



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: [morgan.evans@hamilton.ca](mailto:morgan.evans@hamilton.ca) or [scott.baldry@hamilton.ca](mailto:scott.baldry@hamilton.ca)

# **NOTICE OF PUBLIC HEARING** **Minor Variance**

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**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
  - Applicant/agent on file, or
  - Person likely to be interested in this application
- 

**APPLICATION NO.:** HM/A-20:34

**APPLICANTS:** Beenu Arya on behalf of the owner Drs Skincare c/o Rahul Shukla

**SUBJECT PROPERTY:** Municipal address **1662 Upper James St., City of Hamilton**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended by By-law17-240

**ZONING:** "C7" (Arterial Commercial) district

**PROPOSAL:** To permit the establishment of the existing legally established non-conforming medical clinic on the portion of the second-floor north side (existing 97 m<sup>2</sup> general office) of the existing building and provided five (5) new parking spaces at the rear of the existing building for the total required 19 parking spaces notwithstanding that;

1. The use of a medical clinic is not a permitted use in the zone; and 2. A minimum of 2.7 m in width by 5.4 m in length has been provided for the proposed five (5) new parking spaces at the rear of the existing building instead of the minimum required parking space size of 2.6 m in width by 5.5 m in length (existing regulation); and 3. A minimum of 2.7 m in width by 5.4 m in length has been provided for the proposed five (5) new parking spaces at the rear of the existing building instead of the minimum required parking space size of 3.0 m in width by 5.8 m in length (new regulation); and 4. A minimum of 3.6 m manoeuvring aisle width shall be provided for a 60° parking angle degree instead of the minimum required 5.5 m for a two-way aisle width; and 5. No barrier free parking space shall be provided on site instead of the minimum one (1) space designated barrier free for the required 1-49 parking spaces.

Note:

The applicant has requested a variance for reduced number of parking spaces to a minimum of 18 spaces to be provided on site instead of the total required of 19 spaces (being 13 parking spaces existing and the new required 6 for the 97 m<sup>2</sup> expansion, to be provided on site. Site Plan Sketch 3 shows a total of 19 parking spaces (after the street widening of 6' inwards from the original property line has been taken). Therefore, the requested variance for reduced number of parking spaces is not required; however, variances have been written for parking sizes for the new proposed parking at the rear of the existing building. Please note that the parking at the front is existing and therefore, LNC.

This Minor Variance Application is necessary to facilitate Building Permit Application # 19-147453.

This application will be heard by the Committee as shown below:

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**DATE:** Thursday, July 16<sup>th</sup>, 2020  
**TIME:** 1:25 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
**To be streamed at** [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
**for viewing purposes only**

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## **PUBLIC INPUT**

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

**Orally:** If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

## **MORE INFORMATION**

For more information on this matter, including access to drawings illustrating this request:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: June 30<sup>th</sup>, 2020.

*Original Signed*

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.***

BUILDING PERMIT APPLICATION # 19 147453 00 C9  
1662 UPPER JAMES - DR. RAHUL SHUKLA - DRS SKIN CLINIC

THIS PROPERTY IS ZONED ARTERIAL COMMERCIAL ZONING - C7  
ZONE IN HAMILTON ZONING BY LAW 05-200  
THE RECOGNIZED USE IS A LEGALLY ESTABLISHED NON-  
CONFIRMING MEDICAL OFFICE ON GROUND FLOOR AND SOUTHERN  
HALF OF 2ND FLOOR AND LEGALLY ESTABLISHED NON-  
CONFIRMING OFFICE IN NORTHERN HALF OF 2ND FLOOR  
NEW PROPERTY LINES  
IMAGE PROVIDED BY THE CITY OF HAMILTON - ZONING DEPARTMENT

THEREEFORE - ADDITIONAL PARKING SPACES ARE REQUIRED AT  
RATIO OF 1 FOR EACH 16 SQUARE METERS  
OF GROSS FLOOR AREA OF THE NORTHERN HALF OF 2ND FLOOR

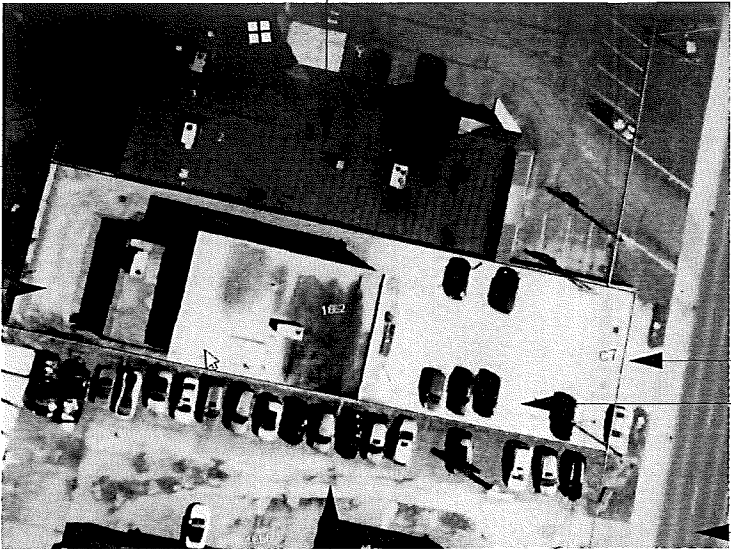
AN APPLICATION FOR REZONING IS BEING APPLIED TO THE  
COMMITTEE OF ADJUSTMENT TO ALLOW THE  
MEDICAL CLINIC ON THE 2ND HALF AND TO ADDRESS ANY PARKING  
REQUIRMENTS THAT CANNOT BE ACHIEVED

ADJACENT OCCUPANCY  
RESIDENTIAL  
PROPERTY

EXISTING  
WOOD  
FENCE

EXISTING  
BACK PARKING  
STAFF USE - 5  
SPOTS

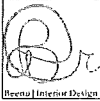
ADJACENT OCCUPANCY-  
NORTH  
MAC VARIETY STORE



EXISTING FRONT  
PARKING  
18 SPOTS

UPPER JAMES ST.

ADJACENT OCCUPANCY-  
SOUTH  
MAZDA CAR DEALERSHIP



REVISION TABLE		
NUMBER	DATE	REVISION BY DESCRIPTION

DRAWINGS PREPARED  
FOR MINOR VARIANCE  
FOR PARKING

CLIENT: DR. RAHUL SHUKLA  
1662 UPPER JAMES  
HAMILTON, ONTARIO

DRAWINGS PROVIDED BY:  
BEENU INTERIOR DESIGN  
257 HURON ST. 2ND FLOOR  
TORONTO, ONTARIO  
416.735.1313  
BEENU@BEENUINTERIORS.COM

DATE:

2020-01-20

SCALE:

AS NOTED

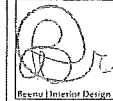
SHEET:

ID 01

SITE DETAILS

ITEM: ZONING BY LAW: HH Restricted Community Shopping & Commercial  
ITEM: PARKING REQ: 1 SPOT/19M2 (CO OF A APPROVAL) 18 PARKING SPACES  
USABLE FLOOR AREA: SITE: 296M2 (3186 SQ FEET)  
BUILDING HEIGHT: 17M (55.77') MAX. SITE 7.47M (19'-3")  
LOT WIDTH: 12M (39.37') SITE: 16.76M (55'-0"0)  
FRONT YARD: 12M MIN (39.37') SITE: 25.9M (85')  
REAR YARD: 6M (19.69') SITE: 8.6M (25'-3")  
SIDE YARD: 6M (19.69') SITE: 4.01M (13'-5") & 0.51M (1'-8")

Am/A 20:34  
Sketch 1



REVISION TABLE	NUMBER	DATE	REVISION BY	DESCRIPTION

DRAWINGS PREPARED  
FOR MINOR VARIANCE  
FOR PARKING

CLIENT: DR. RAHUL SHUKLA  
1662 UPPER JAMES  
HAMILTON, ONTARIO

DRAWINGS PROVIDED BY:  
BEENU INTERIORS DESIGN  
25TH EPPA ROAD #1416  
TORONTO, ONTARIO  
416.735.1313  
BEENU@BEENUINTERIORS.COM

DATE:

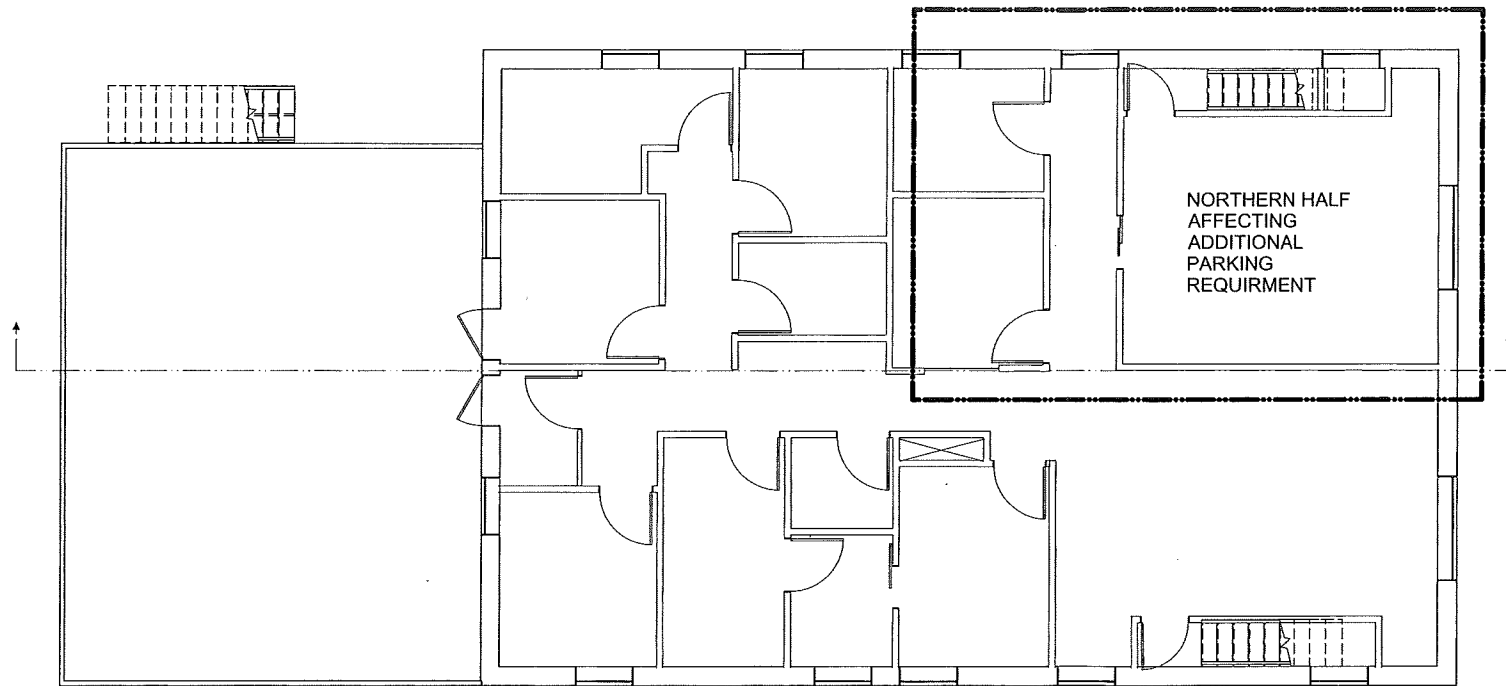
2020-01-20

SCALE:

AS NOTED

SHEET:

ID 02



CLIENT/OWNER: DR. RAHUL SHUKLA  
1662 UPPER JAMES HAMILTON  
647.290.8551  
EMAIL: RAHUL.SHUKLA@GMAIL.COM  
CONTACT: BEENU ARYA 416.735.1313  
BEENU@BEENUINTERIORS.COM

ZONING REVIEW:  
AS PER ZONING REVIEW OCTOBER 21, 2019  
SECTION 10.7 AND 5.6C OF HAMILTON ZONING BY LAW  
ZONING EXAMINER: CHRISTINE STRUPAT

THE PROPERTY IS ZONED ARTERIAL COMMERCIAL C7  
ZONE IN HAMILTON ZONING BY-LAW 05-200.  
THE RECOGNIZED USE IS A LEGALLY ESTABLISHED NON-CONFORMING  
MEDICAL OFFICE ON GROUND FLOOR AND  
SOUTHERN HALF OF 2ND FLOOR AND A LEGALLY ESTABLISHED NON-  
CONFORMING OFFICE IN THE NORTHERN HALF OF 2ND FLOOR

NEXT STEP:  
APPLICATION TO THE COMMITTEE OF ADJUSTMENT IS BEING APPLIED  
TO ALLOW THE MEDICAL CLINIC ON THE NORTHERN HALF OF 2ND FLOOR

ADDITIONAL PARKING SPACES REQUIRED AT RATIO OF 1 FOR EACH 16  
SQUARE METERS OF GROSS FLOOR AREA OF THE NORTHERN HALF OF  
2ND FLOOR

NATURE AND EXTEND OF RELIEF APPLIED FOR:  
EXPANSION OF LEGALLY ESTABLISHED NON-CONFORMING MEDICAL CLINIC  
INTO 97M2 OF BUILDING  
REQUIRE 6.06 SPACES-13 SPACES ARE REQUIRED FOR EXISTING  
18 SPACES ARE PROVIDED  
19 SPACES ARE REQUIRED

2ND FLOOR  
1662 UPPER JAMES

Hm/A 20:34  
Sketch 2



REVISION TABLE			
NUMBER	DATE	REVISION BY	DESCRIPTION

DRAWINGS PREPARED  
FOR MINOR VARIANCE  
FOR PARKING

CLIENT: DR. RAHUL SHUKLA  
1662 UPPER JAMES  
HAMILTON, ONTARIO

DRAWINGS PROVIDED BY:  
BEENU INTERIOR DESIGN  
257 HURONTARIO ST.  
TORONTO, ONTARIO  
416.735.1313  
BEENU@BEENUINTERIORS.COM

DATE:

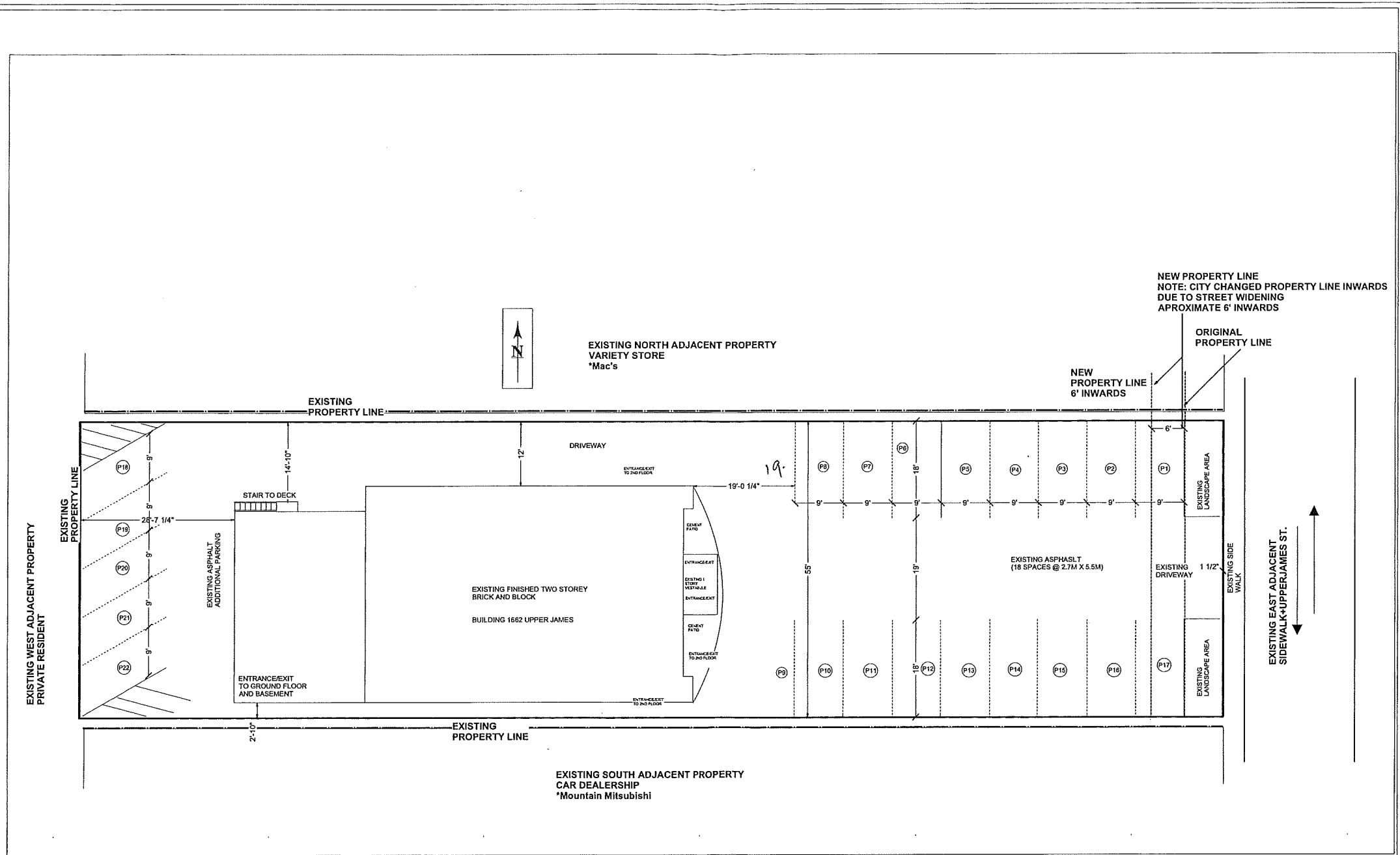
2020-01-20

SCALE:

AS NOTED

SHEET:

ID03

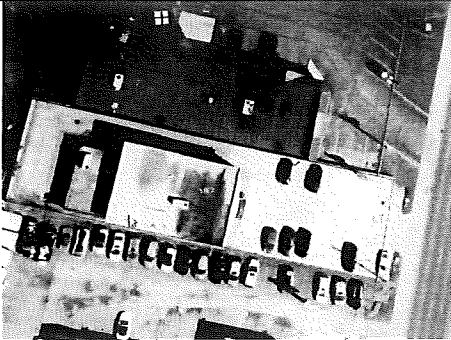


SITE PLAN  
1662 UPPER JAMES  
SCALE: 1/8=1'-0"

Hm/A 20.34  
Sketch 3

SITE DETAILS

ITEM: ZONING BY LAW:HH Restricted Community Shopping & Commercial  
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FOR PARKING

CLIENT: DR. RAHUL SHUKLA  
1662 UPPER JAMES  
HAMILTON, ONTARIO

DRAWINGS PROVIDED BY:  
BEENU INTERIOR DESIGN  
257 HURONTARIO ST.  
TORONTO, ONTARIO  
416.735.1313  
BEENU@BEENUINTERIORS.COM

DATE:

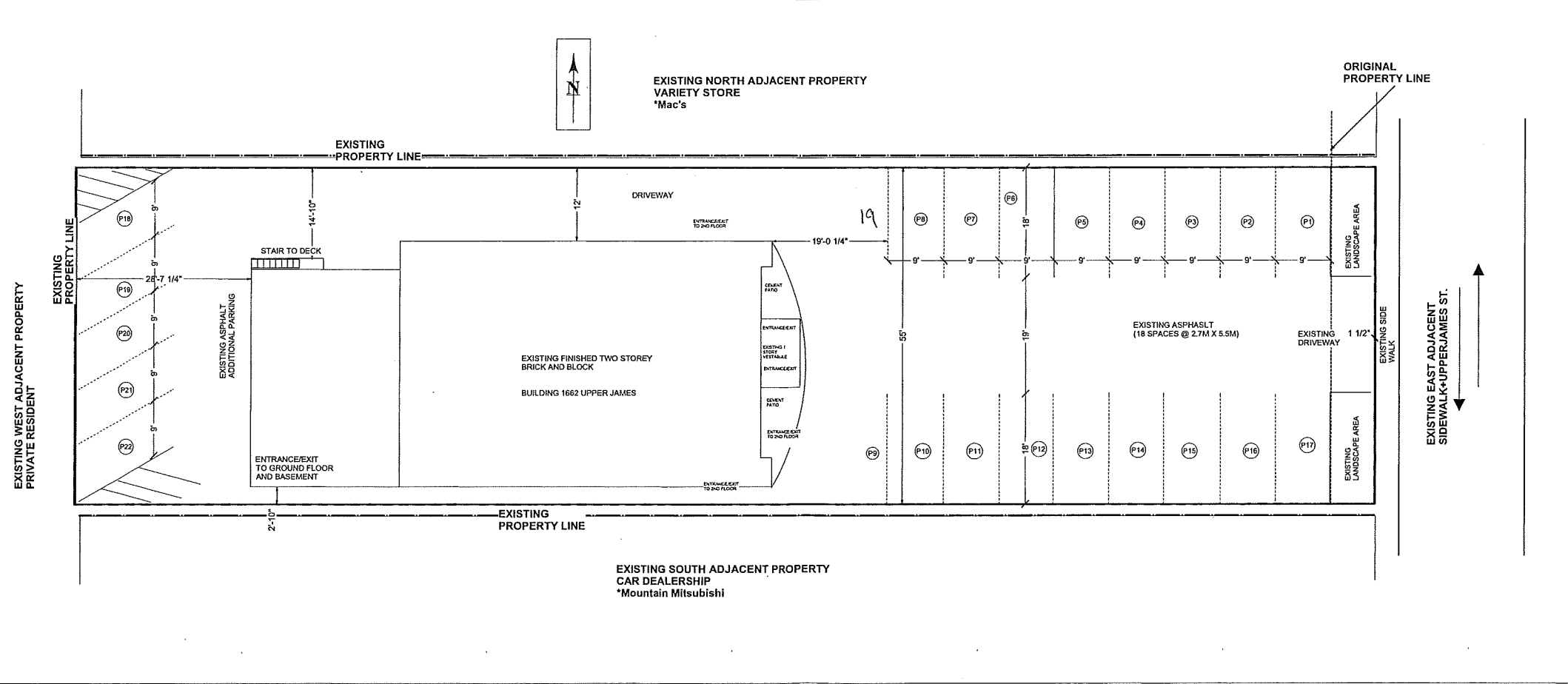
2020-01-20

SCALE:

AS NOTED

SHEET:

ID04



SITE PLAN  
1662 UPPER JAMES

Hm/A 20:34  
Sketch 4



Hamilton

Planning and Economic Development Department  
Planning Division

**Committee of Adjustment**  
City Hall  
5<sup>th</sup> floor 71 Main Street West  
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221  
Fax (905) 546-4202

PLEASE FILL OUT THE FOLLOWING PAGES AND  
RETURN TO THE CITY OF HAMILTON PLANNING  
DEPARTMENT.

**FOR OFFICE USE ONLY.**

APPLICATION NO. Hm/A-20:34 DATE APPLICATION RECEIVED Jan. 20/20

PAID \_\_\_\_\_ DATE APPLICATION DEEMED COMPLETE \_\_\_\_\_

SECRETARY'S  
SIGNATURE \_\_\_\_\_

**CITY OF HAMILTON  
COMMITTEE OF ADJUSTMENT  
HAMILTON, ONTARIO**

*The Planning Act*

**Application for Minor Variance or for Permission**

April 23 Hearing

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner R. RAHUL SHUKLA

2. \_\_\_\_\_

3. Name of Agent BEENU ARYA

4. \_\_\_\_\_

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

RBC Royal Postal Code \_\_\_\_\_  
100 King St. 8th Floor L8P 1A2  
HAMILTON Postal Code \_\_\_\_\_

Silvio CASELLI

6. Nature and extent of relief applied for:

Expansion of legally established non-conforming Medical clinic into 97m<sup>2</sup> of building. Requires 6.00 spaces 13 spaces are required for existing 18 spaces are provided and 19 spaces are required.

7. Why it is not possible to comply with the provisions of the By-law?

Existing Non-Conforming.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

1616 1662 Upper James  
Hamilton Ont L9B 1K5

9. PREVIOUS USE OF PROPERTY

Residential ☐ Industrial ☐ Commercial ☒

Agricultural ☐ Vacant ☐

Other ☐

9.1 If Industrial or Commercial, specify use

OFFICE

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes ☐ No ☒ Unknown ☐

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes ☐ No ☒ Unknown ☐

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes ☐ No ☒ Unknown ☐

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes ☐ No ☒ Unknown ☐

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes ☐ No ☒ Unknown ☐

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes ☐ No ☒ Unknown ☐

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes ☐ No ☒ Unknown ☐

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes ☐ No ☒ Unknown ☐



9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ☐ No ☒ Unknown ☐

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Client's Owners feedback of his  
knowledge

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ☐ No ☒

#### ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Dec 10, 2019  
Date

  
Signature Property Owner

John Smith  
Print Name of Owner

10. Dimensions of lands affected:

Frontage

12m 25.9m REAR - 8.6m

Depth

16.76m SIDE - 4.0m

Area

296 Sm

Width of street

N/A.

11. Particulars of all buildings and structures on or proposed for the subject lands:  
(Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed: \_\_\_\_\_  
none  
\_\_\_\_\_  
\_\_\_\_\_

12. Location of all buildings and structures on or proposed for the subject lands;  
(Specify distance from side, rear and front lot lines)

Existing: \_\_\_\_\_  
See attached  
\_\_\_\_\_  
\_\_\_\_\_

Proposed: \_\_\_\_\_  
None.  
\_\_\_\_\_  
\_\_\_\_\_

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:

2016 2020

15. Existing uses of the subject property: medical offices/clinic

16. Existing uses of abutting properties: Auto dealership - Left - South  
Variety Store Right - North

17. Length of time the existing uses of the subject property have continued:

Since 2016

18. Municipal services available: (check the appropriate space or spaces)

Water ☒ Connected ☒

Sanitary Sewer ☒ Connected ☒

Storm Sewers ☒

19. Present Official Plan/Secondary Plan provisions applying to the land:

C7 District

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

C7 District

21. Has the owner previously applied for relief in respect of the subject property?

Yes

No

If the answer is yes, describe briefly.

Previous owner in 2011 made an appeal  
Application # HMA-11-216  
Submission # A215/11

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes

No

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

**NOTE:** It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.