



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-24:170	SUBJECT PROPERTY:	18 Howard Boulevard, Waterdown
ZONE:	"R1-6" (Urban Residential – Single Detached)	ZONING BY-LAW:	Flamborough Zoning By-law No. 90-145

APPLICANTS: Owner: John Ronalds & Norm Goldby
Agent: Cynthia Zahoruk - Architect Inc.

The following variances are **GRANTED**:

1. A maximum lot coverage of 33% shall be permitted, instead of the permitted maximum lot coverage of 15% [Section 6.3.6(d)]
2. A minimum northerly interior side yard of 2.10 metres shall be permitted, instead of the minimum 3.0 metres required. [Section 6.3.6(e)]
3. A minimum southerly interior side yard of 2.0 metres shall be permitted, instead of the minimum 3.0 metres required. [Section 6.3.6(e)]
4. An unenclosed porch, including eaves/gutters, shall be permitted to encroach 0.61 metres into the northerly required interior side yard, instead of the requirement that an unenclosed porch is not permitted to encroach into a required interior side yard. [Section 5.30]
5. An unenclosed porch, including eaves/gutters, shall be permitted to encroach 1.98 metres into the required front yard, instead of the maximum permitted encroachment of 1.5 metres. [Section 5.30]

Notes:

- i. This application is subsequent to Consent/Land Severance Application No. FL/B-22:112 which was granted to establish the subject lot as indicated on the submitted Site Plan.
- ii. Please note that Minor Variance Application No. FL/A-22:335 was granted to permit a minimum lot area of 540 square metres, instead of the minimum 1390 square metres lot area required, and a minimum lot frontage of 17.77 metres, instead of the minimum 30.0 metres lot frontage, required for the subject lot. The decision of the Committee of Adjustment became final and binding on December 29th, 2022.
- iii. Please note that for the purpose of applying the regulations of Flamborough Zoning By-law No. 3692-92, an "Unenclosed Porch" is a structure located at the front of the dwelling (i.e.

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the unenclosed covered porch as indicated at the front of the dwelling), and a “Deck” is a structure at the rear of the dwelling (i.e. the unenclosed covered porch as indicated at the rear of the dwelling). A deck is considered an accessory structure as per the definition of Accessory Building or Structure and is subject to the accessory building/structure regulations.

- iv. Should the variance be granted to Section 6.3.6(e) to permit a minimum northerly interior side yard of 2.10 metres, the unenclosed covered deck at the rear of the dwelling would no longer encroach into the required northern interior side yard, and would be in compliance.
- v. Should the variance be granted to Section 6.3.6(e) to permit reduced minimum interior northerly and southerly side yards, eaves/gutters of the principle dwelling, which are indicated as projecting 0.46 metres, would be in compliance.
- vi. Should a variance be granted to permit a minimum northerly interior side yard of 2.10 metres, the unenclosed covered porch at the front of the dwelling, including the eaves/troughs, would encroach 0.61 metres in the required northerly side yard. Therefore, Variance No. 4 has been requested to permit the unenclosed covered porch to encroach 0.61 metres into the northerly interior side yard.
- vii. Please note that the applicant confirmed via email dated July 17th, 2024, that the stairs in the front yard are not connected to the unenclosed covered porch at the front of the dwelling, and therefore have not been considered to be part of the porch structure.

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, August 20, 2024.

D. Smith (Chairman)

N. Lauwers

D. Lord

R. Reid

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. 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.