



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

COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-20:206
SUBMISSION NO. A-206/20

APPLICATION NO.: **AN/A-20:206**

APPLICANTS: Bousfields Inc. c/o David Falletta on behalf of the owner Philip Kuca

SUBJECT PROPERTY: Municipal address **93 Judith Cres., Ancaster**

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

ZONING: "ER" (Existing Residential) district

PROPOSAL: To permit the construction a new single detached dwelling, accessory building (cabana pool house and covered bar) and inground swimming pool in order to facilitate Site Plan Application File No. DAER-20-061 notwithstanding that:

1. A minimum front yard setback of 12.1m which is within 28.25% of the average front yard setback of the one nearest principal dwelling of the interior lot shall be permitted instead of the minimum required front yard of 13.5m which is within 20% of the average front yard setback of the one nearest principal dwelling of the interior lot (being a front yard setback of 16.87m for the abutting lands at 99 Judith Crescent).
2. A minimum side yard setback of 2.9m shall be permitted instead of the minimum required side yard of 3.05m which is 10% of the 30.48m lot frontage.
3. A maximum building height of 9.8m shall be provided for the two (2) storey dwelling instead of the maximum required building height of 9.5m for a two storey dwelling.
4. Eaves and gutters shall be permitted to project into any minimum side yard to a distance of not more than 90cm (0.9m) instead of the requirement that eaves or gutter may project into any minimum side yard a distance of not more than 60 centimetres (0.6m).
5. The manoeuvring space and accessibility to one parking space located within the detached garage may be obstructed by another vehicle in order to allow tandem parking instead of the requirement that the parking facilities shall have adequate access from a street to permit unobstructed ingress and egress of motor vehicles.

NOTE:

- i) The variances are necessary to facilitate Site Plan File No. DAER-20-061.
- ii) The existing single detached dwelling is intended to be demolished.
- iii) Pursuant to Variance No. 3 above, the applicant originally requested a variance in order to allow a maximum building height of 9.65m. Be advised that the "average grade" (being 239.12m) shown on the Site Data indicated on the Site Plan (Rev # 9 dated Oct 13/20) is different from "grade" (being 239.16m) shown on the Elevation Plans A5 (Rev # 3), A6 (Rev # 5), A7 (Rev # 5) and A8 (Rev # 5). Based on the "grades" shown on the

Average Grade Diagram on the Site Plan, the “grade” of the dwelling is 239.02m. As a roof elevation of 248.77m is shown on the Elevation Plans, the building height is actually 9.75m (Determined by: 248.77m [grade at the roof] – 239.02m [grade] = 9.75m).

iv) Pursuant to Variance No. 4 above, the applicant originally requested a variance to permit eaves and gutters to project a maximum of 80 centimetres (0.8 metres) into any minimum side yard. Based on setbacks shown on the Site Plan, the eaves and gutters actually project 0.9m into the easterly side yard (Determined by: 2.94m [east side yard setback] – 2.04m [eave and gutter setback from the east side lot line] = 0.90m [eave and gutter projection]).

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 5th day of November 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

M. Switzer

N. Mleczko

L. Gaddy

B. Charters

T. Lofchik

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 25th, 2020.**

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-20:209
SUBMISSION NO. A-209/20

APPLICATION NO.: **AN/A-20:209**

APPLICANTS: Sergio Manchia on behalf of the owner Paul Valeri

SUBJECT PROPERTY: Municipal address **223 Wilson St. E., Ancaster**

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

ZONING: "C5a and 570" (Mixed Use Medium Density - Pedestrian Focus) district

PROPOSAL: To permit the development of a new 398.44 m² one storey office building notwithstanding that;

1. A minimum westerly side yard of 2.7 m shall be provided instead of the minimum required 7.5 m side yard abutting a residential or institutional zone of lot containing a residential use; and
2. A minimum façade height of 4.7 m shall be provided whereas a minimum of 7.5 m façade height for any portion of a building along a street line is required; and
3. A maximum building height of 9.0 m shall be provided for the first storey whereas the By-Law states that the first storey shall have a minimum height of 3.6 m and a maximum height of 4.5 m; and
4. Tandem parking shall be permitted to be provided on site whereas all required parking shall be provided with adequate means of ingress to and from the street or laneway without the necessity of moving another motor vehicle.
5. To permit tandem parking whereas all required parking shall have a minimum manoeuvring space aisle width of 6.0 m for a parking space designed at 90° angle.
6. To permit 20% of the area of the ground floor façade facing the street shall be composed of doors and windows.

Notes:

These variances are necessary to facilitate Site Plan Control Application DA-20-024.

The applicant requested a variance for 0 short-term bicycle parking spaces; however, the GFA for the proposed office is less than 450.0 m²; therefore, as indicated under Section 5.7 d); no short-term bicycle parking shall be required. As such, this variance is not necessary.

Please be advised that a minimum of 60 % of the area of the ground floor façade facing the street shall be composed of doors and windows. The percentage of front façade which is comprised of windows and doors has not been indicated. Therefore, further variances may be required.

The By-Law states that where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5m wide Planting Strip shall be provided and maintained. A 1.5m wide planting strip as defined is required to be provided along the rear lot line. No planting strip is shown only a landscaped area; therefore, further variances may be required.

A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law. This property abuts an Institutional (I1) zone along the rear property line. No visual barrier has been illustrated; therefore, further variances may be required.

A 3.0m wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle. No details of a 3.0 m wide planting strip is shown between the parking spaces and the street line; therefore, further variances may be required.

Variances have 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 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 5th day of November 2020.

M. Dudzic (Chairman)

D. Serwatak

D. Smith

M. Switzer

N. Mleczko

L. Gaddy

B. Charters

T. Lofchik

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. DN/A-20:213
SUBMISSION NO. A-213/20

APPLICATION NO.: **DN/A-20:213**

APPLICANTS: Jenny Bognar on behalf of the owner Christian Hardy

SUBJECT PROPERTY: Municipal address **24 Thorpe St., Dundas**

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

ZONING: "C5 & 581" (Mixed Use Medium Density) district

PROPOSAL: To the construction of a new southerly addition and carport to the existing legally established non-conforming single detached dwelling, notwithstanding that;

1. The carport and the new southerly addition will further reduce the existing 7.8m southerly side yard to 3.6m whereas the zoning By-law requires that the existing side yard are maintained for the addition.
2. The parking space is located a minimum setback of 1.3m from the street line instead of the minimum 5.8m setback required from a streetline.
3. No onsite manoeuvring shall be provided instead of the minimum 6.0m aisle width required for 90 degree parking.
4. The minimum width of the ground floor façade facing the front lot line shall be 48% of the measurement of the front lot line whereas the zoning By-law states that the minimum ground floor façade facing the front lot line shall be greater than or equal to 75.0% of the measurement of the front lot line.
5. The principal entrance shall be permitted within the ground floor façade that is furthest to the street whereas the zoning By-law requires that one principal entrance is provided within the ground floor façade that is setback closest to a street.
6. A minimum southerly interior side yard of 3.6m shall be permitted instead of the minimum 7.5m side yard required for a lot abutting a residential use.
7. The porch shall be permitted to be located as close as 0.0m from the front lot line whereas the By-law permits an encroachment into any required yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser.
8. An eave, through and other similar architectural features may be permitted as close as 0.0m to the front lot line and to the northerly side lot line whereas the By-law permits a maximum encroachment of 0.6m into a required yard to a maximum of half the distance of the required yard whichever is the lesser.

Former Dundas Zoning By-law 3581-86

9. A minimum 1.39m front yard shall be permitted instead of the minimum 6.0m front yard required.

Notes: The 3.6m southerly side yard shown on the plans cannot be recognized as the "existing side yard" as this yard was lost by discontinuance. The setback to the original

dwelling is not shown; however, it appears to be approximately 7.8m. The applicant shall confirm that the setback of 7.8m to the original dwelling is correct.

The applicant requested a variance to permit a reduced front yard; however, this yard is deemed to comply pursuant to the Hamilton Zoning By-law 05-200, vacuum clause 4.12; as such, a variance is not required.”

The construction of a deck, porches, hot tubs and accessory buildings does not constitute an expansion of a legally established non-conforming use provided that all other applicable zoning standards are met. The covered hot tub, rear deck, shed and front porch conform as shown.

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 5th day of November 2020.

M. Dudzic (Chairman)

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-20:66
SUBMISSION NO. A-66/20

APPLICATION NO.: GL/A-20:66

APPLICANTS: Kalos Engineering Inc., on behalf of the owner Martin Raposa

SUBJECT PROPERTY: Municipal address **3659 Upper James St., (Glanbrook) City of Hamilton**

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

ZONING: "A2" (Rural) Zone

PROPOSAL: To permit the construction of an accessory building (storage building) in the rear yard of the existing single detached dwelling, notwithstanding,

4. A maximum lot coverage of 8.8% shall be permitted for all accessory buildings prior to the demolition of the "existing metal clad buildings to be demolished" and a maximum lot coverage of 5.7% shall be permitted for all accessory buildings upon demolition of the "existing metal clad buildings to be demolished", instead of the maximum permitted lot coverage of 5% of the total lot area for all accessory buildings;

5. A maximum gross floor area 420 square metres shall be permitted for all accessory buildings prior to the demolition of the "existing metal clad buildings to be demolished" and a gross floor area of 304 square metres shall be permitted for all accessory buildings upon demolition of the "existing metal clad buildings to be demolished", instead of the maximum permitted gross floor area of 200.0 square metres for all accessory buildings; and,

6. A maximum building height of 7.7 metres shall be permitted instead of the maximum permitted height of 6.0 metres for an accessory building.

NOTES:

8. The agent for the applicant has advised that the "existing metal cladding buildings to be demolished", noted to provide a total area of 116.20 square metres, may not be demolished prior to the construction of the proposed accessory building. As such, the variances have been requested to reflect site conditions pre-demolition and post-demolition of such accessory buildings.

9. A building permit is required for the construction of the proposed accessory structure. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

10. A demolition permit(s) may be required for the demolition of the existing accessory buildings noted to be demolished.

.../2

11. The requested variances have been written for the use of an accessory building which is accessory to the existing single detached dwelling only. *Accessory*, as defined in the Zoning By-law, *shall mean, when used to describe a use of land, building or structure, shall mean a use which is commonly incidental, subordinate and exclusively devoted to the main use or main building situated on the same lot.* Please be advised, should the intent be to utilize the proposed building for a use other than a building accessory to the existing single detached dwelling further approval will be required.

12. The applicant shall ensure the proposed building height has been provided in accordance with the definition of “*Building Height*” and “*Grade*” as defined within the Zoning By-law.

13. A further variance will be required if the eave and gutter of the proposed accessory building encroach greater than 0.6 metres into the required 1.0 metre northerly side yard setback.

14. The lot area of 3804 square metres obtained from GISNet has been used to determine the proposed lot coverage.

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 5th day of November 2020.

M. Dudzic (Chairman)

D. Smith

L. Gaddy

M. Switzer

T. Lofchik

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-20:99
SUBMISSION NO. A-99/20

APPLICATION NO.: **GL/A-20:99**

APPLICANTS: Owner: 1121209 Ontario Inc.
Agent: Bousfields Inc. c/o D. Falletta

SUBJECT PROPERTY: Municipal address **2064 Rymal Rd. E., Glanbrook**

ZONING BY-LAW: Zoning By-law 464, as Amended by By-law 16-235

ZONING: C3-301 (General Commercial "C3") district

PROPOSAL: To permit an increase to the maximum seating capacity for a Fast Food Restaurant and a Standard Restaurant and to permit a reduced parking rate, notwithstanding,

1. A maximum seating capacity of 120 persons shall be permitted for both a Fast Food Restaurant and a Standard Restaurant instead of the maximum seating capacity of 30 persons for both a Fast Food Restaurant and a Standard Restaurant; and,
2. Parking at a rate of a minimum of one (1) space for every 32 square metres shall be permitted instead of the minimum required parking rate of one (1) parking space for every 24 square metres.

NOTES:

The applicant has advised no modifications are proposed to final approved site plan SPA-19-085, which was approved to permit the development consisting an oil and lube service station, a manual motor vehicle washing establishment, an automatic motor vehicle washing establishment, and a multi-tenant commercial 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 5th day of November 2020.

M. Dudzic (Chairman)

N. Mleczko

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-20:208
SUBMISSION NO. A-208/20

APPLICATION NO.: GL/A-20:208

APPLICANTS: Erin Freeman, owner

SUBJECT PROPERTY: Municipal address **100 Binhaven Blvd., Glanbrook**

ZONING BY-LAW: Zoning By-law 464, as Amended by By-law 07-169

ZONING: "R4-218" (Residential) district

PROPOSAL: To permit a patio deck in the rear yard for an existing inground swimming pool for a single detached dwelling, notwithstanding that:

1. A patio deck shall be permitted to be 0m from the northerly and southerly interior side lot lines instead of the required 1.0 metre setback from interior side lot lines.
2. A patio deck shall be permitted to be 0m from the rear lot line instead of the required 3.0 metre setback.

NOTES:

1. Glanbrook Zoning By-law No. 464 defines patio deck as "a structure accessory to a building with or without roof or walls, which may include visual partitions and railings, and is constructed on piers or a foundation at a minimum of 0.15 metres above-grade."
2. The R4-218 Exception Zone was created under Amending By-law 07-169.
3. Glanbrook Zoning By-law No. 464 defines lot coverage as "the percentage of the lot covered by all buildings but shall not include swimming pools and patio decks." It is further noted that there is no lot coverage requirement for the R4-218 Exception Zone.
4. The variance is written as requested by the applicant.
5. The applicant has confirmed that the proposed patio deck is located along the side and rear lot lines but is not attached to the existing fence.

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 5th day of November 2020.

M. Dudzic (Chairman)

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:156
SUBMISSION NO. A-156/20

APPLICATION NO.: HM/A-20:156

APPLICANTS: Christine Brown on behalf of the owner Paul C. Rennick

SUBJECT PROPERTY: Municipal address **27 Blake St., Hamilton**

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

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

PROPOSAL: To permit the construction of a 2-storey rear addition to the existing single-family dwelling notwithstanding that;

1. A minimum northerly side yard width of 0.9 m shall be provided for the proposed rear addition instead of the minimum required 1.08 m; and
2. Two parking spaces be provided 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 whereas for the purpose of a single-family dwelling only one of the required parking spaces may be located in the front yard; and
3. No manoeuvring space aisle width shall be provided on site for the required parking whereas the Zoning By-Law requires a minimum of 6.0 m manoeuvring space aisle width.

Notes:

Variances # 2, 3, for parking are required and have been included based on the total number of habitable rooms (existing and proposed) for the existing single-family dwelling.

Applicant shall ensure that eaves and gutters do not encroach beyond the property line. If so, applicant shall be required to enter into an encroachment agreement and establish the necessary maintenance easements, which must be properly registered on title with the abutting neighbour.

This application will be heard by the Committee as shown below:

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 5th day of November 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

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-20:161
SUBMISSION NO. A-161/20

APPLICATION NO.: **HM/A-20:161**

APPLICANTS: Steven DiGiandomenico

SUBJECT PROPERTY: Municipal address **667 Upper Sherman Ave., Hamilton**

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

ZONING: C (Urban Protected Residential) district

PROPOSAL: To permit the construction of an attached garage addition in the northerly side yard of the existing single family dwelling notwithstanding that:

1. A minimum northerly side yard width of 0.4m shall be provided instead of the minimum required 1.2m side yard width.
2. Eaves and gutters shall be permitted to project a maximum of 0.45m into the required side yard and may be as close as 0.0m to the side lot line instead of the maximum permitted projection of one-half of the required side yard width.

NOTE:

- i. A minimum front yard depth of 6.0m is required to be provided. The submitted site plan illustrates the proposed addition as being 31' (9.4m) from the front lot line, however it is unclear if this distance has been measured accurately to the actual property line. Please be advised that further variances may be required if the proposed addition is located less than 6.0m from the front property line.

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.

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

1. An Encroachment Agreement and Maintenance Easement shall be required which shall be entered and registered on title for both the lot upon which the eave/gutter is encroaching onto and the subject lot.

DATED AT HAMILTON this 5th day of November 2020.

M. Dudzic (Chairman)

D. Serwatuk

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:200
SUBMISSION NO. A-200/20

APPLICATION NO.: HM/A-20:200

APPLICANTS: GSP Group Inc. c/o Ashley Paton on behalf of the owner The Trustees of Blessings Christian Church

SUBJECT PROPERTY: Municipal address **123 Stanley Ave., Hamilton**

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

ZONING: "I1" (Neighbourhood Institutional) district

PROPOSAL: To facilitate the severance of an existing duplex dwelling from property shared with a place of worship, notwithstanding that:

Parcel to be Severed - Duplex Dwelling

1. The minimum lot area shall be 305 square metres instead of the minimum required lot area of 330 square metres for a duplex in the I1 Zone.
2. The minimum lot width shall be 8.0 metres instead of the required minimum lot width of 12.0 metres for a duplex in the I1 Zone.
3. Manoeuvring for the required parking spaces for a duplex shall be permitted to occur within the laneway whereas ingress and egress of vehicles to a street or laneway shall be provided in a forward motion only and not interfere with the normal public use of a laneway."

NOTES:

1. Parking spaces for the duplex have not been shown on the submitted plan. The Zoning By-law permits tandem parking for a duplex. However, the Zoning By-law does not permit a driveway that exceeds 50% of the lot width. As the provision of separate side-by-side parking would exceed the 50% requirement for driveway width, parking could only be provided in a tandem arrangement. Therefore, the applicant would need to ensure that tandem parking spaces of 5.8m in depth and minimum 5.8 metre manoeuvring space, if required, can be adequately provided in the rear yard for the parcel to be severed or additional variances would be required.
2. The variances are written as requested by the applicant. Please be advised, the lands may be subject to a Site Plan Control Application. As of today's date, a Site Plan Application has not been submitted. Additionally, a fully scaled and dimensioned site plan showing the entire property and parking area was not provided; therefore, a full zoning review could not be conducted. Be advised, further variances may be required at such time that a full zoning review is conducted as noted more specifically in Notes #4 and #5.
3. An eave/gutter may project not more than 0.6 metres into the required easterly side yard of the severed parcel for the duplex dwelling, or to a maximum of half the distance of the required yard, whichever is the lesser. Insufficient details were provided to confirm compliance; as such, additional variances may be required.

4. Parking Information for the existing place of worship was not identified on the site plan for the application and also does not appear to be delineated on site. For the proposed severance of the property, parking for the place of worship is required to be provided based on 1 parking space per 10 square metres of gross floor area (GFA) inclusive of a basement or cellar, to accommodate such use. Therefore, if the place of worship does not meet the required parking for this use based on the building GFA, additional variances shall be required.

5. Additional parking information with respect to the minimum dimensions of parking spaces, the minimum number of barrier free spaces, planting strips, parking space setbacks from a street line and the minimum aisle widths were not identified on the site plan for the retained parcel for the place of worship. Therefore, additional variances may apply if the parking spaces and related requirements for the place of worship do not comply with the the Zoning By-law.

6. The application is being reviewed concurrently with Severance Application HM/B-20:62.

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 5th day of November 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

M. Switzer

N. Mleczko

L. Gaddye

B. Charters

T. Lofchik

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 25th, 2020.**

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



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

COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:205
SUBMISSION NO. A-205/20

APPLICATION NO.: HM/A-20:205

APPLICANTS: Quartek Group (Susan Smyth) on behalf of the owner Craig Karpilow

SUBJECT PROPERTY: Municipal address **19 Father Csilla Terrace, City of Hamilton**

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

ZONING: "DE/S-1223" (Multiple Dwellings (Site-Specific) district

PROPOSAL: To permit the modification of a townhouse dwelling end unit at the southeast corner of the dwelling along the end wall to accommodate a 4.16 square metre addition for an elevator shaft required for mobility/accessibility purposes, notwithstanding that;

1. The distance between two exterior walls containing no windows shall be 3.7 metres instead of the minimum required distance of 4.5 metres.

NOTES:

1. The requested variances is written as requested by the applicant.
2. The variance noted is to modify a provision contained within Site-Specific 1023 for the DE District created under Amending By-law 87-186, as amended by the Ontario Municipal Board for the distance between two exterior end walls where there are no windows.

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 5th day of November 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

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 **November 25th, 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-20:207
SUBMISSION NO. A-207/20

APPLICATION NO.: **HM/A-20:207**

APPLICANTS: Glenn Spencer, owner

SUBJECT PROPERTY: Municipal address **238 East 11th St., Hamilton**

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

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

PROPOSAL: To permit the construction of a roofed-over unenclosed porch addition, including stairs, roof, eaves and gutter, to the easterly side of the existing single family dwelling, notwithstanding,

1. A minimum easterly side yard width of 0.0 metres shall be permitted instead of the minimum required easterly side yard width of 1.2 metres.

NOTES:

1. Pursuant to building permit 11-113304 issued August 12, 2011 for the construction of an accessory structure in the rear yard, the lot line abutting Brucedale Avenue East is deemed to be the front lot line. As such, the lot line abutting East 11th Street is deemed to be a side lot line.

2. As a roofed-over unenclosed porch is not permitted to encroach into a minimum required side yard; therefore, the proposed construction is deemed to be an addition to the existing single family dwelling and principal building setbacks have been applied.

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 5th day of November 2020.

M. Dudzic (Chairman)

D. Smith

D. Serwatuk

L. Gaddye

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 **November 25th, 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-20:210
SUBMISSION NO. A-210/20

APPLICATION NO.: HM/A-20:210

APPLICANTS: Ken Bekendam on behalf of the owner Christopher Micucci

SUBJECT PROPERTY: Municipal address **13 Gibson Ave., Hamilton**

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

ZONING: "D" (Urban Protected Residential - One and Two Family) district

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

1. The minimum lot area for a 2 family dwelling under Section 19 of the Zoning By-law shall be 157 square metres instead of the minimum required 270 square metres.
2. No parking spaces shall be required instead of the minimum required 1 parking space per unit for a converted dwelling.
3. The minimum front yard landscaped area shall be 24% instead of the required 50% front yard minimum landscaped area for a converted dwelling.
4. The minimum driveway width shall be 2.7m instead of the minimum 2.8m driveway width.

NOTES:

1. The requested variances are written as requested by the applicant.
2. The applicant is proposing to establish parking spaces through a Boulevard Parking Agreement with the City (currently under review) as the parking spaces provided on the site plan are undersized. The parking space within the driveway is 5.01 metres in length and the parking space in the front yard is 3.05m in length. As part of the landscaped area of the front yard is being removed, this deficiency is to be addressed through Variance #3.

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. The applicant obtains a Boulevard Parking Agreement to supplement the proposed parking space length to the satisfaction of the Manager of Development Planning, Heritage and Design.

DATED AT HAMILTON this 5th day of November 2020.

M. Dudzic (Chairman)

B. Charters

D. Serwatuk

L. Gaddy

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 **November 25th, 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-20:211
SUBMISSION NO. A-211/20

APPLICATION NO.: HM/A-20:211

APPLICANTS: Ken Bekendam on behalf of the owner Adrian Pannozzo

SUBJECT PROPERTY: Municipal address **886 King St. E., Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 16-265

ZONING: "TOC1" (Mixed Use (TOC1) Zone

PROPOSAL: To permit the conversion of the existing two-storey building to a Multiple Dwelling containing 11 dwelling units, notwithstanding,

1. The finished floor elevation of the ground floor dwelling units shall be permitted to be at grade instead of providing a finished floor elevation of 0.9 metres above grade for all dwelling units; and,

2. No minimum setback to a street shall be required for residential dwelling units on the ground floor level instead of providing a minimum setback of 3.0 metres to a street line for all residential dwelling units on the ground floor level.

NOTES:

1. A further variance will be required if the minimum required amenity area for a Multiple Dwelling in accordance with Section 11.1.3 h) of the Zoning By-law is not provided.

2. A further variance may be required if a Visual Barrier in accordance with Section 4.19 of the Zoning By-law is not provided along the southerly lot line and a portion of the easterly lot line abutting a Residential Zone.

3. A further variance may be required if the number of parking spaces which existed on the date of the passing of the By-law (October 12, 2016) are no longer provided and maintained.

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 5th day of November 2020.

M. Dudzic (Chairman)

M. Switzer

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 25th, 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-20:212
SUBMISSION NO. A-212/20

APPLICATION NO.: HM/A-20:212

APPLICANTS: Ken Bekendem on behalf of Lee Waddell

SUBJECT PROPERTY: Municipal address **40 Harvey St., 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) district

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

1. The minimum lot area for a two family dwelling created under Section 19 of the Zoning By-law shall be 263 square metres instead of the minimum required 270 square metres.

NOTES:

1. The requested 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.
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 5th day of November 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 25th, 2020.**

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



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COMMITTEE OF ADJUSTMENT AMENDED DECISION OF THE COMMITTEE

**APPLICATION NO. HM/A-20:218
SUBMISSION NO. A-218/20**

APPLICATION NO.: HM/A-20:218

APPLICANTS: Owner: Hamilton East Kiwanis Homes c/o Brian Subley
Agent: Tim Welch Consulting c/o Drew Goursky

SUBJECT PROPERTY: Municipal address **6-14 Acorn St., Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 16-265

ZONING: TOC1 district (Transit Oriented Corridor Mixed Use Medium Density)

PROPOSAL: To permit the construction of a multiple dwelling containing a total of sixty (60) dwelling units as per Site Plan application DA-20-007, notwithstanding that;

1. A minimum easterly yard of 20.0m shall be permitted for any portion of the building having a building height above 23.5 m to a maximum of building height of 26.0m whereas the zoning By-law states that the minimum building height shall be equivalently increased as the yard increases beyond the minimum yard requirement when abutting a Residential or Institutional Zone for all portions of a building beyond 11.0m in height.

Notes:

A variance to the easterly yard from the residential zone is required as the maximum height and minimum yard requirements are interdependent in the TOC1 zone.

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 5th day of November 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

M. Smith

B. Charters

N. Mleczko

T. Lofchik

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 25th, 2020.**

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



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. HM/B-20:24
SUBMISSION NO. B-24/20

APPLICATION NUMBER: HM/B-20:24

SUBJECT PROPERTY: 1342 Stone Church Rd. E., Hamilton

APPLICANT(S): P. J. Daly Contracting Limited on behalf of the owner
82 Ferguson Ave., (Hamilton)

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land to be added to adjacent property known as 1320 Stone Church Rd. E.

Severed lands:

an irregular parcel of land having an area of 1.5 acres[±]

Retained lands:

93.034m[±] x 252m[±] and an area of 5.5 acres[±]

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. That, pursuant to subsection 50(12) of the Planning Act, it is hereby stipulated that subsection 50(3) or subsection 50(5) shall apply to any subsequent conveyance of or other transaction involving the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a Solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and that the severed lands, as outlined in the Notice of Hearing, will merge with the abutting parcel to the north, municipally known as 1320 Stone Church Rd E, and become one parcel of land.

3. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division - Building Engineering Section).
4. The owner shall provide confirmation of the existing uses on the lands to be retained in order to determine zoning compliance with the permitted uses of the M3 zone or alternatively apply for and receive final approval of a Zoning By-law Amendment 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 retained, including the location of any existing structures, parking, landscaping, outdoor areas used for storage, display and/or training, 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 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 5th day of November 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS November 12th, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (November 12th, 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 December 2nd 2020.

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



Committee of Adjustment
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71 Main Street West, 5th floor
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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-20:62
SUBMISSION NO. B-62/20

APPLICATION NUMBER: HM/B-20:62

SUBJECT PROPERTY: 123 Stanley Ave., Hamilton

APPLICANT(S): GSP Group Inc. (Ashley Paton) on behalf of the owner The Trustees of Blessings Christian Church

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land containing an existing dwelling (to remain) and to retain a parcel of land containing a church (to remain)

Severed lands:

8.14m[±] x 37.8m[±] and an area of 305m^{2±}

Retained lands:

26.8m[±] x 62.3m[±] and an area of 2,036m^{2±}

**This application will be heard in conjunction with
Minor Variance Application HM/A-20:200**

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 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).

3. The owner shall receive final and binding approval of minor variance application HM/A-20:
4. The owner shall submit survey evidence that the lands to be severed including the location of any access, parking spaces and manoeuvring space, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. That the Owner confirm in writing if the retained lands containing the Place of Worship building is using the municipal address of either 115 Stanley Avenue, or 298 Locke Street South, as described throughout the submitted materials for this application, to the satisfaction of the Senior Director of Growth Management.
6. That the Owner physically affix the determined municipal number or full addresses of the church to either the building or on a sign in accordance with the City's Sign By-law, in a manner that is clearly visible from the road. In addition, the Owner shall provide photos that clearly displays the determined municipal number or full address affixed to the building or on a sign, all to the satisfaction of the Senior Director of Growth Management.
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 5th day of November 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddye

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS November 12th, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (November 12th, 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 **December 2nd.**

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-20:203
SUBMISSION NO. A-203/20

APPLICATION NO.: SC/A-20:203

APPLICANTS: David Cranley, owner

SUBJECT PROPERTY: Municipal address **3 Avalon Ave., Stoney Creek**

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

ZONING: "R2" (Single Residential - Two) district

PROPOSAL: To permit the construction of an unenclosed porch in the side yard on a residential parcel of land, notwithstanding that:

1. A minimum side yard of 1.80 metres shall be provided to the proposed unenclosed porch, instead of the requirement that on a corner lot, the minimum side yard abutting the flankage lot line shall be 3.0 metres.

NOTE:

1. A building permit is required for the construction of the proposed unenclosed porch. Be advised that Ontario Building Code regulations may require specific setback and construction types.

2. Note that as per Stoney Creek Zoning By-law No. 3692-92, in the case of a corner lot, the shorter lot line that abuts the street shall be deemed to be the front lot line (lot line abutting Second Street North) and the longer lot line that abuts a street shall be deemed to be the side lot line (lot line abutting Avalon Avenue).

3. Note that as per Section 4.19.1(d) of Stoney Creek Zoning By-law 3692-92, an unenclosed porch/deck is not permitted to encroach into any required side yard; therefore the variance required is to the principal side yard setback established by Section 6.3.3(d)(3).

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 5th day of November 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **November 25th, 2020.**

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