



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>A-24:102</b>	<b>SUBJECT PROPERTY:</b>	121 & 135 Mary Street, Hamilton
<b>ZONE:</b>	“D5,H17, H19, H20” (Downtown Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: Good Shepherd Centre Hamilton – Alan Whittle  
Agent: Landwise – Katelyn Gillis

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

1. A maximum side yard of 7.9 metres shall be permitted, instead of the maximum permitted side yard of 7.5 metres [as per Section 6.5.3.4(d)];
2. A minimum rear yard of 0.5 metres shall be permitted, instead of the minimum required rear yard of 7.5 metres [as per Section 6.5.3.4(f)]
3. A minimum 2.4 metre setback to the northerly side lot line shall be permitted for any portion of the building exceeding 22.0 metres in height, instead of the minimum 3.0 metre setback required [as per Section 6.0(b)(ii)]
4. An accessory building shall be permitted to be erected prior to the erection of a principle building or structure, instead of the requirement that an accessory building shall not be erected prior to the erection of a principle building or structure on the lot [as per Section 4.8(f)]
5. An accessory building having a gross floor area less than 18 square metres shall be permitted to be setback a minimum of 0.6 metres from the rear lot line, instead of the minimum 1.2 metres required [as per Section 4.8.1.3(a)(i)].

**Notes:**

- i. Be advised that By-law No. 24-052 was recently approved which repealed and replaced Section 5: Parking, of Hamilton Zoning By-law No. 05-200. As By-law No. 24-052 is not yet final, at present, all proposed development is reviewed under both the existing and proposed Zoning By-laws regulations with the more restrictive zoning regulations being applied.
- ii. This property is listed in the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit [www.hamilton.ca/heritageplanning](http://www.hamilton.ca/heritageplanning) for further information.

**A-24:102**

- iii. These variances are necessary to facilitate Site Plan Application No. DA-22-095, and have been written exactly as requested by the applicant.
- iv. This application is to be heard in conjunction with Consent/Land Severance Application No. B-24:29 to establish a +/- 257 square metre easement with the abutting property at 147 Mart Street, which will facilitate Site Plan Application No. DA-22-095.

**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 condition:

- 1. That the owner shall receive final and binding approval of consent application B-24:29, to the satisfaction of the Director of Development Planning.

DATED AT HAMILTON, June 25, 2024.

---

D. Smith (Chairman)

N. Lauwers

---

M. Switzer

R. Reid

**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.

**A-24:102**

- 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 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](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.

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