

# IMPORTANT INFORMATION FOR MINOR VARIANCES

THE LAST DATE OF APPEAL IS:

**December 9, 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:

**December 16, 2020**

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

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

Appeal to L.P.A.T.

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

## COMMITTEE OF ADJUSTMENT

### NOTICE OF DECISION

### CHANGE OF CONDITIONS

#### APPLICATION FOR CONSENT LAND SEVERANCE

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

**APPLICATION NUMBER:** SC/B-20:44

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

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

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

**Severed lands:**

24.20m<sup>±</sup> x 57.81m<sup>±</sup> and an area of 1,399.96m<sup>2±</sup>

**Retained lands:**

16.20m<sup>±</sup> x 57.87m<sup>±</sup> and an area of 937.70m<sup>2±</sup>

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

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

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner/applicant shall satisfy the requirements of the Public Works Department Operations and Maintenance Division, Forestry & Horticulture Section.

3. The owner shall receive final and binding approval of minor variance application SC/A-20:145.
4. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
5. 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 19th day of November 2020.

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M. Dudzic, Chairman

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D. Smith

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D. Serwatuk

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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

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS November 26th, 2020.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE  
OF THIS NOTICE OF DECISION (November 26th, 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 16<sup>th</sup>, 2020.**

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

1. Based on the application being approved and all the conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be assigned the address of 24 Sandbeach Drive (Stoney Creek), and the lands to be retained will be assigned the address of 28 Sandbeach Drive (Stoney Creek).
2. The applicant should be notified that any new driveway or an access entrance, relocation of an existing driveway and/or the access entrance or required alteration to a driveway design or the access entrance, will require a Residential Access Permit. The applicant is responsible for the application fee of the Access Permit, as well as the installation of any new approach ramp/access and or any modification to any existing approach ramp. Abandoned driveway approach ramps must be restored to curb/sidewalk at the expense of the applicant. Further information and applications are available from the Parking Investigator at Hamilton Municipal Parking System (905-546-2424 x4578 or [parking@hamilton.ca](mailto:parking@hamilton.ca)).
3. **"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 Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392)."



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Fax (905) 546-4202

## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. SC/A-20:226**  
**SUBMISSION NO. A-226/20**

**APPLICATION NO.:** SC/A-20:226

**APPLICANTS:** Shane Van Barneveld on behalf of the owner Teresa Thompson

**SUBJECT PROPERTY:** Municipal address **251 McNeilly Rd., Stoney Creek**

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

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

**PROPOSAL:** To permit the construction of a second-storey addition to the existing single detached dwelling, notwithstanding,

1. A minimum northerly side yard of 1.7 metres shall be permitted instead of the minimum required side yard of 3.0 metres; and,

2. The eave and gutter shall be permitted to project 0.8 metres into the required northerly side yard instead of the maximum permitted projection of 0.6 metres into a required yard.

#### **NOTES:**

1. The front lot line is deemed to be the easterly lot line for the purpose of this application.

2. The applicant shall ensure the requested variance for an encroachment into the required northerly side yard is sufficient for the projection of both the eave and gutter.

3. The applicant shall ensure the proposed building height is calculated in accordance with the definition of "Building Height" and "Grade" as defined within the Zoning By-law.

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

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

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

**DATED AT HAMILTON** this 19th day of November, 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 **December 9th, 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-20:72**  
**SUBMISSION NO. B-72/20**

**APPLICATION NUMBER: HM/B-20:72**

**SUBJECT PROPERTY: 80 Bancroft St., Hamilton**

**APPLICANT(S):** Zoltan Engineering on behalf of the owner Brad Andree

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land to be added to 399 Kenora Ave., Hamilton

**Severed lands:**

15m<sup>±</sup> x 64m<sup>±</sup> and an area of 960m<sup>2±</sup>

**Retained lands:**

42.9m<sup>±</sup> x 64m<sup>±</sup> and an area of 2,746m<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. That the applicant receives the necessary variances for 80 Bancroft Street through a successful Minor Variance application to the satisfaction of the Manager of Development Planning, Heritage and Design.
3. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).

4. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
5. 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 19th day of November, 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 November 26th, 2020.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (November 26th, 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 16th , 2020**

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

**NOTE:**

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





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Fax (905) 546-4202

## **COMMITTEE OF ADJUSTMENT**

### **NOTICE OF DECISION**

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

**APPLICATION NO. HM/B-20:65**  
**SUBMISSION NO. B-65/20**

**APPLICATION NUMBER: HM/B-20:65**

**SUBJECT PROPERTY: 1280 Rymal Rd E. and 385 Nebo Rd., Hamilton**

**APPLICANT(S):** Agent Ed Fothergill  
Owner 2531083 Ontario Inc.

**PURPOSE OF APPLICATION:** To create a mortgage/charge over a portion of the property to facilitate phased development.

To be heard in conjunction with HM/B-20:64, HM/B-20:66, and HM/B-20:67.

**Mortgage/charge area: (Part 2)**  
72m<sup>±</sup> x 43m<sup>±</sup> and an area of 0.34 ha<sup>±</sup>

**Retained area: (Parts 3-5)**  
112m<sup>±</sup> x 215m<sup>±</sup> and an area of 3.51 ha<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.
3. 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 19th day of November, 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. Smith

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OF THIS NOTICE OF DECISION (November 26th, 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 16th , 2020

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## **COMMITTEE OF ADJUSTMENT**

### **NOTICE OF DECISION**

#### **APPLICATION FOR CONSENTLAND SEVERANCE**

**APPLICATION NO. HM/B-20:64**  
**SUBMISSION NO. B-64/20**

**APPLICATION NUMBER: HM/B-20:64**

**SUBJECT PROPERTY: 1280 Rymal Rd. E & 385 Nebo Rd., Hamilton**

**APPLICANT(S):** Agent Ed Fothergill  
Owner 2531083 Ontario Inc.

**PURPOSE OF APPLICATION:** To create a mortgage/charge over a portion of the property to facilitate phased development.

To be heard in conjunction with HM/B-20:65, HM/B-20:66, and HM/B-20:67.

**Mortgage/charge area: (Part 1)**  
135m<sup>±</sup> x 124m<sup>±</sup> and an area of 1.51 ha<sup>±</sup>

**Retained area: (Parts 2-5)**  
184m<sup>±</sup> x 215m<sup>±</sup> and an area of 3.83 ha<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.

3. The owner submits to the Committee of Adjustment office an administration fee of \$80.00, 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 19th day of November, 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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OF THIS NOTICE OF DECISION (November 26th, 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 16th , 2020**

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



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## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-20:221**  
**SUBMISSION NO. A-221/20**

**APPLICATION NO.:** HM/A-20:221

**APPLICANTS:** Lee Paule on behalf of the owner John Anastasakis

**SUBJECT PROPERTY:** Municipal address **98 Rosslyn 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 an existing two (2) storey single family dwelling to a two (2) family dwelling, notwithstanding that:

1. The minimum lot area for a two family dwelling shall be 185 square metres instead of the required 270 square metres.
2. No parking shall be required instead of the required one parking space per dwelling unit and two (2) parking spaces in total for a converted two family dwelling.
3. No landscaped area shall be provided in the front yard instead of the required minimum 50% landscaped area for a converted two family dwelling.

#### **NOTES:**

1. The variance for parking has been written as requested by the applicant to address the request for reduced parking. The applicant, however, has modified the variance to request one (1) parking space instead of no parking spaces. The applicant is proposing to provide a 2.7m x 6.0m parking space in the rear yard that is accessible from the alley which will be provided on an updated site plan.
2. Additional variances have been identified through the review of the application to address the reduced lot area requirement for a two family dwelling and also for the reduced landscaped area within the front yard.
3. With respect to Variance #2, as the existing driveway and parking space is located within the road allowance, it would be subject to a Boulevard Parking Agreement.

#### **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.

.../2

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 for the parking space to supplement the proposed parking space length to the satisfaction of the Manager of Development Planning, Heritage and Design.

**DATED AT HAMILTON** this 19th day of November, 2020.

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M. Dudzic (Chairman)

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D. Serwatak

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L. Gaddy

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D. Smith

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M. Switzer

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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 **December 9th, 2020**.

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



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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. GL/A-20:227**  
**SUBMISSION NO. A-227/20**

**APPLICATION NO.:** **GL/A-20:227**

**APPLICANTS:** Hickory Dickory Decks on behalf of the owner Reid McQueen

**SUBJECT PROPERTY:** Municipal address **1455 Golf Club Rd., Glanbrook**

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

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

**PROPOSAL:** To permit the construction of a 33 square metre deck for an above ground pool, notwithstanding that:

1. The distance for the deck from the westerly side lot line shall be 0.5 metres instead of the required 1.25 metres.

#### **NOTES:**

1. Zoning By-law 05-200 requires the minimum setback for a swimming pool to a lot line to be 1.25 metres measured from the waters edge. The requirement is applied typically for in-ground pools in which the associated deck would be slightly above grade. As the proposed deck is for an above ground pool which would be above grade and close to the height of the pool, the pool and deck are considered to be the same unit and the measurement would be taken from the outer edge of the deck instead of the waters edge.

#### **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 19th day of November, 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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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 **December 9th, 2020.**

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





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## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. GL/A-20:224**  
**SUBMISSION NO. A-224/20**

**APPLICATION NO.:** GL/A-20:224

**APPLICANTS:** Owners H. Strikwerda & W. Siebemga

**SUBJECT PROPERTY:** Municipal address **119 Glancaster Rd., Glanbrook**

**ZONING BY-LAW:** Zoning By-law 464, as Amended

**ZONING:** “ER” (Existing Residential) district

**PROPOSAL:** To permit the attached garage within the existing single detached dwelling to be converted into living space notwithstanding that;

A minimum southerly side yard of 1.8 m shall be provided instead of the minimum required side yard of 5.4 m on an interior lot where no attached garage or attached carport is provided.

Notes:

Please note that a minimum of 2 parking spaces are required to be provided on site. No details provided; therefore, further variances may be required.

Tandem Parking is permitted for a single detached dwelling.

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

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

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

**DATED AT HAMILTON** this 19<sup>th</sup> day of November, 2020.

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M. Dudzic (Chairman)

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D. Serwatuk

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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 **December 9th, 2020**.

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## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. GL/A-20:216**  
**SUBMISSION NO. A-216/20**

**APPLICATION NO.:** **GL/A-20:216**

**APPLICANTS:** IBI Group c/o Jared Marcus on behalf of the owner Vicano Developments Ltd.

**SUBJECT PROPERTY:** Municipal address **15 Ambitious Crt., Glanbrook**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended by By-law 10-128

**ZONING:** "M3" (Prestige Business Park (M3) Zone)

**PROPOSAL:** To facilitate the development of a Planned Business Centre consisting of two separate buildings providing a combined total gross floor area of approximately 10,670 square metres, notwithstanding,

1. A warehouse use shall be permitted to provide an accessory retail area, to a maximum of 25% of the gross floor area of an individual tenant space, whereas a warehouse use, as defined within the Zoning By-law, does not permit the retailing of goods to the general public;

2. Mechanical and unitary equipment (hydro transformer) which is not screened from the street shall be permitted to be located 0.0 metres from the street line instead of providing a minimum setback of 3.0 metres from a street line to a hydro transformer which is screened from the street by an enclosure or landscaping; and,

3. A hydro transformer shall be permitted to be located within a required landscaped area and/or planting strip area abutting the street, whereas a landscaped area and a planting strip area, as defined within the Zoning By-law, does not permit the location of a hydro transformer there within.

#### **NOTES:**

1. These variances are necessary to facilitate Site Plan application DA-20-034. The applicant shall ensure all other zoning requirements, as outlined in Building Division comments dated August 24, 2020 can be complied with.

#### **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 19<sup>th</sup> day of November, 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 **December 9th, 2020.**

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## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. FL/A-20:223**  
**SUBMISSION NO. A-223/20**

**APPLICATION NO.:** FL/A-20:223

**APPLICANTS:** Zoltan Engineering on behalf of the owner Brad Andree

**SUBJECT PROPERTY:** Municipal address **9 Haines Ave., Flamborough**

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

**ZONING:** "S1" (Settlement Residential (S1) Zone

**PROPOSAL:** To permit the construction of a 5.77m (18'11") x 12.34m (40'6") northerly 66.4m<sup>2</sup> addition, a 4.01m (13'2") x 6.1m (20'0") westerly 23.9m<sup>2</sup> front addition, a 4.27m (14'0") x 5.39m (17'8") easterly 23m<sup>2</sup> rear addition, a front covered porch and a rear covered porch onto the existing single detached dwelling and to recognize the location of an existing 49.42m<sup>2</sup> (532 sq.ft.) accessory building notwithstanding that:

1. A minimum front yard of 7.0m shall be provided instead of the minimum required front yard of 7.5m.
2. A minimum northerly side yard of 1.0m and a minimum southerly side yard of 2.2m shall be provided for the single detached dwelling instead of the minimum required side yard of 3.0m.
3. No maximum parking space size shall be required instead of the maximum required parking space size of 3.0m wide x 6.0m long.
4. A minimum northerly side yard of 2.1m shall be provided for the existing accessory building instead of the minimum required side yard of 3.0m.
5. A minimum rear yard of 3.0m shall be provided for the existing accessory building instead of the minimum required rear yard of 7.5m.

**NOTE:**

i) Pursuant to Variance # 3, the new parking space regulations (which are under appeal to the Local Planning Appeals Tribunal) require a minimum parking space size of 3.3m wide x 5.8m long within the attached garage which has been provided. The existing parking space regulations require a minimum parking space size of 2.6m wide x 5.5m long and a maximum parking space size of 3.0m wide x 6.0m long.

**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. Development Approvals will require a grading plan that shows all existing grades and all proposed grades due to the new additions, to ensure that the existing drainage pattern is being maintained.

**DATED AT HAMILTON** this 19<sup>th</sup> day of November, 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 **December 9th, 2020.**

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## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. FL/A-20:222**  
**SUBMISSION NO. A-222/20**

**APPLICATION NO.:** FL/A-20:222

**APPLICANTS:** Owner 2708796 Ontario Inc.

**SUBJECT PROPERTY:** Municipal address **1064 Hwy 6, Flamborough**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended by By-law 15-173 & 19-062

**ZONING:** "E2, 249" (Existing Rural Industrial) (E2) Zone

**PROPOSAL:** To permit an accessory retail sales area, including an associated showroom and offices, within a building containing manufacturing and warehousing notwithstanding that:

1. A maximum of 20% of the gross floor area of the building shall be permitted to be used for accessory retail sales including an associated showroom and offices of the instead of the requirement a maximum area permitted for accessory retail sales shall not exceed 10% of the gross floor area of the permitted use.

#### **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 19<sup>th</sup> day of November, 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. FL/A-20:220**  
**SUBMISSION NO. A-220/20**

**APPLICATION NO.:** FL/A-20:220

**APPLICANTS:** Jay Hart & Scott Ingle on behalf of the owner Anne McDougal

**SUBJECT PROPERTY:** Municipal address **1751 Concession 2 Rd. W., Flamborough**

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

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

**PROPOSAL:** To permit the expansion of an existing agriculture building ("horse stable") comprising 348 square metres of gross floor area, notwithstanding that;

1. That the minimum distance separation for the proposed expansion of the existing agriculture building shall be 59 metres to an existing single detached dwelling located on an adjacent property, instead of the requirement that minimum distance separation be 68 metres, as established by the Province.

#### **NOTE:**

1. Variances have been written exactly as requested by the applicant.
2. Please be advised that a portion of this property is under Conservation Management. Please contact Grand River Conservation at 519-621-2761 for further information.
3. This property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit [www.hamilton.ca/heritageplanning](http://www.hamilton.ca/heritageplanning) for further information
4. A building permit is required for the construction of the proposed building addition. 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 19th day of November, 2020.

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M. Dudzic (Chairman)

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D. Serwatak

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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 **December 9th, 2020.**

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## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. DN/A-20:215**  
**SUBMISSION NO. A-215/20**

**APPLICATION NO.:** **DN/A-20:215**

**APPLICANTS:** James Ling on behalf of the owner A. Kroeker & S. Joyce

**SUBJECT PROPERTY:** Municipal address **278 Park St. W., Dundas**

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

**ZONING:** "R2" (Single Detached Residential) Zone (R2)

**PROPOSAL:** To permit the construction of a two storey 6.2m (20'4") x 12.52m (41'1") rear addition, to re-construct a 1.57m (5'2") x 2.13m (8'0") roofed-over unenclosed one-storey front porch at the first storey level, including eaves and gutters and stairs and to construct a 3.05m (10'0") x 3.28m (10'9") roofed-over unenclosed one-storey rear porch at the first storey level, including eaves and gutters and stairs onto an existing single detached dwelling and to recognize the location of an existing accessory building (shed) notwithstanding that:

1. A minimum westerly side yard of 1.2m shall be permitted instead of the minimum required side yard of 5.0 metres on one side of an interior lot upon which there is no garage or carport.
2. The roofed-over unenclosed one-storey front porch at the first storey level, including stairs, eaves and gutters, may project into a required front yard a distance of not more than 4.9m so that the projecting porch shall be distant at least 1.1m metres from the front lot line instead of 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 to a distance of not more than 3.0m, and every such projecting porch shall be distant at least 4.0 metres from the front lot line.
3. A minimum parking space size of 2.5m wide x 6.0m long shall be provided instead of the minimum required parking space size of 2.7m wide x 6.0m long.
4. A minimum access driveway width of 2.5m shall be provided instead of the minimum required driveway width of 2.8m.
5. A minimum setback of 1.2m from the easterly side lot line shall be recognized for the existing accessory building (existing shed) and the principal dwelling shall have a minimum side yard on one side of 1.2m instead of the requirement for an accessory building on properties where a garage does not form part of a principle dwelling shall be a minimum of 2.0m from a side lot line and the principle dwelling must have minimum side yard, on one side of an internal lot, of 3.0 metres.

6. A minimum setback of 1.1m from the rear lot line shall be recognized for the existing accessory building (existing shed) instead of the requirement for an accessory building on properties where a garage does not form part of a principle dwelling shall be a minimum of 2.0m from a rear lot line.

NOTE:

- i) Variances are not required for the existing front yard and existing side yards for the existing portion of the single detached dwelling as these setbacks are not being altered and are considered to be legally established non-complying.
- ii) A variance is not required to the minimum number of parking spaces as one (1) parking space is required and has been provided.

**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.

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

- 1. The applicant provides additional information on how they intend to handle the increased stormwater runoff/impervious area of the site to ensure no additional runoff will drain towards adjacent properties, to the satisfaction of the Manager of Development Approvals. This will require a Grading Plan showing existing and proposed grades due to the proposed addition, as well as a Stormwater Management Brief/Strategy indicating how the increased stormwater runoff will be addressed.

**DATED AT HAMILTON** this 19<sup>th</sup> day of November, 2020.

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M. Dudzic (Chairman)

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D. Serwatuk

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D. Smith

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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 **December 9th, 2020.**

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



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## COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

**APPLICATION NO. AN/A-20:228**  
**SUBMISSION NO. A-228/20**

**APPLICATION NO.:** AN/A-20:228  
**APPLICANTS:** Green Park Services on behalf of the owner Daniel Zeiter  
**SUBJECT PROPERTY:** Municipal address **489 Ontario St., Ancaster**  
**ZONING BY-LAW:** Zoning By-law 87-57, as Amended  
**ZONING:** "A" (Agricultural) district  
**PROPOSAL:** To permit the construction of an accessory building (private garage) for the existing single detached dwelling, notwithstanding that;

1. The existing dwelling and uses, buildings and structures accessory to the dwelling shall be permitted on the subject property notwithstanding that it is not a lot and whereas no building or structure shall be permitted to be erected or placed except upon a lot.
2. A maximum building height of 7.9m shall be permitted for the proposed accessory building instead of the maximum 4.5m building height permitted.
3. No lot frontage shall be permitted instead of the minimum 30.0m lot frontage required.
4. A maximum lot coverage of 456.0m<sup>2</sup> shall be permitted instead of the maximum 400.0m<sup>2</sup> lot coverage permitted for a lot with an area up to 4 hectares.

Notes: This property does not appear to front on a street that has been opened and assumed for public use; as such, cannot be considered a lot as defined. Please note that the most restrictive yard requirements shall be applicable as front, rear and side lot lines cannot be determined.

The submitted elevation plans are illegible; therefore, the applicant shall ensure that the height variance requested is correct and has been measured according to building height as defined. Otherwise, additional variances will be required.

The applicant shall ensure that that minimum required 2.6m x 5.5m parking space size is maintained for parking spaces within the private garage. Otherwise, additional variances shall be required.

### 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.

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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 19th day of November, 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. Switzer

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T. Lofchik

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N. Mleczko

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B. Charters

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **December 9th, 2020**.

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## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. AN/A-20:219**  
**SUBMISSION NO. A-219/20**

**APPLICATION NO.:** **AN/A-20:219**

**APPLICANTS:** Christine Brown on behalf of the owner D. & K. Lenarduzzi

**SUBJECT PROPERTY:** Municipal address **372 Philip Pl. Ancaster**

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

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

**PROPOSAL:** To a rear yard addition to the existing single detached dwelling notwithstanding that;

1. A minimum rear yard setback of 6.3 m shall be provided instead of the minimum required 13.2 m rear yard setback or 30 percent of the lot depth.

Notes:

(1) A minimum of one metre within the rear yard shall be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.

#### **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 19th day of November, 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

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **December 9th, 2020.**

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