



Committee of Adjustment
Hamilton City Hall
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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-15:83
SUBMISSION NO. A-83/15

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 6593, of the City of Hamilton, Sections 14 and 18A.

AND IN THE MATTER OF the Premises known as Municipal number 554 Main St. E., in the City of Hamilton and in an "H" (**Community Shopping and Commercial**) district;

AND IN THE MATTER OF AN APPLICATION by the agent Badrock Studio on behalf of the owner Trinity Investments Inc., for relief from the provisions of the Zoning By-Law No. 6593, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the establishment of a medical office within the ground floor and second floor of the existing building notwithstanding that:

1. A minimum of eight (8) parking spaces shall be permitted instead of the minimum thirty-two (32) parking spaces required;
2. No onsite manoeuvring shall be provided instead of the minimum required 6.0m aisle width and the requirement that a manoeuvring space shall be provided and maintained on the lot;
3. A minimum parking space size of 2.6m x 5.5m shall be provided instead of the minimum 2.7m x 6.0m parking space size required; and,
4. No loading space shall be provided instead of the minimum one (1) loading space required.

Notes: A minimum of thirty-two (32) parking spaces are required for the proposed medical office. No parking is required for the basement general business offices as a floor area of less than 450.0m² is provided.

Based on our records it appears that the alley way providing the access to the rear parking spaces is assumed by the City. Please note that if the alley is not publicly assumed additional variances will be required.

Please note that upon discontinuance of the existing uses at 554 Main Street East, the legal non-conforming status for the existing parking spaces located on the adjacent lands known as 77 Myrtle Avenue is lost. Therefore, the ten (10) parking spaces located on the said adjacent lands cannot be counted towards parking provided for the proposed medical office.

THE DECISION OF THE COMMITTEE IS:

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

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

HM/A-15:83
Page 2

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

DATED AT HAMILTON this 11th day of June, 2015.

M. Dudzic (Chairman)

W. Pearce

L. Gaddy

V. Abraham

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD
MAY BE FILED IS July 1st, 2015.

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