

IMPORTANT INFORMATION FOR MINOR VARIANCES

THE LAST DATE OF APPEAL IS:

February 24, 2021

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

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

Appeal to L.P.A.T.

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

Where no appeal

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

APPEALS MAY BE FILED:

1. BY MAIL/COURIER ONLY

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

2. BY EMAIL AND MAIL/COURIER

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

Questions or Information:

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

IMPORTANT INFORMATION FOR CONSENTS

THE LAST DATE OF APPEAL IS:

March 3, 2021

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

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

Appeal to L.P.A.T.

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

Where no appeal

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

Where delegation

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

APPEALS MAY BE FILED:

1. BY MAIL/COURIER ONLY

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

Questions or Information:

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



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. SC/B-20:78
SUBMISSION NO. B-78/20

APPLICATION NUMBER: SC/B-20:78

SUBJECT PROPERTY: 32 Trillium Ave., Stoney Creek

APPLICANT(S): Jim Colalillo on behalf of the owner Kennedy Colalillo

PURPOSE OF APPLICATION: This application is for purposes of a lot line addition for lands to be added to 1097 North Service Rd.

Severed lands:

48.74m[±] x 93.71m[±] and an area of 5016.70m^{2±}

Retained lands:

19.68m[±] x 45.72m[±] and an area of 899.77m^{2±}

**This application will be heard in conjunction with
Minor Variance Application SC/A-20:248**

THE DECISION OF THE COMMITTEE IS:

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. That, pursuant to subsection 50(12) of the Ontario *Planning Act*, R.S.O. 1990, it is hereby stipulated that subsection 50(3) or subsection 50(5) shall apply to any subsequent conveyance of or other transaction involving the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a

Solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and that the severed lands, as outlined in the Notice of Hearing, will merge with lands municipally known as 1097 North Service Rd and become one parcel of land.

- 3. That an easement for access purposes over a portion of the severed lands, in favour of the retained lands, be registered on the titles of the lands, to ensure vehicular access to the garage and parking spaces, to the satisfaction of the Manager of Development Planning, Heritage and Design.
- 4. The owner shall submit survey evidence that the lands to be severed and retained, including the location of any existing structure, parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
- 5. The owner shall receive final and binding approval of minor variance application SC/A-20:248.
- 6. The lands to be conveyed shall be merged in title with the lands to which they are to be added.
- 7. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
- 8. Approximately 3.0 metres are to be dedicated to the right-of-way on North Service Road, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Collector Roads (North Service Road) are to be 26.213 metres.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

DATED AT HAMILTON this 4th day of February 2021.

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 February 11th, 2021.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (February 11th, 2022) 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 March 3rd, 2021

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

NOTE:

Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).



Committee of Adjustment
Hamilton City Hall
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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. SC/A-20:282
SUBMISSION NO. A-282/20

APPLICATION NO.: SC/A-20:282

APPLICANTS: Kathleen Keebler & Michael Kirk, owners

SUBJECT PROPERTY: Municipal address **325 Dewitt Rd., Stoney Creek**

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

ZONING: "M3" (Prestige Business Park) district

PROPOSAL: To permit the reconstruction a legally established non-conforming Single Detached Dwelling notwithstanding that the volume of the new building is greater than that of the existing Single Detached Dwelling.

NOTES:

i. The Hamilton Zoning By-law 05-200 permits the reconstruction/rebuild of a building containing a legally established non-conforming use to a safe condition provided that the new building maintains the same height, area, volume and lot coverage of the existing structure. The volume of the building is being increased by way of increasing the height of the basement floor level and through the expansion of the basement level by excavating below the front entryway and below rear portion of the building.

THE DECISION OF THE COMMITTEE IS:

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

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

DATED AT HAMILTON this 4th day of February, 2021.

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 **February 24th, 2021.**

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



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COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

APPLICATION NO. SC/A-20:281
SUBMISSION NO. A-281/20

APPLICATION NO.: SC/A-20:281

APPLICANTS: Julia Mancini on behalf of the owner Amer Murad & Trina Sager

SUBJECT PROPERTY: Municipal address **1031 North Service Rd., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended by By-law 4580-97

ZONING: "RR" (Rural Residential) district

PROPOSAL: To permit the construction of an accessory structure ("pool house") in the rear yard on a residential parcel of land, notwithstanding that;

2. A maximum building height of 6.31 metres shall be permitted for all building's accessory to the single detached dwelling instead of the requirement that all buildings accessory to a single detached dwelling shall have a maximum building height of 4.5 metres.

NOTE:

5. Specific details regarding total lot coverage were not included as part of this application. Please note that as per Section 5.4.3© of Stoney Creek Zoning By-law No. 3692-92, the maximum permitted lot coverage for all buildings on a lot is 40 percent. Additional variances may be required if compliance with Section 5.4.3© is not possible.
6. Specific details regarding the encroachment of eaves or gutters of the proposed accessory structure ("pool house") have not been provided. Additional variances may be required if compliance with Section 4.19.1© is not possible.
7. Human habitation is prohibited within the proposed accessory building ("pool house"). In addition, the existing accessory building shall only be used for incidental uses associated with the principle use. Any use or storage not associated with the principle uses (i.e. warehousing) is not permitted.
8. Construction of the proposed accessory building ("pool house") is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

THE DECISION OF THE COMMITTEE IS:

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

1. The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.
2. The relief requested is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 45 of The Planning Act, 1990.

- 3. The Committee having regard to the intensity of use of the subject parcel of land is of the opinion that such development would not be appropriate for the lands.
- 4. The submissions made regarding this matter affected the decision by supporting the refusal of the application.

DATED AT HAMILTON this 4th day of February, 2021.

M. Dudzic (Chairman)

D. Smith

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 **February 24th, 2021.**

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



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. SC/A-20:275
SUBMISSION NO. A-275/20

APPLICATION NO.: **SC/A-20:275**

APPLICANTS: Sadee Piper on behalf of the owner Luc Lapensee

SUBJECT PROPERTY: Municipal address **184 Winona Rd., Stoney Creek**

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

ZONING: "A1" (Agricultural) district

PROPOSAL: To permit the construction of a new 16.5m², one (1) storey addition in the rear yard of the existing Single Detached Dwelling, along with a new 23.0m² covered rear porch and front porch notwithstanding that:

1. A roofed-over porch may project 2.5m into a required front yard (therefore being 7.6m from the front lot line) instead of the maximum permitted front porch encroachment of 1.5m.
2. A northerly side yard setback of 2.3m shall be provided instead of the minimum required side yard setback of 3.0m

NOTES:

- i. A variance has also been requested to address the existing lot area however pursuant to subsection 4.12(d) of Hamilton Zoning By-law 05-200, the existing lot area is deemed to conform under the vacuum clause. As such, this variance is not required to facilitate the proposed construction.

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

DATED AT HAMILTON this 4th day of February, 2021.

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 **February 24th, 2021**.

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



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. SC/A-20:248
SUBMISSION NO. A-248/20

APPLICATION NO.: SC/A-20:248

APPLICANTS: Jim Colalillo on behalf of the owner Kennedy Colalillo

SUBJECT PROPERTY: Municipal address **32 Trillium Ave., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended by By-law 15-173

ZONING: “RR” (Rural Residential) district

PROPOSAL: To permit the development of a two-storey addition to an existing single detached dwelling located on a residential parcel of land, notwithstanding that;

1. A minimum front yard of 0.46 metres shall be permitted, instead of the minimum required front yard of 7.5 metres.
2. An eave/gutter shall be permitted to project a maximum of 7.5 metres into the required front yard and may be as close as 0.0 m to the front lot line instead of the maximum 0.5 m projection permitted.
3. An unenclosed porch/balcony shall be permitted to project a maximum of 7.04 metres into the required front yard and may be as close to 0.46 metres to the front lot line instead of the maximum 1.5 metre projection.
4. A driveway, lane or aisle, having a minimum width of 1.10 m shall be permitted instead of the minimum 6.0 metres driveway, lane or aisle width required.
5. To allow access to the two (2) proposed parking spaces located within the proposed attached garage to be partially provided by means of the abutting property, whereas a parking space, as defined in Stoney Creek Zoning By-law No. 3692-92 requires adequate access to permit ingress and egress of a motor vehicle from the street.
6. A minimum lot frontage of 13.58 metres shall be permitted, instead of the minimum required lot frontage of 15 metres.

NOTE:

1. Detailed elevation drawings were not included as part of this application to confirm the height of the proposed building addition. Please note that as per Section 5.4.3(f), the maximum permitted building height is 11.0 metres. Further variances may be required if compliance with Section 5.4.3(f) is not possible.
2. Specific details regarding lot coverage were not included as part of this application. Please note that as per Section 5.4.3(c) of Stoney Creek Zoning By-law No. 3692-92, the maximum permitted lot coverage is 40 percent. Additional variances may be required if compliance with Section 5.4.3(c) is not possible.

3. A detailed site plan indicating the specific projection of the proposed eaves/gutters was not included as part of this application. The variances to Section 4.19.1(b) pertaining to the projection of the eaves/gutters into the required side and front yards, has been written as requested by the applicant.
4. Please note this application is to be heard in conjunction with Severance Application SC/B-20:78.
5. Construction of the proposed addition is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

THE DECISION OF THE COMMITTEE IS:

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

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

DATED AT HAMILTON this 4th day of February 2021.

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 **February 24th, 2021.**

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

NOTE:

Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-21:01
SUBMISSION NO. B-01/21

APPLICATION NUMBER: HM/B-21:01

SUBJECT PROPERTY: 646 & 652 Parkdale Ave. S., Hamilton

APPLICANT(S): 2682168 Ontario Inc., owner

PURPOSE OF APPLICATION: This application is in respect to a correction of title.

Severed lands:

18.2m[±] x 83.8m[±] and an area of 1,525m^{2±}

Retained lands:

30.1m[±] x 70.7m[±] and an area of 2,128m^{2±}

**This application will be heard in conjunction with
Minor Variance Application HM/A-21:02**

THE DECISION OF THE COMMITTEE IS:

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Building Engineering Section).

3. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, planting strip, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. The owner shall apply for and receive a change of use permit (to establish the existing uses on site) in the normal manner to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section).
6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 4th day of February, 2021.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddye

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 11th, 2021.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (February 11th, 2022) 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 **March 3, 2021**

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



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-20:97
SUBMISSION NO. B-97/20

APPLICATION NUMBER: HM/B-20:97

SUBJECT PROPERTY: 227 Maplewood Ave., Hamilton

APPLICANT(S): **Owner: Taras Shevchenko Home for the Aged**
Agent: Kirk McPherson

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land known as 229 Maplewood Ave and to retain a parcel of land known as 227 Maplewood Ave. each containing an existing dwelling. These properties inadvertently merged in title and the owner wishes to recreate the two original lots.

Severed lands:
7.3m[±] x 35.8m[±] and an area of 202m^{2±}

Retained lands:
8.2m[±] x 35.8m[±] and an area of 262m^{2±}

THE DECISION OF THE COMMITTEE IS:

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

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

- 3. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
- 4. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 4th day of February, 2021.

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 February 11th, 2021.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (February 11th, 2022) 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 March 3rd , 2021

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 NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-20:70
SUBMISSION NO. B-70/20

APPLICATION NUMBER: HM/B-20:70

SUBJECT PROPERTY: 322 Mt. Albion Rd., Hamilton

APPLICANT(S): Ed Fothergill on behalf of the owners A. & L. Colalillo

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for residential purposes and to retain a parcel of land containing an existing 2½ storey dwelling (to remain) for residential purposes.

Severed lands:

14.64m[±] x 40.66m[±] and an area of 515.9m^{2±}

Retained lands:

28.97m[±] x 38.87m[±] and an area of 1,183.2m^{2±}

THE DECISION OF THE COMMITTEE IS:

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

1. The proposal does not comply with the Severance Policies of the Urban Hamilton Official Plan.
2. The proposal does not appear to be in the interest of proper planning and development for the area.
3. The proposal does not comply with Section 51(24) of The Planning Act.
4. The proposal does not comply with the requirements of the Zoning By-law.
5. The submissions made regarding this matter affected the decision by supporting the refusal of the application.

DATED AT HAMILTON this 4th day of February 2021.

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 February 11th, 2021.

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **March 3rd, 2021**

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



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-20:69
SUBMISSION NO. B-69/20

APPLICATION NUMBER: HM/B-20:69

SUBJECT PROPERTY: 322 Mt. Albion Rd., Hamilton

APPLICANT(S): Ed Fothergill on behalf of the owners A. & L. Colalillo

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land shown as Part 4 on the attached sketch and to retain two parcels of land shown as Parts 3 & 5 on the attached sketch for residential purposes.

Severed lands:

13.63m[±] x 23.42m[±] and an area of 317.8m^{2±}

Retained lands:

12.80m[±] x 23.42m[±] and an area of 316.3m^{2±}

Retained lands:

13.22m[±] x 23.42m[±] and an area of 317.2m^{2±}

**This application will be heard in conjunction with
Severance Application HM/B-20:68 & HM/B-20:70**

THE DECISION OF THE COMMITTEE IS:

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

1. The proposal does not comply with the Severance Policies of the Urban Hamilton Official Plan.
2. The proposal does not appear to be in the interest of proper planning and development for the area.
3. The proposal does not comply with Section 51(24) of The Planning Act.
4. The proposal does not comply with the requirements of the Zoning By-law.
5. The submissions made regarding this matter affected the decision by supporting the refusal of the application.

DATED AT HAMILTON this 4th day of February 2021

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 February 11th, 2021.

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **March 3rd, 2021**

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



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. HM/B-20:68
SUBMISSION NO. B-68/20

APPLICATION NUMBER: HM/B-20:68

SUBJECT PROPERTY: 322 Mt. Albion Rd., Hamilton

APPLICANT(S): Ed Fothergill on behalf of the owners A. & L. Colalillo

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land containing a garage (to be removed) and to retain a parcel of land containing an existing 2½ storey dwelling (to remain) for residential purposes

Severed lands:
39.65m[±] x 23.75m[±] and an area of 951.3m^{2±}

Retained lands:
43.62m[±] x 38.87m[±] and an area of 1,699.0m^{2±}

**This application will be heard in conjunction with
Severance Application HM/B-20:69 & HM/B-20:70**

THE DECISION OF THE COMMITTEE IS:

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

1. The proposal does not comply with the Severance Policies of the Urban Hamilton Official Plan.
2. The proposal does not appear to be in the interest of proper planning and development for the area.
3. The proposal does not comply with Section 51(24) of The Planning Act.
4. The proposal does not comply with the requirements of the Zoning By-law.
5. The submissions made regarding this matter affected the decision by supporting the refusal of the application.

DATED AT HAMILTON this 4th day of February 2021.

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 February 11th, 2021.

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING
APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **March 3rd, 2021**

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



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-20:63
SUBMISSION NO. B-63/20

APPLICATION NUMBER: HM/B-20:63

SUBJECT PROPERTY: 832 Upper Wentworth St., Hamilton

APPLICANT(S): Agostino Calandrino on behalf of the owner Jorge Rodriguez

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land and to retain a parcel of land

Severed lands:

18.29m[±] x 66.58m[±] and an area of 1,217.75m^{2±}

Retained lands:

18.29m[±] x 66.58m[±] and an area of 1,217.75m^{2±}

THE DECISION OF THE COMMITTEE IS:

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. 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).
3. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "C5" Mixed

4. Use Medium Density Zone or alternatively apply for and receive final approval of a Zoning Bylaw Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. A successful application for a rezoning is a course of action you might take to permit the intended use. For further information, please contact the Development Planning Division at (905) 546-2424 extension 1355 or email pd.generalinquiry@hamilton.ca.
6. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
7. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 4th day of February 2021.

M. Dudzic (Chairman)

N. Mleczko

D. Serwatuk

L. Gaddye

D. Smith

M. Smith

M. Switzer

T. Lofchik

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 11th, 2021.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (February 11th, 2022) 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 **March 3rd, 2021.**

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

NOTE:

Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-21:02
SUBMISSION NO. A-02/21

APPLICATION NO.: HM/A-21:02

APPLICANTS: 2682168 Ontario Corp.

SUBJECT PROPERTY: Municipal address **646-652 Parkdale Ave. N., Hamilton**

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

ZONING: "M6" (Light Industrial) district

PROPOSAL: To allow the retention of the existing industrial buildings on the lands to be severed and retained and to facilitate a severance application notwithstanding that;

652 PARKDALE AVE. NORTH - LOT TO BE SEVERED:

1. A minimum lot area of 1,525 m² shall be provided instead of the minimum required 4,000 m²; and
2. A minimum lot width of 18.0 m shall be provided instead of the minimum required lot width of 45.0 m; and
3. No landscaped area shall be provided abutting a street instead of the minimum required 3.0 m wide landscaped area abutting a street; and
4. A 0.0 m setback from the street line shall be provided for the parking spaces abutting Parkdale Avenue North instead of the minimum required setback of 3.0 m of a street line; and
5. A minimum parking space length of 5.6 m shall be maintained instead of the minimum required of 5.8 m; and
6. To permit the loading space to be provided within the front yard abutting a street with no visual barrier whereas the By-law states that the location of loading doors and associated loading facilities shall not be permitted within the front yard and in any yard abutting a street, except where screened from view by a visual barrier in accordance with Section 4.19 of this by-law; and
7. No barrier free shall be provided on site instead of the minimum required one (1) barrier free space.
8. No planting strip shall be provided between the street line and the said parking spaces abutting Parkdale Avenue North whereas the by-la states that a 3.0m wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle shall be provided; and

646 PARKDALE AVE. NORTH - LOT TO BE RETAINED:

8. A minimum lot area of 2, 128.0 m² shall be provided instead of the minimum required 4,000 m²; and
9. A minimum lot width of 30.0 m shall be provided instead of the minimum required lot width of 45.0 m; and
10. No minimum yard abutting a street shall be provided instead of the minimum required 3.0 m abutting a street; and
11. No landscaped area shall be provided abutting a street instead of the minimum required 3.0 m wide landscaped area abutting a street; and
12. A 0.0 m setback from the street line shall be provided for the parking spaces abutting Mead Avenue instead of the minimum required setback of 3.0 m of a street line; and
13. A minimum parking space length of 5.6 m shall be maintained instead of the minimum required of 5.8 m; and
14. To permit a group of business establishments within an Industrial Zone which is planned, developed, managed and operated as a unit with shared on-site parking, and containing three (3) separated spaces for lease or occupancy whereas the definition of Planned Business Centre states that a group of business establishments within an Industrial Zone which is planned, developed, managed and operated as a unit with shared on-site parking, and containing four or more separated spaces for lease or occupancy, but shall not be considered as a Shopping Centre; and
15. A minimum of 18 parking spaces shall be provided on site instead of the minimum required 21 parking spaces; and
16. No barrier free shall be provided on site instead of the minimum required one (1) barrier free space.
17. No planting strip shall be provided between the street line and the said parking spaces abutting Mead Avenue whereas the by-law states that a 3.0m wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle shall be provided.

Note:

Please note that the required parking for the property known as 646 Parkdale Avenue North has been calculated based on a Planned Business Centre.

Please be advised that building Division records indicate that the recognized use for the property known as 646 Parkdale Avenue North, Hamilton is as follows:

Our records indicate that the last recognized use is a multi-tenanted building containing a warehouse, retail and accessory office for floor coverings; an office and a restaurant.

Warehousing, offices and a restaurant are permitted subject to compliance with parking regulations contained in Section 5 of Hamilton Zoning By-law 05-200. Retail of floor coverings may be considered a legally established non-conforming provided this use has continuously existed since prior to May 26, 2010 until present. Alternatively, accessory retail and showroom areas are permitted subject to compliance with Section 9.6.3 o) i) of Hamilton Zoning By-law 05-200.

Please be advised that an application for a change of use permit will be required to establish the new uses on site.

Please be advised that building Division records indicate that the recognized use for the property known as 652 Parkdale Avenue North, Hamilton is as follows:

Building Division records indicate that the recognized use is a machine and fabrication shop and storage building, which is permitted.

Parking has been calculated based on the uses as indicated by the applicant.

Please be advised that an application for a change of use permit will be required to establish the new uses on site.

THE DECISION OF THE COMMITTEE IS:

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

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

DATED AT HAMILTON this 4th day of February, 2021.

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 **February 24th, 2021.**

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-20:287
SUBMISSION NO. A-287/20

APPLICATION NO.: HM/A-20:287

APPLICANTS: Sadee Piper on behalf of the owner David Elliot

SUBJECT PROPERTY: Municipal address **555 Bay St. N., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 83-234

ZONING: "F-1/S-838a" (Waterfront Recreation) district

PROPOSAL: To permit the construction of a 50 square metre accessory building for the Hamilton Yacht Club consisting of washroom facilities notwithstanding that:

1. The maximum height for an accessory building shall be 4.5 metres instead of the maximum required 4.0 metre building height.
2. An accessory building may be permitted within a required side yard and within a distance of 2.1 metres from a side lot line, whereas accessory buildings are permitted in the rear yard only.

NOTES:

1. The property is zoned Site-Specific F-1/S-838a (Waterfront Recreational) District which was approved April 15, 1985 by the Ontario Municipal Board. The property is occupied by the Hamilton Yacht Club and Hamilton Sailing Club which operate a marina and private clubs and are permitted in the F-1/S-838a District.
2. The F-1 District regulations apply to development on the subject lands.
3. Variances have been written as requested by the applicant.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three above, are **GRANTED** 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 4th day of February, 2021.

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 **February 24th, 2021.**

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-20:277
SUBMISSION NO. A-277/20

APPLICATION NO.: HM/A-20:277

APPLICANTS: Garry Ball & Debra Gaeler, owners

SUBJECT PROPERTY: Municipal address **120 McAnulty Blvd., Hamilton**

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

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

PROPOSAL: To Construct a 3.28m (10.75') x 4.06m (13.3') one storey rear addition (labelled "porch overhang") and a 2.29m (7.5') x 4.06m (13.3') uncovered rear porch at the first storey onto the existing single family dwelling and to recognize the location of two (2) existing sheds notwithstanding that:

1. A minimum westerly side yard width of 0.1m shall be provided for the rear addition instead of the minimum required westerly side yard width of 0.9m.
2. The existing easterly shed shall be distant at least 0.2m from the easterly side lot line instead of the requirement that accessory buildings shall be distant at least 0.45m from the nearest side lot line.
3. The eaves and gutters on the existing easterly shed shall be permitted to project a maximum of 0.2m into the required easterly side yard and shall be 0.0m from the easterly side lot line instead of the requirement that eaves and gutter may project into a required side yard not more than one-half of its width (being 0.1m) and shall be distant at least 0.1m from the nearest side lot line.
4. The eaves and gutters on the existing westerly shed shall be permitted to project a maximum of 0.35m into the required westerly side yard and shall be 0.1m from the westerly side lot line instead of the requirement that eaves and gutter may project into a required side yard (being 0.45m) not more than one-half of its width (being 0.225m) and shall be distant at least 0.225m from the nearest side lot line.

NOTE:

- i) The rear "porch overhang" is actually considered an addition due to the partial wall along westerly side.
- ii) Pursuant to Variance # 3 above, the eavestrough of the easterly shed is shown to project 4" (0.10m) over the easterly lot line and onto the neighbouring abutting lot to the east. As such, the following is required:

- an Encroachment Agreement and Maintenance Easement with the abutting easterly neighbor is required; or,
- the eaves and gutters shall be removed so that they are located entirely on the subject lands; or,
- the shed shall be moved so that the shed including its eaves and gutter (eavestrough) are located entirely on the subject lands.

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.
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:

1. That the owner enters into an Encroachment Agreement and a Maintenance Easement with the property owner of 122 McAnulty Boulevard or alter the existing easterly shed to address the encroachment to the satisfaction of the Manger of Development Planning, Heritage and Design.

DATED AT HAMILTON this 4th day of February, 2021.

M. Dudzic (Chairman)

D. Serwatak

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **February 24th, 2021.**

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-20:217
SUBMISSION NO. A-217/20

APPLICATION NO.: HM/A-20:217

APPLICANTS: Ed. Fothergill on behalf of the owners A. & L. Colalillo

SUBJECT PROPERTY: Municipal address **322 Mt. Albion Rd., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 90-102

ZONING: "C/S-1162" (Urban Protected Residential) district

PROPOSAL: To permit the creation of four new lots (Parts 2 – 5 inclusive) and maintain an existing two-family dwelling on Part 1 as per Consent Applications HM/B-20:68, HM/B-20:69 and HM/B-20:79, notwithstanding that;

Part 1 (containing exiting two-family dwelling):

1. A maximum height of 2.5 storeys shall be permitted instead of the maximum 2.5 storeys and 11.0m height permitted.
2. A minimum 1.2m rear yard shall be permitted instead of the minimum 7.5m rear yard required.

Part 3, 4 and 5 (new single-family dwelling lots):

3. A minimum lot area of 310.0m² shall be permitted for Part 3, Part 4 and Part 5 instead of the minimum 360.0m² lot area required.

Notes for proposed lot containing an existing two-family dwelling:

The applicant shall ensure that a minimum parking space size of 2.7m x 6.0m and a minimum 2.8m access driveway is maintained for each of the two parking spaces proposed; otherwise, further variances shall be required.

The applicant shall ensure that a minimum of 50.0% of the front yard shall be maintained as landscaping; otherwise, further variances shall be required.

The applicant shall ensure that any proposed encroachments conform to the zoning By-law; otherwise, further variances shall be required.

THE DECISION OF THE COMMITTEE IS:

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

1. The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.
2. The relief requested is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 45 of The Planning Act, 1990.

- 3. The Committee having regard to the intensity of use of the subject parcel of land is of the opinion that such development would not be appropriate for the lands.
- 4. The submissions made regarding this matter affected the decision by supporting the refusal of the application.

DATED AT HAMILTON this 4th day of February 2021.

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 **February 24th, 2021.**

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-20:279
SUBMISSION NO. A-279/20

APPLICATION NO.: GL/A-20:279

APPLICANTS: Structured Creations c/o D. Sanger-Smith on behalf of the owners B. & L. Dupuis

SUBJECT PROPERTY: Municipal address **7285 English Church Rd., Glanbrook**

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

ZONING: "A1" (Agricultural) district

PROPOSAL: To permit the construction of a proposed 2 storey single detached dwelling along with a proposed 2 storey detached garage (at rear) notwithstanding that;

2. A maximum height of 8.9 m shall be permitted for the proposed detached garage instead of the maximum permitted height of 6.0 m.

Note:

These variances are necessary to facilitate Building Permit Application # 20-161027.

THE DECISION OF THE COMMITTEE IS:

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

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

That the said application is GRANTED subject to the following condition

1. That no bar, bedroom, washroom or kitchenette be permitted in the accessory building.

DATED AT HAMILTON this 4th day of February, 2021.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

B. Charters

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 **February 24th, 2021.**

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. DN/A-20:278
SUBMISSION NO. A-278/20

APPLICATION NO.: **DN/A-20:278**

APPLICANTS: Danielle DesJardins on behalf of the owner Don Oakie

SUBJECT PROPERTY: Municipal address **189 Melville St. Dundas**

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

ZONING: "R2" (Single Detached Residential) Zone

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

1. A minimum rear yard of 4.4m shall be permitted instead of the minimum 7.5m rear yard required.

Notes: The applicant shall ensure that the maximum 10.5m height is not exceeded. No elevation plans were provided.

The zoning By-law permits an eave or gutter to project a maximum of 1.5m into a rear yard and permits a projection of an eave or gutter into a side yard to a maximum of one-half of its width or 1.0m whichever is lesser. No details were provided to confirm compliance.

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

DATED AT HAMILTON this 4th day of February, 2021.

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 **February 24th, 2021.**

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-20:286
SUBMISSION NO. A-286/20

APPLICATION NO.: **AN/A-20:286**

APPLICANTS: Urban Solutions c/o S. Manchia on behalf of the owner Garner Investments Inc.

SUBJECT PROPERTY: Municipal address **1040 Garner Rd. W., Ancaster**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-laws 10-128 & 18-219

ZONING: "M3, Exception 376 and 678" (Prestige Business Park (M3) Zone

PROPOSAL: To permit a Restaurant use within the Planned Business Centre currently under construction, notwithstanding,

1. A Restaurant use shall be permitted at this location whereas the Zoning By-law does not permit a Restaurant as a principal use at this location.

NOTES:

1. A Restaurant use is listed as a permitted use in the M3 Zone; however, pursuant to Section 9.3.3 r) of the Zoning By-law, the use of a Restaurant is restricted to specific locations and is limited by a maximum gross floor area.

2. The Planned Business Centre currently under construction was approved by site plan application DA-18-027.

THE DECISION OF THE COMMITTEE IS:

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

1. The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.
2. The relief requested is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee having regard to the intensity of use of the subject parcel of land is of the opinion that such development would not be appropriate for the lands.
4. The submissions made regarding this matter affected the decision by supporting the refusal of the application.

DATED AT HAMILTON this 4th day of February, 2021.

M. Dudzic (Chairman)

L. Gaddy

D. Smith

M. Smith

M. Switzer

T. Lofchik

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **February 24th, 2021.**

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