

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-21:38

APPLICANTS: Paul Mallard on behalf of the owner Saba Estates Holdings

SUBJECT PROPERTY: Municipal address **252 Catharine St. N., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 74-259

ZONING: "J/S-378" (Light and Limited Heavy Industry, etc.) district

PROPOSAL: To permit the conversion of the existing two-storey building to a Multiple Dwelling containing 20 dwelling units while maintaining 137.5 square metres of Retail space on the ground floor level, notwithstanding;

1. A Multiple Dwelling containing 20 dwelling units shall be permitted within the existing building whereas the Zonign By-law does not permit a Multiple Dwelling at this location;

2. A minimum manoeuvring space width of 4.0 metres shall be permitted for the parking spaces located within the parking area abutting Barton Street East instead of providing a minimum manoeuvring space width of 6.0 metres required to be provided abutting upon and accessory to each required parking space;

3. The parking area abutting Barton Street East shall be permitted to be located 0.0 metres from the adjoining residential district to the east instead of providing the minimum required distance of 1.5 metres from the boundary of every parking area containing five (5) or more parking spaces to an adjoining residential district;

4. The parking area abutting Barton Street East shall be permitted to be located 0.0 metres from the street line instead of providing the minimum required distance of 6.0 metres which is equal to the depth of the front yard required to be provided in the adjoining residential district to the east for that portion of the parking area located within 3.0 metres of the adjoining residential district;

5. A landscaped area with a planting strip shall not be provided between the parking area abutting Barton Street East and the boundary of the abutting residential district to the east instead of providing a landscaped area with a planting strip required to be provided between a parking area containing five or more parking spaces and an adjoining residential district;

6. A visual barrier shall not be provided between the parking area abutting Barton Street East and the abutting residential district to the east instead of providing a visual barrier with a minimum height of 1.2 metres and a maximum height of 2.0 metres required to be provided between a parking area containing five or more parking spaces and an adjoining residential district;

7. The access driveway providing access to the parking area abutting Barton Street East shall be permitted to be located 0.0 metres to the adjacent residential district to the east instead of providing a minimum of 3.0 metres from the common boundary between an access driveway providing access to a Multiple Dwelling and a residential district which does not permit such use;

NOTES:

1. A minimum of one (1) loading space measuring 3.7 metres in width x 9.0 metres in length x 4.3 metres in height is required to be provided for the proposed Multiple Dwelling. Two (2) loading spaces have been shown to be provided on the site plan, however it is unclear if these loading spaces are to be maintained. A further variance will be required if a minimum of one (1) loading space measuring 3.7 metres in width x 9.0 metres in length x 4.3 metres in height is not provided. Please note; a loading space is not required to be provided for the Retail use as it is proposed to occupy a floor area less than 450.0 square metres.

2. It is unclear if the open stair located at the most easterly portion of the northern building façade is to be replaced. A further variance will be required should the intent be to replace the existing open stair.

3. Details regarding illumination of the parking areas have not been provided. A further variance will be required if compliance with Section 18A(13) of the Zoning By-law cannot be achieved.

4. Amending By-law 74-259 limits the use of this property to industrial or commercial uses existing on the date of the passing of the By-law (October 29th, 1974). Pursuant to Building Division records, the existing permitted use is a retail store with accessory office and storage areas.

5. Minor variance decision HM/A-19:128 was previously approved to facilitate the conversion of the second floor of the existing building to a nine (9) unit Multiple Dwelling while maintaining a Retail use on the ground floor level.

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

DATE:	Thursday, March 4th, 2021
TIME:	2:05 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: February 16th, 2021.

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.

SURVEYOR'S REAL PROPERTY REPORT
PART 1

PLAN OF SURVEY OF
LOTS 29 & 30 AND PART OF LOT 28 FRONTING ON
THE EAST SIDE OF CATHARINE STREET BETWEEN ROBERT & BARTON STREETS
IN THE BLOCK BOUNDED BY CATHARINE, BARTON, MARY & ROBERT STREETS

ACCORDING TO
NATHANIEL HUGHSON SURVEY - (UNREGISTERED)

CITY OF HAMILTON

SCALE 1:200



B.J. CLARKE O.L.S.

THIS REPORT WAS PREPARED FOR
RAYMOND SABA-SABA ESTATES HOLDING

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM

2003409



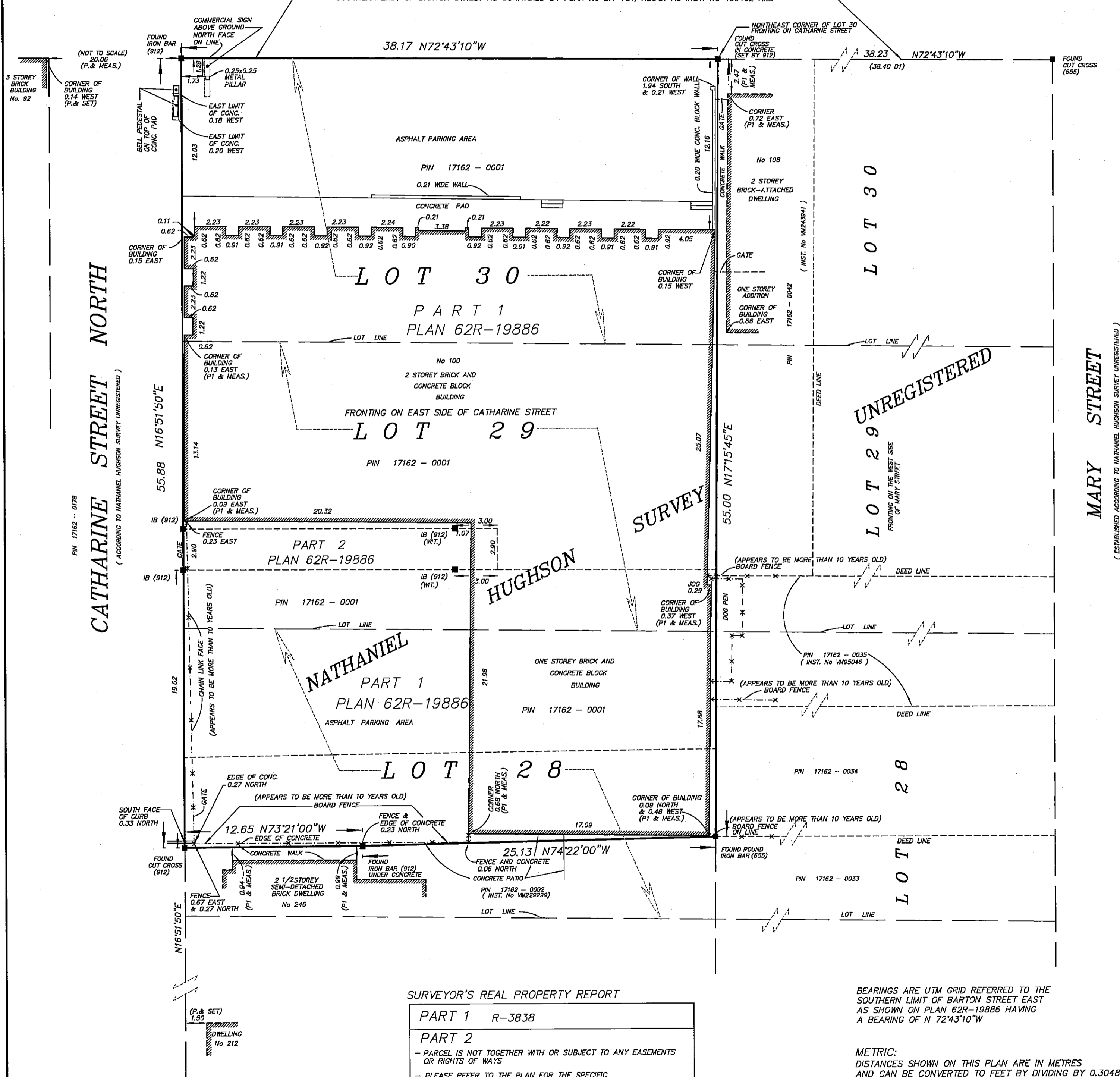
THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1026, Section 28(3).

PIN 17159 - 0196

BARTON STREET EAST

(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2)

SOUTHERN LIMIT OF BARTON STREET AS CONFIRMED BY PLAN No BA-781, REG'D. AS INST. No 400462 A.B.



SURVEYOR'S REAL PROPERTY REPORT

PART 1 R-3838

PART 2

- PARCEL IS NOT TOGETHER WITH OR SUBJECT TO ANY EASEMENTS
OR RIGHTS OF WAYS

- PLEASE REFER TO THE PLAN FOR THE SPECIFIC
LOCATION OF FENCES AND OTHER FEATURES
RELATIVE TO THE PROPERTY LIMITS

- NOTE THE EXTENT OF CONCRETE WALK AND PATIO
SITUATED NORTH AND TO EAST OF 246 CATHARINE STREET DWELLING
THAT IS LOCATED ONTO THE SUBJECT LANDS

LEGEND:

IB DENOTES IRON BAR
(655) DENOTES J. T. PETERS O.L.S.
(912) DENOTES A. J. CLARKE O.L.S.
(WIT.) DENOTES WITNESS
(P.) DENOTES BA PLAN No 781
(D1) DENOTES INSTRUMENT No VM243941
(P1) DENOTES PREVIOUS PLAN BY
A. J. CLARKE & ASSOCIATES LTD.
DATED JUNE 23, 1976 INDEXED E-3366
(MEAS.) DENOTES MEASURED

BEARINGS ARE UTM GRID REFERRED TO THE
SOUTHERN LIMIT OF BARTON STREET EAST
AS SHOWN ON PLAN 62R-19886 HAVING
A BEARING OF N 72°43'10"W

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

A. J. CLARKE & ASSOCIATES LTD. is not liable for use of this
REPORT by any party or parties for FUTURE TRANSACTIONS
or for any unrelated purposes.

This REPORT reflects conditions at time of survey. UPDATING
may be required to issue ADDITIONAL COPIES subsequent to
DATE of the SURVEYOR'S CERTIFICATE.

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT
AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 19th DAY OF JANUARY, 2017

JANUARY 19, 2017

DATE

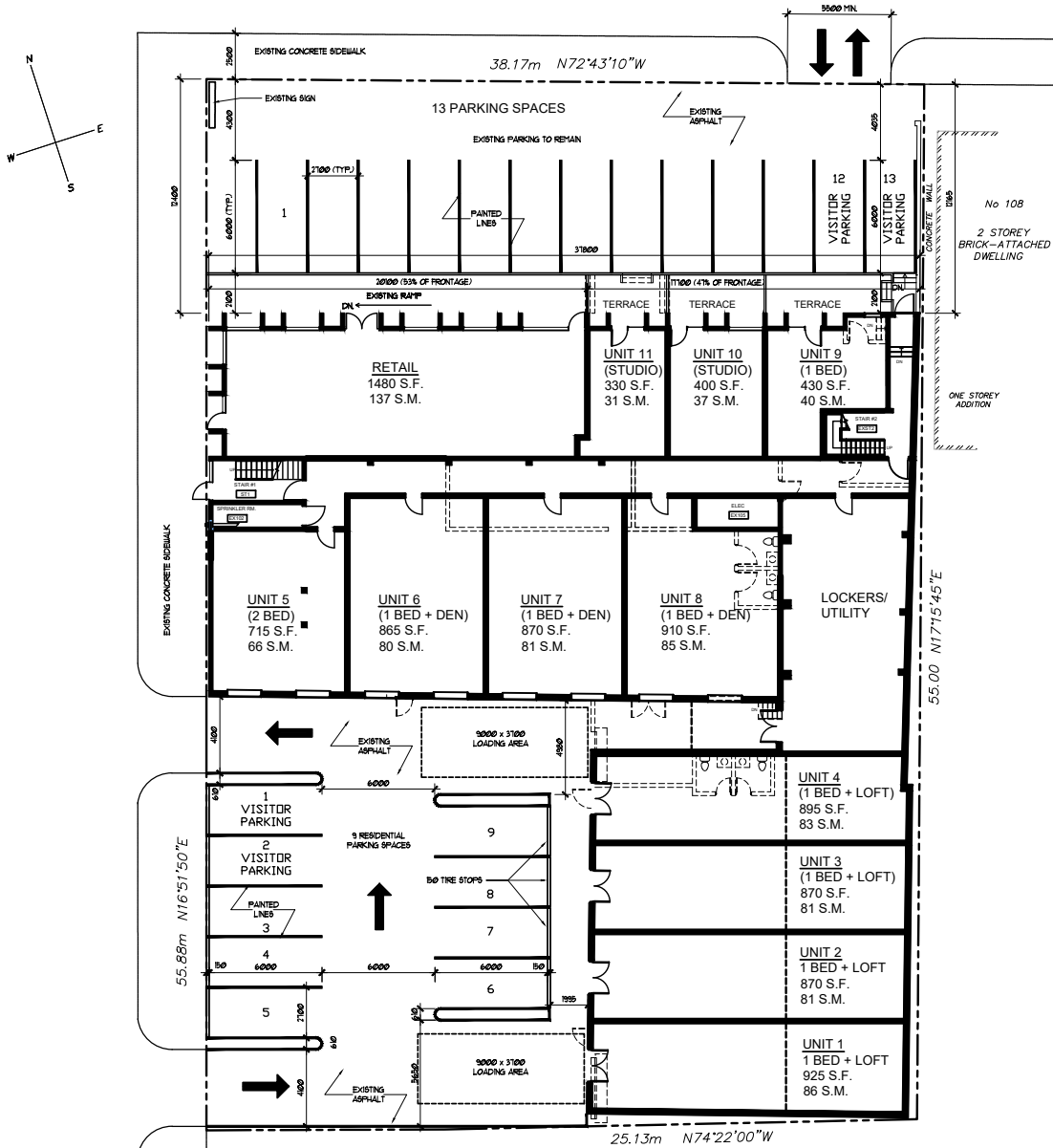
B. J. Clarke
B. J. CLARKE
ONTARIO LAND SURVEYOR



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

BARTON STREET EAST



137 S.M. RETAIL
20 RESIDENTIAL UNITS
22 PARKING SPACES

RETAIL - RESIDENTIAL

FEASIBILITY STUDY

CATHARINE & BARTON
AFFLATUS CONSULTING LTD.

252 CATHARINE ST. N, HAMILTON

SCALE:

1/32" = 1'-0"

DATE:

JAN 11, 2020

LINTACK
ARCHITECTS

INCORPORATED

244 JAMES STREET SOUTH,
HAMILTON, ONTARIO, L8P 3B3
T: 905.522.6165 • F: 905.522.2209
E: information@lintack.com
www.lintack.com

GROUND FLOOR

JOB No.

20.076

DWG. No.

A1.0



Hamilton

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

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, 2	NAME	ADDRESS	
Registered Owners(s)	Saba Estates Holding c/o Raymond Saba		Phone: _____ E-mail: _____
Applicant(s)*	Payam Khazanbaik		Phone: _____ E-mail: _____
Agent or Solicitor	Paul Mallard		Phone: _____ E-mail: _____

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

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

Ontario Wealth Management Corporation
2950 Keele St.
Toronto, ON
M3M 2H2

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:
Further Variance to permit the alteration of 1st floor of existing two (2) storey building into eleven (11) multiple dwelling units and to maintain 137.5 sq.m. of retail space.
NOTE: Second (2nd) floor of existing two (2) storey building is to be altered into a nine (9) unit multiple dwelling as per previously approved Variance HM/A-19:128. This would result in a total of twenty (20) units.

5. Why it is not possible to comply with the provisions of the By-law?
The lands are currently under a Site Specific "J/S-378" Zoning which only permits existing commercial or industrial uses or expansion thereof.

* (See attached for more information)

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

Lots 29 & 30, Part Lot 28 Nathaniel Hughson Survey
Municipally known as 252 Catharine St. N.

7. PREVIOUS USE OF PROPERTY

Residential ☐ Industrial ☒ Commercial ☒
Agricultural ☐ Vacant ☐

Other _____

8.1 If Industrial or Commercial, specify use Real McCoy Sports-McCoy's Exercise Equipment/Warehouse-McCoy Machinery and Supply

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes ☐ No ☐ Unknown ☒

8.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes ☐ No ☐ Unknown ☒

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes ☐ No ☐ Unknown ☒

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes ☐ No ☐ Unknown ☒

8.6 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 ☐

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes ☐ No ☒ Unknown ☐

8.8 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 ☐

8.9 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 ☐

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ☒ No ☐ Unknown ☐

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

Owner and previous application (HM?A-19:128).

8.12 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 ☐

9. 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.

January 14, 2021

Date

Signature Property Owner

Raymond Saba

Print Name of Owner

10. Dimensions of lands affected:

Frontage	55.8m (Catharine St. N.)
Depth	38.1m (Barton St. E.)
Area	2,100 sq.m.
Width of street	Approx. 20m

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:

Two (2) storey L-shaped slab on grade building (approx.. 38.1m x 42.7m) with a ground floor area of approx.. 1,110 sq.m.; second (2nd) floor area of approx.. 750 sq.m.; total floor area of approx.. 1,860 sq.m.

Proposed

N/A – proposal is for a further variance to allow the alteration of the first (floor) into eleven (11) multiple dwelling units for a total of twenty (20), and maintain 131.5 sq.m. as retail space.

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

Existing:

Front (Catharine St. N.) setback - .08m; Rear setback - .14m; Side (barton St. E.) setback - 12.0m; Side (south) setback - .08m

Proposed:

N/A

13. Date of acquisition of subject lands:
October 2014
-
14. Date of construction of all buildings and structures on subject lands:
1960's - 1970's (Barton portion new building in 1980).
-
15. Existing uses of the subject property:
Retail commercial (Rugs Network) and warehouse.
16. Existing uses of abutting properties:
N - Res/Comm & Inst; S - Res; E - Res & Inst; West - Comm.
17. Length of time the existing uses of the subject property have continued:
Approx. 4.0+ 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:
The subject lands were not included in UHOP as they fell under Non-Decision 113. Proposal implements "Prime Retail" designation in West Harbour (setting Sail) Secondary Plan. (See attachment for more information).
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Site Specific "J/S-378".
21. Has the owner previously applied for relief in respect of the subject property?
☒ Yes ☐ No
If the answer is yes, describe briefly.
Previous Minor Variance (HM/A-19:128) approved to permit alteration of second (2nd) floor of existing two (2) storey building into a nine (9) unit multiple dwelling.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
☐ Yes ☒ No
23. Additional Information
See attachment.
24. 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.