

## **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.:** AN/A-20:100

**APPLICANTS:** Fothergill Planning & Development on behalf of the owner  
Ancaster Christian Reformed Church c/o Jim Bezemer

**SUBJECT PROPERTY:** Municipal address **70 Garner Rd. E. (Ancaster)**

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

**ZONING:** "I3,39 and H37" (Major Institutional) district

**PROPOSAL:** To permit the construction a one storey front yard addition having an area of 58.0m<sup>2</sup> as well as to permit the construction of a one storey westerly side 871.0m<sup>2</sup> addition to the existing place of worship as per Site Plan application SPA-20-010, notwithstanding that;

1. A minimum westerly side yard of 6.2m shall be permitted instead of the minimum 7.0m side yard required.
2. A minimum of 157 parking spaces shall be permitted instead of the minimum 236 parking spaces required.

Notes: These variances are required to facilitate Site Plan Control application SPA-20-010.

The submitted plan is illegible; therefore, the applicant shall ensure that the proposal conforms to all the regulations of the Hamilton Zoning By-law 05-200 (i.e. building height, landscaping, parking space sizes, etc.). The variances are written as requested.

The lands are subject to holding provision "H37", which stipulates specific regulations applicable to site alterations for lands that are zoned Major Institutional (I3). In addition, the "H" provision shall be removed from the lands through amendment to the by-law per Section 2.4 d) of the Hamilton Zoning By-law 05-200.

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

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**DATE:** Thursday, July 23rd, 2020  
**TIME:** 1:15 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)

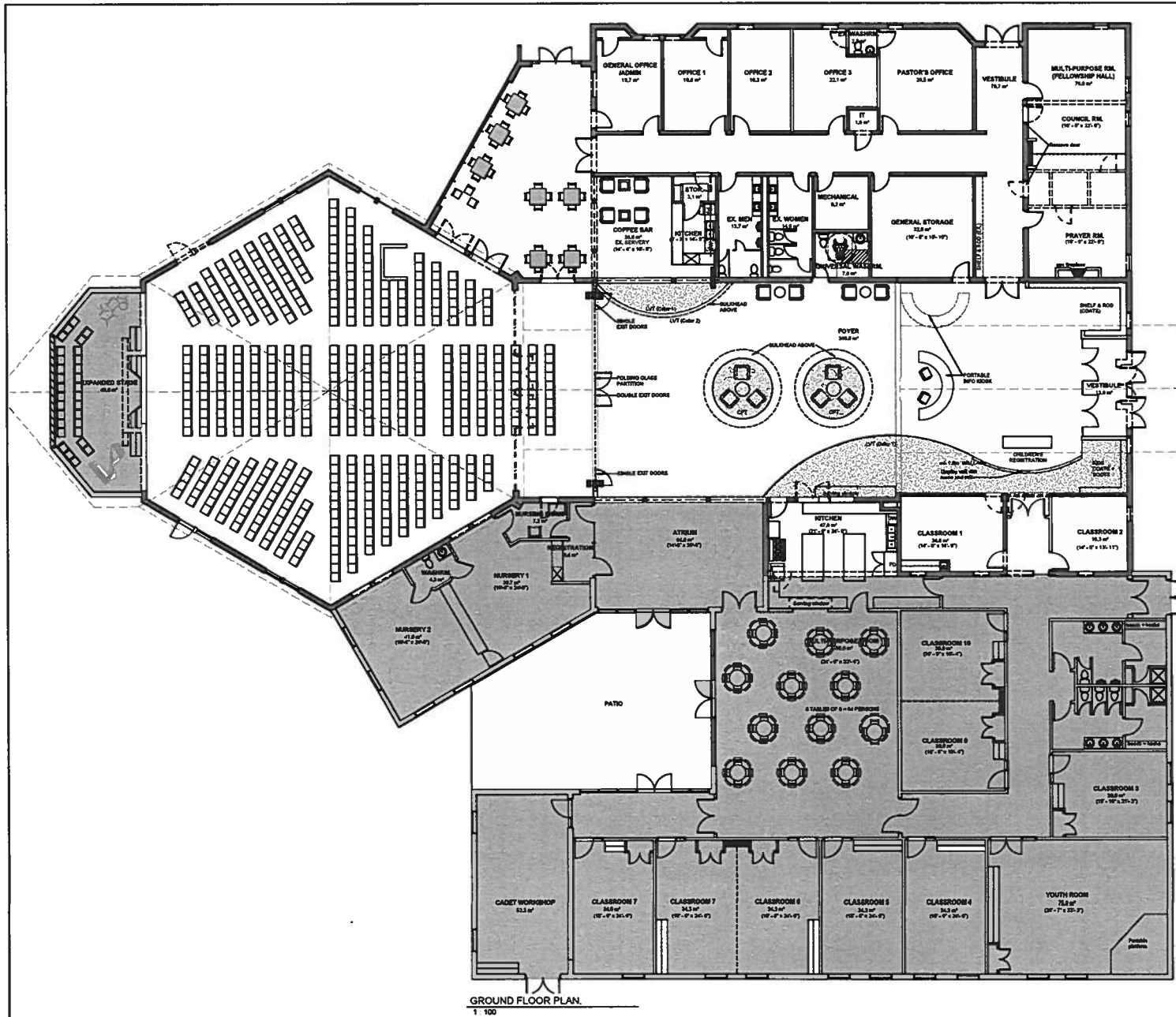
DATED: July 7th, 2020.

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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.***





**FLOOR PLAN LEGEND**  
1:100

EXTERIOR WALL  
 STUD WALL WITH SOUND BATT  
 CONCRETE BLOCK  
 WALL TYPE TAG  
 WINDOW TYPE TAG  
 DOOR TYPE TAG

**REVISIONS & SCALE NOTES:**  
 CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH THE WORK.  
 DO NOT SCALE THE DRAWING. ANY DISCREPANCY OBSERVED SHOULD BE  
 REPORTED TO THE DESIGNER IMMEDIATELY.  
 COPYRIGHT © 2014 BY DICKINSON + HICKS ARCHITECTS INC.  
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 IT WAS PREPARED WITHOUT THE EXPRESS CONSENT OF DICKINSON + HICKS  
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NO.	DATE	DESCRIPTION
1	APRIL 16, 2014	PRELIMINARY SPA SUBMISSION
2	DEC. 10, 2015	DATE

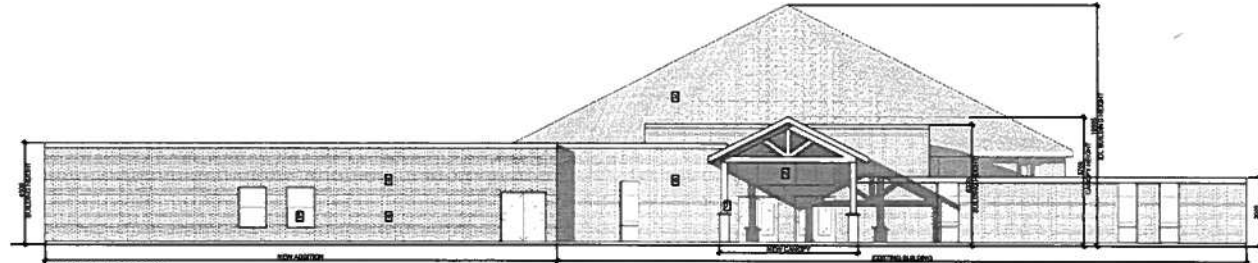
**DICKINSON + HICKS**  
 ARCHITECTS INC.  
 45 MILL STREET, ORANGEVILLE, ON L9M 2M4  
 TEL: (519) 941-0912 FAX: (519) 941-0142

**PROJECT:** ANCASTER CHRISTIAN REFORMED CHURCH  
**Location:** 70 Garner Rd E, Ancaster, Ontario

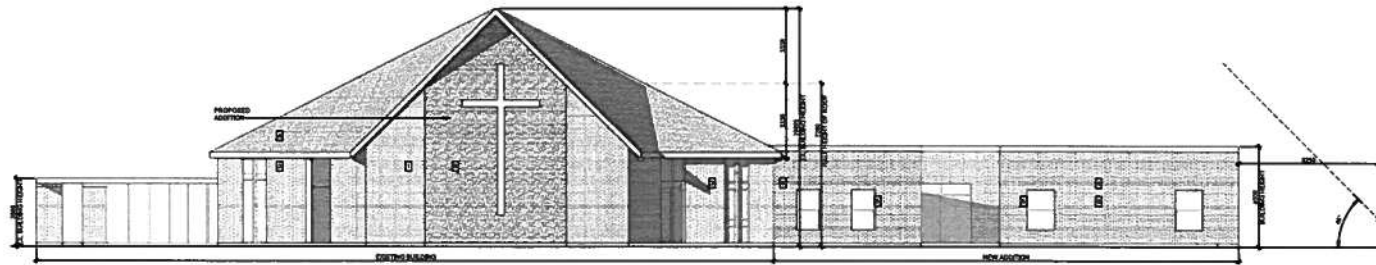
**SHEET TITLE:** GROUND FLOOR PLAN

DATE	BY	REVISION
15-122	NOV 2014	SLW
1501	1501	1501
2020-04-16 11:16:12 AM		

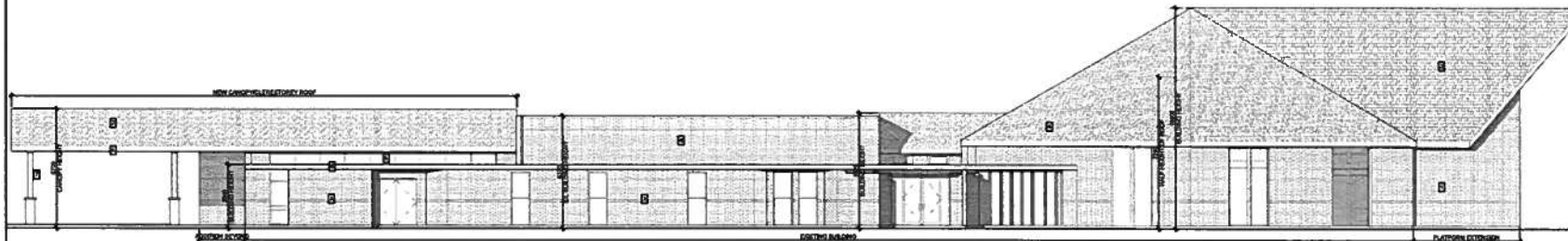
**A2.1**



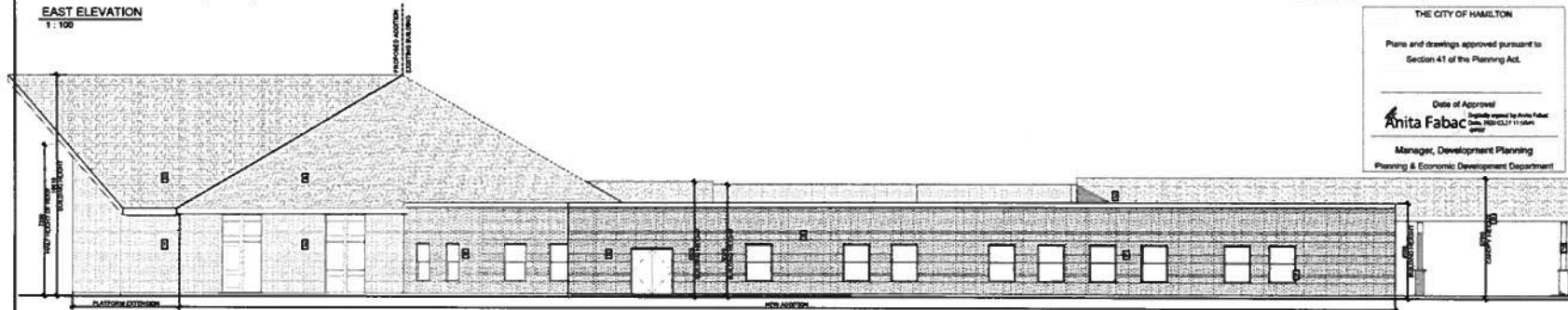
SOUTH ELEVATION  
1:100



NORTH ELEVATION  
1:100



EAST ELEVATION  
1:100



WEST ELEVATION  
1:100

- 1 BRICK VENEER (KEY)
- 2 ASPHALT ROOF SHINGLES TO MATCH EXISTING
- 3 SL. BRICK (200)
- 4 EXISTING ASPHALT ROOF SHINGLES
- 5 ALUMINUM FRAME WINDOWS COLOUR: SATIN (EXISTING)
- 6 PRE-FINISHED ALUMINUM BUTTERFLY (FRAMING & LEADERS) COLOUR: T.S.B. BY OWNER
- 7 STEEL POST ORN. PRE-FINISHED WOOD BY (BOISFELLOUX) WRAP, SEE DETAILS S&S & SRS FOR MORE INFORMATION. COLOUR: T.S.B. BY OWNER
- 8 NATURAL STONE VENEER
- 9 GRAY CONCRETE BLOCK

**MATERIAL LIST (ELEVATIONS)**  
1:50

DISCLAIMER & SCALE NOTES:  
CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH THE WORK.  
DO NOT SCALE THIS DRAWING. ANY DISCREPANCY OBSERVED SHOULD BE REPORTED IMMEDIATELY TO DICKINSON + HICKS ARCHITECTS INC.  
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Rev.	Description	Date
3	SPA REVISION	APR 14, 2020
1	PRELIMINARY SPA SUBMISSION	DEC 15, 2019

**DICKINSON + HICKS**  
ARCHITECTS INC.  
40 MILL STREET, ORANGEVILLE, ON L9W 2M4  
TEL: (519) 941-0912 FAX: (519) 941-9142

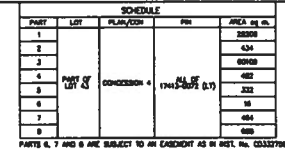
CORRIGENDUM

PROJECT: **ABRAHAM CHRISTIAN REFORMED CHURCH**  
70 Garner Rd E Ontario

SHEET TITLE: **ELEVATIONS**

18-122  
NOV 2018  
MAN  
MAY  
As indicated  
2020-06-16 11:32:28 AM  
A5.1

THE CITY OF HAMILTON  
Plans and drawings approved pursuant to  
Section 41 of the Planning Act.  
Date of Approval  
Anita Fabac  
Manager, Development Planning  
Planning & Economic Development Department



Representative for the  
Land Register for the  
Land Titles Division of  
Westworth (No.62)

J.D. BARNES LIMITED  
METRIC. DIMENSIONS AND ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN  
METERS. DIMENSIONS CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.  
THE DIMENSIONED PLAN SIZE OF THIS PLAN IS 315mm IN WIDTH BY 600mm IN HEIGHT  
WHEN PLOTTED AT A SCALE OF 1:1000

DISTANCES ARE GIVEN IN METERS AND CAN BE CONVERTED TO KILOMETERS BY MULTIPLYING BY THE CONVERSION FACTOR OF 0.0010936.

INTEGRATION DATA		
OBSERVED REFERENCE POINTS (OBS-#) UTM ZONE 17, MAGNETIC CORRECTION (MAG-COR), COORDINATES TO URBAN ACCURACY PER SECTION 14 (X) OF QUES 294.68		
POINT ID	EASTING	NORTHING
OBS (A)	583 106.08	4 763 477.83
OBS (B)	583 680.71	4 763 794.86

COORDINATES CANNOT BE USED TO RE-ESTABLISH  
CORNER OF POLYGRAPH

Q DODGEC SURVEY MOUNTAIN FOUND  
Q DODGEC SURVEY MOUNTAIN SET  
Q DODGEC STANDARD HIGH BAR  
128 DODGEC HIGH STANDARD HIGH BAR  
129 DODGEC HIGH BAR  
P6 DODGEC PLASTIC BAR  
BT DODGEC STRIPS  
MEAS DODGEC MEASURES  
J6 DODGEC J.G. BARRIES (UNITED)  
SURVEYORS REAL PROPERTY REPORT BY J.G. BARRIES L.L.C.  
ON 12/20/2008 12PM, 2008, REF # 14-30-00-02-4  
PLAN 3-21-0000  
PLAN 3-21-0000  
P1 DODGEC  
DODGEC

ALL SET SRS AND PS MONUMENTS BEING USED DUE TO LACK OF OVERBURDEN  
AND/OR PROBABILITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH  
SECTION 11 (4) OF O.M.C. 823/94.

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TILES ACT AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON NOVEMBER 21, 2008.

NOVEMBER 22, 2008  
DATE

  
GARY PERDOMO  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 3373680





**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. \_\_\_\_\_ DATE APPLICATION RECEIVED \_\_\_\_\_**

**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**

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 Ancaster Christian Reformed Church

2.

3. Name of Agent Ed Fothergill Telephone \_\_\_\_\_

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:

None

Postal Code \_\_\_\_\_

Postal Code \_\_\_\_\_

6. Nature and extent of relief applied for:

1) Reduced westerly side yard setback of 6.2 metres instead of required 7.0 metres

2) Provision of 157 parking spaces instead of required 237 spaces.

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

See attached.

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

Part 1, Plan 62R-21033

70 Garner Road East

9. PREVIOUS USE OF PROPERTY

Residential ☐ Industrial ☐ Commercial ☐

Agricultural ☒ Vacant ☐

Other

9.1 If Industrial or Commercial, specify use

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?

Owner \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

Date Apr 7/2020

  
Signature Property Owner  
Fred Bennink on behalf of  
Ancaster Christian Reformed Church  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 83.79 m  
Depth 287.82 m  
Area 2.81 ha  
Width of street \_\_\_\_\_

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: Place of worship - see attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Proposed: Expansion of existing building - see attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: See attached.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Date of acquisition of subject lands:  
approx. 1986 and 2004
14. Date of construction of all buildings and structures on subject lands:  
1986
15. Existing uses of the subject property: Place of worship
16. Existing uses of abutting properties: Residential, Agricultural, Commercial,  
Funeral Home (pending)
17. Length of time the existing uses of the subject property have continued:  
1986
18. Municipal services available: (check the appropriate space or spaces)  
Water x Connected x  
Sanitary Sewer x Connected x  
Storm Sewers \_\_\_\_\_
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Institutional - Site Specific Policy - Area B
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Major Institutional - I3 (H37) 39
21. Has the owner previously applied for relief in respect of the subject property?  
Yes \_\_\_\_\_ No x  
If the answer is yes, describe briefly.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
Yes \_\_\_\_\_ No x
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.

April 16, 2020

Jamila Sheffield, Secretary Treasurer  
Committee of Adjustment  
City of Hamilton  
71 Main St. W.  
Hamilton, ON L8P 4Y5

Dear Jamila:

**Re: Application for Minor Variance  
Ancaster Christian Reformed Church  
70 Garner Road East**

Please accept this letter and attached documentation as an application for two minor variances to facilitate the implementation of site plan approval which was conditionally approved March 27, 2020 under file SPA-20-010 to permit the expansion of an existing place of worship to add activity space on the west side of the building and a small addition to a stage area at the north part of the building. The existing seating capacity of the sanctuary area will not change.

The variances requested include:

1. Reduction in the westerly side yard setback to 6.2 metres instead of the required 7.0 metres.
2. The provision of 159 parking spaces instead of the by-law requirement of 237 spaces.

Attached with this application please find enclosed the following:

- Two (2) copies of completed application form including one original;
- Cheque made payable to City of Hamilton in the amount of **\$3302.00**;
- Cheque made payable to Grand River Conservation Authority in the amount of **\$270.00**;
- Two (2) large prints and one reduced copy of Reference Plan 62R-21033;
- Two (2) large copies and one reduced copy of site plan and elevation drawings dated April 16 prepared by Dickinson & Hicks Architects Inc.

- Copy of comments from staff dated March 5, 2020 regarding Site Plan Application SPA-20-010 noting that it is good to see lower than required parking; and,
- A parking survey prepared by Ancaster Christian Reformed Church.

### **Side Yard Setback**

It is my opinion that the requested side yard reduction of 0.8 metres is minor in nature and maintains the general purpose and intent of the Official Plan and Zoning By-law and is desirable for the appropriate development of the land for the following reasons:

1. The amount of the reduction of 6.2 from 7.0 represents a mathematically small reduction.
2. The depth of the building is only 27% of the depth of the side yard, thus minimizing any potential impact on the abutting property. By comparison, the current zoning by-law regulations would permit a building addition approximately four times the depth of the proposed expansion at a distance of 7.0 metres from the westerly side lot line.
3. The requirement for a 7 metre setback is in part based upon the by-law permission of building height of 18 metres. In this case, the building at 4.5 metres in height is significantly less than the by-law permits, thus reducing the potential impact on the abutting property over that currently permitted.
4. The building height of 4.5 metres at a distance of 6.2 metres for the westerly property line is well within the standard 45 degree angle of plane measurement used to assess compatibility.
5. The abutting uses to the west are residential, agriculture and commercial in nature and there are no buildings or activity areas which would be directly affected by a reduction of the setback by 0.8 metres.
6. The proposed variance is desirable for the appropriate use of the land as it will allow for the proper use of the activity space within the building. Having to comply with the by-law requirement of 7 metres would reduce the usable area within the proposed programming space which in turn would have a negative impact on the functionality of that space and detract from the reasonable use of the extension by the proponent.
7. With the extension being located 50 metres from the property line and approximately 60 metres from any future public sidewalk, the reduction of the setback will not have any impact and will likely not be noticed from the closest point of a public viewshed on Garner Road.
8. The setback of 6.2 metres is desirable for the appropriate development of the land in that it still allows sufficient area for landscape plantings as required.

### **Parking**

The site currently provides 190 parking spaces for use by the church. Of that amount, the church uses a maximum of 125 spaces on any given Sunday. Attached with this letter is an inventory provided by the church for the period of January 19, 2020 to March 1, 2020, which documents an average use of 109 spaces and a maximum usage of 122 spaces.

With the proposed development, 53 spaces are being removed and 22 spaces are being added, bringing the new total of parking spaces on the site to 159. This is a surplus of 34 spaces beyond the peak weekly demand of 125 vehicles.

In my opinion, the 159 spaces are appropriate for the site and meet the tests of the requirements for a minor variance being minor, maintaining the general purpose and intent of the Official Plan and Zoning By-law and desirable for the appropriate development of the land for the following reasons:

1. The existing by-law requirements of 237 spaces is based on a standard which does not properly represent the intensity or nature of the use on the site. While the former Town of Ancaster by-law was based on occupancy of the sanctuary building, the current by-law is based on total gross floor area of the building.

In this case, the proposed addition will accommodate program and activity space which will be used by those attending the church service in the sanctuary portion of the building, who have been included in the inventory of vehicle usage as documented over the past few months. The activity space is also used at times during the week. However, during those times the sanctuary itself is not used.

The increase in available space does not increase the number of vehicles traveling to the church on Sunday. Therefore, the increase in floor space, which theoretically increases the need for additional spaces according to the by-law, does not create any increase in the need for additional parking spaces.

2. The existing by-law requires an additional 78 spaces to be provided. The estimated cost for the additional 78 spaces is approximately \$170,000. This is an unrealistic and onerous expense for a church for spaces that are not required and will not be used.

3. The creation of 78 additional parking spaces will increase the paved impervious area of the site. This in turn will increase runoff which is not desired, particularly in this area which is not serviced by municipal storm sewers.

4. In staff comments responding to the site plan application SPA-20-010, there was a comment which noted that *"it is good to see lower than required parking"*. A copy of that comment is included with this submission.

5. In the processing of an application for official plan amendment and rezoning to allow for a funeral home use by Arbor Memorial on lands immediately to the east, one of the conditions of approval was to enter into a shared parking arrangement and establish formal easements with the church to allow reciprocal access and parking rights.



The Arbor proposal would not have been approved had this condition, mandated by the City, not been implemented. In order to implement the City requirement, the two owners have entered into a reciprocal parking arrangement by way of an application to this Committee of Adjustment, which was approved, allowing rights of way over properties for the purposes of pedestrian and vehicular access. This arrangement provides for access for those attending services and events at Ancaster Christian Reformed Church to an additional 208 spaces on the Arbor site on top of the excess of 34 spaces that are available on any given Sunday.

For these reasons, it is my opinion that the by-law requirement for parking spaces is excessive because of the flawed nature of the underlying assumptions and its implementation represents a significant cost for construction of parking spaces which are not required and will not be used. Further, with the approval of this application, the church will have an excess of at least 34 spaces on every Sunday even as well as access to 208 spaces on the Arbor property, should a greater need ever arise.

We look forward to this matter being considered by the Committee.

Sincerely,

**FOTHERGILL PLANNING & DEVELOPMENT INC.**



E.J. Fothergill, MCIP, RPP  
President

cc. Fred Bennink  
Jason DeBoer  
Mark Hicks  
Councillor Lloyd Ferguson  
Melanie Schneider  
Jerry Roberts  
Gary Rogerson  
Cosimo Casale  
Ron Carlton