



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.:	GL/A-23:343	SUBJECT PROPERTY:	3352 HOMESTEAD DRIVE, GLANBROOK
ZONE:	“ER” (Existing Residential)	ZONING BY-LAW:	Zoning By-law former Township of Glanbrook 464, as Amended

APPLICANTS: Owner: JEFF GAUTHIER
Agent: THOMAS DE SIMONE

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

1. A minimum 3.0 metre exterior side yard setback shall be provided to a Secondary Dwelling Unit above an attached garage instead of the required 3.0 metre setback to an exterior side yard;
2. Parking shall be provided within the minimum required side yard instead of the requirement that no part of the required minimum exterior side yard of a corner lot abutting a public street is to be used for the temporary parking or storage of any motor vehicle;

Notes:

- i. Please be advised, insufficient information has been provided relating to the access of the proposed parking spaces. Note, under Glanbrook Zoning By-Law 464 tandem parking is permitted for a maximum of two parking spaces. The site plan as proposed has indicated a maximum of three stacked parking spaces. The third space is not permitted to be tandem and shall have unobstructed access to and from the street. It is unclear if the driveway access provided to Strathearne Place is sufficient to accommodate the minimum width required for a vehicle to maneuver. Should the third parking space not maintain unobstructed access, additional variances may be required.
- ii. Please be advised, insufficient information has been provided to determine Eavestrough and Gutter encroachments for the proposed Secondary Dwelling Unit. Should the Eavestrough and Gutter project more than the permitted requirements under Section 7.26 a), additional variances may be required.
- iii. Please be advised, insufficient information has been provided to determine the minimum elevation of the garage. Should the garage not maintain a 0.3 metre elevation above the centreline of the street, additional variances may be required.
- iv. Note, Lot Coverage, Driveway Coverage and other similar area requirements have been indicated on the Site Plan, however actual dimensions and areas have not been provided for individual buildings to confirm percentages. As such, should area requirements as indicated not conform to Zone requirements, additional 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:

That the applicant provides an updated site sketch (To the satisfaction of Development Planning).

DATED AT HAMILTON, February 13, 2024.

D. Smith (Chairman)

M. Switzer

R. Reid

S. Rybarczyk

N. Lauwers

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.