



IBI GROUP
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 ibigroup.com

October 16, 2017

Mayor Eisenberger & Members of Council

City of Hamilton
 71 Main Street West, 2nd Floor
 Hamilton, Ontario L8P 4Y5

Dear Mayor Eisenberger and Members of Council:

CITY OF HAMILTON AMENDMENT TO ZONING BY-LAW NO. 05-200 TO ADD COMMERCIAL ZONES

On behalf of our clients, we have reviewed the proposed Commercial Zoning By-law against our past and current development applications for conformity to the proposed Zoning By-law Amendment changes.

Through a review of the proposed by-law, it came to our attention that recent applications for Site Plan Approval or Amendment will be impacted by the proposed Zoning By-law. Some of the developments have also recently received minor variances, to comply with the currently Zoning By-law on the subject lands. These permission have not been included in the proposed zoning. The properties of concern are listed below:

Address	Owner	Municipal File Number
1060 Wilson Street West, Ancaster	Canadian Tire Properties Inc.	SPA-16-037 AN/A-17:103
970 Upper Wentworth Street	Toys 'R' Us (Canada) Ltd.	SPA-17-017
10 Cootes Drive, Dundas	McDonald's Restaurants of Canada Ltd.	
250 Victoria Avenue	1419582 Ontario Inc.	MDA-15-012 HM/A-14:354
201 Wilson Street	Rolanco Network Inc.	SPA-09-104 AN/A-10:25

1060 Wilson Street West

In the case of this site owned by Canadian Tire, a Site Plan Application (SPA-16-037) has been conditionally approved and is in the final stages of clearing conditions. Additionally, a minor variance (AN/A-17:103) application to address on-site parking and building setback has been approved. The parking variance permits a total of 378 parking spaces on the site and allows a building setback of 32.2 metres from Wilson Street. The former Town of Ancaster Zoning By-law requires any building to be located a minimum of 38.0 metres from the centre line of Wilson Street. The proposed building is located 32.2 metres from the centre line of Wilson Street, which places the building 5.0 metres from the property line adjacent to Wilson Street West. The proposed Commercial Zoning Bylaw would require a maximum 4.5m building setback.

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Given the foregoing and in consideration of the existing conditional site plan approval and variances in place, we respectfully request Council include the following site specific provisions into the Commercial Zoning Bylaw applicable to 1060 Wilson Street West, Ancaster:

1. Notwithstanding any other provision to the contrary, a building setback of 5.0m from Wilson Street is permitted;
2. Notwithstanding any other provision to the contrary, a total of 378 parking spaces are required.

970 Upper Wentworth Street, Hamilton

SPA-17-017, is also conditionally approved and is in the final stage of clearing conditions. The proposed site plan amendment application is to facilitate a side-by-side drive through and two building additions totalling 47.8m² to the existing McDonald's building located on the east portion of the property. Also contained on this parcel is a 6982.9m² retail building. This parcel is unique in that three of the property lines (north, east, and west), and a portion of the southern lot line abutting a street. Based on the proposed Zoning By-law, and the proposed building addition, the existing buildings would no longer comply with the commercial zoning, as proposed. The existing buildings are all currently a minimum of 12.0 metres from lot lines abutting a street line.

At the time of submission, the subject lands were in full compliance with all areas of the Zoning By-law. The proposed Zoning by-law changes will cause the subject lands to no longer be in compliance with the Zoning By-law and the subject lands would require variances to recognize an existing situation, which is not being exacerbated by the proposed minor building modifications.

Given the foregoing and in consideration of the existing conditional site plan approval and existing compliance, we respectfully request Council include the following site specific provisions into the Commercial Zoning Bylaw applicable to 970 Upper Wentworth Street:

1. Notwithstanding any other provision to the contrary, a building setback of 16.25m from Upper Wentworth Street is permitted;
2. Notwithstanding any other provision to the contrary, a minimum building setback of 12.87m from King Fisher Drive is permitted;
3. Notwithstanding any other provision to the contrary, a minimum building setback of 16.8m from Heron Place is permitted;
4. Notwithstanding any other provision to the contrary, a total of 338 parking spaces are required.

10 Cootes Drive, Dundas

A Site Plan Amendment application was submitted to the City of Hamilton on September 28, 2017, for the lands located at 10 Cootes Drive, in the former Town of Dundas. The Site Plan Amendment is to permit a side-by-side drive-thru to replace the existing single lane drive-thru. There are no proposed changes to the building or the physical area which is currently used for parking and manoeuvring. The proposed drive-thru addition, include ones new island to accommodate the additional drive-thru signage; as a result of the proposed side-by-side drive-thru, 11 parking space were lost, however, the proposed plan does not remove the asphalt in this area.

The property at 10 Cootes Drive is bound on three sides by open municipal right-of-ways, which would require the building to be located a maximum of 4.5m from the street line. There are no proposed changes to the building and therefore the location of the building should not be subject to these regulations.

In addition to the maximum building setback from the street, the proposed zoning by-law requires a planting strip of 1.5 metres adjacent to residential uses, and a visual barrier with a minimum height of 1.8m to be provided adjacent the residential uses. The current site has a 0.6m landscape

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strip with a decorative visual barrier. The proposed changes to the site plan do not result in any changes to the existing landscaping, fencing, or parking lot configuration, which have existed since the early 1980's when the lands were developed.

Given the foregoing and in consideration of the existing legal non-compliance, we respectfully request Council include the following site specific provisions into the Commercial Zoning Bylaw applicable to 10 Cootes Drive:

1. Notwithstanding any other provision to the contrary, a minimum building setback of 6.2m from a street line is permitted;
2. Notwithstanding any other provision to the contrary, a minimum planting strip of 0.5m, where residential uses are adjacent shall be permitted;
3. Notwithstanding anything to the contrary, a visual barrier with a minimum height of 1.0m shall be permitted.

250 Victoria Avenue North, Hamilton

The lands at 250 Victoria Avenue North are currently the subject for a Minor Development Agreement to permit the development of the lands with a Commercial Parking Lot. The subject property is also the subject of a Minor Variance application (HM/A-14:354), which approved the following variances:

Regulation	Approved Variance
Minimum Parking Stall Size	2.6m x 5.5m
Minimum Landscaped Area Front Lot Line (Victoria Ave N)	2.0m
Landscaped Area with Planting Strip Front Lot Line (Victoria Ave N) Side or Rear Lot line abutting Residential	2.0m Shall not be required
Planting Strip Side and Rear Lot line abutting residential	0.0m
Visual barrier Side and Rear Lot Line	Shall not be required

The subject lands have historically been used as a parking lot, and the approved minor variances were required to ensure that the lands could continue to operate as such. The proposed site modifications will enhance the existing parking lot and provide more landscaped area than currently exists.

The current zoning on the subject lands permits the lands to be used as a commercial parking lot, as is proposed. The proposed zoning on the subject lands permits a commercial parking lot, however it does not recognize the approved minor variance for landscaping, visual barriers, and reduced parking stall size.

Given the foregoing and in consideration of the existing conditional site plan approval and variances in place, we respectfully request Council include the following site specific provisions into the Commercial Zoning Bylaw applicable to 250 Victoria Avenue North:

1. Notwithstanding any provision to the contrary, Victoria Avenue North shall be considered the Front Lot Line;
2. Notwithstanding any other provision to the contrary, the minimum parking stall size shall be 2.6m x 5.5m;
3. Notwithstanding any other provision to the contrary, the minimum width of a front yard landscaped area shall be 2.0m;

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4. Notwithstanding any other provision to the contrary, the minimum landscaped area and planting strip with a long a front lot line shall be 2.0m;
5. Notwithstanding any other provision to the contrary, no landscaped area or planting strip shall be required within a side or rear lot line abutting a residential use or zone.
6. Notwithstanding anything to the contrary, no visual barrier shall be required within a side or rear lot line abutting a residential use or zone.

201 Wilson Street East, Ancaster

The lands at 201 Wilson Street East, Ancaster are currently going through the Site Plan Approval Process. The lands are proposed to be developed and used for a dental office. The following Minor Variances were approved through application AN/A-10:25, to permit the propose development.

Regulation	Approved Variance
Permitted Uses	Dental clinic & associated parking
Maximum Building Height	14.3m
Maximum Gross Floor Area	1,860m ²
Landscape Buffer strip Rear Easterly Lot Line	2.7m
Planting Strip Easterly Lot Line Wilson Street Frontage Reading Road	2.7m 2.9m 2.0m

The proposed zoning on the subject lands permits the lands to be used as a dental clinic, through the updated definition of Medical Clinic. However, it does not recognize the above variances, which were approved to recognize an existing situation on the subject lands.

Given the foregoing and in consideration of the existing conditional site plan approval and variances in place, we respectfully request Council include the following site specific provisions into the Commercial Zoning Bylaw applicable to 201 Wilson Street East:

1. Notwithstanding any provision to the contrary, a maximum building height of 14.3m shall be permitted;
2. Notwithstanding any other provision to the contrary, a maximum gross floor area of 1,860m² shall be permitted;
3. Notwithstanding any other provision to the contrary, the following minimum landscape planting strip shall be permitted;
 - Rear easterly lot line – 2.7m
 - Wilson Street Frontage – 2.9m
 - Reading Road – 2.0m

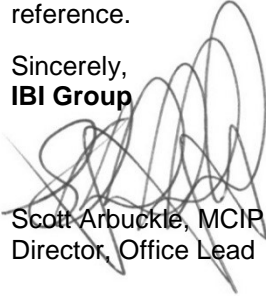
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Conclusion

We respectfully request that the above noted applications, with site specific minor variances be recognized, so as to permit the developments, as proposed. In the case of 10 Cootes Drive, we request that the existing site conditions be recognized as they have existed and were approved in the 1980's.

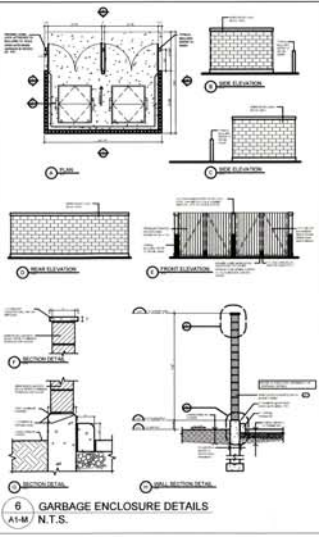
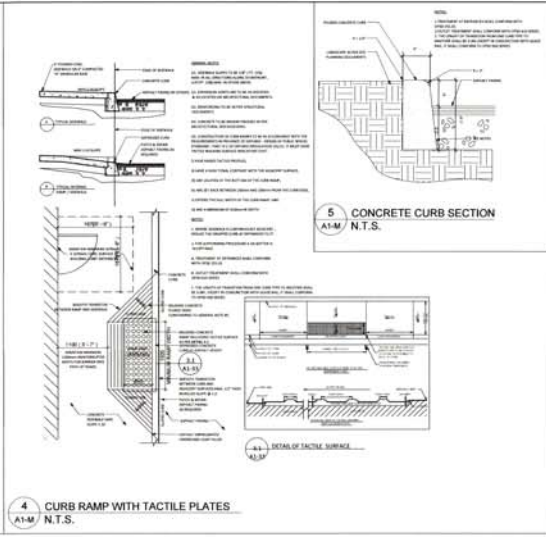
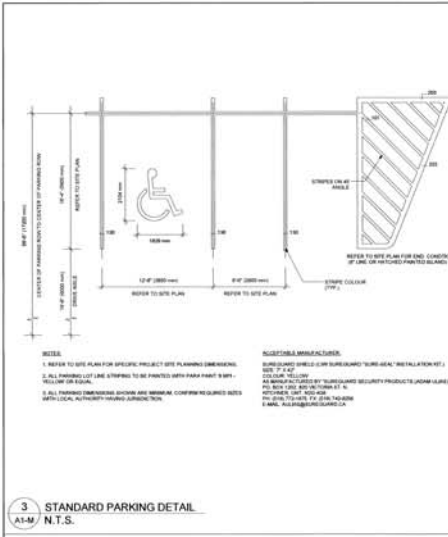
A copy of each of the site plans and the minor variance approvals have been attached for your reference.

Sincerely,
IBI Group



Scott Arbuckle, MCIP, RPP
Director, Office Lead

cc:



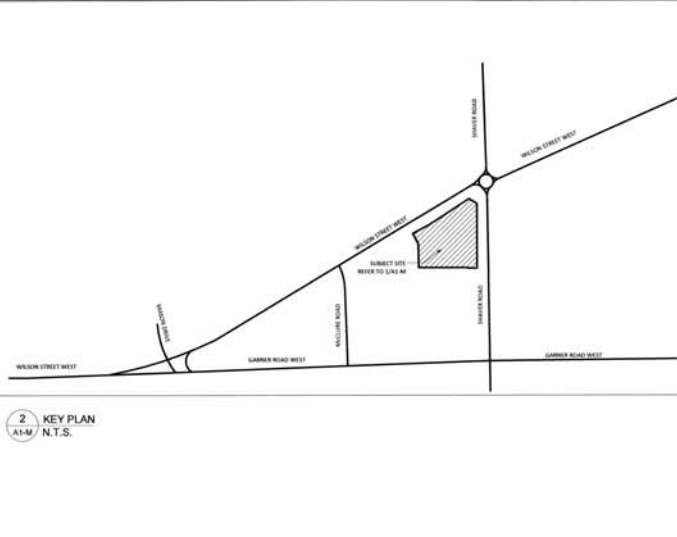
NOTES:

1. The owner agrees to the physical memorial number to each building.
2. The owner agrees to the physical memorial number to each building.
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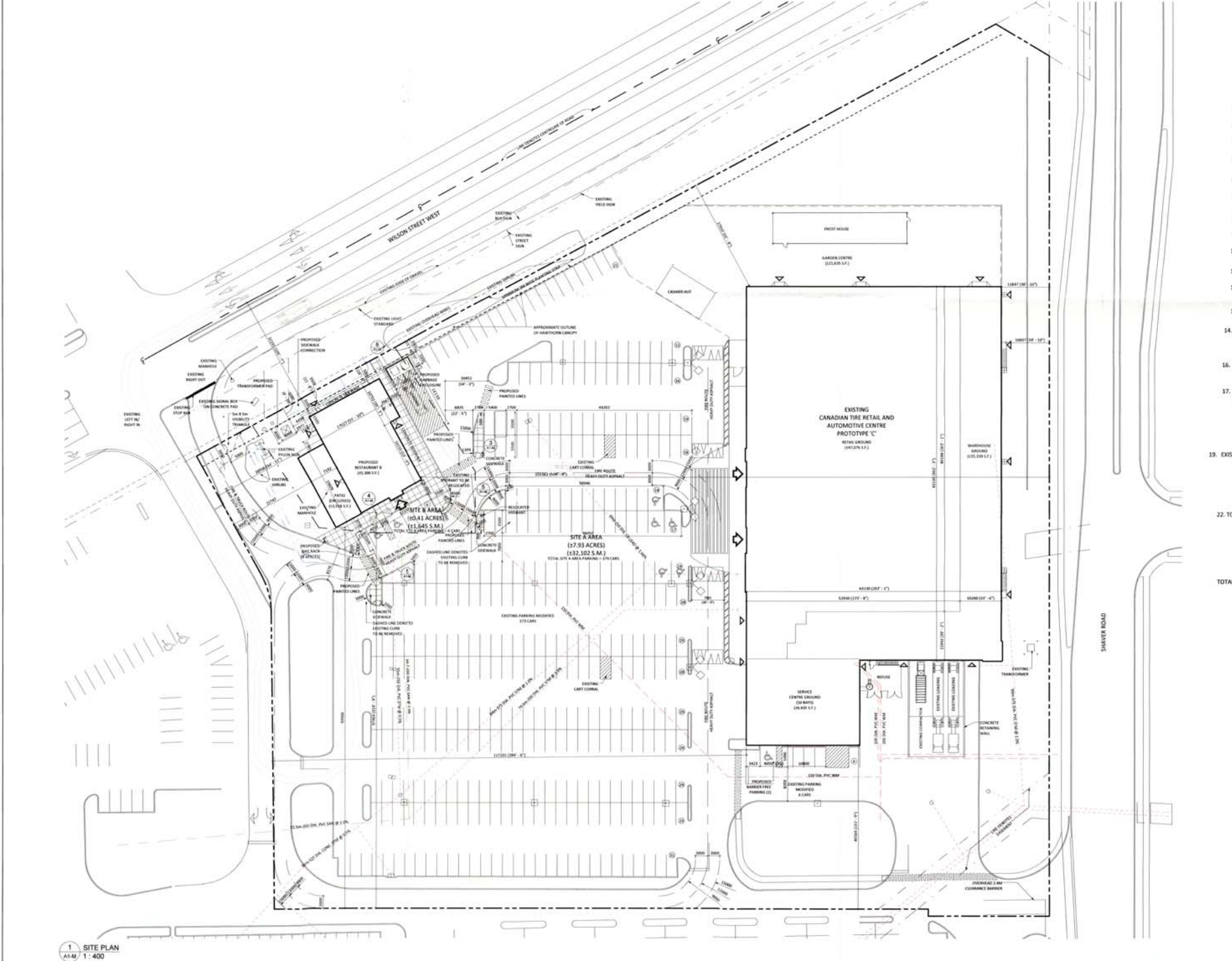
APPROVED:
 13th September 17
 Kevin Salsberg
 2180 Yonge St. 15th Floor, CREAT LP
 Toronto, ON

LEGEND:

- EXISTING ENTRANCE
- EXISTING ENTRANCE/EXIT
- NEW CONCRETE SIDEWALK



This drawing, as an instrument of service, is provided by and is the property of Turner Fleischer Architects Inc. The contractor must verify and accept responsibility for all dimensions and conditions on site and must notify Turner Fleischer Architects Inc. of any variations from the supplied information. This drawing is not to be scaled. The architect is not responsible for the accuracy of surveys, structural, mechanical, electrical, etc. information shown on this drawing. Refer to the appropriate consultant's drawings before proceeding with the work. Construction must conform to all applicable codes and requirements of authorities having jurisdiction. The contractor working from drawings not specifically marked 'For Contractor' must assume full responsibility and bear costs for any corrections or damages resulting from his work.



CANADIAN TIRE STATISTICS

	EXISTING GFA			PROPOSED GFA			NET GAIN/LOSS		
	EXISTING CANADIAN TIRE PROTOTYPE 'C'	EXISTING CANADIAN TIRE PROTOTYPE 'C'	EXISTING CANADIAN TIRE PROTOTYPE 'C'	EXISTING CANADIAN TIRE PROTOTYPE 'C'	EXISTING CANADIAN TIRE PROTOTYPE 'C'	EXISTING CANADIAN TIRE PROTOTYPE 'C'	EXISTING CANADIAN TIRE PROTOTYPE 'C'	EXISTING CANADIAN TIRE PROTOTYPE 'C'	EXISTING CANADIAN TIRE PROTOTYPE 'C'
	IMPERIAL (SF)	METRIC (SM)	RATIO / NO.	IMPERIAL (SF)	METRIC (SM)	RATIO / NO.	IMPERIAL (SF)	METRIC (SM)	RATIO / NO.
1. RETAIL - GROUND FLOOR	47,076	4,374	64%	47,076	4,374	64%	47,076	4,374	64%
2. RETAIL TOTAL	47,076	4,374	64%	47,076	4,374	64%	47,076	4,374	64%
3. WAREHOUSE - GROUND FLOOR	15,339	1,425	36%	15,339	1,425	36%	15,339	1,425	36%
4. WAREHOUSE - MEZZANINE	10,837	1,007	30%	10,837	1,007	30%	10,837	1,007	30%
5. WAREHOUSE TOTAL	26,176	2,432	36%	26,176	2,432	36%	26,176	2,432	36%
6. SERVICE - GROUND FLOOR	6,435	598	10 BAYS	6,435	598	10 BAYS	6,435	598	10 BAYS
7. SERVICE - MEZZANINE	214	20	3 BAYS	214	20	3 BAYS	214	20	3 BAYS
8. SERVICE TOTAL	6,649	618	10 BAYS	6,649	618	10 BAYS	6,649	618	10 BAYS
9. OFFICE - GROUND FLOOR	178	17	3	178	17	3	178	17	3
10. OFFICE - MEZZANINE	3,213	298	5	3,213	298	5	3,213	298	5
11. OFFICE TOTAL	3,391	315	5	3,391	315	5	3,391	315	5
12. CANADIAN TIRE - GROUND FLOOR	69,028	6,414	100%	69,028	6,414	100%	69,028	6,414	100%
13. GARDEN CENTRE - COMPOUND	21,635	2,010	30%	21,635	2,010	30%	21,635	2,010	30%
14. CPU CANOPY (N.I.C.)	-	-	-	-	-	-	-	-	-
15. GARDEN TOTAL	21,635	2,010	30%	21,635	2,010	30%	21,635	2,010	30%
16. GROSS FLOOR AREA (215+8+11)	83,292	7,739	100%	83,292	7,739	100%	83,292	7,739	100%
17. CANADIAN TIRE SITE AREA (SITE A+B)	± 8.34 ACRES	33,747 SM	± 8.34 ACRES	33,747 SM	± 8.34 ACRES	33,747 SM	± 8.34 ACRES	33,747 SM	± 8.34 ACRES
18. COVERAGE (12 / 17)	± 19.00 %		± 19.00 %		± 19.00 %		± 19.00 %		± 19.00 %
19. EXISTING CANADIAN TIRE GROSS FLOOR AREA	83,292	7,739		83,292	7,739		83,292	7,739	
20. PROPOSED RESTAURANT B	-	-		5,300	492		+5,300	+492	
21. GFA TOTAL (19-20)	83,292	7,739		88,592	8,231		+5,300	+492	
22. TOTAL GROUND FLOOR	69,028	6,414		74,328	6,906		+5,300	+492	
23. SITE AREA (A+B)	± 8.34 ACRES	33,747 SM	± 8.34 ACRES	33,747 SM	± 8.34 ACRES	33,747 SM	± 8.34 ACRES	33,747 SM	± 8.34 ACRES
24. COVERAGE (22/23)	± 19.00 %		± 20.46 %		± 20.46 %		± 20.46 %		± 20.46 %
TOTAL PARKING PROVIDED	378 CARS	4.88 / 100 SM		385 CARS	4.68 / 100 SM				

OVERALL SITE STATISTICS

	EXISTING CANADIAN TIRE	PROPOSED BOSTON PIZZA	VARIANCE REQUIRED
MIN. LOT AREA	2,700 S.M.	33,747 S.M.	33,747 S.M.
MIN. LOT FRONTAGE	60.0m	211.9m	151.9m
MIN. LOT DEPTH	60.0m	120.0m	60.0m
MAX. LOT COVERAGE	40%	19%	2%
MAX. GROSS FLOOR AREA - ALL BUILDINGS	13,520 S.M.	6,414 S.M.	-490 S.M.
MAX. GROSS FLOOR AREA OF DEPARTMENT STORE	24,154 S.M.	7,739 S.M.	-16,415 S.M.
MAX. GROSS FLOOR AREA - RESTAURANT USES	2,787 S.M.	549 S.M.	-2,238 S.M.
MIN. FRONT YARD (SHAVEN ROAD)	33.0m FROM CENTRE LINE OF SHAVEN STREET	GREATER THAN 33.0m	15.0m
MIN. SIDE YARD (SOUTHERLY SIDE)	15.0m	97.4m	82.4m
MIN. SIDE YARD ABUTTING A STREET (WILSON STREET)	38.0m FROM CENTRELINE OF WILSON STREET	32.15m FROM CENTRELINE OF WILSON STREET	5.85m
MIN. BEAR YARD	9.0m	40.1m	31.1m
MAX. HEIGHT	10.5m		
PARKING REQUIREMENT	2.6m x 5.5m	2.7m x 5.5m	0.1m
MIN. STALL SIZE	3.5m x 5.5m	4.05m x 5.5m	0.55m
MIN. STALL SIZE (ACCESSIBLE)	3.5m x 5.5m	4.05m x 5.5m	0.55m
CANADIAN TIRE STORE	1 SPACE/25 S.M. GFA	1 SPACE UP TO 50 SPACES, PLUS 1 SPACE FOR EACH ADDITIONAL 75 SPACES OR PART THEREOF	310 SPACES
RESTAURANT	1 SPACE/2 PERSON CAPACITY	234 PERSON CAP = 117 SPACES	75 SPACES
RESTAURANT (ENCLOSED PATIO)	1 SPACE/2 PERSON CAPACITY	100 PERSON CAP = 50 SPACES	50 SPACES
TOTAL	557 SPACES	385 SPACES	172 SPACES
ACCESSIBLE PARKING	1 SPACE UP TO 50 SPACES, PLUS 1 SPACE FOR EACH ADDITIONAL 75 SPACES OR PART THEREOF	8 SPACES	3 SPACES
MIN. DISTANCE TO STREET LINE	3.0m	3.5m TO LOT LINE	0.5m
MIN. PLANTING STRIP ALONG STREET LINE	3.0m	3.5m TO LOT LINE	0.5m
LOADING REQUIREMENTS	1 PER BUILDING	2 SPACES	1 SPACE
MIN. REQUIRED SPACES	1 PER BUILDING	2 SPACES	1 SPACE

LEGEND

- EXISTING ENTRANCE
- EXISTING ENTRANCE/EXIT
- NEW CONCRETE SIDEWALK

W/S SERVICE LEGEND

No.	Date	Description	By
14	2017-09-07	ISSUED FOR REVIEW	MB
13	2017-08-31	ISSUED FOR REVIEW	AL
12	2017-04-18	ISSUED FOR REVIEW	MB
11	2017-03-08	ISSUED FOR REVIEW	MB
10	2016-12-30	ISSUED FOR REVIEW	MB
9	2016-11-28	ISSUED FOR REVIEW	MB
8	2016-11-28	ISSUED FOR REVIEW	MB
7	2016-11-28	ISSUED FOR REVIEW	MB
6	2016-11-28	ISSUED FOR REVIEW	MB
5	2016-11-28	ISSUED FOR REVIEW	MB
4	2016-11-28	ISSUED FOR REVIEW	MB
3	2016-11-28	ISSUED FOR REVIEW	MB
2	2016-11-28	ISSUED FOR REVIEW	MB
1	2016-11-28	ISSUED FOR REVIEW	MB

REVISION RECORD

TURNER FLEISCHER
 TURNER FLEISCHER ARCHITECTS INC.
 67 Lambton Road, Toronto, ON Canada M5A 1R7
 416-922-4111 Fax: 416-922-4112
 turnerfleischer.com

ANCASTER STORE No. 639

CANADIAN TIRE REAL ESTATE LTD.

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND BE RESPONSIBLE FOR THE SAME REPORTING ANY DISCREPANCIES BEFORE COMMENCING WORK. LATEST APPROVED DRAWING ONLY TO BE USED FOR CONSTRUCTION. PRINTS ARE NOT TO BE SCALED.

PROJECT TITLE: RETAIL STORE AND SERVICE CENTRE #639
 1060 WILSON STREET WEST
 ANCASTER, ONTARIO

DRAWING TITLE: **SITE PLAN SPA-16-037** DRAWING No: **A1-M**

SCALE: As Indicated 1:400

FILE NAME: SPA-16-037

PLOT DATE:



Hamilton

Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424. ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-17:103
SUBMISSION NO. A-103/17

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 87-57, of the City of Hamilton (formerly Ancaster), Sections 7.14, 22 and 34, Amending By-Law Numbers 91-28, 94-101, 97-23, 20-19 and 04-176.

AND IN THE MATTER OF the Premises known as Municipal number 1060 Wilson Street West, formerly in the Town of Ancaster, now in the City of Hamilton and in a "**C2-157**" (**General Commercial**) district;

AND IN THE MATTER OF AN APPLICATION by the agent IBI Group (c/o Tracy Tucker) on behalf of the owner Canadian Tire Properties Inc. (c/o Emily Chow), for relief from the provisions of the Zoning By-Law No. 87-57, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the construction of a 490.0m² restaurant on the existing Canadian Tire lands per Site Plan Application SPA-16-037 notwithstanding that;

1. A minimum side yard of 32.1m shall be permitted abutting a street instead of the minimum 38.0m side yard required abutting a street; and,
2. A minimum of three hundred and eighty-five (385) parking spaces shall be permitted instead of the minimum five hundred and fifty-seven (557) parking spaces required.

Notes: These variances are necessary to facilitate Site Plan Application SPA-16-037.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three 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 not inconsistent with the general intent and purpose of the By-law and the Official Plan 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.

DATED AT HAMILTON this 4th day of May, 2017.

M. Dudzic (Chairman)

N. Mieczko

M. Smith

L. Gaddy

D. Smith

W. Pearce

V. Abraham

P. Mallard

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **May 24th, 2017**.

NOTE: This decision is not final and binding unless otherwise noted.

CERTIFIED-A TRUE COPY
[Signature]

SECRETARY/TREASURER



Hamilton

Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

39409



May 25th, 2017

IBI Group
c/o Tracy Tucker
200-360 James St. N.
Hamilton, Ontario
L8L 1H5

Dear Sir:

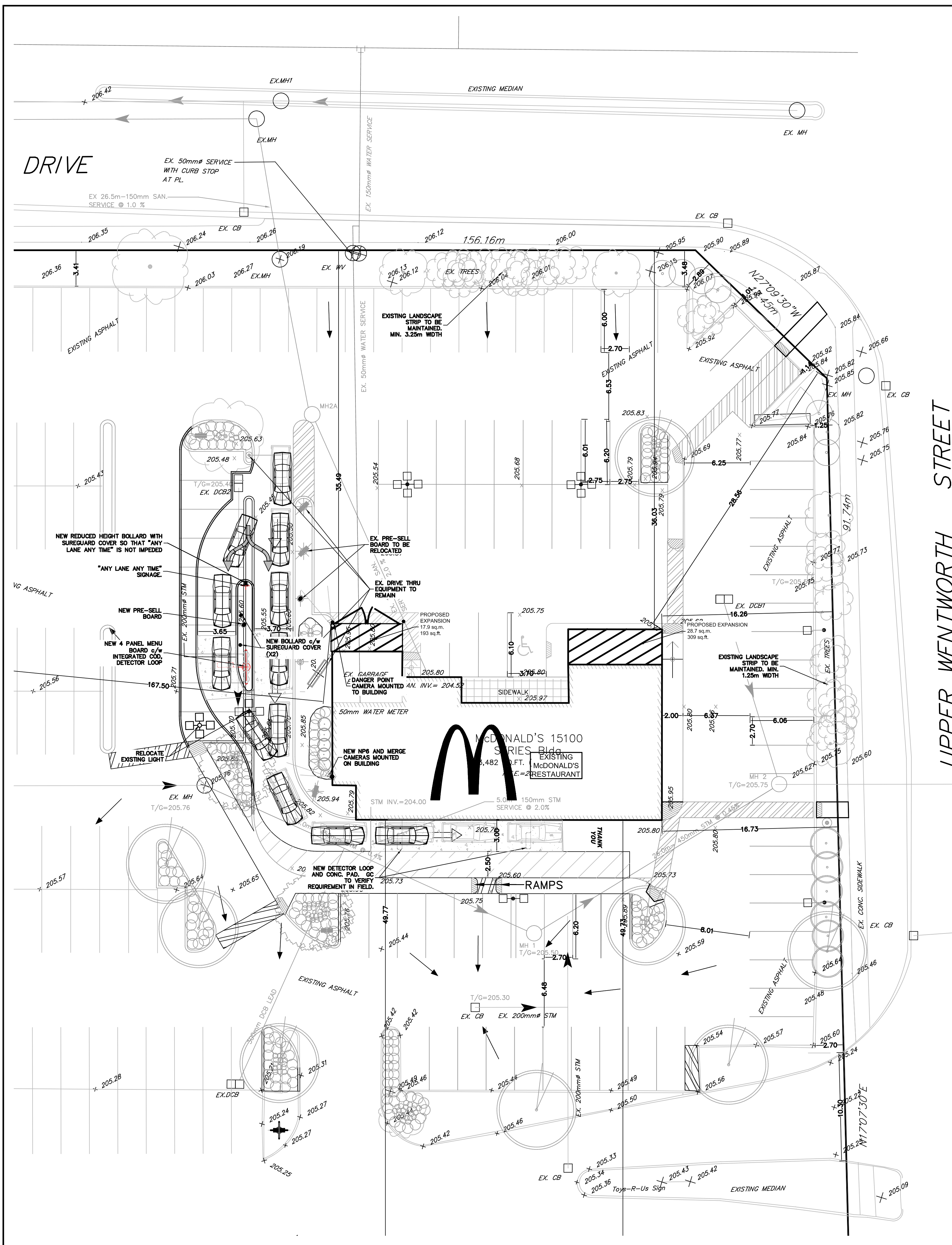
Re: Application No. AN/A-17:103
Address: 1060 Wilson St. W. (Ancaster)

Pursuant to Subsection 14 of Section 45 of The Planning Act, 1990 notice is herewith given that the period of appeal provided for in Subsection 12 of Section 45 of the said Act has expired and no such appeal has been filed.

Therefore in accordance with Subsection 14 of Section 45 the decision of the Committee is now final and binding.

Yours very truly,

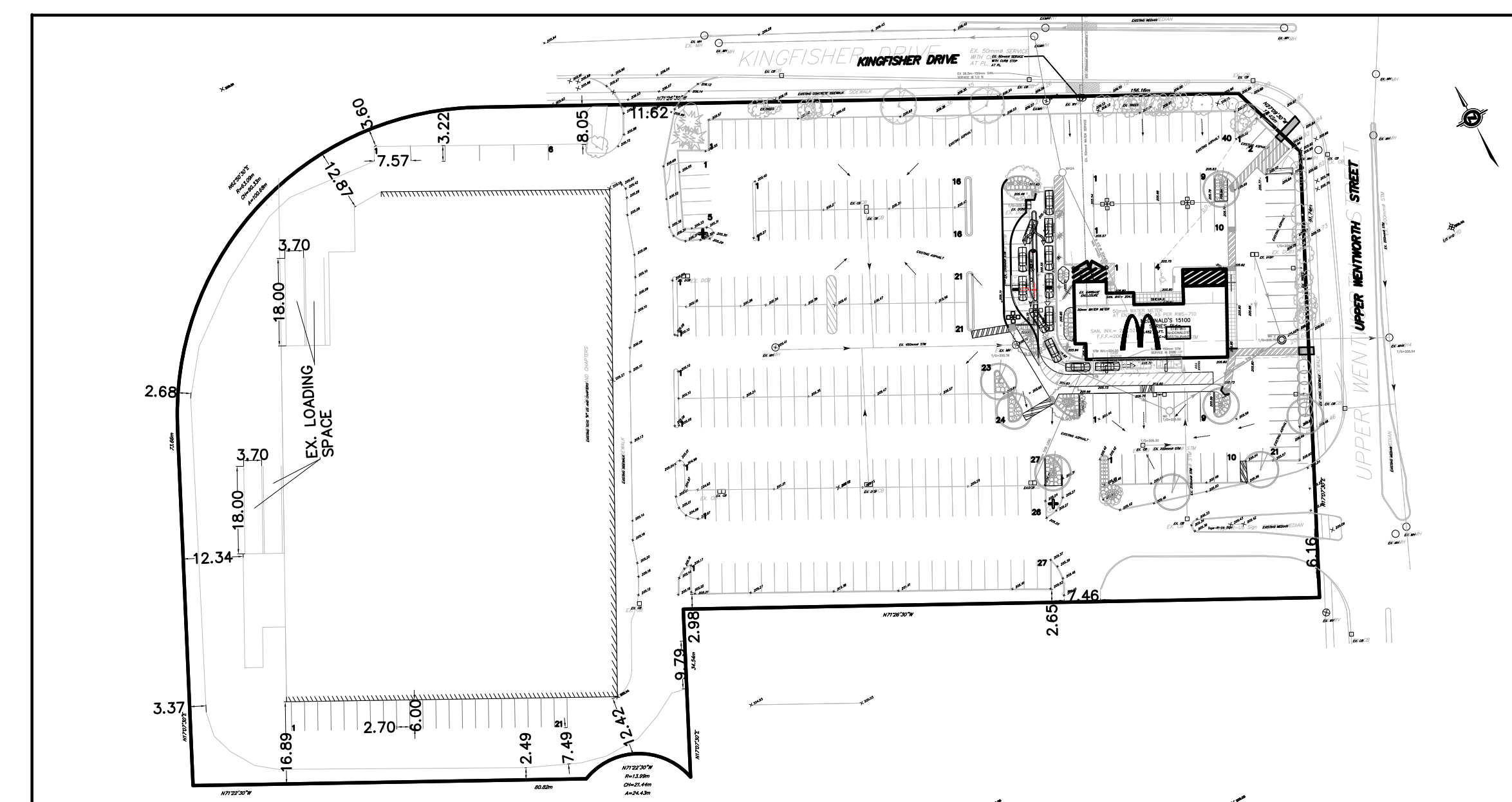
Scott Baldry
Secretary-Treasurer
SB



DEVELOPMENT DETAILS
DESIGNATED SHOPPING CENTRE 'G-1'

	REQUIRED	PROPOSED	VARIANCE REQUIRED
BUILDING HEIGHT	THREE STOREYS OR 14.0 m	2 STOREYS	
FRONT YARD SETBACK	11.0m	16.2m	
SIDE YARD SETBACK	9.0m	12.4m	
EXTERIOR SIDE YARD SETBACK	11.0m	12.87m	
REAR YARD SETBACK	9.0m	12.37m	
LOT AREA	4,000m ²	2.7ha	
PARKING REQUIREMENT			
MINIMUM NUMBER OF SPACES RESTAURANT	1 SPACE PER 6 SEATS 116 SEAT = 20 SPACES	22 SPACES	
RETAIL USE	1 SPACE PER 31m ² GFA BETWEEN 450m ² AND 3,700m ² + 1 SPACE PER 17m ² GFA BETWEEN 3,700m ² AND 12,800m ² 6872.3m ² TOTAL GFA = 292 SPACES	316 SPACES	
MINIMUM STALL SIZE	2.7m (W) x 6.0m (L)	2.7m X 6.0m	
MINIMUM ACCESSIBLE PARKING REQUIRED - PER AODA STANDARD	RESTAURANT RETAIL	1 TYPE B SPACE 4 TYPE A & 4 TYPE B	1 SPACE 5 SPACES
MINIMUM STALL SIZE PER AODA STANDARD	TYPE A = 3.4m + 1.5m ACCESS AISLE TYPE B = 2.4m + 1.5m ACCESS AISLE	4.4m X 6.0m	
LOADING REQUIREMENT			
MINIMUM NUMBER OF SPACES RESTAURANT	450-900m ² GFA = 1 LOADING SPACE	McDONALD'S: 0 SPACES	X
RETAIL	1,850m ² -7,400m ² = 2 LOADING SPACES	RETAIL BUILDING: 4 SPACES	
MINIMUM DIMENSION OF LOADING SPACE	18.0m(L) x 3.7m(W) x 4.3m(H)	18.0m x 3.7m X 4.3m	
LANDSCAPE REQUIREMENT			
MINIMUM PLANTING STRIP PARKING ADJACENT TO A STREET	AVERAGE WIDTH OF 2.0m MINIMUM 1.0m	MINIMUM WIDTH 1.0m AVERAGE > 2.0m	

UPPER WENTWORTH STREET



UNDERTAKING

I, (WE), TOYS 'R' US (CANADA) LTD., THE OWNER(S) OF THE LAND, HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION,

(A) TO COMPLY WITH ALL THE CONTENT OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM;

(B) TO PERFORM THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(a) OF THE PLANNING ACT SHOWN ON THIS PLAN AND DRAWINGS IN ACCORDANCE WITH THE CONDITIONS AS SET OUT IN THE LETTER OF APPROVAL DATED APRIL 11, 2017 ;

(C) TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT MY (OUR) SOLE RISK AND EXPENSE, ALL FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(a) OF THE SAID ACT, SHOWN IN THIS PLAN AND DRAWING, INCLUDING REMOVALS OF SNOW FROM ACCESS RAMPS AND DRIVEWAYS, PARKING AND LOADING AREAS, AND WALKWAYS; AND,

(D) IN THE EVENT THAT THE OWNER DOES NOT COMPLY WITH THE PLAN DATED APRIL 11, 2017, THE OWNER AGREES THAT THE CITY MAY ENTER THE LAND AND DO THE REQUIRED WORKS, AND FURTHER THE OWNER AUTHORIZES THE CITY TO USE THE SECURITY FILED TO OBTAIN COMPLIANCE WITH THIS PLAN.

DATED THIS _____ DAY OF _____, 2017

WITNESS SIGNATURE _____ (SEAL) OWNER(S) SIGNATURE _____

WITNESS (PRINT) _____ OWNER (PRINT) _____

ADDRESS OF WITNESS _____

FENCE NOTE

ALL NEW FENCES PROPOSED MUST COMPLY WITH CITY OF HAMILTON FENCE BY-LAW 10-142.

NOTE:

ALL SIGNAGE MUST COMPLY WITH THE CITY OF HAMILTON SIGN BY-LAW No. 10-197.

GENERAL NOTES:

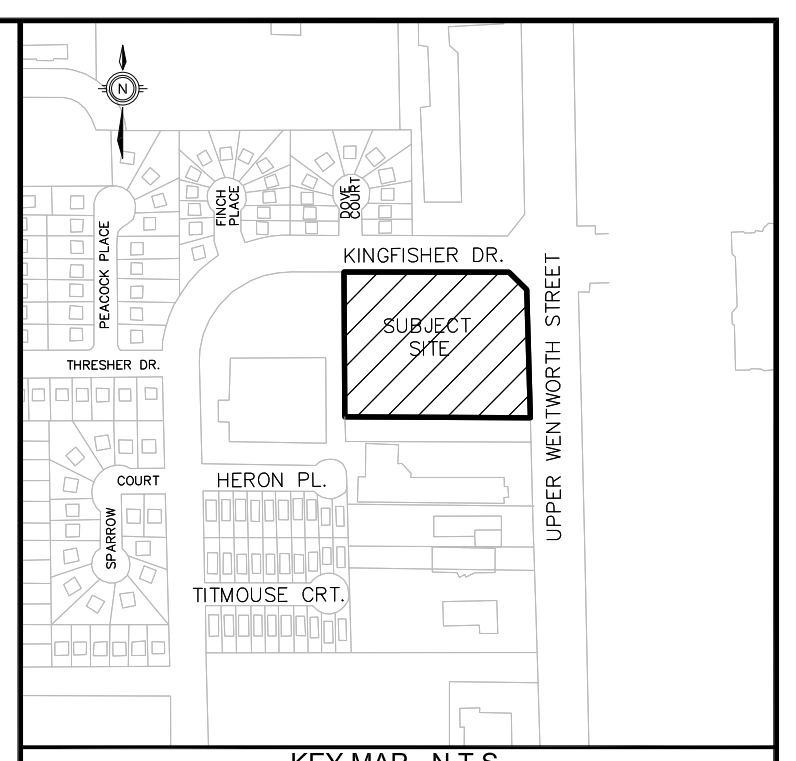
- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
- FIRE ROUTE SIGNS AND 3-HOUR FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
- MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5 m UNLESS OTHERWISE STATED.
- ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5 m SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - BUILDING PERMIT
 - ROAD CUT PERMITS
 - APPROACH APPROVAL PERMITS
 - COMMITTEE OF ADJUSTMENT
 - SEWER AND WATER PERMITS
 - RELOCATION OF SERVICES
 - ENCROACHMENT AGREEMENTS (IF REQUIRED)
- ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
- 3 METRE BY 3 METRE VISIBILITY TRIANGLES IN WHICH A MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHTS OF 0.7 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE OF THE ADJACENT STREET.

LIGHTING NOTE

LIGHTING MUST BE DIRECTED ON-SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS. MUST PROVIDE "HOUSE SHIELDS" WHERE NEEDED, TO COMPLETELY ELIMINATE GLARE TO ADJACENT PROPERTIES.

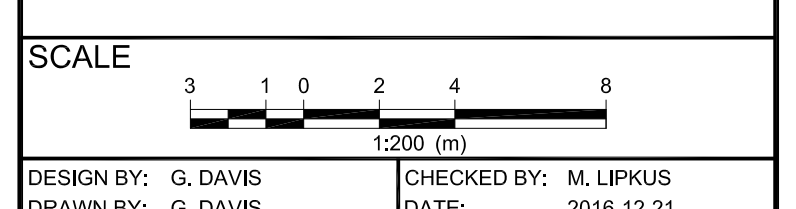
GARBAGE AND RECYCLING

THIS PROPERTY IS INELIGIBLE FOR MUNICIPAL COLLECTION OF GARBAGE, RECYCLABLE MATERIAL AND LEAF AND YARD WASTE. COLLECTION OF GARBAGE, RECYCLABLE MATERIAL, AND LEAF AND YARD WASTE MUST BE PROVIDED THROUGH A PRIVATE WASTE HAULER(S). RECYCLING IS STRONGLY ENCOURAGED. ALL WASTE IS TO BE STORED WITHIN THE PROPOSED BUILDING UNTIL REGULAR DAY OF WASTE COLLECTION.



McDONALD'S EXISTING AREA = 419.0 sq.m.
PROPOSED ADDITION = 46.6 sq.m.
NEW McDONALD'S AREA = 465.6 sq.m.
NOTE: PARKING REDUCED BY 10 STALLS

NOT FOR CONSTRUCTION



DRAWING ISSUE RECORD

#	DATE	BY	DESCRIPTION
1	2017-06-13	TT	2ND SITE PLAN SUBMISSION & MINOR VARIANCE APP
0	2016-12-22	TT	FIRST SITE PLAN AMENDMENT APPLICATION

APPROVALS

IBI GROUP
200 East Wing-360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010 fax 905 546 1011
ibigroup.com

CITY OF HAMILTON

970 UPPER WENTWORTH STREET AT KINGFISHER DRIVE

McDONALD'S No. 29141 SITE PLAN AMENDMENT (SPA-17-017)

FILE NUMBER: 103356 SHEET NUMBER: SP1

UNDERTAKING

FILE No.: DA-17-___

I, (WE), McDONALD'S RESTAURANTS OF CANADA LIMITED, THE OWNER(S) OF THE LAND, HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION,

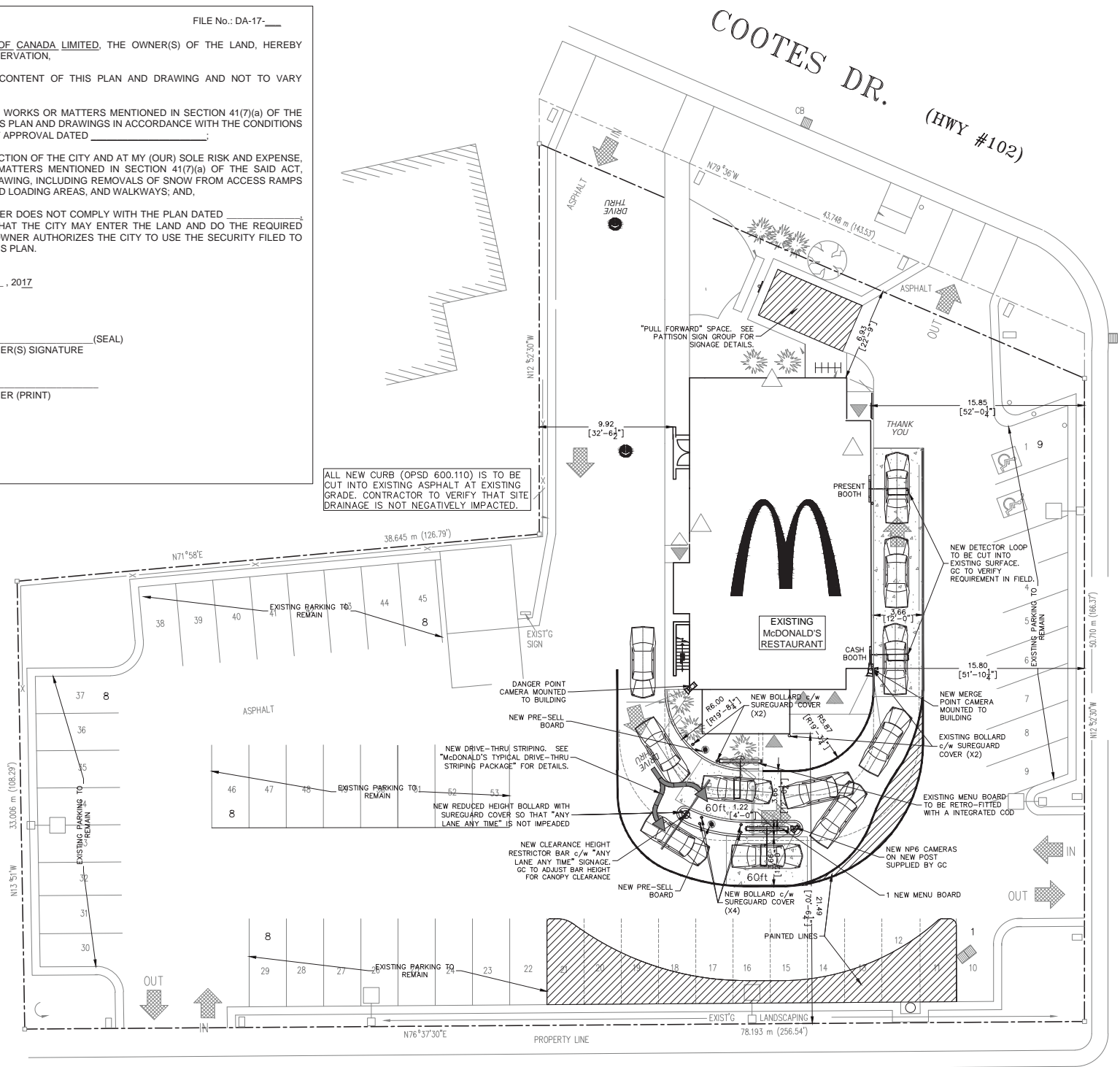
- (A) TO COMPLY WITH ALL THE CONTENT OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM;
- (B) TO PERFORM THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(a) OF THE PLANNING ACT SHOWN ON THIS PLAN AND DRAWINGS IN ACCORDANCE WITH THE CONDITIONS AS SET OUT IN THE LETTER OF APPROVAL DATED _____;
- (C) TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT MY (OUR) SOLE RISK AND EXPENSE, ALL FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(a) OF THE SAID ACT, SHOWN IN THIS PLAN AND DRAWING, INCLUDING REMOVALS OF SNOW FROM ACCESS RAMPS AND DRIVEWAYS, PARKING AND LOADING AREAS, AND WALKWAYS; AND,
- (D) IN THE EVENT THAT THE OWNER DOES NOT COMPLY WITH THE PLAN DATED _____ 2017, THE OWNER AGREES THAT THE CITY MAY ENTER THE LAND AND DO THE REQUIRED WORKS, AND FURTHER THE OWNER AUTHORIZES THE CITY TO USE THE SECURITY FILED TO OBTAIN COMPLIANCE WITH THIS PLAN.

DATED THIS _____ DAY OF _____, 2017

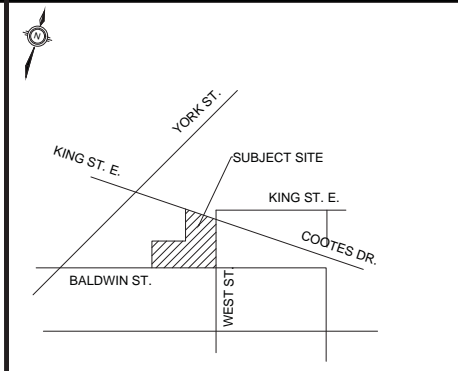
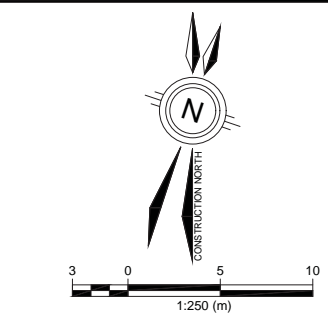
WITNESS SIGNATURE _____ OWNER(S) SIGNATURE _____ (SEAL)

WITNESS (PRINT) _____ OWNER (PRINT) _____

ADDRESS OF WITNESS _____



ALL NEW CURB (OPSD 600.110) IS TO BE CUT INTO EXISTING ASPHALT AT EXISTING GRADE. CONTRACTOR TO VERIFY THAT SITE DRAINAGE IS NOT NEGATIVELY IMPACTED.



KEY MAP - N.T.S.

DATA	REQUIRED	PROVIDED	
ZONING	CH-HIGHWAY COMMERCIAL		
SETBACKS	FY	7.5m	6.93m (EX)
	RY	7.5m	21.49m (EX)
	INT. SY	3.0m	9.92m (EX)
	EXT. SY	7.5m	15.80m (EX)
LOT AREA	3,718.4sq.m		
BUILDING AREA	331.6sq.m (EX)		
SEATS	(EX)		
BUILDING COVERAGE	9.8%		
# of LOADING SPACES	-		
GARBAGE ENCLOSURE	32sq.m (EX)		
LANDSCAPE AREA	441.5sq.m (11.9%)		
IMPERVIOUS AREA	2,913.3sq.m (78.3%)		
DT STACKING	8		
PARKING REQUIRED	SPACES		
PARKING PROVIDED	42 SPACES		

DESIGN BY: G. DAVIS CHECKED BY: A. KIREC
 DRAWN BY: G. DAVIS DATE: 2017-08-15

#	DATE	BY	DESCRIPTION

DRAWING ISSUE RECORD

APPROVALS

IBI GROUP
 200 East Wing-360 James Street North
 Hamilton ON L8L 1H5 Canada
 tel 905 546 1010 fax 905 546 1011
 ibigroup.com

CITY OF
HAMILTON

10 COOTES DRIVE

SITE PLAN AMENDMENT
 McDONALD'S No. 7226

FILE NUMBER: 103356 SHEET NUMBER: SP1

GENERAL NOTES:

- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
- FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
- MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5 m UNLESS OTHERWISE STATED.
- ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5 m SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - BUILDING PERMIT
 - ROAD CUT PERMITS
 - APPROACH APPROVAL PERMITS
 - COMMITTEE OF ADJUSTMENT
- ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
- 3 METRE BY 3 METRE VISIBILITY TRIANGLES IN WHICH A MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHTS OF 0.7 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE OF THE ADJACENT STREET.

LIGHTING NOTE

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NOTE:

ALL SIGNAGE MUST COMPLY WITH THE CITY OF HAMILTON SIGN BY-LAW No. 06-243.



LEGAL DESCRIPTION

LOTS 16 AND 19, REGISTRAR'S COMPILED PLAN, REGISTERED PLAN NO. 1400 IN THE BLOCK BOUNDED BY WEST BALDWIN AND YORK STREETS AND THE KING'S HIGHWAY NO. 102 IN THE TOWN OF DUNDAS, REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BALDWIN ST.

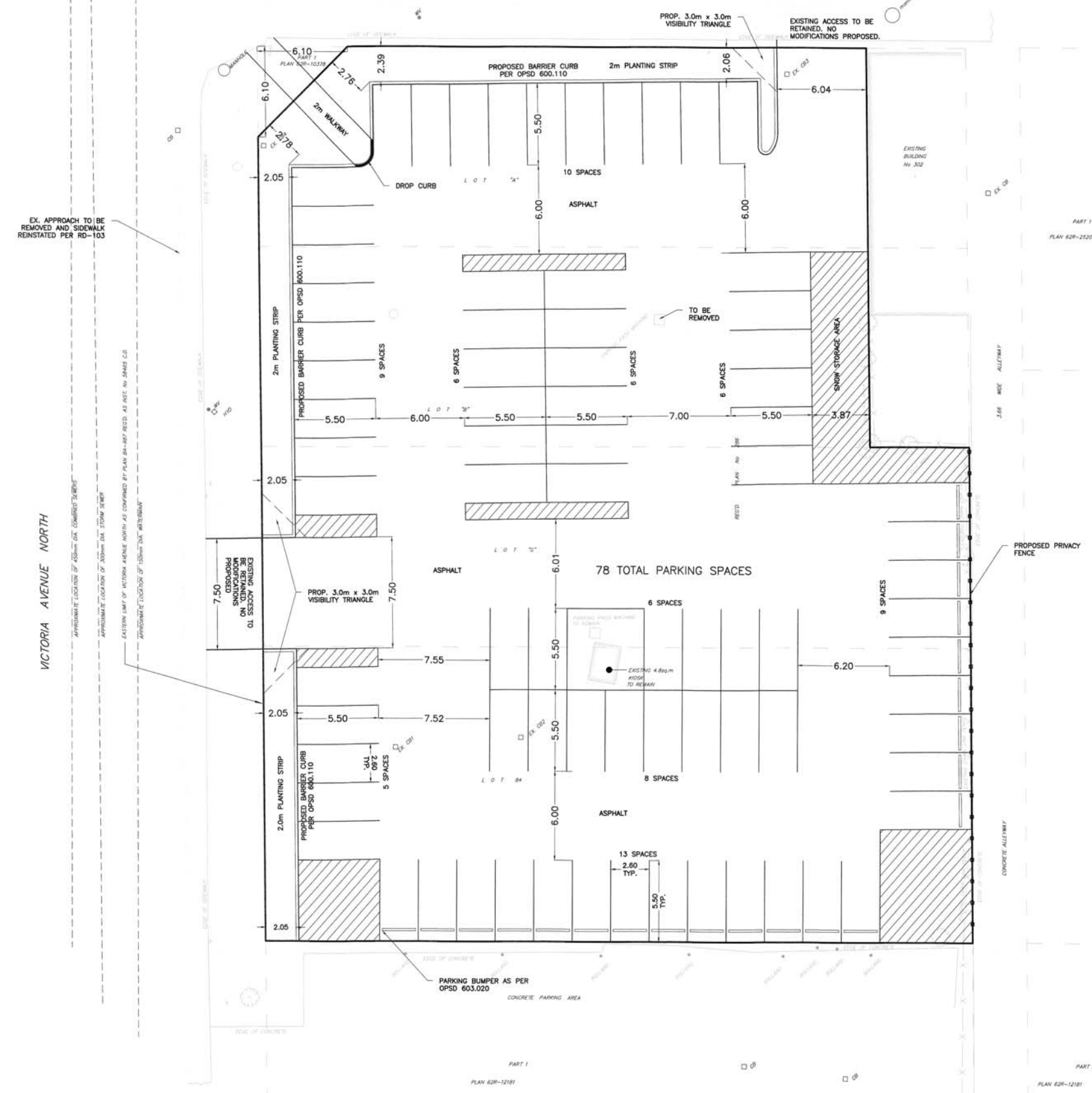
WEST ST.

COOTES DR. (HWY #102)

BARTON STREET EAST
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2)



APPROXIMATE LOCATION OF 450mm DIA. COMBINED SEWERS
APPROXIMATE LOCATION OF 150mm DIA. WATERMAIN
APPROXIMATE LOCATION OF 300mm DIA. COMBINED SEWERS



UNDERTAKING

RE: 252 and 256 Victoria Ave. N. and 290 Barton St. E., Hamilton File No. MDA-15-012

- I, (We) 1419582 Ontario Inc., the owner(s) of the land, hereby undertake and agree without reservation,
- (a) to comply with all the content of this plan and drawing and not to vary therefrom;
 - (b) to perform the facilities, works or matters mentioned in Section 41 (7)(a) of The Planning Act shown on this plan and drawing(s);
 - (c) to maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways;
 - (d) in the event that the Owner does not comply with the plan dated September 13, 2017, the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan; and,
 - (e) the applicant acknowledges that upon future development of the property that a 12.0 metre by 12.0 metre daylight triangle will be required as a dedication to the City of Hamilton.

Dated this 15th day of September 2017
 Witness (signature) [Signature] Owner(s) (signature) [Signature] (seal)
 Witness (print) JARED MARCUS Owner (print) IBE GROUP

360 James Street North, Hamilton
Address of Witness



- KEY MAP - N.T.S.**
- BEFORE STARTING WORK:**
- THE CONTRACTOR SHALL NOTIFY THE CITY OF HAMILTON AND THE GROUP AT LEAST 48 HOURS PRIOR TO COMMENCING CONSTRUCTION.
 - THE POSITION OF THE POLE LINES, CONDUITS, WATERMANS, SEWERS, AND OTHER UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.
 - PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, ALL BENCHMARKS, ELEVATIONS, DIMENSIONS, AND GRADES MUST BE CHECKED BY THE CONTRACTOR AND ANY DISCREPANCIES REPORTED TO THE ENGINEER.
 - ALL EXISTING UNDERGROUND UTILITIES WITHIN THE LIMITS OF CONSTRUCTION SHALL BE LOCATED, MARKED AND PROTECTED. ANY UTILITIES DAMAGED OR DISTURBED DURING CONSTRUCTION SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE ENGINEER, AT THE CONTRACTOR'S EXPENSE.
 - AT LEAST TWO DIFFERENT BENCHMARKS MUST BE REFERRED TO AT ALL TIMES.

- LEGEND**
- - - - - EXISTING DIRECTION OF SURFACE FLOW
 - x REF. NO. EXISTING GRADE
 - x PROPOSED ELEVATION
 - x MATCH EXISTING ELEVATION
 - 1.2% PROPOSED SLOPE

- GENERAL NOTES:**
- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
 - FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
 - MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
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 - APPROACH APPROVAL PERMITS
 - COMMITTEE OF ADJUSTMENT
 - BUILDING PERMITS
 - SEWER PERMITS
 - RELOCATION OF SERVICES
 - ENCROACHMENT AGREEMENTS (IF REQUIRED)
 - ABANDONED ACCESSES MUST BE REMOVED AND THE CURBS AND BOULEVARD RESTORED WITH SOIL AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
 - 3 METRE BY 3 METRE VISIBILITY TRIANGLES, FOR THE DRIVEWAY ENTRANCES, IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION MUST NOT EXCEED A HEIGHT OF 0.50 METRES IN HEIGHT AS MEASURED FROM THE CROWN OF THE ROAD.
 - 6 METRE BY 6 METRE DAYLIGHT TRIANGLE AT THE INTERSECTION OF BARTON ST. E. AND VICTORIA AVE. N. IN WHICH ANY OBJECT OR VEGETATION MUST NOT EXCEED A HEIGHT OF 0.50 METRES IN HEIGHT AS MEASURED FROM THE CROWN OF THE ROAD.
 - PARKING FACILITY IS FOR ORDINARY PASSENGER AUTOMOBILES, NO MORE THAN SIX TAXI-CABS. BUSES SHALL NOT PARK ON THE PROPERTY.

GARBAGE AND RECYCLING

THIS PROPERTY IS ELIGIBLE FOR MUNICIPAL COLLECTION OF GARBAGE, RECYCLABLE MATERIAL AND LEAF AND YARD WASTE THROUGH THE CITY OF HAMILTON SUBJECT TO COMPLIANCE WITH SPECIFICATIONS INDICATED BY THE OPERATIONS AND WASTE MANAGEMENT DIVISION AND SUBJECT TO COMPLIANCE WITH THE CITY'S SOLID WASTE MANAGEMENT BY-LAW 06-967.

LIGHTING NOTE

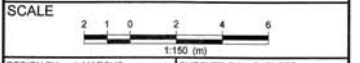
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NOTE:

ALL SIGNAGE MUST COMPLY WITH THE CITY OF HAMILTON SIGN BY-LAW No. 10-197.

NOT FOR CONSTRUCTION

SOURCE: TOPOGRAPHICAL SURVEY INFORMATION OBTAINED FROM A.J. CLARKE AND ASSOCIATES LTD., DRAWING No. R-1514a, DATED NOVEMBER 19, 2010.
 BENCHMARK: NORTHEAST CORNER OF CATHCART AND HILSON, SET IN SOUTH FACE, SOUTHWEST CORNER OF BUILDING No. 320, ELEVATION = 89.085m



DESIGN BY: J. MARCUS CHECKED BY: B. ENTER
 DRAWN BY: J. MARCUS DATE: 2014-12-08

NO.	DATE	BY	DESCRIPTION
4	2017-09-13	JM	FINAL SITE PLAN SUBMISSION
3	2017-07-10	JM	THIRD SITE PLAN SUBMISSION
2	2017-03-31	JM	SECOND MINOR VARIANCE SUBMISSION
1	2014-12-17	JM	SECOND SUBMISSION
0	2014-12-08	JM	FIRST MINOR SITE PLAN SUBMISSION

DRAWING ISSUE RECORD



APPROVALS

IBI GROUP
 200 East Wing-360 James Street North
 Hamilton ON L8L 1H5 Canada
 tel 905 546 1010 fax 905 546 1011
 ibigroup.com

CITY OF HAMILTON
 252 & 256 VICTORIA AVENUE NORTH,
 290 BARTON STREET EAST

CANADA AUTO PARKS

MINOR SITE PLAN
 MDA-15-012

DEVELOPMENT DETAILS:

	REQUIRED	PROPOSED
ZONING "H/S-1191"		
MIN. LANDSCAPE AREA ABUTTING VICTORIA AVE.*	2.0m	2.0m
MIN. LANDSCAPE AREA ABUTTING SIDE YARD*	0.0m	0.0m
MIN. LANDSCAPE AREA ABUTTING REAR YARD*	0.0m	0.0m
MIN. PLANTING STRIP ABUTTING BARTON ST.	1.0m	2.0m
MIN. PLANTING STRIP ABUTTING A SIDE YARD*	0.0m	0.0m
MIN. PLANTING STRIP ABUTTING REAR YARD*	0.0m	0.0m

*AS PER MINOR VARIANCE HEARING HM/A-14:354



Hamilton

Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424. ext. 4221
Fax (905) 546-4202



COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-14:354
SUBMISSION NO. A-354/14

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 6593, of the City of Hamilton, Sections 13C, 14, 18, 18A and 19B.

AND IN THE MATTER OF the Premises known as Municipal number 252 & 256 Victoria Ave. N., & 290 Barton St. E., in the City of Hamilton and in an "H/S-1191" (Community Shopping and Commercial, etc.) (Amending By-law 90-302) district;

AND IN THE MATTER OF AN APPLICATION by the agent IBI Group c/o Jared Marcus on behalf of the owner 1419582 Ontario Inc., for relief from the provisions of the Zoning By-Law No. 6593, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the establishment of a public parking lot on a vacant parcel of land, notwithstanding:

1. A minimum parking space size of 2.6 metres in width x 5.5 metres in length shall be provided instead of the minimum required parking space size of 2.7 metres in width x 6.0 metres in length;
2. A landscaped area with a minimum width of 2.0 metres shall be provided along the front lot line abutting Victoria Avenue North instead of the minimum required landscaped area having a minimum average width of 2.0 metres but not less than 1.0 metre in width as required by Section 13C(4)(i) and the required landscaped planting strip having a minimum width of 3.0 metres as required by amending By-law 90-302;
3. A landscaped area with a planting strip with a minimum width of 2.0 metres shall be provided along the front lot line abutting Victoria Avenue North for that portion of the lot line to the north of the access driveway providing access from Victoria Avenue North instead of the required landscaped planting strip having a minimum width of 3.0 metres as required by amending By-law 90-302;
4. No landscaped area with a planting strip shall be provided where a side lot line or rear lot line abuts a residential district or use instead of providing an area landscaped with a planting strip of not less than 1.5 metres in width along every side and rear lot line abuts a residential district or use;
5. No planting strip shall be provided along a side and rear lot line adjoining a residential district and parking shall be provided within 3.0 metres of a residential district instead of providing a planting strip with a minimum width of 3.0 metres along every side lot line and rear lot line adjoining a residential district where no parking is permitted to be provided within the said 3.0 metres;
6. No visual barrier shall be provided along a side lot line or a rear lot line abutting a residential district or residential use instead of providing a visual barrier not less than 1.2 metres in height and not greater than 2.0 metres in height along every side lot line and rear lot line that abuts a residential district or use.

NOTE:

1. Variances have been written as requested by the applicant. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time a formal zoning review is conducted on the proposed development.

CERTIFIED A TRUE COPY

SECRETARY/TREASURER

2. This is a corner lot. The lot line abutting Victoria Avenue North has been deemed to be the front lot line and the easterly lot line measuring approximately 33.5 metres, which is the farthest from and opposite to the front lot line, is deemed the rear lot line. All other lot lines are deemed to be side lot lines.
3. The abutting property to the east, known municipally as 302 Barton Street East, contains both a commercial and a residential use. As such zoning provisions concerning an abutting residential use shall be applicable.
4. A public alleyway abuts the rear property line; as such, zoning provisions concerning a residential district abutting the rear property line shall not be applicable.
5. A further variance will be required if a visual barrier is not provided along all other side lot lines and rear lot line.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three above, are **GRANTED AS AMENDED** 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 not inconsistent with the general intent and purpose of the By-law and the Official Plan 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.

DATED AT HAMILTON this 14th day of May, 2015.

M. Dudzic (Chairman)

D. Smith

I. Dunlop

D. Serwatak

W. Pearce

V. Abraham

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **June 3rd, 2015**.

NOTE: This decision is not final and binding unless otherwise noted.



Hamilton

Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202



June 4th, 2015

IBI Group
c/o Jared Marcus
360 James Street North, Suite 200
Hamilton, Ontario
L8L 1H5

Dear Sir:

Re: Application No. HM/A-14:354
Address: 252 & 256 Victoria Ave. N. & 290 Barton St. E.

Pursuant to Subsection 14 of Section 45 of The Planning Act, 1990 notice is herewith given that the period of appeal provided for in Subsection 12 of Section 45 of the said Act has expired and no such appeal has been filed.

Therefore in accordance with Subsection 14 of Section 45 the decision of the Committee is now final and binding.

Yours very truly,

A handwritten signature in black ink, appearing to read "S. Baldry".

Scott Baldry
Secretary-Treasurer
SB

DEVELOPMENT DETAILS:

ZONING C3-458	REQUIRED*	PROPOSED
MIN. LOT AREA	450m ²	±5548.23m ²
MIN. LOT FRONTAGE	15.0m	104.64m
MIN. LOT DEPTH	30.0m	64.01m
MIN. FRONT YARD	3.0m	3.95m
MIN. SIDE YARD	7.5m	23.82m
MIN. SIDE YARD ABUTTING A STREET	3.0m	28.54m
MIN. REAR YARD	9.0m	27.17m
MIN. REAR YARD ABUTTING RESIDENTIAL	13.0m	27.27m
MAX. LOT COVERAGE	25%	17.6%
MAX. FLOOR AREA	2975m ²	2975m ²
MAX. BUILDING HEIGHT	14.5m	14.5m
PARKING REQUIREMENTS		
MEDICAL CLINIC		
6 DOCTORS	4 SPACES/DOCTOR	
100 STUDENTS	1 SPACE/2.5 STUDENTS	106 SPACES
HANDICAP PARKING	2 SPACES	2 SPACES
SETBACK TO A STREET LINE	2.0m	2.9m
SETBACK TO A RESIDENTIAL ZONE	2.0m	5.4m
PLANTING STRIP ABUTTING A RESIDENTIAL ZONE	5.4m	5.4m
PLANTING STRIP ABUTTING A STREET LINE	2.9m	2.9m

*OMB DECISION, PLO0404, SEPT 23, 2010
CITY FILE A-25/10

GENERAL NOTES:

- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR, DEVELOPMENT DIVISION, PLANNING AND DEVELOPMENT DEPARTMENT.
- FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
- MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
- ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADE.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - ROAD CUT PERMITS
 - SEWER PERMITS
 - APPROACH APPROVAL PERMITS
 - RELOCATION OF SERVICES
 - COMMITTEE OF ADJUSTMENT
 - ENCROACHMENT AGREEMENTS
 - BUILDING PERMIT (IF REQUIRED)
- ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, TRANSPORTATION, OPERATIONS AND ENVIRONMENT DEPARTMENT.
- 3 METRE BY 3 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.60 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET.
- SILTATION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO WORKS COMMENCING ON THE SITE AND SHALL BE MAINTAINED FOR THE DURATION OF CONSTRUCTION, TO THE SATISFACTION OF THE CITY.
- THE SUB-GRADE SOILS EXPOSED AFTER EXCAVATION SHALL BE INSPECTED AND CERTIFIED BY A QUALIFIED REGISTERED PROFESSIONAL SOILS ENGINEER AND A COPY OF THE REPORT SHALL BE FORWARDED TO THE CITY OF HAMILTON BUILDING DIVISION, WHERE THE FOOTING WILL BE SITUATED ON FILL MATERIAL, THE FOOTINGS SHALL BE DESIGNED AND APPROVED BY QUALIFIED REGISTERED PROFESSIONAL ENGINEER.
- ALL FILL PLACED ON THE SITE SHALL BE COMPACTED TO A MINIMUM OF 98% STANDARD PROCTOR DENSITY. A SUFFICIENT NUMBER OF TESTS SHALL BE TAKEN AT VARIOUS LEVELS SATISFACTORY TO THE DIRECTOR OF ENGINEERING. TEST RESULTS SHALL BE SENT TO THE CITY WITH A LETTER, SIGNED AND STAMPED BY THE SOILS ENGINEER, STATING THAT A SUFFICIENT NUMBER OF TESTS HAVE BEEN TAKEN AND THE MINIMUM DEGREE OF COMPACTION HAS BEEN REACHED.
- APPROVAL OF THIS DRAWING IS FOR MATERIAL ACCEPTABILITY AND COMPLIANCE WITH MUNICIPAL AND PROVINCIAL SPECIFICATIONS AND STANDARDS ONLY. APPROVAL AND INSPECTION BY THE CITY OF THE WORKS DOES NOT CERTIFY THE LINE AND GRADE OF THE WORKS AND IT IS THE OWNER'S RESPONSIBILITY TO HAVE THEIR ENGINEER CERTIFY THIS ACCORDINGLY.

UNDERTAKING

- RE: 193-201 WILSON STREET, File No. SPA-09-104
- I, (We) **ROLANCO NETWORK INC.**, the owner(s) of the land, hereby undertake and agree without reservation,
- to comply with all the content of this plan and drawing and not to vary therefrom;
 - to perform the facilities, works or matters mentioned in Section 41 (7)(a) of the Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated 2010;
 - to maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways; and,
 - in the event that the Owner does not comply with the plan dated 2010, the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.

Dated this _____ day of _____ 2010

Witness (signature) _____ Owner(s) (signature) _____ (seal)

Witness (print) _____ Owner (print) _____

Address of Witness _____

GARBAGE AND RECYCLING

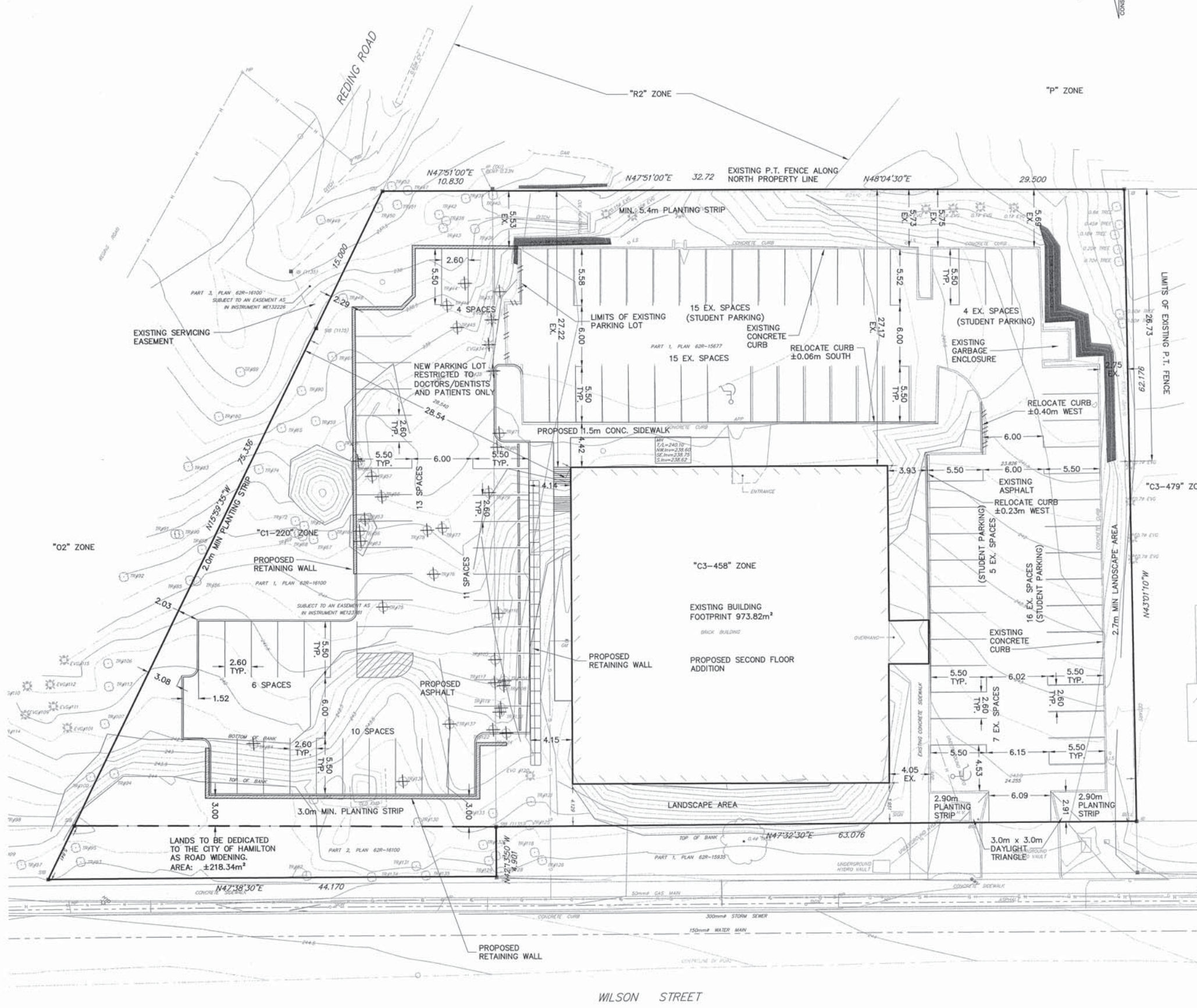
THIS PROPERTY IS INELIGIBLE FOR MUNICIPAL COLLECTION OF GARBAGE, RECYCLABLE MATERIAL AND LEAF AND YARD WASTE. COLLECTION OF GARBAGE, RECYCLABLE MATERIAL AND LEAF AND YARD WASTE MUST BE PROVIDED THROUGH A PRIVATE WASTE HAULER(S). RECYCLING IS STRONGLY ENCOURAGED. ALL WASTE TO BE STORED WITHIN THE PROPOSED BUILDING UNTIL REGULAR DAY OF WASTE COLLECTION.

LIGHTING NOTE

LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS. MUST PROVIDE "HOUSE SHIELDS" WHERE NEEDED, TO COMPLETELY ELIMINATE GLARE TO ADJACENT PROPERTIES.

NOTE:

ALL SIGNAGE MUST COMPLY WITH THE CITY OF HAMILTON SIGN BY-LAW No. 06-243.



- BEFORE STARTING WORK**
- THE CONTRACTOR SHALL NOTIFY THE CITY OF HAMILTON AND IBI GROUP AT LEAST 48 HOURS PRIOR TO COMMENCING CONSTRUCTION.
 - THE POSITION OF THE POLE LINES, CONDUITS, WATERMANS, SEWERS, AND OTHER UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.
 - PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, ALL BENCHMARKS, ELEVATIONS, DIMENSIONS, AND GRADES MUST BE CHECKED BY THE CONTRACTOR AND ANY DISCREPANCIES REPORTED TO THE ENGINEER.
 - ALL EXISTING UNDERGROUND UTILITIES WITHIN THE LIMITS OF CONSTRUCTION SHALL BE LOCATED, MARKED AND PROTECTED. ANY UTILITIES DAMAGED OR DISTURBED DURING CONSTRUCTION SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE ENGINEER, AT THE CONTRACTOR'S EXPENSE.
 - AT LEAST TWO DIFFERENT BENCHMARKS MUST BE REFERRED TO AT ALL TIMES.

- LEGEND**
- /// - PROPOSED REMOVAL
 - ⊗ - PROPOSED TREE REMOVAL

NOT FOR CONSTRUCTION

BENCHMARK - ELEVATION
750072

DEEP BENCHMARK IN MANHOLE AT ANCASTER MUNICIPAL BUILDING, ALONG WILSON STREET 0.8m WEST OF INTERSECTION WITH MOHAWK ROAD, IN FRONT LAWN 28.6m SOUTH OF CENTRE LINE OF WILSON STREET, 6.1m SOUTH OF MOST EASTERLY OF TWO FLAG POLES, 4.9m EAST OF NORTH EAST CORNER OF MOST NORTHERLY SECTION OF BUILDING, 2.4m NORTH OF BRICK PILLAR BETWEEN WINDOWS, AT ROAD LEVEL.

ELEVATION = 235.951m

SOURCE
TOPOGRAPHICAL AND SURVEY INFORMATION PROVIDED BY A.T. MCLAREN LIMITED, DRAWING No. 32844 DATED JULY 21, 2009.

No.	DATE	BY	REVISIONS	DATE
1	2010-11-17	JV	REVISED PER CITY COMMENTS	

DESIGN: J. MARCUS (CHKD), S. PONGRACZ (DATE: 2009-02-27)

DRAWN: J. MARCUS (CHKD), S. PONGRACZ

SCALE: 1:200

3 1 0 2 4 8
1:200 (m)

APPROVALS

APPROVED: _____

DATE: _____

(Seal of B. R. ENTER, Professional Engineer, Province of Ontario)

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CITY OF HAMILTON
SPA-09-104
193 & 201 WILSON STREET
TOWN OF ANCASTER
SITE PLAN AMENDMENT

IBI FILE No. 25127 SHEET No. SPA-1