



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

NOTICE OF DECISION
Minor Variance

APPLICATION NO.:	HM/A-23:345	SUBJECT PROPERTY:	115 TERRACE DRIVE, HAMILTON
ZONE:	"I1" (Neighbourhood Institutional)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: SHREE SWAMINARAYAN GURUKUL
Applicant: VIPULKUMAR SAVALIYA

The following variances are **GRANTED WITH CONDITIONS**:

1. A minimum front yard of 3.0m shall be permitted instead of the minimum 6.0m front yard required.
2. Parking spaces and aisles giving direct access to abutting parking spaces shall be permitted to be located as close as 0.0m from a street line instead of the minimum 3.0m setback required from a street line.
3. No planting strip shall be permitted to be maintained between the street line and the parking spaces or aisles giving direct access to abutting parking spaces instead of the minimum 3.0m wide planting strip required.
4. The parking lot shall be permitted to maintain no landscaped strip with no visual barrier along the abutting Residential zones instead of the minimum 1.5m wide landscaped strip with a visual barrier required abutting Residential Zones.
5. Parking spaces within the parking lot shall be permitted to be arranged with direct access from the street which may interfere with normal public use and provide for ingress and egress that is not in a forward motion whereas the zoning by-law requires that parking is arranged so as to not interfere with normal public use of the street and that a parking lot provide for ingress and egress of vehicles in a forward motion only.
6. An access driveway having a width of 3.4m shall be permitted for 60 degree parking and access driveway having a width of 4.0m shall be permitted for 90 degree parking whereas the zoning by-law requires a minimum 5.5m width for 60 degree parking and a minimum 6.0m width for 90 degree parking.

Notes:

It is noticed that several parking spaces are shown to be located on the road allowances. Please be advised that upon approval of the above noted variances, only the parking spaces located on site shall be recognized for zoning compliance purposes. An Encroachment Agreement with the Public Works

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Department may be required for parking spaces shown to encroach on the Road Allowance.

The proposed increase in gross floor area requires a minimum of eight (8) parking spaces; therefore, compliance is achieved based a total of thirty (30) parking spaces located on site.

Please note that insufficient details were provided from which to confirm compliance respecting the parking space sizes and all access driveways for the overall site. It is noted that some parking spaces may be smaller than the minimum required size under the Hamilton Zoning By-law 05-200; therefore, further variances may be required.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out above, are **GRANTED WITH CONDITIONS** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is consistent with the general intent and purpose of the By-laws and the Official Plans as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

That the said application be GRANTED subject to the following condition:

1. The Applicant is required to establish an encroachment agreement with the City of Hamilton for the parking spaces located within the municipal right-of-way (To the satisfaction of the Manager of Transportation Planning).

DATED AT HAMILTON, February 13, 2024.

M. Switzer

D. Smith (Chairman)

D. Lord

N. Lauwers

S. Rybarczyk

R. Reid

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **March 4, 2024** A Notice of Appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information – Minor Variances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.



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APPEAL INFORMATION – MINOR VARIANCES

1. Who may file an appeal of the Decision of the Committee of Adjustment?

Please note neighbours and other interested parties not defined are no longer eligible to file Planning Act Section 45(12) appeals. See [Bill 23, More Homes Built Faster Act, 2022](#) for more information.

Planning Act Section 45(12) appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by Planning Act 1(1)), and a “public body that has an interest in the matter” (as defined by Planning Act 1(1)).

2. When must an appeal be received to be considered?

Planning Act Section 45(12) appeals must be received no later than the end of business on the last date of appeal listed on the Notice of Decision. The last date of appeal is 20 days from the date of the Decision. Please see Notice of Decision for exact date.

3. Where must the appeal be filed to be considered?

Planning Act Section 45(12) appeals must be received either by hardcopy or electronic copy. Please see below for more information:

Hardcopy: at City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5. Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.

Electronic copy: by email delivered to cofa@hamilton.ca. Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of incorrectly addressed emails will be time barred and of no effect. If the information submitted will include large file sizes not able to be sent in one email, please contact cofa@hamilton.ca in advance to request a file sharing link.

4. What information must be submitted for the appeal to be considered?

Planning Act Section 45(12) appeals must include:

- Notice of appeal, the Ontario Land Tribunal (OLT) Appeal Form, this can be found by contacting Committee of Adjustment staff at the 5th floor of City Hall or at the OLT website <https://olt.gov.on.ca/appeals-process/forms/>, a cover letter, etc. may also be submitted if there is not sufficient room in the form;
- Filing fee, the fee is currently \$400 (subject to change) and must be paid as outlined on the OLT Appeal Form;

- All other information as required by the Appeal Form.