

NOTICE OF DECISION
Minor Variance

APPLICATION NO.:	HM/A-22:404	SUBJECT PROPERTY:	428 MAIN STREET W, HAMILTON, Ontario, L8P 1K6
ZONE:	"C5a, Exception: 298" (Mixed Use Medium Density – Pedestrian Focus)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: 428 Main Street West Joint Venture
Agent: Urban Solutions Planning & Land Development Consultants Inc.

The following variances are **GRANTED**:

1. An increase in the maximum building height from 22.0 metres to 32.0 metres shall be permitted.

Notes:

The proposed development is subject to site plan control. At this time, it does not appear that a site plan control application has been applied for and therefore a comprehensive zoning review has not been conducted. As such variances have been written as requested. The applicant shall ensure the zoning requirements of the C5, Exception 298 are complied with, otherwise further variances may be required.

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, February 2, 2023.

D. Smith (Chairman)

M. Dudzic

L. Gaddy

M. Switzer

N. Mleczko

D. Serwatuk

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **February 22, 2023** 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.