead of the minimum required 2 parking spaces for a single family dwelling with 8 habitable rooms
4. A manoeuvring space shall not be required for a parking space for a single family dwelling instead of one manoeuvring space having a width of 6.0 metres.
5. The maximum encroachment for an eave and gutter into the northerly side yard shall be 0.39 metres instead of the maximum required 0.29 metres based on one half of the width of the side yard.
6. The maximum encroachment for a roofed-over unenclosed rear porch shall be 5.0 metres into the rear yard instead of the maximum encroachment of 3.0 metres.

NOTES:

1. The variances are written as requested by the applicant, except that additional variances have been identified through this review and included to address the encroachments for eaves and gutters into the northerly side yard and for the roofed over deck into the rear yard.

2. The property is zoned Site-Specific C/S-1361 District and C/S-1788 District. The Site-Specific C/S-1361 District applies to properties in the Westdale Neighbourhoods and includes special provisions for gross floor area in which no building or structure shall have a GFA greater than the area within the District of the lot multiplied by a floor area ratio factor of 0.45. Gross Floor Area, as amended is the aggregate of the areas of the building or structure including the basement or cellar but shall not include an attached garage, a detached garage, floor area occupied by heating, air conditioning and laundry equipment. Based on this definition, the reduction of the laundry area has been factored into gross floor area for the proposed dwelling to be expanded.
3. The C/S-1788 District was approved for various parts of the City under amending by-law 19-307 to address changes to the regulations for residential conversions provided in Section 19 of the Zoning By-law.
4. Variance # 6 is required to allow a roofed over portion to be added to the existing rear deck which is 5.0m in depth.
5. The southerly side yard is regarded as legally existing non-complying and would not be subject to a variance as requested by the applicant.

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

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

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

L. Gaddy

B. Charters

M. Switzer

T. Lofchik

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:132
SUBMISSION NO. A-132/20

APPLICATION NO.: **HM/A-20:132**

APPLICANTS: EcoVue Consulting Services Inc. c/o Frances Wilbur on behalf of the owner Demetry Tselepakis

SUBJECT PROPERTY: Municipal address **29 Magill St., Hamilton**

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

ZONING: "D" (One and Two Family Dwellings, etc.) district

PROPOSAL: To permit the construction of a new single family dwelling on the proposed severed portion in order to facilitate the concurrent severance of the property (Consent Application HM/A-20:38), notwithstanding that:

Parcel to be Severed (Southerly Parcel for Proposed Dwelling)

1. The northerly side yard shall be 0.5m instead of the minimum required 1.2m for a dwelling that is under 2.5 storeys in height.
2. The northerly side yard shall be 0.4m instead of the minimum required 1.2m for a dwelling that is under 2.5 storeys in height.
3. The minimum lot width shall be 7.4m instead of the minimum required 12.0m lot width.
4. The minimum lot area shall be 235m² instead of the minimum required 360m² lot area.
5. The front yard landscaped area shall be a minimum of 43.0% of the gross area of the front yard instead of the minimum 50.0% required front yard landscaped area.
6. One parking space shall be provided instead of the minimum required two parking spaces for a single family dwelling having up to 8 habitable rooms.
7. No manoeuvring space shall be provided instead of the minimum required 6.0m manoeuvring aisle width for one of the required parking spaces for a single family dwelling and the requirement that a manoeuvring space shall be provided and maintained on the lot.
8. Eaves and gutters may project into the required northerly side yard for the entire yard width instead of a maximum projection of not more than ½ of its required width or 0.25 metres.

9. Eaves and gutters may project into the required southerly side yard for the entire yard width instead of a maximum projection of not more than $\frac{1}{2}$ of its required width or 0.20 metres.

Parcel to be Retained (Northerly Parcel with Existing Dwelling)

10. The southerly side yard shall be 0.6m instead of the minimum required 1.2m for a dwelling that is under 2.5 storeys in height.

11. The minimum lot width shall be 8.0m instead of the minimum required 12.0m lot width.

12. The minimum lot area shall be 277m² instead of the minimum required 360m² lot area.

13. The front yard landscaped area shall be a minimum of 46.0% of the gross area of the front yard instead of the minimum 50.0% required front yard landscaped area.

14. One parking space shall be provided instead of the minimum required two parking spaces for a single family dwelling having up to 8 habitable rooms.

15. No manoeuvring space shall be provided instead of the minimum required 6.0m manoeuvring aisle width for one of the required parking spaces for a single family dwelling and the requirement that a manoeuvring space shall be provided and maintained on the lot.

16. Eaves and gutters may project into the required southerly side yard for the entire yard width instead of a maximum projection of not more than $\frac{1}{2}$ of its required width or 0.3 metres.

NOTES:

1. A Single Family Dwelling requires parking that is based on 2 parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking spaces for each additional habitable room. There is insufficient information to determine the intended number of habitable rooms for the existing and proposed single family dwellings. As such, the number of required parking spaces could not be determined and has been assumed to be eight (8) or less. Additional variances with respect to parking may therefore be required if there are more than eight (8) habitable rooms.

2. The Zoning By-law permits a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, to project not more than 3.0 metres into a required front yard or rear yard to a distance of not more than 3.0 metres and be setback at least 1.5 metres from the front lot line. The site plan did not identify the dimensions of the unenclosed porch for the proposed dwelling on the parcel to be severed. Therefore, additional variances may be required if the projection is not in compliance with these requirements

3. The front yard and northerly side yard of the existing dwelling on the parcel to be retained are recognized as legal non-complying.

4. With respect to the variances for front yard landscaped area, the Zoning By-law directs that the gross area of the front yard shall be calculated as the area between the front lot line and the front of the principle dwelling and the area extending from the side lot line to side lot line but subtracting the following:

unenclosed entrance porches; vestibules; ramps; front steps; chimneys; bay windows; ornamental projections; terraces; platforms; and, a walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6m.

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

- 1. The Committee, having regard to the evidence, is of the opinion that the relief granted is NOT of a minor nature.
- 2. The relief granted is NOT desirable for the appropriate development of the land and building and is 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 NOT satisfied that there will be no adverse impact on any of the neighbouring lands.
- 4. The submissions made regarding this matter affected the decision by supporting the denial of the application.

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

L. Gaddy

B. Charters

M. Switzer

T. Lofchik

M. Smith

N. Mleczko

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 16, 2020.**

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



Committee of Adjustment
Hamilton City Hall
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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:137
SUBMISSION NO. A-137/20

APPLICATION NO.: HM/A-20:137

APPLICANTS: Owners Doug & Julia Veenstra

SUBJECT PROPERTY: Municipal address **363 Beach Blvd., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 99-169

ZONING: "C/S-1435" (Urban Protected Residential) district

PROPOSAL: To permit the replacement of the existing accessory building (shed) located in the rear yard with a new accessory building (shed) in order to establish a home occupation for the existing single-family dwelling, notwithstanding that;

1. The proposed home occupation shall be permitted to be carried on within the accessory building (shed) instead of the requirement that a home occupation shall be carried on entirely within a dwelling unit.
2. A minimum side yard setback of 0.0m shall be permitted instead of the minimum 1.7m side yard setback required.

Notes:

The applicant shall ensure compliance with all other requirements of Section 2 "Home Occupation" of the Hamilton Zoning By-law 6593, for the proposed home occupation; otherwise, further variances shall be required.

The applicant shall ensure that the accessory building shall not exceed the maximum of 35.0% coverage of the rear yard; otherwise, further variances shall be required.

Please note that no part of the eave/gutter shall encroach onto the adjacent private property. Otherwise, an Encroachment Agreement and a Maintenance Easement shall be required which shall be entered into and registered on title for both the lot upon which the eave is encroaching onto and the subject lot.

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

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

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

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

L. Gaddy

B. Charters

T. Lofchik

M. Switzer

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 16th, 2020.**

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:139
SUBMISSION NO. A-139/20

APPLICATION NO.: HM/A-20:139

APPLICANTS: B. Silva-Nguyen & T. Phong Nguyen, owners

SUBJECT PROPERTY: Municipal address **61 Picton St. W., 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. One (1) parking space shall be provided instead of the minimum required two (2) parking spaces.
2. A 4.6m manoeuvring space shall be provided instead of the minimum required 6.0m manoeuvring space.
3. A 2.4m wide access driveway shall be provided instead of the minimum required 2.8m wide access driveway.

NOTE:

- i. The access driveway provided is shared between the subject lands and the property known as 59 Picton Street West. Please note that only 1.7m of this driveway is situated on the subject lands with the remainder being on the neighbouring property. The applicant shall also ensure that the appropriate agreements are in place to permit the mutual driveway.
- ii. Please note that Hamilton Zoning By-law 6593 requires the exterior appearance and character of a converted dwelling to be maintained and preserved. It is unclear at this time if any changes to the exterior of the building are intended. Further variances may be required if changes are proposed.

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

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

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

L. Gaddy

B. Charters

M. Switzer

T. Lofchik

M. Smith

N. Mleczko

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 16th, 2020.**

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:141
SUBMISSION NO. A-141/20

APPLICATION NO.: **HM/A-20:141**

APPLICANTS: SMPL Design Studio on behalf of the owner Ruben Furtado

SUBJECT PROPERTY: Municipal address **110 Clifton Downs Rd., Hamilton**

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

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

PROPOSAL: To recognize existing conditions to permit the legal conversion of an existing single family dwelling to a two family dwelling, notwithstanding,

1. The minimum easterly side yard shall be 1.1m instead of the required 1.2 metres.
2. The minimum floor area of a dwelling unit for a converted dwelling shall be 49 square metres instead of the required 65 sq. m.
3. The maximum height of a rear yard terrace which extends into the easterly side yard shall be 1.2 metres instead of the maximum permitted 1.0 metre height.

NOTES:

1. The second dwelling unit is existing within the existing single family dwelling but is not legally recognized.
2. The Site-Specific C/S-1788 District Zoning was passed under Amending By-law 19-307 as a City-Initiated Amendment to Section 19 as a pilot project to allow for the creation of second dwelling units on a temporary basis not exceeding 3 years. The minimum gross floor area requirements for dwelling units under Section 19 of 65 square metres does not apply to the C/S-1788 District during the 3 year period of the pilot project. Variance #2 is required because the applicant is requesting to legalize the second dwelling unit as a permanent use.
3. With respect to Variance #3, the terrace is an existing feature within the side and rear yards. While the terrace conforms to the encroachment requirements, it would exceed the 1.0m maximum height in the easterly side yard and requires a variance.
4. The variances are written as requested by the applicant to address existing conditions.
5. The existing parking scenario provides for two tandem spaces within the 13m deep driveway and conforms to the requirements of Section 19 of the Zoning By-law.

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

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

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

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatak

L. Gaddy

B. Charters

M. Switzer

T. Lofchik

M. Smith

N. Mleczko

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:144
SUBMISSION NO. A-144/20

APPLICATION NO.: HM/A-20:144

APPLICANTS: Yuri M. Pelech on behalf of the owner Brian Yim

SUBJECT PROPERTY: Municipal address **848 Main St. E., Hamilton**

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

ZONING: "C2" (Neighbourhood Commercial) district

PROPOSAL: To permit the conversion of the first storey of the existing office building to a Medical Clinic (dental office), and the construction of an accessibility ramp for wheelchair access at the front of the building, notwithstanding that:

1. One (1) parking space located on the south side of the building shall be located 0.42 metres from a street line, instead of the minimum required distance of 3.0 metres.
2. A minimum 0.42 metre wide planting strip shall be provided between the parking spaces or aisle and the westerly street line, instead of the minimum required 3.0 metre wide planting strip.
3. A minimum parking space size of 2.6 metres wide x 5.5 metres long shall be provided instead of the minimum required parking space size of 3.0 metres wide x 5.8 metres long.
4. A minimum barrier free parking space size of 4.4 metres wide x 5.5 metres long shall be provided instead of the minimum required barrier free parking space size of 4.4 metres wide x 5.8 metres long.
5. A minimum aisle width manoeuvring space of 5.27 metres shall be provided for the ten (10) parking spaces located at the south side of the building instead of the minimum required aisle width manoeuvring space of 6.0 metres.
6. Twenty (20) parking spaces shall be provided instead of the minimum required twenty seven (27) parking spaces.

NOTE:

1. The By-law indicates that required parking shall be located on the same lot on which the principle use is located. The applicant has indicated that there is additional parking spaces located on adjacent properties which are available to be used; however, these are not considered towards the total parking provided as these are located off-site.

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

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

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

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

L. Gaddye

B. Charters

M. Switzer

N. Mleczko

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



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:149
SUBMISSION NO. A-149/20

APPLICATION NO.: HM/A-20:149

APPLICANTS: Owners Jeremy Smith & Michelle Li

SUBJECT PROPERTY: Municipal address **9 Chatham St., Hamilton**

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

ZONING: "D/S-1787" (Urban Protected Residential) district

PROPOSAL: To permit the construction of a new two (2) storey addition in the rear yard of the existing single family dwelling notwithstanding that:

1. A minimum side yard width of 1.0m shall be provided instead of the minimum required side yard width of 1.2m.

NOTE:

i. The proposed patio and balcony shall be provided in accordance with the requirements of Section 18(3)(vi) of Hamilton Zoning By-law 6593.

ii. Please be advised that two (2) parking spaces are required to be provided for the first eight (8) habitable rooms of a single family dwelling, plus an additional 0.5 parking spaces for each additional habitable room. Floor plans and parking details have not been submitted in order to determine zoning compliance and further variances may be required.

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

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

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

L. Gaddy

B. Charters

M. Switzer

T. Lofchik

M. Smith

N. Mieczko

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 16th, 2020.**

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



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:150
SUBMISSION NO. A-150/20

APPLICATION NO.: **HM/A-20:150**

APPLICANTS: DPAI Architecture Inc. c/o David Premi on behalf of the owner
Mad Push Inc. c/o Kirsten Hughes

SUBJECT PROPERTY: Municipal address **109 & 111 Charles St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-laws 91-176, 92-036
& 92-272

ZONING: "E-3/S-1239 and S-1239a and S-1288" (High Density Multiple
Dwellings) district

PROPOSAL: To permit the establishment of a professional office within the entire
building, notwithstanding that:

1. A minimum front yard depth of 3.0m shall be permitted for the existing building instead of the minimum 3.8m front yard depth required.
2. A minimum northerly side yard width of 0.0m shall be permitted for the existing building instead of the minimum 3.0m side yard width required.
3. A minimum landscaped area of 30.0% of the lot shall be maintained as landscaped area whereas the zoning By-law requires a minimum of 40.0% landscaped area and at least 40% of said landscaped area shall be in one space having a least dimension of 6.0m and in other than the front yard.

Notes:

No elevation plans were provided to confirm the height of the building. The applicant shall ensure that the variances requested are correct; otherwise, further variances will be required.

Based on the gross floor area of the building being 363.4m² (excluding the cellar) no parking and no loading is required for the proposed commercial use.

The applicant shall ensure that the lots are merged in title or registered under identical ownership for the purpose of the proposal.

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

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

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

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

B. Charters

T. Lofchik

N. Mleczko

L. Gaddye

M. Switzer

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 16th, 2020.**

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:153
SUBMISSION NO. A-153/20

APPLICATION NO.: **HM/A-20:153**

APPLICANTS: Ashenhurst Nouwens on behalf of the owner N. & R. Holdings Inc.

SUBJECT PROPERTY: Municipal address **212 Lottridge St., Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 18-266

ZONING: "M6" (Light Industrial) Zone

PROPOSAL: To allow for the retention of existing industrial buildings on the severed and retained parcels to facilitate Consent Application HM/B-19:39, notwithstanding that:

Severed Parcel:

1. The minimum lot area shall be 650 square metres instead of the required 4000 square metres for minimum lot area.
2. The minimum lot width shall be 14 metres instead of the required 45 metres for minimum lot width.
3. There shall be no landscaped area required abutting a street instead of the required minimum 3.0 metre wide landscaped area.

Retained Parcel:

4. The minimum lot area shall be 739 square metres instead of the required 4000 square metre minimum lot area.
5. The minimum lot width shall be 20 metres instead of the required 45 metre minimum lot width.
6. There shall be no landscaped area required abutting a street instead of the required minimum 3.0 metre wide landscaped area.

NOTES:

1. An Applicable Law Review for zoning compliance was submitted on March 17, 2020 for Consent Application HM/B-19:39 to determine variances that were required for the severed and retained parcels. The requested variances are based on the Applicable Law Review. In addition, an updated site plan has been provided for the variances to address parking, access and outdoor storage requirements.

2. The Zoning By-law requires outdoor storage areas to be screened by a visual barrier. The applicant has advised that a visual barrier would be provided along the street lines for both the severed and retained parcels by modifying the existing chain link fences to include solid materials (i.e. slats) in order to screen the outdoor storage areas. The modified chain link fence would meet the requirements of Section 4.19 of the Zoning By-law for a visual barrier.
3. No loading areas are shown on the severed and retained parcels. The Zoning By-law does not permit loading spaces to be located in the front yard.
4. The applicant has advised that the building and site on the parcel to be severed would continue to be occupied as a contractor's establishment for the storage of landscaping equipment. The building located on the parcel to be retained would continue to be occupied as a tradesperson's shop. Both of these uses are permitted in the M6 Zone.

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

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

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

L. Gaddy

B. Charters

M. Switzer

T. Lofchik

M. Smith

N. Mleczko

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 16th, 2020.**

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



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. HM/B-20:38
SUBMISSION NO. B-38/20

APPLICATION NUMBER: HM/B-20:38

SUBJECT PROPERTY: 29 Magill St., Hamilton

APPLICANT(S): Owner: Demetry Tselepakis
Agent: EcoVue Consulting Services Inc. c/o Frances Wilbur

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land to create a new residential building lot and to retain a parcel of land with an existing single storey dwelling.

Severed lands:
7.36m[±] x 34.24m[±] and an area of 235.47m² ±

Retained lands:
8.03m[±] x 33.98m[±] and an area of 277.73m² ±

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

1. The proposal does conflict with the intent of the Urban Hamilton Official Plan.
2. The proposal does contravene Zoning By-law requirements.
3. The Committee considers the proposal to not be in keeping with development in the area.
4. The submissions made regarding this matter affected the decision by supporting the denial of the application.

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

L. Gaddy

B. Charters

M. Switzer

T. Lofchik

M. Smith

N. Mleczko

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS September 3, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (September 3, 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 23 2020.**

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



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-20:40
SUBMISSION NO. B-40/20

APPLICATION NUMBER: HM/B-20:40

SUBJECT PROPERTY: 404 & 406 Beach Blvd., Hamilton

PURPOSE OF APPLICATION: To permit the conveyance of a vacant parcel of land, and to retain a parcel of land known as 404 Beach Blvd. containing an existing dwelling (to remain). The subject land was previously the subject of HM/B-18:155 for the same purpose.

Severed lands: (Part 9)

11.57m[±] x 28.95m[±] and an area of 328.8m^{2±}

Retained lands:

9.14m[±] x 96.92m[±] and an area of 886m^{2±}

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

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in 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).
3. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

L. Gaddye

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS September 3, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (September 3, 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 23rd 2020.**

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



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

COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. HM/B-20:41
SUBMISSION NO. B-41/20

APPLICATION NUMBER: HM/B-20:41

SUBJECT PROPERTY: 296 East 43rd, St., Hamilton

APPLICANT(S): Ken Bekendam on behalf of the owner Julio Rodriguez

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

Easement lands: (shown as Part 2)
1.34m[±] x 24.50m[±] and an area of 32.95m^{2±}

Retained lands:
7.784m[±] x 31.665m[±] and an area of 256.12m^{2±}

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

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in 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 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

L. Gaddy

B. Charters

M. Switzer

T. Lofchik

M. Smith

N. Mieczko

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS September 3, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (September 3, 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 23rd 2020.

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



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-20:42
SUBMISSION NO. B-42/20

APPLICATION NUMBER: HM/B-20:42

SUBJECT PROPERTY: 298 East 43rd St., Hamilton

APPLICANT(S): Ken Bekendam on behalf of the owners N. VanderVeen & W. Wilkinson

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

Easement lands: (shown as Part 3)
1.44m[±] x 24.50m[±] and an area of 35.28m^{2±}

Retained lands:
7.689m[±] x 31.65m[±] and an area of 208.07m^{2±}

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

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in 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 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

L. Gaddy

B. Charters

M. Switzer

T. Lofchik

M. Smith

N. Mleczko

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS September 3, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (September 3, 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 23rd 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-20:145
SUBMISSION NO. A-145/20

APPLICATION NO.: SC/A-20:145

APPLICANTS: Urban Solutions c/o M. Johnston on behalf of the owners G. & M. Defaveri

SUBJECT PROPERTY: Municipal address **28 Sandbeach Dr., Stoney Creek**

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

ZONING: "ND" (Neighbourhood Development) Zonedistrict

PROPOSAL: To permit the creation of two (2) new lots and the construction of a new single detached dwelling on each lot, notwithstanding,

1. The creation of two new lots and the construction of a new single detached dwelling on each lot shall be permitted whereas any building, structure or land in a ND zone is only permitted to be used for the purpose for which it was used on the date of the passing of the By-law (December 8, 1992) until such land has been rezoned by a By-law, which has been approved in accordance with Subsection 34 of The Planning Act, R.S.O., 1990, c.P.13.;

2. The construction of a new single detached dwelling shall be permitted to be constructed on both the lands to be conveyed and the lands to be retained whereas Permitted Uses for Each Lot only allows single detached dwellings and uses, buildings or structures accessory thereto which existed on the date of the passing of the By-law (December 8, 1992).; and,

3. The regulations of Section 5.4.3 shall apply to a new single detached dwelling whereas the regulations of Section 5.4.3 are only permitted to be applied to any additions or reconstruction of a single detached dwelling existing on the dated of the passing of the by-law (December 8, 1992).

NOTES:

1. These variances are necessary to facilitate Land Severance application SC/B-20:44 to be heard in conjunction with this application.
2. Further variances will be required if the proposed lots are not serviced by sanitary sewers and municipal water.

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

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

.../2

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

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

L. Gaddy

B. Charters

M. Switzer

T. Lofchik

M. Smith

N. Mleczko

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 16th, 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-20:151
SUBMISSION NO. A-151/20

APPLICATION NO.: SC/A-20:151

APPLICANTS: IBI Group c/o J. Ariens on behalf of the owner DeSantis Rose Joint Venture Inc.

SUBJECT PROPERTY: Municipal address **590 North Service Rd., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended by By-law 18-139

ZONING: "RM3-64" (Multiple Residential) district

PROPOSAL: To permit the construction of a 3 storey, 12 unit stacked townhouse block shown as Block 1 on Registered Plan of Subdivision 62M-1268 notwithstanding that;

1. A minimum distance separation of 2.8 m shall be provided between end wall of Blocks 1 and Block 2 instead of the minimum required distance separation of 3.0 m between end walls; and
2. A minimum of 0.3 m setback from the front lot line (North Service Road) shall be provided for the front steps including a cold cellar underneath the unenclosed front porch notwithstanding the Site-Specific By-Law 18-139 (RM3-64), which states that unenclosed porch and associated stairs, including a cold cellar underneath same, may project 2.2 m into any required front yard.

Notes;

These variances are necessary to facilitate Building permit application # 19-132972.

Variances have been written as requested by the applicant.

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

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

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

L. Gaddy

B. Charters

M. Switzer

T. Lofchik

M. Smith

N. Mleczko

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 16th, 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-20:152
SUBMISSION NO. A-152/20

APPLICATION NO.: **SC/A-20:152**

APPLICANTS: IBI Group c/o John Ariens on behalf of the owner DeSantis Rose Joint Venture Inc.

SUBJECT PROPERTY: Municipal address **590 North Service Rd., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended by By-law 18-139

ZONING: "RM3-64" (Multiple Residential) district

PROPOSAL: To permit the construction of a Three (3) storey, 15 unit stacked townhouse block shown as Block 2 on Registered Plan of Subdivision 62M-1268 notwithstanding that:

1. A minimum distance separation of 2.8m shall be provided between end walls of Block 2 and Block 1 instead of the minimum required distance separation of 3.0m between end walls.
2. A minimum of 0.3m setback from the front lot line (North Service Road) shall be provided for the front steps including a cold cellar underneath the unenclosed front porch whereas an unenclosed porch and associated stairs, including a cold cellar underneath same, may project 2.2m into a required front yard.

NOTE:

- i. Pursuant to amending by-law 18-139, a minimum front yard of 3.5m is required.
- ii. These variances are necessary to facilitate building permit No. 19-133333.
- iii. Variances have been written as requested by the applicant.

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

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

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

B. Charters

T. Lofchik

N. Mleczko

L. Gaddy

M. Switzer

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 16th, 2020.**

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



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. SC/B-20:44
SUBMISSION NO. B-44/20

APPLICATION NUMBER: SC/B-20:44

SUBJECT PROPERTY: 28 Sandbeach Dr., Stoney Creek

APPLICANT(S): Urban Solutions c/o M. Johnston on behalf of the owners G. & M. Defaveri

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for residential purposes and to retain a parcel of land for residential purposes

Severed lands:

24.20m[±] x 57.81m[±] and an area of 1,399.96m^{2±}

Retained lands:

16.20m[±] x 57.87m[±] and an area of 937.70m^{2±}

**This application was heard in conjunction with
Minor Variance Application SC/A-20:145**

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

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner/applicant shall satisfy the requirements of the Public Works Department Operations and Maintenance Division, Forestry & Horticulture Section.
3. The owner shall receive final and binding approval of minor variance application SC/A-20:145 to be heard in conjunction with this application.

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 approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time).
5. That the owner provided a cash payment to the City for the outstanding servicing costs, adjusted with Canadata index, related to the 0.3m reserve to the satisfaction of the Manager of Engineering Approvals Section.
6. That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).
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 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatuk

L. Gaddy

B. Charters

M. Switzer

T. Lofchik

M. Smith

N. Mleczko

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS September 3, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (September 3, 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 23rd 2020.**

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

1. Based on the application being approved and all the conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be assigned the address of 24 Sandbeach Drive (Stoney Creek), and the lands to be retained will be assigned the address of 28 Sandbeach Drive (Stoney Creek).
2. The applicant should be notified that any new driveway or an access entrance, relocation of an existing driveway and/or the access entrance, or required alteration to a driveway design or the access entrance, will require a Residential Access Permit. The applicant is responsible for the application fee of the Access Permit, as well as the installation of any new approach ramp/access and or any modification to any existing approach ramp. Abandoned driveway approach ramps must be restored to curb/sidewalk at the expense of the applicant. Further information and applications are available from the Parking Investigator at Hamilton Municipal Parking System (905-546-2424 x4578 or parking@hamilton.ca).