



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. GL/A-17:368**  
**SUBMISSION NO. A-368/17**

**IN THE MATTER OF** The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 05-200, of the City of Hamilton (formerly Glanbrook), Sections 4 & 12.1.3.3i).

**AND IN THE MATTER OF** the Premises known as Municipal number 2301 Kirk Road formerly in the Township of Glanbrook, now in the City of Hamilton and in an "A1" (Agriculture) district;

**AND IN THE MATTER OF AN APPLICATION** by the owners Michael & Susan Rahija, for relief from the provisions of the Zoning By-Law No. 05-200, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the construction of a 1 storey pole barn accessory to the existing single detached dwelling notwithstanding that a maximum gross floor area of 259.0 m<sup>2</sup> shall be provided for all buildings accessory to a single detached dwelling instead of the requirement in the By-Law which states that all buildings accessory to a single detached dwelling shall not exceed an area of 120.0 m<sup>2</sup>.

**NOTE:**

The elevations provided do not indicate height from grade to the uppermost point of the building as defined; therefore, applicant shall ensure that maximum permitted height is not exceeded; otherwise, further variances may be required.

**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 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 2nd day of November, 2017

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M. Dudzic (Chairman)

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P. Mallard

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L. Gaddy

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M. Smith

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D. Smith

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W. Pearce

**NOTE:** THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **November 22nd, 2017.**

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