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-21:112**

APPLICANTS: Brent Wybenga on behalf of the owner 2775095 Ontario Inc.

SUBJECT PROPERTY: Municipal address **648 Upper James St., Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended 17-240

ZONING: "C2" (Neighbourhood Commercial) district

PROPOSAL: To permit the conversion of the existing building to a Medical Clinic, notwithstanding that:

1. A parking space shall be permitted to be located within 3.0 metres of a street line, instead of the requirement that a parking space and aisle shall not be located within 3.0 metres of a street line.

2. No planting strip shall be provided between a street line and a parking space, instead of the requirement that a 3.0 metre wide planting strip shall be permanently maintained between the street line and a parking space or aisle.

3. No visual barrier shall be provided along the portion of the lot line that abuts a Residential Zone, instead of the requirement that where a parking lot is situated on a lot that abuts a Residential Zone, a visual barrier shall be provided and maintained along that portion of the lot line that abuts a Residential Zone.

4. A minimum aisle width of 3.01 metres shall be provided, instead of the minimum required aisle width of 6.0 metres.

NOTE:

1. The proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

2. An unenclosed ramp for wheelchair access is permitted in accordance with Section 4.6 c) of Hamilton Zoning By-law No. 05-200. From the submitted materials, it appears that the proposed accessibility ramp is to be unenclosed. As per Section 4.6 c) of Hamilton Zoning By-law 05-200, an unenclosed ramp for wheelchair access may encroach into any required yard to no maximum distance. If the proposed accessibility ramps are to be enclosed, additional review will be required.

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

…/2

DATE:	**Thursday, May 6th, 2021**
TIME:	**2:10 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 20th, 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.

SITE STATISTICS

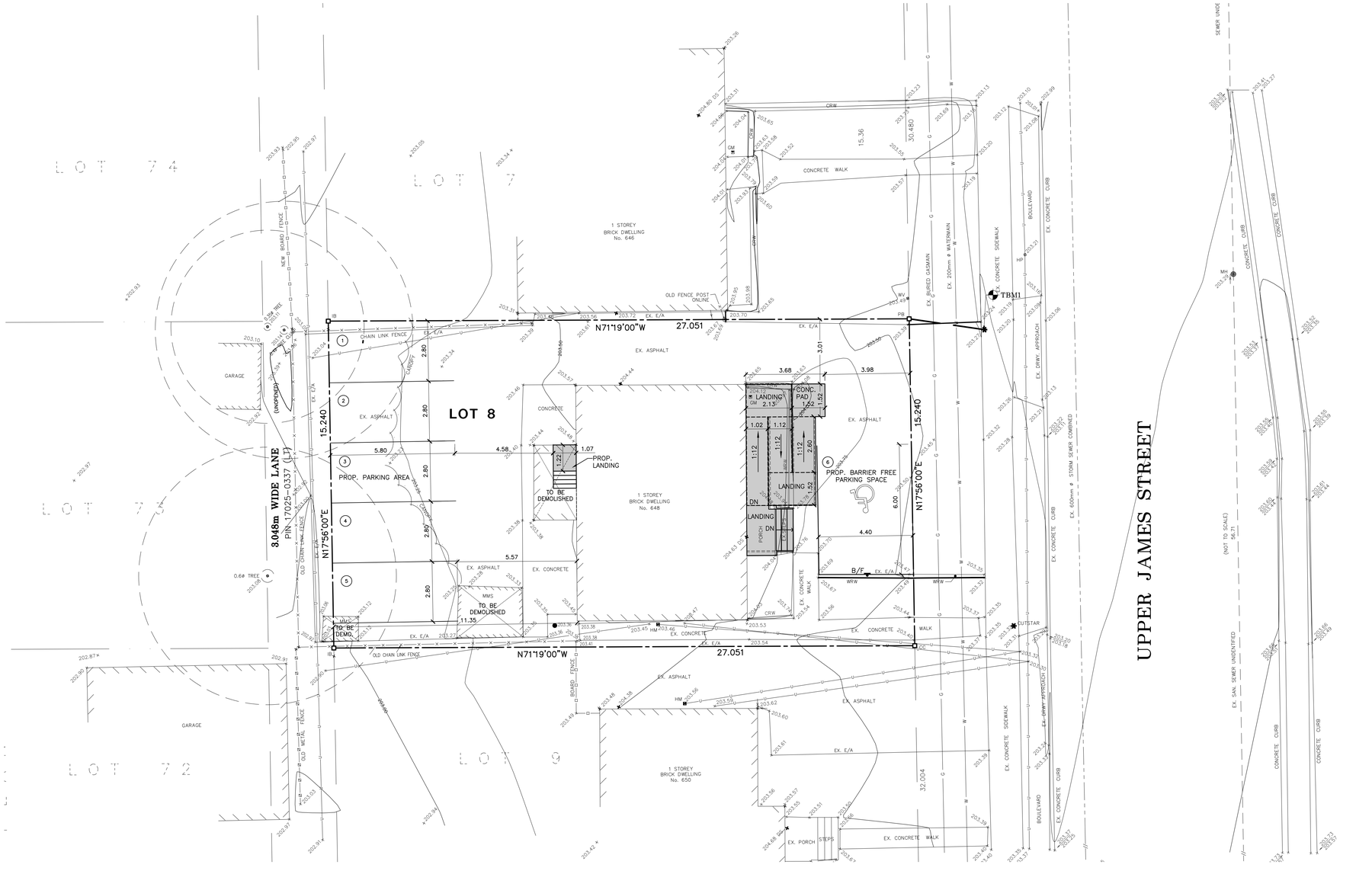
ITEM	PROPOSAL	ZONING BYLAW REQUIREMENTS	COMPLIANCE ✓ MEETS REQUIREMENTS X REZONING REQUIRED
ZONING CATEGORY	C2	C2	✓
LOT AREA (sq. m.)	411.95	5,000 MAX.	✓
LOT FRONTAGE (m)	15.24	15.00 MIN.	✓
GROUND FLOOR AREA (sq. m.)	86.97	–	✓
TOTAL GROSS FLOOR AREA (sq. m.)	OFFICE=86.97 MEDICAL=86.97	500 MAX. 2000 MAX.	✓
STREET SETBACK (m)	3.98	1.50 MIN.	✓
REAR YARD (m)	11.35	7.50 MIN.	✓
SIDE YARD (m)	3.01	1.50 MIN.	✓
NUMBER OF PARKING SPACES	6	6 *	✓
NUMBER OF BARRIER FREE PARKING SPACES	1	1	✓
PARKING STALL DIMENSIONS (m)	2.80 x 5.80	2.80 x 5.80	✓
BARRIER FREE PARKING STALL DIMENSIONS (m)	4.40 x 5.80	4.40 x 5.80	✓
BUILDING HEIGHT (m)	–	11.00 MAX.	✓

* CALCULATION IS BASED 'MEDICAL CLINIC' 1 PARKING SPACE FOR EVERY 16 sq.m. OF FLOOR AREA (86.97/16)= 6 PARKING SPACES. AND 86.97sq.m. of 'OFFICE AREA' (BASEMENT) = 0 PARKING SPACES



BARRIER FREE PARKING SIGN DETAIL

N.T.S.



NORTH

LEGEND:

- EXISTING ELEVATIONS (×200.00)
- PROPOSED ELEVATIONS (200.00)
- PROPOSED SWALE ELEVATIONS (200.00 S)
- PROPOSED SWALE
- GENERAL DRAINAGE
- B/F — PROP. BARRIER FREE PARKING SIGN

NOTES:

1. ALL ELEVATIONS SHOWN ARE METRIC.
2. BUILDER/OWNER TO VERIFY COMPLIANCE WITH ZONING BYLAWS (ie. SIDEYARDS, SETBACKS, REARYARDS ETC.)
3. UNDERGROUND SERVICE AND UTILITY LOCATIONS WERE LOCATED BY CITY OF HAMILTON DRAWING No. J.46.
4. UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION.
5. INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION.

TOPOGRAPHIC SURVEY INFORMATION PROVIDED BY A.T. MCLAREN LIMITED LEGAL AND ENGINEERING SURVEYS

BENCHMARK:
MONUMENT 11–14
PLAQUE

SOUTH FACE, SOUTH EAST CORNER OF THE L.C.B.O. BUILDING AT THE CORNER OF UPPER JAMES STREET AND SOUTH BEND ROAD. PLAQUE IS SET 0.3 M IN AND 0.1 M DOWN FROM THE TOP OF THE CONCRETE FOUNDATION. No. 896.

ELEVATION: 203.658 metres CGVD–1928:1978

T.B.M. No. 1 ELEV. = 203.27m (GEO)
CUTSTAR ON SIDEWALK AS SHOWN

NO.	REVISION	DATE (MM/DD/YY)	BY

J.H. COHOON ENGINEERING LIMITED
CONSULTING ENGINEERS
440 HARDY ROAD , UNIT #1 , BRANTFORD – ONTARIO , N3T 5L8
TEL. (519) 753–2656 FAX. (519) 753–4263 www.cohooneng.com

PROJECT:

PROPOSED MEDICAL CLINIC

648 UPPER JAMES STREET

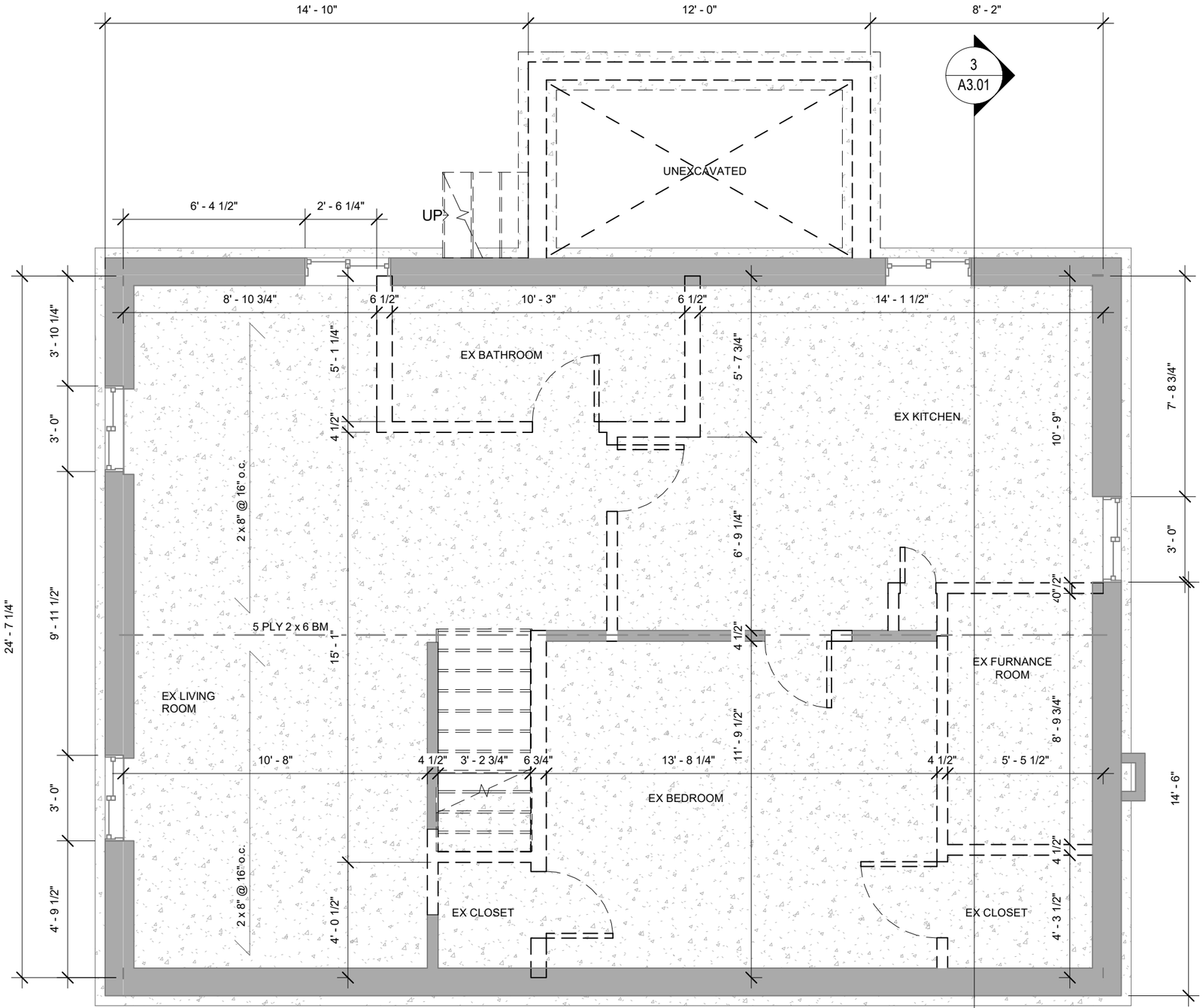
CITY OF HAMILTON

CLIENT:

BRENT WYBENGA

SITE DEVELOPMENT PLAN

DESIGN:	M.J.W.	SCALE:	1:100
DRAWN:	S.L.M.	JOB No:	14403
CHECKED:	M.J.W.		
SHEET:	1 of 1	DWG. No:	14403–1
DATE:	DEC. 4, 2020		



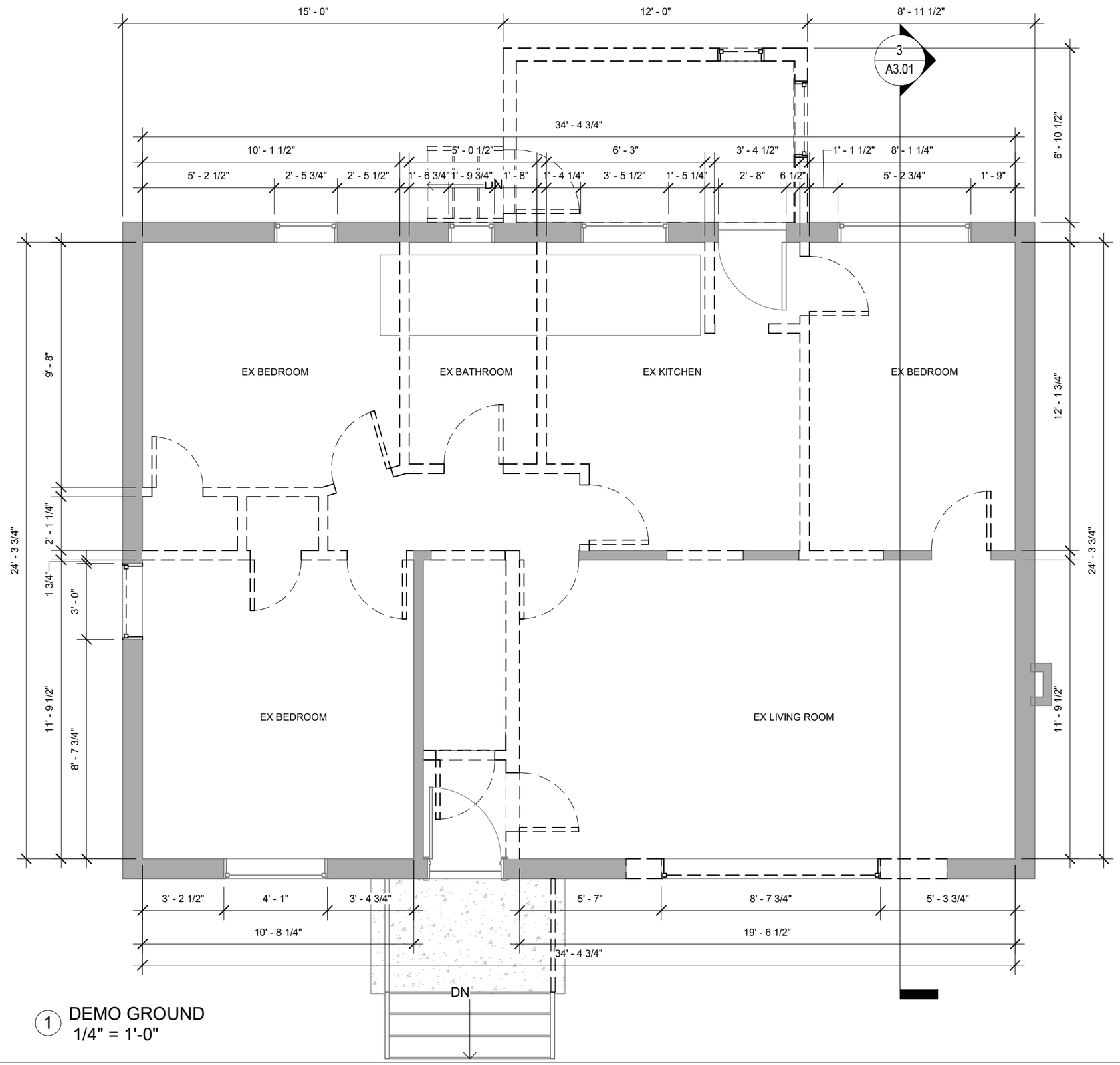
1 DEMO BASEMENT
1/4" = 1'-0"

PROP. MEDICAL CLINIC

648 UPPER JAMES HAMILTON, ON

CLIENT: FRIS ALMINIANA
SCALE: AS SHOWN
DESIGN: B.M.W.
DATE: 21/02/10

JOB: 20032
DRAWN: B.M.W.
CHECKED: B.M.W.
DWG No.: A1.01



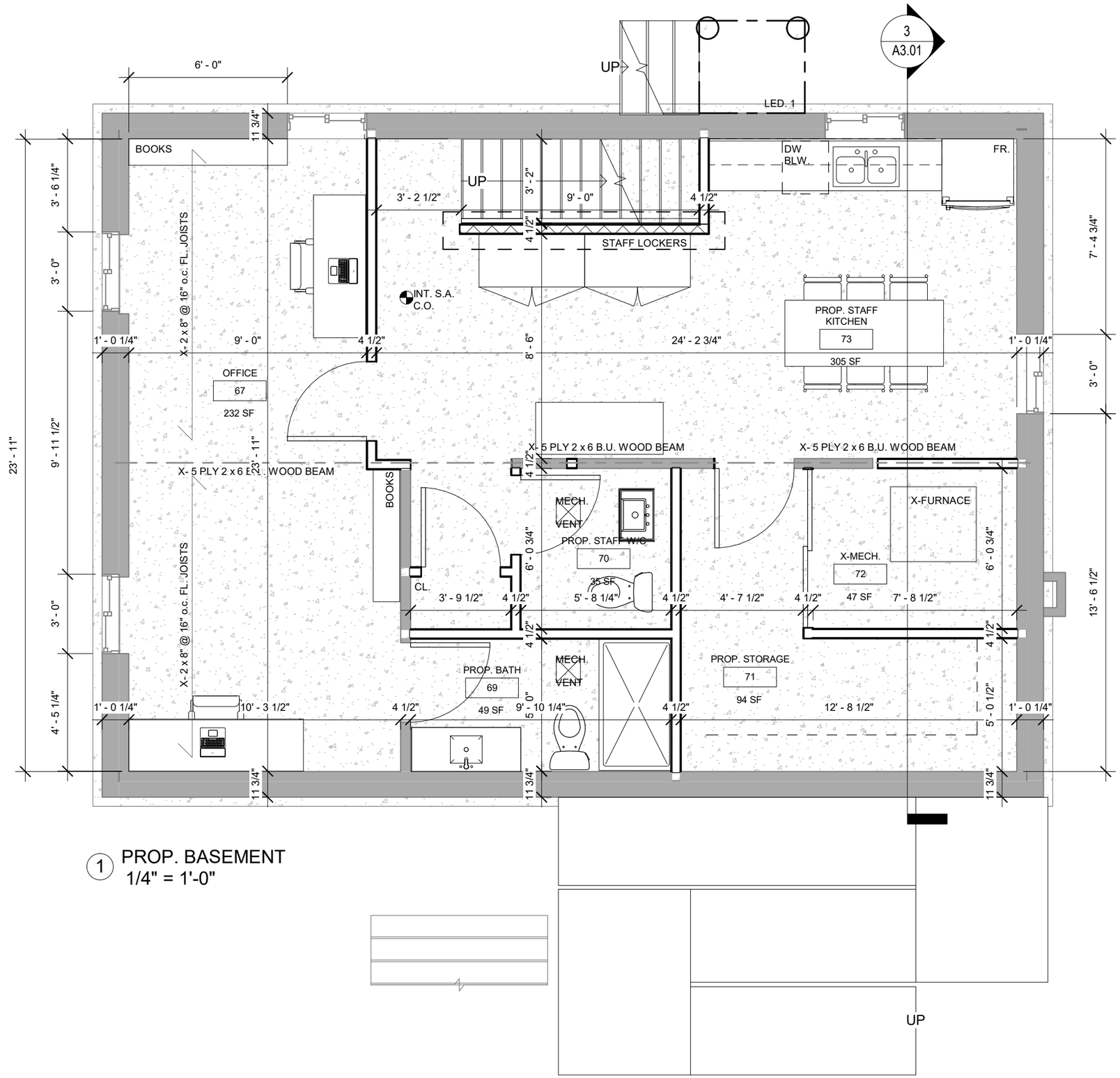
1 DEMO GROUND
1/4" = 1'-0"

PROP. MEDICAL CLINIC

648 UPPER JAMES HAMILTON, ON

CLIENT: FRIS ALMINIANA
SCALE: AS SHOWN
DESIGN: B.M.W.
DATE: 21/02/10

JOB: 20032
DRAWN: B.M.W.
CHECKED: B.M.W.
DWG No.: A1.02



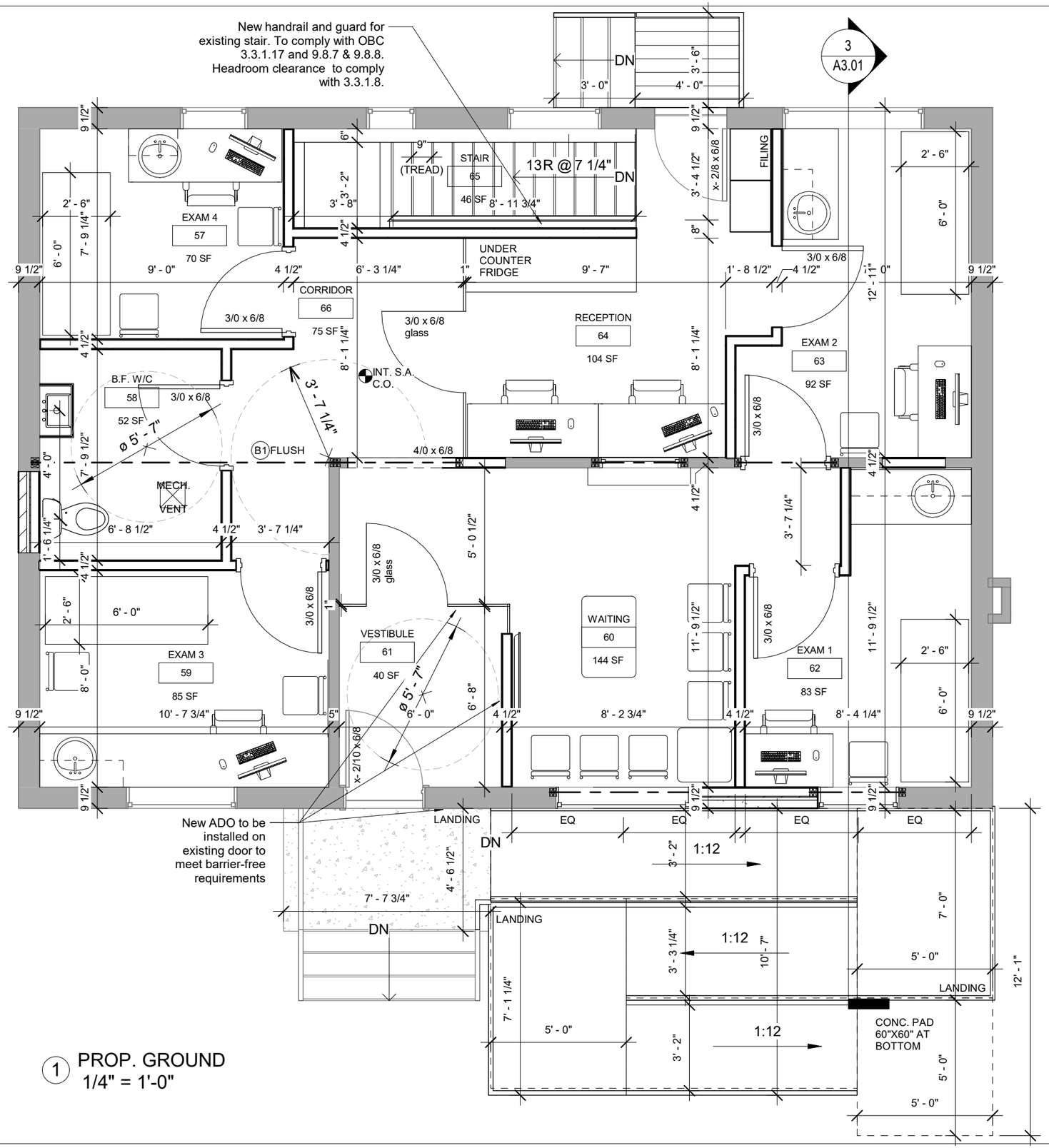
1 PROP. BASEMENT
1/4" = 1'-0"

PROP. MEDICAL CLINIC

648 UPPER JAMES HAMILTON, ON

CLIENT: FRIS ALMINIANA
SCALE: AS SHOWN
DESIGN: B.M.W.
DATE: 21/02/10

JOB: 20032
DRAWN: B.M.W.
CHECKED: B.M.W.
DWG No.: A1.03



1 PROP. GROUND
1/4" = 1'-0"

PROP. MEDICAL CLINIC

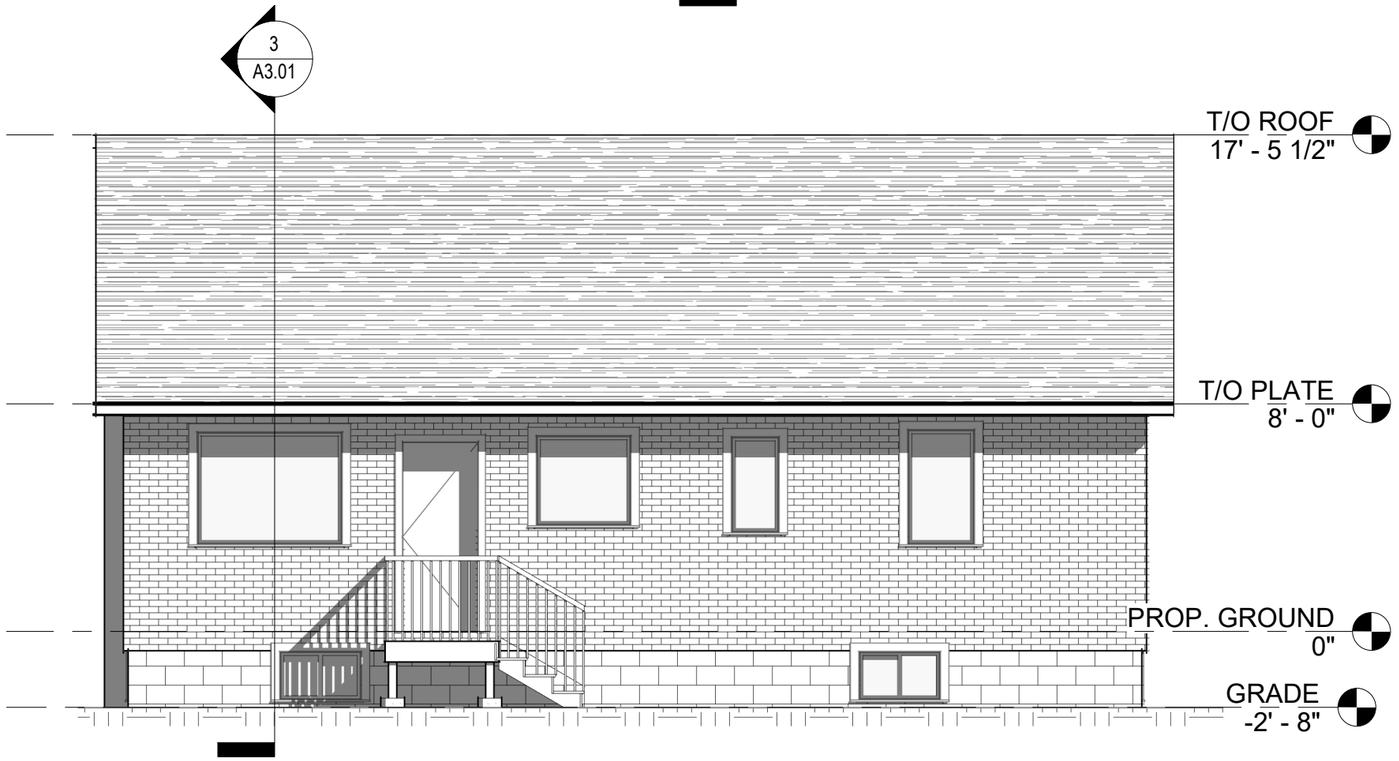
648 UPPER JAMES HAMILTON, ON

CLIENT: FRIS ALMINIANA
SCALE: AS SHOWN
DESIGN: B.M.W.
DATE: 21/02/10

JOB: 20032
DRAWN: B.M.W.
CHECKED: B.M.W.
DWG No.: A1.04



1 FRONT
3/16" = 1'-0"



2 BACK
3/16" = 1'-0"

PROP. MEDICAL CLINIC

648 UPPER JAMES HAMILTON, ON

CLIENT: FRIS ALMINIANA
SCALE: AS SHOWN
DESIGN: B.M.W.
DATE: 21/02/10

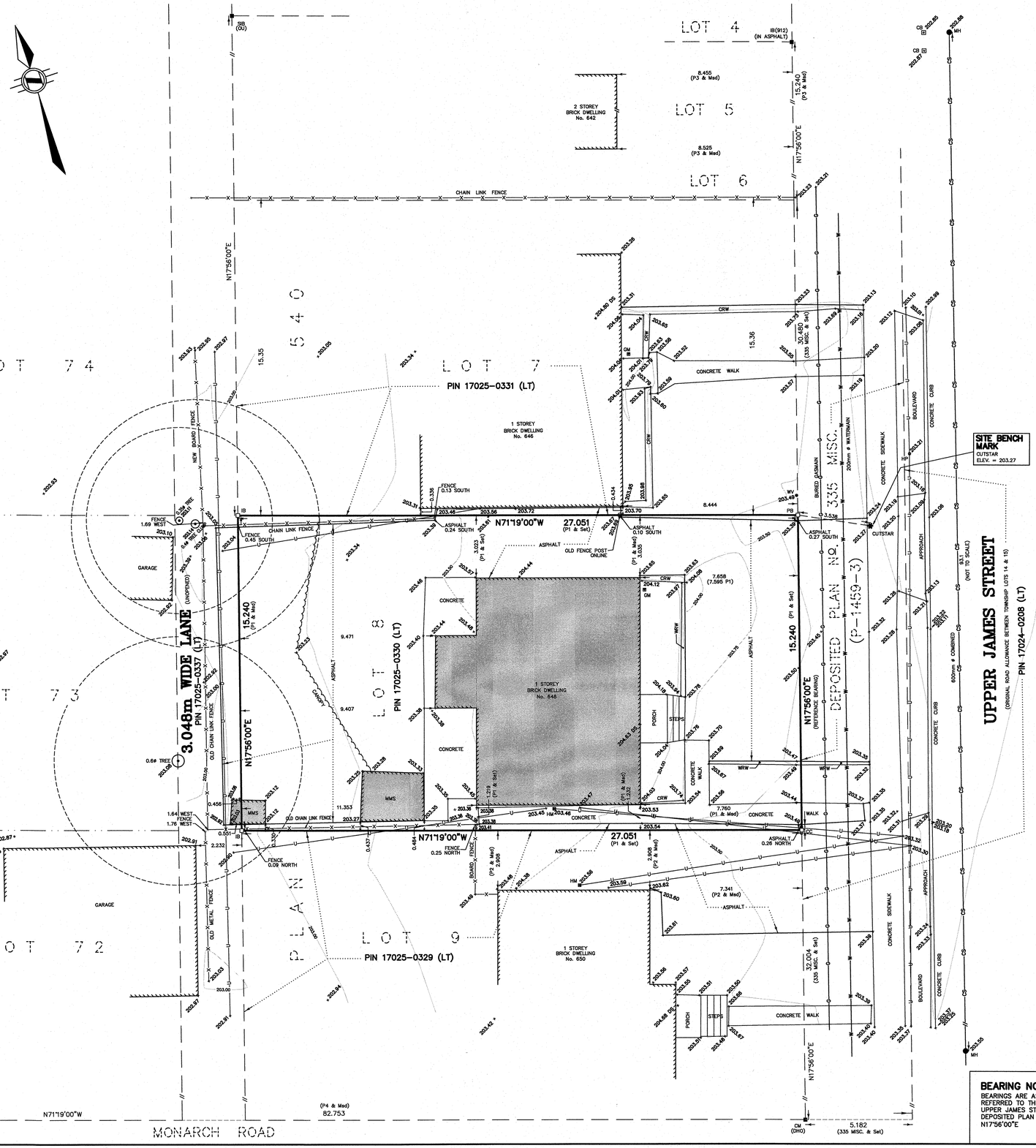
JOB: 20032
DRAWN: B.M.W.
CHECKED: B.M.W.
DWG No.: A2.01

TOPOGRAPHIC SURVEY
OF PART OF
LOT 8
REGISTERED PLAN 540
IN THE
CITY OF HAMILTON

SCALE 1:100 METRIC

2 1 0 2 4 6 metres

S.D. McLAREN, O.L.S. – 2021



LEGEND:

□	DENOTES	MONUMENT SET
■	"	MONUMENT FOUND
IB	"	IRON BAR
PB	"	PLASTIC BAR
CC	"	CUT CROSS
SIB	"	STANDARD IRON BAR
SSIB	"	SHORT STANDARD IRON BAR
S24	"	A.T. McLAREN, O.L.S.
912	"	A.J. CLARKE, O.L.S.
DHO	"	DEPARTMENT OF HIGHWAYS OF ONTARIO
OU	"	ORIGIN UNKNOWN
Mad	"	MEASURED
P1	"	PLAN BY MACKAY MACKAY DATED JULY 5, 1956 FILE Y-9795
P2	"	PLAN BY MACKAY MACKAY DATED MARCH 17, 1954 FILE Y-8421
P3	"	PLAN BY MACKAY MACKAY DATED JULY 5, 1956 FILE Y-9795
P4	"	PLAN 540
HM	"	HYDRO METER
GM	"	GAS METER
WV	"	WATER VALVE
MH	"	MANHOLE
CB	"	CATCH BASIN
CRW	"	CONCRETE RETAINING WALL
WRW	"	WOOD RETAINING WALL
ø	"	DIAMETER
HP	"	HYDRO POLE
	"	OVERHEAD UTILITIES
//	"	NOT TO SCALE

NOTE:

UNDERGROUND SERVICE AND UTILITY LOCATIONS WERE LOCATED BY CITY OF HAMILTON DRAWING No. J.46

UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION

INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION

BENCHMARK:

MONUMENT 11-14

PLAQUE

SOUTH FACE, SOUTH EAST CORNER OF THE L.C.B.O. BUILDING AT THE CORNER OF UPPER JAMES STREET AND SOUTH BEND ROAD. PLAQUE IS SET 0.3 M IN AND 0.1 M DOWN FROM THE TOP OF THE CONCRETE FOUNDATION. No. 896.

ELEVATION: 203.658 metres CGVD-1928:1978

METRIC NOTE:

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

BEARING NOTE:

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF UPPER JAMES STREET AS SHOWN ON DEPOSITED PLAN No. 335 MISC. AS BEING N17°56'00"E

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM
2. THE SURVEY WAS COMPLETED ON THE 21st DAY OF OCTOBER, 2020

JANUARY 5, 2021
DATE

S. DAN McLAREN, O.L.S.

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A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn	Checked	Crew Chief	Scale	Dwg.No.
JB	RBM	DW	1:100	36507

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division
71 Main Street West
Hamilton, Ontario, Canada, L8P 4Y5
Phone: 905.546.2720 Fax: 905.546.2764
www.hamilton.ca

Hamilton

February 17, 2021

FILE:	ALR
FOLDER:	21-103653-00 ALR
ATTENTION OF:	Brody Paul
TELEPHONE NO:	(905) 546-2424
EXTENSION:	6261

Brent Wybenga
8 PARKSIDE AVE 1
DUNDAS, ONTARIO L9H 2S5

Re: APPLICABLE LAW REVIEW

Address: 648 Upper James Street, Hamilton
Present Zoning: "C2" (Neighbourhood Commercial)
Zoning By-law: Hamilton Zoning By-law No. 05-200

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

COMMENTS:

1. This application will facilitate the conversion of the existing building to a Medical Clinic. In addition, the applicant proposes to construct an accessibility ramp for wheelchair access at the front of the building, an exterior stairway at the back of the building, one (1) barrier free parking space in the front yard, and five (5) parking spaces in the rear yard.
2. The property is currently zoned "C2" (Neighbourhood Commercial.) in Hamilton Zoning By-law No. 05-200.
3. Please note that a "Group D - Medical Office", as described in the submitted application materials, is not a term recognized by Hamilton Zoning By-law No. 05-200. A "Medical Clinic" is permitted in the current zoning designation, pursuant to Section 10.2.1 of Hamilton Zoning By-law No. 05-200, and is defined as follows:

   "Shall mean a building, or part thereof, which is used by health professionals for the purpose of consultation, diagnosis and/or treatment of persons and shall include but not be limited to laboratories, dispensaries or other similar facilities, but shall not include overnight accommodation for in-patient care resulting from surgery".

   This applicable law review is based on the assumption that the proposed use is consistent with the definition of "Medical Clinic" as described above. Should the use differ from the definition of "Medical Clinic", additional review shall be required and the following comments shall no longer be applicable.
4. An unenclosed ramp for wheelchair access is permitted in accordance with Section 4.6 c) of Hamilton Zoning By-law No. 05-200. From the submitted materials, it appears that the proposed accessibility ramp is to be unenclosed. As per Section 4.6 c) of Hamilton Zoning By-law 05-200, an unenclosed

ramp for wheelchair access may encroach into any required yard to no maximum distance. If the proposed accessibility ramps are to be enclosed, additional review will be required.

5. Building Division records indicate that the last recognized use of this property is a single detached dwelling.

6. The proposed development has been reviewed and compared to the standards of the "C2" Zone, as indicated in the following chart:

By-law Requirement	Required	Provided	Conforms/ Non-conforming
Parking: Section 5 of Zoning By-law 05-200			
Parking on the Same Lot *Section 5.1 a) i)*	Required parking facilities shall be located on the same lot as the use requiring the parking.	Parking has been provided on the same lot.	**Conforms**
Parking Location from a Street Line and Planting Strips - Unless otherwise regulated in this By-law, parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be subject to the following: *Section 5.1 a) v)* Planting Strip definition: *"Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and shall include low level architectural walls or features."*	a) Shall not be located within 3.0 metres of a street line	The proposed barrier free parking space is within 3.0 metres of the Upper James Street street line.	**Non-conforming**
	b) Shall provide a 3.0m wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisles; c) Where a Planting Strip is provided, as per b) above, any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 0.6m	No planting strip has been provided between the Upper James Street street line and the proposed barrier free parking space.	**Non-conforming**
Parking Lot abutting a Residential Zone *Section 5.2 a)*	Where a parking lot is situated on a lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown D5 or Downtown D6 Zone, a visual barrier shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown D5 Zone or Downtown D6 Zone in accordance with Section 4.19 of this By-law;	The proposed parking lot in the rear yard is situated on a lot that abuts a C and C/S-1788 (Urban Protected Residential Etc.) Zone to the northwest. No visual barrier has been indicated.	**Non-conforming**

By-law Requirement	Required	Provided	Conforms/ Non-conforming
Minimum parking space size, except for parallel spaces *Section 5.2 b)*	i) 2.8 m wide x 5.8 m long ii) Where a wall, column, or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.3 metres;	All parking spaces indicated as a minimum of 2.80 m by 5.8 m.	Conforms
	iv) Notwithstanding Subsection i) above where 10 or more parking spaces are required on a lot, the minimum parking space size of not more than 10.0% of such required parking spaces shall be a width of 2.6m and a length of 5.5m provided that any such parking space is clearly identified as being reserved for the parking of small cars only.	N/A	N/A
	v) Notwithstanding Subsection b) herein, light standards, including the base, located at the intersection of 4 parking spaces shall not be considered as an obstruction *[Section 5.2 b) v)]*	Light standards have not been shown to be located within the parking area.	N/A
Access to Parking *Section 5.2 c)*	All required parking shall be provided with adequate means of ingress and egress to and from the street or laneway and shall be arranged so as not to interfere with normal public use of the street or laneway	The parking is shown to be provided with adequate means of ingress and egress to and from the street or laneway and is arranged so as not to interfere with normal public use of the street or laneway.	Conforms
	Any parking lot shall provide for ingress and egress of vehicles to and from a street in a forward motion only	Ingress and egress of vehicles to and from the street is in a forward motion.	Conforms
Parking Lot Surface *Section 5.2 d) i)*	Notwithstanding Subsection b) herein, in the case of parallel parking, each parallel parking space shall have a minimum width of 2.4 metres and a minimum length of 6.7 metres. End spaces which have a clear,	No parallel parking spaces have been indicated.	N/A

<table>
<tr><th>By-law Requirement</th><th>Required</th><th>Provided</th><th>Conforms/
Non-conforming</th></tr>
<tr><td></td><td>unobstructed approach, shall have a minimum length of 5.5 metres.</td><td></td><td></td></tr>
<tr><td>Parking Lot Surface
Section 5.2 e) i) a)</td><td>Parking lots shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material</td><td>Parking lot is indicated as being composed of asphalt.</td><td>Conforms</td></tr>
<tr><td>Minimum Barrier Free Parking Space Size
Section 5.2 f)</td><td>4.4 m wide x 5.8 m long</td><td>1 barrier free space is provided on site with a minimum width of 4.4 metres and a minimum length of 6.0 metres long.</td><td>Conforms
.</td></tr>
<tr><td>Minimum Aisle Width
Section 5.2 i) and 5.2 d) ii)</td><td>i) In addition to Subsection c) herein, the minimum aisle width shall be designed and provided in accordance with the following requirements:
<table><tr><th>Parking Angle Degree</th><th>One-Way and Two-Way Aisle Width</th></tr><tr><td>90º</td><td>6.0m</td></tr></table></td><td>A minimum aisle width of 3.01 metres has been provided.</td><td>Non-conforming</td></tr>
<tr><td>Minimum Number of Required Barrier Free Parking Spaces
Section 5.5 a)

NOTE: As per Section 5.5, barrier free parking spaces shall be designated and provided as part of the <u>required</u> parking spaces.</td><td><table><tr><td>Required Parking Spaces</td><td>Designated Barrier Free Parking Spaces</td></tr><tr><td>0 – 49 spaces</td><td>Minimum 1 space</td></tr></table></td><td>1 designated barrier free parking space is provided on the premises.</td><td>Conforms</td></tr>
<tr><td>Minimum Number of Required Parking Spaces
Section 5.6 c) and g)

Gross Floor Area definition:
“Shall mean the aggregate horizontal area measured from the exterior faces of the exterior walls of all floors of a building (excluding any cellar or floor area having a ceiling height of 2.0 metres or less or devoted exclusively to parking) within all buildings on a lot but shall not include any area devoted to mechanical equipment”.</td><td><u>c) Minimum Parking Requirement for Medical Clinic</u>
1 for each 16.0m² of gross floor area

<u>As such:</u>
Medical Clinic GFA (89.97 m^2 as indicated on site plan) ÷ 16.0m² = 5.62 (5)

<u>Minimum Parking Requirement for Office (All zones except Industrial Zones)</u>
0 where a use is less than 450.0 square metres in gross floor area</td><td>6 parking spaces have been provided</td><td>Conforms</td></tr>
</table>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
	As such: Office GFA (89.97 m^2 as indicated on site plan drawing) = 0 parking spaces required TOTAL = 5 parking spaces required		
Permitted Yard Encroachments *Section 4.6* **Min Interior Side Yard: 3.0 metres [Section 10.2.3(c)(ii)]** **Min Rear Yard: 7.5 metres [Section 10.2.3(b)(ii)]**	b) A fire escape or exterior staircase may encroach into a required side or rear yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser;	Exterior staircase in rear yard does not encroach into a required side or rear yard. NOTE: The stairs/porch at the front of the building appear to be existing site conditions, and have not been included within the scope of this review.	**Conforms**
Permitted Yard Encroachments *Section 4.6*	c) An unenclosed ramp for wheelchair access may encroach into any required yard to no maximum distance;	Applicant to note Section 4.6(c)	Applicant to note Section 4.6(c)

7. Construction of the proposed accessibility ramp is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.

8. All proposed fences shall conform to the requirements of the Fence By-law.

9. All proposed signage shall conform to the requirements of the Sign By-law.

10. The designer shall ensure that the fire access route conforms to the Ontario Building Code.

Yours truly

_____

for the Manager of Building Engineering and Zoning

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)	2775095 ONTARIO INC. (Frissan Alminiana)	[redacted]	**Phone:** [redacted] **E-mail:** [redacted]
Applicant(s)*			**Phone:** **E-mail:**
Agent or Solicitor	Park Eight c/o Brent Wybenga	[redacted]	**Phone:** [redacted] **E-mail:** [redacted]

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:

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:
- Non Conforming 3.0m parking within a 3.0m street line
- not provided, 3.0m wide planting strip
- No visual Barrier in Rear yard between Res. and C2 (existing non conforming)
- 6.0m Aisle Width not provided (actual 3.01 provided)

5. Why it is not possible to comply with the provisions of the By-law?

Existing Residential (SFD) - Change of use to Group D , existing property does is not large enough to provide all site / parking requirements

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**):

Lot 8, Registered Plan 540, City of Hamilton (648 Upper James Street, Hamilton Ontario)

7. PREVIOUS USE OF PROPERTY

Residential ☑ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☐

Other _____

8.1 If Industrial or Commercial, specify use Group D - Medical Clinic

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?

existing residential SFD for 60+ years

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.

02/22/2021
Date

[redacted]
Signature Property Owner

2775095 ONTARIO INC.
Print Name of Owner

10. Dimensions of lands affected:

Frontage	15.240m
Depth	27.051m
Area	412.25 sm
Width of street	22.8m

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:_

ground floor area: 86.42sm
gross floor area: 86.42sm
number of stories: 1
width: 10.96m
Length: 7.85m
Height: 6.13m

Proposed

ground floor area: 86.42sm
gross floor area: 86.42sm
number of stories: 1
width: 10.96m
Length: 7.85m
Height: 6.13m

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 Yard: 7.66m
Side Yard: 3.01m /1.2m
Rear Yard: 11.35m

Proposed:

Front Yard: 7.66m
Side Yard: 3.01m /1.2m
Rear Yard: 11.35m
W/C Ramp front setback: 3.98m

13. Date of acquisition of subject lands:
2020

14. Date of construction of all buildings and structures on subject lands:
1960/70's

15. Existing uses of the subject property:
Residential - SFD

16. Existing uses of abutting properties:
Commercial and Residential

17. Length of time the existing uses of the subject property have continued:
residential SFD 60+ years previously ---- change to group D - Medical Office

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:

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. Additional Information

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.