



Committee of Adjustment
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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-20:286
SUBMISSION NO. A-286/20

APPLICATION NO.: AN/A-20:286

APPLICANTS: Urban Solutions c/o S. Manchia on behalf of the owner Garner Investments Inc.

SUBJECT PROPERTY: Municipal address **1040 Garner Rd. W., Ancaster**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-laws 10-128 & 18-219

ZONING: "M3, Exception 376 and 678" (Prestige Business Park (M3) Zone

PROPOSAL: To permit a Restaurant use within the Planned Business Centre currently under construction, notwithstanding,

1. A Restaurant use shall be permitted at this location whereas the Zoning By-law does not permit a Restaurant as a principal use at this location.

NOTES:

1. A Restaurant use is listed as a permitted use in the M3 Zone; however, pursuant to Section 9.3.3 r) of the Zoning By-law, the use of a Restaurant is restricted to specific locations and is limited by a maximum gross floor area.

2. The Planned Business Centre currently under construction was approved by site plan application DA-18-027.

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.
4. The submissions made regarding this matter affected the decision by supporting the refusal of the application.

DATED AT HAMILTON this 4th day of February, 2021.