



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.24.104	SUBJECT PROPERTY:	701 Upper Sherman Avenue, Hamilton
ZONE:	"I3" (Major Institutional)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: City of Hamilton
Agent: Bessant Pelech Associates Inc c/o Yurij M Pelech & Emily Stanley

The following variances are **GRANTED AS AMENDED**:

1. A minimum northerly side yard of 2.4m shall be permitted along the Macassa Drive Street lot line instead of the minimum 7.0m side yard required.
2. A minimum setback of 0.0m shall be permitted from the Macassa street line and a minimum setback of 2.1m shall be permitted from the Upper Sherman Street line to parking spaces and aisles giving direct access to abutting parking spaces instead of the minimum 3.0m setback required from a street line.
3. No planting strip shall be permitted to be maintained along the Macassa Street line; a minimum 1.8m wide planting strip shall be permitted along the hypotenuse of the daylight triangle; and a minimum 2.1m wide planting strip shall be permitted to be maintained along the Upper Sherman Street line and all existing parking spaces and aisles giving direct access to abutting parking spaces instead of the minimum 3.0m wide planting strip required.
4. A minimum parking space size having width of 2.5m x 4.6m shall be permitted for existing parking spaces instead of the minimum 2.8m x 5.8m parking space size required.
5. A minimum 2.6m wide parking space width shall be permitted for barrier free spaces located within the existing parking areas instead of the minimum 4.4m wide parking space width required for barrier free parking spaces.
6. A minimum aisle width of 5.7m shall be permitted for 90.0° parking located within the existing parking areas instead of the minimum required 6.0m aisle width for 90.0° parking.

Notes:

These variances are necessary to facilitate Site Plan Control Application SPA-23-060. The applicant shall ensure that the minimum Landscaped Areas/Landscaped Parking Islands required for parking lots are maintained; otherwise, further variances shall be required. Insufficient information was provided from which to determine compliance.

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The zoning By-law requires short-term and long-term bicycle parking to provided on site. Insufficient information was provided from which to determine compliance; as such, further variances may be required.

The plans show two (2) other barrier free parking spaces located within existing parking area containing 38 parking spaces which appear to have a size less than as requested in variance #5 above. The applicant shall ensure that the variance requested is correct or shall amend the plans in order to ensure compliance.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out above, are **GRANTED AS AMENDED** 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, 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-

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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 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.