



Committee of Adjustment  
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**COMMITTEE OF ADJUSTMENT**  
**DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-20:258**  
**SUBMISSION NO. A-258/20**

**APPLICATION NO.:** HM/A-20:258

**APPLICANTS:** Owner: GPM Real Property Ltd.  
Agent: Steven Albanese

**SUBJECT PROPERTY:** Municipal address **1575 Upper Ottawa St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended by By-Law 17-240 and 19-062

**ZONING:** C7, 600 district (Arterial Commercial (C7) zone)

**PROPOSAL:** To permit the existing shopping centre to continue to remain notwithstanding that:

1. A maximum combined gross floor area for Retail of 2,150m<sup>2</sup> for each lot shall be permitted instead of the required maximum combined gross floor area for Retail of 1,500m<sup>2</sup> for each lot.
2. Notwithstanding Section 5.6 c) "Parking Schedules", parking space regulations for this shopping centre shall be based on a "shopping centre" regulations which requires: 0 parking spaces for less than 450m<sup>2</sup> of gross floor area; one (1) parking space for each 17.0m<sup>2</sup> of gross floor area between 450m<sup>2</sup> and 4,000m<sup>2</sup>; and, one (1) parking space for each 50.0m<sup>2</sup> of gross floor area greater than 4,000m<sup>2</sup> instead of the required parking spaces being based on individual uses within each of the buildings as required pursuant to Section 5.6 c) prior to passage of Amending By-law No. 17-240.

**NOTE:**

i) Be advised that Amending By-law No. 17-240 was passed on November 8, 2017 which changed the zoning of this property from "M-11" and "M-12" under Hamilton Zoning By-law No. 6593 to "C7, 600" 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. An exception to this policy is for Building Permits, which are reviewed under the former existing Zoning and/or Zoning By-law regulation until such time that Amending By-law No. 17-240 comes fully into force. 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.

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ii) If Variance # 2 is approved, a minimum of two hundred and thirty-four (234) parking spaces will be required for the total gross floor area of 5,261m<sup>2</sup> for Buildings A, B and C. A total of two hundred and sixty-three (263) parking spaces are shown which will conform to the shopping centre parking regulations. Be advised that the Minor Variance Sketch indicates a total of 256 parking spaces being provided; however, when all the parking spaces shown are added, a total of 263 parking spaces are actually shown.

**THE DECISION OF THE COMMITTEE IS:**

That the variances, as set out in paragraph three above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

**DATED AT HAMILTON** this 21st day of January, 2021.

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M. Dudzic (Chairman)

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D. Serwatak

\_\_\_\_\_  
L. Gaddy

\_\_\_\_\_  
D. Smith

\_\_\_\_\_  
B. Charters

\_\_\_\_\_  
M. Switzer

\_\_\_\_\_  
T. Lofchik

\_\_\_\_\_  
N. Mleczko

\_\_\_\_\_  
M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **February 10th, 2021.**

**NOTE: This decision is not final and binding unless otherwise noted.**