



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-24:07	SUBJECT PROPERTY:	300 ALBRIGHT ROAD, HAMILTON
ZONE:	"RT-20 / S-1829" (Townhouse - Maisonette)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 23-104

APPLICANTS: Owner: VALSTAR (RED HILL) INC(TED VALERY) Agent: MHBC PLANNING LTD.(DAVE ASTON)

The following variances are **GRANTED**:

1. A maximum height of 5 storeys to a limit of 16.5 metres shall be permitted instead of the maximum requirement that no building or structure within the district shall exceed four storeys and 15.5m in height.

Notes:

- i. A Zoning Compliance Review has been conducted prior to the submission of this Minor Variance application and the applicant has indicated as per the signed acknowledgement clause that the plans provided have not been changed or modified from the plans reviewed through Zoning Compliance. Be advised however, the current plans provided appear to be modified with additional measurements, changes to building dimensions and visitor parking rates. As such, the requirements of the acknowledgement clause have not been fulfilled and a new review has been conducted through the Minor Variance process.
- ii. Please note, insufficient information has been provided to determine compliance regarding the required 1.5 metre landscape planting strip where a parking space abuts a residential district, in accordance with Section 18a(11) of Hamilton Zoning By-Law 6593. It is noted that a "Landscaped Visual Barrier" is proposed, however additional information is required to confirm if the proposed landscaped area complies with the requirements of a Planting Strip as defined as follows:

"Planting Strip - means an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a visual barrier or buffer." Furthermore, as per Section 18a(12),

"There shall be provided and maintained a visual barrier along the boundary of the residential district not less than 1.2 metres in height and not greater than 2.2 metres in height, except no visual barrier shall be required where a 1.5-metre-wide sidewalk for pedestrian access is provided to the westerly lot line."

It is noted within the Site Statistics table that a visual barrier is proposed to be provided in accordance with the requirements for a Visual Barrier. The detailed extent of the height of the Visual Barrier has not been provided and as such Zoning Compliance cannot be wholly confirmed. Should the proposed “Landscaped Visual Barrier” not achieves the requirements of the Sections mentioned above as the pertain to a Planting Strip and Visual Barrier, additional variances may be required.

THE DECISION OF THE COMMITTEE IS:

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

R. Reid (Acting Chairman)

D. Lord

N. Lauwers

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 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.