

IMPORTANT INFORMATION FOR MINOR VARIANCES

THE LAST DATE OF APPEAL IS:

December 23, 2020

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

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

Appeal to L.P.A.T.

45(12) The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the *Local Planning Appeal Tribunal Act, 2017* as payable on an appeal from a committee of adjustment to the Tribunal. *Planning Act, R.S.O. 1990*

Where no appeal

45(14) If within such 20 days no notice of appeal is given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality. *Planning Act, R.S.O. 1990*

APPEALS MAY BE FILED:

1. BY MAIL/COURIER ONLY

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

2. BY EMAIL AND MAIL/COURIER

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

Questions or Information:

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

IMPORTANT INFORMATION FOR CONSENTS

THE LAST DATE OF APPEAL IS:

December 30, 2020

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

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

Appeal to L.P.A.T.

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

Where no appeal

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

Where delegation

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

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 - a copy of the notice of appeal;
 - a copy of the LPAT appeal form;
 - a copy of the certified cheque or money order.
- 2.4 Physical appeal package must contain all information as noted in Section 1.3

Questions or Information:

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



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

COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-20:245
SUBMISSION NO. A-245/20

APPLICATION NO.: **AN/A-20:245**

APPLICANTS: A.J. Clarke & Associates on behalf of the owner Marz Homes Inc.

SUBJECT PROPERTY: Municipal address **69-105 Beasley Grove, Ancaster**

ZONING BY-LAW: Zoning By-law 87-57, as Amended by By-law 16-068

ZONING: "RM2-669" (Residential Multiple "RM2" Zone)

PROPOSAL: To permit the construction of street townhouses on lots/units to be known municipally as 69 – 105 Beasley Grove notwithstanding that:

1. A minimum lot depth of 28.6m shall be provided instead of the minimum required lot depth of 29.0m.

NOTE:

- i) Building and Elevation Plans were not submitted.

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

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

DATED AT HAMILTON this 3rd day of December, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

L. Gaddy

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 **December 23rd, 2020.**

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. DN/A-20:232
SUBMISSION NO. A-232/20

APPLICATION NO.: **DN/A-20:232**

APPLICANTS: Justin Ells

SUBJECT PROPERTY: Municipal address **10 Central Park Ave., Dundas**

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

ZONING: "R2-FP" (Single Detached Residential) district

PROPOSAL: To permit the construction of a new uncovered porch with steps for the existing single detached dwelling, notwithstanding that;

1. The uncovered porch and stairs shall be permitted to be located as close as 1.8m from the nearest street line instead of the minimum required 4.0m setback from the nearest street line.

Notes: The applicant shall ensure that the front yard shall have a minimum of 50.0% as landscaped area; otherwise, further variances shall be required.

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

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

DATED AT HAMILTON this 3rd day of December, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

L. Gaddye

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. FL/A-20:238
SUBMISSION NO. A-238/20

APPLICATION NO.: FL/A-20:238

APPLICANTS: Jeff Markowiak on behalf of the owner Mark Markowiak

SUBJECT PROPERTY: Municipal address **217 Mill St. N., Flamborough**

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

ZONING: "R1-2" (Urban Residential – Single Detached) district

PROPOSAL: To permit the development of a two-storey addition to an existing single detached dwelling comprising 44.76 square metres of gross floor area, and a covered porch at the rear of the dwelling located on a residential parcel of land, notwithstanding that:

3. A minimum 0.63 metres north-easterly interior side yard shall be permitted instead of the minimum required 1.2 metres setback.
4. An eave/gutter shall be permitted to project a maximum of 1.18 m into the required north-easterly interior side yard and may be as close as 0.02 m to the north-easterly lot line instead of the maximum 0.65 m projection permitted.

NOTE:

2. A building permit is required for the proposed development. Be advised that Ontario Building Code regulations may require specific setback and construction types.

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

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

That the said application IS GRANTED subject to the following condition(s):

1. That the applicant shall demonstrate no stormwater runoff will be draining onto the adjacent properties and that the runoff from the rear addition and deck will drain towards the rear (northerly), to the satisfaction of Manager of Development Approvals.

DATED AT HAMILTON this 3rd day of December, 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 **December 23rd, 2020.**

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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. FL/B-20:73
SUBMISSION NO. B-73/20

APPLICATION NUMBER: FL/B-20:73

SUBJECT PROPERTY: 2390 Hwy 5 W., Flamborough

APPLICANT(S): Agent Ian Jonkman
Owner Andy & Jenny Jonkman

PURPOSE OF APPLICATION: To permit the conveyance of a vacant parcel of to be added onto the property known as 2408 Hwy 5 W. as shown on the attached sketch.

Severed lands:
60.9m[±] x 106.9m[±] and an area of 0.6 ha[±]

Retained lands:
347.5m[±] x 159.9m[±] and an area of 4.7 ha[±]

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 Rural 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.
5. The submissions made regarding this matter did not affect the decision.

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 applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
3. The applicant shall submit and receive final and binding approval of an Official Plan Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.

4. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering 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 3rd day of December, 2020.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddye

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mieczko

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 10th, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (December 10th, 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 30th, 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-20:77
SUBMISSION NO. A-77/20

APPLICATION NO.: HM/A-20:77

APPLICANTS: David Wilson on behalf of the owner Skyway Construction Group Inc. c/o Greg Hart

SUBJECT PROPERTY: Municipal address **125 Mount Albion Rd., City of Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 73-152

ZONING: "C" (Urban Protected Residential) district

PROPOSAL: To expand the legal non-conforming use of a 6-unit Multiple Dwelling to have an increased gross floor area of 676 square metres, notwithstanding that:

1. The northerly parking area shall be located 1.5 metres from the common boundary between the Multiple Dwelling and the C District instead of the 3.0 metres required between the common boundary between the district in which the multiple dwelling is located and the district that does not permit such uses.
2. The southerly parking area shall be located 0.0 metres from the common boundary between the Multiple Dwelling and the C District instead of the 3.0 metres required between the common boundary between the district in which the multiple dwelling is located and the district that does not permit such uses.
3. The building height shall be three (3) storeys instead of the maximum two and a half storeys for the C District.

NOTES:

1. The applicant has advised that a 1.5m planting strip will be provided for the northerly parking area as per Section 18(25) of the Zoning By-law for a parking area containing more than 5 parking spaces and for a parking area containing a loading space.
2. The existing building is recognized as a legally existing non-conforming 6 unit Multiple Dwelling.
3. Illumination of the parking area shall be provided in accordance with Section 18A.(13); "Illumination is provided for a parking area or loading space the illumination shall be directed towards or on the lot on which the parking area is located and away from, (a) any adjacent use; (b) any highway".

Two visitors parking spaces are required for the Legal Non-Conforming 6-unit Multiple Dwelling. Visitor parking spaces shall be provided in accordance with Section 18A.(16); "Each required visitor parking space shall, (a) be maintained for the exclusive use of visitors; and (b) have a sign appurtenant thereto legibly marked that the parking space is for the exclusive use of visitors; and (c) be maintained readily accessible to visitors and free and clear of all obstructions."

4. Manoeuvring space shall be provided in accordance with Section 18A.(22); "All

manoeuvring spaces shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces.”

- 5. The loading space shall be provided in accordance with Section 18A.(32); “Sufficient space additional to required loading space shall be provided and maintained on the same lot on which the loading space is located, in such a manner as to enable each and every loading space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.”
- 6. The loading space shall be provided in accordance with Section 18A.(33); “Every loading space shall be provided and maintained to permit commercial motor vehicles to move readily and without hindrance between the loading space and an access driveway.”
- 7. The parking area provided along the northerly side lot line shall be provided in accordance with Section 18A.(24)(b)(iii)(iv); “Markings on the surface of the parking area delineating the separate parking spaces; and bumpers or wheel barriers to prevent physical encroachment beyond the parking area except at the entrance to and exit from the parking area.
- 8. The variance for building height in terms of the number of storeys is to address additional floorspace that is proposed between existing dormers that would create a third storey, whereas the C District is limited to buildings up to a maximum building height of 2-1/2 storeys.

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

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

DATED AT HAMILTON this 3rd day of December, 2020.

M. Dudzic (Chairman)

M. Smith

D. Serwatuk

L. Gaddy

D. Smith

N. Mleczko

M. Switzer

T. Lofchik

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:201
SUBMISSION NO. A-201/20

APPLICATION NO.: HM/A-20:201

APPLICANTS: DeFilippis Design on behalf of the owner Nermin Zunic

SUBJECT PROPERTY: Municipal address **313 Osborne St., Hamilton**

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

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

PROPOSAL: To permit the construction an entire 7.98m (26'2") x 10.06m (33'0") second (2nd) storey addition, a 1.80m (5'11") x 3.35m (11'0") two (2) storey addition on the area formerly occupied by an unenclosed deck (porch) and also to construct a roofed-over unenclosed one storey front porch at the first storey onto the existing single family dwelling notwithstanding that:

1. A minimum front yard depth of 3.2m shall be permitted instead of the minimum required front yard depth of 6.0m.
2. A minimum southerly side yard width of 0.3m and a minimum northerly side yard width of 0.75m shall be permitted instead of the minimum required side yard width of 0.914m.
3. Eaves and gutters shall be permitted to project into the required 0.3m southerly side yard not more than 0.3m so that they shall be 0.0m from the southerly side lot line and eaves and gutters shall be permitted to project into the required 0.75m northerly side yard not more than 0.4m so that they shall be at least 0.35m from the northerly side lot line instead of the requirement that eaves or gutter may project not more into the required side yard (being 0.914m) not more than half of its required width (being 0.45m).
4. A minimum of 45% of the gross area of the front yard shall be used for a landscaped area instead of the requirement that not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
5. One (1) parking space shall be provided instead of the minimum required three (3) parking spaces.
6. A minimum access driveway width of 2.7m shall be provided instead of the minimum required access driveway width of 2.8m.

NOTE:

- i) Pursuant to Variance # 2 above, as this is a lot of record Section 18(3)(v) "Abatement of Yards for a Lot of Record" of Hamilton Zoning By-law No. 6593 allows a single family dwelling to erected upon it provided that each side yard has a width of at least ten per cent of the width of the lot, but in no case less than 0.9 metres. As such, based on a lot width of 9.144m, a minimum side yard of 0.914m is required.

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

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

That the said application IS GRANTED subject to the following condition(s):

1. That approval of Variance 1 be tied to the submitted Site Plan and Elevation drawings to the satisfaction of the Manager of Development Planning, Heritage and Design.

DATED AT HAMILTON this 3rd day of December, 2020.

M. Dudzic (Chairman)

N. Mleczko

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:233
SUBMISSION NO. A-233/20

APPLICATION NO.: **HM/A-20:233**

APPLICANTS: Sadee Piper on behalf of the owner Vikram Prabhu

SUBJECT PROPERTY: Municipal address **11 Gage Ave. N., Hamilton**

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

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

PROPOSAL: To permit the conversion of a single family dwelling to create a second dwelling unit under Section 19 of the Zoning By-law, notwithstanding that:

3. The minimum floor area for a dwelling unit shall be 57 square metres instead of the required minimum floor area of 65 square metres within a converted dwelling.

4. An existing balcony may encroach a maximum distance of 4.0 metres into the required 7.5 rear yard instead of the required 1.0 metre encroachment.

NOTES:

1. The variances are written as requested by the applicant. Additional variances were identified through the review to address the minimum lot area requirement and the existing balcony projection.

2. The dwelling was constructed in 1920 and is considered to be legally established non-complying in the C District with respect to minimum lot area, lot width, front yard, the northerly side yard and the rear yard.

3. With respect to Variance #4, it appears that the existing second floor balcony was constructed by a previous owner without the required permits and minor variance approval between 2010 and 2015.

4. A revised site plan has been submitted for this application.

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

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

4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 3rd day of December, 2020.

M. Dudzic (Chairman)

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:235
SUBMISSION NO. A-235/20

APPLICATION NO.: **HM/A-20:235**

APPLICANTS: A.J. Clarke & Associates on behalf of the owner Hamilton GP Inc.

SUBJECT PROPERTY: Municipal address **1 Jarvis St., Hamilton**

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

ZONING: "D1" (Downtown Central Business District (D1) Zone

PROPOSAL: To permit the construction of a 14 storey Multiple Dwelling containing 354 dwelling units, 259.5 square metres of ground floor commercial uses, and a three (3) level parking facility contained within the building, notwithstanding,

1. A minimum 2.5 metres setback shall be permitted from the building base façade height of 16.0 metres instead of providing the minimum required 3.0 metre setback from the building base façade height of 16.0 metres;
2. The requirements of Section 6.0 c) iii) of the Zoning By-law, which requires additional setbacks for any portion of a building exceeding 44.0 metres, shall not apply notwithstanding the height of the proposed building is 44.5 metres;
4. A maximum building height of 44.5 metres shall be permitted instead of the maximum permitted building height of 44.0 metres;
4. Mechanical and unitary equipment (hydro transformer) shall not be required to be screened from the street instead of screening mechanical and unitary equipment from the street by an enclosure or landscaping; and,
5. A minimum parking space size of 2.6 metres in width by 5.5 metres in length shall be permitted for parking spaces designated to "compact" vehicles and a minimum parking space size of 2.8 metres in width by 5.8 metres in length shall be permitted for all other parking spaces, except barrier free parking spaces, instead of providing the minimum required parking space size of 3.0 metres in width by 5.8 metres in length.

NOTES:

1. These variances are necessary to facilities site plan application DA-20-035. The applicant shall ensure compliance with all other zoning requirements outline in Building Division comments dated October 15, 2020.
2. Pursuant to Schedule "F" – Special Figure 15 of the Zoning By-law, a building base façade height of 16.0 metres is required for the building façade facing Ferguson Avenue North and Jarvis Street.

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

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

.../2

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

That the said application IS GRANTED subject to the following condition(s):

- 1. That approval of Variance 1, 2 and 3 be tied to the submitted Elevation drawings to the satisfaction of the Manager of Development Planning, Heritage and Design.

DATED AT HAMILTON this 3rd day of December, 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 **December 23rd, 2020.**

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



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424
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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:237
SUBMISSION NO. A-237/20

APPLICATION NO.: HM/A-20:237

APPLICANTS: Bousfields Inc., on behalf of the owner Leggat Investments Ltd.

SUBJECT PROPERTY: Municipal address **191 King St. W. & 22 Bay St. S., Hamilton**

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

ZONING: “D2” (Downtown Mixed Use – Pedestrian Focus) district

PROPOSAL: To permit the construction of a 30-storey tower above 2 to 9 storey podium multiple dwelling with accessory Mc Master University Graduate Students Residence and the future development of 22 Bay Street South notwithstanding that;

1. Notwithstanding the definition of “Lot” in Section 3 and the consolidated lot regulation in 4.16 a), the lands located at 191 King Street West and 22 Bay Street South will be deemed a lot and the internal lot lines shall not be construed to be lot lines for the purpose of any zoning regulations provided that all applicable regulations of By-Law 05-200 to the consolidated lot development and its external lot lines are complied with; and

2. To permit a 9.1 m building setback from a street line to be permitted whereas the By-Law requires that a building setback from a street line be a maximum of 2.0 m for any portion of a building below 11.0 m in height, except where a visibility triangle shall be provided for a driveway access; and

3. That no principle entrance shall be provided within the ground floor building façade setback the least distance from a street, whereas a minimum of one principle entrance shall be provided within the ground floor building façade setback the least distance from a street is required; and

4. A minimum 9.0 m setback from the side yard lot line be permitted for the south tower along the side yard abutting 10 George Street, whereas the By-Law requires for any portion of building exceeding 44.0 m in height be a minimum of 12.5 m from all side and rear lot lines; and

5. A 20.0 m tower separation distance be provided between the towers on the subject site, whereas the By-Law requires for any portion of building exceeding 44.0 m in height a distance of 25.0 m shall be provided between exterior wall on the same property; and

6. A 3.575 m ground floor storey height and a 2.8 m 3rd storey height be permitted, whereas the ground floor storey shall be no less than 3.6 m in height and no greater than 4.5 m in height and that the second and third storeys shall each be no less than 3.0 m in height and no greater than 4.0 m in height; and

7. Where a column is located abutting or within any parking space within an above ground or underground parking structure, the minimum clearance shall be 50mm,

whereas the By-Law requires that where a wall, column, or any other obstruction is located abutting or within any parking structure, the minimum width of a parking space shall be increased by 0.3 m; and

Notes:

Variances have been written exactly as requested by the applicant. This property is subject to Site Plan Control application DA-20-058; to date, no formal re-circulation has been submitted by the applicant and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.

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

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

DATED AT HAMILTON this 3rd day of December, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

M. Switzer

N. Mleczko

L. Gaddye

B. Charters

T. Lofchik

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **December 23rd, 2020.**

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:239
SUBMISSION NO. A-239/20

APPLICATION NO.: **HM/A-20:239**

APPLICANTS: Carrothers & Associates on behalf of the owners Z. Fleming & S. Anstey

SUBJECT PROPERTY: Municipal address **215 George St., Hamilton**

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

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

PROPOSAL: To permit the construction of a 2-storey rear addition, the replacement of the existing roof with the construction of a new roof, roof shingles, fascia, eaves and soffits and the construction of a roofed over unenclosed patio at the rear of the existing single-family dwelling notwithstanding that;

1. A minimum easterly side yard width of 0.9 m shall be provided for the proposed addition instead of the minimum required side yard width of 1.2 m; and
2. Eaves and gutters shall be permitted to encroach the entire width of the easterly side lot line instead of the maximum permitted encroachment of one half the width of the required side yard or 1.0 m whichever is the lesser; and
3. A minimum side yard width of 1.1 m shall be provided for the proposed new roofed-over unenclosed patio at the rear of the proposed addition instead of the minimum required side yard width of 1.2 m; and
4. To permit the replacement of the existing roof to provide a minimum 0.4 m front yard depth instead of the minimum required 6.0 m front yard depth; and
5. To permit the replacement of the existing roof to provide a minimum 0.5 m easterly side yard width instead of the minimum required 1.2 m side yard width; and
6. Eaves and gutters shall be permitted to encroach the entire depth of the front yard and be 0.0 m from the front lot line instead of the maximum permitted encroachment of 1.5 m into a required front yard while providing a minimum distance of 1.5 m to the front lot line; and

Notes:

An Encroachment Agreement with the Public Works Department may be required for the existing **front porch and existing stone walkway** shown to encroach on the Road Allowance. For further information, please contact encroachment@hamilton.ca.

Details regarding the eave and gutter encroachment have not been provided. As such, the variances have been requested to encroach the entire depth or width of the minimum required yard.

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

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

DATED AT HAMILTON this 3rd day of December, 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 **December 23rd, 2020.**

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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-20:241
SUBMISSION NO. A-241/20

APPLICATION NO.: **HM/A-20:241**

APPLICANTS: James Ling on behalf of the owner Stephen De Wetter

SUBJECT PROPERTY: Municipal address **132 Stanley Ave., Hamilton**

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

ZONING: "D/S-1787" (Urban Protected Residential - 1 & 2 Family Dwellings etc.) district

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

1. A minimum westerly side yard width of 0.3m shall be permitted instead of the minimum 0.9m side yard width required.
2. No onsite parking spaces shall be permitted instead of the minimum three (3) parking spaces required.

Notes: The applicant shall ensure that a minimum setback of 0.15m is maintained from the eave or gutter to the westerly side lot line.

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

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

DATED AT HAMILTON this 3rd day of December, 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 **December 23rd, 2020.**

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:243
SUBMISSION NO. A-243/20

APPLICATION NO.: HM/A-20:243

APPLICANTS: WEBB Planning on behalf of the owner Urban Core Inc.

SUBJECT PROPERTY: Municipal address **14-18 Augusta St. Hamilton**

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

ZONING: "D2" (Downtown Prime Retail Streets (D2) Zone

PROPOSAL: To permit the construction of a six-storey building consisting of ground floor commercial uses with 40 residential dwelling units on the upper floor levels, together with an underground parking facility containing 13 parking spaces, notwithstanding,

1. A minimum parking space size of 2.6 metres in width by 5.5 metres in length shall be permitted instead of the minimum required parking space size of 3.0 metres in width by 5.8 metres in length;

2. A minimum barrier free parking space size of 4.4 metres in width by 5.5 metres in length shall be permitted instead of the minimum required barrier free parking space size of 4.4 metres in width by 5.8 metres in length;

3. A minimum aisle width of 3.6 metres shall be permitted for the ramp accessing the underground parking facility instead of the minimum required aisle width of 6.0 metres required to be provided for two-way vehicular traffic; and,

4. A minimum of 13 parking spaces shall be provided instead of a minimum of 14 parking spaces required for a multiple dwelling consisting of 40 dwelling units.

NOTES:

1. These variances are necessary to facilities site plan application DA-20-084. The applicant shall ensure compliance with all other zoning requirements outline in Building Division comments dated August 26, 2020.
2. Details have not been provided to determine zoning compliance with Sections 6.2.3 a) i), 6.2.3 a) iii), and 6.2.3 c) ii). A further variance will be required if a minimum façade width equal to at least 75% of the lot width setback not more than 2.0 metres from the front lot line is not provided.

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

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

- 3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
- 4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 3rd day of December, 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 **Decembe 23rd, 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-20:244
SUBMISSION NO. A-244/20

APPLICATION NO.: **HM/A-20:244**

APPLICANTS: Sadee Piper on behalf of the owners Mark Jones & Mark Taylor

SUBJECT PROPERTY: Municipal address **209 Manning Ave., Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 19-307

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

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

1. One parking space shall be provided instead of the required two (2) parking spaces for a converted dwelling which is based on one (1) space per dwelling unit.
2. The southerly side yard shall be 0.8 metres instead of the minimum required 1.2 metres.

NOTES:

1. The variances are written as requested by the applicant except that a further variance was noted for the southerly side yard to recognize an existing built form situation which does not conform to the C District.
2. The C/S-1788 District Zoning applicable to the subject property was created under Amending By-law 19-307. This By-law provides further changes to Section 19 for the creation of second dwelling units by reducing the required minimum lot area and removing the requirement for minimum dwelling units.

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

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

DATED AT HAMILTON this 3rd day of December, 2020.

M. Dudzic (Chairman)

N. Mleczko

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **December 23rd, 2020.**

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:246
SUBMISSION NO. A-246/20

APPLICATION NO.: **HM/A-20:246**

APPLICANTS: Graham Day on behalf of the owner Michael Warzocha

SUBJECT PROPERTY: Municipal address **220 East 8th St., Hamilton**

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

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

PROPOSAL: To permit the construction of a new second storey addition to the existing single-family dwelling, notwithstanding that;

1. A minimum front yard depth of 4.7m shall be permitted instead of the minimum 6.0m front yard setback required.
2. A minimum southerly side yard width of 0.3m shall be permitted instead of the minimum 0.9m side yard width required.
3. No onsite parking spaces shall be permitted instead of the minimum two (2) parking spaces required.
4. An eave or gutter shall be permitted to encroach into the entire southerly side yard and therefore may be as close as 0.0m to the southerly side lot line whereas the zoning By-law permits an eave or gutter to encroach a maximum $\frac{1}{2}$ of the side yard or 1.0m whichever is the lesser.

Notes: Please note that no part of the eave/gutter shall encroach onto the adjacent private property. Otherwise, an Encroachment Agreement and a Maintenance Easement shall be required which shall be entered into and registered on title for both the lot upon which the eave is encroaching onto and the subject lot.

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

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

DATED AT HAMILTON this 3rd day of December, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

M. Switzer

L. Gaddy

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **December 23rd, 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-20:247
SUBMISSION NO. A-247/20

APPLICATION NO.: **HM/A-20:247**

APPLICANTS: Drew Goursky on behalf of the owner Wesley Community Homes

SUBJECT PROPERTY: Municipal address **195 Ferguson Ave. N., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 01-213

ZONING: "E/S-1297C" (Multiple Dwellings, Lodges, Clubs and etc.) district

PROPOSAL: To permit the creation of twelve (12) additional dwelling units in an existing sixty (60) unit multiple dwelling, which is part of a Non-Profit housing development that also includes 20 street townhouse dwelling units and eight (8) block townhouse dwelling units, notwithstanding that,

1. The parking requirement shall consist of sixty-four (64) parking spaces instead of seventy-two parking spaces for the expanded multiple dwelling and ninety (90) parking spaces instead of 104 parking spaces for the overall housing development.

2. The requirement for visitors parking for the multiple dwelling shall consist of fourteen (14) visitors parking spaces instead of eighteen (18) visitors parking spaces.

NOTES:

1. The requirements for a 1.5m wide planting strip and a visual barrier between 1.2m-2.0m in height shall be provided in accordance with Section 18A(11) and ((12) for the existing surface parking area boundary containing six (6) which adjoins a residential district.

2. The variances are written as requested by the applicant. The applicant has identified that an additional dwelling unit is being requested which changes the total number of dwelling units within the multiple dwelling to twelve (12) from eleven (11).

3. The proposal was reviewed initially as Formal Consultation application FC-19-098 which was circulated August 29, 2019 by Development Planning.

4. The property was approved under Site Plan applications DA-93-13 and DA-94-29. Although an approved copy of these site plans could not be located, it appears that the previous site plans are consistent with the current site plan.

5. Site Specific E/S-1297C was approved by Ontario Municipal Board Decision 1205 on July 27, 2001 to permit a drop in centre to be developed (for up to 745 square metres of gross floor area) within the multiple dwelling at 195 Ferguson Avenue North.

6. Committee of Adjustment application HM/A-94:157 was approved to permit a portion of the required visitors parking for the multiple dwelling located at 195 Ferguson Ave North

to be located in the underground parking area rather than accessible within an at-grade parking area.

7. Committee of Adjustment application HM/A-05:203, was approved to permit the parking associated with 195 Ferguson Avenue North to be reduced to 64 parking spaces from 71 parking spaces to allow a storage area to be provided in the basement parking area.

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

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

DATED AT HAMILTON this 3rd day of December, 2020.

M. Dudzic (Chairman)

D. Serwatak

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 **December 23rd, 2020.**

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



Committee of Adjustment
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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-20:79
SUBMISSION NO. B-79/20

APPLICATION NUMBER: **HM/B-20:79**

SUBJECT PROPERTY: **199½ Stonechurch Rd. W., Hamilton**

APPLICANT(S): Mario Cino, owner

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land to be added to adjoining property known as 199 Stone Church Rd. W. and further the establishment of an easement for access and maintenance purposes.

Severed lands:

0.76m[±] x 43.09m[±] and an area of 32.75m^{2±}

Retained lands:

13.2m[±] x 43.09m[±] and an area of 568.79m^{2±}

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

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

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. That, pursuant to subsection 50(12) of the Ontario Planning Act, R.S.O. 1990, 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 Part 1 on Reference Plan 62R-20835 and become one parcel of land.

3. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 3rd day of December, 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 December 10th, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (December 10th, 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 30th , 2020**

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



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

DECISION OF THE COMMITTEE

APPLICATION NO. SC/A-20:130
SUBMISSION NO. A-130/20

APPLICATION NO.: SC/A-20:130

APPLICANTS: Owner: Mary & Pasquale Caterini
Agent: Alfonso Alaimo

SUBJECT PROPERTY: Municipal address **381 Mud St. E., Stoney Creek**

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

ZONING: S1 (Settlement Residential) district

PROPOSAL: To permit the construction of a new Single Detached Dwelling and a 9.144m (30'0") x 15.24m (50'0") one (1) storey accessory building which includes a 4.572m (15'0") x 15.24m (50'0") roofed-over porch (covered patio) notwithstanding that:

5. A minimum easterly side yard of 1.2m shall be provided for the proposed single detached dwelling instead of the minimum required side yard of 3.0m.
6. A maximum parking space size shall not be required instead of the existing regulation requiring a maximum parking space size of 3.0m wide x 6.0m long.
7. A maximum accessory building lot coverage of 140m² shall be permitted for all accessory buildings instead of the maximum lot coverage of 97m² for all accessory buildings.
8. A maximum accessory building height of 7.2m shall be permitted and a maximum height of 5.8m shall be permitted to the underside of any fascia eaves, overhang or the lower ends of the roof joists, rafters or trusses for the proposed accessory building instead of the requirement that buildings accessory to a residential use shall have a maximum building height of 5.0 metres and the maximum height of the underside of any fascia eaves, overhang or the lower ends of the roof joists, rafters or trusses shall be 3.0 metres.

NOTE:

- v) Pursuant to Variance # 3 above, the 4.572m (15'0") x 15.24m (50'0") roofed-over porch (covered patio) attached to the 9.144m (30') x 15.24m (50') accessory building is not included and not required to be included in the lot coverage determination.
- vi) Pursuant to Variance # 3 above, the Agent has indicated that the existing dwelling, existing detached garage and existing two sheds are intended to be demolished once the proposed single detached dwelling and 9.144m (30') x 15.24m (50') detached garage are constructed. If the existing detached garage and existing two sheds are not demolished; a further variance shall be required as the total lot coverage for all accessory buildings will exceed 140m².

- vii) The Agent has indicated that the existing driveway is to be removed with demolition of the existing dwelling, existing detached garage and existing two sheds. If this driveway is not removed, a further variance shall be necessary in order to allow two (2) driveways as a maximum of one (1) driveway is permitted.
- viii) The Agent has indicated that the proposed accessory building will be used for residential and personal use only. The accessory building shall not be used for commercial or industrial uses or for human habitation.

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

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

DATED AT HAMILTON this 3rd day of December, 2020.

M. Dudzic (Chairman)

D. Serwatak

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 **December 23rd, 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. SC/A-20:158
SUBMISSION NO. A-158/20

APPLICATION NO.: SC/A-20:158

APPLICANTS: IBI Group c/o J. Marcus on behalf of the owner 1970752 Ontario Inc.

SUBJECT PROPERTY: Municipal address **102 King St. W., Stoney Creek**

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

ZONING: "C3 and 579" (Community Commercial) district

PROPOSAL: So as to permit the construction of a new two (2) storey, mixed use building on the proposed property identified as Property 'A', a new one (1) storey addition to the existing commercial building on the property identified as Property 'B', and create a shared parking area throughout the development in accordance with Site Plan Control Application DA-18-085 notwithstanding that:

Property 'A'

Variances to Former Stoney Creek Zoning By-law 3692-92:

1. A minimum front yard setback of 4.3m shall be provided instead of the minimum required front yard setback of 9.0m;

Variances to Hamilton Zoning By-law (Prior to By-law 17-240):

1. No parking spaces shall be required for an Office use being less than 450.0m² whereas the by-law requires parking to be provided at a rate of one (1) space for each 30.0m² of gross floor area.
2. No parking spaces shall be required for a Personal Service use being less than 450.0m² whereas the By-law requires parking to be provided at a rate of one (1) space for each 16.0m² of gross floor area.
4. A maximum of six (6) parking spaces shall be 2.6m in width and 5.8m in length and shall be dedicated as being for small vehicles whereas the by-law requires a minimum parking space size of 3.0m x 5.8m.

Notes for Property 'A'

- i. Where 50 or more parking spaces are proposed within a Commercial and Mixed-Use Zone, specific Landscape Island provisions are required to be complied with in accordance with Subsection 5.2(h) of Hamilton Zoning By-law 05-200. As 50 parking spaces are intended on the lands known as 'Property A', the applicant shall ensure compliance with these requirements has been achieved otherwise further variances may be required. Insufficient information has been provided at this time to determine zoning compliance.

Property 'B'

Variances to Hamilton Zoning By-law (Prior to By-law 17-240):

1. No parking spaces shall be required for a Retail use being less than 450.0m² whereas the By-law requires parking to be provided at a rate of one (1) space for each 20.0m² of gross floor area.
2. A Restaurant use shall require parking at a rate of one (1) parking space for each 9.0m² of gross floor area instead of the minimum parking requirement of one (1) space for each 8.0m² of gross floor area.
3. Two (2) parking spaces shall be required for the existing Motor Vehicle Service Station (Lube Shop) instead of the minimum required 12 parking spaces.

Variances to Hamilton Zoning By-law 05-200:

1. A Restaurant use shall require parking at a rate of one (1) parking space for each 9.0m² of gross floor area instead of the minimum parking requirement of one (1) space for each 8.0m² of gross floor area.
2. Two (2) parking spaces shall be required for the existing Motor Vehicle Service Station (Lube Shop) instead of the minimum required 12 parking spaces.

Property 'C'

Variances to Hamilton Zoning By-law 05-200:

1. A Restaurant use shall require parking at a rate of one (1) parking space for each 11.0m² of gross floor area instead of the minimum parking requirement of one (1) space for each 8.0m² of gross floor area.

Variances to the entire development area (Properties 'A', 'B', and 'C'):

1. For the purpose of this development, the external boundaries of the properties shown as "A", "B" and "C" on the Site Plan (DA-18-085) dated July 07, 2020, shall be deemed to be the lot lines for the purpose of providing the required parking, maneuvering space aisle width for all the parking on site and access driveways providing means of ingress and egress to all required parking on site and shall be the boundaries and not the individual property boundaries of Property "A", "B" & "C" created by land severance application SC/B-.18:157.

Notes for the entire development area:

- i. These variances are required to facilitate Site Plan Control application DA-18-085.
- ii. The shared parking area between properties (including parking spaces, aisles and access driveways) are also be subject to the appropriate access/parking easements (as deemed necessary) in the normal manner.
- iii. Please be advised that Amending By-law No. 17-240 was passed on November 8, 2017 which changed the zoning of this property from GC-32 under Stoney Creek Zoning By-law 3692-92 to C3 zone under Hamilton Zoning By-law 05-200. Additionally, this amending by-law changed the parking requirements for certain commercial and residential uses. As of today, there are portions of this By-law which are still under appeal and therefore are not yet final and binding. In such cases, the former zoning provisions shall apply until such time that the appealed

sections become final and binding. In some instances (such as parking), the former provisions of Hamilton Zoning By-law 05-200 remain in effect. In any case, if there was no such requirement contained in the Zoning By-law 05-200 prior to amending by-law 17-240 being approved, then the requirements of the former Stoney Creek Zoning By-law 3692-92 remain in effect.

- iv. In total, 106 parking spaces including the existing 21 parking spaces on Property “C” are proposed for this development and have shared driveway aisles for vehicular circulation throughout the site. 50 spaces are situated on Property ‘A’, 14 parking spaces are situated on Property ‘B’ and 21 spaces are located on Property ‘C’.
- v. Variances were previously approved for this site under Committee of Adjustment Decision SC/A-19:197.
- vi. Consent applications SC/B-18:157 and SC/B-18:158 were granted to facilitate the creation of the three (3) individual lots.

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

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

DATED AT HAMILTON this 3rd day of December, 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 **December 23rd, 2020.**

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

NOTE:

"That the proponent shall carry out an archaeological assessment of the property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

Should deeply buried archaeological materials be found on the property during any of the above development activities the 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 Government and Consumer Services (416-212-7499)."



Committee of Adjustment
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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. SC/A-20:183
SUBMISSION NO. A-183/20

APPLICATION NO.: **SC/A-20:183**

APPLICANTS: Alex Aquin on behalf of the owner Linda & Paul Aquin

SUBJECT PROPERTY: Municipal address **601 Green Mountain Rd. E., Stoney Creek**

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

ZONING: "A1" (Agriculture)

PROPOSAL: To permit the construction of an accessory building with a gross floor area of 297m², located on a residential parcel of land, notwithstanding that;

1. A maximum gross floor area of 297m² shall be permitted for all buildings accessory to the single detached dwelling instead of the requirement that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum gross floor area of 200m²

NOTE:

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

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

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

DATED AT HAMILTON this 3rd day of December, 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 **December 23rd, 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. SC/A-20:231
SUBMISSION NO. A-231/20

APPLICATION NO.: **SC/A-20:231**

APPLICANTS: Joseph Abela on behalf of the owner 906256 Ontario Inc.

SUBJECT PROPERTY: Municipal address **859-869 Barton St. & 842-850 Arvin Avenue, Stoney Creek**

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

ZONING: "M2 & M3" (General Business Park (M2) zone and Prestige Business Park (M3) zone

PROPOSAL: To permit the construction a 33.363m x 38.800m westerly canopy addition and to establish of parking lots in order to facilitate Site Plan Control File No. DA-20-072 notwithstanding that:

1. No landscaped area shall be provided along the Barton Street street line, a minimum 2.0m wide planting strip shall be provided between the parking spaces, aisles or driveway and the Barton Street street line at the east side of the access driveway except where the planting strip tapers down to 0.0m wide at the curved portion of the ingress/egress driveway and a minimum 3.0m wide planting strip shall be provided between the parking spaces, aisles or driveway and the Barton Street street line at the west side of the access driveway except where the planting strip tapers down to 0.0m wide at the curved portion of the ingress/egress driveway instead of the requirement that a minimum 6.0 metre wide landscaped area shall be provided and maintained abutting a street, except for points of ingress and egress, and in addition within the 6.0 metre landscaped area, a minimum 3.0 metre wide planting strip shall be required and maintained between parking spaces, aisles or driveways and a street, except for points of ingress and egress.

2. Parking spaces and aisles giving direct access to parking spaces at the east side of the access driveway shall be a minimum of 2.0m from the Barton Street street line instead of the requirement that parking spaces and aisles giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall not be located within 3.0 metres of a street line.

3. A minimum 2.0m wide planting strip shall be provided between the parking spaces and aisles giving direct access to parking spaces and the Barton Street street line at the east side of the access driveway except where the planting strip tapers down to 0.0m wide at the curved portion of the ingress/egress driveway and a minimum 3.0m wide planting strip shall be provided between the parking spaces and aisles giving direct access to parking spaces and the Barton Street street line at the west side of the access driveway except where the planting strip tapers down to 0.0m wide at the curved portion of the ingress/egress driveway instead of the requirement a 3.0 metre wide planting strip shall be required and permanently maintained between the street line and the said parking spaces or aisle giving direct access to abutting parking spaces.

4. A maximum parking space size shall not be required instead of the existing regulation requiring a maximum parking space size of 3.0m wide x 6.0m long.

NOTE:

i) The variances are necessary to facilitate Site Plan Control File No. DA-20-072.

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

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

DATED AT HAMILTON this 3rd day of December, 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 **December 23rd, 2020.**

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. SC/A-20:236
SUBMISSION NO. A-236/20

APPLICATION NO.: **SC/A-20:236**

APPLICANTS: Joe Laronga on behalf of the owner Paletta International

SUBJECT PROPERTY: Municipal address **67-113 Picardy Dr., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended by By-laws 10-320 & 20-082

ZONING: "R5-10" (Residential) district

PROPOSAL: To permit the construction of 12 new semi-detached dwellings on Blocks 37-48 respectively for a total of 24 dwelling units, notwithstanding that;

1. A minimum rear yard of 6.0m shall be permitted instead of the minimum 7.5m rear yard required.
2. A maximum 50.0% lot coverage shall be permitted instead of the maximum 40.0% lot coverage permitted.

Notes: The zoning By-law requires a minimum lot area of 600.0m² for an interior lot and minimum lot area of 650.0m² for a corner lot on an undivided semi-detached lot.

Furthermore, the zoning By-law requires a minimum lot frontage of 18.0m for an interior lot and a minimum lot frontage of 19.5m for a corner lot on an undivided semi-detached lot. It is unclear if the lands are intended to be further divided prior to the construction of the proposed dwellings. It should be noted that subject lands do not meet the minimum requirements for lot area and lot frontage for an undivided lot.

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

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

DATED AT HAMILTON this 3rd day of December, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

M. Switzer

N. Mleczko

L. Gaddy

B. Charters

T. Lofchik

M. Smith

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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. SC/B-20:74
SUBMISSION NO. B-74/20

APPLICATION NUMBER: SC/B-20:74

SUBJECT PROPERTY: 185 Federal St., Stoney Creek

APPLICANT(S): DeFilippis Design on behalf of the owner 1794757 Ontario Inc.

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

Severed lands: Part 2

7.6m[±] x 45.7m[±] and an area of 348m^{2±}

Retained lands: Part 1

7.6m[±] x 45.7m[±] and an area of 348m^{2±}

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

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

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 must enter into and the City of Hamilton register on title, an updated Consent Agreement and pay the revision fee (2020) subject to change in 2021, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on grading plan); cash payment requirements for items such as trees, inspection of grading and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches relocation of any existing infrastructure and any damage during construction (unknown costs at this time).

- 3. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
- 4. The owner shall submit survey evidence that the [input either lands to be severed and/or the lands to be retained], including the location of any existing structure(s), parking and landscaping [include any other regulations which may be applicable for determining zoning compliance], conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
- 5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
- 6. 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 3rd day of December, 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 December 10th, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 10th, 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 30th , 2020

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

Notes:

- 1. Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Part 1) will remain as **185 Federal Street (Stoney Creek)**, and the lands to be conveyed (Part 2) will be assigned the address of **185 ½ Federal Street (Stoney Creek)**.
- 2. We ask that the following be noted to the applicant:
That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City’s Sign By-law, in a manner that is clearly visible from the road

3. 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).



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. SC/B-20:75
SUBMISSION NO. B-75/20

APPLICATION NUMBER: SC/B-20:75

SUBJECT PROPERTY: 187 Federal St., Stoney Creek

APPLICANT(S): DeFilippis Design on behalf of the owner 1794757 Ontario Inc.

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

Severed lands: Part 2

7.6m[±] x 45.7m[±] and an area of 348m^{2±}

Retained lands: Part 1

7.6m[±] x 45.7m[±] and an area of 348m^{2±}

**This application will be heard in conjunction with
Severance Application SC/B-20:74**

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.
5. The submissions made regarding this matter did not affect the decision.

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 must enter into and the City of Hamilton register on title, an updated Consent Agreement and pay the revision fee (2020) subject to change in 2021, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on grading plan); cash

payment requirements for items such as trees, inspection of grading and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure and any damage during construction (unknown costs at this time).

3. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
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 3rd day of December, 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 December 10th, 2020. HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 10th, 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 30th , 2020

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

Notes:

1. Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Part 1) will remain as **187 Federal Street (Stoney Creek)**, and the lands to be conveyed (Part 2) will be assigned the address of **187 ½ Federal Street (Stoney Creek)**.
2. We ask that the following be noted to the applicant:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road

3. 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).