



NOTICE OF PUBLIC HEARING Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: SC/A-19:208

APPLICANTS: Owner Rosart Properties
Agent Webb Planning

SUBJECT PROPERTY: Municipal address **184 Hwy 8, Stoney Creek**

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

ZONING: C5 district (Mixed Use Medium Density)

PROPOSAL: To permit the establishment of 8.6m² retail establishment (kiosk) within the existing developed site containing a shopping centre, notwithstanding that;

Variances to Hamilton Zoning By-law 05-200:

1. A minimum building height of 2.8m shall be permitted instead of the minimum 6.0m building height required.
2. No principle entrance with no direct access to the public side walk shall be permitted to be maintained along any façade whereas the zoning By-law requires that a minimum of one principle entrance shall be provided within the ground floor façade that is setback closest to a street and shall be accessible from the building façade with direct access from the public sidewalk.
3. No planting strip shall be provided along the rear lot line abutting the residential zone and the portion the westerly lot line between the rear asphalt area and the abutting residential zone instead of the minimum 1.5m wide planting strip required.
4. A minimum of 96 parking spaces shall be permitted to be maintained instead of the minimum 126 parking spaces required for a multi-tenanted commercial development under the current zoning regulations and the minimum 98 parking spaces required for a shopping plaza under the proposed zoning regulations by By-law 17-240.
5. Two (2) barrier free parking spaces shall be permitted to be maintained instead of the minimum four (4) barrier free parking spaces required multi-tenanted commercial development under the current zoning regulations and the minimum three (3) barrier free parking spaces required for a shopping plaza under the proposed zoning regulations by By-law 17-240.

Variances to Former Zoning By-law 3692-92:

6. A minimum flankage side yard of 1.6m shall be permitted instead of the minimum 6.0m side yard required.

Notes: Be advised that Amending By-law No. 17-240 was passed on November 8, 2017 which changed the zoning of this property from GC (General Commercial) under Former Stoney Creek Zoning By-law 3692-92 to C5 (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. 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.

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

DATE: Thursday, March 18th, 2021
TIME: 1:25 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

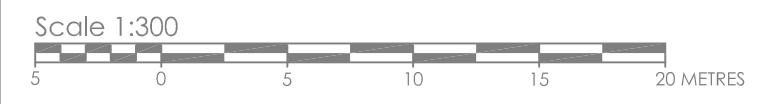
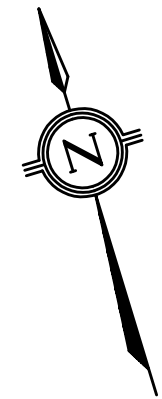
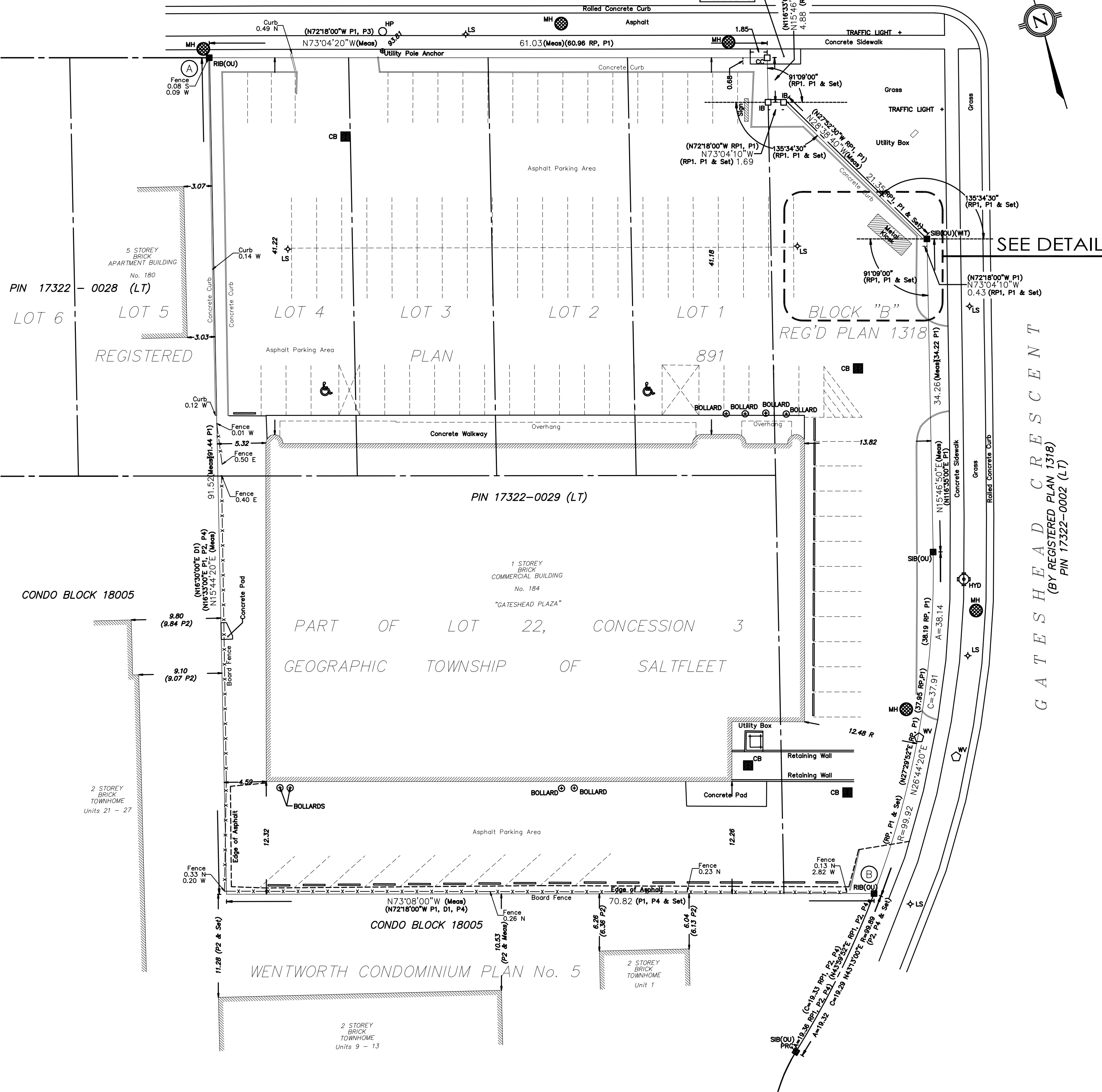
DATED: March 2nd , 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

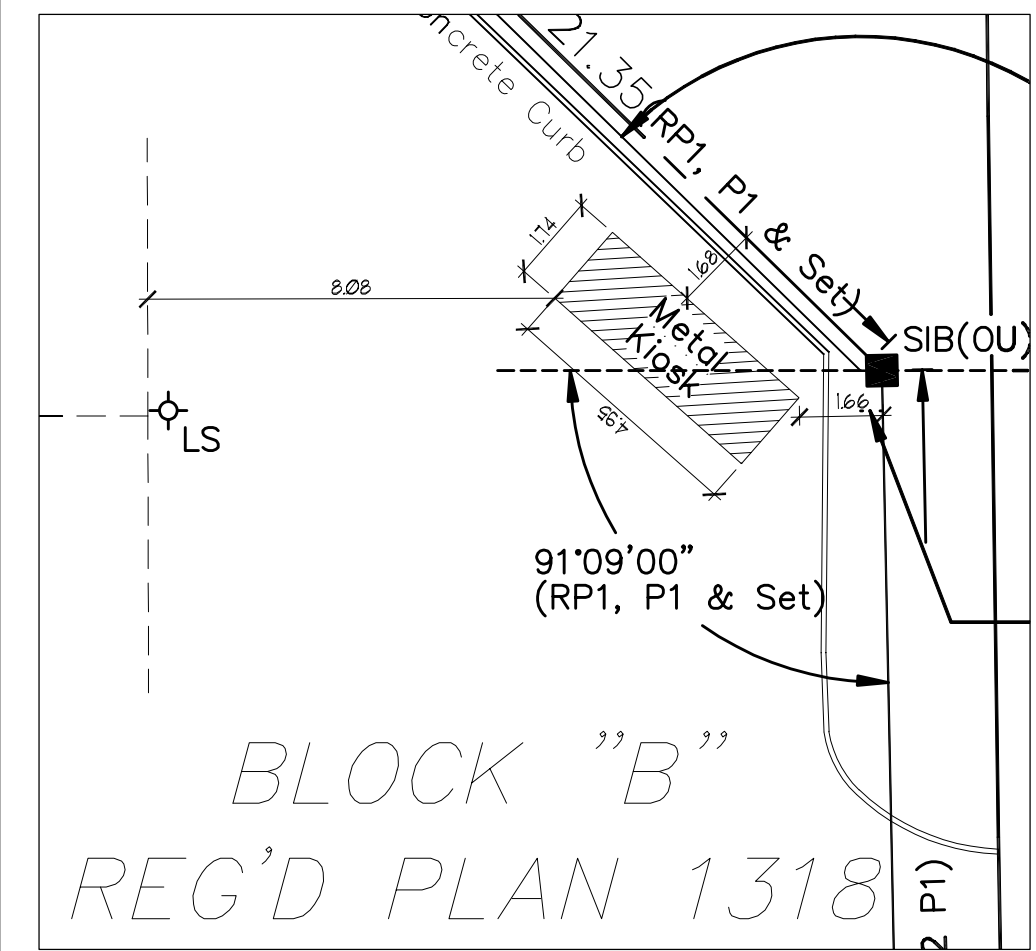
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

QUEEN'S HIGHWAY No. 8

(PLAN 133 MISC)
(PART OF LOT 22, CONCESSION 3)
PIN 17325-0002 (LT)



SEE DETAIL



SITE PLAN DETAIL
SCALE 1:150

Barich Grenke
Surveying Ltd.

297 HWY No. 8 (UNIT 101) - LRG-115 - STONEY CREEK, ON
(905) 642-6767

A DIVISION OF GEOMAPLE



Hamilton

Planning and Economic Development Department
Planning Division

19-12525
Committee of Adjustment

City Hall
5th 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>SCIA-19: 208</u>	DATE APPLICATION RECEIVED <u>MAY 24 11 19</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 Rosart Properties Inc. Telephone No.
-
- Name of Agent WEBB Planning Consultants Telephone
-

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:
Mortgage – Royal Bank of Canada
3405 Harvester Road Postal Code L7N 3N1
Suite 200 Burlington ON
_____ Postal Code _____

6. Nature and extent of relief applied for:
Accessory Structure to be permitted within the Front and exterior side yard

7. Why it is not possible to comply with the provisions of the By-law?
No opportunity to site the building to align with front or side of existing building

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
Former Twp of Saltfleet, 184 Highway No. 8

9. PREVIOUS USE OF PROPERTY
Residential _____ Industrial _____ Commercial X
Agricultural _____ Vacant _____
Other _____

9.1 If Industrial or Commercial, specify use

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?

Site inspection, information provided by owner

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ___ No 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.

15/05/19
Date



Signature Property Owner

JOHN ROSARI
Print Name of Owner

10. Dimensions of lands affected:

Frontage _____
Depth _____
Area _____
Width of street 26.0 metres

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: Main Building – total GFA of 22,561 sq. feet, one storey in height
Kiosk – 15.5 feet x 6 feet, GFA of 93 sq. feet, 8 feet high

Proposed: Main Bld. – no changes
Kiosk – Variance will recognize existing location

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

Existing: Main Bld.: FY – 40 m, ESY: 14 m, ISY: 5 m, RY: 12.0
Kiosk: FY – 15.0 m, Ext SY: 2.0 m

Proposed: No changes

13. Date of acquisition of subject lands:
1970
14. Date of construction of all buildings and structures on subject lands:
1970
15. Existing uses of the subject property: Commercial – retail, service & office
16. Existing uses of abutting properties: Commercial to east & west, residential to rear
17. Length of time the existing uses of the subject property have continued:
in excess of 40 years
18. Municipal services available: (check the appropriate space or spaces)
 Water Yes Connected Yes
 Sanitary Sewer Yes Connected Yes
 Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
Western Area Secondary Plan – Mixed Use Medium Density
UHOP – Mixed Use Medium Density
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Zoning By-law No. 05-200 – C5 Zone
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No X
 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 X
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.



May 24, 2019

City of Hamilton
Planning & Economic Development Department
Committee of Adjustment
71 Main Street West
Hamilton ON L8P 4Y5

Attention: Mr. Scott Baldry
Secretary Treasurer

Dear Mr. Baldry,

Re: Application for Minor Variance – Gateshead Plaza
184 Highway No. 8, Stoney Creek, City of Hamilton

WEBB Planning Consultants are retained by Rosart Properties Inc. to process an Application for Minor Variance for the above noted commercial property.

The lands subject to this application are located at 184 Highway No. 8 in the former municipality of Stoney Creek, now City of Hamilton. The property is a corner property with the primary frontage onto Highway No. 8 with flankage on Gateshead Crescent.

The Gateshead Plaza was initially constructed in the early 1970's comprising a single storey commercial building having a total gross floor area of approximately 2,090 sq. metres (22,500 square feet) with 111 parking spaces. In keeping with the commercial Policy framework and Zoning Regulations, the tenants are a mix of retail, service commercial and professional office uses.

As illustrated by the attached image, a tenant has established a small building located along the street frontage that is being used for retail purposes. The building measures 15.5 feet by 6 feet with a total floor area of 93 square feet (8.63 square metres).

City Planning & Economic Development staff have conducted a preliminary review of the proposal and have confirmed that the addition of the building does not trigger the requirement for Site Plan Approval, there is no impact on the existing parking layout, and no additional on-site parking is required as no parking is required for an accessory structure.

However, as the new building is deemed to be an accessory building, Variances from the recently adopted CMU Zoning are required. Notwithstanding that the proposed building meets the intended setbacks for new buildings to be located close to the street frontage, the building is regulated as an accessory building and subject to the General Provisions Regulations of By-law 05-200, Section 4.8.1, which do not otherwise permit an accessory building to be located in a front yard or an exterior side yard.

The enclosed Application for Minor Variance seeks approval of a Variance from the By-law that will allow the building to be located as proposed.

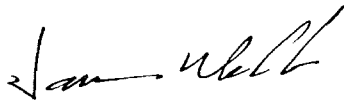
In keeping with the City's requirements for the submission of an Application for Minor Variance, the following materials are enclosed:

- Application for Minor Variance;
- Application Fee of \$2,738.00 payable to the City of Hamilton;
- Graphic illustrating form and location of Accessory Building.

We trust that you will find the enclosed materials complete and suitable for the purpose of processing this Application for Minor Variance. Please contact our office immediately should you have any questions or require additional information in support of this submission.

Yours truly,

WEBB Planning Consultants Inc.



James Webb, MCIP, RPP

cc: Rosart Properties Inc.