



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

E-mail: cofa@hamilton.ca

**MINUTES
COMMITTEE OF ADJUSTMENT**

Date: September 4, 2025
Time: 1:00 p.m.
Location: Hybrid Hearing (Council Chambers/ Webex)
Contact: Justin Leung

Members Present: D. Smith (Chair), R. Reid, D. Lord, M. Switzer, N. Lauwers, S. Rybarczyk

Staff Present: J. Leung, A. Kobelak, B. Lee, J. Catarino, D. Bonaventura, S. Skidmore, E. Coe

TIME	FILE	SUBJECT LANDS	BY
1:10 p.m.		Minutes Ratification	

Meeting start: 1:11 p.m.

S/T J. Leung — Ok, we'll be starting the hearing now.

Chair D. Smith — Roll Call: Nick, Sebastian, Donna, Robert, Mel, Dale.

Conflict of Interest: None.

Accept minutes from last meeting:

**Motioned by: M. Switzer
Seconded by: R. Reid**

CARRIED

S/T J. Leung — Applicant is here for 282 Dewitt Road (B-24:054 & A-25:161), interested in tabling.

Agent — S. Kapur - Skap Architects present.

Agent: Would like to table.

Member M. Switzer — Motion to table.

**Motioned: M. Switzer
Seconded: D. Lord
Opposed: R. Reid**

CARRIED.

APPLICATION TABLED



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WEST DEVELOPMENT

1:15 p.m. A-25:153 95 Dundurn Street South, Hamilton
(Ward 1)

Agent: Landwise - K. Gillis
Applicant: Sacajawea Non-Profit
Housing Inc.
Owner: Sacajawea Non-Profit
Housing Inc., City of Hamilton

PURPOSE & EFFECT: To permit the development of a 5-storey multiple dwelling with 15 units of affordable student rental units through conditionally approved site plan application DA-25-032.

Interested Party: Yetta Lo

Lives in abutting property. Sharing concerns about MV. 5 storey building directly next to my house (2 storey single detached). Disproportionate and out of character with existing neighbourhood. Significant impact to my property and quality of life. Applicant requesting 1.5 m while ZBL requires 7.5 m. Variance 2: Min interior side yard setback 7.5 m according to 05-200. Does applicant require another variance? Strongly opposed to this. Opposed to Variance 6 – approximately 0 bike parking spaces, Feels short sighted for students. 1 tenant space and 2 visitor parking for 30 units. Unrealistic. Applicant said residents could apply for on street parking permit, but this is typically for triplex not 5 storey buildings. Additionally, by-law requires vehicles to be moved. Parking issue. Impact of Quality of Life on local residents. Impact not just on me but on surrounding residents. Requested variance should not be granted. Thank you.

S/T J. Leung — There is no variance to reduce the parking here, just a variance related to planting strip and driveway angle.

Interested Party: Felipe Fajardo – not present.

Agent: K Gillis

Agent: Reviewed staff report, support recommendation for approval and suggested wording for variance 3. Thank you to neighbour for speaking, thank you to Justin for clarifying. Short term bike parking will still be provided in addition to long term. Rear yard concerns – site has two frontages, so we've treated it more as a sideyard with mitigations, there are limited windows/shadowing privacy impacts. Reaching out to specific neighbour to discuss the concerns. Could Justin share my contact info with the residents? This concludes my presentation.

Member S. Rybarczyk — Motion to approve with proposed conditions and modified variance .

Motioned: S. Rybarczyk
Seconded: R. Reid

CARRIED.

APPLICATION APPROVED.

1:20 p.m. B-25:056 45 Frid Street, Hamilton
(Ward 1)

Agent: M. Laing
Applicant: Fotenn Planning +
Design - M. Weekes
Owner: 45-67-180 Frid
Investments Inc. - KC Daya
Purchaser: 45-67-180 Frid
Investments Inc.

PURPOSE & EFFECT: To permit the conveyance of a vacant parcel of land for future development, and to retain a parcel of land containing an existing office building (to remain).

Agent: M. Weekes present.



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Agent: Has presentation. Describes subject property. Request for slightly adjusted numbers on notice of decision for parcel description as a result of updated survey.

Member M. Switzer — I am seeing the numbers here on my screen so motion to approve.

Motioned: M. Switzer

Seconded: R. Reid

CARRIED.

APPLICATION APPROVED.

1:25 p.m.	A-25:159	292 Hunter Street West, Hamilton (Ward 1)	Agent: Fine Line Drafting and Design Inc. - R. Friesen Owner: M. Lima
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PURPOSE & EFFECT: To permit the construction of a Triplex Dwelling

Agent: N. Dyjach present.

Agent: It's a good application, meets the four tests, appropriate. Reviewed staff reports, supportive.

Member R. Reid — Motion to approve with the conditions and notes.

Moved; R. Reid

Seconded: D. Lord

CARRIED.

APPLICATION APPROVED.

1:30 p.m.	A-25:152	138 -140 Herkimer Street, Hamilton (Ward 2)	Applicant: T. Yu Owner: Liwen Holding Ltd.
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PURPOSE & EFFECT: To permit the conversion of a Residential Care Facility to a Multiple Dwelling and recognize existing Parking conditions.

Interested Party: M Ariga present.

Support application overall, issue with parking, too little existing street parking in multiplex area. Staff comments pg 4 – variance 2 – staff identified on street parking but missed that there is no overnight parking on Herkimer, Charlton, etc. – as it facilitates hospital. I have double driveway, 4 cars. But at night cars park across/in my driveway and other driveways. Issues with individuals encroaching on private parking of residents. Example of an individual who would wait out for parking, wait for cars to park, then park in a driveway and set an alarm for 6 am. Ongoing parking issue for years. To say not affect residents. In defense of staff, there's no sign that says no parking they have to know or get ticketed. Also to the applicant – I'm generally supportive but reduce the number of households, there will be fewer cars.

Interested Party: R. Lachance present.

Lives adjacent to building in question. Problems with people parking in my driveway, and street parking. It will be a problem if there are 20 new units.

S/T J. Leung — Reminder if you have any questions about a planning report please contact us.



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S/T J. Leung — Applicant/Agent not present?

Agent: T. Yu is present.

Agent: Convert 10 unit facility into 20 unit multiple dwelling apartment. Adaptive reuse of this longstanding residential property, hope to contribute to Hamilton housing needs. From planning perspective well supported, OP policies, transit, the desired location for medium density housing. Neighbours expressed concerns about parking space. If you look at the site plan, we already have 7 parking spaces and one handicapped space in the rear yard. One handicapped space can be used as a loading area. Once again this location is very convenient for public transit. We are also able to alter the rear metal shed into a bicycle parking shed, and expand it. We also try to maintain the historic character of the street – no change or modification to the outside, all the variances pertain to parking. We are providing enough bicycle parking spaces, and it is a public transit area. Residents can use bicycle and public transit.

Member D. Lord — Difficult to understand, question about parking – you have 7 spots, one for wheelchair accessible?

Agent: Correct

Member D. Lord — Clarify about the shed?

Agent: If we remove it we can provide 10 more bicycle parking.

Member D. Lord — Not enough parking?

Agent: If owner leases, it's unlikely the tenants won't have cars. The tenants are most likely school students, it's near the school.

Member D. Lord — You don't know it's going to be students.

Agent: Yes, but most likely going to be students or workers who work nearby. They will know there is limited parking nearby and most likely take public transit or bicycle. There are 2 lines.

Member M. Switzer — We heard about parking. Any staff comments on that?

Staff D. Bonaventura: I am familiar with Herkimer. It's true that onstreet parking can be competitive, but it's in line with policy direction. It's under the old bylaw, but if it were under 05-200 it wouldn't require any parking. There is also a strong presence of active transportation and transit. Based on factors, staff supports the variances.

Member N. Lauwers — One thing staff says about supporting 1 & 2 – based on staff review that reduction will not adversely impact neighbourhood / flow of traffic. Not sure I buy that based on what I've heard from the neighbours.

Member S. Rybarczyk — Yes but is this one property going to fix the issue? No. To be honest, there's already one multiple dwelling there. The problem will still be there. They're putting 7 parking in the back, it contributes to density, services, buses, density. This is downtown. I get it, it's a little out there but just down the street from James St. It's already a congested area, it's going to be a struggle.

Member D. Smith — Yes but the neighbours came down here identifying a problem. It's just going to escalate.

Member R. Reid — there's this ongoing parking problems. It's something that comes up every meeting we have. To what extent can we deal with it. As the member of staff said, many pros from a housing perspective. Parking will get worse? Probably, but can you effectively fix it? It just keeps on going around and around with the parking. Yeah it's a problem but based on staff comments this could be a viable project.

Member N. Lauwers — I think what's interesting about this one is the staff directly addresses it, min 7 provided instead of minimum of 20.



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Agent: We can make an effort to provide more bicycle parking, or more handicapped spaces/loading spaces, in the front. There's also on street parking around the street. Total would be 12-14 parking spaces contributing to this property, and potential 10 more bicycle parking spaces for this lot. And there is public transportation, and convenient location by walk to nearby restaurants, hospital, within walking area. Based on this, what we are providing is enough to support the unit.

Member R. Reid — Is there public transit?

Agent: Yes, Route 6 and Route 34

Member R. Reid — Staff, there's buses nearby?

Staff: Yes, 6 Aberdeen and 34 Upper Paradise.

Member R. Reid — How close?

Staff – there's bus stops within 100 m of the building.

Member R. Reid — Motion to approve with all the variances that have been revised along with the conditions and the notes.

Motioned: R. Reid

Seconded: S. Rybarczyk

Opposed: D. Lord

CARRIED.

APPLICATION APPROVED.

1:35 p.m.	A-25:116	103 Emerald Street South, Hamilton (Ward 3)	Applicant: MHBC Planning – A. Hannaford, G. Tchisler Owner: 2563239 Ontario Inc. - J. Pilon
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PURPOSE & EFFECT: To permit the establishment of five (5) new dwelling units within the existing building.

Interested Party: A. Dick – not present

Agent: G. Tchisler present.

Agent: Application was tabled for staff to review parking. Two storey parking deck. Proposal to add 5 units to building (currently underutilized space). No exterior changes proposed. Three variances required to keep existing conditions on site. Reduce parking, visitor parking, no loading space (existing conditions). Building built pre- (zbl) 6593. Therefore reduction in parking. Of opinion that application meets intent of ZBL. Near transit and future LRT stop. In line with 05-200 parking. Current parking is utilization 50-75%. There is existing capacity. In line with city policies. Happy to take any questions.

Member R. Reid — Motion to approve with the notes.

Motioned: R. Reid

Seconded: N. Lauwers

CARRIED.

APPLICATION APPROVED.



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E-mail: cofa@hamilton.ca

1:40 p.m.

A-25:167

206 Fairleigh Avenue South, Hamilton
(Ward 3)

Applicant: R. Burton
Owner: R. Burton, C. Austrom

PURPOSE & EFFECT: To facilitate the construction of a new roofed-over porch

Owner: R. Burton present.

Owner: Wants to rebuild the roofed over porch. Applying to add roof back. Believe what we are asking for is very minor. Only 2 homes on the street don't have a porch.

Member M. Switzer — Read the conditions?

Owner: Conditions?

S/T J. Leung — If approved there is a condition – the approved variances generally would apply to the sketch that was provided by the applicant. Basically the drawings provided by the applicant, they need to be consistent with the variance.

Member M. Switzer — If you have no problem with that, I'll make a motion to approve.

Motioned: M. Switzer

Seconded: R. Reid

CARRIED.

APPLICATION APPROVED.

1:45 p.m.

B-25:058

378 & 382 Cannon Street East,
Hamilton
(Ward 3)

Agent: Barich Grenkie Surveying
Ltd. - D. Curcic, D. Jakovina
Owners: 1000580415 Ontario Inc.
Purchaser: 1000580415 Ontario Inc.
- A. Wang

PURPOSE & EFFECT: To permit the conveyance of a parcel of land being the land known as 382 Cannon Street East, Hamilton (containing an existing dwelling), and to retain a parcel of land known municipally as 378 Cannon Street East, Hamilton (containing an existing dwelling). These properties inadvertently merged in title and the owner wishes to recreate the two original lots.

Agent: D. Jakovina present.

Agent: Case in this matter is correction of title. 2019, agent bought property, was approved to sever land. Merged on title, everything approved, something happened with previous owner, didn't finish the job. New owner trying to unmerge this and do a correction of the title. They've been there for 100 years. All this area residential, not commercial. In the area, one property changed residential, and one changed commercial, not how that happened. All we doing is putting back what was original. We're just splitting them back as the 100 year process. It was approved in 2019. I don't see the reason why it's denied now or anyone has an objection to that.

Chair D. Smith — Maybe things have changed with the introduction of 05-200.

Member R. Reid — To staff, recommended to deny when it looks like a housekeeping matter. So why is this application being denied?



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Staff D. Bonaventura: In 2019 382, the zoning does not permit the zoning in place, and does not permit. Legal non conforming now, the act of creating a new lot is considered development, that would wipe that out under the zoning. I would say that the staff comments in 2019 were similar, although it was approved in 2019.

Chair D. Smith — ok, so back in 2019, same comments, but the committee approved it. It's up to this committee to decide what your wishes are.

Member D. Lord — Question for staff: 378 is zoned H under the old bylaw, has that not been brought into the new bylaw yet? Because it's the residential neighbourhood? It's Community shopping and commercial? So that hasn't been amalgamated yet?

Staff J. Catarino: Our zoning bylaw reform team is working zone by zone to bring them into the new bylaw. It is my understanding that these corridors are under examination and different uses for multiple / commercial / mixed-use developments are forthcoming. H zone has unfortunately not been analyzed for an equivalent zone in 05-200 so it's still within the former City of Hamilton zone, which brings us to this policy zoning question.

Chair D. Smith — It seems like committee approved it and there was no appeal in 2019.

Member R. Reid — The corners of the adjoining streets are commercial, but in between it's predominantly residential. So I'm torn here because existing is residential, it's been residential forever, but staff indicated, there's an issue with the zoning by-laws. I'm caught right now which way to go.

Agent: It's all one property too. The other half is fine. It's been there for 100 years.

Chair D. Smith — If they had followed through with the recommendations in 2019 then they wouldn't be here today.

Member S. Rybarczyk — I don't see an issue with splitting it into two. The recommendations are based on lot area and width, there's nowhere for them to go.

Member N. Lauwers — Motion to approve.

Motioned: N. Lauwers

Seconded: R. Reid

Opposed: D. Lord

CARRIED.

APPLICATION APPROVED.

S/T J. Leung — Including notes and conditions? Ok.

1:50 p.m.	A-25:163	60 Ascoli Drive, Hamilton (Ward 8)	Agent: J. Woodruff Owner: B. Pilgrimb
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PURPOSE & EFFECT: To construct an addition to an existing single detached dwelling.

Agent: Not present.

Member N. Lauwers — If they move what they're trying to do, they won't need a variance there anymore.

Chair D. Smith — We don't even know if the applicant has had a decision or not.



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Member R. Reid — Even if we adjust the distance for the variance it's not going to make a difference. There's limited to no access. Maybe we need to delay it see if someone shows up? But right now I'm of the opinion that this should be denied.

S/T J. Leung — Staff can try to contact them and we can hold this to the end.

Chair D. Smith — That ok Committee?

S/T J. Leung — Ok, we will contact them.

1:55 p.m.	A-25:148	340 Springbrook Avenue, Ancaster (Ward 12)	Owner: S. Jawhar Qahar, T. Taha
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PURPOSE & EFFECT: To permit the construction of a roofed-over deck in the rear yard of an existing Single Detached Dwelling.

Owner: S. Jawhar Qahar present

Owner: I just want to have a roof over the deck, full cover, just to enjoy my backyard with my family.

Member R. Reid — Motion to approve with notes included.

Motioned: R. Reid
Seconded: D. Lord

CARRIED.

APPLICATION APPROVED.

Chair: D. Smith — Did you read the notes and all that?

Owner: Yes we have a permit for the deck, fence waiting to be installed, just need to contact the inspector. Will do it next week.

2:00 p.m.	A-25:149	9 Drury Court, Ancaster (Ward 12)	Agent: D. Arora Owner: J. Lui
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PURPOSE & EFFECT: To permit the construction of a new addition onto the rear of the existing Single Detached Dwelling.

Agent: A. Dadashov present.

Agent: We are proposing to build a sunroom. We need variances.

Member M. Switzer — Did you see the notes that they added?

Agent: Yes, we did, no problem with that.

M. Switzer — Ok then I'll make a motion to approve.

Motioned: M. Switzer
Seconded: N. Lauwers

CARRIED.



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APPLICATION APPROVED.

2:05 p.m.	A-25:154	91 Cesar Place, Ancaster (Ward 12)	Agent: S. Wood Owner: C. Vrantsis
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PURPOSE & EFFECT: To permit the construction of an Accessory Building and deck in the rear yard of a lot containing an existing Single Detached Dwelling.

Agent: S. Wood present.

Agent: Applying for minor variance for rear yard setback. Keeping 0.9 m to allow access but trying to constructed accessory structure, pool etc. need the reduction to accommodate that one corner with a sloped property line.

D. Lord — Motion to approve the application with the proposed notes.

Motioned: D. Lord
Seconded: R. Reid

CARRIED.

APPLICATION APPROVED.

S/T J. Leung — Break for 10 minutes.

BREAK

S/T J. Leung — Resuming 2:37.

Chair D. Smith — Did we hear back from that other applicant? No?

2:25 p.m.	A-25:164	4869 Governors Road, Flamborough (Ward 12)	Agent: A.J. Clarke and Associates Ltd. Applicant: W. McCallum Owner: R. Brooks
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PURPOSE & EFFECT: To construct an Additional Dwelling Unit – Detached on a lot containing an existing Single Detached Dwelling.

Agent: C. Andre present.

Agent: We've reviewed the comments, and in agreement with comments and notes.

Member R. Reid — Motion to approve with the condition and the notes.

Motioned: R. Reid
Seconded: M. Switzer

CARRIED.

APPLICATION APPROVED.

2:30 p.m.	A-25:156	18 Pleasant Avenue, Dundas (Ward 13)	Owner: G. Van Es, S. Van Es, J. Van Es
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PURPOSE & EFFECT: To facilitate the establishment of a new Additional Dwelling Unit – Detached.

Interested Party: D. Morgoch

I have a presentation. While that's being loaded, I'll start by saying I am opposed to this application. Questions when reviewing – I realize that I could've brought it to staff attention before hand, apologies. Issues with flooding and drainage. Building itself already going to be too large, adding a second storey to make building much larger; despite applicant claiming it's about building filling. Misaligns with whole intent of secondary dwelling unit – it will be adding a much larger place. Building is too large. It is a valley area, fairly large changes to height of land. 1.65 m taller than land already 1.65 m up to about 30 cm less than the principal dwelling. Subordinate but over 70% coverage, not including covered porch. Privacy concerns due to elevation. Drainage and flooding risk. Image showing max water height. Already many existing drainage issues. Flood damage issues in past few years. Finally I can see they've already installed an SDU in the basement, yet there is a sump pump that is working overtime, it's already saturated. Oversized Structure and Massing, it's not a small building it's fairly large in nature. Parking and Safety concerns – just want to make sure that if this is going through that there is adequate parking. Pedestrian safety concerns. Construction Safety and Tree Protection – general concerns, trying to be friendly neighbour. Examples of construction issues. Concerns about 6 year old daughter and the construction process / lack of tree protection. Tree ordinances. Summary – this application doesn't meet the statutory tests, it's not minor in nature, it's not subordinate to the principal dwelling, it exceeds the ordinance by quite a lot, 53% larger, not desirable for development, contradicts zoning by-law, official plan intents.

S/T J. Leung — Reminder that if the application is approved, the applicant would have to get a building permit, and if there are any impacts on trees through construction, Forestry staff would be involved.

Owners: G. Van Es, S. Van Es, J. Van Es present.

Owner: We are asking for increase in sqft but with the same footprint, just a furnished basement. 47 sqm footprint – asking for 0.5 sqm additional ground floor area due to a minor mistake with building calculations. We do believe we meet the four tests. For proposed conditions, in contact with Alectra for the 200v signoff, as well as damp proofing. Not safe to dig the last 20 feet or so, building has approved the rest of it. Regarding conditions, TPP – will do with professional. Two trees quite close to driveway, we'll have to contact a professional on how to deal with that. We ask 2nd proposed condition to be waived. Landscaping plan – we intend to keep all trees on the property.

Member M. Switzer — Condition you're happy with, neighbours worried about water and trees, that'll be handled by the building permit. Motion to approve

Member D. Lord — Question: size of new dwelling unit, is it larger than the existing house?

Owner: It's not, it's because the basement for the house was not included in the calculation. The overall footprint

Motioned: M. Switzer

Secoded: R. Reid

CARRIED.

APPLICATION APPROVED.

Owner: For the proposed conditions is that still required?

S/T J. Leung — You can speak with our staff afterwards.

2:35 p.m.

A-25:166

119-121 Hatt Street, Dundas
(Ward 13)

Agent: WEBB Planning
Consultants
Owner: McDonough Dentistry
Professional Corporation



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PURPOSE & EFFECT: To construct a 2 storey addition onto an existing medical clinic on the first floor and a dwelling unit on the second floor.

Agent J. Webb present.

Agent: Support the recommendation.

Member R. Reid — Motion to approve with the notes included

Motioned: R. Reid

Seconded: N. Lauwers

CARRIED.

APPLICATION APPROVED.

2:40 p.m.	A-25:169	29 Berry Hill Avenue, Flamborough (Ward 15)	Agent: Jansen Consultant – A. Talukder, J. Jansen Owner: H. Pyper
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PURPOSE & EFFECT: To permit the construction of an Accessory Structure

Agent: A. Talukder present.

Agent: Staff recommending approval. We are happy with what is written in the report.

R. Reid — Motion to approve with the conditions and the notes

Motioned: R. Reid

Seconded: N. Lauwers

CARRIED.

APPLICATION APPROVED.

2:45 p.m.	A-25:150	201 Main Street South, Flamborough (Ward 15)	Applicant: Toms + McNally Design – R. Wooten Owner: G. McNally, J. Knutson
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PURPOSE & EFFECT: To facilitate the construction of an addition to the existing 2-storey dwelling.

Applicant: G. McNally present.

Applicant: TPP & Landscaping plans. Talking about a detached garage? This project is all contained within the existing dwelling. Just expanding the livable floor area to the existing attached garage. Requesting those conditions be waived.

Member R. Reid — Is there a driveway? The existing driveway?

Applicant: There is yes. This house is a heritage home, not registered but inventoried. History of property over 100 years old. There was an addition someone put on the back. There's basically a void space up there. Client has growing family, 3 small children, looking to maximize space to have family in from Vancouver. We spoke to heritage before bringing this forward. Everything within existing footprint. This final change just to occupy that existing space above the existing garage, had to go for variance because of floor area limitation in the ZBL. Not sure about the confusion about detached/attached garage, this is 100% attached garage.



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Member R. Reid — Just looking at google earth, and there's heavy trees overlooking the house. So I'm recommending we leave the condition in. If there's no trees impacted you just have to show the zoning department and that condition is fulfilled. What I'm seeing is there are too many trees to stroke it out fully.

Staff D. Bonaventura: That was a drafting error on the staff's behalf. Apologies. Staff have no issues with the proposal. NH staff aren't here to speak to it directly, but if there is no risk to trees, generally they're ok to waive it, if that's the case it could be waived with communication with NH staff.

Chair D. Smith — So all the work is being done in the attic, no ground work, no addition being added.

Agent: The roof is being reworked so there's added floor space, but everything is being contained within the existing footprint. There's no excavation, no risk to trees other than the trades working on the site.

Member R. Reid — There's still overhead, large construction vehicles, etc. I think we need to leave it in, and if there are no issues we'd like to leave it in accordingly and it will be taken care of.

Member S. Rybarczyk — All these concerns, would we be saying the same thing if it were a basement reno something like that? Given that it's within the envelope of the home, I see this as a low risk situation.

Member R. Reid — I'll make a motion to approve with the conditions and notes included.

Motioned: R. Reid

Seconded: M. Switzer

Opposed: N. Lauwers S. Rybarczyk D. Lord

DEFEATED.

Chair D. Smith — That motion is defeated.

Member S. Rybarczyk — Motion to approve without all conditions

Motioned: S. Rybarczyk

Seconded: N. Lauwers

In favour: D. Lord

Opposed: R. Reid, M. Switzer

CARRIED.

APPLICATION APPROVED.

EAST DEVELOPMENT

2:50 p.m.	A-25:151	22 Lakeshore Drive, Stoney Creek (Ward 10)	Applicant: Toms + McNally Design – R. Wooten Owner: G. Spiniello, J. McKay
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PURPOSE & EFFECT: To permit the construction of a second storey balcony in the rear yard of the existing Single Family Dwelling.

S/T J. Leung — Note that there was a change in the wording for the variances. This was shared with the committee in advance.

Agent R. Wooten?



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Agent: This is just to legalize an existing condition.

M. Switzer — Motion to approve with the notes

Motioned: M. Switzer

Seconded: S. Rybarczyk

CARRIED.

APPLICATION APPROVED.

2:55 p.m.	A-25:091	1218 Leaside Road, Hamilton (Ward 4)	Agent: R&R Designs Inc. – R. Khanna Owner: C. Wright
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PURPOSE & EFFECT: To permit an addition to an existing accessory building located at the rear of the property.

Agent: B. Patel

Agent: Application was already heard June 19, there were discussions with planning department.

S. Rybarczyk — Motion to approve with the notes.

Motioned: S. Rybarczyk

Seconded: N. Lauwers

CARRIED.

APPLICATION APPROVED.

3:00 p.m.	B-25:052	80-86 Delawana Drive, Hamilton (Ward 5)	Agent: The Biglieri Group – R. Larocque Owner: Dicenso Management Inc. - A. Dicenso
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PURPOSE & EFFECT: To sever the existing residential lot into two (2) parcels. The existing 2-storey fourplex will be divided in half. The severed lands will contain a 2-storey semi-detached duplex dwelling, and the retained lands will contain a 2-storey semi-detached duplex dwelling.

Agent: M. P Biglieri, & A.B, Dicenso Homes

Agent: Ms. Larocque couldn't join today. We have a presentation. There are 3 properties and 3 applications. You heard a similar application from Ms. Larocque last meeting. Client looking to sever to create two duplexes on each lot, and associated variances for each of them. Describing site context. Generally dividing along the party wall. Condition number 6 noise study was removed in the previous hearing. We ask that it be removed for this as it is a lot adjustment recognizing existing uses. Staff report had adjusting wording to condition 1 which we are in agreement with, and adding a [condition] (sic variance?) for landscaping. We agree with the staff report that it meets the four tests.

S/T J. Leung — Are you wanting the committee to address all of our applications on Delawana Drive?

Agent: Ok. Yes. I thought they were all the same.

S/T J. Leung — Yes, to clarify, **B-25:051 A-25:157 B-25:053 A-25:160** are also included.

Member S. Rybarczyk — No questions unless anyone else does.



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Member D. Lord — I don't have the 55% landscape or the 45% landscape – oh wait here it is.

Member S. Rybarczyk — So there's 3 consents here and 3 variances? So for all of them approve 1-3 and added 4, and then for all the consents, approve all of those without conditions 6 but including all the other ones.

Motioned: S. Rybarczyk

Seconded: R. Reid

CARRIED.

APPLICATION APPROVED.

S/T J. Leung — Recess for 7 minutes until 3:30.

3:00 p.m.	A-25:158	80-86 Delawana Drive, Hamilton (Ward 5)	Agent: The Biglieri Group – R. Larocque Owner: Dicenso Management Inc. - A. Dicenso
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PURPOSE & EFFECT: To facilitate the creation of a new lot, each containing a Two-Family Dwelling.

(Heard with B-25:052)

3:05 p.m.	B-25:051	88-94 Delawana Drive, Hamilton (Ward 5)	Agent: The Biglieri Group – R. Larocque Owner: Dicenso Management Inc. - A. Dicenso
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PURPOSE & EFFECT: To sever the existing residential lot into two (2) parcels. The existing 2-storey fourplex will be divided in half. The severed lands will contain a 2-storey semi-detached duplex dwelling, and the retained lands will contain a 2-storey semi-detached duplex dwelling.

(Heard with B-25:052)

3:05 p.m.	A-25:157	88-94 Delawana Drive, Hamilton (Ward 5)	Agent: The Biglieri Group – R. Larocque Owner: Dicenso Management Inc.
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PURPOSE & EFFECT: To facilitate the creation of a new lot, each containing a Two-Family Dwelling.

(Heard with B-25:052)

3:10 p.m.	B-25:053	72-78 Delawana Drive, Hamilton (Ward 5)	Agent: The Biglieri Group – R. Larocque Owner: Dicenso Management Inc. - A. Dicenso
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PURPOSE & EFFECT: To sever the existing residential lot into two (2) parcels. The existing 2-storey fourplex will be divided in half. The severed lands will contain a 2-storey semi-detached duplex dwelling, and the retained lands will contain a 2-storey semi-detached duplex dwelling. Three (3) existing sheds will be moved to facilitate this application.

(Heard with B-25:052)

3:10 p.m.	A-25:160	72-78 Delawana Drive, Hamilton	Agent: The Biglieri Group – R. Larocque
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(Ward 5)

Owner: Dicenso Management Inc.
- A. Dicenso

PURPOSE & EFFECT: To facilitate the creation of a new lot, each containing a Two-Family dwelling.

(Heard with B-25:052)

B R E A K

3:30 p.m.	A-25:168	51 Galbraith Drive, Stoney Creek (Ward 5)	Applicant: J. Beckett Owner: V. DiPietro
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PURPOSE & EFFECT: To permit the construction of a new addition in the front yard of the existing Single Detached Dwelling and a new accessory building (garage) in the rear yard.

Agent: J. Beckett present.

Agent: Looking at public comments we can see concerns about the size of the garage, so we are asking the committee to split these two applications and then approve the porch today, but table / remove the application for the garage, and work to change some of that and work with our neighbours to bring it back for a minor variance if needed, in the future.

Chair D. Smith — approve the garage and table the porch?

Agent: Other way around.

S/T J. Leung — to staff, is that possible?

Staff S. Skidmore: We have no issues with that approach, but note that staff are supportive of both, but if the applicant wants to table one, that could be done. Don't know if that has ever been done from a notice perspective, but planning perspective we are supportive.

S/T J. Leung — If the variance is increased, there is notice, and if the

Member S. Rybarczyk — If we're all in favour of this, can we just approve it and if it's smaller they can just move forward without having them come back here.

Chair D. Smith — Because it's less intrusive than what they're asking for, it should be fine?

Staff: Yes, it's a maximum, so they would be allowed to a maximum of 63 sqm. The new garage is 53, add them together is 63 across all accessory buildings. If they want to discuss with neighbours build smaller, they wouldn't need to come back with that.

Agent: We are ok with that, and I know that Mr. Blackmore was there. In no way would we be trying to build more.

Member R. Reid — So, I didn't read the comments from the public, but are they complaining about the square metres or the overall height?

Agent: It is about the height and the potential use of the building which may be a misunderstanding – that it would be used for a business, but it's not. Concerns about fumes – we are making it enclosed. Fire safety – the building is not attached to the house. Concern about children being able to cross over the building because it's higher than the fences, there's no way for us to prevent that no matter the height of the building, because it would always be above the height of the fence, even if we lowered it. The thing that impressed us the most is just the height of the building, because it would be so high, in how it would impact their use of the property. We want to address those, and let our neighbours know that those are things that we're not doing, we're not starting a business, it's not a 2-storey building, and that we're



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concerned about the noise and the smell and that sort of thing. We thought that it would be unkind an unneighbourly if we didn't address that.

Member R. Reid — So just looking at it, it's high, so if you just drop that down a little bit, the slope, that might appease the neighbours?

Agent: so down to 4.5 m?

Member R. Reid — Look at the west elevation, drop that down, adjust to the snow angle, to make neighbours a little happier.

Agent: Yeah, we're looking into not needing as much ceiling height through the car lift inclusion.

Member R. Reid — no I agree with the lifts, that's something you have to include, but I know that there's some that aren't as high as others. Size I'm not so concerned about, it's the height.

Member D. Lord — I'm putting a motion forward to approve with the conditions and the notes.

Motioned: D. Lord
Seconded: N. Lauwers

CARRIED.

APPLICATION APPROVED.

3:35 p.m.	A-25:155	738 Upper Gage Avenue, Hamilton (Ward 7)	Agent: L. Angelci Owner: G. Willson
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PURPOSE & EFFECT: To permit an addition onto an existing accessory building and convert to an Additional Dwelling Unit – Detached, on a lot containing a Single Detached Dwelling.

S/T J. Leung — With this application, we have contacted the applicant, and it didn't appear the sign was posted in accordance with that guideline. I don't believe we got a new photo to show if the sign had been moved or not. If the applicant is here they or the agent can speak to that if this is nonaccurate.

Agent L. Angelci present

Agent: I want to proceed with staff's recommendation for tabling, work it out with staff.

Chair D. Smith — How about the sign?

Agent: We moved the sign to within 3m, put up two signs, didn't get the picture in.

Member S. Rybarczyk — Motion to table.

Motioned: S. Rybarczyk
Seconded: N. Lauwers

CARRIED.

APPLICATION TABLED.

S/T J. Leung — Reminder to send the sign photo in.

Agent: OK.



3:40 p.m.	A-25:162	623 Miles Road, Glanbrook (Ward 11)	Applicant: L. Angelici Owners: A & M. Pejic
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PURPOSE & EFFECT: To facilitate the construction of an accessory building located at the rear of the property.

Agent L. Angelci present

Agent: Agent agreed with the presentation.

Member M. Switzer — Happy with all the notes?

Agent: yes

Member M. Switzer — Move to approve with the notes

Motioned: M. Switzer
Seconded: R. Reid

CARRIED.

APPLICATION APPROVED.

3:45 p.m.	B-25:055	219 Eleanor Avenue, Hamilton (Ward 6)	Owner: J. Butera
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PURPOSE & EFFECT: To sever the existing residential lot into two (2) parcels, the severed lands will be a vacant residential building lot and the retained lands will contain the existing dwelling which is intended to remain.

Owner J. Butera present.

Owner: Here with my wife Emma, I wear hearing aids. I got nothing.

Chair D. Smith — You did have a chance to read the comments that were posted?

Owner: Yes.

Member D. Lord — Yeah, if he's happy with all the proposed conditions, I'll make a motion to approve with all the conditions and notes

Motioned: D. Lord
Seconded: N. Lauwers

CARRIED.

APPLICATION APPROVED.

3:50 p.m.	A-25:147	264 Cedardale Avenue, Stoney Creek (Ward 10)	Agent: S. Cosoleto Owner: A. Cosoleto
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PURPOSE & EFFECT: To permit the construction of an Additional Dwelling Unit-Detached in the rear yard of an existing Single Detached Dwelling.



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S/T J. Leung — We did not get the sign posting photo from this applicant/agent. One minute early let's wait.

Chair D. Smith — Ok, it's 3:50.

S/T J. Leung — Ok, reiterate about the sign posting photo not being provided.

Chair D. Smith — Do neighbours get notice?

S/T J. Leung — Yes, we send notice to closest neighbours and in the newspaper/website as well.

Chair D. Smith — Ok, so in terms of signage, it's covered. Do we want to proceed?

Member S. Rybarczyk — I'm ok to move forward if everyone is ok, motion to approve.

Motioned: S. Rybarczyk

Seconded: M. Switzer

CARRIED.

APPLICATION APPROVED.

S/T J. Leung — We're ahead of schedule. One of our staff called Ascoli Road, they know they can call in but we haven't heard anything.

Chair D. Smith — So we did contact them?

S/T J. Leung — Yes but we haven't heard anything after that.

Chair D. Smith — Let's go back to that one then. Planning is recommending denial.

60 Ascoli Drive, Hamilton

S/T J. Leung — Agent not present, committee can move forward.

Chair D. Smith — Planning recommending denial, but since we haven't talked to the applicant, should we table it? Because of the recommendation for denial.

Member S. Rybarczyk — I don't see if they can do anything about it. It's right on the property line, I don't see if they can do anything about it.

Member R. Reid — In the past, we've allowed 0.9 m setback. If we somehow work that in and the original is 0.9, I don't know. But that would just leave room for a door. That's not an option. Sebastian I agree with you.

Member N. Lauwers — We're not really sure why they didn't show up. If I were in that person's shoes I would want this tabled. It doesn't look good on paper, it looks like a denial on paper for sure. But I'd be more in favour of tabling it.

Applicant: J. Woodruff present.

Applicant: J. Woodruff, for 60 Ascoli. I've been trying to call in 4 times, I couldn't get in. I heard everything. I have a signed letter from the neighbour, there have been no complaints, none of the neighbours have any complaints. I'm able to put in fire rating. It does have entry and exit to each side of the property. It's technically a breezeway, we're using it for storage. It is not protruding on neighbour's' property whatsoever, it's on the property line. It's not attached to the house.



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Member S. Rybarczyk — The concern is not about the quality or the construction but the distance from the adjoining lot. There's normally a swale there. Another thing is that if we approve this variance for 0 m sidelot, the next owner could do anything. I just see it that even if the current neighbour has no problems with out, the next neighbour could have an issue. I won't say again what I said.

Member R. Reid — I agree with the drainage and the swale. And if there's an emergency in the backyard, there's no access for fire, mechanical etc. In my opinion it's a safety issue for the future access to the backyard. It's unfortunate that it was built, but at the same token, bylaws are there for a reason.

Chair D. Smith — So was this built by this owner or the previous owner?

Member D. Lord — To the applicant, who built this? Did the owner build this?

Agent: I'm not able to speak currently about it, I don't have the information currently, representing the client. Drainage – there's gravel underneath, we haven't touched the substrate, there's also egress in and out on the other side of the

Member D. Lord — Motion to agree with staff and deny

Motioned: D. Lord
Seconded: S. Rybarczyk

CARRIED.

APPLICATION DENIED.

3:55 p.m.	B-25:054	282 Dewitt Road, Stoney Creek (Ward 10)	Agent: Skap Architects Inc. – S. Kapur Owners: P. Mandadi, B. Polakala Purchaser: P. Mandadi, B. Polakala
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PURPOSE & EFFECT: To sever the existing residential lot into two (2) parcels, the severed lands will contain a proposed fourplex and the retained lands will contain a proposed fourplex. The existing 1.5 storey dwelling and garage will be removed to facilitate this application.

(Tabled at beginning of meeting)

3:55 p.m.	A-25:161	282 Dewitt Road, Stoney Creek (Ward 10)	Agent: Skap Architects Inc. – S. Kapur Owners: P. Mandadi, B. Polakala
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PURPOSE & EFFECT: To facilitate the severance of the lot for future construction of a fourplex dwelling.

(Tabled at beginning of meeting)

4:00 p.m.	B-25:057	5309 Harrison Road, Glanbrook (Ward 11)	Agent: S. Gee Owner: S. Zizza Purchaser: J. Ditommaso, E. Ditommaso
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PURPOSE & EFFECT: To permit the conveyance of a parcel of land to be added to property known municipally as 3226 Hall Road, Binbrook.

Applicants J. Ditommaso & E. Ditommaso present.



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Applicant E. Ditommaso: Understood all except conditions 3, 4, 5. 3- is it necessary given lot line adjustment minor. 4, 5 we're not changing anything on the property that we're buying just leaving it as it has been for the past 40 years or so. And we've done a number of projects over the past 5 years, so we've had septic looked at etc. There's no structures on the property that we're buying, it's just farmland.

Chair D. Smith — If we're making the lot bigger not sure how that would affect the sewer system. The other conditions, I'll leave it up to the committee. Any comments? That was conditions 3, 4, 5 right?

Applicant: Yes.

Member S. Rybarczyk — I would ask staff for their opinion before commenting.

Staff S. Skidmore: Yes 3 we would like you to keep it in. It's because the lot is already too small and it would make it even smaller, otherwise there would be -- With respect to 4 and 5, see where the applicant is coming from, that was implemented by the building division. Usually implemented if the lot line is getting closer, for fire separation concerns. What I recommend is that you could add "if required" to the condition, so that it makes it easier for the Building Department to clear it more easily without being cumbersome to the applicant.

Member M. Switzer — Motion to approve with condition 3 in, and adding "if required" to 4 and 5.

Member R. Reid — Just to add to that, the sewer condition, this is on a sewer right?

Agent: No, it's on septic.

Motioned: M. Switzer

Seconded: S. Rybarczyk

CARRIED.

APPLICATION APPROVED.

4:05 p.m.

Chair and staff announcements

Member D. Lord — 2.8, Ascoli drive, they already built that before they got the approval or denial. Is there anyone that handles that?

S/T J. Leung — Typically if the committee has denied it and there's no appeal, we circulate the decision form out, and once the building department is informed, they may take further enforcement action or they may engage in further discussions with the applicant.

Staff E Coe: Starting today we will have zoning staff, M. Stavroff, and B. Paul will be present to answer any questions about zoning if you have them, and likewise for Growth Staff.

S/T J. Leung — I believe we have other staff online from Development Engineering, Natural Heritage, and Cultural Heritage as well too. Also we did receive an OLT decision for 9 Westbourne Rd, it was a minor variance to facilitate the addition of 4 bedrooms within an existing detached dwelling unit. OLT has issued an order and they have dismissed the variance request.

[Discussion about the OLT dismissal.]

Chair D. Smith — Nothing more to report on "Woodland"? The one out by the airport?

[Discussion about the "Woodland" file]



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Staff S. Skidmore: 392 Homestead Drive? Still in discussion with the OLT.

Motion for adjournment.

Motioned: S. Rybarczyk

Seconded: D. Lord

CARRIED.

Meeting adjourned at 4:16 p.m.

Closed