

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.: HM/A-20:163

APPLICANTS: Owner: Sathaijenderaa Sathyathevan
Agent: Zoltan Engineering c/o Gerrit Vander Meulen

SUBJECT PROPERTY: Municipal address **970 Barton St. E., Hamilton**

ZONING BY-LAW: Zoning By-law 05-200 & 6593, as Amended

ZONING: C5, E300, H80 (05-200) & K (6593) (Mixed Use Medium Density (05-200) & Heavy Industry Etc. (6593))district

PROPOSAL: To permit the construction of a motor vehicle gas bar, notwithstanding that:

VARIANCES TO HAMILTON ZONING BY-LAW 6593

Six (6) parking spaces shall be provided instead of the minimum required thirteen (13) parking spaces [as per Section 18A(Table 1)(4)(i) of Hamilton Zoning By-law 6593].

VARIANCES TO HAMILTON ZONING BY-LAW 05-200

Six (6) parking spaces shall be provided instead of the minimum required eight (8) parking spaces [as per Section 5.6(a) of Hamilton Zoning By-law 05-200].

NOTE:

1. Be advised that Amending By-law No. 17-240 was passed on November 8, 2017 which changed the zoning of this property from "K" (Heavy Industry Etc.) under Hamilton Zoning By-law No. 6593 to C5, E300, H80 (Mixed Use Medium Density) under Hamilton Zoning By-law No. 05-200. However, there are portions of Amending By-law No. 17-240 which are still under appeal to the Local Appeal Planning Tribunal (LPAT); therefore, it is not yet final. As such, the proposed development is reviewed under the regulations contained within Hamilton Zoning By-law 05-200, except where portions of these regulations are still under appeal by By-law No. 17-240 both the existing and proposed Zoning By-law regulations will be examined with the more restrictive zoning regulation being applied. An exception to this policy is for Building Permits, which are reviewed under the former existing Zoning By-law regulation until such time that Amending By-law No. 17-240 comes fully into force. Once By-law No. 17-240 is approved in its entirety by the Local Appeal Planning Tribunal (LPAT), the zoning and regulations under this By-law will be applicable.
2. Please be advised that a 'H80' holding provision is currently assigned to this property. The Holding contains specific conditions required to be satisfied prior to any development on this site.

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

DATE: Thursday, September 17th, 2020
TIME: 1:30 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 4144
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: September 1st, 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.

DRAWING LEGEND

---	PROPERTY LINE
- - - - -	SURFACE COVER (EXISTING)
- - - - -	SURFACE COVER (PROPOSED)
HO	HYDRO POLE / LIGHT POLE
FHD	FIRE HYDRANT
---	WOOD FENCE (EXISTING)
---	WOOD FENCE (PROPOSED)
---	CONTOUR LINES (EXISTING)
---	TOPO ELEVATION (EXISTING)
---	TOPO ELEVATION (PROPOSED)
→	DRAINAGE ARROW
---	SWALE (EXISTING)
---	SWALE (PROPOSED)
---	SILT FENCE (PROPOSED)
---	COMB SEWER (EXISTING)
---	COMB SEWER (PROPOSED)
---	STORMWATER LINE (EXISTING)
---	STORMWATER LINE (PROPOSED)
---	DOMESTIC WATER LINE (EXISTING)
---	DOMESTIC WATER LINE (PROPOSED)
HO	HYDRO SERVICES (EXISTING)
○	MANHOLE
■	CATCH BASIN

CITY OF HAMILTON SITE PLAN 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
 - SEWER AND WATER PERMITS
 - ROAD CUT PERMITS
 - RELOCATION OF SERVICES
 - APPROACH APPROVAL PERMITS
 - ENCROACHMENT AGREEMENTS (IF REQUIRED)
 - COMMITTEE OF ADJUSTMENT
- FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE TO BE PROVIDED: 5 METRE BY 5 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR NATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET.
- ALL FENCES MUST COMPLY WITH HAMILTON FENCE BY-LAW NO. 10-142
- ALL SIGNS MUST COMPLY WITH HAMILTON SIGN BY-LAW NO. 10-197
- 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 RELOCATIONS WOULD BE AT THE COST OF THE PROPERTY OWNER.
- MAINTAIN SIDEWALK WIDTH OF 1.50 METRES. ENSURE SIDEWALK IS UNOBSTRUCTED DURING CONSTRUCTION.

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 (416.314.7140). 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 (416.328.8392).

Zoning Analysis - C5, 300 Zone, By-Law 05-200			
Item	Required	Provided	Compliance
Minimum Yard Abutting a Street	4.5m	21.6m	YES
Minimum Yard for Canopy, Pump, & Island	4.5m	6.1m	YES
Minimum Planting Strip	3.0m	3.0m	YES
Maximum GFA for Convenience Retail	175m ²	171m ²	YES

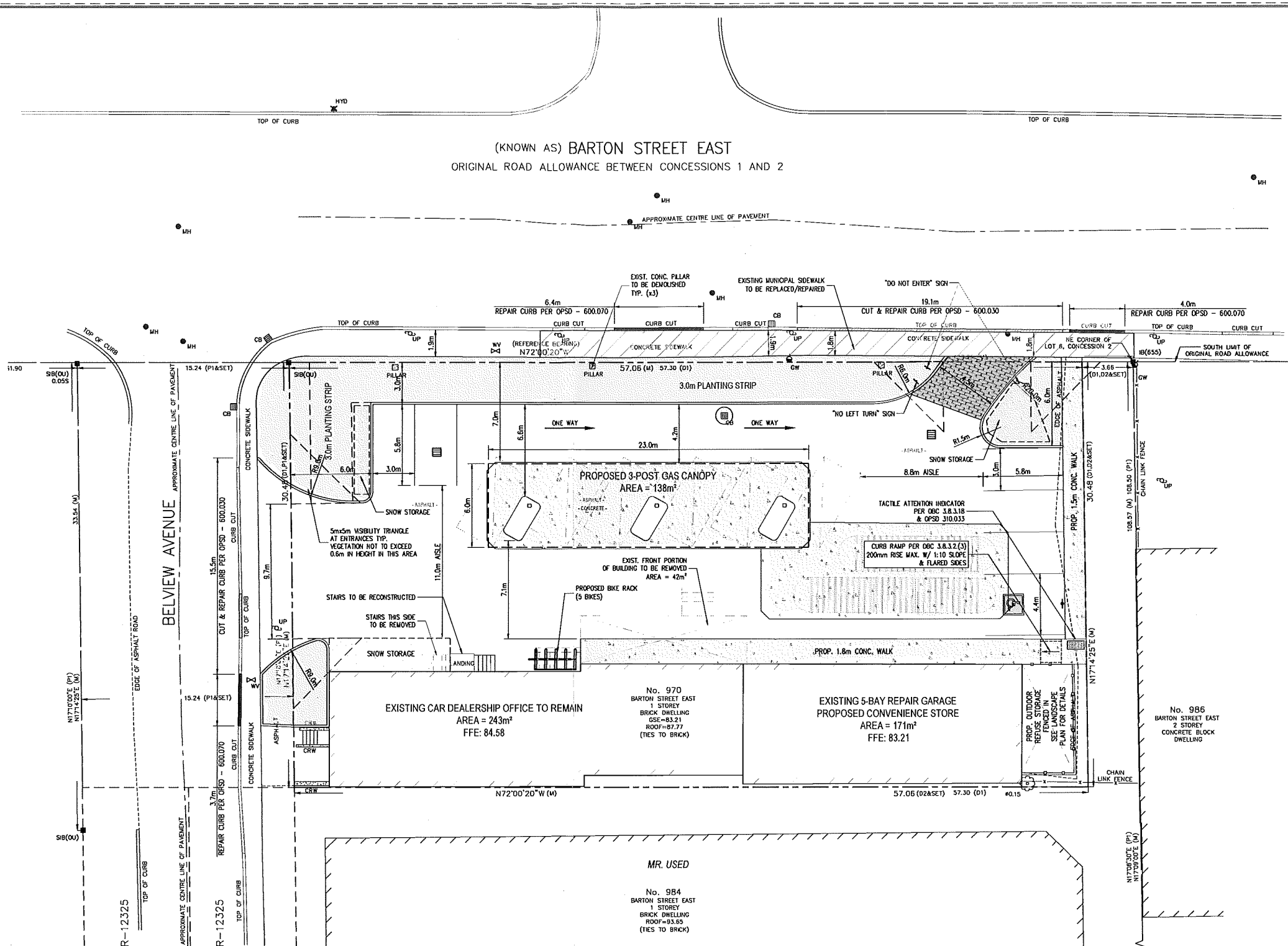
Parking Regulations			
Parking Setback	3.0m	3.0m	YES
Parking Size	3.0m x 5.8m	3.0m x 5.8m	YES
Parking Surface	Hard Surface	Asphalt	YES
Barrier Free Parking Spaces	4.4m x 5.8m	4.4m x 5.8m	YES
Parking Aisle (90 degree)	6.0m	>6.0m	YES
Parking Aisle (0 degree)	3.7m	>3.7m	YES

Required Parking			
Other Commercial Uses not Listed 414m ² @ 1/30m ²	13	6	NO
*Motor Vehicle Dealership (243m ² @ 1/100m ²)	2	1	NO
*Motor Vehicle Gas Bar (171m ² @ 1/25m ²)	6	5	NO
Barrier Free Parking Spaces	1	1	YES
Bicycle Parking Spaces	5	5	YES

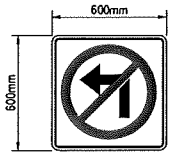
*Parking calculations as amended by By-Law 17-240 (not final and binding)



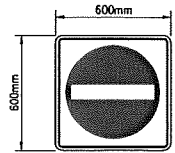
SCALE - 1:150



ACCESSIBLE PARKING SIGN



NO LEFT TURN SIGN



DO NOT ENTER SIGN

KEY PLAN - NOT TO SCALE

THESE DESIGN DOCUMENTS ARE PREPARED SOLELY FOR THE USE BY THE PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS ENTERED INTO A CONTRACT AND THERE ARE NO REPRESENTATIONS OF ANY KIND MADE BY THE DESIGN PROFESSIONAL TO ANY PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS NOT ENTERED INTO A CONTRACT.

DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS AND OMISSIONS TO THE ENGINEER. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS MARKED AS "ISSUED FOR CONSTRUCTION", CERTIFIED AND DATED.

LEGAL DESCRIPTION

PART 1) PLAN AND TOPOGRAPHIC DETAIL OF PART OF LOT 6, CONCESSION 2 (GEOGRAPHIC TOWNSHIP OF BARTON) CITY OF HAMILTON REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BENCHMARK

ELEVATIONS ARE GEODETIC AND WERE OBTAINED BY REAL TIME KINEMATIC (RTK) MEASUREMENTS

REV.	DATE	REMARKS
2	07AUG20	REVISED PER RED LINES
1	20FEB20	ISSUED FOR S.P.A.
0	01OCT19	ISSUED FOR S.P.A.

ZOLTAN ENGINEERING

4380 S Service Road, Suite #25
Burlington, ON L7L 5Y6
905.331.8307
www.zoltanengineering.com

PROJECT TITLE

PROPOSED GAS STATION

SPA-19-158

970 BARTON STREET EAST
HAMILTON, ONTARIO

DRAWING TITLE

SITE PLAN

SCALE

AS NOTED

DATE

07AUG20

DRAWN

EP

DESIGNED

ZL

CHECKED

ZL

PROJECT No.

18-429

SHEET No.

SP-1





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

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

20.179346

RECEIVED

FOR OFFICE USE ONLY.

AUG 17 1963

APPLICATION NO. Hm/A-20-163 DATE APPLICATION RECEIVED _____ COM OF ADJUTANT GENERAL

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

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

Application for Minor Variance or for Permission

1. Name of Owner Sathaijenderaa Sathyathevan Telephone No. _____

2.

3. Name of Agent Gerrit Vander Meulen Telephone No. _____

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:
 We are proposing 6 parking spaces which is less than required by the current regulations
 The current by-law requires 13 parking spaces.
 By-law 17-240, which is not in effect yet, requires 8 parking spaces.
 The proposed site plan shows 6 parking spaces.
7. Why it is not possible to comply with the provisions of the By-law?
 The existing site is very small. After taking room for the gas canopy and vehicle maneuvering there is only enough room for 6 parking spaces. Since the city requires a 3.0m planting strip and 6.0m distance from the property line to the first parking space this further limits available room for parking.
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
 970 Barton Street East, Part of Lot 6, Concession 2, City of Hamilton
9. PREVIOUS USE OF PROPERTY
- Residential _____ Industrial _____ Commercial X _____
 Agricultural _____ Vacant _____
 Other _____
- 9.1 If Industrial or Commercial, specify use
 Motor Vehicle Dealership and Service Station
- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes _____ No X _____ Unknown _____
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes _____ No X _____ Unknown _____
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes _____ No X _____ 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 X _____ 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 X _____ Unknown _____
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes _____ No X _____ 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 X _____ 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 _____ No X _____ Unknown _____

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?
Available data and information from the site owner and developer.

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.

July 8, 2020
Date


Signature Property Owner

Sathajenderaa Sathyathevan

Print Name of Owner

10. Dimensions of lands affected:

Frontage 57 meters

Depth 30.5 meters

Area 1750 m²

Width of street 15.2 meters

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: Existing Car Dealership: GFA=285m², 1-Storey, Width=12m,
Length=30m, Height=5.9m

Existing 5-Bay Repair Garage: GFA=171m², 1-Storey, Width=8.7m
Length=20m, Height=5.5m

Proposed: Car Dealership: GFA=243m², 1-Storey, Width=8.7m,
Length=30m, Height=5.9m

Gas Station Convenience Store: GFA=171m², 1-Storey, Width=8.7m
Length=20m, Height=5.5m

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

Existing: Existing Car Dealership: Front=18.2m, Rear=0.1m Side=2.6m, Side=24.3m

Existing 5-Bay Repair Garage: Front=18.2m, Rear=0.1m Side=32.3m, Side=4.8m

Proposed: Car Dealership: Front=21.6m, Rear=0.1m Side=2.6m, Side=24.7m

Gas Station Convenience Store: Front=18.2m, Rear=0.1m Side=32.3m, Side=4.8m

13. Date of acquisition of subject lands:
Dec. 13, 2019
14. Date of construction of all buildings and structures on subject lands:
>40 years
15. Existing uses of the subject property:
Motor Vehicle Dealership and Service Station
16. Existing uses of abutting properties: Commercial warehouse and office buildings and retail buildings.
17. Length of time the existing uses of the subject property have continued:
>25 years
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:
Holding Provision H80 & Special Exemption 300
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
21. Has the owner previously applied for relief in respect of the subject property?
☐ Yes ☒ No
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
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.