

Hamilton

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

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-19:425
SUBMISSION NO. A-425/19

APPLICATION NO.: GL/A-19:425

APPLICANTS: Owner: Gino Zippilli & Laurie Pyne

SUBJECT PROPERTY: Municipal address **2337 Guyatt Rd., Glanbrook**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 15-173 & 18-266

ZONING: A1 district (Agricultural Zone)

PROPOSAL: To permit the construction of an accessory building in the rear yard of an agricultural use notwithstanding that;

1. A minimum 3.0m rear yard shall be permitted instead of the minimum 15.0m rear yard required.

NOTES:

The applicant shall ensure that the primary use of the property is agriculture. Please note that if the primary use of the property is for other than agriculture, further variances will be required.

Human habitation is prohibited within an accessory building. The accessory building shall only be used for incidental uses associated with the principle use. Any use or storage not associated with the principle use is not permitted.

THE DECISION OF THE COMMITTEE IS:

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

1. The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.
2. The relief requested is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee having regard to the intensity of use of the subject parcel of land is of the opinion that such development would not be appropriate for the lands.

DATED AT HAMILTON this 1st day of October, 2020.

M. Dudzic (Chairman)

D. Serwatak

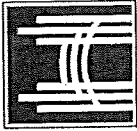
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SECRETARY - TREASURER

| | |
|------------|-------------|
| D. Smith | B. Charters |
| M. Switzer | T. Lofchik |
| N. Mieczko | M. Smith |

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS October 21st, 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. GL/A-20:168
SUBMISSION NO. A-168/20

APPLICATION NO.: GL/A-20:168

APPLICANTS: Agent Achille Serra
Owner Angela Serra

SUBJECT PROPERTY: Municipal address **3005 Trinity Church Rd., Glanbrook**

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

ZONING: A1 (Agriculture) district

PROPOSAL: To permit the construction of an accessory structure/building in the rear yard, notwithstanding that:

1. A maximum gross floor area of 222.97m² and a maximum of 11.67% lot coverage shall be permitted for all buildings accessory to the single detached dwelling instead of the requirement that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum gross floor area of 200m² and a total 5% lot coverage.

NOTE:

1. A building permit is required for the construction of the proposed accessory structure/building. Be advised that Ontario Building Code regulations may require specific setback and construction types.
2. No elevation drawings were included as part of this application. The applicant shall ensure that the height of the proposed accessory structure/building has been provided in accordance with the definition of height provided in Hamilton Zoning By-law No. 05-200.

THE DECISION OF THE COMMITTEE IS:

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

1. The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.
2. The relief requested is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee having regard to the intensity of use of the subject parcel of land is of the opinion that such development would not be appropriate for the lands.
4. The submissions made regarding this matter affected the decision by supporting the refusal of the application.

DATED AT HAMILTON this 1st day of October 2020.

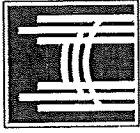
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SECRETARY - TREASURER

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|----------------------|-------------|
| M. Dudzic (Chairman) | D. Serwatak |
| D. Smith | B. Charters |
| M. Switzer | T. Lofchik |
| N. Mleczko | M. Smith |

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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. FL/A-20:167
SUBMISSION NO. A-167/20

APPLICATION NO.: FL/A-20:167

APPLICANTS: Agent Nicole Sherwood
Owner City of Hamilton

SUBJECT PROPERTY: Municipal address **372 Dundas St. E., Flamborough**

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

ZONING: A (Agriculture) district

PROPOSAL: To permit upgrades to the existing sewage pumping station including the installation of an ornamental security fence notwithstanding that:

1. A fence or wall shall be permitted to have a maximum height of 2.0 metres, instead of the requirement that within any front yard, the maximum height of a fence or wall within six (6) metres of the front lot line shall be one (1) metre.

NOTE:

1. Construction of the proposed fence 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. The applicant shall ensure that the height of the fence has been provided in accordance with the definition of height as provided in Flamborough Zoning By-law No. 90-145-Z.
3. Specific details regarding the screening/enclosure of the proposed mechanical equipment have not been provided to confirm compliance with Section 5.2.3. Additional variances may be required if compliance with Section 5.2.3 cannot be achieved.

THE DECISION OF THE COMMITTEE IS:

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

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

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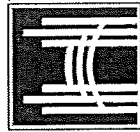

SECRETARY-TREASURER

DATED AT HAMILTON this 1st day of October 2020.

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| D. Smith | B. Charters |
| M. Switzer | T. Lofchik |
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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. FL/A-20:181
SUBMISSION NO. A-181/20

APPLICATION NO.: FL/A-20:181

APPLICANTS: Agent: Nick Winkelmolen
Owner: Winkelmolen Nurseries Ltd.

SUBJECT PROPERTY: Municipal address **148 Lynden Rd., Flamborough**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 15-173; 18-219.
18-266

ZONING: A1 (Agriculture) district

PROPOSAL: To permit the use of an expanded parcel of land for agricultural purposes, notwithstanding that:

1. The minimum lot area for property in the A1 Zone to be used for agricultural purposes (i.e. agriculture and veterinary services – farm animals) shall be 38.8 hectares instead of the minimum required 40 hectares.

NOTES:

1. The property at 148 Lynden Road is currently an existing agricultural property comprising 28.32 hectares and is being expanded through the conveyance of a 10.53 hectare parcel from property located at 2016 2nd Concession Road West through Consent Application FL/B-20:059. Consent Application FL/B-20:059 is required to replace Consent Application FL/B-19:048 which has lapsed.
2. The variance is required for minimum lot area because the lot is less than the required 40.0 ha for agricultural uses. The Vacuum Clause contained in Section 4.12(d) of Zoning By-law 05-200 to recognize existing lots in the A1 Zone as being deemed to comply with the lot area regulation, (amongst others), would not apply to parcels which are modified as the result of a severance.
3. The Zoning By-law defines Agriculture as
Agriculture shall mean the growing of crops, including Nursery and horticultural crops; raising of livestock; raising, boarding and training of horses; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; aquaponics; apiaries; agro-forestry; maple syrup production; greenhouse operations; Cannabis Growing and Harvesting Facilities; hydroponics; and other such accessory uses as are customarily and normally associated with agriculture, including limited value retention uses required to make a commodity grown primarily as part of the farm operation salable, such as, but not limited to, grain drying, washing, sorting, grading, treating, storing, packing and packaging, feed mill, or grain mill, and selling of agricultural products primarily grown as part of the farm operation, and associated on-farm buildings and structures, including one Single Detached farm dwelling and a Farm Labour Residence.

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4. The Zoning By-law permits a maximum lot coverage for agricultural uses of 20%. The lot coverage was not provided on the submitted plan. Therefore, if the lot coverage exceeds 20% of the expanded agricultural parcel, additional variances would be required.
5. The variance was written as requested by the applicant.
6. A variance to address the minimum lot area for agricultural uses is also being heard concurrently for property located at 2016 2nd Concession Road West (FL/A-20:182).

THE DECISION OF THE COMMITTEE IS:

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

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

DATED AT HAMILTON this 1st day of October 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

B. Charters

M. Switzer

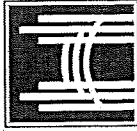
T. Lofchik

N. Mleczo

M. Smith

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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. FL/A-20:182
SUBMISSION NO. A-182/20

APPLICATION NO.: FL/A-20:182

APPLICANTS: Agent Nick Winkelmolen
Owner Lee Smith

SUBJECT PROPERTY: Municipal address **2016 2ND Con. Rd. W., Flamborough**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 15-173, 18-219;
18-266

ZONING: A1 (Agriculture) district

PROPOSAL: To permit the use of a reduced parcel of land for agricultural purposes,
notwithstanding that:

1. The minimum lot area for property in the A1 Zone to be used for agricultural purposes (i.e. agriculture and veterinary services – farm animals) shall be 20.2 hectares instead of the minimum required 40 hectares.

NOTES:

1. The property at 2016 2nd Concession Road West is currently an existing agricultural property used for horse breeding, comprising 30.73 hectares and is being reduced through the conveyance of a 10.53 hectare parcel which is to be added to lands located at 148 Lynden Road through Consent Application FL/B-20:059. Consent Application FL/B-20:059 is required to replace Consent Application FL/B-19:048 which has lapsed.
2. The variance is required for minimum lot area because the lot is less than the required 40.0 ha for agricultural uses. The Vacuum Clause contained in Section 4.12(d) of Zoning By-law 05-200 to recognize existing lots in the A1 Zone as being deemed to comply with the lot area regulation, (amongst others), would not apply to parcels which are modified as the result of a severance.
3. The Zoning By-law defines Agriculture as
Agriculture shall mean the growing of crops, including Nursery and horticultural crops; raising of livestock; raising, boarding and training of horses; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; aquaponics; apiaries; agro-forestry; maple syrup production; greenhouse operations; Cannabis Growing and Harvesting Facilities; hydroponics; and other such accessory uses as are customarily and normally associated with agriculture, including limited value retention uses required to make a commodity grown primarily as part of the farm operation salable, such as, but not limited to, grain drying, washing, sorting, grading, treating, storing, packing and packaging, feed mill, or grain mill, and selling of agricultural products primarily grown as part of the farm operation, and associated on-farm buildings and structures, including one Single Detached farm dwelling and a Farm Labour Residence.

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4. The Zoning By-law permits a maximum lot coverage for agricultural uses of 20%. The lot coverage was not provided on the submitted plan. Therefore, if the lot coverage exceeds 20% of the expanded agricultural parcel, additional variances would be required.
5. The variance was written as requested by the applicant.
6. A variance to address the minimum lot area for agricultural uses is also being heard concurrently for property located at 148 Lynden Road FL/A-20:181.

THE DECISION OF THE COMMITTEE IS:

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

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

DATED AT HAMILTON this 1st day of October 2020.

M. Dudzic (Chairman)

D. Serwatak

D. Smith

B. Charters

M. Switzer

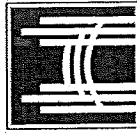
T. Lofchik

N. Mleczo

M. Smith

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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:169
SUBMISSION NO. A-169/20

APPLICATION NO.: HM/A-20:169

APPLICANTS: Agent Charles Linsey & Associates Ltd. c/o Lisa Cockwell
Owner Wade Zacharias

SUBJECT PROPERTY: Municipal address **234 Napier St., Hamilton**

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

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

PROPOSAL: To permit the construction of a new roofed-over unenclosed porch in the front yard of the existing two family dwelling notwithstanding that:

The roofed-over unenclosed porch shall be permitted to project a maximum of 6.0m into the required front yard and provide a minimum setback of 0.0m from the front lot line instead of the maximum 3.0m projection permitted and minimum 1.5m setback required from the front lot line.

NOTE:

The current zone requires a minimum front yard depth of 6.0m.

THE DECISION OF THE COMMITTEE IS:

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

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

That the said application be **GRANTED** subject to the following condition:

1. That the owner provides confirmation of the Encroachment Agreement.

DATED AT HAMILTON this 1st day of October 2020.

M. Dudzic (Chairman)

D. Serwatak

[Signature]
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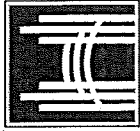
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| M. Switzer | T. Lofchik |
| N. Mleczko | M. Smith |

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NOTE:

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



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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:179
SUBMISSION NO. A-179/20

APPLICATION NO.: HM/A-20:179

APPLICANTS: Agent Carrothers & Associates Inc. c/o David Carrothers
Owner Albert & Jane Ribbink

SUBJECT PROPERTY: Municipal address **460 Dundurn St., Hamilton**

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

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

PROPOSAL: To permit the conversion of the existing single family dwelling to a two family dwelling under Section 19 (Residential Conversion Requirements) of the Zoning By-law and to permit the construction of a one-storey addition to the rear of the existing dwelling, notwithstanding,

1. A minimum southerly side yard width of 0.8 metres shall be provided instead of the minimum required side yard width of 2.7 metres;
2. The eave and gutter shall be permitted to encroach the entire width of the required southerly side yard instead of the maximum permitted encroachment of one-half the width of the required side yard;
3. A minimum access driveway width of 2.3 metres shall be provided instead of the minimum required access driveway width of 2.8 metres; and,
4. The external appearance of the existing dwelling shall be permitted to be altered notwithstanding the external appearance and character of the dwelling is required to be preserved when converting an existing single family detached dwelling under Section 19 of the Zoning By-law.
5. A minimum lot width of 10.9 metres (35.92 feet) shall be permitted instead of the minimum required lot width of 12.0 metres.

NOTES:

1. A further variance will be required should the intent be to provide a parking space in the access driveway as shown on the submitted site plan.
2. A further variance will be required if a minimum of two (2) parking spaces with a minimum width of 2.7 metres and a minimum length of 6.0 metres is not provided.
3. A further variance will be required if an unobstructed manoeuvring space width of 6.0 metres is not provided abutting upon and accessory to each required parking space.

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4. A further variance will be required if gravel or similar surface or other suitable paving is not provided for every parking space, manoeuvring space and access driveway.
5. As shown on the submitted elevation drawings, the existing dwelling is deemed to be three storeys; as such a minimum side yard of 2.7 metres is required, pursuant to Section 18(2) of the Zoning By-law.
6. Please be advised that By-law 19-307 amends Section 19 of the Zoning By-law to remove the requirement of Section 19(1)(i) which requires a minimum area to be contained within each dwelling unit.

THE DECISION OF THE COMMITTEE IS:

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

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

DATED AT HAMILTON this 1st day of October 2020.

M. Dudzic (Chairman)

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

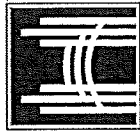
M. Smith

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NOTE:

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



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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:174
SUBMISSION NO. A-174/20

APPLICATION NO.: HM/A-20:174

APPLICANTS: Agent Frank Raso
Owner Valerik Schikolenko

SUBJECT PROPERTY: Municipal address **291 & 293 Jackson St. W., Hamilton**

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

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

PROPOSAL: To permit the conveyance of land containing an existing single family dwelling and to retain a lot containing one-half of a semi-detached dwelling in accordance with land severance application HM/B-20:56 notwithstanding that:

Lands to be Conveyed (293 Jackson Street West):

1. A lot width of 7.9m shall be provided instead of the minimum required lot width of 12.0m.
2. A lot area of 245.0m² shall be provided instead of the minimum required lot area of 360.0m²
3. An easterly side yard width of 0.0m shall be provided instead of the minimum required side yard width of 1.2m.
4. No parking spaces shall be provided whereas the by-law requires parking to be provided at a rate of two (2) spaces for the first eight (8) habitable rooms plus an additional 0.5 spaces for each additional habitable room.

NOTES:

- i. These variances are necessary to facilitate land severance application No. HMB-20:56.
- ii. Please be advised that floor plans are not available for the property known as 293 Jackson Street West. As such, the number of habitable rooms cannot be determined in order to confirm the minimum number of required parking spaces.
- iii. A minimum of one (1) parking space is required to be provided for one half of a semi-detached dwelling (291 Jackson Street West), which shall be at least 2.7m x 6.0m in size. Parking details have not been provided for this property however it appears sufficient space is available on the existing driveway to accommodate the one (1) required parking space. The applicant shall be advised that if one (1) parking space cannot be provided on-site, further variances will be required.

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- iv. Variances have been requested to permit a reduced minimum lot width and a reduced minimum lot area for the property known as 291 Jackson Street West (retained lands). However, pursuant to subsection 6(4) of Hamilton Zoning By-law 6593, variances to these provisions are not required for one-half of a semi-detached dwelling.

THE DECISION OF THE COMMITTEE IS:

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

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

DATED AT HAMILTON this 1st day of October 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

B. Charters

M. Switzer

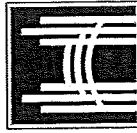
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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:170
SUBMISSION NO. A-170/20

APPLICATION NO.: HM/A-20:170

APPLICANTS: Agent AEM Designs c/o Ravinder Singh
Owner Abdul Mollah

SUBJECT PROPERTY: Municipal address **79 Essling Ave., Hamilton**

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

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

PROPOSAL: To permit interior alterations to the existing single-family dwelling, notwithstanding,

1. Two (2) parking spaces shall be permitted to be located within the front yard instead of a maximum of one (1) parking space permitted to be located within the front yard.

NOTES:

1. The variance has been requested for a single-family dwelling only. Further variances will be required should a use other than a single-family dwelling be proposed.

2. Details regarding the number of habitable rooms have not been provided. A further variance will be required should the proposed alterations result in greater than 10 habitable rooms.

3. Details regarding front yard landscaping have not been provided. A further variance will be required if a minimum of 50% of the gross area of the front yard is not provided as landscaped area, in accordance with the requirements of the Zoning By-law.

THE DECISION OF THE COMMITTEE IS:

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

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

DATED AT HAMILTON this 1st day of October 2020.

CERTIFIED A TRUE COPY ...2

SECRETARY - TREASURER

M. Dudzic (Chairman)

D. Smith

D. Serwatak

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 October 21st, 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
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Fax (905) 546-4202

Hamilton

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:171
SUBMISSION NO. A-171/20

APPLICATION NO.: HM/A-20:171

APPLICANTS: Owner Anderson Ruysam

SUBJECT PROPERTY: Municipal address 590 Main St. E., Hamilton

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

ZONING: H (Community Shopping and Commercial) district

PROPOSAL: To permit the conversion of an existing multiple dwelling from four (4) to six (6) dwelling units under Section 19, notwithstanding:

1. The minimum radial separation distance shall be 33 metres instead of 180 metres between converted buildings in the H District.

NOTES:

1. The H District conversion policies in Section 19(3) allow for the conversion of the entire building to residential units without requirements for parking subject to the minimum separation distance requirements being maintained. The requested variance is required for the radial separation distance and does not apply to parking requirements.
2. The subject property is within the 180m radial separation distance of 600 Main Street East, located 33m to the east. A second converted dwelling is also located at 630 Main Street East, 115m east of the subject property.
3. The building located on the subject property was constructed in 1940 and is recognized as an existing multiple dwelling.
4. The variance has been written as requested by the applicant.

THE DECISION OF THE COMMITTEE IS:

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

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

CERTIFIED A TRUE COPY

SECRETARY - TREASURER

DATED AT HAMILTON this 1st day of October 2020.

M. Dudzic (Chairman)

D. Serwatak

D. Smith

B. Charters

M. Switzer

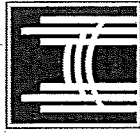
T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL
TRIBUNAL (LPAT) MAY BE FILED IS October 21st, 2020.

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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:172
SUBMISSION NO. A-172/20

APPLICATION NO.: HM/A-20:172

APPLICANTS:

Agent SMPL Design Studio c/o Lindsey Bruce
Owner Rhett Thruston

SUBJECT PROPERTY: Municipal address **12 Wood St. W., Hamilton**

ZONING BY-LAW:

Zoning By-law 6593, as Amended

ZONING:

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

PROPOSAL:

To permit the demolition of the existing single-family dwelling and construction of a new 2 stored, two (2) family dwelling notwithstanding that;

1. A minimum lot width of 7.1 m shall be provided instead of the minimum required lot width of 18.0 m; and
2. A minimum lot area of 431.8 m² shall be provided instead of the minimum required lot area of 580.0 m²; and
3. A minimum of 31.2 % of the front yard shall be used for a landscaped area instead of the requirement in the By-Law, which states that no less than 50 % of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials; and
4. To permit one of the required parking spaces to be located in the required front yard whereas the By-Law states that no part of the required parking area in a residential district shall be located in a required front yard; and
5. No maneuvering space aisle width shall be provided on site for the parking spaces instead of the minimum required 6.0 m
6. The accessibility to one of the required parking spaces (in the garage) shall be obstructed by the one parking space provided in the driveway whereas the By-Law states that sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.

Notes:

An eave or gutter may project into a required side yard not more than one-half its width, or 1.0 m, whichever is the lesser. No details provided; therefore, further variances may be required.

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SECRETARY-TREASURER

THE DECISION OF THE COMMITTEE IS:

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

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

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

1. That the applicant submits and implement a Cultural Heritage Impact Assessment to the satisfaction and approval of the Manager of Development Planning, Heritage and Design prior to any Minor Variance approval.

DATED AT HAMILTON this 1st day of October 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mieczko

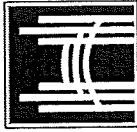
M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS October 21st, 2020.

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

NOTE:

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



Hamilton

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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:173
SUBMISSION NO. A-173/20

APPLICATION NO.: HM/A-20:173

APPLICANTS: Owner Savannah Toscani

SUBJECT PROPERTY: Municipal address **51 Park Row N., Hamilton**

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

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

PROPOSAL: To permit the conversion of the existing single family dwelling to a two family dwelling, notwithstanding that:

1. A minimum lot area of 232.26 square metres shall be provided, instead of the minimum lot area of 270.0 square metres required.
2. No onsite manoeuvring shall be provided for the two (2) required parking spaces instead of the requirement that a manoeuvring space shall be provided and maintained abutting and accessory to each required parking space on the lot and whereas the zoning By-law only permits off-site manoeuvring for only one parking space.
3. The manoeuvring space for both of the required parking spaces may be provided off-site instead of being provided and maintained only on the lot on which the principle use, building or structure is located.

NOTE:

1. A building permit is required for the conversion of the existing single family dwelling into a two family dwelling. Be advised that Ontario Building Code regulations may require specific setback and construction types.
2. Detailed plans (elevation drawings, site plan, floor plan) were not submitted as part of this application, and therefore a full review of the proposal for zoning compliance could not be completed. The variances are written as requested by the applicant.

THE DECISION OF THE COMMITTEE IS:

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

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.

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SECRETARY - TREASURER

3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.

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

1. That the Owner provide a scaled and fully dimensioned site plan drawing of the subject property to the satisfaction of the Manager of Development Planning, Heritage and Design.

DATED AT HAMILTON this 1st day of October 2020.

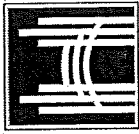
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|----------------------|-------------|
| M. Dudzic (Chairman) | D. Serwatuk |
| D. Smith | B. Charters |
| M. Switzer | T. Lofchik |
| N. Mleczko | M. Smith |

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS October 21st, 2020.

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

NOTE:

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



Hamilton

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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:184
SUBMISSION NO. A-184/20

APPLICATION NO.: HM/A-20:184

APPLICANTS: Agent Ken Bekendam
Owner 2313745 Ontario Inc c/o Michael Sifontes

SUBJECT PROPERTY: Municipal address 129 Parkdale Ave. S., Hamilton

ZONING BY-LAW: Zoning By-law 6593, as Amended BY By-law 74-204

ZONING: D/S-361 (Urban Protected Residential - One and Two Family Dwellings, etc.) district

PROPOSAL: To permit the conversion under Section 19 of an existing one half of a semi-detached single-family dwelling to contain a maximum of two (2) dwelling units notwithstanding that:

1. The conversion of half of a semi-detached dwelling to two dwelling units is not permitted under Section 19 of the Hamilton 6593 Zoning By-Law; and
2. 0.0 m side yard width shall be maintained on the northerly side lot line instead of the minimum required 1.2 m; and
3. A minimum of 39 % front yard landscaped area shall be provided instead of the regulation in the By-Law which states that no less than 50 % of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials; and
4. A minimum parking space width of 2.5 m shall be provided instead of the minimum required 2.7 m parking space width.

THE DECISION OF THE COMMITTEE IS:

That variance #1, as set out in paragraph three above, is **DENIED** for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.
2. The relief requested is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee having regard to the intensity of use of the subject parcel of land is of the opinion that such development would not be appropriate for the lands.

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.../2

SECRETARY-TREASURER

THE DECISION OF THE COMMITTEE IS:

That variances #2, #3 & #4, as set out in paragraph three above, are **GRANTED** for the following reasons:

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

DATED AT HAMILTON this 1st day of October 2020.

M. Dudzic (Chairman)

D. Serwatak

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

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Hamilton

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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:175
SUBMISSION NO. A-175/20

APPLICATION NO.: HM/A-20:175

APPLICANTS: Agent Baudit Interior Design c/o Kelsey Hammerton
Owner John Apanashk

SUBJECT PROPERTY: Municipal address **174 Beach Blvd., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 99-170 and 19-277

ZONING: C/S-1436 and C/S-1436b (Urban Protected Residential, etc.)
district

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

1. A maximum building height of 11.71 metres shall be permitted instead of the maximum permitted building height of 11.0 metres.

NOTE:

1. The variance has been written exactly as requested by the applicant. This property is subject to Site Plan Control; please be advised that the proposed development has been significantly modified since zoning compliance comments were provided for DAB-19-151. As such, a zoning compliance review has not been conducted the new proposed site plan. Further variances may be required at such time that a formal zoning review is conducted on the revised site plan.

2. The applicant shall ensure building height has been provided in accordance with the definition of "Height" and "Grade" as defined within the Zoning By-law.

THE DECISION OF THE COMMITTEE IS:

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

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

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

1. That the owner apply and receive site plan approval.

VERIFIED A TRUE COPY

SECRETARY - TREASURER

DATED AT HAMILTON this 1st day of October 2020.

M. Dudzic (Chairman) D. Serwatuk

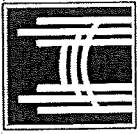
D. Smith B. Charters

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 October 21st, 2020.

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Hamilton

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-19:464
SUBMISSION NO. A-464/19

APPLICATION NO.: HM/A-19:464

APPLICANTS: Aaron Kiewe on behalf of the owner Howard Kiewe

SUBJECT PROPERTY: Municipal address **12 West Ave., N. City of Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 18-114

ZONING: "D5" H21 (Downtown Residential) district

PROPOSAL: To permit the construction of a combined deck and carport over the existing parking area at rear of the existing multiple family dwelling notwithstanding that;

1. A 0.0 m rear yard setback shall be provided for the proposed deck/carport instead of the minimum required 7.5 m rear yard setback.

Note:

Please note that the proposed deck/carport is a self-supporting structure attached to the existing building by way of a staircase, which is located in the easterly rear yard; therefore, it is considered to be part of the principle building, based on that variance # 1 has been written.

THE DECISION OF THE COMMITTEE IS:

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

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

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

1. That a grading plan that demonstrates compliance with the City's Lot Grading Policy be submitted to the satisfaction of Development Engineering Approvals.

DATED AT HAMILTON this 1st day of October, 2020.

M. Dudzic (Chairman)

D. Serwatak

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SECRETARY - TREASURER

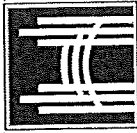
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| D. Smith | B. Charters |
| M. Switzer | T. Lofchik |
| N. Mleczko | M. Smith |

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS October 21st, 2020.

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

NOTE:

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



Hamilton

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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-20:178
SUBMISSION NO. A-178/20

APPLICATION NO.: GL/A-20:178

APPLICANTS: Agent Carrothers & Associates c/o David Carrothers
Owner Craig & Melissa Miller

SUBJECT PROPERTY: Municipal address 127 Grefi Dr., Glanbrook

ZONING BY-LAW: Zoning By-law 474, as Amended

ZONING: R3-187 (Residential) district

PROPOSAL: To permit the construction of a new 41.6m² one-storey addition in the rear yard of the existing single detached dwelling, along with a new inground pool notwithstanding that:

1. A rear yard of 7.3m shall be provided instead of the minimum required 7.5m rear yard setback.

NOTE:

- i. Please be advised that a variance was requested to permit a lot coverage of 43.6% however pursuant to GL/A-10:253, a variance to permit a maximum lot coverage of 45% was previously granted. As such, a further variance to this provision does not appear to be necessary at this time.
- ii. The swimming pool equipment is required to be at least 0.6m from the side lot line. Further variances will be required if compliance with this provision cannot be achieved.
- iii. The roof projection of the proposed addition will conform to the yard encroachment provisions of Section 7.26 provided that Variance #1 is granted.

THE DECISION OF THE COMMITTEE IS:

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

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

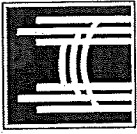
CERTIFIED A TRUE COPY
SECRETARY - TREASURER

DATED AT HAMILTON this 1st day of October 2020.

| | |
|----------------------|-------------|
| M. Dudzic (Chairman) | D. Serwatak |
| D. Smith | B. Charters |
| M. Switzer | T. Lofchik |
| N. Mieczko | M. Smith |

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS October 21st, 2020.

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



Hamilton

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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:176
SUBMISSION NO. A-176/20

APPLICATION NO.: HM/A-20:176

APPLICANTS: Owner Joseph & Rebecca Didionisio

SUBJECT PROPERTY: Municipal address 63 Sherwood Rise, Hamilton

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

ZONING: C (Urban Protected Residential) district

PROPOSAL: To permit a ten (10) square metre accessory structure (gazebo) for a single family dwelling, notwithstanding that,

1. The accessory structure shall be permitted in the front yard whereas the Zoning By-law permits an accessory structure to be located only in the side yard or rear yard.

NOTES:

1. The subject property is a corner lot. On corner lots there are two street lines and the Zoning By-law permits an owner to determine the front property line. Based on the issuance of the building permit in 1962 and the compliance of yard requirements, the front property line was determined to be the southerly lot line and the westerly property line is the flankage lot line.
2. The application is written as requested by the applicant to address a recently constructed, existing accessory structure.
3. The application did not include an Elevation Plan. Therefore, if the accessory structure is greater in height than 4.0 metres, an additional variance shall be required.
4. In a residential district no accessory building shall be erected on a corner lot at a distance from the street line less than the depth of front yard required for a dwelling on the adjoining lot, except where such accessory building is separated from the adjoining lot by a distance at least as great as the depth of the required rear yard, in which case it need not be further from the street line than the width of the required side yard.

Based on the sketch provided, the accessory structure would be separated from the adjoining lot by a distance greater than the required rear yard and would therefore comply to this requirement.

THE DECISION OF THE COMMITTEE IS:

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

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

VERONICA A. LAURE OVIH2
SECRETARY - TREASURER

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

DATED AT HAMILTON this 1st day of October 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mieczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS October 21st, 2020.

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IMPORTANT INFORMATION FOR MINOR VARIANCES

THE LAST DATE OF APPEAL IS:

October 21, 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

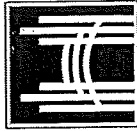
- 1.1 Appeal package delivered to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.
 - MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE
- 1.2 Do not address appeals 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://elfto.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)



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

Hamilton

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. FL/B-19:133
SUBMISSION NO. B-133/19

APPLICATION NUMBER: FL/B-19:133

SUBJECT PROPERTY: 1806 8th Con. Rd. W., Flamborough

APPLICANT(S):

Owner: Achim Klaas, Winnifred Klaas and Jason
O'Halloran
Agent: Achim Klaas

PURPOSE OF APPLICATION:

To permit the conveyance of a parcel of land for residential purposes. To be heard in conjunction with application FL/B-19:134.

Severed lands (Lot 2):

40.9m² x varies and an area of 2.0ha[±]

Retained lands (Lot 1 & 3):

180.6m² x varies and an area of 2.23ha[±]

THE DECISION OF THE COMMITTEE IS:

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

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. A Site Plan will be required for all of the new lots since they are within 120 metres of Core Areas.
3. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

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SECRETARY-TREASURER

4. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. 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 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, etc. and include warning clauses related to the future purchase and sale agreements.
6. That the Owner submits a Geotechnical and Hydrogeological Report(s) to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view to the satisfaction of the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.
7. Given the lot sizes conform with Chapter C.5.1 of the Rural Hamilton Official Plan, as a condition of approval to the satisfaction of Director, Hamilton Water the applicant shall complete a Scoped Hydrogeological Report that demonstrates the applicant's private water servicing is sustainable.
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
9. The owner submits to the Committee of Adjustment office an administration fee of \$60.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
10. Approximately 8.0 metres are to be dedicated to the right-of-way on 8th Concession Road West, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (8th Concession Road West) are to be 36.0 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).
11. That the owner receive approval from Grand River Conservation Authority and provide proof to the Committee of Adjustment Office.

DATED AT HAMILTON this 1st day of October, 2020.

M. Dudzic (Chairman)

D. Serwatak

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

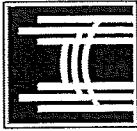
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS October 8th, 2020. HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (October 8th, 2021) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS October 28th 2020.

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

Growth Management:

Note: Based on these applications being approved and all the conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **1806 8th Concession Road West, Hamilton (Flamborough)**, and the lands to be conveyed lots will be assigned the addresses of **1816 8th Concession Road West, Hamilton (Flamborough) (Lot 1), 1820 8th Concession Road West, Hamilton (Flamborough) (Lot 2), and 1824 8th Concession Road West, Hamilton (Flamborough) (Lot 3).**



Hamilton

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

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. FL/B-19:134
SUBMISSION NO. B-133/19

APPLICATION NUMBER: FL/B-19:134

SUBJECT PROPERTY: 1806 8th Con. Rd. W., Flamborough

APPLICANT(S):

Owner: Achim Klaas, Winnifred Klaas and Jason
O'Halloran
Agent: Achim Klaas

PURPOSE OF APPLICATION:

To permit the conveyance of a parcel of land for residential purposes. To be heard in conjunction with application HM/B-19:133.

Severed lands:

221.7m[±] x varies and an area of 4.2ha[±]

Retained lands:

222m[±] x varies and an area of 18.4ha[±]

THE DECISION OF THE COMMITTEE IS:

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

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. A Site Plan will be required for all of the new lots since they are within 120 metres of Core Areas.
3. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

WENNIFRED A. KLAAAS


SECRETARY - MEASURER

4. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. 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 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, etc. and include warning clauses related to the future purchase and sale agreements.
6. That the Owner submits a Geotechnical and Hydrogeological Report(s) to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view to the satisfaction of the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.
7. Given the lot sizes conform with Chapter C.5.1 of the Rural Hamilton Official Plan, as a condition of approval to the satisfaction of Director, Hamilton Water the applicant shall complete a Scoped Hydrogeological Report that demonstrates the applicant's private water servicing is sustainable.
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
9. The owner submits to the Committee of Adjustment office an administration fee of \$60.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
10. Approximately 8.0 metres are to be dedicated to the right-of-way on 8th Concession Road West, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (8th Concession Road West) are to be 36.0 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).
11. That the owner receive approval from Grand River Conservation Authority and provide proof to the Committee of Adjustment Office.

DATED AT HAMILTON this 1st day of October, 2020.

M. Dudzic (Chairman)

D. Serwatak

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

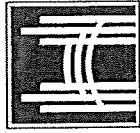
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NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS October 28th 2020.

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

Growth Management:

Note: Based on these applications being approved and all the conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **1806 8th Concession Road West, Hamilton (Flamborough)**, and the lands to be conveyed lots will be assigned the addresses of **1816 8th Concession Road West, Hamilton (Flamborough) (Lot 1)**, **1820 8th Concession Road West, Hamilton (Flamborough) (Lot 2)**, and **1824 8th Concession Road West, Hamilton (Flamborough) (Lot 3)**.



Hamilton

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

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. AN/B-20:39
SUBMISSION NO. B-39/20

APPLICATION NUMBER: AN/B-20:39

SUBJECT PROPERTY: 3011 Jerseyville Rd. W., Ancaster

APPLICANT(S):

Agent Kirk R. McPherson
Owner 750970 Ont. Inc.

PURPOSE OF APPLICATION:

To permit the conveyance of a parcel of land containing an existing dwelling and accessory structures and to retain lands containing an existing grain elevator. The two parcels are the result of an inadvertent merger.

Severed lands (Part 1):

119m² x 170m² and an area of 6.34 ha[±]

Retained lands:

232.9m² x varies and an area of 73.14 ha[±]

THE DECISION OF THE COMMITTEE IS:

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

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
3. The owner shall submit survey evidence that the either lands to be severed and

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SECRETARY/TREASURER

the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division –Plan Examination Section).
5. To the satisfaction of Director Hamilton, the applicant shall provide a revised site plan that shows a reserve area septic bed to conform to Rural Hamilton Official Plan requirements.
6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
7. The owner submits to the Committee of Adjustment office an administration fee of \$20.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.

DATED AT HAMILTON this 1st day of October, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

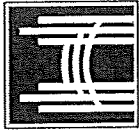
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HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (October 8th, 2021) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS October 28th 2020.

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

Growth Management:

Note: The lands subject to the Consent application appears to be located at 2943 Jerseyville Road West.



Hamilton

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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-20:57
SUBMISSION NO. B-57/20

APPLICATION NUMBER: AN/B-20:57

SUBJECT PROPERTY: 1030 Sulphur Springs Rd., Ancaster

APPLICANT(S):

Agent A.J. Clarke & Associates c/o Spencer Skidmore

Owner Persi Holdings Inc. c/o Adriano Persi

To permit the conveyance of a vacant parcel of land to be added to the property known as 998 Sulphur Springs Rd., and to create appropriate access easements. No new construction is proposed.

PURPOSE OF APPLICATION:

Severed lands (Part 1 on Severance Sketch):
varies x 153.7 m² and an area of 1.521 ha[±]

Retained lands:

Varies x 486 m² and an area of 9.55 ha[±]

THE DECISION OF THE COMMITTEE IS:

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

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
3. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8

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SECRETARY - TREASURER

Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).

4. To the satisfaction of Director Hamilton, the applicant shall provide a revised site plan that shows a reserve area septic bed to conform to Rural Hamilton Official Plan requirements.
5. To the satisfaction of Building Division, the applicant shall demonstrate that septic system components meet the minimum clearance distances as described in Part 8 of the Ontario Building Code.
6. That the owner/agent demonstrate legal access to the severed lands or obtain access easements, if required.
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 1st day of October 2020.

M. Dudzic (Chairman)

D. Serwatak

D. Smith

B. Charters

M. Switzer

T. Lofchik

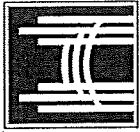
N. Mleczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS October 8th, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (October 8th, 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 28th 2020.

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



Hamilton

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COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. FL/B-20:59
SUBMISSION NO. B-59/20

APPLICATION NUMBER: FL/B-20:59

SUBJECT PROPERTY: 2016 2nd Con. Rd. W., Flamborough

APPLICANT(S):

Agent Nick Winkelmolen
Owner Lee Smith

PURPOSE OF APPLICATION:

To sever a rear portion of vacant land to be added to the adjacent lands known as 148 Lynden Rd.

Severed lands:

10.53 ha[±]

Retained lands:

20.22 ha[±]

THE DECISION OF THE COMMITTEE IS:

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

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall receive final and binding approval of minor variance applications FL/A-20:181 and FL/A-20:182.
3. The owner shall submit survey evidence that the lands to be severed (and merged with 148 Lynden Road) and the lands to be retained, including the location of any existing structure (s), conform to the requirements of the Zoning By-Law or alternatively apply for an receive final approval of any variances from the requirements of the Zoning By-Law as determine necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner/applicant shall submit survey evidence from a BCIN Qualified Designer

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[Signature]
SECRETARY - TREASURER

(Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be retained, to the satisfaction of the Planning and Economic Development Department (Building Division –Building Engineering Section), if required.

5. 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 – Building Engineering Section), if required.
6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
7. Notwithstanding the Official Plan requirement of 36.0 metres on 2nd Concession Road West, Transportation Planning will accept a reduction in right-of-way, in order to achieve a right-of-way of 26.213 metres. This would be a right-of-way dedication of about 3.0 metres, keeping in line with previously acquired right-of-way dedications on 2nd Concession Road. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

DATED AT HAMILTON this 1st day of October 2020.

M. Dudzic (Chairman)

D. Serwatak

D. Smith

B. Charters

M. Switzer

T. Lofchik

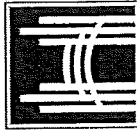
N. Mleczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS October 8th, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (October 8th, 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 28th 2020.

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



Hamilton

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COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. HM/B-20:56
SUBMISSION NO. B-56/20

APPLICATION NUMBER: HM/B-20:56

SUBJECT PROPERTY: 291 & 293 Jackson St. W., Hamilton

APPLICANT(S): Agent Frank Raso
Owner Valerik Schikolenko

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land containing a single detached dwelling (293 Jackson St. W.) and to retain a parcel of land containing one half of a semi-detached dwelling (291 Jackson St. W.).

To be heard in conjunction with HM/A-20:174

Severed lands:
7.92m[±] x 31m[±] and an area of 246m^{2±}

Retained lands:
8.7m[±] x 31m[±] and an area of 270m^{2±}

THE DECISION OF THE COMMITTEE IS:

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

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system, if required.
2. The Owners of 291 and 293 Jackson Street West register an easement on title for access and maintenance on 293 Jackson Street West.

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SECRETARY - TREASURER

3. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
4. The applicant/owner 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) for the subject lands only (291 & 293 Jackson St. W.)
5. That the Owner provide proof of separate independent sewer and water services to both the severed and retained parcels, to the satisfaction of the City's Manager of Development Approvals.
6. The applicant/owner shall receive final and binding approval of minor variance application HM/A-20:174.

DATED AT HAMILTON this 1st day of October 2020.

| | |
|-------------------------------|----------------------|
| _____ M. Dudzic (Chairman) | _____ D. Serwatak |
| _____ D. Smith | _____ B. Charters |
| _____ M. Switzer | _____ T. Lofchik |
| _____ N. Mleczko | _____ M. Smith |

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS October 8th, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (October 8th, 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 28th 2020.

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

NOTE:

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

IMPORTANT INFORMATION FOR CONSENTS

October 28, 2020

THE LAST DATE OF APPEAL IS:

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

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

Appeal to L.P.A.T.

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

Where no appeal

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

Where delegation

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

APPEALS MAY BE FILED:

1. BY MAIL/COURIER ONLY

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

2. BY EMAIL AND MAIL/COURIER

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

Questions or Information:

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