



Committee of Adjustment
Hamilton City Hall
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COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-16:169
SUBMISSION NO. A-169/16

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 4, 5, 9.2, 9.3.

AND IN THE MATTER OF the Premises known as Municipal number 21 Warrington St. in the City of Hamilton and in an **"M2 & M3" (General Business Park & Prestige Business Park)** district;

AND IN THE MATTER OF AN APPLICATION by the agent Bousfields Inc. c/o David Falletta on behalf of the owner VW Warrington Ltd. c/o Fernando Puga, 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 creation of two (2) parcels of land through severance application HM/B-16:43 notwithstanding that;

1. No landscaped area or planting strip shall be provided abutting a street (South Service Road) instead of the requirement in the By-Law that states that where a parking space, aisle or driveway is located in a yard abutting a street, a minimum 6.0 m wide landscaped area, which includes a 3.0 m wide planting strip shall be required to be provided abutting a street;
2. To permit an accessory outdoor storage area to be located within the front yard notwithstanding that the By-Law does not permit outdoor storage to be located in a front yard;
3. No screening (visual barrier) shall be provided from the abutting street for the outdoor storage instead of the requirement in the By-Law that states that outdoor storage shall be screened from view from any abutting street by a visual barrier in accordance with Section 4.19 of By-Law 05-200; and,
4. No barrier free parking space shall be provided on site instead of the minimum required of one (1) parking space.

Notes:

- i) Variances have been written as requested by the applicant.
- ii) This application is to facilitate severance application HM/B-16:43.

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 is of the opinion that the variances are necessary to facilitate the severance, which was premature, and as such the variances are neither desirable nor appropriate for the development of the land.
2. The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.
3. 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.
4. 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 23rd day of June, 2016.

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Decision

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M. Dudzic (Chairman)

D. Smith

P. Mallard

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **July 13th, 2016**.

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