



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-24:169</b>	<b>SUBJECT PROPERTY:</b>	725 Strathearne Ave North, Hamilton
<b>ZONE:</b>	M5 (General Industrial)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended 10-128 and as Amended 24-052

**APPLICANTS:** Owner: Rain Carbon Canada Inc. Matthew Scott-Hansen  
Agent: James Hettinger  
Applicant: Adrii Shygaiev

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

1. Twenty-Two Parking spaces shall be permitted to be located entirely within the Strathearne Avenue Right of Way instead of the requirement that all required parking shall be provided with adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle and shall be arranged so as not to interfere with normal public use of the street or laneway.
2. Offsite maneuvering and minimum required 0.0 metre access aisle shall be permitted for parking spaces with a 60-degree angle instead of the minimum required 5.5 metre access aisle.
3. The existing parking spaces shall be permitted to be a minimum of 2.8 metres in width and 5.3 metres in length instead of the minimum of 2.8 metres in width and 5.8 metres in length.

**Notes:**

- i. Please note, these variances are required to facilitate a Zoning Compliance Review and future Site Plan Control application.
- ii. Please note, a portion of the existing parking lot is located within the Strathearne Avenue North Right of Way. Parking spaces and maneuvering spaces associated with the existing parking area that do not meet the current requirements under Section 5 shall not be considered towards the total required parking for the proposed development. As such, a full review of parking has been completed as it relates to total required parking for the existing use(s)/ buildings as well as the proposed expansion/ use(s).

Furthermore, it is noted that existing uses erected prior to the passing of Hamilton Zoning By-law 05-200, on May 26, 2010, existed within the “K” District under former Hamilton Zoning By-law 6593 and were not required to provide parking at the time of construction. Only those buildings

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erected after the passing date of Zoning By-law 05-200, indicated within the review chart below, have been calculated towards total required parking for the existing use.

- iii. Be advised, an Encroachment Agreement with Public Works may be required for the portion of the Parking Lot located within the Strathearne Avenue North Right of Way.

**THE DECISION OF THE COMMITTEE IS:**

That the variances, as set out above, are **GRANTED AS AMENDED 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 with amendments.

That the said application be GRANTED subject to the following condition:

- 1. That the variances only apply to the existing parking spaces as shown on the submitted site plan, titled "Site Plan" dated July 24, 2024.
- 2. That the Owner enter into an agreement with the City for parking in the public right-of-way and any costs associated with such an agreement would be the responsibility of the Owner, all to the satisfaction of the Manager of Parking Operations.

DATED AT HAMILTON, August 20, 2024.

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D. Smith (Chairman)

N. Lauwers

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D. Lord

R. Reid

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S. Rybarczyk

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **September 9, 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.



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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](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.