

IMPORTANT INFORMATION FOR CONSENTS

THE LAST DATE OF APPEAL IS:

March 17, 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
- 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 MINOR VARIANCES

THE LAST DATE OF APPEAL IS:

March 10, 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

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 - Notice of appeal, setting out the objection to the decision and the reasons in support of the objection;
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Questions or Information:

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



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-21:13
SUBMISSION NO. A-13/21

APPLICATION NO.: **AN/A-21:13**

APPLICANTS: Richie Khanna on behalf of the owner Nariender Kahoor

SUBJECT PROPERTY: Municipal address **110 Curran Rd., Ancaster**

ZONING BY-LAW: Zoning By-law 87-57, as Amended by By-law 11-014

ZONING: "R4-612" (Residential) district

PROPOSAL: To permit the development of a rear deck, including a roofed over section of the deck above the first storey for a single detached dwelling, notwithstanding that:

1. The maximum area for a deck shall be 59 square metres instead of the maximum required 40 square metres;
2. The minimum setback from a deck to the rear lot line shall be 4.4 metres instead of the minimum 6.0 metres

NOTES:

1. The variances are written as requested by the applicant.
2. The property is zoned Site-Specific Residential (R4-612) Zone in Ancaster Zoning By-law 87-57. Site-Specific 612 was approved under amending by-law 11-014 and includes a special provision to permit the front yard to be 4.5 metres and 6.0 metres to an attached garage.
3. The proposed feature is recognized as a deck. The Ancaster Zoning By-law provides the following definition for deck:

Deck means a platform or series of platforms, accessory to a dwelling unit, exceeding a height of 60 cm measured from the lowest point of grade at the platform perimeter to the floor of the platform. Decks may be free-standing or attached to a dwelling and are intended for use as an outdoor living area. Decks may be roofed over with a trellis or trellis-like structure only, screened-in and enclosed by a hand rail not exceeding a height of 122 cm above the platform floor, otherwise a deck shall not be enclosed. Any and all stairs, as measured to the exterior parameters of the framing structure, shall be considered to constitute part of the deck with respect to all relevant setbacks and lot coverage regulations. Any decking less than 60 cm in height shall not be considered to be a deck for the purpose of this by-law, but rather, shall be considered as landscaping material only.

In addition to the above, the Ancaster Zoning By-law does not define the term "balcony". However, for interpretation purposes, a balcony would not have stairs or support columns as part of its structure.

4. The lot coverage requirements of the Zoning By-law for residential dwellings do not apply to unenclosed decks and their associated stairs.

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 18th 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 **March 10th, 2021**.

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-21:25
SUBMISSION NO. A-25/21

APPLICATION NO.: **AN/A-21:25**

APPLICANTS: A. & C. Zorko, owners

SUBJECT PROPERTY: Municipal address **43 Dymont Crt., Ancaster**

ZONING BY-LAW: Zoning By-law 87-57, as Amended by By-law 12-084

ZONING: "R4-643" (Residential) district

PROPOSAL: To permit the construction of an accessory structure (shed) for the existing single detached dwelling, notwithstanding that;

1. The accessory building (shed) shall be permitted to be located within the minimum 1.2m side yard and as close as 0.2m from the southerly side lot line whereas the zoning By-law does not permit an accessory building to be located in any minimum side yard and whereas a minimum setback of 0.75m shall be maintained from any 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 did not affect the decision.

DATED AT HAMILTON this 18th day of February , 2021.

M. Dudzic (Chairman)

D. Serwatuk

D. Smith

M. Switzer

L. Gaddy

B. Charters

T. Lofchik

N. Mleczko

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-21:29
SUBMISSION NO. A-29/21

APPLICATION NO.: **AN/A-21:29**

APPLICANTS: Owners Jade & Stefano Nella
Agent Mike Baccala

SUBJECT PROPERTY: Municipal address **261 Robina Rd., Ancaster**

ZONING BY-LAW: Ancaster Zoning By-law 87-57, as Amended

ZONING: ER district (Existing Residential)

PROPOSAL: To permit the construction a 5.33m (17'6") x 12.17m (39'11") rear covered porch (patio) addition onto an existing single detached dwelling notwithstanding that:

4. A minimum northerly side yard of 2.5m (being 9.65% of the 25.908m lot frontage) shall be provided to the instead of the minimum required side yard of 2.59m (being 10% of the 25.908m lot frontage).
5. Eaves and gutters shall be permitted to project not more than 0.7m into the required 2.5m northerly side yard so that the eaves and gutters are as close as 1.8m to the northerly side lot line instead of the requirement that eaves or gutters that project into any minimum side yard a distance of not more that 60 cm (0.6m).
6. A minimum rear yard of 11.3m (which is 25.8% of the 43.796m lot depth) shall be provided instead of the minimum required rear yard of 13.14m (which is 30% of the 43.796m lot depth).

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 18th day of February, 2021.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. FL/A-21:08
SUBMISSION NO. A-08/21

APPLICATION NO.: FL/A-21:08

APPLICANTS: John Harsevoort on behalf of the owners K. & A. Lynch

SUBJECT PROPERTY: Municipal address **960 Garden Ln., Flamborough**

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

ZONING: "S1" (Settlement Residential) district

PROPOSAL: To permit the construction of a front yard foyer addition and a 2nd storey addition above the garage of the existing single detached dwelling notwithstanding that;

1. A minimum of 7.0 m setback shall be provided to the proposed front foyer addition instead of the minimum required front yard setback of 7.5 m; and
2. A minimum of 0.9 m side yard setback shall be provided on the southerly side lot line instead of the minimum required 3.0 m.

Notes:

A minimum of 0.6 m encroachment into any required yard to a maximum of half the distance of required yard is required to be provided. No details have been provided; therefore, 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 did not affect the decision.

DATED AT HAMILTON this 18th day of February , 2021.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddye

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 **March 10th, 2021.**

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. FL/A-21:14
SUBMISSION NO. A-14/21

APPLICATION NO.: FL/A-21:14

APPLICANTS: Christopher Zegray, owner

SUBJECT PROPERTY: Municipal address **1256 Old Hwy 8., Flamborough**

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

ZONING: "S2" (Settlement Commercial) district

PROPOSAL: To permit the expansion of the existing legally established non-conforming three (3) family dwelling through the construction of a new 53.1m² accessory building (shed) in the rear yard notwithstanding that:

1. A side yard setback of 0.6m shall be provided instead of the minimum required side yard setback of 3.0m for accessory structures.
2. A height of 3.1m shall be provided from grade to the underside of the fascia eaves, overhang, or the lower ends of the roof joists, rafters or trusses instead of the maximum permitted height of 3.0m.

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.

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

1. Drainage plan for proposal is subject for approval from Development Engineering Approvals.

DATED AT HAMILTON this 18th day of February, 2021.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

M. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. FL/A-21:16
SUBMISSION NO. A-16/21

APPLICATION NO.: FL/A-21:16

APPLICANTS: Kevin Webster on behalf of the owner Marika Ince

SUBJECT PROPERTY: Municipal address **984 Garden Ln., Flamborough**

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

ZONING: "S1" (Settlement Residential) district

PROPOSAL: To permit construction of a 5.49m (18'0") x 6.1m (20'0") accessory building (proposed shop) together with a 2.44m (8'0") x 6.1m (20'0") covered porch which is accessory to the existing single detached dwelling notwithstanding that:

1. A maximum coverage of 155m² shall be provided for all accessory buildings instead of the requirement that all buildings accessory to a residential use shall not exceed 30% lot coverage of the yard in which the accessory buildings are located, including areas devoted exclusively to parking, to a maximum of 97m².

NOTE:

i) An interpretation has been made that the 2.44m (8'0") x 6.1m (20'0") covered porch which is attached to the 5.49m (18'0") x 6.1m (20'0") accessory building (proposed shop) is considered part of the accessory building lot coverage. As such, this accessory building has a coverage of 48.31m² rather than 35.0m² as indicated on the Minor Variance Application. Additionally, based on a 2011 building permit for the Accessory Building (Detached Garage) # 1, its coverage is 65.5m² (25'2" x 28'0").

ii) The proposed accessory building (detached shop) shall only be accessory to the single detached dwelling and shall not be used for human habitation, commercial or industrial uses.

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 18th day of February, 2021.

M. Dudzic (Chairman)

M. Smith

D. Smith

M. Switzer

N. Mleczko

L. Gaddy

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. FL/A-21:17
SUBMISSION NO. A-17/21

APPLICATION NO.: HM/A-21:17

APPLICANTS: Agent James Smith
Owners M & K Robinson

SUBJECT PROPERTY: Municipal address **401 Carlisle Rd., Flamborough**

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

ZONING: S1 (Settlement Residential) district

PROPOSAL: To permit the construction of a one-storey addition, including an attached garage, to the existing single detached dwelling, notwithstanding,

1. A minimum front yard of 4.4 metres shall be provided instead of the minimum required front yard of 7.5 metres.

NOTES:

1. A further variance will be required if the eaves and gutter encroach greater than 0.6 metres, to a maximum of half the required distance of a required yard.

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

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

DATED AT HAMILTON this 18th day of February, 2021.

M. Dudzic (Chairman)

M. Smith

L. Gaddy

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. FL/A-21:27
SUBMISSION NO. A-27/21

APPLICATION NO.: FL/A-21:27

APPLICANTS: Benito Nunez, owner

SUBJECT PROPERTY: Municipal address **951 Millgrove Side Rd., Flamborough**

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

ZONING: "S1" (Settlement Residential) district

PROPOSAL: To permit the construction of a second storey addition to the existing Single Detached Dwelling, the construction of the new front porch and rear deck, and construction of an Accessory Building (shed) in the rear yard notwithstanding that:

1. The lot has no frontage along a street whereas the by-law requires each lot to have frontage of at least 4.5m along a street.
2. A minimum side yard of 1.2m shall be provided instead of the minimum side yard setback of 3.0m required for accessory buildings having a gross floor area greater than 18.0m².

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 18th day of February, 2021.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-20:107
SUBMISSION NO. A-107/20

APPLICATION NO.: **GL/A-20:107**

APPLICANTS: 1536708 Ontario Inc., owner
Agent: UrbanCore Developments

SUBJECT PROPERTY: Municipal address **205 Thames Way, Glanbrook**

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

ZONING: H-RM3-147 (Residential Multiple) district

PROPOSAL: To permit the development of a block townhouse development consisting of 57 townhouse units, notwithstanding that:

1. The maximum density shall be 45 units per hectare instead of the required 35 units per hectare.
2. The minimum front yard shall be 3.0 metres instead of the minimum required 9.0 metres.
3. The minimum easterly and westerly side yards shall be 6.0 metres instead of the minimum required 7.5 metres.
4. The minimum rear yard shall be 6.0 metres instead of the minimum required 7.5 metres.
5. The minimum separation distance between 2 exterior walls which contain which contain windows to a habitable room shall be 12.0 metres instead of the minimum required 15.0 metres.
6. To require no minimum amenity area per dwelling unit instead of the required minimum 5.0 square metres per dwelling unit.
7. To permit the minimum landscaped area to be 35% of the lot area instead of the required minimum 50% landscaped area.

NOTES:

1. The variances have been written as requested by the applicant and were determined through an Applicable Law Review for Zoning Compliance that was submitted on April 8, 2020 for the proposed block townhouse development. The site plan has been revised for the current updated variance application.
2. A formal site plan application is required but has not been submitted at this time for this proposal.

3. The subject property is zoned H-RM3-147 under Zoning By-law 464. The Holding provision H is required to remain in effect until satisfactory storm water management facilities have been provided for the servicing of the property.
4. As a future site plan application is required for the proposal certain requirements such as garage elevations, lighting for parking areas and landscaping will be examined at the site plan review stage.
5. Updated Variance #7 refers to the requirement for a common amenity area for the proposed townhouse project.

That the variances, as set out above, are **DENIED**.

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 18th day of February, 2021.

M. Dudzic (Chairman)

D. Serwatuk

T. Lofchik

D. Smith

B. Charters

M. Switzer

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **March 10, 2021**.

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. GL/A-20:225
SUBMISSION NO. A-225/20

APPLICATION NO.: GL/A-20:225

APPLICANTS: Chris Camilleri, owner

SUBJECT PROPERTY: Municipal address **2035 Fletcher Rd., Glanbrook**

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

ZONING: "A1" (Agriculture) district

PROPOSAL: To permit the construction of an accessory building comprising 245 square metres located on a residential parcel of land, notwithstanding that;

1. Accessory buildings shall be permitted to be located within the front yard instead of the requirement that no accessory buildings or structures shall be located within a front yard.
2. A maximum gross floor area of 245 square metres and a maximum building height of 7.0 metres shall be permitted for all buildings accessory to the single detached dwelling instead of the requirement that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum gross floor area of 200 square metres and a maximum building height of 6.0 metres.

NOTE:

1. This is a corner lot as defined in Hamilton Zoning By-law No. 05-200. Note that with reference to a corner lot, the front lot line shall mean the shorter of the lot lines abutting the streets. Therefore, the lot line abutting Guyatt Road is deemed the front lot line, and the proposed accessory structure/building is located within the front yard, requiring a variance to Section 4.8.2(a) of Hamilton Zoning By-law No. 05-200.
2. The zoning by-law permits a maximum height of 6.0 metres for an accessory building/structure. No elevation drawings were included as part of this application. The applicant shall ensure that the height of the building has been measured from grade as defined in the zoning By-law; otherwise, additional variances may be required.
3. Human habitation is prohibited within the accessory building. Any proposed storage shall be incidental and associated only with the existing single detached dwelling. Any use or storage not associated with the principle use is not permitted.
4. Construction of the proposed accessory building is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

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

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

DATED AT HAMILTON this 18th day of February 2021.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddye

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 **March 10th, 2020**.

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

“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).”



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-21:24
SUBMISSION NO. A-24/21

APPLICATION NO.: **GL/A-21:24**

APPLICANTS: Owner Richard Katz
Agent Peter Ostermeir

SUBJECT PROPERTY: Municipal address **1481 Fletcher Rd., Glanbrook**

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

ZONING: A1 district (Agricultural)

PROPOSAL: To permit the expansion of an existing single detached dwelling building comprising a 96.63 square metre addition for an attached garage, notwithstanding that,

1. The minimum southerly side yard shall be 1.4 metres instead of the minimum required 3.0 metre side yard.

NOTES:

1. The application is written as requested by the applicant.
2. The lot area for the property is recognized as legal non-complying as it predated the creation of the A1 Zone under 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 18th 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 **March 10th, 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-21:01
SUBMISSION NO. A-01/21

APPLICATION NO.: **HM/A-21:01**

APPLICANTS: Charles MacPhail on behalf of the owners J. & P. Bosanac

SUBJECT PROPERTY: Municipal address **164 Rosslyn Ave. S., Hamilton**

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

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

PROPOSAL: To permit the expansion of a legally established non-conforming three (3) family dwelling by construction of a 7.925m (26'0") x 8.839m (29'0") accessory building (detached garage) together with a 1.829m (6'0") x 4.877m (16'0") attached covered porch notwithstanding that:

1. A minimum southerly side yard depth of 2.4m shall be provided to the proposed accessory building (detached garage) instead of the minimum required side yard of 2.7m
2. A minimum side yard depth of 2.4m shall be provided to the proposed accessory building (detached garage) instead of the minimum required side yard of 2.7m.
3. A manoeuvring space of 2.4m shall be provided onsite for each of the two (2) provided parking spaces located in the accessory building (detached garage) instead of the minimum required onsite manoeuvring space of 6.0m.

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 18th 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 **March 10th, 2021.**

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-21:03
SUBMISSION NO. A-03/21

APPLICATION NO.: **HM/A-21:03**

APPLICANTS: Agent Urban Solutions c/o M. Johnston
Owner Kevin Pomeroy

SUBJECT PROPERTY: Municipal address **264 Rymal Rd. W., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 09-023

ZONING: AA abd R-4/S-1301a district (Agricultural District and Small Lot Single Family Dwelling)

PROPOSAL: To facilitate a consent application to sever the rear portion of an existing property containing an existing single family dwelling which are to be added to an adjacent property for future development, notwithstanding,

Land to be retained

1. A minimum lot width of 30.0 metres shall be permitted instead of the minimum required lot width of 60.0 metres;
2. A minimum lot area of 1,400 square metres shall be permitted instead of the minimum required lot area of 12,000 square metres;
3. A minimum side yard depth of 3.0 metres shall be permitted instead of the minimum required side yard width of 4.5 metres;

Lands to be conveyed

4. A minimum lot width of 9.7 metres shall be permitted instead of the minimum required lot width of 60.0 metres;
5. A minimum lot area of 291 square metres shall be permitted instead of the minimum required lot area of 12,000 square metres;
6. A maximum building height of 12.5 metres shall be permitted instead of the maximum permitted building height of 11.0 metres;
7. A minimum front yard depth of 4.5 metres to the front of the unit and not less than 6.0 metres to the front if the garage shall be permitted instead of the minimum required front yard depth of 12.0 metres;
8. A minimum side yard width of 1.0 metres shall be permitted instead of the minimum required side yard width of 4.5 metres;
9. A minimum rear yard depth of 7.0 metres shall be permitted instead of the minimum required rear yard depth of 10.5 metres;

- 10. A porch shall be permitted to encroach 2.0 metres into the required front yard; and,
- 11. A minimum of 35% of the gross area of the front yard shall be provided as landscaped area instead of providing a minimum of 50% of the gross area of the front yard as landscaped area.

NOTES:

- 1. Details regarding the existing conditions of the lands to be retained or the proposed development for the lands to be conveyed have not been provided; as such, the variances have been written exactly as requested by the applicant. Further variances may be required at such time the retained lands and the conveyed lands are reviewed for zoning compliance.
- 2. Pursuant to Section 3(9) of the Zoning By-law, where a building or structure is to be constructed on a lot in two zones, and the use is permitted in each of the zones, the lot shall comply with the least stringent lot width and lot area requirements. However, the variances have been written as requested by the applicant, to seek relief from the most stringent lot width and lot area requirements.
- 3. The applicant shall clarify the intent of the variance requested to permit a porch to encroach 2.0 metres into a required front yard. A roofed-over unenclosed porch is permitted to encroach 3.0 metres into a required front yard while maintaining a minimum distance of 1.5 metres to the front lot line and an uncovered porch is permitted to encroach into a required front yard while maintaining a minimum distance of 1.5 metres to the front lot line.
- 4. This application is to be heard in conjunction with land severance application HM/B-21:02.

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.
- 5. The submissions made regarding this matter affected the decision by supporting the granting of the application, with amendments.

DATED AT HAMILTON this 18th day of February, 2021.

M. Dudzic (Chairman)

D. Serwatuk

T. Lofchik

N. Mleczko

B. Charters

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **March 10th, 2021.**

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

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



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COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

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

APPLICATION NUMBER: HM/B-21:02

SUBJECT PROPERTY: 264 Rymal Rd. W., Hamilton

APPLICANT(S): Agent Urban Solutions c/o M. Johnston
Owner Kevin Pomeroy

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land to be added to be added to lands know as Block 38 of draft Plan of Subdivision 25T-200721, and to retain a parcel of land for future development.

Severed lands:
30.46m[±] x 16.12m[±] and an area of 491m² [±]

Retained lands:
30.46m[±] x 47.28m[±] and an area of 1,440m² [±]

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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)

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. (Committee of Adjustment Section)
4. 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).
5. The owner shall demolish all accessory structures located on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or alternatively receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the existing accessory structures to remain where no principal use is existing (Building Division – Zoning Section). Such demolition may be subject to a demolition permit issued from the Building Division.
6. The owner shall submit survey evidence that the lands to be retained and the lands to be conveyed, including the location of all existing buildings, parking and landscaping, conform to the requirements of the Zoning By-law or alternatively 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).

DATED AT HAMILTON this 18th day of February , 2021.

M. Dudzic (Chairman)

D. Serwatak

N. Mleczko

T. Lofchik

B. Charters

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 25th, 2021.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (February 25th, 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 17th, 2021**

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

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



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-21:05
SUBMISSION NO. A-05/21

APPLICATION NO.: HM/A-21:05

APPLICANTS: Urban Solutions c/o M. Johnston on behalf of the owner
Spallacci Contracting Ltd.

SUBJECT PROPERTY: Municipal address **299-307 John St. & 97 Josephs Dr.,
Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 04-252

ZONING: "E-3/S-1512" (High Density Multiple Dwellings) district

PROPOSAL: To permit the use of a temporary public parking lot, consisting of +/-
100 parking spaces, to continue to operate for an additional three (3)
years within the parking lot associated with the existing retirement
home and multiple dwelling on the same lot, notwithstanding,

1. The use of a public parking lot shall be permitted whereas a public parking lot is not permitted at this location, and

2. A minimum of +/- 30 parking spaces shall be devoted to the existing uses of a retirement home and multiple dwelling instead of providing a minimum of 44 parking spaces required to be provided for the existing uses.

NOTES:

1. Minor variance HM/A-17:246 was previously approved to permit the establishment of a temporary public parking lot for a period of a maximum of three (3) years, which became final and binding on May 03, 2018.

2. Building Divisions records indicate the existing use of this property is a multiple dwelling containing a total of 30 dwelling units and a legally established non-conforming retirement home for the accommodation of 60 residents.

3. A detailed dimensioned layout of the parking areas, including parking spaces, manoeuvring areas, access driveways and landscaping has not been provided. Further variances may be required is compliance with Section 18A (Parking and Loading Requirements) cannot 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 did not affect the decision.

DATED AT HAMILTON this 18th 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 **March 10th, 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-21:07
SUBMISSION NO. A-07/21

APPLICATION NO.: HM/A-21:07

APPLICANTS: Gillian Francis

SUBJECT PROPERTY: Municipal address **109 East 11th St., Hamilton**

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

ZONING: "C" (Urban Protected Residential) district

PROPOSAL: To permit the conversion of the existing Single Family Dwelling to contain two (2) dwelling units notwithstanding that:

1. The floor area of one (1) unit shall be at least 50.0m² instead of the minimum floor area of 65.0m² required for each dwelling unit.
2. The manoeuvring space and accessibility to the parking space located within the detached garage may be obstructed by another vehicle whereas the By-law requires an unobstructed manoeuvring aisle having a minimum width of 6.0m and an unobstructed access to the required parking space."

NOTES:

- i. Section 19(1)(iii) of Hamilton Zoning By-law 6593 requires that the external appearance and character of the dwelling be maintained and preserved (with the exception of exterior exits). Please be advised that further variances may be required if further changes are intended to the exterior of the existing building.

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 18th day of February , 2021.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddye

D. Smith

M. Smith

M. Switzer

T. Lofchik

N. Mleczko

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **Marth 10th, 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-21:10
SUBMISSION NO. A-10/21

APPLICATION NO.: HM/A-21:10

APPLICANTS: Matteo Canton on behalf of the owner Giacomo Canton

SUBJECT PROPERTY: Municipal address **14 Eric Burke Crt., Hamilton**

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

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

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

1. The accessory building shall be permitted to be located within a required side yard whereas an accessory structure is not permitted to be located in a required side yard; and,
2. A minimum side yard width of 0.2 metres shall be provided to the accessory building instead of the minimum required side yard width of 1.2 metres.

NOTES:

1. A further variance will be required if all accessory buildings occupy greater than thirty percent of the required rear yard and side yard combined.

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 18th 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 **March 10th, 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-21:11
SUBMISSION NO. A-11/21

APPLICATION NO.: HM/A-21:11

APPLICANTS: Stefanie Dollak, owner

SUBJECT PROPERTY: Municipal address **369 Charlton Ave. W., Hamilton**

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

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

PROPOSAL: To permit the development of a two (2) storey addition to an existing single detached dwelling located on a residential parcel of land, notwithstanding that:

1. A minimum front yard depth of 2.85 metres shall be provided, instead of the minimum required front yard depth of 6.0 metres.
2. A minimum westerly side yard of 0.29 metres shall be provided, instead of the minimum required side yard of 1.20 metres.
3. An eave/gutter shall be permitted to project a maximum of 1.2 m into the required westerly side yard and may be as close as 0 m to the westerly lot line instead of the maximum 0.6 m projection permitted.

NOTE:

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

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

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

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

- 1. That approval of Variance 3 be tied to the submitted elevation drawings to the satisfaction of the Manager of Development Planning, Heritage and Design.
- 2. That the owner enter into an Encroachment Agreement with the adjacent property owner(s) should the eaves and gutters encroach onto the adjacent properties to the satisfaction of the Manger of Development Planning, Heritage and Design.

DATED AT HAMILTON this 18th 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 **March 10th, 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. HM/A-21:12
SUBMISSION NO. A-12/21

APPLICATION NO.: HM/A-21:12

APPLICANTS: Richie Khanna on behalf of the owner Sean Panaepka

SUBJECT PROPERTY: Municipal address **15 Cedar Ave., Hamilton**

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

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

PROPOSAL: To permit the conversion of the existing single-family dwelling to contain two (2) dwelling units, notwithstanding that;

1. A minimum of one (1) parking spaces shall be permitted instead of the minimum two (2) parking spaces required.
2. A minimum parking space length of 5.5m shall be provided instead of the minimum required parking space length of 6.0m as previously approved by Committee.
3. A minimum front yard landscaped area of 15% shall be permitted instead of the minimum required front yard landscaped area of 50%.

Note: Our records indicate that previous Committee decision HM/A-11:237 approved variances to the existing single-family dwelling.

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 18th day of February, 2021.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-21:18
SUBMISSION NO. A-18/21

APPLICATION NO.: HM/A-21:18

APPLICANTS: M. Krantzberg on behalf of the owner 285 Melvin Apt. Ltd.

SUBJECT PROPERTY: Municipal address **285 Melvin Ave., Hamilton**

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

ZONING: "E" (Multiple Dwellings, Lodges, Clubs and etc.) district

PROPOSAL: To permit the existing multiple dwelling to contain a total of sixty-nine (69) dwelling units; notwithstanding that;

1. A minimum of seventy-two (72) parking spaces shall be permitted to be provided and maintained instead of the minimum eighty-seven (87) parking spaces required.
2. No visitors parking spaces shall be required instead of the minimum eighteen (18) parking spaces required to be designated exclusively for visitors parking for a multiple dwelling.
3. A minimum parking space size of 2.6m x 5.6m shall be permitted to be maintained for the parking spaces instead of the minimum 2.7m x 6.0m parking space size required.
4. The existing parking spaces shall be permitted to be maintained as close as 0.0m from the adjoining residential boundaries instead of the minimum 1.5m setback required.
5. No planting strip shall be permitted to be maintained between the existing surface parking spaces and the adjoining residential boundaries instead of the minimum 1.5m wide planting strip required.
6. No loading space shall be permitted to be provided and maintained instead of the minimum one (1) loading space required.

Notes: The zoning By-law requires a minimum 6.0m manoeuvring aisle width adjacent to each parking space. No details have been provided from which to determine compliance; as such, further variances may be required.

The zoning By-law requires a minimum 5.5m wide mutual access driveway or separate ingress/egress driveway, each having a minimum width of at least 3.0m where there are more than five (5) parking spaces. Insufficient details were provided from which to determine compliance; as such, further variances may be required.

Insufficient details were provided from which to confirm that 72 parking spaces are maintained on site. In addition, no parking layout was provided for the parking spaces located within the building from which to confirm compliance including parking space sizes, manoeuvring, access driveways etc.

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 18th day of February, 2021.

M. Dudzic (Chairman)

M. Smith

T. Lofchik

D. Smith

B. Charters

M. Switzer

D. Serwatak

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-21:19
SUBMISSION NO. A-19/21

APPLICATION NO.: HM/A-21:19

APPLICANTS: Raman Sandhu on behalf of the owner John Kemp

SUBJECT PROPERTY: Municipal address **62 Erie Ave., Hamilton**

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

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

PROPOSAL: To permit the conversion of an existing 2.5 storey single detached dwelling to create a second dwelling unit and to permit the construction of an exterior open stairway to the second floor, notwithstanding that:

1. No parking spaces shall be permitted instead of 1 parking space per dwelling unit (to require 2 parking spaces) for a dwelling converted under Section 19 of the Zoning By-law.
2. An open stairway shall be permitted to project 0.9m into the northerly side yard instead of the required maximum projection of 0.4m for an open stairway into a required side yard.
3. The minimum front yard landscaped area shall be 23% instead of the minimum required 50% landscaped area.

NOTES:

1. The variances are written generally as requested by the applicant. However, due to the depth of the driveway/parking space, which is approximately 2.5m, it was determined that the driveway was insufficient for parking and that no parking spaces can be provided. In addition, it was determined that a variance for the proposed open stairway would be required for encroachment into the side yard and also a variance for the minimum front yard landscaped area.
2. Variance #3 is intended to address an existing situation.

That the variances, as set out above, are **DENIED**.

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 18th 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 **MARCH 10TH, 2021.**

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

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

APPLICATION NO.: HM/A-21:21

APPLICANTS: Agent Raman Sandhu
Owner John Kemp

SUBJECT PROPERTY: Municipal address **103 Grant Ave., Hamilton**

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

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

PROPOSAL: To the construction of a 3rd storey dormer addition along with a stair alteration on the northerly side lot line of the existing Two-Family Dwelling notwithstanding that;

4. A minimum side yard width of 0.0 m shall be provided on the northerly side lot line instead of the minimum required 2.7 m side yard width; and
5. A minimum side yard width of 0.9 m shall be provided on the southerly side lot line instead of the minimum required 2.7 m side yard width; and
6. No parking shall be provided on site instead of the minimum required 2 parking spaces; and

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.

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

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

DATED AT HAMILTON this 18th 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 **March 10th, 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-21:03
SUBMISSION NO. B-03/21

APPLICATION NUMBER: HM/B-21:03

SUBJECT PROPERTY: 27 Hollywood St. N., Hamilton

APPLICANT(S): Agent Graham Barrett
Owners A & M Khan

PURPOSE OF APPLICATION: To permit the creation of a new lot to facilitate the proposed use of a single family dwelling.

Severed lands:

12.19 m[±] x 30.48 m[±] and an area of 371.6 m²±

Retained lands:

12.19 m[±] x 30.48 m[±] and an area of 371.6 m²±

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

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
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 each newly created lot. (Committee of Adjustment Section)

- 4. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
- 5. The owner shall demolish the two sheds on the lands to be conveyed (shown as Part 2) to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the two sheds to remain when no principal use is existing and also to permit the easterly shed to be distant at least 0.3m to the northerly side lot line of the lands to be conveyed (Part 2) instead of being distant as least 0.45m to a side lot line (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
- 6. The owner shall apply for and receive any required building permits and/or demolition permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section).
- 7. The applicant must enter into and register on title of the lands, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time) to the satisfaction of Development Engineering.
- 8. A Permit to injure or remove municipal trees is a requirement of this application. Therefore, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees. A permit will be issued upon approval of the Tree Management Plan and applicable fees.

DATED AT HAMILTON this 18th 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 25th, 2021.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (February 25th, 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 17th , 2021**

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 be assigned the address of 25 Hollywood Street North (Hamilton), and the lands to be conveyed (Part 2) will remain as 27 Hollywood Street North (Hamilton).

Note: 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



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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. SC/A-21:23
SUBMISSION NO. A-23/21

APPLICATION NO.: **SC/A-21:23**

APPLICANTS: Arup Datta Architect Ltd. on behalf of the owner 2149589
Ontario Ltd., c/o R. Khatra

SUBJECT PROPERTY: Municipal address **1365 Baseline Rd., Stoney Creek**

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

ZONING: "C3, 334 and 579" (Community Commercial) district

PROPOSAL: To permit the construction of a three storey, mixed use building comprised of ground floor commercial and forty-eight (48) residential dwelling units above the ground floor as per site plan control application SPA-20-073, notwithstanding that;

1. Dwelling units in conjunction with a commercial use shall be permitted to occupy 76% of the total gross floor area of the building on the lot whereas the Zoning By-law states that the dwelling units in conjunction with a commercial use shall not occupy more than 50.0% of the total gross floor area of the building within the lot.

2. The principal entrance to the building shall not required to be provided within the ground floor façade that is setback closest to a street whereas the zoning By-law requires that a minimum of one principal entrance is provided within the ground floor façade that is setback closest to a street.

Notes: The variances are required to facilitate Site Plan Control application SPA-20-073.

The zoning By-law requires a minimum of four (4) barrier free parking spaces. Please note that only three (3) barrier free parking spaces are shown; however, the site has sufficient surplus parking in order to accommodate the minimum required four (4) barrier free spaces. Further variances will be required if the minimum four (4) barrier free parking spaces are not provided.

The zoning By-law permits a maximum height of 11.5m. The elevation plans provided do not show the height dimension from grade as defined; therefore, further variances may be required.

The zoning By-law requires a minimum landscaped area of 30.0% of the lot area to be provided and maintained. In addition, a minimum landscaped area or landscaped parking islands with a minimum combined area of 10.0% of the area of the parking lot and associated access driveway and manoeuvring shall be provided and maintained. Insufficient details were provided to confirm compliance respecting these requirements. Please note that the required planting strips and landscaped areas for the overall site are

separate and shall not form part of the required landscaping calculation for landscaped areas requirement of the parking lot.

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

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

DATED AT HAMILTON this 18th 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 **March 10th, 2021.**

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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. SC/A-21:31
SUBMISSION NO. A-31/21

APPLICATION NO.: **SC/A-21:31**

APPLICANTS: Agent IBI Group c/o Jared Marcus
Owner DeSantis Rose Joint Venture

SUBJECT PROPERTY: Municipal address **600 North Service Rd., Stoney Creek**

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

ZONING: C5, 682 district Mixed Use Medium Density

PROPOSAL: To permit the construction of a six (6) storey, 140-unit multiple dwelling notwithstanding that;

1. No planting strip shall be provided on the westerly and southerly lot lines abutting the Residential "RM3-64" Zone; whereas the By-Law states that where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5-metre-wide planting strip shall be provided and maintained; and
2. No visual barrier shall be provided on the westerly and southerly lot lines abutting the Residential "RM3-64" Zone; whereas the By-Law states that a visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law; and
3. No visual screen shall be provided for the rooftop mechanical equipment whereas the By – Law states under Subsection 10.5.3 g) i) that a rooftop mechanical equipment shall be located and/or screened from view of any abutting street.

Notes: These variances have been written as requested by the applicant.

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 18th day of February, 2021.

M. Dudzic (Chairman)

M. Smith

D. Smith

M. Switzer

L. Gaddy

B. Charters

N. Mleczko

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **March 10th, 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-21:04
SUBMISSION NO. A-04/21

APPLICATION NO.: **HM/A-21:04**

APPLICANTS: C. Irvin & E. Webb, owners

SUBJECT PROPERTY: Municipal address **201 Burris St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 87-09

ZONING: "C" (Urban Protected Residential) district

PROPOSAL: To permit alterations to the upper-storey of an existing single detached dwelling located on a residential parcel of land, notwithstanding that:

1. A minimum northerly side yard of 1.1 metres shall be provided, and a minimum southerly side yard of 1.19 metres shall be provided, instead of the minimum 2.7 metre side yard required where the height of a single family dwelling is increased to not more than three (3) storeys". A maximum building height of three (3) storeys shall be provided, instead of the requirement that in a "C" District, no building shall exceed two and a half storeys in height.
2. An eave/gutter shall be permitted to project a maximum of 2.01 metres into the required northerly side yard and may be as close as 0.69 metres to the northerly lot line, and a maximum of 1.69 metres into the required southerly side yard and may be as close as 1.01 metres to the southerly lot line, instead of the maximum permitted projection of one half the width of the side yard or 1.0 metres, whichever is lesser.

NOTE:

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

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

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

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

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

DATED AT HAMILTON this 18th day of February, 2021.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

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