



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

**APPLICATION NO. SC/A-15:187
SUBMISSION NO. A-187/15**

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 3692-92, of the City of Hamilton (formerly Stoney Creek), Sections 4, 6.1 and 6.3.

AND IN THE MATTER OF the Premises known as Municipal number 29 Lakeview Drive, formerly in the City of Stoney Creek, now in the City of Hamilton and in an "R2" (Single Residential "R2" zone) district;

AND IN THE MATTER OF AN APPLICATION by the owners David Derbyshire & Maryann Ingram, for relief from the provisions of the Zoning By-Law No. 3692-92, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit construction of a 3.04m x 3.65m shed accessory to a single detached dwelling notwithstanding that the accessory building (shed) shall be a minimum of 2.1m from the front lot line instead of being located a minimum of 8.0m from the front lot line.

NOTE:


i) Pursuant to Section 6.1.4(d) of Stoney Creek Zoning By-law 3692-92, accessory buildings may be located in the front yard of lands backing onto the Lake Ontario shoreline provided they are a minimum of 8.0m from the front lot line. The variance is intended to permit the shed to be at least 2.1m from the front lot line.

THE DECISION OF THE COMMITTEE IS:

That the variance, as set out in paragraph three above, is **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.


DATED AT HAMILTON this 9th day of July, 2015.


M. Dudzic (Chairman)


D. Smith


V. Abraham


L. Gaddy


W. Pearce


P. Mallard

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS July 29th, 2015.

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