

## **NOTICE OF PUBLIC HEARING**

### **Minor Variance**

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**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
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**APPLICATION NO.:** HM/A-21:113

**APPLICANTS:** Owner Valery Developments Inc.  
Agent Valery Group c/o Amber Lindsay

**SUBJECT PROPERTY:** Municipal address **828 Sanatorium Rd., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593 & 05-200, as Amended 12-166 as approved by OMB Decision PL100691 (Hamilton Zoning By-law No. 6593); 18-219 (Hamilton Zoning By-law No. 05-200)

**ZONING:** "E-H/S-1600 and "P5, 672 and H69" (Multiple Dwellings, Lodges, Clubs, etc. and Conservation/Hazard lands (P5) Zone

**PROPOSAL:** To permit the conversion of an existing building (known as the Long and Bisby building) and the construction of a 38.3m<sup>2</sup> easterly rear addition onto the existing building to be used for a business and professional office in order to facilitate Site Plan File No. MDA-20-106 notwithstanding that:

Variances Required to Hamilton Zoning By-law No. 6593:

1. Construction of an easterly rear addition onto the existing building shall be permitted and to allow permitted uses within this addition instead of the requirement that commercial uses permitted by the "E-H/S-1600" district shall be only in conjunction with and within the building existing on the date of the Ontario Municipal Board approval of this by-law, being June 22, 2012, known as the "Long and Bisby" Building.
2. The existing building ("Long and Bisby" building) and the proposed addition shall be 0.0m from the "P5, 672, H69" zone boundary instead of the requirement that a minimum setback of 5.0 metres shall be provided and maintained to all other Zone district boundaries.
3. All parking spaces shall be permitted to be located entirely on the surface instead of the requirement that a maximum of 10% of the required parking may be surface parking.
4. No loading space shall be provided instead of the minimum required one (1) loading space.
5. Access to the parking spaces and manoeuvring spaces shall also be permitted via an access driveway located entirely or partially on City of Hamilton owned lands to the north instead of the requirement that all required parking spaces and manoeuvring spaces shall have access by means of one or more access driveways located on the lot; located partly on the lot in the case of a mutual driveway; or by means of a right of way.



6. No bumpers or wheel barriers shall be provided instead of the requirement that every parking area for a use where there are more than five parking spaces shall have bumpers or wheel barriers to prevent physical encroachment beyond the parking area except at the entrance to and exit from the parking area.

7. A gravel surface shall be permitted for the access driveway located at the east and north sides of the building commencing at the north side of the parking lot instead of the requirement that a permanent durable and dustless surface that is graded, drained, and paved with concrete or asphalt or a combination of concrete and asphalt shall be provided and maintained for every parking area, manoeuvring space, loading space and access driveway.

Variances Required to Hamilton Zoning By-law No. 05-200:

1. Construction of an easterly rear addition onto the existing building shall be permitted and to allow permitted uses within this addition instead of the requirement that permitted uses shall be permitted only within the building existing as of being June 22, 2012 (known as the "Long and Bisby" Building).

2. The existing building ("Long and Bisby" building) and the proposed addition shall be 0.0m from the "P5, 672, H69" zone boundary instead of the requirement that all buildings or structures located on a property shall be setback a minimum of 7.5 metres from a P5, P7 and P8 Zone boundary.

3. One (1) parking space for each 59m<sup>2</sup> of gross floor area which accommodates such Business and/or Professional Office use shall be provided instead of the requirement that one (1) parking space for each 30m<sup>2</sup> of gross floor area which accommodates such Business or Professional Office use pursuant to the existing parking regulation.

4. No barrier free parking space shall be required instead of the minimum required one (1) barrier free parking space.

5. No planting strip shall be required between the street lines and the parking spaces or aisles instead of the requirement that a 3.0 metre wide planting strip shall be required and permanently maintained between the street line and the said parking spaces or aisle.

6. A minimum parking space width of 2.7m shall be provided instead of the minimum required parking space width of 2.8m.

7. Access to the parking spaces and manoeuvring spaces shall also be permitted via an access driveway located entirely or partially on City of Hamilton owned lands to the north instead of the requirement that all required parking shall be provided with adequate means of ingress and egress to and from the street or laneway.

8. A gravel surface shall be permitted for the access driveway located at the east and north sides of the building commencing at the north side of the parking lot instead of the requirement that parking lots shall be provided and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material.

NOTE:

i) The variances are necessary to facilitate Site Plan File No. MDA-20-106.

ii) The "H" and "H69" (Holding) symbols shall be removed.

iii) Pursuant to Hamilton Zoning By-law No. 05-200, be advised that By-laws Amendments have been passed by City Council to amend various sections of Hamilton Zoning By-law No. 05-200 including adding or amending commercial zones and adding or altering regulations. Specifically, By-law No. 17-240, (Commercial and Mixed Use Zones), By-law No. 18-032 (Extend and Amend New Transit Oriented Corridor Zones), By-law No. 18-114 (Downtown Zones and New Utility Zones) and By-law No. 18-266 (General Text



for Greenhouses, Aquaponics and Cannabis Growing and Harvesting Facilities) have been appealed to the Local Planning Appeal Tribunal (LPAT) and are therefore not yet final. At present, all proposed development is reviewed under both the existing and proposed Zoning By-laws with the more restrictive zoning regulations of both Zoning By-laws being applied. If By-law Nos. 17-240, 18-032, 18-114 and/or 18-266 are approved at the Local Planning Appeal Tribunal (LPAT), the zoning and regulation under each of these By-laws will be applicable.

iv) Variance No. 2 to both Hamilton Zoning By-law No. 6593 and Hamilton Zoning By-law No. 05-200 is intended to recognize the existing 0.0m setback and to permit a 0.0m for the proposed addition to the “P5, 672, H69” zone boundary.

v) Be advised that if Variance No. 3 pursuant to Hamilton Zoning By-law No. 05-200 is granted, a total of 10 parking spaces shall be required and have been provided.

vi) Pursuant to Variance No. 6 of Hamilton Zoning By-law No. 6593 and Variance No. 7 pursuant to Hamilton Zoning By-law No. 05-200, a formalized agreement between the property owner and the City of Hamilton will be required to permit vehicles and persons to traverse over the lands owned by the City of Hamilton.

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

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**DATE:** Thursday, May 27th, 2021  
**TIME:** 2:15 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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## **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](http://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](mailto:cofa@hamilton.ca)

DATED: May 11th, 2021.

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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.***

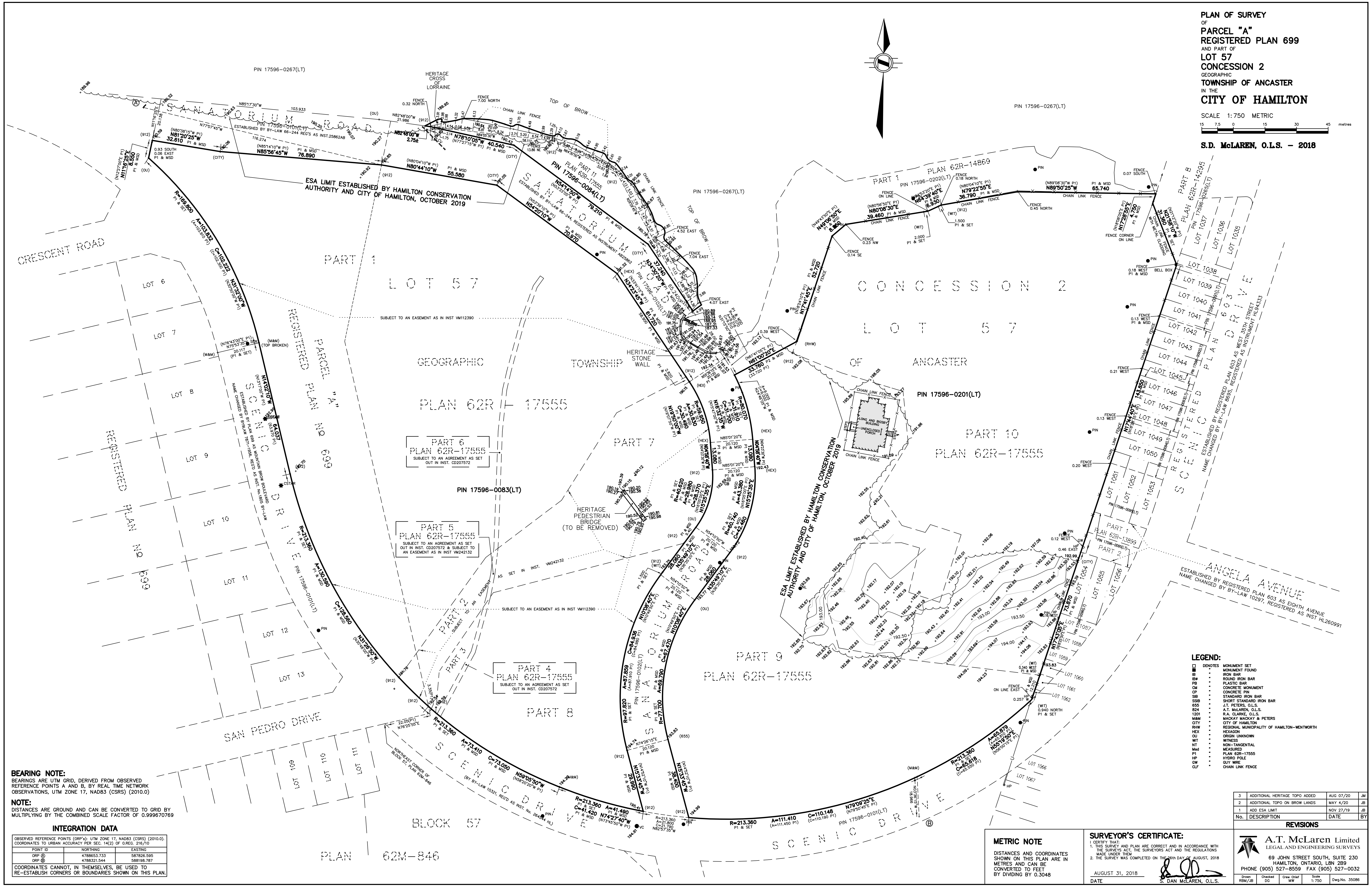
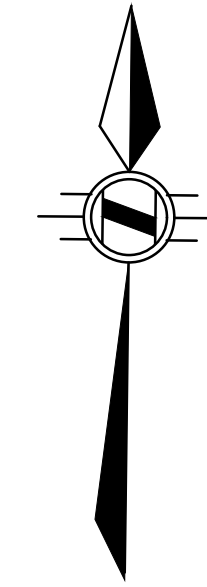






PLAN OF SURVEY  
OF  
PARCEL "A"  
REGISTERED PLAN 699  
AND PART OF  
LOT 57  
CONCESSION 2  
GEOGRAPHIC  
TOWNSHIP OF ANCASTER  
IN THE  
CITY OF HAMILTON

SCALE 1:750 METRIC  
15 7.5 0 15 30 45 metres  
S.D. McLAREN, O.L.S. - 2018



**BEARING NOTE:**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED  
REFERENCE POINTS A AND B, BY REAL TIME NETWORK  
OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

**NOTE:**  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY  
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999670769

INTEGRATION DATA			
OBSERVED REFERENCE POINTS (ORP'S): UTM ZONE 17, NAD83 (CSRS) (2010.0), COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O. REG. 216/10			
POINT ID	NORTHING	EASTING	
ORP @	4788653.733	587826.595	
ORP @	4788321.544	588198.787	
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.			

- LEGEND:**
- DENOTES MONUMENT SET
  - MONUMENT FOUND
  - IRON BAR
  - ROUND IRON BAR
  - ▬ PLASTIC BAR
  - CONCRETE PIN
  - STANDARD IRON BAR
  - SB SHORT STANDARD IRON BAR
  - SSS J.T. PETERS, O.L.S.
  - 824 A.T. McLAREN, O.L.S.
  - 1201 R.A. CLARKE, O.L.S.
  - M&M MACKAY MACKAY & PETERS
  - CITY CITY OF HAMILTON
  - RHW REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
  - HEX HEXAGON
  - OU ORIGIN UNKNOWN
  - WT WITNESS
  - NT NON-TANGENTIAL
  - Msd MEASURED
  - HP HOBBS POLE
  - GW GUY WIRE
  - CLF CHAIN LINK FENCE

**SURVEYOR'S CERTIFICATE:**  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 30th DAY OF AUGUST, 2018.  
AUGUST 31, 2018  
DATE  
S. DAN McLAREN, O.L.S.

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

REVISIONS			
No.	DESCRIPTION	DATE	BY
3	ADDITIONAL HERITAGE TOPO ADDED	AUG 07/20	JM
2	ADDITIONAL TOPO ON BROW LANDS	MAY 4/20	JB
1	ADD ESA LIMIT	NOV 27/19	JB
No.	DESCRIPTION	DATE	BY

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.
RBW/JB	DG	MW	1:750	35096



**Item 4.** Nature and extent of relief applied for:

**Hamilton Zoning By-law No. 6593 as Amended by By-law No. 12-166**

1. That the proposed redevelopment of the “Long and Bisby” building be permitted notwithstanding the applicable “H” symbol pursuant to the “E-H/S-1600” Zone.
2. **Section 4(b)xi:** All required parking spaces for the use within the existing “Long and Bisby” building may be surface parking instead of the maximum of 10%.
3. **Section 18A(24)(b)(iv):** No bumpers or wheel barriers shall be provided for the required parking spaces for the use within the existing “Long and Bisby” building whereas every parking area for a use when there are more than five (5) parking spaces is required to have bumpers or wheel barriers to prevent physical encroachment beyond the parking area.
4. **Section 18A(30):** A gravel surface is permitted for the parking area, maneuvering space and access driveway for the use within the existing “Long and Bisby” building instead of the required permanent durable dustless surface that is graded, drained and paved with concrete or asphalt.
5. **Section 18A(1)(a) and Table 4:** 10 parking spaces are provided for the use within the existing “Long and Bisby” building instead of the minimum required 16 parking spaces or 1 space for every 31.0m<sup>2</sup> of floor area for that portion of the floor area between 450m<sup>2</sup> up to and including 3,700m<sup>2</sup>.
6. **Section 18A(1)(e) and Table 5:** No loading space shall be provided for the use within the existing “Long and Bisby” building instead of the minimum required one (1) loading space.
7. **Section 18A(21):** Access to the parking spaces and manoeuvring spaces shall also be permitted via an access driveway located entirely or partially on City of Hamilton owned lands to the north instead of the requirement that all required parking spaces and manoeuvring spaces shall have access by means of one or more access driveways, located on the lot; or located partly on the lot in the case of a mutual driveway; or by means of a right of way.

**Hamilton Zoning By-law No. 05-200 as Amended by By-law No. 18-219**

8. That the proposed redevelopment of the “Long and Bisby” building be permitted notwithstanding the applicable “H69” (Holding) symbol pursuant to the “P5, 672, H69” District.
9. **Section 5.6(c)(iv):** 10 parking spaces are provided for the use within the existing “Long and Bisby” building instead of the minimum required 21 parking spaces.
10. **Section 5.5:** No barrier free parking spaces are provided for the use within the existing “Long and Bisby” building instead of the minimum required one (1) barrier free parking space.
11. **Section 5.1(a)(v)(i) and (ii):** No planting strip is provided between the street line and parking spaces and aisles abutting the street instead of the required minimum 3.0m planting strip.
12. **Section 5.2(b)(i):** Parking spaces with a width of 2.7 metres and length of 6.0 metres are provided for the use within the existing “Long and Bisby” building instead of the required minimum 2.8 metres in width and 5.8 metres in length.
13. **Section 5.2(e)(ii)(a):** The parking spaces, aisles and driveways for the use within the existing “Long and Bisby” building are composed of gravel whereas a stable surface such as asphalt, concrete or other hard-surfaced material is required.





Hamilton

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

**FOR OFFICE USE ONLY.**

**APPLICATION NO.** \_\_\_\_\_ **DATE APPLICATION RECEIVED** \_\_\_\_\_

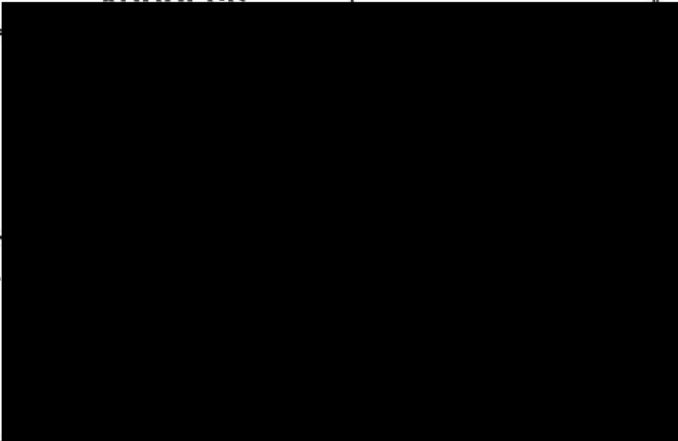
**PAID** \_\_\_\_\_ **DATE APPLICATION DEEMED COMPLETE** \_\_\_\_\_

**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
<b>Registered Owners(s)</b>	Valery (Chedoke Browlands) Developments Inc. c/o Ted Valeri	
<b>Applicant(s)*</b>	Valery Group c/o Amber Lindsay	
<b>Agent or Solicitor</b>		<b>Phone:</b>
		<b>E-mail:</b>

**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:  
N/A



**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:

Please refer to the attached document.

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

The provisions for which relief is being sought represent the existing conditions which were established prior to the enactment of the applicable zoning. The conditions for which relief is being sought are temporary until such time that the broader site is redeveloped per the active planning applications.

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**):

828 Sanatorium Road

7. PREVIOUS USE OF PROPERTY

Residential ☐ Industrial ☐ Commercial ☒

Agricultural ☐ Vacant ☐

Other \_\_\_\_\_

- 8.1 If Industrial or Commercial, specify use Day Care Facility

- 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?

Consultation with the owner and building inspection report prepared by MTE Consultants Inc.

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.

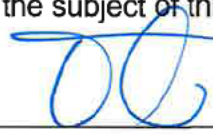
Is the previous use inventory attached? Yes ☐ No ☒

## 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.

March 10, 2021

Date

  
Signature Property Owner  
Valery (Chedoke Browlands) Developments Inc.  
c/o Ted Valeri  
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>+/- 1,362 metres</u>
Depth	<u>Varies</u>
Area	<u>+/- 96,313.8 square metres (9.6ha)</u>
Width of street	<u>Scenic Drive = 20 metres / Sanatorium Road = 20 metres</u>

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=322.9 square metres

Gross Floor Area=919.9 square metres

Number of Storeys=2.5

Width: +/-25 metres Length=+/-14.9 metres

Proposed

N/A. There are no changes proposed to the building footprint.

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

Existing:

Ground Floor Area=322.9 square metres

Gross Floor Area=919.9 square metres

Number of Storeys=2.5

Width: +/-25 metres Length=+/-14.9 metres

Proposed:

N/A. There are no changes proposed to the building footprint.



13. Date of acquisition of subject lands:  
December 2012
- 
14. Date of construction of all buildings and structures on subject lands:  
1920
- 
15. Existing uses of the subject property:  
Vacant
16. Existing uses of abutting properties:  
Residential
17. Length of time the existing uses of the subject property have continued:  
Since December 2013
18. Municipal services available: (check the appropriate space or spaces)
- |                |          |           |                          |
|----------------|----------|-----------|--------------------------|
| Water          | <u>X</u> | Connected | <u>To be reconnected</u> |
| Sanitary Sewer | <u>X</u> | Connected | <u>To be reconnected</u> |
| Storm Sewers   | <u>X</u> |           |                          |
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Schedule E - Institutional & Open Space  
Schedule E-1 - Neighbourhoods & Major Open Space
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
"DE/S-1600" & "E-H/S-1600" (ZBL 6593) and "P5" (ZBL 05-200) as approved by  
OMB Decision PL100691
21. Has the owner previously applied for relief in respect of the subject property?  
☒ Yes ☐ No  
 If the answer is yes, describe briefly.  
 There is an active Draft Plan of Subdivision, Official Plan Amendment and  
 Zoning By-law Amendment application applicable to the Subject Lands.
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  
 As above. Municipal file nos. are 25T-202008/UHOPA-20-026/ZAC-20-041
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.