



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.:	SC/A-23:349	SUBJECT PROPERTY:	8 Shoreview Place, Stoney Creek
ZONE:	"MUC-5" (Mixed Use Commercial)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended 10-027

APPLICANTS: Owner: Seasons Retirement Communities (Stoney Creek) GP INC c/o A. Salomon
Agent: UrbanSolutions Planning & Land Development Consultants INC. c/o Matt Johnston (Urban Solutions)

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

Lands to be retained;

1. A minimum lot area of 8,600 square metres shall be permitted instead of the minimum 20,400 square metre lot area required.

Lands to be severed;

1. A minimum lot area of 11,600 square metres shall be permitted instead of the minimum 20,400 square metre lot area required.
2. A minimum gross leasable commercial floor area of 470.0 square metres shall be permitted instead of the minimum 974.3 square metres of gross leasable commercial floor area required.
3. Notwithstanding the definition of "Amenity Area" as stated in the Stoney Creek Zoning By-law No. 3692-92, Amenity Area "shall mean the area of a lot intended for recreational purposes, and shall include areas that are landscaped, patios, privacy areas, balconies, communal lounges, swimming pools, play areas and similar uses, located on the same lot, but shall not include a building's service areas, parking lots, aisles or access driveways, or Planting Strip.
4. 1.25 parking spaces per dwelling unit shall be permitted instead of the minimum required 1.5 parking spaces per dwelling unit.
5. 1 parking space per 96 square metres of commercial gross floor area shall be permitted instead of the minimum 1 space per 28 square metres of commercial gross floor area required.
6. A 3.0 metre landscape strip shall be provided along the street line abutting Shoreview Place instead of the minimum 3.9 metre landscape strip required along the lot line abutting Shoreview Place.

Notes:

1. Requested Variances have been written exactly as requested by the applicant.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out above, are **GRANTED AS AMENDED 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 with amendments.

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

1. That the variances shall be generally in keeping with Proposed Mixed Use Development - 8 Shoreview" dated August 29, 2023, submitted by the applicant or any approved amendments thereto, and provide a minimum amenity area including the balcony area shall be a total of 17.0 square metres per unit, to the satisfaction of the Manager of Site Planning.

DATED AT HAMILTON, February 13, 2024.

D. Smith (Chairman)

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.

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- 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.