



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

APPLICATION NO. HM/A-15:41
SUBMISSION NO. A-41/15

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 9, 18, 18A & 19B, Amending By-Law Number 95-02 & 95-033.

AND IN THE MATTER OF the Premises known as Municipal number 111 Winston Avenue, in the City of Hamilton and in a "C"/S-1335 & 1335a (**Urban Protected Residential**) district;

AND IN THE MATTER OF AN APPLICATION by the owners Annalyia & Morteza Irevan, 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 a total of fifteen (15) habitable rooms within an existing single family dwelling notwithstanding that;

1. A maximum Gross Floor Area of 51.48 % shall be maintained instead of the maximum permitted Floor Area Ratio Factor of 45 %;
2. A total of three (3) parking spaces shall be provided instead of the minimum required of six (6) parking spaces;
3. A minimum parking size width of ± 2.5 m shall be provided for parking (B) and (C) instead of the minimum parking size width required of 2.7 m;
4. A 0.0 m aisle width manoeuvring space shall be provided for parking space (B) and (C) in the front yard instead of the minimum required aisle width manoeuvring space of 6.0 m;
5. The manoeuvring space for the parking space (B) and (C) shall be provided off-site and on the Winston Avenue road allowance instead of the regulation that the required manoeuvring space is required to be provided and maintained only on the lot on which the principal use and/or building is located; and,
6. Two (2) required parking spaces shall be provided in the required front yard whereas the Zoning By-law restricts the amount of required parking to be located in the front yard to a maximum of one (1) parking space.

Notes:

Variances have been written as per information submitted by the applicant.

THE DECISION OF THE COMMITTEE IS:

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

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

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DATED AT HAMILTON this 2nd day of April, 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 **April 22nd, 2015**.

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