

## **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
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**APPLICATION NO.:** SC/A-20:158

**APPLICANTS:** IBI Group c/o J. Marcus on behalf of the owner 1970752 Ontario Inc.

**SUBJECT PROPERTY:** Municipal address **102 King St. W., Stoney Creek**

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

**ZONING:** "C3, 579" (Community Commercial) district

**PROPOSAL:** To permit the construction of a new two (2) storey, mixed use building on the proposed property identified as Property 'A', a new one (1) storey addition to the existing commercial building on the property identified as Property 'B', and create a shared parking area throughout the development in accordance with Site Plan Control Application DA-18-085 notwithstanding that:

Property 'A'

Variances to Former Stoney Creek Zoning By-law 3692-92:

1. A minimum front yard setback of 4.3m shall be provided instead of the minimum required front yard setback of 9.0m;

Variances to Hamilton Zoning By-law (Prior to By-law 17-240):

1. No parking spaces shall be required for an Office use being less than 450.0m<sup>2</sup> whereas the by-law requires parking to be provided at a rate of one (1) space for each 30.0m<sup>2</sup> of gross floor area.
2. No parking spaces shall be required for a Personal Service use being less than 450.0m<sup>2</sup> whereas the By-law requires parking to be provided at a rate of one (1) space for each 16.0m<sup>2</sup> of gross floor area.
3. No parking spaces shall be required for a Retail use being less than 450.0m<sup>2</sup> whereas the By-law requires parking to be provided at a rate of one (1) space for each 20.0m<sup>2</sup> of gross floor area.

Variances to Hamilton Zoning By-law 05-200:

1. The residential component of the building shall occupy a maximum of 58% of the buildings total gross floor area whereas the by-law permits dwelling units to occupy a maximum of 50% of the buildings total gross floor area.

2. No visual barrier shall be provided along the westerly side lot line abutting a residential use.
3. A maximum gross floor area for an individual commercial establishment shall be 794.0m<sup>2</sup> instead of the maximum permitted area of 500.0m<sup>2</sup> for an individual commercial establishment.
4. A maximum of six (6) parking spaces shall be 2.6m in width and 5.8m in length and shall be dedicated as being for small vehicles whereas the by-law requires a minimum parking space size of 3.0m x 5.8m.
5. A Medical Clinic use shall require parking at a rate of one (1) space for each 22.0m<sup>2</sup> of gross floor area instead of the minimum parking requirement of one (1) space for each 16.0m<sup>2</sup> of gross floor area.

Notes for Property 'A'

- i. Where 50 or more parking spaces are proposed within a Commercial and Mixed Use Zone, specific Landscape Island provisions are required to be complied with in accordance with Subsection 5.2(h) of Hamilton Zoning By-law 05-200. As 50 parking spaces are intended on the lands known as 'Property A', the applicant shall ensure compliance with these requirements has been achieved otherwise further variances may be required. Insufficient information has been provided at this time to determine zoning compliance.

Property 'B'

Variances to Former Stoney Creek Zoning By-law 3692-92:

1. Two (2) parking spaces shall be required for the existing Motor Vehicle Service Station (Lube Shop) instead of the minimum required 8 parking spaces.

Variances to Hamilton Zoning By-law (Prior to By-law 17-240):

1. No parking spaces shall be required for a Retail use being less than 450.0m<sup>2</sup> whereas the By-law requires parking to be provided at a rate of one (1) space for each 20.0m<sup>2</sup> of gross floor area.
2. A Restaurant use shall require parking at a rate of one (1) parking space for each 9.0m<sup>2</sup> of gross floor area instead of the minimum parking requirement of one (1) space for each 8.0m<sup>2</sup> of gross floor area.

Variances to Hamilton Zoning By-law 05-200:

1. A Restaurant use shall require parking at a rate of one (1) parking space for each 9.0m<sup>2</sup> of gross floor area instead of the minimum parking requirement of one (1) space for each 8.0m<sup>2</sup> of gross floor area.
2. Two (2) parking spaces shall be required for the existing Motor Vehicle Service Station (Lube Shop) instead of the minimum required 12 parking spaces.

Property 'C'

Variances to Former Stoney Creek Zoning By-law 3692-92:

1. No parking spaces shall be required for the Motor Vehicle Service Station instead of the minimum required one (1) space for each 23.3m<sup>2</sup> of gross floor area

Variances to Hamilton Zoning By-law 05-200:

1. No parking spaces shall be required for the Motor Vehicle Gas Bar instead of the minimum required one (1) space for each 25.0m<sup>2</sup> of gross floor area.

2. A Restaurant use shall require parking at a rate of one (1) parking space for each 11.0m<sup>2</sup> of gross floor area instead of the minimum parking requirement of one (1) space for each 8.0m<sup>2</sup> of gross floor area.

Variances to the entire development area (Properties 'A', 'B', and 'C'):

1. The required parking spaces and associated 6.0m driveway aisles may be provided on the adjacent properties whereas the by-law requires parking spaces to be provided on the same lot at the principal use.

2. Access driveways providing means of ingress and egress to all required parking may be provided on adjacent lands whereas the by-law requires access driveways to be provided on-site and directly from a public right-of-way

Notes for the entire development area:

i. These variances are required to facilitate Site Plan Control application DA-18-085.

ii. The shared parking area between properties (including parking spaces, aisles and access driveways) are also be subject to the appropriate access/parking easements (as deemed necessary) in the normal manner.

iii. Please be advised that Amending By-law No. 17-240 was passed on November 8, 2017 which changed the zoning of this property from GC-32 under Stoney Creek Zoning By-law 3692-92 to C3 zone under Hamilton Zoning By-law 05-200. Additionally, this amending by-law changed the parking requirements for certain commercial and residential uses. As of today, there are portions of this By-law which are still under appeal and therefore are not yet final and binding. In such cases, the former zoning provisions shall apply until such time that the appealed sections become final and binding. In some instances (such as parking), the former provisions of Hamilton Zoning By-law 05-200 remain in effect. In any case, if there was no such requirement contained in the Zoning By-law 05-200 prior to amending by-law 17-240 being approved, then the requirements of the former Stoney Creek Zoning By-law 3692-92 remain in effect.

iv. In total, 85 parking spaces are proposed for this development and have shared driveway aisles for vehicular circulation throughout the site. 50 spaces are situated on Property 'A', 14 parking spaces are situated on Property 'B' and 21 spaces are located on Property 'C'

v. Variances were previously approved for this site under Committee of Adjustment Decision SC/A-19:197.

vi. Consent applications SC/B-18:157 and SC/B-18:158 were granted to facilitate the creation of the three (3) individual lots.

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

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**DATE:** Thursday, August 27th, 2020

**TIME:** 1:20 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: August 25th, 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.***



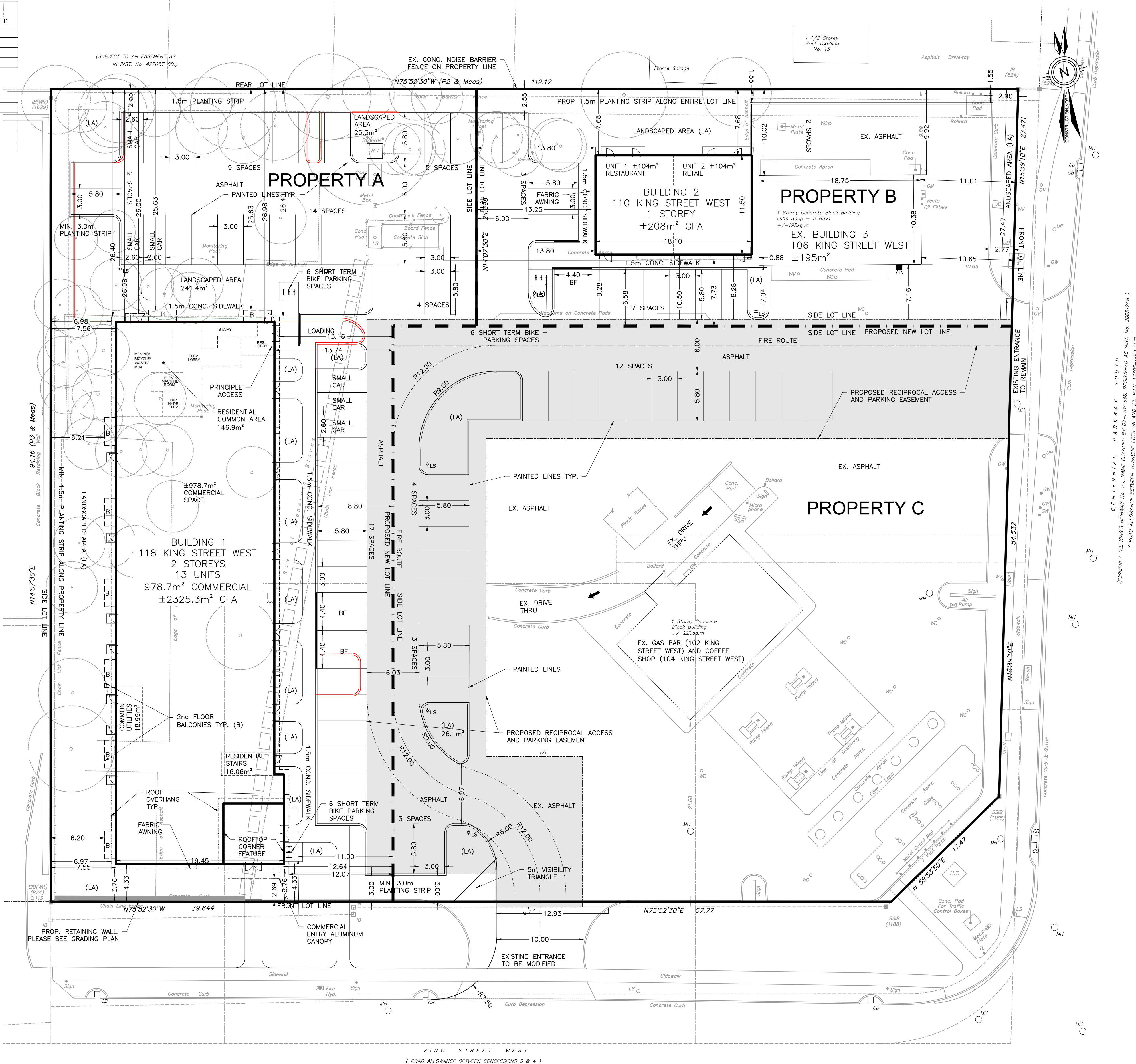
DEVELOPMENT DETAILS – PROPERTY A COMMUNITY COMMERCIAL (C3-579) ZONE			
	REQUIRED	PROPOSED	AMENDMENT NEEDED
LOT AREA	N/A	±3998m <sup>2</sup>	
LOT FRONTAGE	N/A	39.64m	
MIN. FRONT YARD**	9.0 m	4.33 m	X
MIN. SIDE YARD**	9.0 m	7.55 m	X
BUILDING SETBACK FROM A STREET	MIN. 1.5 m MAX. 4.5 m	4.33 m	
MIN. REAR YARD	7.5 m ABUTTING RESIDENTIAL	26.98 m	
MIN. INTERIOR SIDE YARD	1.5 m	12.64 m	
MAX. BUILDING HEIGHT	3.0 m ABUTTING RESIDENTIAL	7.55 m	
BUILDING GFA	N/A	2325.3m <sup>2</sup>	
MAX. COMMERCIAL GFA	500m <sup>2</sup>	978.7m <sup>2</sup>	X
MAX. RESIDENTIAL GFA RELATIVE TO TOTAL BUILDING GFA*	50%	56.4%	X
BUILT FORM FOR NEW DEVELOPMENT			
i) MIN. WIDTH OF GROUND FLOOR FACADE	40% OF LOT LINE=15.86m	49.0% OF LOT LINE=19.45m	
vi) NO PARKING BETWEEN FACADE AND FRONT LOT LINE		NOT PROVIDED	
vii) MIN. OF ONE PRINCIPLE ENTRANCE ACCESSIBLE FROM STREET		PROVIDED	
MIN. PLANTING STRIP ADJACENT TO RESIDENTIAL	1.5 m	1.5 m	
MIN. PARKING SETBACK FROM A STREET LINE	3.0 m	3.0 m	
MIN. PLANTING STRIP BETWEEN PARKING AND STREET LINE	3.0 m	3.0 m	
MIN. LANDSCAPED AREA WITHIN A PARKING LOT WHERE 50 OR MORE SPACES ARE PROVIDED	10% 156.7m <sup>2</sup>	14.9% 234.1m <sup>2</sup>	
RESIDENTIAL PARKING**	1.25 SPACES/UNIT = 16 SPACES	1 SPACE/UNIT = 13 SPACES	X
COMMERCIAL PARKING			
BLDG 1 – MEDICAL (794m <sup>2</sup> ) – MAX. OPTION FOR REMAINING SPACE	1 SPACE/16m <sup>2</sup> = 50 SPACES	37 SPACES	X
RETAIL (184.7m <sup>2</sup> )**	1 SPACE/28m <sup>2</sup> = 7 SPACES	0 SPACES	X
PERSONAL SERVICE (184.7m <sup>2</sup> )**	1 SPACE/18.5m <sup>2</sup> = 10 SPACES	0 SPACES	X
OFFICE (184.7m <sup>2</sup> )**	1 SPACE/30m <sup>2</sup> = 6 SPACES	0 SPACES	X
TOTAL PARKING	76 SPACES	50 SPACES	X
BARRIER FREE PARKING (INCLUDED IN TOTAL)	4% OF REQUIRED PARKING = 3 SPACES	2 SPACES	X
SMALL CAR PARKING	10% OF REQUIRED PARKING = 6 SPACES	6 SPACES	
SHORT TERM BICYCLE PARKING: RESIDENTIAL	5 SPACES	6 SPACES	
COMMERCIAL	5 SPACES	6 SPACES	
LONG TERM BICYCLE PARKING: RESIDENTIAL	0.5 SPACES/UNIT = 7 SPACES	7 SPACES	
COMMERCIAL	2 SPACES	2 SPACES	
*TOTAL RESIDENTIAL GFA EXCLUDES SHARED BUILDING AREAS			
**REGULATION PER STONEY CREEK ZONING BY-LAW			

DEVELOPMENT DETAILS – PROPERTY B COMMUNITY COMMERCIAL (C3-579) ZONE			
	REQUIRED	PROPOSED	AMENDMENT NEEDED
LOT AREA	N/A	±1714m <sup>2</sup>	
LOT FRONTAGE	N/A	27.47m	
MIN. FRONT YARD**	9.0 m	10.65 m	
MIN. SIDE YARD**	9.0 m	7.04 m	X
BUILDING SETBACK FROM A STREET	MIN. 1.5 m MAX. 10.7 m**	10.65 m – BLDG 3	
MIN. REAR YARD	6.0 m	13.80 m – BLDG 2	
MIN. INTERIOR SIDE YARD	1.5 m	7.04 m – BLDG 3	
MAX. BUILDING HEIGHT	14.0 m	6.93 m	
MAX. COMMERCIAL GFA	10,000m <sup>2</sup>	430m <sup>2</sup>	
MAX. RESIDENTIAL GFA RELATIVE TO TOTAL BUILDING GFA	50%	N/A	
BUILT FORM FOR NEW DEVELOPMENT			
i) MIN. WIDTH OF GROUND FLOOR FACADE	37% OF LOT LINE**	37% OF LOT LINE	
vi) NO PARKING/DRIVE AISLES BETWEEN FACADE AND FRONT LOT LINE	PERMITTED**	PROVIDED	
vii) MIN. OF ONE PRINCIPLE ENTRANCE ACCESSIBLE FROM STREET	NOT REQUIRED**	NOT PROVIDED	
MIN. PLANTING STRIP BETWEEN PARKING/DRIVE AISLE AND STREET LINE	NOT REQUIRED**	NOT PROVIDED	
MIN. PARKING/DRIVE AISLE SETBACK FROM A STREET LINE	2.7 m**	2.77 m	
MIN. PLANTING STRIP ADJACENT TO RESIDENTIAL	0.0 m**	1.5 m	
MIN. LANDSCAPED AREA WITHIN A PARKING LOT WHERE 50 OR MORE SPACES ARE PROVIDED	10%	N/A	
COMMERCIAL PARKING			
BLDG 2 – UNIT 1 – RETAIL (104m <sup>2</sup> )**	1 SPACE/28m <sup>2</sup> = 4 SPACES	1 SPACES	X
UNIT 2 – RESTAURANT – MAX. 44 SEATS (104m <sup>2</sup> )**	1 SPACE/4 SEATS = 11 SPACES	2 SPACES	
BLDG 3 – MOTOR VEHICLE SERVICE STATION (105m <sup>2</sup> ) 3 BAYS	2 SPACES**	2 SPACES	
TOTAL PARKING	17 SPACES	14 SPACES	X
BARRIER FREE PARKING (INCLUDED IN TOTAL)	1 SPACE	1 SPACE	
SHORT TERM BICYCLE PARKING: COMMERCIAL	5 SPACES	6 SPACES	
LONG TERM BICYCLE PARKING: COMMERCIAL	0 SPACES	0 SPACES	
*REGULATION PER STONEY CREEK ZONING BY-LAW			
**REGULATION PER SC/B-19-197			

UNDERTAKING  
RE: 102 King Street West, Hamilton  
File No. DA-18-085

I, (We) 1970752 Ontario 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 on or before March 7, 2019;
- 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 July 20, 2020, 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.
- Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Tourism, Culture and Sport (MTCOS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCOS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392)
- That the Owner agrees to include any noise warning clauses on title and in all offers and agreements of purchase and sale or lease for all residential units.
- That the Owner agrees to establish any noise mitigation measures identified in the required Environmental Noise Study.
- That the Owner agrees to affix the physical municipal number to the building in a manner that is visible from the street, or a sign at the front entrance with either the municipal number or full address.
- That the owner submit to the Legislative Approvals section of Growth Management, a final unit numbering list indicating the unit numbers that will be assigned to each unit on each floor of the building.
- That the Owner agrees to coordinate address with staff from the Growth Planning Section.
- The Owner submit a Record of Site Condition or a signed Record of Site Condition (RSC) being to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.
- The owner shall complete to the satisfaction of the Director of Engineering of the City of Hamilton and Canada Post:
  - Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
    - That the home/business mail delivery will be from a designated Centralized Mail Box.
    - That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
  - The owner further agrees to:
    - Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
    - Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
  - Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
  - Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
  - Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
  - Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly ) at their own expense ( less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly ) which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
- That the Owner include the following warning clause on title and in all offers and agreements of purchase and sale or lease of all residential units:  
"This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that indoor sound levels are within the Municipality's and the Ministry of the Environment's noise criteria."



#### 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.
- 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 AND PERMIT
  - APPROACH APPROVAL PERMITS
  - COMMITTEE OF ADJUSTMENT (IF REQUIRED)
  - SEWER AND WATER PERMITS
  - RELOCATION OF SERVICES
  - ENCROACHMENT AGREEMENTS
  - (IF REQUIRED)
- PROPOSED SIGNAGE SHALL CONFORM TO THE CITY'S SIGN AND OTHER DEVICES BY-LAW NO. 10-197.
- PROPOSED FENCING SHALL CONFORM TO THE CITY'S FENCE BY-LAW NO 10-142.
- THIS PROPERTY IS INELIGIBLE FOR WEEKLY COLLECTION OF GARBAGE, RECYCLING, ORGANICS, AND LEAF AND YARD WASTE THROUGH THE CITY OF HAMILTON.
- UNION GAS, HYDRO ONE AND ALECTRA UTILITIES MAY HAVE SERVICE LINES RUNNING

- WITHIN THE AREA WHICH MAY BE AFFECTED BY THE DEVELOPMENT, SHOULD THE SITE PLAN IMPACT THE SERVICES IT MAY BE NECESSARY TO RELOCATE THE LINES, ANY SERVICE RELOCATION WOULD BE AT THE COST OF THE PROPERTY OWNER.
- SHOW LOCATION OF GARBAGE COLLECTION AND STORAGE ACTIVITIES FOR BUILDING 1 AND BUILDING 2.
  - ENSURE 5.0 METRE BY 5.0 METRE DAYLIGHT TRIANGLE IS MAINTAINED AT DRIVEWAY ACCESS POINTS AND THAT MATURE VEGETATION DOES NOT EXCEED 0.60 METRES IN HEIGHT.
  - MAINTAIN 1.20 METRE SEPARATION FROM UTILITY POLES, TREES, FIRE HYDRANTS, FENCES, POLES AND DRIVEWAYS.
  - MAINTAIN 1.50 METRE SIDEWALK, ENSURE SIDEWALK IS CONTINUOUS AND UNOBSTRUCTED DURING CONSTRUCTION.
  - OBTAIN EASEMENTS OVER THE ADJACENT LANDS WILL BE REQUIRED TO ACCESS CENTENNIAL PARKWAY AND KING STREET WEST.
  - CONFIRM LANDSCAPED AREA DETAILS SPECIFIC TO BUFFER STRIP AND PARKING ISLAND LANDSCAPING.
  - IDENTIFY LOCATION OF PARKING SPACES DESIGNATED FOR SMALL CARS ONLY.
  - CONFIRM RESIDENTIAL DWELLINGS UNITS EXCEED 50.0 SQUARE METRES.
  - CONFIRM SEATING COUNT OF PROPOSED RESTAURANT WITHIN BUILDING 2.

#### NOT FOR CONSTRUCTION

SOURCE  
TOPOGRAPHIC SURVEY INFORMATION OBTAINED FROM B.A. JACOBS SURVEYING LTD., JOB No. 18s15-T, DATED MARCH 23, 2018.

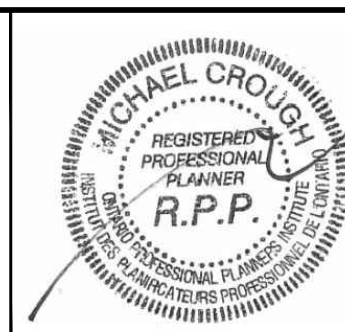
BENCHMARK  
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO FORMER CITY OF HAMILTON BENCH MARK No. 65U-141.  
LOCATION: LOW CONCRETE RETAINING WALL T WEST SIDE OF PROPERTY OF SUNOCO SERVICE STATION, AT SOUTHWEST CORNER OF KING STREET AND HIGHWAY No. 20. IN FRONT OF HOUSE No. 2880. TABLET IN CENTRE OF NORTHEAST FACE OF CONCRETE BASE OF LIGHT POST AT NORTHWEST END OF WALL, 0.45m BELOW TOP. (BENCH MARK NOW DESTROYED)  
ELEVATION = 101.274 m

SCALE  
3 0 5 10  
1:250 (m)

DESIGN BY: J.MARCUS CHECKED BY: B. ENTER  
DRAWN BY: J.MARCUS DATE: 2018-04-19

DATE	DESCRIPTION
3 2020-07-20	JM SECOND SITE PLAN CLEARANCE SUBMISSION
2019-05-07	JM FIRST SITE PLAN CLEARANCE SUBMISSION
1 2018-11-22	JM REVISED CONDITIONAL APPROVAL SUBMISSION
0 2018-04-19	JM FIRST SITE PLAN SUBMISSION
1 2018-04-19	JM FIRST 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  
102 KING STREET WEST

1970752 ONTARIO INC.

SITE PLAN  
DA-18-085

FILE NUMBER: 112990 SHEET NUMBER: SP1





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

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

APPLICATION NO. \_\_\_\_\_ DATE APPLICATION RECEIVED \_\_\_\_\_  
PAID \_\_\_\_\_ DATE APPLICATION DEEMED COMPLETE \_\_\_\_\_  
SECRETARY'S  
SIGNATURE \_\_\_\_\_

### Application for Minor Variance or for Permission

1. Name of Owner 1970752 Ontario Inc.

2.

3. Name of Agent IBI Group c/o Jared Marcus

4.

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

Postal Code

Postal Code

6. Nature and extent of relief applied for:  
See attached Minor Variance list
7. Why it is not possible to comply with the provisions of the By-law?  
The layout of the proposed development requires changes to the CMU regulations in order to make efficient use of the existing infrastructure.
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):  
Parts 1-4 & 9-12, 62R-21257, Part of Lots 34, 35 & 37, Registrar's Compiled Plan No. 1405.  
106, 110 & 118 King Street West, Stoney Creek
9. PREVIOUS USE OF PROPERTY
- Residential ☐ Industrial ☐ Commercial ☒  
Agricultural ☐ Vacant ☐  
Other \_\_\_\_\_
- 9.1 If Industrial or Commercial, specify use  
Lube Shop, Coffee Shop, Gas Bar
- 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 X 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 X No \_\_\_\_\_ Unknown \_\_\_\_\_

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

Subject lands are currently used for a gas station, coffee shop and lube shop.  
Environmental reports and a RSC are underway as part of concurrent Site Plan.

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 X

#### 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.

June 28/2020  
Date

  
Signature of Property Owner

CARMINE RICCIARDONE  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 82.0m  
Depth 114.5m  
Area 10,468sq.m  
Width of street King St. - 41.6m; Centennial - 37.1m

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: 1 storey gas bar/coffee shop - 229.6sq.m  
1 storey lube shop - 195.2sq.m

Proposed: 2 storey mixed-use building - 2325.3sq.m  
1 storey commercial building - 235sq.m

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

Existing: Variable lot lines, please see attached Site Plan for details.



Proposed: Variable lot lines, please see attached Site Plan for details.

13. Date of acquisition of subject lands:  
Unknown
14. Date of construction of all buildings and structures on subject lands:  
Unknown
15. Existing uses of the subject property: \_\_\_\_\_  
Gas bar, coffee shop, lube shop
16. Existing uses of abutting properties: \_\_\_\_\_  
North - Residential, West - Residential/Mixed-Use
17. Length of time the existing uses of the subject property have continued:  
Unknown
18. Municipal services available: (check the appropriate space or spaces)  
Water X Connected X  
Sanitary Sewer X Connected X  
Storm Sewers X
19. Present Official Plan/Secondary Plan provisions applying to the land:  
UHOP - Neighbourhoods  
Old Town Secondary Plan - Local Commercial
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Community Commercial (C3, 579)
21. Has the owner previously applied for relief in respect of the subject property?  
Yes X No  
If the answer is yes, describe briefly.  
Application SC/A-19:197 was approved and sought relief for the existing  
buildings and existing conditions on site.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
Yes X (SC/B-18:157 & 158) 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

## Minor Variance List

### City of Stoney Creek Zoning By-law No. 3692-92

#### Property A

1. To permit a Minimum Front Yard Setback of 4.3m instead of the required 9.0m;
2. To permit Dwelling Units in a Mixed Use Residential/Commercial Building or 3 Storeys or Less to have 1 parking space per Dwelling Unit;
3. To permit a Retail use less than 450sq.m in gross floor area to have 0 parking spaces;
4. To permit a Personal Service Shop use less than 450sq.m in gross floor area to have 0 parking spaces;
5. To permit an Office use less than 450sq.m in gross floor area to have 0 parking spaces;

#### Property B

6. To permit a Retail use less than 450sq.m in gross floor area to have 0 parking spaces;

### City of Hamilton Zoning By-law No. 05-200

#### Property A

7. To permit Dwelling Units in conjunction with a commercial use to occupy 58% of the total gross floor area of all buildings within the lot instead of the permitted 50%;

#### Properties A & B

8. To permit required parking facilities to be located on the adjacent property subject to a reciprocal access easement;
9. To permit the means of ingress and egress for all required parking to be located on the adjacent property subject to a reciprocal access easement.



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July 28, 2020

Ms. Jamila Sheffield, ACST  
Secretary Treasurer-Committee of Adjustment  
City of Hamilton  
71 Main Street West, 5th Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**102 KING STREET WEST, STONEY CREEK - DA-18-085  
MINOR VARIANCE APPLICATION**

On behalf of our client, 1970752 Ontario Inc., please find enclosed a Minor Variance application for the above noted development. The proposed variances are necessary to facilitate the associated Site Plan application, DA-18-085. Please note that previous Minor Variance application SC/A-19:197 was approved in July 2019 to recognize existing conditions and to facilitate the Severance of the subject lands into separate parcels (SC/B-18:157 & 158).

In support of the enclosed application please find enclosed the following information:

- One (1) copy of the Minor Variance application form and Minor Variance list;
- One (1) copy of the Site Plan drawing;
- One (1) cheque in the amount of \$3,302.00; and,
- One (1) copy of the Articles of Incorporation for 1970752 Ontario Inc.

Should you require any additional information please do not hesitate to contact the undersigned.

Thanks,

Jared Marcus, CPT

Associate, Manager – Planning

Encl.

Cc: 1970752 Ontario Inc.