



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 1, 2015
<b>SUBJECT/REPORT NO:</b>	Committee of Adjustment Minor Variance Application- HM/A-15:151,219 Bowman Street - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED15116)(Ward 1)
<b>WARD(S) AFFECTED:</b>	Ward 1
<b>PREPARED BY:</b>	Steve Boich Planning Technician (905) 546-2424 Ext.1293
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That Report PED15116, respecting Committee of Adjustment Minor Variance Application - HM/A-15:151, for the property known as 219 Bowman Street, Hamilton, supported by the Planning and Economic Development Department, but denied by the Committee of Adjustment, be received for information.

**EXECUTIVE SUMMARY**

The applicant submitted Minor Variance Application HM/A-15:151 to permit interior alterations to add additional habitable rooms within the existing cellar (basement). The application required variances to recognize the existing parking space size, associated maneuvering space, access driveway width, as well as the required number of parking spaces.

Application HM/A-15:151 was considered before the Committee of Adjustment on June 11, 2015. Comments from staff to the Committee of Adjustment supported the application (see Appendix “B”), as the application was considered to be consistent with the Provincial Policy Statement (PPS), in compliance with the Urban Hamilton Official Plan (UHOP), and maintained the intent and purpose of Hamilton Zoning By-law No. 6593. A number of residents spoke and submitted letters in opposition to the application (see Appendix “F”).

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The Committee members discussed the merits of the application(see Appendix “E”) and heard statements from members of the public (see Appendix “D”) and denied the applicationfor the reasons providedin Appendix “C” to this Report.The decision was appealed to the Ontario Municipal Board (OMB) by the applicant on June 29, 2015.The OMB hasnot yet set a hearing date.

***Alternatives for Consideration – See Page 3***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Planning and Economic Development Department staff supported the subject application. However, if Council wishes to support the Committee of Adjustment’s decision to deny the application, the City must retain an outside planning consultant, and any other experts who can professionally support the denial. If an outside planning consultant is retained, the costs would be approximately \$3,000 to \$5,000 for each day of a hearing. In keeping with the funding source for other appeals where Council authorizes the retainer of outside consultants, the amount required toretain such experts to support the City’s position before the OMB be funded from the Tax Stabilization Reserve -110046.

Staffing: One representative from Legal Services would be required for preparation and attendance at the OMBHearing. One member of Planning staff wouldattend as an expert witness at the hearing should Council support Option 2 (support the appeal).

Legal: No legal implications are expected.

**HISTORICAL BACKGROUND**

**Roles and Responsibilities of the Committee of Adjustment (PD02116(a))**

In December 2002, City Council endorsed a staff report related to the roles and responsibilities of the Committee of Adjustment. The recommendations included the following:

“That the Planning and Development Department be authorized and directed to prepare an Information Report to the Committee of the Whole when an appeal is made to the Ontario Municipal Board, of a decision made by the Committee of Adjustment to deny an application(s) that was supported by staff. In response to such a report, Council may determine its position on the Committee of Adjustment decision, and may instruct Legal Services to attend the Ontario Municipal Board Hearing, in support of the Committee’s decision, and to retain outside professional(s) accordingly.”

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**Proposal**

The subject property is located at 219 Bowman Street(see Appendix “A”). The variance application (HM/A-15:151) was to permit interior alterations in order to add four habitable rooms within the existing dwelling for a total of 11 habitable rooms. In order to accommodate this, the applicant required variances to allow for a reduction from four to two parking spaces; reduction in width of the parking spaces from 2.7m to 2.4m; reduction in aisle width maneuvering space from 6.0m to 0.0m; to permit off site maneuvering; and, to permit a reduction to the minimum access driveway width from 2.8m to 2.4m.

**ALTERNATIVES FOR CONSIDERATION**

**Option 1**

Council may instruct Legal Services to attend the OMB Hearing, in support of the Committee of Adjustment decision, and to retain outside professional(s) to attend as an expert witness. Funding to retain outside professionals would come from the Tax Stabilization Reserve- 110046.

**Option 2**

Council may decide to support the appeal against the Committee of Adjustment’s decision to deny, and direct Legal Services to attend the OMB Hearing in support of the appeal to the application, and to use City Planning staff as its professional witness.

**Option 3**

Council may decide to not send Legal Services to the OMB, either in support of the Committee’s decision, or against the decision.

**ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

**Strategic Priority #1**

A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

**Strategic Objective**

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

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1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A": Location Map
- Appendix "B": Staff Comments for HM/A-15:151
- Appendix "C": HM/A-15:151 Committee of Adjustment Decision
- Appendix "D": Minutes of Public Meeting
- Appendix "E": HM/A-15:151 Minor Variance Application
- Appendix "F": Letters of Objection

:SB/th