



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.:	A.24.115	SUBJECT PROPERTY:	13 Allan Avenue, Hamilton
ZONE:	“R2” (Single Detached Residential Zone)	ZONING BY-LAW:	Zoning By-law former Town of Dundas 3581-86, & Zoning By-law City of Hamilton 05-200 as Amended

APPLICANTS: Owner: Elyse Wright, Brent Wesley Wright
Agent: Balance Containers

The following variances are **DENIED**:

Dundas Zoning By-law 3581-86

1. A minimum distance of 3.1 metres shall be required between the rear wall of the principal dwelling and the Secondary Dwelling Unit – Detached instead of the minimum required distance of 7.5 metres between the rear wall of the principal dwelling and the Secondary Dwelling Unit – Detached.

Hamilton Zoning By-law 05-200

1. A minimum distance of 3.1 metres shall be required between the rear wall of the principal dwelling and the Additional Dwelling Unit – Detached instead of the minimum required distance of 7.5 metres between the rear wall of the principal dwelling and the Additional Dwelling Unit – Detached.

Notes:

- i) Be advised, Zoning By-Law Amendment 24-051 and 24-052 was passed on April 10, 2024. The Amendments remain Not Final and Binding and as such, both regulations under the current Hamilton Zoning By-Law 05-200 and those regulations applicable under Zoning By-Law Amendment 24-051 and 24-052 are applicable to the subject property. For the purposes of this review, an additional review has been conducted as it relates to any additional regulations required under Zoning By-Law Amendment 24-051 and 24-052. Until such time that Zoning By-Law Amendment 24-051 and 24-052 are deemed Final and Binding, regulations under both the current Zoning By-Law and the Amending By-laws shall apply.
- ii) Please note, insufficient information has been provided to determine the total required landscaped area as per Section 15.1.2.1 h) and 4.35. It appears that sufficient landscaped area is provided however the applicant shall ensure the proposed Secondary/ Additional Dwelling Unit – Detached does not reduce the required landscaped area below the minimum 30% of the total lot area and that a minimum area of 14.06 m2 is provided to accommodate the required tree planting/ protection

A.24.115

area as per Section 4.35 c). Additional variances may be required should these Sections not be complied with as a result of the proposed development.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out above, are **DENIED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is not of a minor nature.
2. The relief granted is undesirable 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 not 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 denial of the application.

DATED AT HAMILTON, June 25, 2024.

D. Smith (Chairman)

D. Lord

R. Reid

N. Lauwers

M. Switzer

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **July 15, 2024 at 4:30pm**. 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.



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

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 and time.

3. Where must the appeal be filed to be considered?

Planning Act Section 45(12) appeals must be received in one of the following formats:

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.

E-file Portal: By filing an appeal through the OLT E-file Portal at <https://olt.gov.on.ca/e-file-service/> to Hamilton (City) – Committee of Adjustment and Consent Authority (select appropriate approval body as outlined on the Notice of Decision). Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of incorrectly chosen approval authority will be time barred and of no effect.

Please note only one of the above options needs to be completed. If your preferred method of appeal is not available at the time of appeal, the appeal must be filed with one of the other two

options. Appeals received after the date of appeal as a result of one of the methods being unavailable will be time barred and of no effect.

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 or OLT E-file Portal;
- All other information as required by the Appeal Form.