



Hamilton

Committee of Adjustment
Hamilton City Hall
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Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. DN/A-16:266
SUBMISSION NO. A-266/16

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 3581-86, as amended, of the City of Hamilton (formerly Dundas), Sections 6, 7 and 9.

AND IN THE MATTER OF the Premises known as Municipal number 231 York Road, formerly in the Town of Dundas, now in the City of Hamilton and in an "**R2**" (**Single Detached Residential Zone**) district;

AND IN THE MATTER OF AN APPLICATION by the agent Wellings Planning Consultants Inc. on behalf of the owner Recchia Developments Inc. (c/o Fernando Recchia), for relief from the provisions of the Zoning By-Law No. 3581-86, as amended, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the development of six (6) single detached dwellings fronting on a private condominium road notwithstanding that;

1. Notwithstanding the definition of "Public Thoroughfare" in Section 3 "Definitions" of Zoning By-Law 3681-86, a private road/condominium road (which may include visitors parking, landscaping, etc.) shall be considered a street for the purpose of the regulations contained in the By-Law; and,
2. To permit a parking space to be located in the driveway notwithstanding that the By-Law states that no such parking shall be located in a required front yard.

Notes:

- i) Variances have been written exactly as requested by the applicant. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.
- ii) Variances to allow six (6) single detached dwellings on one lot has not been included as the intent is to separate the units through a plan of condominium.

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 proposal would be more appropriately addressed through an application for rezoning.
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.
5. The submissions made regarding this matter affected the decision by supporting the refusal of the application.

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DATED AT HAMILTON this 1st day of September, 2016.

M. Dudzic (Chairman)

V. Abraham

D. Serwatuk

L. Gaddy

D. Smith

W. Pearce

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **September 21st, 2016.**

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