



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-24:49	SUBJECT PROPERTY:	61 Norman St., Hamilton
ZONE:	R1a (Low Density Residential – Small Lot)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended by By-law No. 22-197

APPLICANTS: Owner: N. Meller
Agent: H. Zhou

The following variances are **GRANTED**:

1. A minimum Rear Yard Setback of 6.55 metres shall be permitted instead of the minimum required Rear Yard Setback of 7.5 metres;
2. Eaves and Gutters shall be permitted to project the entirety of the Side Yard instead of the required maximum projection of 0.6 metres into the required yard, or to a maximum of half the distance of the required yard, whichever is the lesser;
3. A maximum encroachment of 1.88 metres into the required Rear Yard shall be permitted for a Fire Escape or Exterior Staircase instead of the required maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser;
4. A maximum encroachment of 1.27 metres into the required Front Yard shall be permitted for a Balcony, including supporting columns, instead of the required maximum of 1.0 metres, except into a required side yard of not more than one-third of its width or 1.0 metres, whichever is the lesser.

Notes:

- i) Please note, specific variances have not been indicated within the application submitted. As such, variances have been provided based on the review of materials submitted with the application. Should any variances not be desired, the applicant shall provide further documentation or materials to indicate as such.
- ii) Be advised, the proposed Eaves/ Gutters appear to project beyond the side lot line and may encroach into the adjacent property at 63 Norman Street. An Encroachment Agreement is required to be registered on title for any portion of a building that projects beyond the property line.
- iii) Please note, Insufficient Information has been provided to determine Landscape requirements for the proposed Converted Dwelling. As per Section 4.35, a minimum of 50% Landscaped Area within the Front Yard is required. Based on measurements provided, it appears that 52.87% is

provided however it is recommended the applicant confirm the proposed Landscaped Area within the Front Yard conforms as per Section 4.35.

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, 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.