

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, 3935 Fax (905) 546-4202  
E-mail: [cofa@hamilton.ca](mailto:cofa@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.:** GL/A-20:99

**APPLICANTS:** Owner: 1121209 Ontario Inc.  
Agent: Bousfields Inc. c/o D. Falletta

**SUBJECT PROPERTY:** Municipal address **2064 Rymal Rd. E., Glanbrook**

**ZONING BY-LAW:** Zoning By-law 464, as Amended by By-law 16-235

**ZONING:** C3-301 (General Commercial "C3") district

**PROPOSAL:** To permit an increase to the maximum seating capacity for a Fast Food Restaurant and a Standard Restaurant and to permit a reduced parking rate, notwithstanding,

1. A maximum seating capacity of 120 persons shall be permitted for both a Fast Food Restaurant and a Standard Restaurant instead of the maximum seating capacity of 30 persons for both a Fast Food Restaurant and a Standard Restaurant; and,
2. Parking at a rate of a minimum of one (1) space for every 32 square metres shall be permitted instead of the minimum required parking rate of one (1) parking space for every 24 square metres.

**NOTES:**

1. The applicant has advised no modifications are proposed to final approved site plan SPA-19-085, which was approved to permit the development consisting an oil and lube service station, a manual motor vehicle washing establishment, an automatic motor vehicle washing establishment, and a multi-tenant commercial building.

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

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**DATE:** Thursday, November 5th, 2020

**TIME:** 2:50 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: October 20th, 2020.



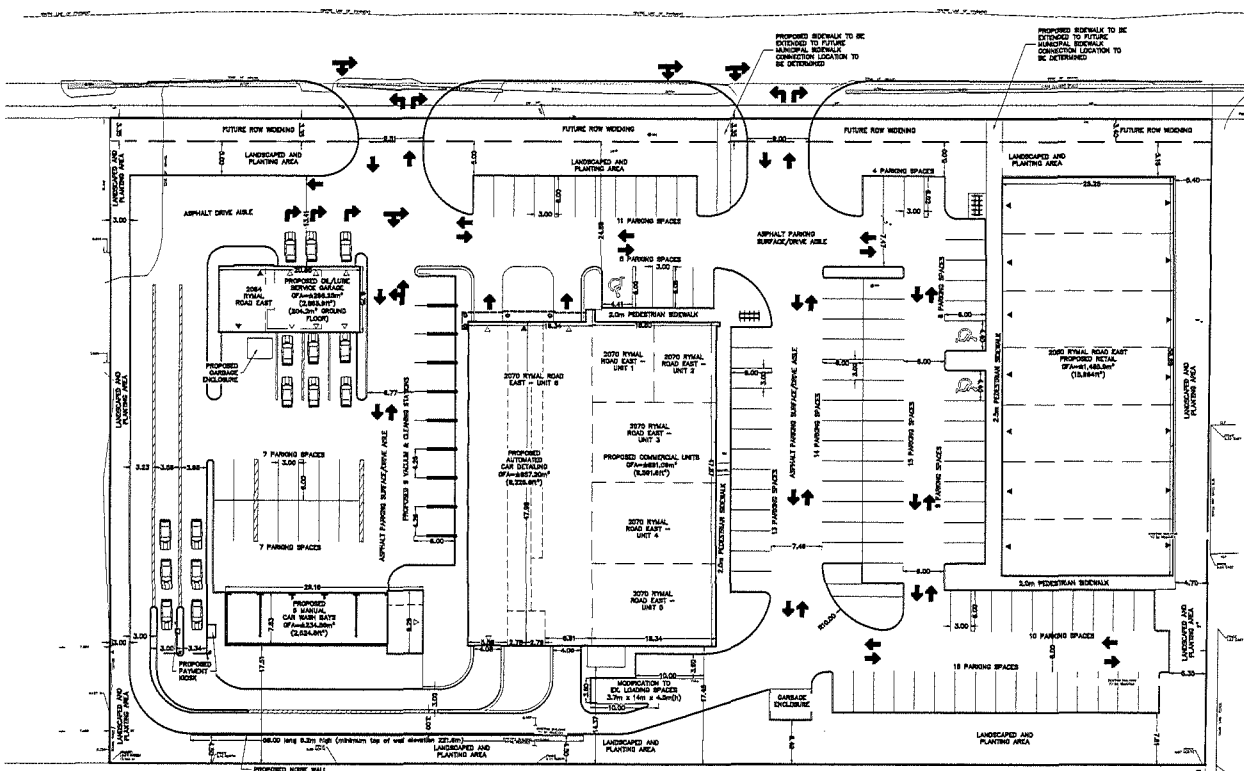
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***



DEVELOPMENT DETAILS  
GENERAL COMMERCIAL 100-301 MODIFIED ZONE

FLOOR AREA	3,720m <sup>2</sup>	3,720m <sup>2</sup>
NET GROSS FLOOR AREA (NFA)	3,720m <sup>2</sup>	3,720m <sup>2</sup>
NET GROSS FLOOR AREA (GFA)	3,720m <sup>2</sup>	3,720m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 20%	3,024m <sup>2</sup>	3,024m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 25%	2,790m <sup>2</sup>	2,790m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 30%	2,604m <sup>2</sup>	2,604m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 35%	2,418m <sup>2</sup>	2,418m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 40%	2,232m <sup>2</sup>	2,232m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 45%	2,046m <sup>2</sup>	2,046m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 50%	1,860m <sup>2</sup>	1,860m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 55%	1,674m <sup>2</sup>	1,674m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 60%	1,488m <sup>2</sup>	1,488m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 65%	1,302m <sup>2</sup>	1,302m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 70%	1,116m <sup>2</sup>	1,116m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 75%	930m <sup>2</sup>	930m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 80%	744m <sup>2</sup>	744m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 85%	558m <sup>2</sup>	558m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 90%	372m <sup>2</sup>	372m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 95%	186m <sup>2</sup>	186m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 100%	0m <sup>2</sup>	0m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 105%	-186m <sup>2</sup>	-186m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 110%	-372m <sup>2</sup>	-372m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 115%	-558m <sup>2</sup>	-558m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 120%	-744m <sup>2</sup>	-744m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 125%	-930m <sup>2</sup>	-930m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 130%	-1,116m <sup>2</sup>	-1,116m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 135%	-1,302m <sup>2</sup>	-1,302m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 140%	-1,488m <sup>2</sup>	-1,488m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 145%	-1,674m <sup>2</sup>	-1,674m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 150%	-1,860m <sup>2</sup>	-1,860m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 155%	-2,046m <sup>2</sup>	-2,046m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 160%	-2,232m <sup>2</sup>	-2,232m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 165%	-2,418m <sup>2</sup>	-2,418m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 170%	-2,604m <sup>2</sup>	-2,604m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 175%	-2,790m <sup>2</sup>	-2,790m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 180%	-2,976m <sup>2</sup>	-2,976m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 185%	-3,162m <sup>2</sup>	-3,162m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 190%	-3,348m <sup>2</sup>	-3,348m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 195%	-3,534m <sup>2</sup>	-3,534m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 200%	-3,720m <sup>2</sup>	-3,720m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 205%	-3,906m <sup>2</sup>	-3,906m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 210%	-4,092m <sup>2</sup>	-4,092m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 215%	-4,278m <sup>2</sup>	-4,278m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 220%	-4,464m <sup>2</sup>	-4,464m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 225%	-4,650m <sup>2</sup>	-4,650m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 230%	-4,836m <sup>2</sup>	-4,836m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 235%	-5,022m <sup>2</sup>	-5,022m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 240%	-5,208m <sup>2</sup>	-5,208m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 245%	-5,394m <sup>2</sup>	-5,394m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 250%	-5,580m <sup>2</sup>	-5,580m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 255%	-5,766m <sup>2</sup>	-5,766m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 260%	-5,952m <sup>2</sup>	-5,952m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 265%	-6,138m <sup>2</sup>	-6,138m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 270%	-6,324m <sup>2</sup>	-6,324m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 275%	-6,510m <sup>2</sup>	-6,510m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 280%	-6,696m <sup>2</sup>	-6,696m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 285%	-6,882m <sup>2</sup>	-6,882m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 290%	-7,068m <sup>2</sup>	-7,068m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 295%	-7,254m <sup>2</sup>	-7,254m <sup>2</sup>
NET GROSS FLOOR AREA (GFA) - 300%	-7,440m <sup>2</sup>	-7,440m <sup>2</sup>



**GENERAL NOTES:**

1. ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE OFFICER OF PLANNING, ZONING AND ECONOMIC DEVELOPMENT DEPARTMENT.
2. THE R.O.C.E. SHALL BE MAINTAINED AND THE OPERATOR SHALL BE RESPONSIBLE TO THE SATISFACTION OF THE CITY FOR THE R.O.C.E. AND AT THE EXPENSE OF THE OWNER.
3. ALL UTILITIES SHALL BE TO THE SATISFACTION OF THE OFFICER OF PLANNING, ZONING AND ECONOMIC DEVELOPMENT DEPARTMENT.
4. ALL UTILITIES FROM PROPERTY LINES FOR THE FIRST 1.8 M. SHALL BE WITHIN THE MUNICIPAL CHURCH. THEREAFTER, ALL UTILITIES SHALL BE WITHIN THE MUNICIPAL CHURCH.
5. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER FROM THE CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE NECESSARY PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS BUT NOT LIMITED TO THE FOLLOWING:
  - + BUILDING PERMIT
  - + ROAD CUT PERMIT
  - + APPROVAL OF UTILITIES
  - + APPROVAL OF ACCESSORIES
  - + APPROVAL OF SIGNAGE
  - + APPROVAL OF LIGHTING
  - + APPROVAL OF LANDSCAPING
6. APPROVED ACCESSORIES SHALL BE PROVIDED AND THE OWNER SHALL BE RESPONSIBLE TO THE CITY FOR THE COST OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
7. 6 METRES BY 3 METRES VISIBILITY TRIANGLES IN WHICH A VISIBLE HEIGHT OF ANY OBJECTS OR VEHICLE VISIBILITY IS NOT TO EXCEED A HEIGHT OF 0.7 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRALLINE OF THE ADJACENT STREET.

**LIGHTING NOTE:**

LIGHTING SHALL BE INSTALLED UNDER AND ABOUT THE SIDEWALKS AND ABOUT THE PROPERTIES OR STREETS. LIGHTING SHALL BE PROVIDED WHERE NECESSARY TO COMPLETELY ILLUMINATE SIDEWALK TO ADJACENT PROPERTIES.

**NOTE:**

ALL WORKMAN SHALL COMPLY WITH THE CITY OF HAMILTON ZONING BY-LAW NO. 90-242.

**GARBAGE AND RECYCLING:**

THIS PROPERTY IS ELIGIBLE FOR WHEELIE COLLECTION OF GARBAGE, RECYCLABLE MATERIAL AND LEAF AND YARD WASTE THROUGH THE CITY OF HAMILTON SERVICE TO COMPLY WITH THE REGULATIONS IMPOSED BY THE PUBLIC WORKS DEPARTMENT AND SUBJECT TO COMPLIANCE WITH THE CITY'S WASTE MANAGEMENT BY-LAW 90-242.

**UNDERTAKING:**

I, THE UNDERSIGNED, DOG, THE OWNER OF THE LAND, HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION TO:

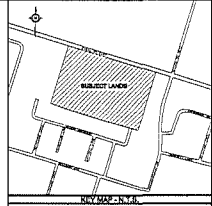
- (A) TO COMPLY WITH ALL THE CONTENTS OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM.
- (B) TO PROVIDE THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 4(1) OF THE PLANNING ACT FROM THE PLAN AND DRAWING IN ACCORDANCE WITH THE CONDITIONS AND REQUIREMENTS THEREIN.
- (C) TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT ALL COSTS THE SIDEWALKS AND DRIVEWAYS, WALKWAYS OR MATTERS MENTIONED IN SECTION 4(1) OF THE SAID ACT, FROM THE PLAN AND DRAWING, INCLUDING REPAIRS OF ANY KIND FROM ACCESS RAMP AND DRIVEWAYS, PARKING AND LOADING AREAS, AND WALKWAYS, AND.
- (D) IN THE EVENT THAT THE UNDERSIGNED DOES NOT COMPLY WITH THE PLAN AND DRAWING, THAT THE OWNER AGREES THAT THE CITY MAY ENTER THE LAND AND DO THE NECESSARY WORK, AND FURTHER THE UNDERSIGNED AGREES TO THE CITY TO USE THE SECURITY FEES TO OBTAIN COMPLIANCE WITH THIS PLAN.
- (E) THAT THE UNDERSIGNED AGREE TO AFFIX THE PHYSICAL MUNICIPAL MARKERS TO EACH CORNER AND PROPERTY BOUNDARY.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018

WITNESSES SIGNATURE: \_\_\_\_\_ (OWNER) SIGNATURE: \_\_\_\_\_

WITNESSES PRINT: \_\_\_\_\_ (OWNER) PRINT: \_\_\_\_\_

ADDRESS OF WITNESSES: \_\_\_\_\_



**NOT FOR CONSTRUCTION**

SOURCE: DEVELOPMENT INFORMATION SURVEY INFORMATION OBTAINED FROM A.T. McLELLAN LIMITED DRAWING NO. 1421, DATED APRIL 22, 2018.

REVISIONS:

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITTING	2018-04-22
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**APPROVALS:**

IBI GROUP  
300 GERRARD STREET EAST, SUITE 101  
TORONTO, ONT. M5E 1B6  
TEL: 416-291-1111  
WWW.IBIGROUP.COM

**CITY OF HAMILTON**

PART OF LOT 4, BLOCK 4 CONVESSION 1  
GEOGRAPHIC TOWNSHIP OF BIRCHBROOK IN THE  
CITY OF HAMILTON

**2070 RYMAL ROAD EAST  
HANNON ONTARIO**

**SPA - 17 - 023**

FILE NUMBER: **38518** SHEET NUMBER: **SP1**

GLA 20:99

20.161109



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.

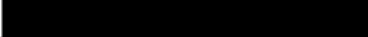


FOR OFFICE USE ONLY.	
APPLICATION NO. <u>GL/A 20:99</u>	DATE APPLICATION RECEIVED <u>APR 17/20</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

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.

- Name of Owner 1121209 Ontario Inc. 
- 
- Name of Agent Bousfields Inc. c/o David Falletta 
- 

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

- Names and addresses of any mortgagees, holders of charges or other encumbrances:  
\_\_\_\_\_  
\_\_\_\_\_  
Postal Code \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Postal Code \_\_\_\_\_

6. Nature and extent of relief applied for:  
Increase seating capacity for a standard restaurant to 120 seats and 119 parking spaces are to be required for the maximum permitted GFA of 3,735 m2 including a standard restaurant
7. Why it is not possible to comply with the provisions of the By-law?  
Restaurant will have more than 30 seats and site size restricts amount of parking able to be provided  
 \_\_\_\_\_  
 \_\_\_\_\_

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

Part of lot 4 Block 4, Concession 1 Geographic Township of Binbrook in the City of Hamilton  
2064-2080 Rymal Road East  
 \_\_\_\_\_

9. PREVIOUS USE OF PROPERTY

Residential \_\_\_\_\_ Industrial \_\_\_\_\_ Commercial X \_\_\_\_\_  
 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 X No \_\_\_\_\_ 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?

Speaking with owner and historical knowledge of property

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 X No \_\_\_\_\_

- Restaurant - Grocery Store

**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.

Feb 24<sup>th</sup> 2020  
Date

  
Signature Property Owner

1121209 Ontario Inc.  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 162 m  
Depth 95.4 m  
Area 1.6 ha  
Width of street 35 m

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: Restaurant to be demolished

Proposed: Commercial structure totaling 1485m2 subject to SPA-19-085

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

Existing: Please see attached site plan

Proposed: Please see attached site plan

13. Date of acquisition of subject lands:  
 +- 30 years \_\_\_\_\_
14. Date of construction of all buildings and structures on subject lands:  
 +- 40 years \_\_\_\_\_
15. Existing uses of the subject property: Commercial  
 \_\_\_\_\_  
 \_\_\_\_\_
16. Existing uses of abutting properties: Residential and Commercial/Residential mix-use  
 \_\_\_\_\_
17. Length of time the existing uses of the subject property have continued:  
 Existing grocery store converted to proposed carwash and retail  
 \_\_\_\_\_  
 \_\_\_\_\_
18. Municipal services available: (check the appropriate space or spaces)  
 Water X \_\_\_\_\_ Connected X \_\_\_\_\_  
 Sanitary Sewer X \_\_\_\_\_ Connected X \_\_\_\_\_  
 Storm Sewers ditch/covert \_\_\_\_\_
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Local Commercial - Site Specific A - Rymal Road Secondary Plan  
 \_\_\_\_\_
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
General Commercial - C3 - Glanbrook By-law  
 \_\_\_\_\_
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.



GHA-20:99

# BOUSFIELDS INC.

Project No. 2045

April 14, 2020

Morgan Evans  
Committee of Adjustment  
City of Hamilton – Planning and Economic Development Department  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario L8P 4Y5

Dear Ms. Evans:

**Re: *Minor Variance Application***  
***2064-2080 Rymal Road East, Hamilton***

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## **Overview**

On behalf of our client, 1121209 Ontario Inc., the owners of the property municipally known as 2064-2080 Rymal Road East (the “subject site”), we are pleased to submit this Minor Variance application in order to increase the maximum seating capacity of 30 persons for a fast food and standard restaurant that currently applies to the subject site to a 120-seating capacity for a fast food and/or standard restaurant, as well as to reduce the required parking spaces for a shopping centre and a 120-seat restaurant from 141 to 119. In support, the following will provide an overview of the background, description of site and surrounding, the proposed minor variances, and our planning opinion.

## **Background**

On August 12, 2016, Hamilton City Council approved amendments to the Urban Hamilton Official Plan (the “UHOP”) and Glanbrook Zoning by-law No. 464 and passed by-law’s 16-234 and 16-235. By-law 16-234 adopted Official Plan Amendment No. 63 to the UHOP to amend the existing site-specific policy that applies to the subject site, while By-law No. 16-335 rezoned the subject site to a site specific General Commercial C3-301 zone. Of particular note, UHOPA No. 63 modified the list of permitted uses to permit, among other uses, restaurants. This modification removed the previous maximum seating capacity of 30 persons. However, the C3-301 zoning maintained the seating capacity restriction of 30 persons for fast food and standard restaurants.

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Based on discussions with Planning staff and our review of the Staff Report (PED16165) associated with the above related re-zoning, it appears that the intent of restricting restaurants to 30 seats is to address potential parking issues. In this regard, page 31 of the staff report states:

*“...In addition, restaurant uses can also be high traffic generating uses. The existing zoning on the subject lands restrict restaurants to a maximum seating capacity of 30 persons. It is proposed to continue this restriction for restaurants and fast-food restaurants. With these restrictions in place the parking ratio of one space for every 24 sq. m of gross floor area for the permitted commercial areas has merit and can be supported.”*

It is our opinion that the purpose and intent of this provision is to ensure that there is adequate parking on the subject site.

It is also important to note that Site Plan Application SPA-19-085 for the redevelopment of the subject site has received final approval (see Attachment 1) and is under construction.

## **Site and Surroundings**

The subject site is comprised of a generally rectangular shaped parcel of land with an area of approximately 1,600 metres square (1.6 hectares) located along the south side of Rymal Road East between Second Road West to the east and Fletcher Road to the west. The subject site has frontage of 162 metres along Rymal Road East and a depth of 95.4 metres. As noted above, the site has been approved for four buildings comprising of one 266.25 square metre oil and lube service garage, one 324.56 square metre manual 6- bay car wash, one commercial building including a 857.2 square metre automated car detailing establishment and 5 individual commercial units totaling 891.09 square metres, and one 1,485.9 square metre retail building.

The subject site is located along a *Major Arterial* road and within the Rymal Road Secondary Plan Area, an area generally bounded by Rymal Road to the north, Trinity Church Road to the west, Swayze Road to the east and the hydro corridor to the south. In terms of surrounding land uses, there are low rise residential townhouses to the south, Eramosa Karst Conservation area to the north (across

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Rymal Road, a new one-storey commercial retail building to the east located at 8 Kingsborough Drive, and a water hauling business to the west.

## **Requested Minor Variance**

The proposed Minor Variance application seeks to increase the maximum 30 persons seating capacity of a fast food and/or standard restaurants, in order to permit a standard restaurant with a maximum seating capacity of 120 persons to occupy a portion of the approved and under construction buildings (2080 Rymal Road East) on the subject site and to allow for a reduction in required parking from 141 to 119 parking spaces. In this regard, the ownership group has been approached by a standard restaurant to lease a portion of one of the approved buildings on the subject site.

The variance being sought in support of the proposal is as follows:

- 1. Section 44 of Zoning By-law 464, as amended**  
*That a 120-seat standard restaurant shall be permitted on the lands zoned C3-301 and municipally known as 2064 to 2080 Rymal Road East, whereas the by-law permits a standard restaurant with a maximum seating capacity of 30 persons.*
- 2. Section 44 of Zoning By-law 464, as amended**  
*That 119 parking spaces are required for the maximum permitted gross floor area of 3,735 square metres, including a standard restaurant with a maximum seating capacity of 120 persons.*

## **Planning Analysis**

Section 45(1) of the *Planning Act* authorizes the Committee of Adjustment the authority to grant a minor variance from the provisions of the by-law, in respect of the land, building or structure, or the use thereof, if, in its opinion, it meets the following four tests:

- 1. Maintaining the general intent and purpose of the Official Plan*

The subject site is designated *Local Commercial Site-Specific Policy A* within the Rymal Road Secondary Plan as shown on Map B.5.2.-1 in Volume 2 of the UHOP. In addition to the permitted uses within the *Local Commercial* land designation

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within the Rymal Road Secondary plan, Site Specific Policy – Area A permits a broad range of additional commercial uses for the subject site. In addition, UHOPA No. 63 removed all seating capacity restrictions for restaurants that previously applied to the subject site and permits the proposed standard restaurant. As the proposal seeks to develop the subject site for a use that is permitted by the Official Plan and Rymal Road Secondary Plan, it is our opinion that the proposal maintains the general intent and purpose of the Official Plan.

## *2. Maintaining the general intent and purpose of the Zoning By-law*

As mentioned above, the applicable zoning for the subject site was amended in 2016 through the adoption of By-law 16-235 which carried forward the restriction of a 30-person seating maximum for a fast food and standard restaurant. By-law 16-235 also amended the parking provisions for the subject site to a minimum of 1 parking space for every 24 square metres of gross floor area for the permitted commercial uses and no parking for the permitted motor vehicle uses. The approved site plan (see Attachment 1) includes the following:

- 1,295.96 square metres of Motor Vehicle uses;
- 2,376.99 square metres of commercial uses;
- 99 required parking stalls; and,
- 119 provided parking stalls

As outlined above, it is our opinion that the purpose and intent of the Zoning By-law is to restrict the seating capacity for standard and fast food restaurants in order to ensure there is sufficient parking on-site.

A Parking Justification Study prepared by Crozier Consulting Engineers, dated March 2020, was prepared in support of the application (see Attachment 2). The report concluded that the estimated parking demand for the proposed commercial uses and 120 seat standard and/or fast-food restaurant would range from 83 parking spaces on a weekday to a maximum of 114 parking spaces on a Friday, which would be assumed peak demand. The study found that the proposed 119 parking spaces is expected to be sufficient for both the commercial uses and the 120-seat restaurant and provides a surplus of 5 parking spaces at peak demand.

It is also important to note that the subject site was never brought into By-law 05-200 through the Commercial and Mixed-Use Zoning. If it were, it is assumed that it would be rezoned to the C3 zone, similar to the south-east corners of Rymal

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Road East and Trinity Church Road, Dakota Boulevard, and Fletcher Road, all of which are also designated "Local Commercial" with a site specific policy in the Rymal Road Secondary Plan. It is important to note that all of these sites permit a standard restaurant with no seating capacity restrictions.

Furthermore, the south-east corner of Rymal Road East and Fletcher Road is zoned C3 with special exception 335, which permits a full range of uses including a restaurant (with no seat restrictions). Furthermore, it has been modified (through exception 335) to permit a minimum parking ratio of 1 space per 18 sq. m. of gfa for all uses. It is our understanding that this parking reduction (as well as other modifications) was facilitated through minor variance application GL/A-13:168. The parking reduction did not require a parking study from a transportation engineer. It appears that this variance was carried forward when this site was brought into the new CMU zone. It is also our understanding that there are no parking issues at that site.

Based on the foregoing, it is our opinion that the proposed variances maintain the general intent and purpose of the Zoning By-law as sufficient parking is being provided on site and the proposed 119 parking spaces are appropriate and in line with other nearby sites.

### *3. Desirable and appropriate for the development of the land*

It is our opinion that the variances being requested are desirable and appropriate for the development of the land as it will allow for the subject site to be developed to accommodate a use that is planned for, since it's permitted by the site specific Official Plan policy framework, and can function with sufficient parking that is similar to and provides more parking than other similar *Local Commercial* sites in the area.

### *4. Minor in nature*

In our opinion, the requested variances are minor in both a quantitative and qualitative perspective. Minor can not only be contemplation through a numerical calculation, but also based on an analysis and potential impact the subject site or surrounding area may be exposed to. In this regard, the increase of the maximum seating capacity to 120 persons for a standard restaurants is minor in nature, since it is a permitted use in the UHOP and is still restricted in order to ensure sufficient vehicular parking. Additionally, the reduction in the required parking spaces is

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minor in nature since the proposal is still providing an adequate amount of parking for the commercial uses and the 120-seat restaurant.

In terms of impact, as identified through the attached parking study, the subject site will be able to adequately accommodate on-site the parking demand that will be generated by the commercial and restaurant uses and will not negatively affect the subject site or the surrounding area. Accordingly, it is our opinion that the proposed minor variances are minor and should be supported.

## **Summary Opinion**

Based on the foregoing, it is our opinion that the requested variances satisfies the four-part test set out in the Planning Act and we respectfully respect that the Committee of Adjustment approve the application.

We trust that the foregoing is satisfactory. However, if you have any questions or require additional information, please do not hesitate to contact the undersigned or Joe Buordolone of our office at 905-549-3005.

Yours very truly,  
**Bousfields Inc.**

A handwritten signature in black ink, appearing to be 'D. Falletta', written in a cursive style.

David Falletta, MCIP, RPP

jb/DF:jobs

Attachments (2)

Cc: Y. Rybensky, City of Hamilton (via e-mail)  
S. Robichaud, City of Hamilton (via e-mail)