



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424. ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-16:110
SUBMISSION NO. A-110/16

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 11C, 18A and 19B.

AND IN THE MATTER OF the Premises known as Municipal number 192 Hughson St. N., in the City of Hamilton and in an "**E-3/S-332**" (**High Density Multiple Dwellings**) (**Amending By-law 74-102**) district;

AND IN THE MATTER OF AN APPLICATION by the agent Sam Esposto Architect Inc., on behalf of the owner 192 Hughson Street Inc. c/o Kevin Green, 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 increase the number of dwelling units within the existing multiple dwelling to 267 dwelling units, notwithstanding that;

1. The density of development shall be 252 dwelling units per acre of lot area instead of the maximum permitted density of 190 dwelling units per acres of lot area; and,
2. Parking at a rate of 0.64 spaces per dwelling unit shall be provided instead of the minimum required parking rate of 1.0 space per dwelling unit.

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 requested variances are not in keeping with the intent and purpose of the Official Plan as the increase in density is far beyond the density permitted and envisioned by the Official Plan to the point where it is not minor.
2. The Committee is of the opinion that the requested variances do not meet the intent and purpose of the Zoning By-law.

3. The Committee is of the opinion that the application is not minor in nature as the variances required to create the additional units are significant to be beyond that of a minor variance.
4. The Committee is of the opinion that the proposed division of the current units into smaller unit types is not desirable or appropriate in this situation.
5. The Committee is of the opinion that the uncertainty of available services to support the proposed increase in density beyond the permitted maximums in both the Official Plan and Zoning By-law, indicates that the application is beyond that of a minor variance and not in keeping with the Official Plan and Zoning By-law.
6. The submissions made regarding this matter affected the decision by supporting the refusal of the application.

DATED AT HAMILTON this 29th day of June, 2017.

D. Smith (Acting Chairman)

L. Gaddy

W. Pearce

V. Abraham

P. Mallard

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **July 19th, 2017.**

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