



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
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**COMMITTEE OF ADJUSTMENT**  
**DECISION OF THE COMMITTEE**

**APPLICATION NO. AN/A-15:205**  
**SUBMISSION NO. A-205/15**

**IN THE MATTER OF** The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 87-57, of the City of Hamilton (formerly Ancaster), Sections 25 and 34.

**AND IN THE MATTER OF** the Premises known as Municipal number 407 Wilson Street East, formerly in the Town of Ancaster, now in the City of Hamilton and in a "VA-436" (Village Area) (Amending By-law 99-53) district;

**AND IN THE MATTER OF AN APPLICATION, AS AMENDED**, by the agent Marina Fensham on behalf of the owner Glendale Services (Ancaster) Ltd., for relief from the provisions of the Zoning By-Law No. 87-57, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the accessory use of a motor vehicle sales establishment for the display and sales of a maximum of three (3) motor vehicles in conjunction with the existing motor vehicle service station notwithstanding that a motor vehicle sales establishment is not permitted.

Notes: This site requires a minimum of fifty-five (55) parking spaces to be provided and maintained. Based on the site plan provided, a total of sixty-four (64) parking spaces are provided resulting in nine (9) surplus parking spaces which can accommodate car display/storage for the proposed motor vehicle sales establishment.

**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.
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.

**That the said application IS GRANTED** subject to the following condition:

1. The owner shall apply for and receive an encroachment agreement for the landscaping boxes that encroach within the Wilson Street road allowance, to the satisfaction of the Public Works Department, Traffic Division.

**DATED AT HAMILTON** this 23rd day of July, 2015.

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M. Dudzic (Chairman)

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W. Pearce

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I. Dunlop

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L. Gaddy

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P. Mallard

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N. Mleczo

**NOTE:** THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **August 12th, 2015**.

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