

# IMPORTANT INFORMATION FOR MINOR VARIANCES

THE LAST DATE OF APPEAL IS:

**November 11, 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](mailto: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](mailto: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](mailto:cofa@hamilton.ca))

# IMPORTANT INFORMATION FOR CONSENTS

THE LAST DATE OF APPEAL IS:

**November 18, 2020**

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

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

Appeal to L.P.A.T.

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

Where no appeal

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

Where delegation

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

APPEALS MAY BE FILED:

## 1. BY MAIL/COURIER ONLY

- 1.1 Appeal package delivered to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.
  - MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE
- 1.2 Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.
- 1.3 Appeal package must include all of the following:
  - Notice of appeal, setting out the objection to the decision and the reasons in support of the objection;
  - LPAT appeal form, this can be found by contacting Committee of Adjustment staff at [cofa@hamilton.ca](mailto: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](mailto: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](mailto:cofa@hamilton.ca))



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> 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. SC/A-20:198**  
**SUBMISSION NO. A-198/20**

**APPLICATION NO.:** SC/A-20:198

**APPLICANTS:** DiCenzo & Associates Professional Corporation c/o Allan Buist

**SUBJECT PROPERTY:** Municipal address **4, 8, 12 & 16 Sauvignon Cres., Stoney Creek**

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

**ZONING:** "R3-40" (Single Residential) Zone

**PROPOSAL:** To permit the creation of two (2) new lots and to facilitate future building permit applications for the construction of a single detached dwelling on each lot for the properties to be known as 8 and 16 Sauvignon Crescent, notwithstanding,

1. A minimum lot area of 330 square metres shall be provided for an interior lot instead of the minimum required lot area of 370 square metres for an interior lot;
2. A minimum lot area of 375 square metres shall be provided for a corner lot instead of the minimum required lot area of 425 square metres for a corner lot;
3. A minimum side yard of 0.8 metres shall be provided instead of the minimum required side yard of 1.25 metres or 1.0 metre to an attached garage or attached carport;
4. A maximum lot coverage of 45% shall be provided instead of the maximum permitted lot coverage of 40%; and,
5. A minimum rear yard of 6.0 metres shall be provided instead of the minimum required rear yard of 7.0 metres.

#### **NOTES:**

1. The variances have been written as requested by the applicant; it does not appear future lots to be known as 8 and 16 Sauvignon Crescent are to be corner lots as defined within the Zoning By-law and a minimum side yard of 0.8 metres has not been illustrated on the submitted site plan.
2. A further variance if a minimum lot frontage of 12 metres for an interior lot and 13.75 metres for a corner lot, as defined within the Zoning By-law, is not provided.
3. A further variance will be required if a minimum of two (2) parking spaces are not provided for each single detached dwelling. Please note; a minimum parking space size of 2.75 metres in width and 5.8 metres in length is required to be provided except for a parking space contained within a private residential garage is required to provide an unobstructed area measuring 3.0 metres in width and 6.0 metres in length.

4. A further variance will be required if the eaves and gutters project greater than 0.5 metres into any required yard.

5. A further variance will be required if a canopy, unenclosed porch or deck, including steps, project greater than 1.5 metres into a required front yard or 4.0 metres into a required rear yard.

6. The requested variance for a reduced lot width is required to facilitate Part Lot Control application PLC-20-008.

**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 22nd day of October 2020.

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M. Dudzic (Chairman)

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D. Serwatuk

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L. Gaddy

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D. Smith

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B. Charters

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M. Switzer

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T. Lofchik

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N. Mleczko

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M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 11th, 2020.**

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



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Hamilton City Hall  
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Telephone (905) 546-2424  
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## **COMMITTEE OF ADJUSTMENT**

### **NOTICE OF DECISION**

#### **APPLICATION FOR CONSENT LAND SEVERANCE**

**APPLICATION NO. HM/B-20:58**  
**SUBMISSION NO. B-58/20**

**APPLICATION NUMBER: HM/B-20:58**

**SUBJECT PROPERTY: 133-135 Markland St., Hamilton**

**APPLICANT(S): Lisa Lynn Lavalee**

**PURPOSE OF APPLICATION:** To permit the conveyance of one half of a semi-detached dwelling (containing 2 dwelling units) and to retain one half of a semi-detached dwelling (containing 2 dwelling units).

**Severed lands:**  
7.3m<sup>±</sup> x 32.05m<sup>±</sup> and an area of 233m<sup>2±</sup>

**Retained lands:**  
7.9m<sup>±</sup> x 32.05m<sup>±</sup> and an area of 253m<sup>2±</sup>

#### **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 of 133 and 135 Markland Street register an easement on title for rear access to 135 Markland Street.
3. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).

4. 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).
5. 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) including accessory buildings, yard encroachments including but not limited to eaves and gutters, 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).
6. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section).
7. That the Owner provide separate independent water services to both the severed and retained parcels, or proof of existing separate independent water services, to the satisfaction of the City's Manager of Development Approvals.
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 \$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 22nd day of October.

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M. Dudzic (Chairman)

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D. Serwatuk

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L. Gaddy

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D. Smith

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B. Charters

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M. Switzer

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T. Lofchik

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N. Mleczko

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M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS October 29th, 2020.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE  
OF THIS NOTICE OF DECISION (October 29th, 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 November 18th.

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



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
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## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-20:197**  
**SUBMISSION NO. A-197/20**

**APPLICATION NO.:** HM/A-20:197

**APPLICANTS:** D. & A. Eigenbrood

**SUBJECT PROPERTY:** Municipal address **600 Upper Kenilworth Ave., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended by By-law 92-281

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

**PROPOSAL:** To permit the conversion of a single family dwelling for the purpose of creating a second dwelling unit under Section 19 of the Zoning By-law, notwithstanding that:

1. Parking for two parking spaces shall be permitted in the front yard and the minimum area of the front yard shall consist of 22% landscaped area, whereas only one parking space is permitted to be located in the front yard and the required minimum landscaped area for the front yard is 50%.

2. No manoeuvring spaces shall be provided for any of the parking spaces, whereas one manoeuvring space is required for a parking space that is located in the front yard.

#### **NOTES:**

1. The variances are written as requested by the applicant.

2. The property is a corner lot. The frontage of the property is recognized as being along Upper Kenilworth Avenue and the flankage side is along Mohawk Road. The property frontage is reduced by the dedication requirements for a 12m x 12m daylight triangle for the corner intersection.

#### **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 22nd day of October 2020.

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M. Dudzic (Chairman)

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D. Serwatuk

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L. Gaddy

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D. Smith

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B. Charters

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M. Switzer

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T. Lofchik

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N. Mleczko

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M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 11th, 2020.**

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## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-20:196**  
**SUBMISSION NO. A-196/20**

**APPLICATION NO.:** HM/A-20:196

**APPLICANTS:** Ken Bekendam on behalf of the owner John Noble

**SUBJECT PROPERTY:** Municipal address **129 Sherman Ave. N., Hamilton**

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

**ZONING:** "D" (Urban Protected Residential) district

**PROPOSAL:** To permit the conversion of the existing single family dwelling to contain two (2) dwelling units notwithstanding that:

1. A lot area of 183m<sup>2</sup> shall be provided instead of the minimum required lot area of 270.0m<sup>2</sup>.
2. An open stairway/fire escape shall be permitted to project a maximum of 4.5m into the required rear yard and may be as close as 3.0m to the rear lot line instead of the maximum 1.0m projection permitted.
3. An open stairway/fire escape shall be permitted to project a maximum of 0.6m into the required side yard and may be as close as 0.6m to the side lot line instead of the maximum 0.4m projection permitted.

**NOTE:**

- i. Please be advised that the floor area for each proposed dwelling unit is required to be at least 65.0m<sup>2</sup>. There is insufficient information provided in order to confirm the floor area of each unit. As such, further variances will be required if either dwelling unit is less than 65.0m<sup>2</sup>.
- ii. For purposes of variances #2 and #3, please note that the current zoning designation requires a minimum Rear Yard depth of 7.5m and a minimum Side Yard width of 1.2m.
- iii. Please be advised that the exterior appearance and character of the dwelling is required to be preserved for converted dwellings, with the exception of exterior stairway and exits. Further variances may be required if additional alterations are intended to the exterior of the existing building.

**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 22nd day of October 2020.

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M. Dudzic (Chairman)

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D. Serwatuk

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L. Gaddy

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D. Smith

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B. Charters

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M. Switzer

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T. Lofchik

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N. Mleczko

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M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 11th, 2020.**

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## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-20:195**  
**SUBMISSION NO. A-195/20**

**APPLICATION NO.:** HM/A-20:195

**APPLICANTS:** Ken Bekendam on behalf of the owner Robert Frasca

**SUBJECT PROPERTY:** Municipal address **333 East Ave. N., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended by By-law 92-281

**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 dwelling unit floor area of 61 square metres shall be provided, instead of the minimum floor area of 65 square metres; and,
2. A minimum lot area of 265 square metres shall be provided, instead of the minimum lot area of 270.0 square metres required.
3. 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.
4. 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.

#### **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 22nd day of October 2020.

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M. Dudzic (Chairman)

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D. Serwatuk

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L. Gaddy

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M. Smith

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## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-20:194**  
**SUBMISSION NO. A-194/20**

**APPLICATION NO.:** **HM/A-20:194**

**APPLICANTS:** Giuseppe DiSalvo

**SUBJECT PROPERTY:** Municipal address **684 Upper James St., Hamilton**

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

**ZONING:** "C2" (Neighbourhood Commercial) district

**PROPOSAL:** To convert the existing single-family dwelling into a commercial use (Personal Services) on the Main and Second Floor along with one dwelling unit in the basement notwithstanding that;

1. A dwelling unit having 84.0 m<sup>2</sup> of floor area shall be located in the basement whereas the By-Law states under Section 10.2.1.1 ii) 1. That notwithstanding Section 10.2.1, a Dwelling Unit(s) in conjunction with a commercial use shall only be permitted above the ground floor except for access, accessory office and utility areas, and shall not occupy more than 50 % of the total gross floor area of all the buildings within the lot.

#### **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 22nd day of October 2020.

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M. Dudzic (Chairman)

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D. Serwatuk

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L. Gaddy

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D. Smith

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B. Charters

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M. Switzer

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T. Lofchik

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N. Mieczko

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M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 11th, 2020.**

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



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## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-20:192**  
**SUBMISSION NO. A-192/20**

**APPLICATION NO.:** **HM/A-20:192**

**APPLICANTS:** Kelsey Hammerton on behalf of the owner Dr. Mohammed Reza Noei

**SUBJECT PROPERTY:** Municipal address **612 Upper James St., Hamilton**

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

**ZONING:** "C5a" (Mixed Use Medium Density - Pedestrian Focus) district

**PROPOSAL:** To permit the conversion of an existing commercial building from a restaurant to a medical clinic on the ground floor comprising 148 square metres of gross floor area and two apartment dwelling units on the second floor, notwithstanding that:

Zoning By-law 05-200

1. The parking requirement for the medical clinic shall be 6 parking spaces instead of the required 9 parking spaces.
2. Parking spaces shall be permitted to be located not closer than 2.75 metres from a street line on Upper James Street and Genesee Street instead of the required 3 metres.
3. No planting strip shall be required between the street line and parking spaces on Upper James Street and Genesee Street instead of the required minimum 3.0 planting strip.
4. The minimum length of a tandem parking space shall be 5.1 metres instead of the minimum required 6.7 metres.
5. Parking spaces which are angled 35 degrees shall have minimum dimensions of 2.7 metres by 3.6 metres, whereas the Zoning By-law permits parking spaces to be angled at 30 degrees with minimum dimensions of 3.0 metres by 5.8 metres.
6. No barrier free parking space shall be required instead of the minimum required 1 barrier free parking space.
7. No short term bicycle parking shall be required instead of the minimum required 5 short term bicycle parking spaces.

Zoning By-law 05-200 (Pre-Amending By-law 17-240)

8. Parking spaces which are angled shall have a minimum length of 3.6 metres, whereas the Zoning By-law requires a minimum length of 5.5 metres.

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NOTES:

1. Variance #1 was written by the applicant. Additional variances are applicable to parking and were identified through the review of the application.
2. By-Law 17-240 (Create New Commercial and Mixed Uses and Utility Zones for the City of Hamilton) was passed November 8, 2017, which also made changes to Section 5 (parking Regulations) of Hamilton 05-200 Zoning By-Law. The more restrictive zoning regulations have been noted by an asterisk in variance 5.
3. The C5a Zone permits dwelling units to be developed in conjunction with a commercial use. The two proposed dwelling units are greater in area than 50 square metres and require one parking space in the C5a Zone.
4. The submitted site plan does not show the distance of parking spaces to the street lines, the dimensions of parking spaces, and the aisle widths. Accordingly, additional information for these requirements has been provided by the applicant.
5. The subject property is identified in the City of Hamilton’s Inventory of Heritage Buildings.
6. Concerning Variance #5, the Zoning By-law provides minimum aisle width requirements for angled parking spaces in Section 5.1(i). This does not cover 35 degree angled parking spaces. However, If the angle is 30 degrees, the minimum aisle width shall be 3.7m and for 45 degree spaces, the minimum aisle width shall be 4.5m.

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 22nd day of October, 2020.

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M. Dudzic (Chairman)

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D. Serwatuk

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D. Smith

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M. Switzer

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L. Gaddy

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B. Charters

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T. Lofchik



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N. Mleczko

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M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 11th, 2020.**

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



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

## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-20:187**  
**SUBMISSION NO. A-187/20**

**APPLICATION NO.:** **HM/A-20:187**

**APPLICANTS:** Chris Hopkins on behalf of the owner G. Kass inger

**SUBJECT PROPERTY:** Municipal address **77 Tom St., Hamilton**

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

**ZONING:** "D/S-1787" (Urban Protected Residential - One and Two Family Dwellings) district

**PROPOSAL:** To permit the re-construction of a 2.44m (8') x 3.05m (10') roofed-over unenclosed one storey front porch with stairs at the first storey of an existing single family dwelling notwithstanding that:

1. The roofed over unenclosed one storey porch at the first storey level, including eaves and gutters and stairs, may be permitted to project entirely into a required front yard and shall be 0.0m from the front lot line instead the requirement that a roofed over or screened but otherwise unenclosed one storey porch at the first storey level, including eaves and gutters, may project into a required front yard (being 6.0m) to a distance of not more than 3.0m and every such projecting porch shall be distant at least 1.5m from the front lot line.

**NOTE:**

i) An Encroachment Agreement with the Public Works Department shall be required for the roofed over unenclosed one storey porch at the first storey level, including eaves and gutters and stairs, which encroaches onto the Tom Street road

### **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 enters into an Encroachment Agreement with the City of Hamilton to the satisfaction of the Manager of Development Planning, Heritage and Design.

**DATED AT HAMILTON** this 22nd day of October 2020.

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M. Dudzic (Chairman)

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D. Serwatuk

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L. Gaddy

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D. Smith

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B. Charters

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M. Switzer

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T. Lofchik

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N. Mleczko

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M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 11th, 2020.**

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



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Hamilton City Hall  
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Telephone (905) 546-2424  
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Fax (905) 546-4202

## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-20:177**  
**SUBMISSION NO. A-177/20**

**APPLICATION NO.:** HM/A-20:177

**APPLICANTS:** Owner Susan Bettencourt

**SUBJECT PROPERTY:** Municipal address **11 Fisher Cres., Hamilton**

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

**ZONING:** "C/S-1788" (Urban Protected Residential) district

**PROPOSAL:** To permit the conversion of the existing single-family dwelling to contain a total of two (2) dwelling units, notwithstanding that;

1. A minimum of one (1) parking space shall be permitted instead of the minimum required two (2) parking spaces.

Note: The applicant requested a variance to permit no onsite manoeuvring; however, the variance is not required as manoeuvring is permitted off-site for one (1) parking space.

#### **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 22nd day of October 2020.

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M. Dudzic (Chairman)

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D. Serwatuk

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L. Gaddy

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D. Smith

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B. Charters

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M. Switzer

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T. Lofchik

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N. Mleczko

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M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 11th, 2020.**

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Hamilton City Hall  
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## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-20:140**  
**SUBMISSION NO. A-140/20**

**APPLICATION NO.:** **HM/A-20:140**

**APPLICANTS:** Ken Bekendam on behalf of the owner Neat Nests Inc.

**SUBJECT PROPERTY:** Municipal address **102-104 Wellington St. N., Hamilton**

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

**ZONING:** "D5 and H21" (Downtown Residential (D5) Zone

**PROPOSAL:** To permit the conversion of the existing Semi-Detached Dwelling into a Multiple Dwelling containing eight (8) dwelling units, notwithstanding,

1. A minimum lot area of 254 square metres shall be permitted instead of the minimum required lot area of 300.0 square metres;
2. A minimum lot width of 11.8 metres shall be permitted instead of the minimum required lot width of 12.0 metres;
3. A minimum rear yard of 7.0 metres shall be permitted instead of the minimum required rear yard of 7.5 metres; and,
4. A balcony and exterior stair case at the rear of the building shall be permitted to encroach 3.1 metres into the required rear yard instead of the maximum permitted encroachment of 1.5 metres into a required rear yard for an exterior stair case and the maximum permitted encroachment of 1.0 metres into a required rear yard for a balcony.

#### **NOTES:**

1. Mapping system GISNet shows 102 Wellington St N and 104 Wellington St N to be two separate parcels of land. The applicant shall ensure that the lots are merged in title or registered under identical ownership to allow for consolidated lot development to facilitate the proposed conversion.
2. A further variance will be required if a minimum of 10% of the lot area is not provided as a landscaped area.
3. The variance requested for a further encroachment of an exterior stair case and balcony at the rear of the building is dependent upon approval of the requested variance for a reduced rear yard.

#### **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 22nd day of October, 2020.

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M. Dudzic (Chairman)

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D. Serwatuk

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L. Gaddy

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D. Smith

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B. Charters

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M. Switzer

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T. Lofchik

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N. Mleczko

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M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 11th, 2020.**

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Telephone (905) 546-2424  
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Fax (905) 546-4202

## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-20:134**  
**SUBMISSION NO. A-134/20**

**APPLICATION NO.:** **HM/A-20:134**

**APPLICANTS:** Brent Vanderwoude on behalf of the owner Sean Dowell

**SUBJECT PROPERTY:** Municipal address **175 Montrose Ave., Hamilton**

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

**ZONING:** "C" (Urban Protected Residential, etc.) district

**PROPOSAL:** To permit the construction of a westerly 2.13m (7') x 3.56m (11'8") dormer addition and to convert the existing single-family dwelling to contain two dwelling units and to recognize the location of an existing 5.48m (18'0") x 7.31m (24'0") accessory building (existing garage) notwithstanding that:

1. A minimum floor area of 56m<sup>2</sup> shall be provided for the basement dwelling unit instead of the requirement that each dwelling unit shall have a floor area of at least 65m<sup>2</sup> for a residential conversion.
2. The external appearance of the dwelling shall permitted to be altered by the dormer addition, new windows and doors and blocking of existing windows and doors instead of the requirement that the external appearance and character of the dwelling shall be preserved for a residential conversion.
3. The manoeuvring for the two (2) parking spaces in the rear yard for both dwelling units shall be located partially off-site and on the Malta Drive road allowance instead of the requirement that the manoeuvring for one parking space for one of the dwelling units may be permitted off-site for a residential conversion.
4. A minimum front yard depth of 5.9m shall be recognized instead of the minimum required front yard depth of 6.0m.
5. A minimum easterly side yard of 4.2m shall be recognized for the existing accessory building instead of the minimum required side yard of 6.0m.
6. A minimum westerly side yard width of 1.1m shall be permitted instead of the minimum required westerly side yard width of 1.2m.

**NOTE:**

- i) Be advised that Variance No. 4 is intended to recognize the location of the existing building which appears to be a result due to an error in construction.
- ii) Be advised that the location of basement walkout does not constitute an encroachment into a required yard provided the foundation wall does not project not more than 150 mm above the adjacent grade, with or without a guard. The plans submitted show the foundation



wall projecting 150mm above adjacent grade which conforms to a building policy. Be advised that if this wall projects more than 150mm above adjacent grade, a further variance shall be required for a non-complying westerly side yard width.

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

**DATED AT HAMILTON** this 22nd day of October, 2020.

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M. Dudzic (Chairman)

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D. Serwatuk

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D. Smith

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M. Switzer

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N. Mleczko

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L. Gaddy

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B. Charters

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T. Lofchik

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M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 11th, 2020.**

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## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-19:190**  
**SUBMISSION NO. A-190/19**

**APPLICATION NO.:** HM/A-19:190

**APPLICANTS:** DeFilippis Design on behalf of the owner Reno Aquino

**SUBJECT PROPERTY:** Municipal address **45 Martimas Ave., City of 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 (2) family dwelling under Section 19 (Residential Conversion Requirements) of the Zoning By-law, notwithstanding,

1. A minimum lot area of 262 square metres shall be provided instead of the minimum required lot area of 270 square metres;
2. Alterations to the front façade of the building to remove the existing garage door shall be permitted instead of preserving the external appearance and character of the dwelling;
3. Two (2) parking spaces occupying a maximum of 86% of the gross area of front yard shall be permitted to be located within the required front yard whereas the By-law only permits one (1) parking space occupying a maximum of 50% of the gross area of the front yard to be located within the required front yard;
4. A minimum of 14% of the gross area of the front yard shall be provided as landscaped area instead of providing a minimum of 50% of the gross area of the front yard required to be provided as landscaped area;
5. Off-site manoeuvring shall be permitted for both parking spaces shall be permitted whereas the By-law only permits off-site manoeuvring for one (1) parking space;
6. A minimum parking space size of 2.4 metres in width by 6.0 metres in length shall be permitted instead of providing the minimum required parking space size of 2.7 metres in width by 6.0 metres in length.

#### **NOTES:**

1. A further variance will be provided if a minimum access driveway width of 2.8 metres is not provided.
2. A further variance will be required if gravel or similar surface or other suitable paving is not provided for the parking area and access driveway.

- 3. The applicant shall ensure the minimum clear height as required by the Ontario Building Code is provided for the required floor area in each dwelling unit.
- 4. The variances requested for a reduced lot width and reduced side yard width are not required as this is a Lot of Record and conditions are existing.
- 5. The agent for the applicant has advised that a minimum parking space size length of 6.0 metres shall be provided notwithstanding the revised site plan shows a minimum parking space length of 5.99 metres.

**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 22nd day of October, 2019.

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M. Dudzic (Chairman)

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L. Gaddy

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D. Smith

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W. Pearce

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V. Abraham

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P. Mallard

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N. Mleczko

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M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 11th, 2019.**

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Committee of Adjustment  
Hamilton City Hall  
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Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221  
Fax (905) 546-4202

## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-19:94**  
**SUBMISSION NO. A-94/19**

**APPLICATION NO.:** HM/A-19:94

**APPLICANTS:** Christine Brown on behalf of the owners Karin Weinrebe & Hany Guirguis

**SUBJECT PROPERTY:** Municipal address **205 West 32<sup>nd</sup> St., City of Hamilton**

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

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

**PROPOSAL:** To permit the construction a 1.97m (6'5½") x 3.49m (11'5<sup>3/8</sup>") one storey front addition together with a 3.19m (10'5½") x 7.92m (25'11¾") L-shaped roofed-over unenclosed one storey front porch at the first storey onto an existing single family dwelling notwithstanding that:

1. A minimum front yard depth of 4.1m shall be provided instead of the minimum required front yard depth of 6.0m.
2. A minimum southerly side yard width of 0.5m shall be provided instead of the minimum required side yard width of 1.2m

**NOTE:**

- i) Variance No. 2 is intended to recognize the southerly side yard setback to the existing attached carport. For your information, the southerly side yard setback to the proposed one storey foyer addition and roofed-over one-storey porch at the first storey (being 4.07m) conforms to the existing side yard width regulation of 1.2m

**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 22nd day of October, 2020.

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M. Dudzic (Chairman)

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D. Serwatuk

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L. Gaddy

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D. Smith

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W. Pearce

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V. Abraham

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P. Mallard

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N. Mleczko

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M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 11th, 2020.**

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



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Hamilton City Hall  
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## **COMMITTEE OF ADJUSTMENT**

### **NOTICE OF DECISION**

#### **APPLICATION FOR CONSENT\LAND SEVERANCE**

**APPLICATION NO. GL/B-20:60**  
**SUBMISSION NO. B-60/20**

**APPLICATION NUMBER: GL/B-20:60**

**SUBJECT PROPERTY: 110 Aeropark Blvd., Glanbrook**

**APPLICANT(S):** Webb Planning Consultants on behalf of the owners  
11035380 Canada Inc. & GreyCan 8 Properties Inc.

**PURPOSE OF APPLICATION:** To create land to be leased, for a period greater than  
21 years

**Leased Lands:**  
378m<sup>±</sup> x 200m<sup>±</sup> and an area of 22.7ha<sup>±</sup>

#### **THE DECISION OF THE COMMITTEE IS:**

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

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 22<sup>nd</sup> day of October 2020.

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M. Dudzic (Chairman)

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D. Serwatuk

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L. Gaddy

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D. Smith

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B. Charters

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M. Switzer

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T. Lofchik

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N. Mleczko

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M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS October 29th, 2020.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE  
OF THIS NOTICE OF DECISION (October 29th, 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 **November 18<sup>th</sup>**.

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



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

## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. FL/A-20:188**  
**SUBMISSION NO. A-188/20**

**APPLICATION NO.:** FL/A-20:188

**APPLICANTS:** J. & C. DiCecca

**SUBJECT PROPERTY:** Municipal address **14 Braeheid Ave. Flamborough**

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

**ZONING:** "R4" (Urban Residential) (Semi detached and Link) Zone

**PROPOSAL:** To permit the construction of a proposed inground swimming pool and a shed to be located in the rear yard of the existing single-family dwelling notwithstanding that;

1. A minimum of 1.0 m setback shall be provided for the inground pool on the northerly side lot line abutting the property at 16 Braeheid Avenue; and
2. A minimum of 0.4 m setback shall be provided on the easterly rear lot line abutting the property at 75 Royaledge Way; and
3. A minimum of 0.4 m setback shall be provided on the southerly side lot line abutting the property at 12 Braeheid Avenue.

#### **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 submits a grading plan that demonstrates compliance with the City's Lot Grading Policy to the satisfaction of Development Engineering Approvals.

**DATED AT HAMILTON** this 22nd day of October 2020.

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M. Dudzic (Chairman)



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D. Serwatuk

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L. Gaddy

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D. Smith

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B. Charters

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M. Switzer

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T. Lofchik

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N. Mleczko

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M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 11th, 2020.**

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## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. FL/A-20:186**  
**SUBMISSION NO. A-186/20**

**APPLICATION NO.:** FL/A-20:186

**APPLICANTS:** L. & A. Ancona

**SUBJECT PROPERTY:** Municipal address **460 Con. 10 Rd. E., Flamborough**

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

**ZONING:** "A2" (Rural) district

**PROPOSAL:** To permit the construction of an accessory building comprising 146 square metres located on a residential parcel of land, 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. A maximum gross floor area of 221 square metres and a maximum building height of 7.0 metres shall be permitted for all building's 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 200 square metres and a maximum building height of 6.0 metres.

#### **NOTE:**

1. Construction of the proposed accessory building is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

#### **THE DECISION OF THE COMMITTEE IS:**

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

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

**DATED AT HAMILTON** this 22nd day of October, 2020.

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M. Dudzic (Chairman)

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L. Gaddy

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D. Smith

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B. Charters

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M. Switzer

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T. Lofchik

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N. Mleczko

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M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 11th, 2020.**

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



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> 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-20:185**  
**SUBMISSION NO. A-185/20**

**APPLICATION NO.:** **AN/A-20:185**

**APPLICANTS:** Ian Young, owner

**SUBJECT PROPERTY:** Municipal address **33 Enmore Ave., Ancaster**

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

**ZONING:** "ER" (Existing Residential) district

**PROPOSAL:** To permit the construction of a new 4.06m<sup>2</sup> addition along with an unenclosed porch in the front yard of the existing single detached dwelling notwithstanding that:

1. A minimum front yard setback of 4.7m shall be provided instead of the minimum required front yard of 5.0m

#### **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 22nd day of October 2020.

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M. Dudzic (Chairman)

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D. Serwatak

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D. Smith

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L. Gaddy

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B. Charters

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M. Switzer

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T. Lofchik

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N. Mleczko

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M. Smith

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## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. AN/A-20:190**  
**SUBMISSION NO. A-190/20**

**APPLICATION NO.:** **AN/A-20:190**

**APPLICANTS:** S. Mrmak & M. Vuckovich Mrmak

**SUBJECT PROPERTY:** Municipal address **156 Bookjans Dr., Ancaster**

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

**ZONING:** "R4-648" (Residential) district

**PROPOSAL:** To permit the construction of a new 3.5m<sup>2</sup> (1.4m x 2.5m) accessory building in the westerly side yard of the existing single detached dwelling notwithstanding that:

1. A side yard setback of 0.6m shall be provided instead of the minimum required 1.2m side yard setback.

#### **NOTES:**

i. Please be advised that a maximum building height of 4.5m is permitted for accessory buildings. Additionally, any eaves and gutters associated with the proposed accessory building may project a maximum of 30cm into the required side yard setback. Insufficient information has been provided in order to determine zoning compliance. Further variances may be required if compliance with these provisions 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.

**DATED AT HAMILTON** this 22nd day of October, 2020.

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M. Dudzic (Chairman)

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D. Serwatuk

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L. Gaddy

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D. Smith

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B. Charters

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N. Mleczko

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M. Smith

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## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. AN/A-20:189**  
**SUBMISSION NO. A-189/20**

**APPLICATION NO.:** **AN/A-20:189**

**APPLICANTS:** harrisonarchitecture Inc. on behalf of the owner Brandon V. Smith

**SUBJECT PROPERTY:** Municipal address **3549 Power Line Rd. W., (Ancaster)**

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

**ZONING:** "A1" (Agriculture) district

**PROPOSAL:** To permit the expansion of an existing accessory building comprising 43 square metres of gross floor area located on a residential parcel of land, notwithstanding that;

1. A maximum gross floor area of 321m<sup>2</sup> shall be permitted for all building's 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 200m<sup>2</sup>

**NOTE:**

1. This application is subsequent to variance application No. AN/A-19:325 granted by the Committee at a previous hearing.

2. The building that is the subject of the variance is referred to as a "barn" in the Application but is regarded as an accessory building because the property is used for residential purposes.

3. The portion of the property abutting the southerly side of the accessory building is regulated by the Grand River Conservation Authority and is within the A1 Zone.

#### **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 22nd day of October 2020.



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M. Dudzic (Chairman)

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D. Serwatuk

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L. Gaddy

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D. Smith

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N. Mleczko

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M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 11th, 2020.**

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## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. AN/A-20:185**  
**SUBMISSION NO. A-185/20**

**APPLICATION NO.:** **AN/A-20:185**

**APPLICANTS:** Ian Young, owner

**SUBJECT PROPERTY:** Municipal address **33 Enmore Ave., Ancaster**

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

**ZONING:** "ER" (Existing Residential) district

**PROPOSAL:** To permit the construction of a new 4.06m<sup>2</sup> addition along with an unenclosed porch in the front yard of the existing single detached dwelling notwithstanding that:

1. A minimum front yard setback of 4.7m shall be provided instead of the minimum required front yard of 5.0m

#### **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 22nd day of October 2020.

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M. Dudzic (Chairman)

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D. Serwatak

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D. Smith

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L. Gaddy

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N. Mleczko

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M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 11th, 2020.**

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## COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-20:155  
SUBMISSION NO. A-155/20

**APPLICATION NO.:** AN/A-20:155  
**APPLICANTS:** Nick Carrescia, owner  
**SUBJECT PROPERTY:** Municipal address **148 John Frederick Dr., Ancaster**  
**ZONING BY-LAW:** Zoning By-law 05-200, as Amended by By-law 16-244  
**ZONING:** "I1" (Neighbourhood Institutional) district

**PROPOSAL:** To construct a swimming pool in the front yard of the existing semi-detached dwelling notwithstanding that:

1. The outdoor swimming pool is located in the required front yard at a distance of 1.2m from the front lot line and 1.0m from the northerly side lot line, instead of the requirement that the outdoor swimming pool may be located in any yard except the required front yard and shall be located a minimum of 1.25 metres from any lot line, measured from the water's edge to the lot line.

### 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 22nd day of October 2020.

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M. Dudzic (Chairman)

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M. Smith

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D. Smith

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L. Gaddy

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M. Switzer

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T. Lofchik

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