



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF DECISION**  
**Minor Variance**

<b>APPLICATION NO.:</b>	<b>HM/A-24:38</b>	<b>SUBJECT PROPERTY:</b>	22 INCHBURY STREET, HAMILTON
<b>ZONE:</b>	"D" (Urban Protected Residential – One and Two Family Dwellings and Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended 75-135

**APPLICANTS:** Owner: JUSTIN AND KIMBERLY SARVOS

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

Proposed Secondary Dwelling Unit - Detached:

1. A Minimum distance of 4.65 metres between the rear wall of the principal dwelling and the Secondary Dwelling Unit – Detached shall be permitted instead of the required Minimum distance of 7.5 metres between the rear wall of the principal dwelling and the Secondary Dwelling Unit – Detached.
2. A Maximum Gross Floor Area of 75.42 m<sup>2</sup> shall be permitted for a Secondary Dwelling Unit – Detached instead of the Maximum required Gross Floor Area of 75.0 m<sup>2</sup> for a Secondary Dwelling Unit – Detached;
3. A Home Business (Office) associated with the principal Single Family Dwelling shall be permitted within a Secondary Dwelling Unit – Detached instead of the requirement that a Home Business shall be carried on for remuneration entirely within a dwelling unit by members of a family residing in the dwelling unit as their principal place of residence.
4. Two (2) parking spaces for the existing Single Family Dwelling and Zero (0) parking spaces for a Secondary Dwelling Unit – Detached shall be permitted instead of the minimum required one (1) parking space for a Secondary Dwelling Unit – Detached;
5. A Minimum Side Yard of 0.6 metres shall be permitted for a Secondary Dwelling Unit – Detached instead of the Minimum Side Yard of 1.2 metres for a Secondary Dwelling Unit – Detached;

Proposed addition to Single Family Dwelling:

1. A Minimum Side Yard Setback of 0.9 metres shall be permitted instead of the minimum required 1.2 metres.

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Notes:

- i. Be advised, an Encroachment Agreement is required to be registered on title for the proposed addition located over the lot line.
- ii. Please note, insufficient information has been provided to determine if a 1.0 metre unobstructed path has been provided to the Secondary Dwelling Unit – Detached. Should a 1.0 metre unobstructed path not be provided, additional variances may be required.
- iii. Please note, insufficient information has been provided to determine the height of the proposed addition to the Single Family Dwelling. Please note, should the height exceed the 14.0 metres permitted, additional variances may be required.

**THE DECISION OF THE COMMITTEE IS:**

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

DATED AT HAMILTON, March 26, 2024.

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R. Reid (Acting Chairman)

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D. Lord

N. Lauwers

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S. Rybarczyk

M. Switzer

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **April 15, 2024** A Notice of Appeal must be filed with the Secretary-Treasurer of

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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](mailto: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](mailto: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 5<sup>th</sup> 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.