



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-24:47 | SUBJECT PROPERTY: | 79 Markland Street, Hamilton |
| ZONE: | "C" (Urban Protected Residential) | ZONING BY-LAW: | Zoning By-law former City of Hamilton 6593, as Amended |

APPLICANTS: Applicant: Michael Baytman
 Agent: Chris Cavacuiti

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

1. No accessory building shall exceed 4.5 metres in height instead of the requirement that no accessory building shall exceed 4.0 metres in height.
2. Every accessory building over 4.0 metres in height shall be at least 1.0 metres from the nearest lot line instead of the required setback of 3.0 metres from the nearest lot line.
3. An accessory building shall be permitted to be erected in a front yard instead of the requirement that no accessory building shall be erected in a front yard.
4. Every required parking space, other than a parallel parking space shall have dimensions not less than 3.91 metres wide and 5.94 metres long. Instead of the required minimum parking space dimensions of 2.7 metres wide and 6.0 metres long.
5. Two required parking spaces may be located in the front yard instead of the requirement that only one of the required parking spaces may be located in the front yard.
6. A landscape strip shall not be required to be provided within the required side yard adjacent to a Secondary Dwelling Unit – Detached. Instead of the requirement that a landscape strip limited to sod, ground cover, permeable pavers or a planting strip shall be provided within the required side yard adjacent to a Secondary Dwelling Unit – Detached.
7. A minimum distance of 6.35 metres shall be required between the rear wall of the principle dwelling and the Secondary Dwelling Unit - Detached instead of the required minimum distance of 7.5 metres.

Notes:

1. The proposed development shall be in accordance with Section 18 (4) (v) of the Former Hamilton Zoning By-law 6593.

2. Insufficient information was provided to determine front yard landscaping. Additional variances may be required if compliance with the By-law cannot be achieved.
3. Insufficient information regarding eaves, gutters, unobstructed path, ground floor area and landscaping for the proposed Secondary Dwelling Unit – Detached was unable to be determined. Additional variances may be required if compliance with the By-law cannot be achieved.

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 conditions:

1. That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Heritage and Urban Design.
2. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees, to the satisfaction of the Manager of Heritage and Urban Design.

DATED AT HAMILTON, April 9, 2024.

M. Switzer (Acting Chairman)

R. Reid

D. Lord

S. Rybarczyk

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **April 29, 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.