



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 – MINOR VARIANCES

#### 1. Who may file an appeal of the Decision of the Committee of Adjustment?

Please note neighbours and other interested parties not defined are no longer eligible to file Planning Act Section 45(12) appeals. See [Bill 23, More Homes Built Faster Act, 2022](#) for more information.

Planning Act Section 45(12) appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by Planning Act 1(1)), and a “public body that has an interest in the matter” (as defined by Planning Act 1(1)).

#### 2. When must an appeal be received to be considered?

Planning Act Section 45(12) appeals must be received no later than the end of business on the last date of appeal listed on the Notice of Decision. The last date of appeal is 20 days from the date of the Decision. Please see Notice of Decision for exact date.

#### 3. Where must the appeal be filed to be considered?

Planning Act Section 45(12) appeals must be received either by hardcopy or electronic copy. Please see below for more information:

Hardcopy: at 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. 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.

Electronic copy: by email delivered to [cofa@hamilton.ca](mailto:cofa@hamilton.ca). 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 incorrectly addressed emails will be time barred and of no effect. If the information submitted will include large file sizes not able to be sent in one email, please contact [cofa@hamilton.ca](mailto:cofa@hamilton.ca) in advance to request a file sharing link.

#### 4. What information must be submitted for the appeal to be considered?

Planning Act Section 45(12) appeals must include:

- Notice of appeal, the Ontario Land Tribunal (OLT) Appeal Form, this can be found by contacting Committee of Adjustment staff at the 5<sup>th</sup> floor of City Hall or at the OLT website <https://olt.gov.on.ca/appeals-process/forms/>, a cover letter, etc. may also be submitted if there is not sufficient room in the form;
- Filing fee, the fee is currently \$400 (subject to change) and must be paid as outlined on the OLT Appeal Form;

- All other information as required by the Appeal Form.

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



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### APPEAL INFORMATION – CONSENTS/SEVERANCES

#### 1. Who may file an appeal of the Decision of the Committee of Adjustment or Consent Authority?

Please note neighbours and other interested parties not defined are no longer eligible to file Planning Act Section 53(19) appeals. See [Bill 23, More Homes Built Faster Act, 2022](#) for more information.

Planning Act Section 53(19) appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by Planning Act 1(1)), and any “public body” (as defined by Planning Act 1(1)).

#### 2. When must an appeal be received to be considered?

Planning Act Section 53(19) appeals must be received no later than the end of business on the last date of appeal listed on the Notice of Decision. The last date of appeal is 20 days from the date of the giving of Notice of the Decision. Please see Notice of Decision for exact date.

#### 3. Where must the appeal be filed to be considered?

Planning Act Section 53(19) appeals must be received either by hardcopy or electronic copy. Please see below for more information:

Hardcopy: at 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. 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.

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#### 4. What information must be submitted for the appeal to be considered?

Planning Act Section 53(19) appeals must include:

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- Filing fee, the fee is currently \$400 (subject to change) and must be paid as outlined on the OLT Appeal Form;
- All other information as required by the Appeal Form.

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



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

<b>APPLICATION NO.:</b>	<b>AN/A-23:245</b>	<b>SUBJECT PROPERTY:</b>	1354 TRINITY ROAD S, ANCASTER
<b>ZONE:</b>	"A1" (Agriculture)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** MARK BAKER  
                              **Agent:** ROBERT PASUTA & SUSAN FIELDING

The following variances are **GRANTED**:

1. The minimum lot area of the retained lands shall be 21.4 hectares instead of the minimum required lot area of 40.4 hectares for an agricultural use.

**Notes:**

- i. This variance is necessary to facilitate Land Severance Application No. AN/B-23:32.

**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, October 19, 2023.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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L. Gaddy

T. Lofchik

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N. Mleczko

D. Serwatak

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M. Smith

M. Switzer

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **November 8, 2023** A Notice of Appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information – Minor Variances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. 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.



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

<b>APPLICATION NO.:</b>	<b>AN/A-23:251</b>	<b>SUBJECT PROPERTY:</b>	1131 GARNER ROAD E, ANCASTER
<b>ZONE:</b>	"P" (Public)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Ancaster 87-57, as Amended

**APPLICANTS:**      **Owner:** CAPITAL DELIVERY HAMILTON WATER C/O BILL DOCHERTY  
                                 **Agent:** R.V. ANDERSON ASSOCIATES LIMITED C/O ARTHUR DIAMOND

The following variances are **GRANTED**:

1. A 6.69m front yard setback shall be permitted instead of the minimum 9.0m front yard setback required.
2. Schedule C of Ancaster Zoning By-law 87-57 shall not be applicable.
3. No planting strip shall be required where the P zone adjoins a residential zone instead of the requirement that Where the boundary of a Public "P" Zone adjoins a Residential Zone, a planting strip of minimum 2 metres width adjoining such boundary shall be provided.

**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, October 19, 2023.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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L. Gaddy

T. Lofchik

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N. Mleczko

D. Serwatuk

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M. Smith

M. Switzer

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

<b>APPLICATION NO.:</b>	<b>FL/A-23:163</b>	<b>SUBJECT PROPERTY:</b>	1588 HWY 6, FLAMBOROUGH
<b>ZONE:</b>	"A2" (Rural)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended 15-173

**APPLICANTS:**      **Owner:** JAGJIT RANDHAWA & KULDEEP BRAR  
                                 **Agent:** MOBINA FARAHANI

The following variances are **GRANTED**:

Variance for the proposed Single Detached Dwelling:

- a.      A maximum building height of 11.38 metres shall be provided for the proposed Single Detached Dwelling instead of the maximum building height of 10.5 metres for a Single Detached Dwelling.

Variances for proposed Accessory Building (Barn)

- b.      The Aggregate Gross Floor Area of all Accessory Buildings shall be 297.29 square metres instead of the required aggregate Gross Floor Area of all Accessory Buildings shall not exceed 200 square metres, or 5% lot coverage, whichever is the lesser;
- c.      A maximum height of 9.02 metres for an Accessory Building shall be provided instead of the maximum required height of 6.0 metres for an Accessory Building;

**Notes:**

- i)      Be advised, as per the Cover Letter provided, the Existing Dwelling Unit is intended to be demolished following the completion of the proposed Single Detached Dwelling. In addition, the existing Dwelling shall be used for habitation during this period of construction. As per Building Policy ADM-062, a Demolition Agreement with the Building Division is required to permit the Existing Single Detached Dwelling to remain during and up to completion of the proposed, new Single Detached Dwelling as well as to permit habitation within the Existing Single Detached Dwelling during the construction period.
- ii)     Please note, insufficient information has been provided to determine the intent of the proposed Greenhouse buildings; the applicant has not indicated whether the Greenhouses are to be an established Agriculture use or are intended to be Accessory to the Principle Dwelling. Due to the size and location of the Greenhouse buildings, and for the purpose of this Zoning Review, the proposed Greenhouse buildings have been reviewed as a separate use from the proposed Single Detached Dwelling under Section 12.2.3.1. The applicant may wish to clarify the intent of the

Greenhouse buildings, should they be considered as Accessory Buildings.

**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, October 19, 2023.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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L. Gaddy

T. Lofchik

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N. Mieczko

D. Serwatak

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M. Smith

M. Switzer

**NOTES:**

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **November 8, 2023** A Notice of Appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information – Minor Variances for more information.

- 2. This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. 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.



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

<b>APPLICATION NO.:</b>	<b>FL/B-23:61</b>	<b>SUBJECT PROPERTY:</b>	169 & 193 WEIRS LANE, FLAMBOROUGH
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**APPLICANTS:**      **Owner:** ROBERT BERNSTEIN  
                                 **Agent:** FRANCO ROMANO

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

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS (Parcel 1 – 169 Weirs Lane):</b>	123.4 m <sup>±</sup>	82.3 m <sup>±</sup>	0.61 ha <sup>±</sup>
<b>RETAINED LANDS (Parcel 2 – 193 Weirs Lane):</b>	322.5 m <sup>±</sup>	392.9 m <sup>±</sup>	14.03 ha <sup>±</sup>

Associated Planning Act File(s): N/A

**THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out above, Approved, 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.

DATED AT HAMILTON, October 19, 2023.

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D. Smith (Chairman)

M. Dudzic

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B. Charters

T. Lofchik

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N. Mleczko

D. Serwatuk

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The date of the giving of this Notice of Decision is **October 26, 2023**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (October 26, 2025) 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 **November 15, 2023** A Notice of Appeal must be filed with the Secretary-treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information Consents/Severances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. 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.



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

<b>APPLICATION NO.:</b>	<b>HM/A-23:218</b>	<b>SUBJECT PROPERTY:</b>	388- 392 MAIN STREET W & 68,72 & 74 Margaret Street, HAMILTON
<b>ZONE:</b>	“C5, 298 (Hamilton Zoning By-Law 05-200) and D (Hamilton Zoning By-Law 6593)” (Mixed-Use Medium Density and Urban Protected Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200 & Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:**      **Owner:** MAIN MARGARET INC.  
                                 **Agent:** BOUSFIELDS INC. C/O DAVID FALLETTA

The following variances are **GRANTED**:

Variances for Hamilton Zoning By-law 05-200:

1.      The use of a Restaurant shall be permitted on the ground floor of a multiple dwelling whereas the current zoning does not permit this use.
2.      The use of Retail shall be permitted on the ground floor of a multiple dwelling whereas the current zoning does not permit this use.
3.      Instead of the minimum 7.5m interior side yard required where the lot line abuts a residential zone, the following minimum interior side yard setbacks shall be provided from an interior side lot line where the lot line abuts a residential zone:
  - a.      Minimum setback of 5.9m for the 1st, 2nd, 3rd, 4th and 5th storeys;
  - b.      Minimum setback of 8.0m for the 6th storey;
  - c.      Minimum setback of 10.4m for the 7th storey;
  - d.      Minimum setback of 12.6m for the 8th storey; and
  - e.      Minimum setback of 14.5m for the 9th storey;
4.      A balcony located at the 2nd, 3rd, 4th and 5th storeys may project a maximum of 1.2m into the required interior side yard setback where the lot line abuts a residential zone whereas the by-law permits a balcony to project into a required side yard not more than one-third of its width or 1.0m, whichever is the lesser.
5.      A minimum (westerly) rear yard setback of 0.0m shall be provided instead of the minimum required 7.5m rear yard setback.

## HM/A-23:218

6. A building height of 31.0m shall be provided instead of the maximum permitted building height of 22.0m.
7. The yard setback requirements shall not be required to be equivalently increased for those portions of the building in excess of 11.0m in height whereas the by-law requires the required yards abutting a residential or institutional zone to be equivalently increased for any portion of a building exceeding 11.0m in height.
8. The total floor area of the wholly enclosed or partially enclosed rooftop amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not exceed 25.0% of the floor area of the storey beneath whereas the by-law permits such enclosures to be a maximum of 10% of the floor area of the storey beneath.
9. A wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be setback a minimum of 2.6m from the exterior walls of the storey directly beneath instead of the minimum required 3.0m.
10. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be permitted to be up to 4.5m in vertical distance from the upper most point of the building to the uppermost point of the rooftop enclosure, instead of the maximum permitted vertical distance of 3.0m.
11. A minimum of sixty-one (61) parking spaces shall be provided instead of the minimum required ninety-six (96) parking spaces.
12. No Planting strip shall be required whereas the by-law requires a minimum 1.5m wide Planting Strip to be provided along a lot line which abuts a Residential Zone.

### Variances for Hamilton Zoning By-law 6593:

13. An access driveway associated with a multiple dwelling shall be 0.0m from a residential zone which does not permit the use of a multiple dwelling whereas the by-law requires such access driveways to be a minimum distance of 3.0m from the residential zone.
14. An access driveway associated with a commercial use shall be 0.0m from a residential zone whereas the by-law requires such access driveways to be a minimum distance of 3.0m from a residential zone.
15. A portion of the driveway providing vehicular access to a Commercial zone shall be located within a residential zone whereas no land in any residential zone is permitted to provide access to commercial zoned lands.
16. A portion of the driveway providing access to a Multiple Dwelling use shall be located within a residential zone which does not permit the use of a Multiple Dwelling.

### Notes:

- i. These variances are necessary to facilitate Site Plan Control Application DA-22-167.

## HM/A-23:218

- ii. Please be advised that Subsection 10.5.4(d)(iv) of Hamilton Zoning By-law 05-200 contains specific requirements which if complied with, allows an enclosed or partially enclosed rooftop amenity area to project above the maximum permitted building height. Variance #8, #9 and #10 of this application are intended to amend the requirements of this subsection with the intent of exempting the proposed rooftop amenity area from any maximum building height calculations.
- iii. The minimum required interior side yard setback of 7.5m of the current zone is only applicable in cases where the yard abuts a Residential and/or Institutional zone. In all other cases, there are no minimum interior side yard setback requirements.

Please be advised that the applicant has requested variances to regulations which are only applicable to properties abutting a residential and/or institutional zone (items #3, #4 & #7). This property is currently separated from a residential zone to the north by a laneway and therefore is not currently abutting a residential zone. As the applicant's intention for this laneway is unclear at this time, these variances may or may not be necessary to facilitate this development.

- iv. Further to note 'iii' above, variances #13 - #16 have also been included as a portion of the existing alleyway is zoned 'D' of Hamilton Zoning By-law 6593. In the event that this alleyway is obtained and forms part of the subject lands, the applicable driveway regulations under Hamilton Zoning By-law 6593 will also become applicable to the proposed development.
- v. The number of required parking spaces under variance #11 is based on three (3) retail commercial units having a combined gross floor area of 468.19 square metres as indicated on the submitted drawings. Please be advised that other permitted commercial uses may require additional parking spaces. Further variances may be required if the intended commercial use(s) are changed.

### 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, October 19, 2023.

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D. Smith (Chairman)

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NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **November 8, 2023** A Notice of Appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information – Minor Variances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
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**NOTICE OF DECISION**  
**Minor Variance**

<b>APPLICATION NO.:</b>	<b>HM/A-23:242</b>	<b>SUBJECT PROPERTY:</b>	290 EAST 16TH STREET, HAMILTON
<b>ZONE:</b>	“R1” (Low Density Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended 22-197

**APPLICANTS:**      **Owner:** GERALD & HELEN ROGERS

The following variances are **GRANTED**:

1. A minimum side yard setback of 0.6 metres shall be provided instead of the minimum required side yard setback of 1.0 metres.

**Notes:**

- i. Be advised, insufficient information was provided on the site plan to determine the projection of eaves or troughs for the proposed Accessory Building. Should the projection of any eaves or troughs exceed the permitted 0.45 metres projection into a required yard, 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, October 19, 2023.

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

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

<b>APPLICATION NO.:</b>	<b>HM/A-23:247</b>	<b>SUBJECT PROPERTY:</b>	160, 164 & 168 KING STREET E, HAMILTON
<b>ZONE:</b>	"D2" (Downtown Mixed-Use Pedestrian Focus)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** PHILPOTT MEMORIAL CHURCH  
                              **Agent:** ARCADIS INC. C/O RITEE HAIDER

The following variances are **GRANTED**:

1. A minimum of 56% of the area of the ground floor façade shall be comprised of clear glazed windows and doors shall be permitted instead of the requirement that 60% of the area of the ground floor façade shall be comprised of clear glazed windows and doors.
2. The ground floor storey shall be permitted to be 3 metres in height instead of a required minimum of 3.6 metres.
3. Exterior building cladding for the first three storeys, except decorative architectural features shall be permitted to be a combination of brick, stone and stucco instead of the requirement that the exterior building cladding shall be either one or a combination of no more than two claddings.
4. A minimum of 0.27 metre setback shall be permitted from the building base façade instead of the required minimum 3.0 metre setback from the building base façade height shown in Schedule "F" Special Figure 15.

**Notes:**

1. Insufficient information was provided for mechanical and unitary equipment (rear yard transformer). Additional variances may be required if compliance with Section 4.9 b) cannot be achieved.
2. Insufficient information was provided to determine the façade height and glazing for the second and third storey. Additional information may be required if compliance with Section 6 ii) and iii) cannot be achieved.
3. Be advised the subject lands are a register (non-designated) heritage property.

**THE DECISION OF THE COMMITTEE IS:**

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

**HM/A-23:247**

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, October 19, 2023.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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L. Gaddy

T. Lofchik

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N. Mleczko

D. Serwatak

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M. Smith

M. Switzer

**NOTES:**

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **November 8, 2023** A Notice of Appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information – Minor Variances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**

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3. 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.



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-23:249</b>	<b>SUBJECT PROPERTY:</b>	1355 UPPER WELLINGTON STREET, HAMILTON
<b>ZONE:</b>	"I3, 8" (Major Institutional)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** BETHEL GOSPEL TABERNACLE  
                              **Agent:** REINDERS + LAW LTD.

The following variances are **GRANTED**:

1. A minimum of 472 parking spaces shall be maintained instead of the minimum 554 parking spaces required.

**Notes:**

The variance is necessary to facilitate Formal Consultation Site Plan file #FCSP-23-038.

**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, October 19, 2023.

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D. Smith (Chairman)

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B. Charters

M. Dudzic

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L. Gaddy

T. Lofchik

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N. Mleczko

D. Serwatuk

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M. Smith

M. Switzer

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **November 8, 2023** A Notice of Appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information – Minor Variances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. 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.





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

<b>APPLICATION NO.:</b>	<b>HM/B-23:62</b>	<b>SUBJECT PROPERTY:</b>	<b>410 &amp; 412 KING WILLIAM STREET, HAMILTON</b>
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**APPLICANTS:**      **Owner: DARIO PACINI**

**PURPOSE & EFFECT:**      To permit the conveyance of one half of a semi-detached dwelling and to retain one half of a semi-detached dwelling.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS (Part 2):</b>	6.71 m <sup>±</sup>	29.55 m <sup>±</sup>	198.2 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS (Part 1):</b>	6.71 m <sup>±</sup>	29.5 m <sup>±</sup>	198.1 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

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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 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 the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).

DATED AT HAMILTON, October 19, 2023.

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D. Smith (Chairman)

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B. Charters M. Dudzic

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L. Gaddy T. Lofchik

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N. Mleczko D. Serwatak

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M. Smith M. Switzer

The date of the giving of this Notice of Decision is **October 26, 2023**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (October 26, 2025) 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 **November 15, 2023** A Notice of Appeal must be filed with the Secretary-treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information Consents/Severances for more information.

**HM/B-23:62**

- 2. This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. 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.



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

<b>APPLICATION NO.:</b>	<b>SC/A-23:248</b>	<b>SUBJECT PROPERTY:</b>	68 CENTENNIAL PARKWAY S, STONEY CREEK
<b>ZONE:</b>	"GC-55(T)" (General Commercial)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Stoney Creek 3692-92, as Amended 17-211

**APPLICANTS:**      **Owner:** 2450129 ONTARIO INC.  
                              **Agent:** ARCADIS PROFESSIONAL SERVICES INC. C/O MIKE CROUGH

The following variances are **GRANTED**:

1. Professional office use shall be permitted.

**Notes:**

1. It is noted that special exception GC-55(T) permits only a medical clinic, retail stores, and convenience food stores.

**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, October 19, 2023.

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D. Smith (Chairman)

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NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **November 8, 2023** A Notice of Appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information – Minor Variances for more information.
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3. 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.