

## **APPEAL INFORMATION – MINOR VARIANCES**

THE LAST DATE OF APPEAL IS:

**December 7, 2022**

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 Tribunal**

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 as payable on an appeal from a committee of adjustment to the Tribunal. 2017, c. 23, Sched. 5, s. 98 (3); 2021, c. 4, Sched. 6, s. 80 (5).

### **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;
  - Ontario Land Tribunal (OLT) appeal form, this can be found by contacting Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or at the OLT 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](mailto:cofa@hamilton.ca).
  - MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE
- 2.2 Physical appeal package must be delivered by mail to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.
- 2.3 Electronic appeal package must contain:
  - a copy of the notice of appeal;
  - a copy of the OLT appeal form;
  - a copy of the certified cheque or money order.
- 2.4 Physical appeal package must contain all information as noted in Section 1.3

Questions or Information:  
Contact Committee of Adjustment Staff ([cofa@hamilton.ca](mailto:cofa@hamilton.ca))



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### APPEAL INFORMATION – CONSENTS/SEVERANCES

THE LAST DATE OF APPEAL IS:

**December 14, 2022**

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

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 by the Tribunal. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (6); 2017, c. 23, Sched. 5, ss. 80, 81; 2021, c. 4, Sched. 6, s. 80 (1).

#### 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

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- Notice of appeal, setting out the objection to the decision and the reasons in support of the objection;
  - Ontario Land Tribunal (OLT) appeal form, this can be found by contacting Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or at the OLT 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;
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- 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 OLT appeal form;
  - a copy of the certified cheque or money order.
- 2.4 Physical appeal package must contain all information as noted in Section 1.3

Questions or Information:  
Contact Committee of Adjustment Staff ([cofa@hamilton.ca](mailto:cofa@hamilton.ca))



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## COMMITTEE OF ADJUSTMENT

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E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### **NOTICE OF DECISION** **Minor Variance**

<b>APPLICATION NO.:</b>	<b>HM/A-22:322</b>	<b>SUBJECT PROPERTY:</b>	693 Beach Blvd, Hamilton
<b>ZONE:</b>	"C/S-1435" (Urban Protected Residential and Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: Terri Laan & Chris Farner

The following variances are **GRANTED**:

1. A maximum 3 storey building height shall be permitted instead of the maximum 2.5 storey building height required.
2. A minimum front yard setback of 5.1m shall be provided instead of the minimum 6.0m required.
3. A minimum northly side yard setback of 1.5m shall be provided instead of the minimum 1.7m side yard required.
4. A minimum southerly side yard setback of 0.3m shall be permitted instead of the minimum 1.7m side yard required.
5. An open fire escape in may project the full extent of the required northerly side yard instead of the maximum permitted projection of 1.0m or one-third the width of the side yard, whichever is lesser.

#### **Notes:**

1. Should these variances be approved, the roofed over porch in the front yard will encroach 2.1m into the required front yard, not exceeding the maximum 3.0m projection permitted.
2. Note that our GIS mapping indicates a 4th structure on the property Identified as 693 ½, this building is not shown on the plans provided and as such has not been reviewed for zoning compliance at this time. Additional variances may be required at such a time that details are provided for the noted building.
3. Variances written as requested by applicant.

**THE DECISION OF THE COMMITTEE IS:**

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 consistent with the general intent and purpose of the By-laws and the Official Plans 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, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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M. Switzer

T. Lofchik

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N. Mleczko

D. Serwatak

**NOTES:**

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 7, 2022**
2. **This decision is not final and binding unless otherwise noted.**



Hamilton

## COMMITTEE OF ADJUSTMENT

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### **NOTICE OF DECISION** **Minor Variance**

<b>APPLICATION NO.:</b>	<b>HM/A-22:333</b>	<b>SUBJECT PROPERTY:</b>	928 King St E, Hamilton
<b>ZONE:</b>	"TOC1" (Transit Oriented Corridor Mixed Use)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: Red Betta Holdings Corp  
Agent: Ken Bekendam

The following variances are **GRANTED**:

1. A deck/fire escape may project a maximum 3.1m into a required rear yard whereas the by-law permits a maximum projection of 1.5m.

**Notes:**

- i. A minimum 7.5m rear yard setback is required in the current zoning designation. As such, this variance would permit a deck and fire escape to be as close as 4.4m from the rear lot line.

**THE DECISION OF THE COMMITTEE IS:**

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 consistent with the general intent and purpose of the By-laws and the Official Plans 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, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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M. Switzer

T. Lofchik

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N. Mleczko

D. Serwatuk

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 7, 2022**
2. **This decision is not final and binding unless otherwise noted.**





Hamilton

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E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### **NOTICE OF DECISION** **Consent/Land Severance**

<b>APPLICATION NO.:</b>	<b>HM/B-22:102</b>	<b>SUBJECT PROPERTY:</b>	536 Ferguson Ave N, Hamilton
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**APPLICANTS:** Owner: Van Tran  
Agent: Nick DeFilippis

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land to create a new residential building lot. The existing dwelling will be demolished to facilitate this application.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	6.095 m <sup>±</sup>	27.48 m <sup>±</sup>	167 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS:</b>	6.095 m <sup>±</sup>	27.48 m <sup>±</sup>	167 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): HM/A-22:318

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

That the said application, as set out above, Approved with Conditions, for the following reasons:

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (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 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 (Planning Division – Zoning Examination Section).
5. 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 (Planning Division – Zoning Examination Section). May be subject to a demolition permit issued in the normal manner.
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 (Planning Division – Zoning Examination Section).
7. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
8. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,500.00 (2022 fee) 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 and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. (Development Engineering Approvals)

**Notes:**

“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 Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Part 1) will remain as 536 Ferguson Avenue North (Hamilton) and the lands to be conveyed (Part 2) will be assigned the address of 534 Ferguson Avenue North (Hamilton). We ask that the following be noted to the applicants: 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.

DATED AT HAMILTON, November 24, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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M. Switzer

T. Lofchik

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N. Mleczko

D. Serwatuk

The date of the giving of this Notice of Decision is **November 24, 2022**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (November 24, 2024) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 14, 2022**
2. **This decision is not final and binding unless otherwise noted.**

**NOTICE OF DECISION**  
**Minor Variance**

<b>APPLICATION NO.:</b>	<b>HM/A-22:318</b>	<b>SUBJECT PROPERTY:</b>	536 Ferguson Ave N, Hamilton
<b>ZONE:</b>	"D" (Urban Protected Residential – One- and Two-Family Dwellings)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:**      Owner: Van Tran  
                             Agent: Nick DeFilippas

The following variances are **GRANTED AS AMENDED**:

1.      A minimum lot frontage of 12.1 m shall be provided instead of the minimum lot frontage required of 18.0 m; and
2.      A minimum lot area 334.9 m<sup>2</sup> shall be provided instead of the minimum required lot area of 540.0 m<sup>2</sup>; and
3.      A minimum front yard depth of 4.0 m shall be provided for the one half of the semidetached dwelling shown as part 1 and for the one half of the semi-detached dwelling shown as part 2 instead of the minimum required 6.0 m front yard depth; and
4.      To permit the parking space proposed within the driveway shown on Part 1 and Part 2 to obstruct the accessibility of the parking space proposed within the garage whereas the By-Law state that sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible form within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space; and

*Notes;*

- i.      Please note that a variance has been requested for 2 parking spaces instead of the minimum required 3 spaces (for a 10 proposed habitable rooms); however, this variance is not required as the total number of habitable rooms is only applicable to a single-family dwelling and not a semi-detached dwelling; therefore, this variance is not required at this time.
- ii.     Please note that there are no regulations for lot width, lot area for a one half of a semidetached; therefore, these variances are not required at this time.
- iii.    Please be advised that tandem parking is not permitted for a semi-detached; therefore, a variance has been written for the accessibility of the parking space within the attached garage.

iv. These variances are necessary to facilitate land severance application HM/B-22: 102.

**THE DECISION OF THE COMMITTEE IS:**

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

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is consistent with the general intent and purpose of the By-laws and the Official Plans 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, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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M. Switzer

T. Lofchik

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N. Mleczko

D. Serwatuk

**NOTES:**

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**NOTICE OF DECISION**  
**Minor Variance**

<b>APPLICATION NO.:</b>	<b>HM/A-22:64</b>	<b>SUBJECT PROPERTY:</b>	211 John St S, Hamilton
<b>ZONE:</b>	"C5, 739" (Mixed Use Medium Density)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended 21-038

**APPLICANTS:** Owner: Corktown GP Inc  
Agent: GSP Group Inc – Stuart Hastings

The following variances are **GRANTED**:

1. Parking spaces for the Multiple Dwelling use shall be provided at a rate of 0.55 parking spaces per dwelling unit instead of the minimum required 0.6 parking spaces per dwelling unit.

**Notes:**

- i. This variance is necessary to facilitate Site Plan Control Application DA-21-112.
- ii. Be advised that Amending By-law #21-038 previously amended the minimum number of required parking spaces to 0.6 spaces per unit. This variance will further reduce this required parking ratio.
- iii. Please be advised that the applicant has not obtained council approval to obtain any additional variances that may be necessary to facilitate the proposed development.

**THE DECISION OF THE COMMITTEE IS:**

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 consistent with the general intent and purpose of the By-laws and the Official Plans 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, November 17, 2022.

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D. Smith (Chairman)

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M. Dudzic

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**NOTICE OF DECISION**  
**Minor Variance**

<b>APPLICATION NO.:</b>	<b>HM/A-22:331</b>	<b>SUBJECT PROPERTY:</b>	192 Hughson St N, Hamilton
<b>ZONE:</b>	"E-3/S-332" (High Density Multiple Dwellings)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended 74-102

**APPLICANTS:** Owner: 2837505 Ontario Inc – Amber Lindsay

The following variances are **GRANTED AS AMENDED**:

1. A parking ratio of 0.63 spaces per dwelling unit shall be permitted instead of the minimum required parking ratio of 0.66 spaces per dwelling unit.
2. A manoeuvring aisle having a minimum width of 5.5m shall be permitted instead of the minimum 6.0m wide manoeuvring aisle required.
3. A one-way access driveway having a width of 2.7m shall be permitted instead of the minimum 3.0m wide access driveway required.
4. No visitors parking spaces shall be permitted to be maintained instead of the minimum 52 visitor parking spaces required for 260 units.
5. A minimum width of 4.3m shall be permitted for a mutual access driveway instead of the minimum 5.5m width required.
6. A minimum of one (1) loading space shall be permitted to be maintained having a minimum size of 18.m x 3.7m x 4.3m whereas the zoning By-law requires a minimum two (2) loading spaces to be provided; one having a minimum size of 9.0m x3.7m x 4.3m and one with a minimum size of 18.m x 3.7m x 4.3m.

**Notes:**

OMB decision HM/A-16:110, previously approved a parking ratio of 0.66 spaces per unit.

The applicant has indicated the proposal for a future one storey addition in order to increase the total number of dwelling units to 260 units as approved by OMB decision HM/A-16:110. However, details of the proposed addition were not provided. In addition, no formal Site Plan application has been received for the proposed addition. Therefore, variances written as requested.

OMB decision HM/A-16:110 approved a reduced parking spaces size to several parking spaces. Please note that not all parking space sizes have been clearly dimensioned from which to confirm compliance. Therefore, further variances may be required.



**THE DECISION OF THE COMMITTEE IS:**

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

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is consistent with the general intent and purpose of the By-laws and the Official Plans 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, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

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M. Dudzic

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M. Switzer

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T. Lofchik

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N. Mleczko

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D. Serwatuk

**NOTES:**

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



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### **NOTICE OF DECISION** **Minor Variance**

<b>APPLICATION NO.:</b>	<b>HM/A-22:330</b>	<b>SUBJECT PROPERTY:</b>	181 John St N, Hamilton
<b>ZONE:</b>	"E-3/S-332 (High Density Multiple Dwellings)"	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: 2837505 Ontario Inc – Amber Lindsay

The following variances are **GRANTED AS AMENDED**:

1. 0.63 parking spaces per dwelling unit shall be permitted instead of the minimum required 0.68 spaces pursuant to OMB Decision PL170903 and PL170904.
2. A minimum maneuvering aisle width of 5.3m shall be permitted instead of the minimum 6.0m aisle width required.
3. No visitors parking spaces shall be permitted to be maintained instead of the minimum 52 visitor parking spaces required for 260 units.
4. A minimum of one (1) loading space shall be permitted to be maintained having a minimum size of 18.m x 3.7m x 4.3m whereas the zoning By-law requires a minimum two (2) loading spaces to be provided; one having a minimum size of 9.0m x3.7m x 4.3m and one with a minimum size of 18.m x 3.7m x 4.3m.

#### **Notes:**

1. Should this variance be approved the minimum required number of parking spaces will be 154 based on 245 dwelling units at a rate of 0.63 parking spaces per unit.
2. Should this variance be approved, and a future one storey addition be implemented on the "townhouse block" on the property the minimum number of parking spaces would be 163 parking spaces based on 260 dwelling units at a rate of 0.63 parking spaces per unit.
3. Variances written exactly as requested by the applicant.

**THE DECISION OF THE COMMITTEE IS:**

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

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is consistent with the general intent and purpose of the By-laws and the Official Plans 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, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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M. Switzer

T. Lofchik

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N. Mleczko

D. Serwatuk

**NOTES:**

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 7, 2022**
2. **This decision is not final and binding unless otherwise noted.**

**NOTICE OF DECISION**  
**Minor Variance**

<b>APPLICATION NO.:</b>	<b>HM/A-22:328</b>	<b>SUBJECT PROPERTY:</b>	43 Holly Ave, Hamilton
<b>ZONE:</b>	"R1a" (Low Density Residential – Small Lot)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: Delfim Manuel Faria  
Agent: Bruno Lopes

The following variances are **GRANTED AS AMENDED**:

1. The front yard landscaped area shall be a minimum of 20.0% the gross area of the front yard instead of the minimum 50.0% required front yard landscaped area.

**Notes:**

- i. A Residential Boulevard Parking Agreement with the Hamilton Municipal Parking Authority may be required for the parking space shown to encroach on the Holly Avenue road allowance.
- ii. Please be advised that as the proposed addition(s) are maintaining the legal noncomplying yard setbacks of the existing dwelling, the requested variances for reduced front and side yards are not required.

**THE DECISION OF THE COMMITTEE IS:**

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

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is consistent with the general intent and purpose of the By-laws and the Official Plans 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, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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M. Switzer

T. Lofchik

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N. Mleczko

D. Serwatuk

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 7, 2022**
2. **This decision is not final and binding unless otherwise noted.**



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### **NOTICE OF DECISION** **Minor Variance**

<b>APPLICATION NO.:</b>	<b>HM/A-22:277</b>	<b>SUBJECT PROPERTY:</b>	42 Ray St S, Hamilton
<b>ZONE:</b>	"E" (Multiple Dwellings, Lodges, Clubs and Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: QUINN INVESTIGATIONS INC  
Agent: SUITE ADDITIONS INC

The following variances are **GRANTED**:

1. A minimum lot area of 358.4m<sup>2</sup> and a minimum lot width of 10.5m shall be permitted instead of the minimum lot area of 405.0m<sup>2</sup> and the minimum lot width of 12.0m required for a three-family dwelling.
2. A minimum of 5.8% of the lot area shall be provided and maintained as landscaped area instead of the minimum 25.0% of the lot area required.
3. A minimum manoeuvring aisle width of 3.8m shall be permitted for parking spaces #2, #3 and #4 and no onsite manoeuvring shall be permitted for parking space #1 instead of the minimum 6.0m manoeuvring aisle width required.
4. A minimum parking space size of 2.85m x 5.4m shall be provided for parking space #1 instead of the minimum parking space size of 2.7m x 6.0m required.

#### **Notes:**

The revised plan shows the required visitor parking space. The applicant shall ensure that the visitors parking is exclusively designated and properly marked for visitor with proper signage.

Parking is proposed to be accessed via an alleyway to the south. Based on our records, it appears that the alleyway may not be publicly assumed. If the alleyway is privately owned, an Encroachment Agreement and a Maintenance Easement may be required which shall be entered into and registered on title for both the lot upon which the building is encroaching onto and the subject lot.

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

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 consistent with the general intent and purpose of the By-laws and the Official Plans 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, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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M. Switzer

T. Lofchik

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N. Mleczko

D. Serwatuk

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 7, 2022**
2. **This decision is not final and binding unless otherwise noted.**

**NOTICE OF DECISION**  
**Minor Variance**

<b>APPLICATION NO.:</b>	<b>HM/A-22:323</b>	<b>SUBJECT PROPERTY:</b>	112 Kent St, Hamilton
<b>ZONE:</b>	"D" (Urban Protected Residential – One- and Two-Family Dwellings, Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: Lisa Boyce  
Agent: George Sweetman

The following variances are **GRANTED**:

1. A roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, shall be permitted to project the entirety of the front yard and a 0.0 metre setback from the front lot line instead of the required front yard projection not more than 3.0 metres and distant from the front lot line not more than 1.5 metres.

**Notes:**

- i) Note, the applicant has requested a variance to permit an increased front yard projection of 4.72m from 3.0m and a front lot line setback of 1.28m from 1.5m to permit the construction of the proposed roof over the existing porch. Be advised that the existing staircase providing access to the porch is considered part of the structure and shall adhere to the same provisions of the porch under Section 18(3)(vi)(d) for lot front yard projections and setbacks to the lot line. As such, the variance has been altered to include the setback and projection requirements for the front steps.
- ii) Insufficient information has been provided to determine the percentage of front yard landscaping. Based on the information provided, the construction of the porch roof does not appear to lead to further non-compliance regarding Front Yard Landscaping under Section 18(14)(i). Should the proposed work alter the existing footprint of the porch in the front yard and lead to further reduction of the front yard landscaping, additional variances may be required.

**THE DECISION OF THE COMMITTEE IS:**

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 consistent with the general intent and purpose of the By-laws and the Official Plans 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, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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M. Switzer

T. Lofchik

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N. Mleczko

D. Serwatuk

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 7, 2022**
2. **This decision is not final and binding unless otherwise noted.**

**NOTICE OF DECISION**  
**Minor Variance**

<b>APPLICATION NO.:</b>	<b>HM/A-22:324</b>	<b>SUBJECT PROPERTY:</b>	148 Canada St, Hamilton
<b>ZONE:</b>	"D" (Urban Protected Residential One- and Two-Family Dwellings)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: David & Adam Ionico  
Agent: A.J. Clarke & Associates Ltd – Stephen Fraser

The following variances are **GRANTED AS AMENDED**:

**LAND TO BE SEVERD (PART2):**

1. A minimum lot width of 7.6 m shall be provided instead of the minimum required lot width of 9.0 m; and
2. A minimum lot area of 215.0 m<sup>2</sup> shall be provided instead of the minimum required lot area of 270.0 m<sup>2</sup>; and
3. A minimum side yard setback of 0.6m on the side of the lot containing the access easement; whereas a minimum side yard setback of 1.2m is required on both sides of the lot.

**LAND TO BE RETAINED (PART 1):**

4. A minimum lot width of 7.6 m shall be provided instead of the minimum required lot width of 9.0 m; and
5. A minimum lot area of 215.0 m<sup>2</sup> shall be provided instead of the minimum required lot area of 270.0 m<sup>2</sup>; and
6. A minimum side yard setback of 0.6m on the side of the lot containing the access easement; whereas a minimum side yard setback of 1.2m is required on both sides of the lot.

**Notes:**

- i. These variances are necessary to facilitate land severance application HM/B-22: 29.
- ii. Variances have been written exactly as requested by the applicant.

**THE DECISION OF THE COMMITTEE IS:**

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 consistent with the general intent and purpose of the By-laws and the Official Plans 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, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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M. Switzer

T. Lofchik

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N. Mleczko

D. Serwatuk

**NOTES:**

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 7, 2022**
2. **This decision is not final and binding unless otherwise noted.**

**NOTICE OF DECISION**  
**Minor Variance**

<b>APPLICATION NO.:</b>	<b>HM/A-22:336</b>	<b>SUBJECT PROPERTY:</b>	45 Tom St, Hamilton
<b>ZONE:</b>	"D" (Urban Protected Residential One- and Two-Family Dwellings)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: Stephen Eagle & Julia Lillicrop

The following variances are **GRANTED**:

1. A minimum of one (1) parking space shall be provided on site instead of the minimum required 3 parking spaces.

**THE DECISION OF THE COMMITTEE IS:**

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 consistent with the general intent and purpose of the By-laws and the Official Plans 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, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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M. Switzer

T. Lofchik

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N. Mleczko

D. Serwatuk

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 7, 2022**
2. **This decision is not final and binding unless otherwise noted.**

**NOTICE OF DECISION**  
**Consent/Land Severance**

<b>APPLICATION NO.:</b>	<b>DN/B-22:106</b>	<b>SUBJECT PROPERTY:</b>	74 Hopkins Crt, Dundas
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**APPLICANTS:** Owner: David/Roberta Lodewyks  
Agent: Jonathan Lensink

**PURPOSE & EFFECT:** To sever the existing residential lot into two parcels, the severed lands will be a vacant residential building lot and the retained lands will contain the existing dwelling which is intended to be retained.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	15.2 m <sup>±</sup>	45.72 m <sup>±</sup>	696 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS:</b>	15.2 m <sup>±</sup>	45.72 m <sup>±</sup>	696 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): N/A

**THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out above, Approved with Conditions, for the following reasons:

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be

submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (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. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,500.00 (2022 fee) to address issues including but not limited to: 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, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches, and any damage during construction (unknown costs at this time) all to the satisfaction of the Manager, Development Approvals Section. Cash payments mentioned above are subject to change.
5. That the applicant/owner pay the commutation amount of \$28,614.45 as at Nov. 9, 2022. (Corporate Services)
6. 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.
7. 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 – Plans Examination Section).
8. The owner shall demolish an appropriate portion of the existing dwelling on the lands to be retained to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law.
9. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Decision – Zoning Examination Section).

**Notes:**

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological 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 Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (existing dwelling) will remain as 74 Hopkins Court (Dundas) and the lands to be conveyed (proposed dwelling) will be assigned the address of 72 Hopkins Court (Dundas). 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.

DATED AT HAMILTON, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

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M. Dudzic

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M. Switzer

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T. Lofchik

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N. Mleczko

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D. Serwatuk

The date of the giving of this Notice of Decision is **November 24, 2022**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (November 24, 2024) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 14, 2022**
2. **This decision is not final and binding unless otherwise noted.**



**NOTICE OF DECISION**  
**Minor Variance**

<b>APPLICATION NO.:</b>	<b>FL/A-22:326</b>	<b>SUBJECT PROPERTY:</b>	653 Safari Rd, Flamborough
<b>ZONE:</b>	"A2" (Rural)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: Teranjit Singh  
Agent: Prem Tewari

The following variances are **GRANTED WITH CONDITIONS**:

1. A maximum building height of 12.0m shall be permitted instead of the maximum 10.5m height permitted.

**Notes:**

1. Drawings provided do not appear to show building height as per the definition within Hamilton Zoning By-law 05-200. As such additional variance may be required at such a time that building height is provided as per the definition of "Building Height" and "Grade".

**THE DECISION OF THE COMMITTEE IS:**

That the variances, as set out above, are **GRANTED WITH CONDITIONS** 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 consistent with the general intent and purpose of the By-laws and the Official Plans 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 conditions:

1. That the variances approved shall be generally in keeping with “Grading Plan by IDM (2005) Consultants Inc. (date of plot October 2022)”, to the satisfaction of the Manager of Development Planning.

DATED AT HAMILTON, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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M. Switzer

T. Lofchik

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N. Mleczko

D. Serwatuk

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 7, 2022**
2. **This decision is not final and binding unless otherwise noted.**

**NOTICE OF DECISION**  
**Minor Variance**

<b>APPLICATION NO.:</b>	<b>DN/A-22:327</b>	<b>SUBJECT PROPERTY:</b>	44 Head St, Hamilton
<b>ZONE:</b>	"M6" (Light Industrial)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: BMAN Holdings Inc  
Agent: Vicano Developments – Yaw Yawson

The following variances are **GRANTED**:

1. To permit the existing eight (8) parking spaces along Head Street to maintain no adequate means of ingress and egress to and from a street line and therefore reverse onto the road allowance instead of the requirement that parking shall be provided with adequate means of ingress and egress to and from a street and arranged in a forward motion only so as to not interfere with normal public use of the street.
2. To permit the loading door associated with the internal loading facilities to be located abutting the MacNab street line with no visual barrier screening whereas the zoning by-law states that loading doors and associated loading facilities shall not be permitted in any yard abutting a street, except where screened from view by a Visual Barrier in accordance with Section 4.19.

**Notes:**

This development is subject to Site Plan Application SPA-21-060.

Committee decision DN/A-22:83, previously approved variances to the landscaped and planting strip areas as well as to the location of the existing eight (8) parking spaces from a street line.

**THE DECISION OF THE COMMITTEE IS:**

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 consistent with the general intent and purpose of the By-laws and the Official Plans 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, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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M. Switzer

T. Lofchik

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N. Mieczko

D. Serwatak

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 7, 2022**
2. **This decision is not final and binding unless otherwise noted.**

**NOTICE OF DECISION**  
**Minor Variance**

<b>APPLICATION NO.:</b>	<b>DN/A-22:332</b>	<b>SUBJECT PROPERTY:</b>	23 Main St, Dundas
<b>ZONE:</b>	"C5 and 570" (Mixed Use Medium Density Further Amended)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended 17-240

**APPLICANTS:** Owner: Matthew Stott/Erin Galway

The following variances are **GRANTED AS AMENDED**:

1. A minimum of three (3) parking spaces shall be provided instead of the minimum required 8 parking spaces; and

**Notes:**

- i. This variance is necessary to facilitate building permit application # 22- 109612.

**THE DECISION OF THE COMMITTEE IS:**

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

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is consistent with the general intent and purpose of the By-laws and the Official Plans 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, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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M. Switzer

T. Lofchik

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N. Mleczko

D. Serwatuk

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 7, 2022**
2. **This decision is not final and binding unless otherwise noted.**

**NOTICE OF DECISION**  
**Consent/Land Severance**

<b>APPLICATION NO.:</b>	<b>FL/B-22:110</b>	<b>SUBJECT PROPERTY:</b>	138 Overdale Ave, Flamborough
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**APPLICANTS:** Owner: Brock/Ann Dunsby  
Agent: A.J. Clarke & Associates Ltd – Ryan Ferrari

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land to create a new residential building lot. The existing carport will be removed to facilitate this application.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	17 m <sup>±</sup>	30.4 m <sup>±</sup>	516.37 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS:</b>	30.4 m <sup>±</sup>	43.9 m <sup>±</sup>	1,335.27 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): FL/A-22:329

**THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out above, Approved with Conditions, for the following reasons:

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (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. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,500.00 (2022 fee) to address issues including but not limited to: 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, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches, and any damage during construction (unknown costs at this time) all to the satisfaction of the Manager, Development Approvals Section. Cash payments mentioned above are subject to change.
5. 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 – input either Plan Examination Section or Building Engineering Section).
6. 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 (Planning Division – Zoning Examination Section).
7. The owner shall submit survey evidence that the [input either lands to be severed and/or the lands to be retained], including the location of any existing structure(s), parking and landscaping include any other regulations which may be applicable for determining zoning compliance], conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
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.
9. That the owner/applicant provide a 4.57 metres x 4.57 metres daylighting triangle at the intersection of Overdale Avenue and Dennis Avenue. (Transportation Planning).

**Notes:**

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent



may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Sitespecific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Part 2) will remain as 138 Overdale Avenue (Flamborough) and the lands to be conveyed (Part 1) will be assigned the address of 23 Dennis Avenue (Flamborough). 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.

DATED AT HAMILTON, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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M. Switzer

T. Lofchik

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N. Mleczko

D. Serwatuk

The date of the giving of this Notice of Decision is **November 17, 2022**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (November 17, 2024) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 14, 2022**
2. **This decision is not final and binding unless otherwise noted.**

**NOTICE OF DECISION**  
**Minor Variance**

<b>APPLICATION NO.:</b>	<b>FL/A-22:329</b>	<b>SUBJECT PROPERTY:</b>	138 Overdale Ave, Waterdown
<b>ZONE:</b>	"R1-6" (Urban Residential (Single Detached))	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Flamborough 90-145-Z, as Amended

**APPLICANTS:** Owner: Brock & Ann Dunsby  
Agent: A.J. Clarke & Associates Ltd – Ryan Ferrari

The following variances are **GRANTED AS AMENDED**:

**LOT TO BE SEVERED:**

1. A minimum lot frontage of 16.8 m shall be provided instead of the minimum required 30.0 m lot frontage; and
2. A minimum lot area of 509 m<sup>2</sup> shall be provided instead of the minimum required 1, 390.0 m<sup>2</sup>.

**LOT TO BE RETAINED:**

3. A minimum lot area of 1, 324 m<sup>2</sup> shall be provided instead of the minimum required lot area of 1, 390.0 m<sup>2</sup>; and
4. A minimum rear yard setback of 6 m shall be provided where the new lot line is to be created instead of the minimum required 10.0 m.
5. A maximum encroachment of 1.13 m shall be permitted to be provided on the westerly side lot line for the existing deck instead of the maximum encroachment permitted of 0.65 m.

**Notes:**

- i. These variances are necessary to facilitate land severance application FL/B-22: 110.

**THE DECISION OF THE COMMITTEE IS:**

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

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

2. The relief granted is desirable for the appropriate development of the land and building and is consistent with the general intent and purpose of the By-laws and the Official Plans 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, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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M. Switzer

T. Lofchik

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N. Mleczko

D. Serwatuk

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 7, 2022**
2. **This decision is not final and binding unless otherwise noted.**

**NOTICE OF DECISION**  
**Minor Variance**

<b>APPLICATION NO.:</b>	<b>AN/A-22:279</b>	<b>SUBJECT PROPERTY:</b>	50 West Crest St, Ancaster
<b>ZONE:</b>	"ER" (Existing Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Ancaster 87-57, as Amended

**APPLICANTS:** Owner: Thomas/Natalie Booth

The following variances are **GRANTED WITH CONDITIONS**:

1. The accessory building shall be permitted to be located 1.5 metres from the rear lot line instead of the minimum required 7.5 metres setback.
2. Height of 5.2 metres shall be provided for the proposed pool shed and gazebo instead of the maximum permitted building height of 4.5 metres for an accessory building.

**Notes:**

1. The Ancaster Zoning By-law 87-57 permits eaves and gutters associated with an accessory building to project a maximum of 30 centimeters into a required minimum setback area. Insufficient information has been provided in order to determine zoning compliance. Further variances will be required if compliance cannot be achieved.
2. Insufficient information was provided in order to determine zoning compliance for the proposed overhang. Further variances may be required if compliance can not be achieved.
3. Please be advised that the property is subject to site plan control.

**THE DECISION OF THE COMMITTEE IS:**

That the variances, as set out above, are **GRANTED WITH CONDITIONS** 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 consistent with the general intent and purpose of the By-laws and the Official Plans 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 conditions:

1. No windows shall be permitted on the second storey level of the proposed pool shed, to the satisfaction of the Manager of Development Planning.

DATED AT HAMILTON, November 17, 2022.

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D. Smith (Chairman)

M. Dudzic

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M. Switzer

D. Serwatuk

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N. Mleczko

B. Charters

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 7, 2022**
2. **This decision is not final and binding unless otherwise noted.**



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### **NOTICE OF DECISION** **Minor Variance**

<b>APPLICATION NO.:</b>	<b>HM/A-22:321</b>	<b>SUBJECT PROPERTY:</b>	10 Taymall St, Hamilton
<b>ZONE:</b>	"C" (Urban Protected Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: David Haley

The following variances are **GRANTED**:

1. A building height of three storeys shall be permitted instead of the required maximum two and a half storeys.

#### **Notes:**

1. The Former Hamilton Zoning By-law 6593 permits eaves and gutters to project into the required front and rear yard to a maximum of 1.5 metres, provided that no projection shall be closer to a street line than 1.5 metres. Into the required side yard to a maximum of one-half of its width, or 1.0 metres, whichever is the lesser. Insufficient information has been provided in order to determine zoning compliance. Further variances may be required if compliance cannot be achieved.
2. The Former Hamilton Zoning By-law 6593 permits balcony's to project into a required front and rear yard not more than 1.0 metres provided that not such projection shall be closer to a street line than 1.5 metres. Insufficient information has been provided in order to determine compliance with the proposed balcony located above the first story. Further variances may be required if compliance cannot be achieved.
3. Insufficient information in order to determine compliance with proposed parking. Further variances may be required if compliance cannot be achieved.
4. Please be advised the application for consent/severance (HM/B-18:116) is now final and binding for the severed lands known as 10 Taymall Street.

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

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 consistent with the general intent and purpose of the By-laws and the Official Plans 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, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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M. Switzer

T. Lofchik

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N. Mleczko

D. Serwatak

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 7, 2022**
2. **This decision is not final and binding unless otherwise noted.**



**NOTICE OF DECISION**  
**Consent/Land Severance**

<b>APPLICATION NO.:</b>	<b>SC/B-22:104</b>	<b>SUBJECT PROPERTY:</b>	188 Fruitland Rd, Stoney Creek
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**APPLICANTS:** Owner: Fruitland Property Group Inc & Ascension Properties Inc  
Agent: A.J. Clarke & Associates Ltd – Franz Kloibhofer  
Applicant: Warm Homes – Nik Miskovic

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land to be added to property known municipally as 667 Highway No.8. The existing rear garage will be demolished to facilitate this application.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	N/A m <sup>±</sup>	83.45 m <sup>±</sup>	487.46 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS:</b>	12.13 m <sup>±</sup>	39.66 m <sup>±</sup>	1,0441.21 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): SC/B-22:105

**THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out above, Approved as Amended with Conditions, for the following reasons:

1. The proposal does not conflict with the intent of the Urban/Rural Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter 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 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 – Plans Examination 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. (Planning Division – Zoning Examination Section). May be subject to a demolition permit issued in the normal manner.
5. The owner shall submit survey evidence that the severed lands which are to be added to 669 Highway 8, including the location of any existing structures and lot area, conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval for any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).

**Note:**

Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Part 1) will remain as **188 Fruitland Road (Stoney Creek)** and the lands to be conveyed (Part 2) will be assigned the address of **669 Highway No. 8 (Stoney Creek)**.

We ask that the following be noted to the applicants:

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.

DATED AT HAMILTON, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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M. Switzer

T. Lofchik

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N. Mleczko

D. Serwatuk

The date of the giving of this Notice of Decision is **November 24, 2022**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (November 24, 2024) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 14, 2022**
2. **This decision is not final and binding unless otherwise noted.**

**NOTICE OF DECISION**  
**Consent/Land Severance**

<b>APPLICATION NO.:</b>	<b>SC/B-22:105</b>	<b>SUBJECT PROPERTY:</b>	192 Fruitland Rd, Stoney Creek
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**APPLICANTS:** Owner: Fruitland Property Group Inc & Ascension Properties Inc  
Agent: A.J. Clarke & Associates Ltd – Franz Kloibhofer  
Applicant: Warm Homes – Nik Miskovic

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land to be added to property known municipally as 667 Highway No.8. The existing two frame sheds will be demolished to facilitate this application.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	N/A m <sup>±</sup>	83.76 m <sup>±</sup>	5,744.64 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS:</b>	19.85 m <sup>±</sup>	42.75 m <sup>±</sup>	839.34 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): SC/B-22:104

**THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out above, Approved as Amended with Conditions, for the following reasons:

1. The proposal does not conflict with the intent of the Urban/Rural Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter 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 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 – Plans Examination 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 (Planning Division – Zoning Examination Section). May be subject to a demolition permit issued in the normal manner.
5. The owner shall submit survey evidence that the severed lands which are to be added to 669 Highway 8, including the location of any existing structures and lot area, conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval for any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
6. 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.

**Note:** Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Part 1) will remain as 192 Fruitland Road (Stoney Creek) and the lands to be conveyed (Part 2) will be assigned the address of 669 Highway No. 8 (Stoney Creek).

We ask that the following be noted to the applicants:

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.

DATED AT HAMILTON, November 17, 2022.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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M. Switzer

T. Lofchik

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N. Mleczko

D. Serwatuk

The date of the giving of this Notice of Decision is **November 24, 2022**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (November 24, 2024) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 14, 2022**
2. **This decision is not final and binding unless otherwise noted.**



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### **NOTICE OF DECISION** **CONSENT**

<b>APPLICATION NO.:</b>	<b>FL/B-22:107</b>	<b>SUBJECT PROPERTY:</b>	600 - 628 Highway 5 W, Flamborough
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**APPLICANTS:** Lafarge Canada Inc.  
Michael Cidylo  
Carmeuse Lime (Canada) Ltd.

**PURPOSE & EFFECT:** To facilitate the creation of a lease for a period of greater than 21 years.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b> (for Lease) (Parts 3, 4, 7, 8, 10, 11, 12 & 13)	42.67 m <sup>±</sup>	842.56 m <sup>±</sup>	18.768 ha <sup>±</sup>
<b>RETAINED LANDS:</b>	Irregular m <sup>±</sup>	Irregular m <sup>±</sup>	N/A m <sup>2</sup> / ha <sup>±</sup>

Associated Planning Act File(s): N/A

#### **THE DECISION OF THE CONSENT AUTHORITY IS:**

That the said application, as set out above, Approved with Conditions, for the following reasons:

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (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)

DATED AT HAMILTON, November 22, 2022.

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Steve Robichaud,  
Director of Planning and Chief Planner  
Consent Authority

The date of the giving of this Notice of Decision is **November 24, 2022**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (November 24, 2024) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 14, 2022**
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**NOTICE OF DECISION**  
**CONSENT**

<b>APPLICATION NO.:</b>	<b>HM/B-22:109</b>	<b>SUBJECT PROPERTY:</b>	219 East Avenue North, Hamilton
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**APPLICANTS:** Owner Indwell Community Homes  
Agent Jarrett Francis Putt – Ross & McBride

**PURPOSE & EFFECT:** To facilitate a charge for mortgage purposes, to create a new registered boundary on the existing lot in order to register a fourth charge on the property.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b> (for Charge for Mortgage) (Part 1)	41.00 m <sup>±</sup>	38.70 m <sup>±</sup>	1235.4 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS:</b> (Part 2)	87.31 m <sup>±</sup>	38.86 m <sup>±</sup>	3728.9 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): N/A

**THE DECISION OF THE COSENT AUTHORITY IS:**

That the said application, as set out above, Choose an item., for the following reasons:

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in

pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (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)

DATED AT HAMILTON, November 22, 2022.

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Steve Robichaud,  
Director of Planning and Chief Planner  
Consent Authority

The date of the giving of this Notice of Decision is **November 24, 2022**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (November 24, 2024) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **December 14, 2022**
2. **This decision is not final and binding unless otherwise noted.**