



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>SC/A-24:28</b>	<b>SUBJECT PROPERTY:</b>	266 MCNEILLY ROAD, STONEY CREEK
<b>ZONE:</b>	"RR" (Rural Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Stoney Creek 3692-92, as Amended

**APPLICANTS:** Owner: 1000693093 ONTARIO INC.  
Agent: GLAN SCHNARR & ASSOCIATES INC. (MARK CONDELLO)

The following variances are **GRANTED**:

1. A Minimum Lot Frontage of 12.18 metres shall be permitted instead of the Minimum Required Lot Frontage of 15.0 metres required;
2. Notwithstanding the provision in section 5.4.3(e), a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other;
3. A Minimum Front Yard Setback of 8 metres shall be permitted instead of the Minimum Required Front Yard Setback of 10 metres.

Notes:

- i) Please note, this application shall be heard in conjunction with Consent application SC/B-24:07. Furthermore, the requested variances are intended to be applied to all three parcels upon final severance to permit each Single Detached Dwelling to maintain the same setback and frontage requirements.
- ii) Please note, variance #2 has been written exactly as requested by the applicant. The intent is to provide relief of current side yard setback regulations under Section 5.4.3 (e) as they pertain to an attached garage or carport. It is noted that at this time, the applicant cannot confirm if a garage will be included within the proposed Single Detached Dwellings and as such cannot confirm the specific setback requirement within the interior side yard. As such, the variance has been requested to permit the future Single Detached Dwelling irrespective of an attached garage or carport being proposed.
- iii) Insufficient information has been provided to determine proposed Building Height. As per Section 5.4.3 (g) a maximum height of 11.0 metres is permitted. Should the proposed Single Detached Dwellings exceed the maximum height, additional variances may be required.
- iv) Be advised, insufficient information has been provided to determine parking requirements.

Please note, should parking not be provided in accordance with 4.10 and 5.1.5, additional variances may be required.

- v) Please note, the building envelope as shown on the submitted Site Plan is indicated to be 54.91% of the total lot coverage, whereas 40% is permitted under Section 5.4.3 (c). As per correspondence, it is noted that the building envelope has been provided for setback purposes and may not constitute the entirety of the proposed Single Detached Dwelling. As such, no additional variances are required should the proposed building not exceed the required 40% lot coverage.

**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.

**SC/A-24:28**

- 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.



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)

### 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.