



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-20:78
SUBMISSION NO. A-78/20

APPLICATION NO.: **AN/A-20:78**

APPLICANTS: Owners: M. Sommers & C. Campbell

SUBJECT PROPERTY: Municipal address **2685 Jerseyville Rd. W. (Anaster) City of Hamilton**

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

ZONING: "S1" (Settlement Residential) district

PROPOSAL: To permit the construction of a single storey accessory building (private garage) for the existing single detached dwelling, notwithstanding that;

1. The accessory building shall be permitted to be located within the front yard and as close as 4.1m from the front lot line whereas the Zoning By-law states that no accessory building shall be permitted to be located within a front yard and that a minimum setback of 7.5m shall be maintained from the front lot line for an accessory building exceeding 18.0m² in gross floor area.
2. The accessory building shall be permitted to have an area of 112.0m² whereas the Zoning By-law states that no accessory building shall exceed 30% lot coverage of the yard in which the accessory buildings are located, including areas devoted exclusively to parking, to a maximum of 97 square metres.
3. A maximum building height of 5.7m shall be permitted instead of the maximum 5.0m building height permitted.
4. The height of 3.9m shall be permitted for the underside/overhang or lower ends of the roof joists, rafters or trusses whereas the Zoning By-law states that 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.
5. The accessory building shall be permitted to be located as close as 0.5m from the rear lot line instead of the minimum 7.5m setback required from the rear lot line for an accessory building exceeding 18.0m² in gross floor area.

Notes: The applicant requested a variance to permit a rear yard of 5.1m from the easterly part of the accessory building to the rear lot line. However, this variance is not required as the setback is measured from the lot line to the closest part of the building. If the requested rear yard variance #5 is approved, then the location of the accessory building will conform with respect to the required rear yard.

The Zoning By-law states that where the driveway is provided in the front yard, all other portions of the front yard shall be landscaped area. Insufficient details were shown to confirm compliance.

The zoning By-law requires that parking spaces shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material, or crushed stone or gravel. No details were provided to confirm compliance; as such, further variances may be required.

The Zoning By-law states that where crushed stone or gravel is provided in accordance with Subsection 5.2 e) iii) a), the access driveway shall be designed such that a minimum of 10.0 metres extending from the streetline shall be constructed and maintained with asphalt, concrete or other hard surfaced material and shall be maintained in a dust free condition. No details were provided to confirm compliance; as such, further variances may 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.

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

1. Subject to Site Plan Control to the satisfaction of the Manager of Development Planning Heritage and Design.

DATED AT HAMILTON this 16th day of July, 2020.

M. Dudzic (Chairman)

M. Switzer

D. Serwatuk

L. Gaddy

T. Lofchik

B. Charters

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 5, 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. DN/A-19:406
SUBMISSION NO. A-406/19

APPLICATION NO.: **DN/A-19:406**

APPLICANTS: Owner: Harp Valley Group c/o Matt Litzen
Agent: Marina Fenshaw

SUBJECT PROPERTY: Municipal address **56 York Rd., Dundas**

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

ZONING: RM2 district (Medium Density Multiple Dwelling)

PROPOSAL: To permit the construction of a three-storey addition to the existing building in order to establish an eight (8) unit apartment as per Site Plan application DA-18-083, notwithstanding that;

1. A minimum lot area of 1339.0m² shall be permitted instead of the minimum 1380.0m² lot area required.
2. A minimum lot frontage of 22.7m shall be permitted instead of the minimum 30.0m lot frontage required.
3. No onsite loading space shall be permitted instead of the minimum one (1) loading space required.
4. The roofed-over unenclosed porches shall be permitted to be located as close as 3.0m from the southerly side lot line instead of the minimum 4.5m setback required.

Note: These variances are necessary to facilitate site plan application DA-18-083.

The revised elevation plans show “Juliet” style balconies along the northerly elevation. Therefore, the applicant shall ensure that the maximum 1.5m projection into a required side yard is not exceeded. Otherwise, further variances may 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 16th day of July, 2020.

M. Dudzic (Chairman)

M. Switzer

D. Serwatuk

L. Gaddy

T. Lofchik

B. Charters

N. Mleczko

M. Smith

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COMMITTEE OF ADJUSTMENT
AMENDED DECISION OF THE COMMITTEE

APPLICATION NO. DN/A-20:70
SUBMISSION NO. A-70/20

APPLICATION NO.: **DN/A-20:70**

APPLICANTS: Stoney Brook Design Build Limited c/o Tony Brucculieri on behalf of the owner Sharon Tucker

SUBJECT PROPERTY: Municipal address **58 Parkside Ave., (Dundas) City of Hamilton**

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

ZONING: "R2 and OS" (Single Detached Residential Zone and Open Space Conservation Zone)

PROPOSAL: To permit the reconstruction of the existing single detached dwelling, the construction of a garage addition and a full second storey addition to the single detached dwelling notwithstanding that;

1. A minimum front yard of 1.3m shall be permitted to the dwelling and a minimum front yard of 0.6m shall be permitted to the uncovered front porch instead of the minimum 6.0m front yard required.
2. No onsite manoeuvring shall be permitted instead of the minimum 6.0m manoeuvring space aisle width required.

Note: The zoning By-law permits a maximum height of 10.5m. Please note that the elevation plan does not show height measured from grade. Therefore, the applicant shall ensure that the maximum permitted height is not exceeded; otherwise, further variances will be required.

The proposed additions and renovations to the existing dwelling are shown to be maintained entirely within the portion of the lands zoned "R2" (Single-Detached Residential) zone.

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 16th day of July, 2020.

M. Dudzic (Chairman)

M. Switzer

D. Serwatuk

L. Gaddy

T. Lofchik

B. Charters

N. Mleczko

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. DN/A-20:75
SUBMISSION NO. A-75/20

APPLICATION NO.: **DN/A-20:75**

APPLICANTS: Tadeusz Kata, owner

SUBJECT PROPERTY: Municipal address **81 York Rd., (Dundas) City of Hamilton**

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

ZONING: "R2" (Single Detached Residential) Zone

PROPOSAL: To to permit the conversion of a single detached to allow for the creation of a second dwelling unit dwelling, notwithstanding that:

1. Parking spaces shall be permitted to be provided in a tandem arrangement whereas the Zoning By-law requires that parking be designed and located such that all vehicles can be parked and manoeuvred entirely within the parking areas without moving any other vehicle within such parking area;

2. No manoeuvring spaces shall be provided for the required parking spaces, whereas the Zoning By-law requires all maneuvering spaces to be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces.

NOTES:

1. The variance is written as requested by the applicant except a second variance has been included to address the removal of maneuvering spaces.

2. The existing single detached dwelling conforms to the requirements of the R2 Zone.

3. The Dundas Zoning By-law requires the provision of three (3) parking spaces for a converted dwelling which contains an accessory apartment. As noted, through the required variances, each parking space is required to be unobstructed for access and have a separate manoeuvring space.

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 16th day of July, 2020.

M. Dudzic (Chairman)

M. Switzer

D. Serwatuk

L. Gaddy

T. Lofchik

B. Charters

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 5, 2020.**

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. DN/A-20:85
SUBMISSION NO. A-85/20

APPLICATION NO.: **DN/A-20:85**

APPLICANTS: Andy Tran on behalf of the owners K. Eelhart-Dilag & K. Dilag

SUBJECT PROPERTY: Municipal address **8 Colmar Place (Dundas) City of Hamilton**

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

ZONING: "R2" (Single Detached Residential) Zone

PROPOSAL: To permit the existing single detached dwelling to be converted to add one (1) accessory apartment notwithstanding that:

1. No on-site aisle width manoeuvring space shall be provided for the two (2) parking spaces in the driveway instead of the minimum required 6.0m aisle width manoeuvring space.
2. Two (2) of the required parking spaces located in the driveway shall be permitted to be located within the required front yard instead of the requirement that no required parking space shall be located in a required front yard.
3. The parking spaces in the driveway shall be permitted to obstruct the parking space in the attached garage instead of the requirement that all required parking spaces shall be designed and located such that all vehicles using such spaces can be parked and manoeuvred entirely within the bounds of the parking areas without moving any other vehicle within such parking area and that all manoeuvring space shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces.

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 16th day of July, 2020.

M. Dudzic (Chairman)

M. Switzer

D. Serwatuk

L. Gaddy

T. Lofchik

B. Charters

N. Mleczko

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. FL/A-20:76
SUBMISSION NO. A-76/20

APPLICATION NO.: FL/A-20:76

APPLICANTS: DeFilippis Design on behalf of the owners A. & L. Nacinovic

SUBJECT PROPERTY: Municipal address **11 Howard Blvd., (Flamborough) City of Hamilton**

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

ZONING: "R1-6" (Urban Residential (Single Detached) Zone

PROPOSAL: To permit the construction of single detached dwelling notwithstanding that:

1. A maximum lot coverage of 25% shall be permitted instead of the maximum required lot coverage of 15%.

NOTE:

- i) The existing single detached dwelling is intended to be demolished.

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 16th day of July, 2020.

M. Dudzic (Chairman)

M. Switzer

D. Serwatuk

L. Gaddy

T. Lofchik

B. Charters

N. Mleczko

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. FL/A-20:80
SUBMISSION NO. A-80/20

APPLICATION NO.: FL/A-20:80

APPLICANTS: DeSimone Architect Incorporated c/o John DeSimone on behalf of the owner Michele Adams

SUBJECT PROPERTY: Municipal address **61 Rockcliffe Rd. (Flamborough) City of Hamilton**

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

ZONING: "R1-6" (Urban Residential (Single Detached)) Zone

PROPOSAL: To permit the expansion and alteration of an existing single detached dwelling notwithstanding that:

1. A 20 % lot coverage shall be permitted instead of the maximum permitted lot coverage of 15%; and
2. A maximum floor space of 448.0 m² shall be permitted instead of the maximum permitted floor space of 186 square metres on main floor for a 1½ storey; and
3. A maximum building height of 9.3 m shall be provided instead of the maximum permitted 8.2m.

NOTES:

Variance # 3 has been written as requested by the applicant. Applicant shall ensure building height is provided in accordance with the definitions of 'Height' and 'Grade' as defined in Section 3 of Flamborough Zoning By-law 90-145-Z.

Applicant shall ensure parking is provided in accordance with the regulations under Section 5.21 in Flamborough Zoning By-law 90-145-Z; should parking not be in accordance with Section 5.21, further variances will be required.

Applicant shall ensure that the proposed eaves and gutters do not encroach into any required yard beyond the maximum permitted 0.65 m; otherwise, further variances will be required.

Variances have been written exactly as requested by the applicant. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted 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 16th day of July, 2020.

M. Dudzic (Chairman)

M. Switzer

D. Serwatuk

L. Gaddy

T. Lofchik

B. Charters

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 5, 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. FL/B-20:26
SUBMISSION NO. B-26/20

APPLICATION NUMBER: FL/B-20:26

SUBJECT PROPERTY: 13 Timberrun Court, Flamborough

APPLICANT(S): Harry Kalantzakos on behalf of the owner Mark Rudolph & Janice Whitelaw

PURPOSE OF APPLICATION: To permit the conveyance of a vacant parcel of land to be added to property known as 15 Timberrun Crt.

Severed lands:

14.4m[±] x 54.0m[±] and an area of 780m^{2±}

Retained lands:

32.5m[±] x 159m[±] and an area of 7620m^{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. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
3. That the lands shall be merged on title with the lands known as 15 Timberrun Crt.

DATED AT HAMILTON this 16th day of July, 2020.

M. Dudzic (Chairman)

M. Switzer

D. Serwatuk

L. Gaddy

T. Lofchik

B. Charters

N. Mleczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 23rd, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (July 23rd, 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 August 12th, 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-20:74
SUBMISSION NO. A-74/20

APPLICATION NO.: GL/A-20:74

APPLICANTS: The Gardener Landscaping c/o Karla Sousa on behalf of the owner Michael Cuffaro

SUBJECT PROPERTY: Municipal address **12 Solsbury Cres., (Glanbrook) City of Hamilton**

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

ZONING: "R4" (Residential "R4") Zone

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

1. The proposed accessory building shall be permitted to be located 0.9 metres from the northerly side lot line instead of the minimum required distance of 1.0 metres to any lot line;
2. The proposed accessory building measuring 18.1 square metres shall be permitted to encroach 0.3 metres into the minimum required 1.2 metre northerly side yard and 1.4 metres into the minimum required 7.5 metre rear yard notwithstanding an accessory building in excess of 12 square metres is not permitted to be located in any minimum rear or side yard; and,
3. A maximum lot coverage of 36% shall be permitted for all buildings on the lot instead of the maximum permitted lot coverage of 35%.

NOTES:

1. A lot area of 420.4 square metres and a total building area of 132.67 square metres has been obtained from building permit 04-229245 issued July 19, 2004 to construct a single detached dwelling.
2. The applicant shall ensure the proposed building height of 3.92 metres has been provided in accordance with the definition of "Height" as defined in the Zoning By-law.
3. A further variance will be required if the eave and gutter of the proposed accessory building encroaches greater than 30 centimetres into a minimum setback 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 16th day of July, 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 **August 5, 2020.**

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-19:410
SUBMISSION NO. A-410/19

APPLICATION NO.: **HM/A-19:410**

APPLICANTS: Owner: Renimob Properties Ltd. c/o David Horwood
Agent: Urban Solutions c/o Matt Johnston

SUBJECT PROPERTY: Municipal address **121 Hunter St. W., Hamilton**

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

ZONING: E-3 district (High Density Multiple Dwelling)

PROPOSAL: To permit the conversion of multiple dwelling containing two hundred and twenty-five (225) dwelling units into a condominium pursuant to Condominium Conversion File No. 25CDM-CONV-11-001 notwithstanding that:

1. A minimum front yard depth of 0.0m shall be permitted for the portion of the building containing the above ground and underground garage instead of the minimum required front yard depth of 7.5m.
2. A minimum easterly side yard width of 13.4m shall be permitted for the multiple dwelling and a minimum easterly side yard width of 0.0m shall be permitted for the portion of the building containing the above ground and underground garage instead of the minimum required side yard width of 13.5m.
3. A minimum southerly side yard width of 13.4m shall be permitted for the multiple dwelling and a minimum southerly side yard width of 0.0m shall be permitted for the portion of the building containing the above ground and underground garage instead of the minimum required side yard width of 13.5m.
4. A maximum floor area ratio of 3.39 shall be permitted instead of the requirement that no building or structure in an "E-3" District shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 2.55.
5. A minimum landscaped area of 20% shall be permitted and there shall be no requirement respecting a minimum dimension and location instead of the requirement that there shall be provided and maintained on the lot and within the district at least 26.6% of the area of the lot on which it is situate as landscaped area as required by Minor Variance File No. HM/A-15:107 and at least 40% of said landscaped area shall be in one space having a least dimension of 6.0 metres and in other than the front yard.
6. A minimum of six (6) visitor parking space shall be provided instead of the minimum required thirty-six (36) visitor parking spaces.

.../2

7. A minimum aisle width manoeuvring space of 4.2m shall be provided instead of the minimum required aisle width manoeuvring space of 6.0m.
8. A minimum two-way access driveway width of 2.8m shall be provided instead of the minimum required two-way access driveway width of 6.0m
9. The boundary of the parking area containing five (5) or more parking spaces shall be 0.0m from the adjoining residential district boundary instead of the requirement that the boundary of every parking area on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed not less than 1.5m from the adjoining residential district boundary.
10. The boundary of the parking area containing five (5) or more parking spaces shall be 0.0m from a street line for a parking area within 3.0m of a residential district instead of the requirement that the boundary of the parking area shall be not closer to the street line than the minimum depth of the front yard required to be provided in the adjoining residential district (being 7.5m for the adjoining "E" district and 12.0m for the adjoining "A/S-1443" district) for that portion of the parking area within 3.0m of a residential district.
11. No planting strip shall be provided between the boundary of the parking area and the residential district instead of the requirement that for a parking area on a lot containing five or more parking spaces there shall be provided and maintained a planting strip between the boundary of the parking area and the residential district.
12. No visual barrier shall be provided along the boundary of the lot abutting a residential district instead of the requirement that for a parking area on a lot containing five or more parking spaces there shall be provided and maintained a visual barrier along the boundary of the lot abutting the residential district not less than 1.2m in height and not greater than 2.0m in height.
13. The required parking area shall be permitted to be located in the required front yard instead of the requirement that no part of the required parking area in a residential district shall be located in a required front yard.
14. Tandem parking shall be permitted for parking spaces labelled as Units 44A, 44B, 45A and 45B on Level 1 instead of the requirement that sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.
15. The manoeuvring space for Units 44A and 45A on Level 1 shall be permitted to be obstructed by other parking spaces as tandem parking shall be permitted instead of the requirement that all manoeuvring spaces shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces.

NOTE:

- i) The variances are necessary to facilitate Condominium Conversion File No. 25CDM-CONV-11-001.

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

THE DECISION OF THE COMMITTEE IS:

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

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

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

- 1. That the applicant includes a warning clause on the Condominium Agreement to caution the tenants of Units 44 and 45 that the two parking spaces provided will be tandem parking with no manoeuvring space.

DATED AT HAMILTON this 25th day of June 2020.

D. Smith (Acting Chairman)

B. Charters

D. Serwatuk

L. Gaddy

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **July 15th, 2020.**

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



Committee of Adjustment
Hamilton City Hall
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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-19:438
SUBMISSION NO. A-438/19

APPLICATION NO.: HM/A-19:438

APPLICANTS: Kanaiyalal & Urvashiben Darji, owners

SUBJECT PROPERTY: Municipal address **1430 Upper Sherman Ave., City of Hamilton**

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

ZONING: "C" (Urban Protected Residential) district

PROPOSAL: To permit the conveyance of a northerly portion of the subject lands (known as Lot 3) as well as a westerly portion of the subject lands (known as Lot 2) in order to facilitate the creation of two (2) new lots for the construction of two (2) new single family dwelling as per Consent applications HM/B-19:122 and HM/B-19:123, notwithstanding that:

2. A minimum lot area of 331 square metres shall be permitted for Lot 2 instead of the minimum required lot area of 360 square metres.
3. A minimum lot width of 11.0 metres shall be permitted for Lot 2 instead of the minimum required lot width of 12.0 metres.
4. A minimum 47.0% front yard landscaping shall be permitted for Lot 3 instead of the minimum required front yard landscaping of 50.0%.
5. No onsite maneuvering shall be provided for Lot 1, Lot 2 or Lot 3 for parking spaces located within the required front yard, and no onsite maneuvering shall be required for one parking space within the attached garage on Lot 2, instead of the minimum required 6.0m maneuvering aisle width and the requirement that a maneuvering space shall be provided and maintained on the lot.
6. Two required parking spaces for each lot (Lot 1, Lot 2 and Lot 3) are permitted to be located within the required front yard instead of the requirement that no part of the required parking area in a residential district shall be located in a required front yard.

NOTES:

1. Applicant shall ensure the existing single family dwelling (Lot 1) is in compliance with Section 9(2) height requirements; no building shall exceed two and a half storeys, and no structure shall exceed 11.0 metres in height. Otherwise, additional variances will be required.
2. Applicant shall ensure a gravel or similar surface or other suitable paving shall be provided and maintained for every parking space and access driveway accessory to the single family dwelling (Lot 1). Otherwise, additional variances will be required.

.../2

3. The variances have been written based on a proposed building envelope only for Lot 2 and Lot 3. Insufficient details (i.e., no building plans, elevations, encroachment details, etc.) were provided from which to confirm all necessary variances required. Therefore, compliance for the proposed single family dwellings on Lot 2 and Lot 3 shall be determined at building permit stage. Additional variances may 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, with amendments.

DATED AT HAMILTON this 16th day of July, 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 **August 12, 2020**.

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



Committee of Adjustment
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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-19:440
SUBMISSION NO. A-440/19

APPLICATION NO.: **HM/A-19:440**

APPLICANTS: Owner: Roger, Marilyn & Denis Gignac
Agent: Marina Fensham

SUBJECT PROPERTY: Municipal address **130 Gibson Ave., Hamilton**

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

ZONING: D district (Urban Protected Residential)

PROPOSAL: To permit the creation of a new lot through Consent application HM/B-19:124 in order to construct a new two-family dwelling on the severed lands (Part 2) as well as to permit a new rear addition to the existing dwelling on the retained lands (Part 1) in order to establish a two (2) family dwelling; notwithstanding that;

Severed Lot (Part 2):

1. A minimum front yard depth of 3.5m shall be permitted instead of the minimum 6.0m front yard depth required.
2. A minimum lot width of 7.4m shall be permitted instead of the minimum 18.0m lot width required.
3. A minimum lot area of 225.0m² shall be permitted instead of the minimum 540.0m² lot area required.

Retained Lot (Part 1):

1. A minimum front yard depth of 2.5m shall be permitted to the existing dwelling instead of the minimum 6.0m front yard depth required.
2. A minimum northerly side yard width of 0.8m shall be permitted instead of the minimum 1.2m side yard width required.
3. A minimum rear yard depth of 6.6m shall be permitted to the new rear addition instead of the minimum 7.5m rear yard depth required.
4. A minimum of one (1) parking space shall be permitted instead of the minimum two (2) parking spaces required.
5. A minimum parking space size length of 6.6m shall be permitted instead of the minimum 6.7m parking space length required for a parallel parking space.
6. A minimum lot area of 201.7m² shall be permitted instead of the minimum 540.0m² lot area required.
7. A minimum lot width of 6.6m shall be permitted instead of the minimum 18.0m lot width required.
8. An eave or gutter shall be permitted to encroach into the entire northerly and southerly side yards of the existing dwelling (not including the addition), therefore,

may be located as close as 0.0m to side lot line, whereas the zoning By-law permits an eave or gutter to project into a required side yard a maximum ½ of its width or 1.0m whichever is the lesser.

Notes: The variances are necessary to facilitate Consent Application HM/B-19:124.

No elevation plans were provided in order to confirm compliance. Therefore, further variances may be required.

The applicant shall ensure that requested variance #2 for the retained lot has been measured from the proposed side lot line to the closest part of the building. Otherwise, further variances will be required.

The zoning By-law requires a minimum 50.0% of the gross area of the front yard to be provided as landscaping. Insufficient information was provided to confirm compliance; as such, further variances may be required.

The zoning By-law permits an eave or gutter to project into a required side yard a maximum of ½ of its width or 1.0m whichever is the lesser. Insufficient details respecting the eaves/gutter projection was provided for the severed lot from which to confirm compliance; as such, further variances may 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 16th day of July, 2020.

M. Dudzic (Chairman)

M. Switzer

D. Serwatuk

L. Gaddy

T. Lofchik

B. Charters

N. Mleczko

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 5, 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-20:24
SUBMISSION NO. A-24/20

APPLICATION NO.: **HM/A-20:24**

APPLICANTS: Herman Turkstra on behalf of the owner Adrienne Young

SUBJECT PROPERTY: Municipal address **70 & 72 Picton St. W., City of Hamilton**

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

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

PROPOSAL: To permit a lot to be conveyed for the construction of a new single family dwelling (to be known as 70 Picton Street West) and to permit a lot to be retained containing an existing single family dwelling and existing frame shed (known as 72 Picton Street West) in order to facilitate Consent Application File No. HM/B-20:07 notwithstanding that:

For the Lands to Be Retained (72 Picton Street West):

1. A minimum easterly side yard width of 0.9m shall be permitted instead of the minimum required side yard width of 1.2m.
2. A minimum lot width of 7.8m shall be provided instead of the minimum required lot width of 12.0m.
3. A minimum lot area of 157.0m² shall be provided instead of the minimum required lot area of 360m².
4. One (1) parking space shall be provided instead of the minimum required two (2) parking spaces.
5. No on-site aisle width manoeuvring space shall be provided instead of the minimum required aisle width manoeuvring space aisle width of 6.0m.
6. The existing frame shed shall be at least 2.5m from the westerly side lot line instead of being a minimum of 6.0m from the westerly side lot line.

For the Lands to Be Conveyed (70 Picton Street West):

1. A minimum front yard depth of 3.0m shall be permitted instead of the minimum required front yard depth of 6.0m.
2. A minimum westerly side yard width of 0.0m and a minimum easterly side yard width of 0.9m shall be permitted instead of the minimum required side yard width of 1.2m.

3. A minimum rear yard depth of 3.0m shall be permitted instead of the minimum required rear yard depth of 7.5m
4. A minimum lot width of 8.5m shall be provided instead of the minimum required lot width of 12.0m.
5. A minimum lot area of 216.0m² shall be provided instead of the minimum required lot area of 360m².
6. No parking spaces shall be provided instead of the minimum required two (2) parking spaces.

NOTE:

- i) The variances are necessary to facilitate Consent Application File No. HM/B-20:07.
- ii) The applicant has confirmed that the portion of the existing wood deck at the rear of the existing single family dwelling (known municipally as 72 Picton Street West) which is presently shown to encroach into the proposed parking space and is shown to encroach over the new easterly side lot line will be removed. If the rear wood deck is not removed, further variances shall be required.
- iii) As no alterations to the front, rear and westerly side yards are intended for the existing single family dwelling on the lands to be retained, these yards are considered legally established non-conforming.
- iv) The applicant has advised that both the existing single family dwelling on the lands to be retained and the proposed single family dwelling on the lands to be conveyed will contain 8 or less habitable rooms.
- v) An Encroachment Agreement with the City of Hamilton's Public Works Department may be required for the portion of the existing single family dwelling on the lands to be retained encroaching onto the Bay Street North road allowance.

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 owner shall register an easement for maintenance purposes between the severed and retained lots to the satisfaction of the Manager of Development Planning, Heritage and Design.

DATED AT HAMILTON this 16th day of July, 2020.

M. Dudzic (Chairman)

M. Switzer

L. Gaddy

N. Mleczko

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 5, 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-20:38
SUBMISSION NO. A-38/20

APPLICATION NO.: HM/A-20:38

APPLICANTS: A.J. Clarke & Associates Ltd., on behalf of the owner 2573855 Ontario Inc. c/o Maurizio Silvestri

SUBJECT PROPERTY: Municipal address **135 Limeridge Rd. E., City of 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 creation of a new lot for residential purposes and to maintain the existing single-family dwelling on the retained lot notwithstanding that;

Retained lot:

1. No onsite manoeuvring shall be provided for the two (2) parking spaces located within the private garage instead of the requirement that a manoeuvring space abutting and accessory to each required parking space shall be provided and maintained on the lot.

Notes: These variances are required to facilitate Consent Application HM/B-19:74.

No building details were provided for the proposed dwelling on the new lot; as such, compliance shall be determined at building permit stage of the development.

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 25th day of June 2020.

D. Smith (Acting Chairman)

B. Charters

D. Serwatak

L. Gaddy

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS July 15th, 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-20:54
SUBMISSION NO. A-54/20

APPLICATION NO.: **HM/A-20:54**

APPLICANTS: W. Botetzayas, J. Marchesan & L. DiNardo

SUBJECT PROPERTY: Municipal address **50 Broadway Ave. City of Hamilton**

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

ZONING: "C/S-1335; C/S-1335a; C/S-1788" (Urban Protected Residential) district 95-02, 95-33, 19:307

PROPOSAL: To permit the alterations to an existing single family dwelling to establish eleven habitable rooms notwithstanding that:

1. A minimum three (3) parking spaces shall be provided instead of the minimum required four (4) parking spaces.
2. No on-site maneuvering space shall be provided.
3. Two (2) required parking spaces shall be obstructed instead of the requirement that every parking space shall be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking.
4. One parking space as well as a portion of a second parking space is permitted to be located within the front yard.

NOTES:

1. This site requires a minimum of four (4) parking spaces based on a total of eleven (11) habitable rooms.
2. The owner shall be made aware that a Lodging House is not a permitted use in the C/S-1335; C/S-1335a; C/S-1788 District. The variances have been written for a Single Family Dwelling only.

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

1. The Committee, having regard to the evidence, is of the opinion that the relief is NOT of a minor nature.
2. The relief is NOT desirable for the appropriate development of the land and building and is not consistent 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 NOT 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 DENIAL of the application.

DATED AT HAMILTON this 9th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

M. Switzer

N. Mleczko

L. Gaddy

B. Charters

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **July 29th, 2020.**

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



Committee of Adjustment
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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:73
SUBMISSION NO. A-73/20

APPLICATION NO.: **HM/A-20:73**

APPLICANTS: Owner: Streetlight Ministries c/o Ken VanderBoom
Agent: Kyle Reinders

SUBJECT PROPERTY: Municipal address **82 Ferguson Ave. N., Hamilton**

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

ZONING: D5 district (Downtown Residential)

PROPOSAL: To permit the construction of a new two-storey Place of Worship having a total gross floor area of 723.4m².

1. A front yard setback of 8.4m shall be provided instead of the maximum permitted front yard setback of 4.5m.
2. A southerly side yard setback of 10.6m shall be provided instead of the maximum permitted side yard setback of 7.5m.
3. A rear yard setback of 1.5m shall be provided instead of the minimum required 7.5m rear yard setback.
4. No Visual Barrier shall be provided along the easterly side lot line whereas the By-law requires a Visual Barrier to be provided along the lot line of an abutting D5 zoned property.
5. A parking space size of 2.6m x 5.5m shall be provided instead of the minimum required parking space size of 3.0m x 5.8m.
6. A barrier free parking space size of 4.4m x 5.5m shall be provided instead of the minimum required barrier free parking space size of 4.4m x 5.8m.
7. No bicycle parking shall be provided whereas the By-law requires a minimum of five (5) bicycle parking spaces to be provided at grade.

NOTES:

- i. These variances are necessary to facilitate Site Plan Control Application No. DA-17-105.
- ii. This is a corner lot. For zoning purposes, the lot line along Ferguson Avenue is considered the Front 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, with amendments.

DATED AT HAMILTON this 16th day of July, 2020.

M. Dudzic (Chairman)

M. Switzer

D. Serwatuk

L. Gaddy

T. Lofchik

B. Charters

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 5, 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-20:79
SUBMISSION NO. A-79/20

APPLICATION NO.: **HM/A-20:79**

APPLICANTS: Geoffrey Orton, owner

SUBJECT PROPERTY: Municipal address **9 Roanoke Rd., City of Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-laws 96-125 and 19-307

ZONING: "C/S1364 and C/S-19-307" (Urban Protected Residential, etc.) district

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

1. A floor area ratio of 0.63 shall be applied allowing a maximum gross floor area of 203.9 square metres instead of applying the maximum permitted floor area ratio of 0.45 metres allowing a maximum gross floor area of 145.6 square metres.

NOTES:

1. A lot area of 323.7 square metres obtained from GISNet has been applied to determine the maximum permitted gross floor area.

2. It is unclear if the gross floor area deductions permitted by By-law 96-125 have been applied to determine the maximum proposed gross floor area.

3. The applicant shall ensure the area of the enclosed porch at the front of the dwelling has been included in the total proposed gross floor area.

4. A further variance will be required if a ceiling height in excess of 4.6 metres is provided for any portion of the dwelling.

5. A further variance will be required if the eave and gutter on the proposed addition encroach greater than 0.4 metres into the required easterly side yard.

6. Details regarding the number of habitable rooms proposed for the dwelling have not been provided to determine zoning compliance regarding Parking. A further variance(s) will be required if greater than eight (8) habitable rooms are proposed to be 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 16th day of July, 2020.

M. Dudzic (Chairman)

M. Switzer

D. Serwatuk

L. Gaddy

T. Lofchik

B. Charters

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 5, 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-20:81
SUBMISSION NO. A-81/20

APPLICATION NO.: **HM/A-20:81**

APPLICANTS: Owner: Catharine Yantsis
Agent: N-Cubed Services Inc. c/o D. Nguyen

SUBJECT PROPERTY: Municipal address **27 Paisley Ave. N., Hamilton**

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

ZONING: C/S-1361 & C/S-1788 district

PROPOSAL: To permit the construction of a new one storey, 4.5m x 5.3m rear addition and a new 2.1m x 2.3m one storey addition in the front yard of the existing single family dwelling notwithstanding that:

1. A front yard depth of 4.6m shall be provided instead of the minimum required 6.0m front yard depth.
2. A easterly side yard width of 0.0m shall be provided instead of the minimum required 1.2m side yard width.
3. A maximum floor area ratio of 0.80 shall be permitted instead of the maximum 0.45 floor area ratio permitted.
4. No on-site manoeuvring shall be provided for the required parking spaces instead of the requirement that a 6.0m manoeuvring space abutting and accessory to each required parking space shall be provided and maintained on the lot.
5. A parking space size of 2.5m x 4.5m shall be provided instead of the minimum required parking space size of 2.7m x 6.0m.

NOTES:

- i. The number of required parking spaces for a single family dwelling is calculated at a rate of two (2) parking spaces for the first eight (8) habitable rooms plus an additional 0.5 spaces for each additional habitable room. Based on the drawings provided, a total of 8 habitable rooms are shown, as such a minimum of 2 parking spaces are required to be provided. Please note that additional parking spaces will be required for any future interior alterations or additions which create additional habitable rooms.
- ii. A boulevard parking agreement is required for the parking spaces located on the road allowance.

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 16th day of July, 2020.

M. Dudzic (Chairman)

M. Switzer

D. Serwatuk

L. Gaddy

T. Lofchik

B. Charters

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 5, 2020.**

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



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

COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:83
SUBMISSION NO. A-83/20

APPLICATION NO.: **HM/A-20:83**

APPLICANTS: A.J. Clarke & Associates Ltd. c/o Franz Kloibhofer on behalf of the owner McMaster Innovation Park c/o Frances Grabowski

SUBJECT PROPERTY: Municipal address **191 Longwood Rd. S., City of Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 07-330

ZONING: "M1, 7" (Research and Development (M1) Zone

PROPOSAL: To permit the construction of a building containing a Planned Business Centre in order to facilitate Site Plan File No. SPA-19-177 notwithstanding that:

1. A maximum yard abutting a street of 2.5m shall be provided for the ground floor of the building instead of the maximum yard abutting a street of 2.0m for the ground floor of a building.
2. A minimum of one (1) parking space for each 57m² of gross floor area shall be provided instead of the minimum required one (1) parking space for each 50m² of gross floor area for a Planned Business Centre in an Industrial zone.
3. No planting strip shall be provided between the Longwood Road South street line and the parking spaces and aisles instead of the requirement that a 3.0 metre wide planting strip be required and permanently maintained between the street line and the said parking spaces or aisle.

NOTE:

- i) Based on the existing parking regulation for a Planned Business Centre, a minimum of one hundred and seventy (170) parking spaces are required for a gross floor area of 8,507m². If Variance No. 3 is granted, a minimum of one hundred and forty-nine (149) parking spaces will be required and the Site Plan shows a total of one hundred and fifty-two (152) parking spaces which will conform.
- ii) The uses proposed within the building shall conform to those uses permitted pursuant to the "M1, 7" site-specific zone.

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 with conditions.

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

- 1. That the applicant revise the submitted Site Plan to show a 3.0 metre wide planting strip along the Longwood Road South street line with the exception of the proposed pedestrian pathway to the satisfaction of the Manager of Development Planning Heritage and Design.

DATED AT HAMILTON this 16th day of July, 2020.

M. Dudzic (Chairman)

M. Switzer

D. Serwatuk

L. Gaddy

T. Lofchik

B. Charters

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 5, 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-20:86
SUBMISSION NO. A-86/20

APPLICATION NO.: HM/A-20:86

APPLICANTS: Kevin Webster Designs Inc. c/o Kevin Webster on behalf of the owner Duncan McEwen

SUBJECT PROPERTY: Municipal address **42 Franklin Ave., City of Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-laws 96-125 & 19-307

ZONING: "C/S-1364 (Urban Protected Residential) district

PROPOSAL: To permit the alteration of an existing single family dwelling to have two-storeys and nine habitable rooms notwithstanding that:

1. A minimum front yard depth of 4.8 metres shall be provided instead of the minimum required front yard depth of 6.0 metres required.
2. A minimum westerly side yard width of 0.9 metres shall be provided instead of the minimum required side yard width of 1.2 metres required.
3. A gross floor area of 50% shall be permitted instead of the maximum required gross floor area of 45% required.
5. An accessory building to be used as a shortage shed shall be permitted to be located within the required side yard, at a distance of 0.4 metres from the easterly side lot line where as the by-law requires no accessory building to be erected in a required side yard.
6. 1 parking space shall be permitted instead of the minimum 3 parking spaces required.
7. No onsite maneuvering is provided.

NOTES:

1. Gross Floor Area has been written at the applicant's request. Dimensioned floor plans were not provided with which to ensure the GFA calculations are accurate. If GFA exceeds 50%; further variances will be required.
2. Applicant shall ensure the minimum front yard landscaping has been calculated as defined. No dimensions were provided with which to ensure the front yard landscaping calculations are accurate. If front yard landscaping is less than 50%, further variances will 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, with amendments.

DATED AT HAMILTON this 16th day of July, 2020.

M. Dudzic (Chairman)

M. Switzer

D. Serwatuk

L. Gaddy

T. Lofchik

B. Charters

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 5, 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-20:113

APPLICATION NO.: HM/A-20:113

APPLICANTS: Owner 2606043 Ont. Inc.

SUBJECT PROPERTY: Municipal address **1375 King St. E., Hamilton**

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

ZONING: "C2" (Neighbourhood Commercial) district

PROPOSAL: To permit the construction of a thirty-three (33) square metre commercial outdoor patio associated with an existing restaurant, notwithstanding that:

2. The proposed outdoor patio is to be located on a lot that abuts a Residential Zone ("E" Multiple Dwellings, Lodges, Clubs, Etc, "D" Urban Protected Residential – One and Two Family Dwellings, Etc., and "D/S-535" Urban Protected Residential – One and Two Family Dwellings, Etc.), instead of being located on a lot where the lot lines do not abut a Residential Zone, Downtown D5, or Downtown D6 Zone.

NOTE:

Specific details regarding the seated capacity of the proposed outdoor patio have not been provided to confirm compliance with Section 4.20(b).

The proposed outdoor patio is to comply with Section 4.20(b) and Section 4.20(d) of Hamilton Zoning By-law 05-200.

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 did not affect the decision.

DATED AT HAMILTON this 16th day of July, 2020.

M. Dudzic (Chairman)

N. Mleczko

L. Gaddye

M. Smith

B. Charters

M. Switzer

T. Lofchik

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 5th, 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-19:122
SUBMISSION NO. B-122/19

APPLICATION NUMBER: HM/B-19:122

SUBJECT PROPERTY: 1430 Upper Sherman Ave., Hamilton

APPLICANT(S): Owner: Kanaiyalal & Urvashiben Darji

PURPOSE OF APPLICATION: To permit the conveyance of a vacant parcel of land for residential purposes and to retain a parcel of land containing an existing single family dwelling.

Severed lands: (Lot 2)

11.0m[±] x 30.18m[±] and an area of 331.73m^{2±}

Retained lands: (Lots 1 and 3)

26.19m[±] x 28.62m[±] and an area of 826.9m^{2±}

**This application will be heard in conjunction with
Severance Application HM/B-19:123 & Minor
Variance Application HM/A-19:438**

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, with amendments.

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 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, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.

- 4. That final and binding approval of Minor Variance application HM/A-19:438 be received, to the satisfaction of the Manager of Development Planning, Heritage and Design.
- 5. That any access driveway provided for Lot 2 be located such that a minimum separation distance of 3 metres is provided within the municipal right-of-way from the Canada Post Community Mailbox, to the satisfaction of the Manager of Development Planning, Heritage and Design.
- 6. The owner shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plans Examination).
- 7. The owner shall submit survey evidence that the lands to be severed (Lot 2) and lands to be retained (Lot 1 and Lot 3), including the location of any existing structure(s), parking and landscaping, etc., 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).
- 8. That the Owner enters into with the City of Hamilton and registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; stormwater management, cash payment requirements for items such as trees, inspection of grading and services to be installed; replacement of existing private sewer and water drain connections (if required) and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction all to the satisfaction of the Manager of Engineering Approval Section.
- 9. The Owner shall provide an adequately sized ‘hammerhead’ driveway design for both the severed and retained parcels to prevent vehicles reversing onto a major arterial roadway (Upper Sherman Avenue), to the satisfaction of the Manager of Development Approvals.

DATED AT HAMILTON this 16th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

M. Switzer

N. Mleczko

L. Gaddy

B. Charters

T. Lofchik

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 23rd, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 23rd, 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 **August 12, 2020.**

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

NOTES:

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the 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).

Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that Lot 1 will retain the address of 1430 Upper Sherman Avenue; Lot 2 will be assigned the address of 59 Beaverton Drive; and Lot 3 will be assigned the address of 1426 Upper Sherman Avenue.



Committee of Adjustment
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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-19:123
SUBMISSION NO. B-123/19

APPLICATION NUMBER: HM/B-19:123

SUBJECT PROPERTY: 1430 Upper Sherman Ave., City of Hamilton

APPLICANT(S): Kanaiyalal & Urvashiben Darji, owners

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. The garage & shed will be removed.

Severed lands: (Lot 3)

14.23m[±] x 28.62m[±] and an area of 406.96m^{2±}

Retained lands: (Lot 1)

11.96m[±] x 24.66m[±] and an area of 448m^{2±}

**This application will be heard in conjunction with
Severance Application HM/B-19:122 & Minor
Variance Application HM/A-19:438.**

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, with amendments.

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 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, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
4. That final and binding approval of Minor Variance application HM/A-19:438 be received, to the satisfaction of the Manager of Development Planning, Heritage and Design.
5. That the existing southbound HSR transit stop located on Upper Sherman Avenue adjacent to the subject lands be relocated for access purposes to "Lot 3", at the full expense of the owner, to the satisfaction of the Manager of Development Planning, Heritage and Design.
6. That any access driveway provided for Lot 3 be located such that a minimum separation distance of 2 metres is provided within the municipal right-of-way from the relocated HSR transit stop located on Upper Sherman Avenue adjacent to the subject lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.
7. The owner shall demolish 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.
8. The owner shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plans Examination).
9. The owner shall submit survey evidence that the lands to be severed (Lot 3) and lands to be retained (Lot 1), including the location of any existing structure(s), parking and landscaping, etc., 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).
10. That the Owner enters into with the City of Hamilton and registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; stormwater management, cash payment requirements for items such as trees, inspection of grading and services to be installed; replacement of existing private sewer and water drain connections (if required) and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction all to the satisfaction of the Manager of Engineering Approval Section.

DATED AT HAMILTON this 16th day of July, 2020.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

L. Gaddy

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 23rd, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (July 23rd, 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 **August 12, 2020.**

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

NOTE (If Approved):

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the 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).

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that Lot 1 will retain the address of 1430 Upper Sherman Avenue; Lot 2 will be assigned the address of 59 Beaverton Drive; and Lot 3 will be assigned the address of 1426 Upper Sherman Avenue.



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO.HM/B-19:124
SUBMISSION NO. B-124/19

APPLICATION NUMBER: HM/B-19:124

SUBJECT PROPERTY: 130 Gibson Avenue, City of Hamilton

APPLICANT(S): Marina Fensham on behalf of the owners Roger, Denis & Marilyn Gignac

PURPOSE OF APPLICATION: To permit the conveyance of a vacant parcel of land for residential purposes (shown as Part 2 on the attached sketch) and to retain a parcel of land containing an existing dwelling for residential purposes (shown as Part 1 on the attached sketch). The applicant is proposing that each dwelling will be used as two-family dwellings.

Severed lands:

7.4m[±] x 30.48m[±] and an area of 225.29m^{2±}

Retained lands:

6.62m[±] x 30.48m[±] and an area of 201.77m^{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, with amendments.

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 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, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
4. That the Owner enters into with the City of Hamilton and registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; stormwater management, urbanization costs including but not limited to future storm sewers and sidewalks, cash payment requirements for items such as trees, inspection of grading and services to be installed; and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction; and,
5. That the Owner submits a stormwater management plan prepared by a qualified professional to demonstrate that the 100 year post development flows from the severed and retained portion of the lands are controlled on the site to the maximum allowable discharge rate established based on the 2 year IDF parameters for the Mount Hope rainwater gauge station and runoff coefficient of 0.5 all to the satisfaction of the Manager of Engineering Approvals Section.
6. The applicant shall ensure compliance with Ontario Building Code requirements regarding separation distances to the satisfaction of the Planning and Economic Development Department (Building Services Division).
7. The owner shall receive final and binding approval of minor variance application HM/A-19:440.

DATED AT HAMILTON this 16th day of July, 2020.

M. Dudzic (Chairman)

M. Switzer

D. Serwatuk

L. Gaddye

T. Lofchik

B. Charters

N. Mleczko

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 23rd, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 23rd, 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 **August 12 2020.**

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

Note: 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 130 Gibson Avenue, Hamilton, and the lands to be conveyed (Part 2) will be assigned the address of 132 Gibson Avenue, Hamilton.



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENTLAND SEVERANCE

APPLICATION NO. HM/B-20:07
SUBMISSION NO. B-07/20

APPLICATION NUMBER: HM/B-20:07

SUBJECT PROPERTY: 70-72 Picton St. W., Hamilton

APPLICANT(S): Herman Turkstra on behalf of the owner Adrienne Young

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land shown as Part 2 on the attached sketch and to retain a parcel of land shown as Part 1 on the attached sketch for residential purposes

Severed lands:

Frontage of 8.56m[±] and an area of 216.94m^{2±}

Retained lands:

Frontage of 8.27m[±] and an area of 157.0m^{2±}

**This application was heard in conjunction with
Minor Variance Application HM/A-20:24**

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, with amendments.

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 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, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
4. That the Owner enters into with the City of Hamilton and registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; stormwater management, urbanization costs including but not limited to future storm sewers and sidewalks, cash payment requirements for items such as trees, inspection of grading and services to be installed; and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction;
5. That the Owner submits a stormwater management plan prepared by a qualified professional to demonstrate that the 100 year post development flows from the severed and retained portion of the lands are controlled on the site to the maximum allowable discharge rate established based on the 2 year IDF parameters for the Mount Hope rainwater gauge station and runoff coefficient of 0.5 all to the satisfaction of the Manager of Engineering Approvals Section.
6. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
7. The owner shall receive final and binding approval of Minor Variance Application File No. HM/A-20:24.
8. The owner shall demolish all or an appropriate portion of the wood deck 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.
9. The owner shall submit survey evidence that the location of the dwelling on the lands to be retained, once the wood deck has been removed, and parking conforms 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).
10. That the owner shall submit a Tree Management Plan to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
11. That the owner shall submit a Landscape Plan to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, depicting the street tree planting scheme for the proposed development.
12. That the owner shall register an easement for maintenance purposes between the severed and retained lots to the satisfaction of the Manager of Development Planning, Heritage and Design.

DATED AT HAMILTON this 16th day of July, 2020.

M. Dudzic (Chairman)

M. Switzer

L. Gaddy

N. Mleczko

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 23rd, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 23rd, 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 **August 12 2020.**

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

NOTE 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 72 Picton Street West, Hamilton, and the lands to be conveyed (Part 2) will be assigned the address of 70 Picton Street West, Hamilton.

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.

NOTE 2:

“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).”



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

NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. HM/B-20:23
SUBMISSION NO. B-23/20

APPLICATION NUMBER: HM/B-20:23

SUBJECT PROPERTY: 50-52 Loconder Dr., Hamilton

APPLICANT(S): Owner 1955098 Ontario Inc. c/o R. Fawaz

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land containing a semi-detached dwelling and to retain a parcel of land containing a semi-detached dwelling.

Severed lands:

12m[±] x 13.49m[±] and an area of 161m^{2±}

Retained lands:

12m[±] x 13.45m[±] and an area of 161m^{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. 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, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.

4. The owner shall submit survey evidence that the location of the existing semi-detached dwelling conforms to the requirements of the Zoning By-law including but not limited to 50 % front yard landscaped area, 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 is to verify that each semi-detached dwelling unit is to be serviced with independent municipal services to the satisfaction of the Manager of Engineering Approval Section.

DATED AT HAMILTON this 16th day of July, 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 July 23rd, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 23rd, 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 August 12th, 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
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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. SC/A-20:82
SUBMISSION NO. A-82/20

APPLICATION NO.: **SC/A-20:82**

APPLICANTS: DeFilippis Design on behalf of the owners T. & A. Valeri

SUBJECT PROPERTY: Municipal address **49 Millen Rd. (Stoney Creek) City of Hamilton**

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

ZONING: "R2" (Single Residential) Zone

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

1. The proposed cabana shall be permitted to be located within the front yard providing a minimum distance of 0.1 metres to the front lot line whereas the Zoning By-law does not permit an accessory building to be located in a front yard and requires a minimum distance of 8.0 metres to the front lot line.

NOTES:

1. A further variance will be required should an eave and gutter projection along the southerly side of the proposed accessory structure projects greater than 0.25 metres into the required yard.

2. A further variance will be required should the height of the proposed accessory structure exceeds the maximum permitted height of 4.5 metres. The applicant shall ensure building height is provided in accordance with the definition of "Height – Building" and "Grade" as defined within the Zoning By-law.

3. The "New Porch to Replace Existing" and "New Two Storey Addition (Garage Below)", as shown on the submitted site plan have not been reviewed for zoning compliance as it appears such alterations have been reviewed under Building Permit 16-119611.

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 16th day of July, 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 **August 5, 2020.**

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