COMMITTEE OF ADJUSTMENT



City Hall, 5th 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

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-21:92

APPLICANTS: Webb Planning on behalf of the owner 5006994 Ontario Inc.

SUBJECT PROPERTY: Municipal address 928 Barton St. E., Hamilton

ZONING BY-LAW: Zoning By-law 05-200, as Amended 19-062

ZONING: "C5" (Mixed Use Medium Density) district

PROPOSAL: To permit a medical clinic within an existing one storey building

comprising 473 square metres of gross floor area, notwithstanding

that:

- 1. The required parking for the medical clinic shall consist of thirteen (13) parking spaces instead of the required 29 parking spaces.
- 2. Angled parking spaces shall be permitted to be located 0 metres from the street line of Barton Street East and Cavell Avenue instead of the minimum required setback of 3.0 metres from a street line and a planting strip shall not be required.
- 3. Parking spaces which are oriented on a 60 degree angle within the westerly side yard shall require a minimum aisle width of 3.7 metres and parking spaces which are oriented on a 60 degree angle within the rear yard shall require a minimum aisle width of 0 metres instead of the minimum required aisle width of 5.5 metres for one and two way access.
- 4. Parking spaces which are oriented on a 60 degree angle within the rear yard shall be permitted to have ingress and egress from the abutting municipal laneway instead of on site and egress shall be permitted in a reverse manner into the laneway instead of in a forward motion from a site.
- 5. No short term bicycle parking spaces shall be required instead of the minimum required 5 short term bicycle parking spaces.

NOTES:

- 1. A medical clinic is permitted in the C5 Zone. However, the last recognized use for the property was a financial establishment.
- 2. Variances are written exactly as requested by the applicant except that additional variances have been included based on the non-compliance of several parking requirements under Zoning By-law 05-200.

- 3. Certain regulations of the C5 Zone approved under amending By-law 17-240 and certain parking regulations in Zoning By-law 05-200 remain under appeal and are subject to final approval by LPAT. The parking requirements for a medical clinic are however in effect.
- 4. The existing building is recognized as legally established non-complying in the C5 Zone. Parking variances, however apply because of non-compliance with the Zoning Bylaw for the proposed medical clinic.
- 5. The property is a corner lot and the frontage is recognized as Barton Street East and the flankage side is Cavell Avenue.

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

DATE: Thursday, April 22nd, 2021

TIME: 1:40 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:

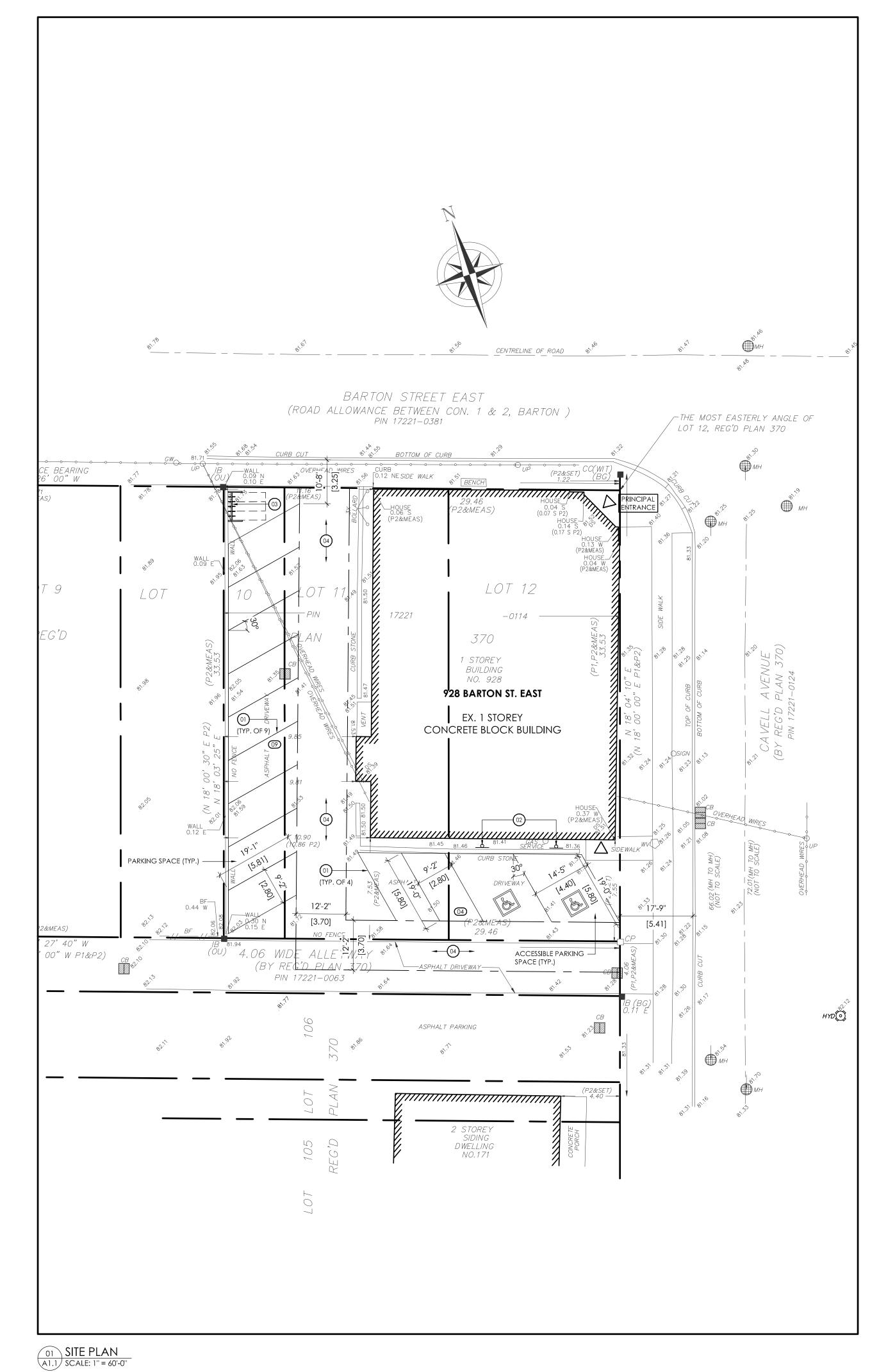
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: April 6th, 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.



STAMP:

DRAWINGS SHALL NOT BE SCALED. CONTRACTOR SHALL VERIFY ALL DIMENSIONS, SPECIFICATIONS AND DRAWINGS ON SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO PROCEEDING WITH ANY OF THE WORK.

TRUE NORTH:



DRAWING NORTH:

ALL OF LOTS 11 AND 12 REGISTERED PLAN 370 CITY OF HAMILTON

PART OF LOT 10 AND

SURVEY INFORMATION

SURVEY DATED FEBRUARY 26, 2021

SURVEY INFORMATION TAKEN FROM SURVEY BY: J. H. GELBLOOM SURVEYING LIMITED ONTARIO LAND SURVEYOR 476 MORDEN ROAD, UNIT 102, OAKVILLE, ONTARIO, L6K 3W4

LEGEND PROPERTY LINE DASHED LINES ILLUSTRATE EXISTING ELEMENTS TO BE REMOVED The hand the DENOTES CATCH BASIN DENOTES MAINTENANCE HOLE DENOTES WATER VALVE DENOTES BOLLARD DENOTES UTILITY POLE DENOTES GUY WIRE DENOTES GAS METER PEDESTRIAN ENTRANCE

CONSTRUCTION NOTES

(01) NEW PARKING SPACE - 2.8m x 5.8m, UNLESS OTHERWISE NOTED.

No. OF PARKING SPACES

- 02) NEW ACCESSIBLE PARKING SPACE SIGN.
- NEW SHORT TERM BIKE RACK TO MEET REQUIREMENTS OF THE CITY OF HAMILTON ZONING BY-LAW. COLOUR TO BE SILVER OR LIGHT GRAY.
- (04) TYPICAL 3.7m WIDE DRIVE AISLE WIDTH AS PER THE CITY OF HAMILTON ZONING BY-LAW.

GENERAL NOTE

ALL ELEMENTS ILLUSTRATED ON THE SITE PLAN SHALL BE CONSIDERED AS EXISTING TO REMAIN UNLESS OTHERWISE NOTED ON THE DRAWING.

1.0	OWNER ARCH			ARCHI	ITECT			
	DR. LIMA 928 BARTON STREET, EAST HAMILTON, ON L8L 3C3		:	295 RO OAKVIL	OLL AND A: BINSON ST., LE, ON L6J 1 5) 339-2811	SUITE '300'	INC.	
2.0	LOCATION	LOCATION						
	928 BARTON STREET, EAST HAMILTON, ON L8L 3C3							
3.0	LEGAL DESCRIPTION							
	PART OF LOT 10 AN ALL OF LOTS 11 AND) 12 REGIS	STERED PLAN 3	70 CITY	OF HAMILT	ON		
4.0	ZONING INFORMATION							
	ZONING CATEGORY: MIXED USE MEDIUM DENSITY ZONE CODE: C-5							
5.0	EXISTING USE							
	MEDICAL OFFICE							
6.0	LOT AREA							
	988 m² / 10,635 ft²							
7.0	COVERAGE				METF	RIC (m²)		IMPERIAL (ft²)
	EXISTING BUILDING TO REMAIN					473	_	5,091
	TOTAL COVERAGE:					473		5.091
8.0	BUILDING CLASSIFICATION							
	3.2.2.55. GROUP D, UP TO 2 STOREYS							
9.0	BUILDING CONSTRUCTION							
	COMBUSTIBLE AND NON-COMBUSTIBLE PERMITTED							
10.0	RATING FOR ASSEMBLIES							
	HORIZONTAL ASSEMBLIES		SUPPORTING					ROOF
	45min IF OF COMBUSTIBLE CONSTRUCTION	45min	FOR LOADE COLUMNS			45min		F OF COMBUSTIBLE CONSTRUCTION
11.0	GROSS FLOOR AREAS					RIC (m²)		IMPERIAL (ft²)
	CELLAR: EXISTING TO REMAIN (EXCLUDING MECH.)				416		4,477	
	GROUND FLOOR: EXISTING TO REMAIN (EXCLUDING MECH.) TOTAL GROSS FLOOR AREA			468 468		5,040 5,040		
12.0	PARKING REQUIRED			REQUIRED		PROVIDED		
	1.0 FOR EACH 16.0 m ² OF G.F.A.			29		13		
	TOTAL PARKING				29		13	
	BARRIER FREE SPACES				2		2	
13.0	LOT COVERAGE				METRIC (m²)		PERCENTAGE	
	BUILDING AREA				473		48%	

01 08.03.21 ISSUED FOR CofA APPLICATION



van Groll & Associates Inc. 295 Robinson Street, Suite 300 Oakville, ON L6J 1G7 (905) 339-2811 www.vangrollassociates.com

CLIENT:

PROJECT: DR. LIMA MEDICAL CLINIC

INTERIOR ALTERATION

ADDRESS: 928 BARTON STREET, EAST HAMILTON, ON. L8L 3C3

DRAWING TITLE: SITE PLAN AND SITE STATISTICS

DATE: 2021.03.01 SCALE: AS NOTED DRAWN: M.G. SHEET NUMBER:

JOB NUMBER:

20-174-103



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	1 .
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)	5006994 Ontario Inc.		Phone:
			E-mail:
Applicant(s)*	Black-Hart Construction Inc		Phone:
			E-mail:
Agent or Solicitor	WEBB Planning Consultants		Phone:
	Consultants		
			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:

Scotia Wealth Management - Waterloo Investment service in Waterloo, Ontario

Address: 115 King St S suite 210, Waterloo, ON N2J 5A3

Phone: (519) 743-3387

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

4.	Notwithstanding the requirement to provide 29 parking spaces, a maximum of 13 spaces will be provided				
5.	Why it is not possible to comply with the provisions of the By-law? Adaptive re-use of the existing building for a medical clinic, property has deficient area to accommodate the required number of parking spaces				
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): Part of Lot 10 and all of lots 11 & 12, Registered Plan 370 928 Barton Street East				
7.	PREVIOUS USE OF PROPERTY Residential Industrial Commercial Agricultural Vacant Other				
8.1	If Industrial or Commercial, specify use Medical Office (not legal), Credit Union prior to that				
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 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	uses on the site or a	_		ve been contaminated by former			
8.11	What information did you use to determine the answers to 9.1 to 9.10 above? Site inspection, discussion with owner						
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 L			
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 – b reason of its approval to this Application.						
	Date		Signature Pr	roperty Owner			
			Hermenio L Print Name o				
10.	Dimensions of lands Frontage	29.46 m					
	Depth	33.5					
	Area Width of street	988 sq. metres 20 metres (Barton Street)					
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:_ Building dimensions of 26m x18.2 m, single storey, ground floor area of 475 sq. metres Refer to accompanying Plan of Survey for further details						
	Proposed No changes to the exterior of the existing building						
12.	Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines) Existing: FY: 0.0m, Ext SY: 0.0m, Interior SY: 9.8m, RY: 7.5m						
	Proposed: No changes to the	exterior of the buildir	ng				

13.	Date of acquisition of subject lands: August 2019					
14.	Date of construction of all buildings and structures on subject lands: Unknown					
15.	Existing uses of the subject property:					
	Single storey building, currently vacant					
16.	Existing uses of abutting properties:					
	Commercial and low density Residential					
17.		Length of time the existing uses of the subject property have continued:				
	In excess of 10 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 provi	sions applying to the land:				
	Mixed Use Medium Density					
20.	Present Restricted Area By-law (Zoning By C5 Zone, Zoning By-law No. 05-200	/-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.	the Planning Act?	rent application for consent under Section 53 of				
		● No				
23.	Additional Information					
24.	• • • • • • • • • • • • • • • • • • • •					



March 9, 2021

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

Attention: Ms. Jamila Sheffield

Secretary Treasurer

Dear Ms. Sheffield,

Re: Application for Minor Variance

928 Barton Street East, City of Hamilton

WEBB Planning Consultants are retained by the owners of the property located at 928 Barton Street East to provide land use planning services in connection with the proposed adaptive re-use of the existing building for a medical clinic.

The subject property is located in the Crown Point West Neighbourhood of the lower City of Hamilton. The parcel is a corner lot with 29.4 metres of frontage on Barton Street East and 33.5 metres of flankage on Cavell Avenue. The property has an area of 988 square metres.

The property is presently occupied by a vacant single storey building that has historically been in use as a medical clinic and previously a financial institution. The building has a footprint of 473 square metres and sited with zero setbacks from both street lines. On-site parking is presently provided to the side and rear of the building, accessed via an existing driveway connection to Barton Street and an existing municipal laneway at the rear of the property that extends from Cavell Avenue to Avondale Street.

Contextual considerations of the property include the proximity to public transit with a bus stop immediately in front of the property, the availability of on-street parking on Barton Street, and a location within a thriving residential neighbourhood that has the necessary supports to encourage active transportation including walking and cycling.

Consistent with the prior use as a medical clinic, the new owners propose an adaptive re-use of the building for a similar use. However, according to City records the last recognized use does not include a medical clinic in which case the successful processing of a Building Permit is required to permit the change in use. As part of the Building Permit process the City shall be satisfied that the intended use is permitted, and the applicable performance Regulations of the Zoning By-law are met.

Based on our review of the Zoning By-law it is confirmed that the intended use as a medical clinic is a permitted use and the location and configuration of the building is deemed to be

Attn.: Ms. Jamila Sheffield March 9, 2021
Re: Application for MV, 928 Barton Street Page 2

legal non-confirming. However, a medical clinic has a parking ratio of one space per 16.0 square metres of floor area which equates to a requirement of 29 spaces based on the gross floor area of 473 square metres. As only 13 parking spaces can be achieved on the property, a Minor Variance is necessary.

The applicable Planning Policy framework to assess the proposed Variance includes the Urban Hamilton Official Plan and Zoning By-law 05-200. In addition, it is noted that the property is located within the study limits of the Council adopted Barton & Kenilworth Commercial Corridor Study. As required by the Planning Act, any Variance shall be evaluated in the context of the Four Tests of Section 45 (1).

According to the UHOP, the property is designated as Mixed Use Medium Density and Barton Street is identified as an arterial road. The MUM designation is intended to apply to traditional "main street" areas outside of the downtown and promote the continuation of the areas as pedestrian oriented mixed uses areas.

The intent to use the property as a medical clinic conforms with the Permitted uses for the designation, as well as, the intended scale of development – low and mid rise buildings developed as either stand alone or mixed use buildings. The adaptive re-use of the existing building generally complies with the Urban Design objectives for the designation with the building located at the street edge which reinforces the historic pedestrian focus of the street enhanced by the location of the on-site parking to the side and rear of the building.

Policies for parking and loading are provided in Section C.4.0 of the UHOP - Integrated Transportation Network.

With regard to Zoning, the property has been rezoned to the "C5" Zone – Mixed Use Medium Density Zone per Zoning By-law 05-200.

As summarized below, the Variance has been considered in the context of the four tests outlined by Section 45 (1) of the Planning Act and in all respects comply.

The Variance has been considered in the context of the Official Plan and in our opinion maintains the general purpose and intent.

The subject lands are designated as Mixed Use Medium Density by the UHOP.

The form and scale of development is permitted by the Policies for the MUM designation and represents an appropriate form and scale of use at a location within the central area of the City, in close proximity to transit and a surrounding neighbourhood having an expansive range of services, entertainment and employment and housing options.

According to the Integrated Transportation Network Policies C.4.5.15 thru C.4.5.18, parking requirements are to be regulated through the Zoning By-law and shall ensure adequate

Attn.: Ms. Jamila Sheffield March 9, 2021
Re: Application for MV, 928 Barton Street Page 3

parking while avoiding excess parking supply that can discourage transit use and active transportation choices.

Parking options and related incentives for transit and active transportation can be improved by the implementation of Transportation Demand Measures (TDM) including the provision of secure bicycle parking and proximity to public transit. The potential negative impacts of parking on the urban environment and, in particular pedestrian activity, can be minimized by the placement of parking to the sides and rear of buildings where feasible.

The location and proposed layout for the property enables parking that is separated from the pedestrian realm by maintaining a location to the side and the rear of the building, minimizing any impacts to the active pedestrian environment of Barton Street. To encourage alternative transportation options, the Site Plan is showing secure and conveniently located bike parking. The property is conveniently located within an established neighbourhood wherein patients and employees will have the benefit of full range of alternative transportation choices, these measures are examples of TDM measures that would support a reduction in on-site parking.

The Variance has been considered in the context of the Zoning By-law and in our opinion maintains the general purpose and intent.

The intent of the Zoning By-law is to ensure adequate parking is provided for particular uses based on prescribed ratios. In case of a medical clinic, the ratio is higher compared to retail commercial or personal service type uses. In this example, a total of 13 spaces are being provided, including two spaces that meet the design standards for barrier free parking.

The parking ratios however are not reflective of locational considerations and TDM measures such as proximity to transit, secure bicycle parking, and location within a neighbourhood that supports active transportation with a vibrant and safe pedestrian environment. Further, it is noted that there is on-street metered parking available on Barton Street that will support parking needs for the subject property.

The City recently completed a comprehensive study for the area – The Barton & Kenilworth Commercial Corridors Study. The study acknowledged the historical decline of the vibrancy of the corridors manifested in vacant and neglected properties. The Study was commissioned recognizing the emerging desire to the see the corridors revitalized with a vision of buildings and streetscapes that contribute to the positive image of the street and adjacent neighbourhoods.

Parking is identified in the Study as a key consideration and impediment to revitalization in the context of the cost and feasibility of development. The study specifically recommended alternative parking standards for Barton Street that reflect the urban context, market realities and low car ownership levels. The study recommended reductions to parking standards in the range of 50% along Barton Street to reflect the characteristics of the

Attn.: Ms. Jamila Sheffield March 9, 2021
Re: Application for MV, 928 Barton Street Page 4

neighbourhood as an incentive, especially where there is an existing urban built form having limited space for parking.

The proposed parking reduction is therefore consistent with the recommendations of the Barton & Kenilworth Commercial Corridors Study with the resulting benefit of adaptive reuse of an existing building for a use that will contribute to revitalization of the neighbourhood.

The Variance is Minor.

The appropriate test to establish that the Variances are minor is to consider if any adverse or negative impacts arise from the development.

The property has historically been in use for commercial and service uses with a limited parking supply, the current site plan shows the provision of 13 spaces including two barrier free spaces.

The reduced supply of on-site parking is mitigated by the availability of metered parking on Barton Street and additional parking on the adjoining residential streets. Any overflow parking onto the residential streets is not anticipated to have a negative impact based the intended hours of operation of the clinic which are opposite to demand for residential parking which occurs during evenings and weekends.

The Barton Street # 2 Bus Route provides regular bus service in both directions along Barton Street with stops located immediately adjacent to the property.

Based on the availability of additional and immediate parking supply, as well as, a location that is well served by transit with options for alternative transit, no adverse impacts are anticipated.

The proposed development is desirable for the appropriate development of the lands.

It is our opinion that the Variance will provide for the desirable and appropriate development of the lands.

The new owners are seeking an adaptive re-use of an existing building that will contribute to the continued revitalization of Barton Street. The proposed Variance reflects a pre-existing condition wherein the property has limited space for parking relative to the potential floor area that can accommodate a desired medical use that will have a positive contribution to the health and well being of the adjoining neighbourhood. The location of the parking is at the side and rear of the building which minimizes potential impacts to the urban streetscape and pedestrian environment.

Approval of the Variance will enable the adaptive re-use of a highly visible property that will contribute the revitalization of the Barton Street Corridor. The Variance will enable the full

utilization of the existing building for a permitted use. The proposal is an example of the type of redevelopment that is encouraged by the Barton & Kenilworth Commercial Corridors Study, facilitating the retention and revitalization of a vacant and neglected building for a use that will have desired community benefits.

In summary, it is our opinion that the Variance required to implement the proposal meets the four tests of the Planning Act and will provide for the appropriate redevelopment of the property.

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 \$3,320.00 payable to the City of Hamilton;
- Preliminary Site Plan, prepared by VGA Architecture.

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.

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James Webb, MCIP, RPP