

IMPORTANT INFORMATION FOR MINOR VARIANCES

THE LAST DATE OF APPEAL IS:

September 30, 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:

October 7, 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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 - 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
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424
ext. 4221, 3935
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-20:157
SUBMISSION NO. A-157/20

APPLICATION NO.: **AN/A-20:157**

APPLICANTS: Scanlan Contracting c/o B. Scanlan on behalf of the owner Vish Surat

SUBJECT PROPERTY: Municipal address **23 Dougherty Crt., Ancaster**

ZONING BY-LAW: Zoning By-law 87-57, as Amended by By-law 11-014

ZONING: "R4-612" (Residential) district

PROPOSAL: To the construction of a 23.8 square metres rear deck accessible from the ground floor and a 13.4 square metre rear deck with stairs accessible from the second floor of a single detached dwelling, notwithstanding that:

1. A deck with an area of over 15 square metres shall be permitted to be setback a minimum distance of 5.7 metres from the rear lot line instead of the required 6.0 metres;

NOTES:

1. The Zoning By-law defines "deck" as follows:

"Deck means a platform or series of platforms, accessory to a dwelling unit, exceeding a height of 60 cm measured from the lowest point of grade at the platform perimeter to the floor of the platform. Decks may be free-standing or attached to a dwelling and are intended for use as an outdoor living area. Decks may be roofed over with a trellis or trellis-like structure only, screened-in and enclosed by a hand rail not exceeding a height of 122 cm above the platform floor, otherwise a deck shall not be enclosed. Any and all stairs, as measured to the exterior parameters of the framing structure, shall be considered to constitute part of the deck with respect to all relevant setbacks and lot coverage regulations. Any decking less than 60 cm in height shall not be considered to be a deck for the purpose of this by-law, but rather, shall be considered as landscaping material only".

As such, the proposed 13.4 square metre deck with stairs that is accessible from the second floor of the dwelling is considered to meet the definition of a deck. If there were no stairs, it would be considered to be a balcony, a term which is not defined. It is also noted that the second floor deck does not require any variances.

2. The Zoning By-law defines "Lot Coverage" as "the percentage of the lot covered by all buildings, but shall not include swimming pools and decks". Therefore, the area proposed for decks would be excluded from the calculation for lot coverage.

3. The variance is written as requested by the applicant.

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4. The R4-612 Zone, applicable to the subject property was passed by amending by-law 11-014 and includes a special provision to permit the front yard to be 4.5m to a dwelling and 6m to an attached garage.

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 10th day of September, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 30th, 2020.**

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



Committee of Adjustment
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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. FL/A-20:160
SUBMISSION NO. A-160/20

APPLICATION NO.: FL/A-20:160

APPLICANTS: Adam J. Clapham, owner

SUBJECT PROPERTY: Municipal address **2178 2nd Con. Rd. W., Flamborough**

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

ZONING: "A1" (Agriculture) district

PROPOSAL: To permit the construction of an accessory building/structure (garage) associated with an existing single detached dwelling, notwithstanding that:

1. Accessory buildings shall be permitted to be located within the front yard instead of the requirement no accessory buildings or structures shall be located within a front yard.
2. Two parking spaces shall be permitted in the required front yard within the proposed accessory building (garage), instead of the requirement that on a lot containing a single detached dwelling, semi-detached dwelling, or duplex dwelling in all zones, no parking spaces shall be permitted in a required front yard or required side yard, except as otherwise permitted for single detached, semi-detached or duplex dwellings.

NOTE:

1. Construction of the proposed accessory building/structure (garage) 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.
2. Specific details regarding proposed parking spaces have not been provided to confirm compliance with Section 5. Further variances may be required if compliance with Section 5 cannot be achieved.
3. The zoning by-law permits a maximum height of 6.0 metres for an accessory building/structure. Based on the elevation drawing provided, a maximum height of 4.87 metres is proposed. The applicant shall ensure that the height of the building/structure has been measured from grade as defined in the zoning By-law; otherwise, additional variances may be required.
4. As per Section 4.8.2(c), a maximum lot coverage of 5 percent is permitted for an accessory building/structure. Further variance may be required if compliance with Section 4.8.2© cannot be achieved.

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

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

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

DATED AT HAMILTON this 10th day of September, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 30th, 2020.**

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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-20:48
SUBMISSION NO. B-48/20

APPLICANT(S): Agent Urban Solutions c/o M. Johnston
Owner City Housing Hamilton Corporation

PURPOSE OF APPLICATION: To permit the conveyance of one half of a semi-detached dwelling and to retain one half of a semi-detached dwelling.

Severed lands:
11.37 m[±] x 30.48 m[±] and an area of 344.6 m² ±

Retained lands:
11.48 m[±] x 30.48 m[±] and an area of 352.0 m² ±

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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
5. 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).

6. The owner shall submit survey evidence that the lands to be retained (45 Glengrove Avenue) and the lands to be conveyed (47 Glengrove Avenue), including the parking and front yard 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).

DATED AT HAMILTON this 10th day of September, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS September 17, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (September 17th, 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 October 7th 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-20:49
SUBMISSION NO. B-49/20

APPLICATION NUMBER: HM/B-20:49

SUBJECT PROPERTY: 7 Seeley Ave., Hamilton

APPLICANT(S): Agent Urban Solutions c/o M. Johnston
Owner City Housing Hamilton Corporation

PURPOSE OF APPLICATION: To permit the conveyance of one half of a semi-detached dwelling and to retain one half of a semi-detached dwelling.

Severed lands:
14.04 m[±] x 27.43 m[±] and an area of 357.3m^{2±}

Retained lands:
13.54 m[±] x 27.43 m[±] and an area of 344.1 m^{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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
5. 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).

6. The owner shall submit survey evidence that the lands to be retained (45 Glengrove Avenue) and the lands to be conveyed (47 Glengrove Avenue), including the parking and front yard 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).

DATED AT HAMILTON this 10th day of September, 2020.

M. Dudzic (Chairman)

D. Serwatak

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

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OF THIS NOTICE OF DECISION (September 17th, 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 **October 7th 2020.**

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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

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

APPLICANT(S): Agent Urban Solutions c/o M. Johnston
Owner City Housing Hamilton Corporation

PURPOSE OF APPLICATION: To permit the conveyance of one half of a semi-detached dwelling and to retain one half of a semi-detached dwelling.

Severed lands:
10.09 m[±] x 42.66 m[±] and an area of 436.9 m² [±]

Retained lands:
10.33 m[±] x 42.67 m[±] and an area of 458.9 m² [±]

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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. That the owner receives final and binding approval of a Minor Variance application for both the severed and retained lands, to the satisfaction of the Manager of Development Planning, Heritage and Design, if required.

6. 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).
7. The owner shall submit survey evidence that the lands to be retained (302 East 24th Street) and the lands to be conveyed (304 East 24th Street), including the parking and front yard 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).

DATED AT HAMILTON this 10th day of September, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

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NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING
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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-20:51
SUBMISSION NO. B-51/20

APPLICANT(S): **Agent Urban Solutions c/o M. Johnston**
Owner City Housing Hamilton Corporation

PURPOSE OF APPLICATION: To permit the conveyance of one half of a semi-detached dwelling and to retain one half of a semi-detached dwelling.

Severed lands Part 2):
14.69 m[±] x 36.31 m[±] and an area of 534.9 m^{2±}

Retained lands (Part 1):
2.08 m[±] x 20.40 m[±] and an area of 37.9 m^{2±}

Retained lands (Part 3):
13.52 m[±] x 36.31 m[±] and an area of 504.9 m^{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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
5. 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).

6. The owner shall submit survey evidence that the lands to be retained (45 Glengrove Avenue) and the lands to be conveyed (47 Glengrove Avenue), including the parking and front yard 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).

DATED AT HAMILTON this 10th day of September, 2020.

M. Dudzic (Chairman)

D. Serwatak

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

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NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING
APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **October 7th 2020.**

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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENTLAND SEVERANCE

APPLICATION NO. HM/B-20:52
SUBMISSION NO. B-52/20

APPLICANT(S): Agent Urban Solutions c/o M. Johnston
Owner City Housing Hamilton Corporation

PURPOSE OF APPLICATION: To permit the conveyance of one half of a semi-detached dwelling and to retain one half of a semi-detached dwelling.

Severed lands:
9.28 m[±] x 35.05 m[±] and an area of 326.6 m²±

Retained lands:
9.93 m[±] x 35.05 m[±] and an area of 346.6 m²±

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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. That the owner receives final and binding approval of a Minor Variance application for both the severed and retained lands, to the satisfaction of the Manager of Development Planning, Heritage and Design, if required.

6. 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).
7. The owner shall submit survey evidence that the lands to be retained (302 East 24th Street) and the lands to be conveyed (304 East 24th Street), including the parking and front yard 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).

DATED AT HAMILTON this 10th day of September, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS September 17, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (September 17th, 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 **October 7th 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-20:53
SUBMISSION NO. B-53/20

APPLICANT(S): Agent Urban Solutions c/o M. Johnston
Owner City Housing Hamilton Corporation

PURPOSE OF APPLICATION: To permit the conveyance of one half of a semi-detached dwelling and to retain one half of a semi-detached dwelling.

Severed lands:
9.44 m[±] x 42.66 m[±] and an area of 421.1 m²±

Retained lands:
10.68 m[±] x 42.66 m[±] and an area of 437.6 m²±

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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. That the owner receives final and binding approval of a Minor Variance application for both the severed and retained lands, to the satisfaction of the Manager of Development Planning, Heritage and Design, if required.

7. The owner shall submit survey evidence that the lands to be retained (302 East 24th Street) and the lands to be conveyed (304 East 24th Street), including the parking and front yard 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).

DATED AT HAMILTON this 10th day of September, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS September 17, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (September 17th, 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 **October 7th 2020.**

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



Committee of Adjustment
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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. SC/A-20:135
SUBMISSION NO. A-135/20

APPLICATION NO.: **SC/A-20:135**

APPLICANTS: Lanhack Consultants Inc. c/o S. Pongracz on behalf of the owner 2467737 Ontario Inc.

SUBJECT PROPERTY: Municipal address **196-200 Arvin Ave., Stoney Creek**

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

ZONING: "M2" (General Business Park) district

PROPOSAL: To permit the construction of a new 1248.6m², one storey (plus mezzanine) warehouse building with accessory offices in the rear yard of the existing industrial building notwithstanding that:

1. A 3.0m wide landscaped area which includes a 3.0m wide planting strip shall be provided between the parking area and the street line instead of the minimum required 6.0m wide landscaped area including a 3.0m wide planting strip;
2. Loading facilities may be provided in the front yard whereas the by-law prohibits any loading facilities within a front yard.; and
3. Loading facilities shall not be screened from view whereas the by-law requires any loading facilities located in a yard abutting a street to be screened from view by a Visual Barrier.

NOTE:

- i. This variance is required to facilitate Site Plan Control Application SPA-20-081.

That the variances, as set out 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.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application as amended.

DATED AT HAMILTON this 10th day of September, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

M. Switzer

N. Mleczko

L. Gaddy

B. Charters

T. Lofchik

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 30th, 2020.**

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