

NOTICE OF PUBLIC HEARING **Minor Variance**

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.: SC/A-20:91

APPLICANTS: Owner: 2354538 Ontario Inc.
Agent: Ed Fothergill

SUBJECT PROPERTY: Municipal address **267 Upper Centennial Pkwy.,
Stoney Creek**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 17-240

ZONING: C7, 315 and H83 (Arterial Commercial (C7)) district

PROPOSAL: To permit the construction of a commercial shopping centre in order to facilitate Site Plan File No. DA-19-101 notwithstanding that:

1. A maximum front yard setback shall not be required instead of the maximum required 6.0m front yard.
2. A maximum building setback shall not be required from the Mud Street West street line, the Upper Centennial Parkway street line and the street line at the hypotenuse of the daylight triangle at the corner of Mud Street West and Upper Centennial Parkway instead of the maximum building setback of 6.0m.
3. A landscape/planting strip having a minimum width of 1.2m shall be provided adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone, except for points of ingress and egress, instead of the requirement that a landscape strip having a minimum width of 3.0 shall be provided adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone.
4. A planting strip having a minimum width of 1.2m shall be provided adjacent to the northerly rear lot line abutting a Residential (R1) zone, except for points of ingress and egress, instead of the requirement that Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained
5. A minimum 1.2m planting strip shall be provided along the north rear lot line abutting a Residential (R1) zone, except for points of ingress and egress, instead of the requirement that for a Motor Vehicle Gas Bar, a minimum 3.0m planting strip shall be required abutting a Residential Zone or Institutional zone lot line, except for points of ingress and egress.

6. No visual barrier shall be required along the entire northerly rear lot line abutting the Residential "R1" zone instead of the requirement that a visual barrier shall be required along any lot line abutting a Residential Zone or Institutional Zone property line in accordance with the requirements of Section 4.19 of Hamilton Zoning By-law No. 05-200.
7. No visual barrier shall be required along the entire northerly rear lot line abutting the Residential "R1" zone instead of the requirement where a parking lot is situated on a lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown D5 or Downtown D6 Zone, a visual barrier shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown D5 Zone or Downtown D6 Zone in accordance with Section 4.19 of Hamilton Zoning By-law No. 05-200.
8. A loading space shall not be required to be screened from view by a visual barrier instead of the requirement that a loading space shall be screened from view by a Visual Barrier in accordance with Section 4.19 of Hamilton Zoning By-law No. 05-200.
9. No maximum gross floor area shall be provided for accessory Retail uses to a Motor Vehicle Gas Bar instead of the maximum permitted gross floor area of 175m² for accessory Retail uses to a Motor Vehicle Gas Bar.
10. No short term bicycle parking spaces shall be provided for the Car Wash building and Buildings CRU 3 (285 Upper Centennial Pkwy) and CRU 8 (263 Upper Centennial Pkwy) and a minimum five (5) short term bicycle parking spaces shall be provided for each of Buildings CRU 1 (267 Upper Centennial Pkwy), CRU 4/5 (293 Upper Centennial Pkwy) and CRU 6 (277 Upper Centennial Pkwy) instead of the short term bicycle parking spaces as required by the bicycle parking regulations of Section 5.7 c) of Hamilton Zoning By-law No. 05-200.
11. The drive-through facility stacking lanes for CRU 4/5 (293 Upper Centennial Pkwy) shall be permitted to be located between the streets and the building instead of the requirement that no drive-through facility stacking lane shall be permitted between the street and the building, except where other buildings on the same lot occupy the space between the drive-through facility and a street.
12. A minimum 1.2m planting strip shall be provided along the north rear lot line abutting the "R1" zone, except for points of ingress and egress, instead of the requirement where a landscaped area occupies the space between a Drive-Through Facility and a Residential Zone or an Institutional Zone property line a minimum 3.0 metre planting strip shall be provided and maintained along that portion of the lot line that abuts a Residential Zone or Institutional Zone property line or lot containing a residential use.
13. No visual barrier shall be required along the entire northerly rear lot line abutting the Residential "R1" zone instead of the requirement that where a landscaped area occupies the space between a Drive-Through Facility and a Residential Zone or an Institutional Zone property line, in addition to Section 4.19, a minimum 1.8 metre solid visual barrier shall be provided and maintained along that portion of the property line that abuts Residential Zone or Institutional Zone property line or a lot containing a residential use.
14. The outdoor commercial patios for CRU 2 (279 Upper Centennial Pkwy) and CRU 7 (Upper Centennial Pkwy) shall be permitted in all yards instead of the requirement where only the rear lot line abuts a Residential Zone, Downtown D5 or Downtown D6 Zone or the lot is separated from the Residential Zone, Downtown D5 or Downtown D6 Zone by a laneway, an outdoor patio shall be permitted in the front yard.

NOTE:

- i) This development also includes lands known municipally as 14 Mud Street West and 297 – 363 Upper Centennial Pkwy.
- ii) The variance are necessary to facilitate Site Plan File No. DA-19-101.
- iii) No short-term bicycle parking spaces are required for Buildings CRU 2 (279 Upper Centennial Pkwy) and CRU 7 (275 Upper Centennial Pkwy) as they are intended to contain Restaurants and have a gross floor area less than 450m2.

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

DATE: Thursday, August 6th, 2020
TIME: 1:40 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment for viewing purposes only

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
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 21st, 2020

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.

20.157390



Hamilton

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Planning and Economic Development Department
Planning Division

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. <u>SC/A-20:91</u>	DATE APPLICATION RECEIVED <u>Mar. 8/20</u>
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 2354538 ONTARIO INC. Telephone No.

3. Name of Agent ED FOTHERGILL, FOTHERGILL PLANNING & DEVELOPMENT INC. Telephone No.

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:
NO MORTGAGES

Postal Code _____
BELL EASEMENT - FOR FUTURE ACCESS

5099 CREEKBANK ROAD, BUILDING D, FLOOR 6 Postal Code L4W 5N2

MISSISSAUGA, ON

6. Nature and extent of relief applied for:

SEE ATTACHED SUMMARY.

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

VARIANCES ARE REQUIRED TO SATISFY CONDITIONS OF SITE PLAN APPROVAL

FILE DA-19-101

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

267 UPPER CENTENNIAL PARKWAY

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

9.1 If Industrial or Commercial, specify use

RESTAURANT

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 GAS STATION TO SOUTH

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

Yes No Unknown GAS STATION TO SOUTH

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 TERRAPURE

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 x 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.

March 12 / 20
Date



Signature Property Owner

JOHN SAVIDIS

Print Name of Owner

10. Dimensions of lands affected:

Frontage 96.79 m (Mud Street)
Depth 196 m
Area 1.67 ha
Width of street UNKNOWN

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: NONE

Proposed: SEE ATTACHED SITE PLAN

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

Existing: NONE

Proposed: SEE ATTACHED SITE PLAN



**Application for Minor Variance
267 Upper Centennial Parkway**

List of Variances

The requested variances to satisfy Condition 10 of Site Plan Application DA-19-101 include the following:

- A 1.8 metre landscape strip shall be provided on the north side yard, west of the access driveway abutting the Residential "R1" Zone and Neighbourhood Development "ND" Zone whereas Section d) vi) of the site specific (C7, 315) Zone of Zoning By-law 05-200 requires a 3.0 metre landscape strip.
- A 1.8 metre planting strip shall be provided on the north side yard, west of the access driveway abutting the Residential "R1" Zone whereas Section 10.7.4c) of Zoning By-law No. 05-200 requires a 3.0 metre planting strip abutting any Residential Zone or Institutional Zone.
- The drive-through facility stacking lane for CRU4/5 (293 Upper Centennial Parkway Unit 1 and 2) shall be permitted between the street and the building whereas Section 4.25c) of Zoning By-law 05-200 does not permit a drive-through stacking lane between the street and building.
- The outdoor commercial patios for building CRU2 and building CRU7 shall be permitted outside of the front yard whereas Section 4.20c)ii) of Zoning By-law 05-200 requires a commercial patio to be located in the front yard.

FPD

FOTHERGILL PLANNING & DEVELOPMENT INC.

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

March 13, 2020

Scott Baldry, Secretary Treasurer
Committee of Adjustment
Planning & Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

Dear Scott:

Re: Application for Minor Variance
267 Upper Centennial Parkway - Mr. John Savidis

Please find enclosed an application for a minor variance to implement conditions of a site plan application which was approved February 26, 2020 under File DA-19-101. The variances requested reflect those outlined in Special Condition 10 of the site plan approval and are attached with the application.

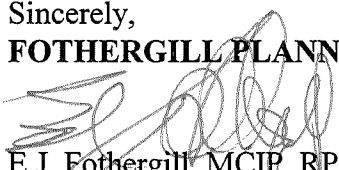
Attached with the application, please find enclosed the following:

1. Two (2) completed copies of the application form, including one with original signature with attached summary of requested variances and site plan drawing.
2. Cheque made payable to the City of Hamilton in the amount of **\$3302.00**.
3. Two (2) large copies of approved site plan drawing prepared by Sam Esposito Architects Inc. dated March 9, 2020.
4. Reduced copies of site plan drawing.

We look forward to the application being brought forward to the first available meeting of the Committee of Adjustment.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.


E.J. Fothergill, MCIP, RPP
President

cc. John Savidis, Marko Juricic, Sam Esposito, Jeniffer Milburn