

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-21:189

APPLICANTS: Agent A.J. Clarke & Associates (S. Fraser)
Owner Stone Creek Centre

SUBJECT PROPERTY: Municipal address **360 & 410 Lewis Rd., Stoney Creek**

ZONING BY-LAW: Zoning By-law 05-200, as Amended 10-128, 17-143 & 17-145

ZONING: "M2, 402 and M3 and 402" (General Business Park (M2) Zone
and Prestige Business Park (M3) Zone

PROPOSAL: To permit a Motor Vehicle Dealership and Commercial Motor Vehicle Sales, Rental and Service Establishment within Unit 104 of Building 1 (known municipally as 410 Lewis Road) of a Planned Business Centre notwithstanding that a Motor Vehicle Dealership is not permitted in the "M2, 402" or the "M3, 402" zones.

NOTE:

- i) This lot contains a Planned Business Centre consisting of two (2) buildings known municipally as 360 Lewis Road (Building 2) and 410 Lewis Road (Building 1).
- ii) A Commercial Motor Vehicle Sales, Rental and Service Establishment is permitted within both the "M2" and "M3" zones.
- iii) The Agent indicated in an April 28, 2021 letter that the proposed uses would be entirely contained within Unit No. 104 and motor vehicles and commercial motor vehicles will not be parked outside for display. Further, the Agent indicated in a May 20, 2021 letter that there are no service, outdoor sales, storage or display that will be required outside of the unit and as such, the use will be contained entirely within Unit # 104 of the existing plaza.

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

DATE: Thursday, June 17th, 2021
TIME: 1:50 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

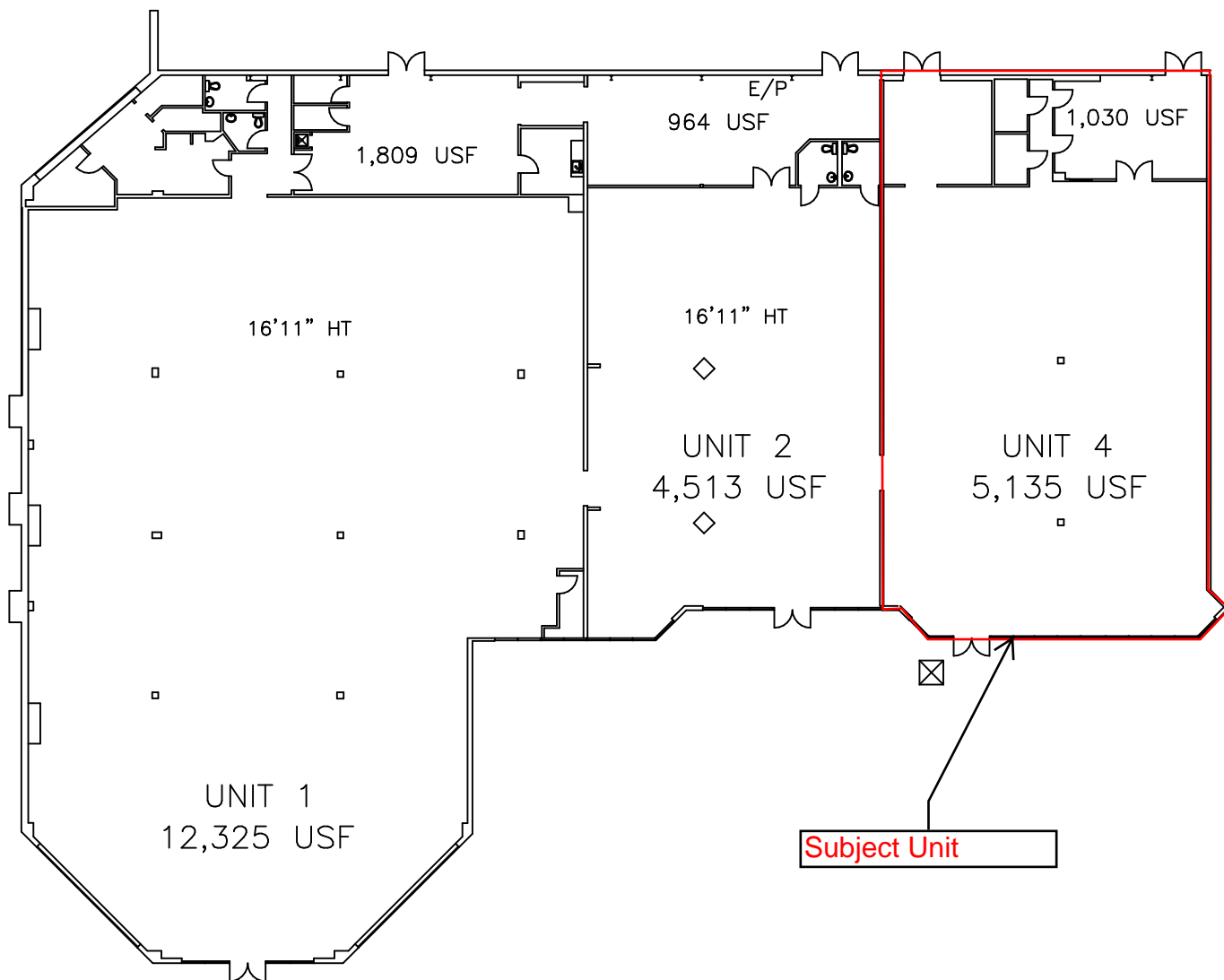
For more information on this matter, including access to drawings illustrating this request:

- 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: June 1st, 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.



TOTAL AREA UNIT #1	12,325 SQ.FT.
TOTAL AREA UNIT #2	4,513 SQ.FT.
TOTAL AREA UNIT #4	5,135 SQ.FT.

SCALE: 1" = 16'

MEASURED TO BOMA STANDARDS

TOTAL MEASURED AREA: 21,973 SQ.FT.

PREPARED FOR:
COLLIERS INTERNATIONAL

LOCATION:
UNITS 101, 102, 104
410 LEWIS ROAD
STONE CREEK, ON.

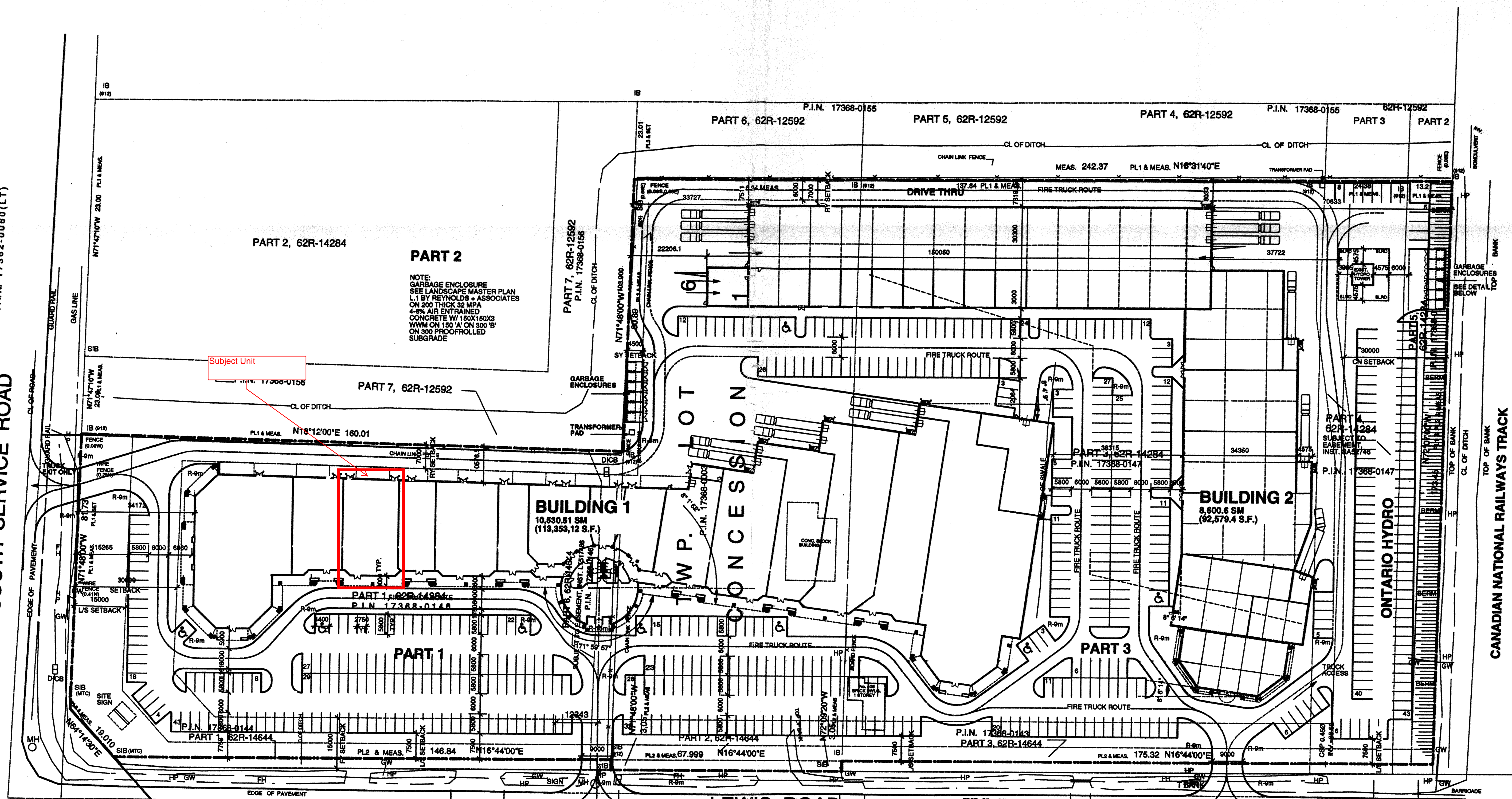
NORTH:



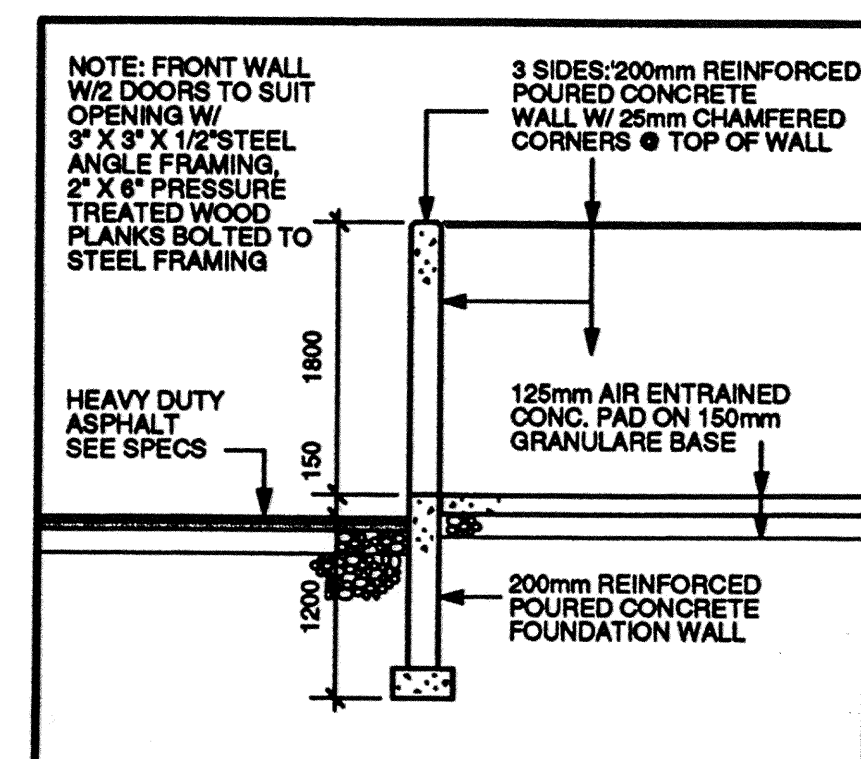
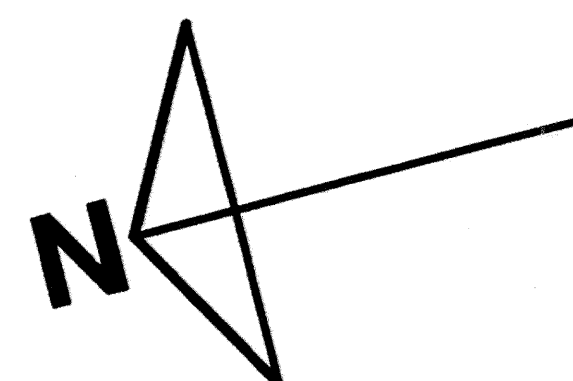
PREPARED BY:
MEASURE DRAW CERTIFY
G. BLAIN: (905) 469-0069
DATE: SEPT. 26, 2014
FILE # SCALE:
R-H410L NOT TO SCALE

P.I.N. 17382-0060 (LT)

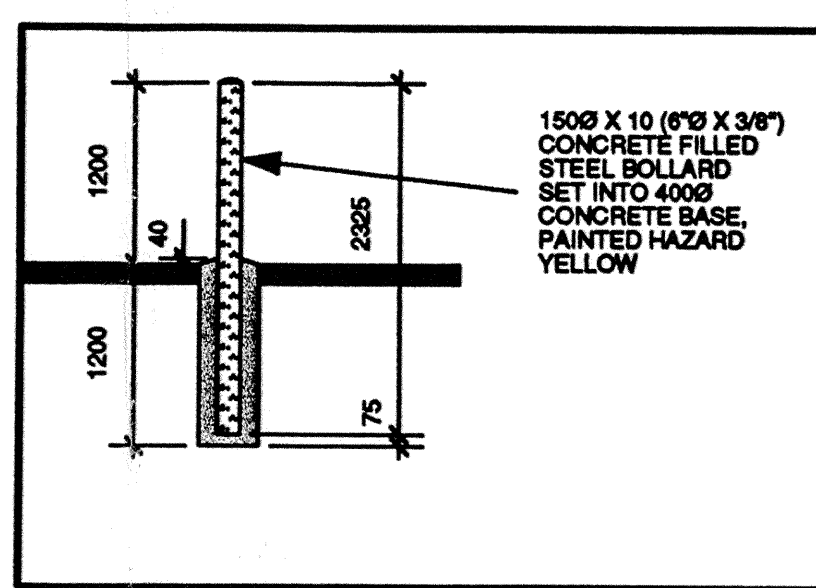
SOUTH SERVICE ROAD



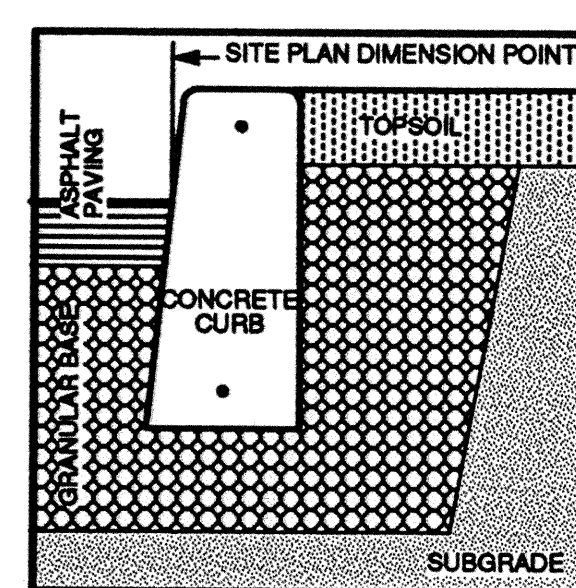
SITE PLAN
SCALE: 1:600



GARBAGE ENCLOSURE DETAIL
SCALE 1:50



BOLLARD DETAIL - BLRD ON PLAN
SCALE 1:50



EDGE OF ASPHALT - CURB: SECTION
SCALE 1:10

CITY OF STONEY CREEK
APPROVED SITE PLAN
Pursuant to Development Control By-law No. 3325-90
DATE: June 7/2000
R. M. Martin June 6/00
GENERAL MANAGER PLANNING & DEVELOPMENT

BUILDING CLASSIFICATIONS:
BUILDING A
GROUP E MERCANTILE
SPRINKLERED
AREA = 113,353.12 SF (10,530.51 m²)
3.2.2.57 GROUP E, ANY HEIGHT, ANY AREA, SPRINKLERED
NON-COMBUSTIBLE CONSTRUCTION, FLOOR ASSEMBLIES 2 HR
MEZZANINES 1 HR, LOAD BEARING COLUMNS TO MATCH
BUILDING B
GROUP F DIVISION 2, - MEDIUM HAZARD INDUSTRIAL
SPRINKLERED
AREA = 94,350 SF
3.2.2.59 GROUP F DIVISION 2, UP TO 4 STOREYS, INCREASED AREA
SPRINKLERED, TABLE 3.2.2.59B
NON-COMBUSTIBLE CONSTRUCTION, FLOORS TO HAVE 1 HR FRR
MEZZANINES TO HAVE 1 HR FRR
LOAD BEARING WALLS, COLUMNS AND ARCHES TO HAVE SAME
RATING AS SUPPORTING ASSEMBLY

NOTES:
1. ALL WORKS INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE CITY ENGINEER AND/OR COMMISSIONER OF REGIONAL TRANSPORTATION/ENVIRONMENTAL SERVICES AND AT THE EXPENSE OF THE OWNER.
2. FIRE ROUTE SIGNS AND THREE WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
3. MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 8.0 METRES UNLESS OTHERWISE STATED.
4. ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5 METRES SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
5. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDING CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO, ROAD CLOSURES, STREET CLOSURES, APPROACH APPROVAL, PERMITS, RELOCATION OF SERVICES, ENCROACHMENT AGREEMENTS, COMMITTEE OF ADJUSTMENT (IF REQUIRED).



LOCATION PLAN
N.T.S.

PART OF LOT 6, CONCESSION 1
IN THE GEOGRAPHIC TOWNSHIP OF SALT FLEET
NOW IN THE
CITY OF STONEY CREEK
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:600 m.
0 10 20 30 40 50 METRIC

STATISTICS:

AREA OF SITE	14.3 ACRES (57,872.1 m ²)
AREA OF BUILDINGS:	206,599.62 S.F. (19,193.1 m ²)
LOT COVERAGE	33.16%
GROSS FLOOR AREA:	
BUILDING 1	113,353.12 S.F. (10,530.51 m ²)
BUILDING 2	92,579.40 S.F. (8,600.60 m ²)
TOTAL GFA	205,932.52 S.F. (19,131.11 m ²)
PAVING:	
LD PAVING	145,915 S.F. (13,555.5 m ²)
HD PAVING	144,747 S.F. (13,447.0 m ²)
TOTAL PAVING	290,662 S.F. (27,002.5 m ²)
LOT COVERAGE	46.66%
LANDSCAPING:	
LOT COVERAGE	125,821 S.F. (11,701.3 m ²)
	20.22%
PARKING:	
AREA OF RETAIL	113,353.12 S.F. (10,530.51 m ²)
REQ'D. PARKING (1/20.5 SM)	513.7 CARS
WAREHOUSE	92,579.4 S.F. (8,600.6 m ²)
REQ'D. PARKING (1/100 SM)	86.0 CARS
TOTAL PARKING REQUIRED	600.3 CARS
TOTAL PARKING PROVIDED	561.0 CARS

ZONING: PRESTIGE INDUSTRIAL "MT-4" ZONE

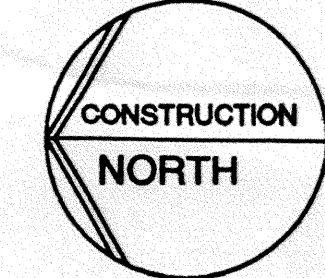
BENCH MARK:
CITY OF STONEY CREEK BENCH MARK KTSU228
DEEP BENCH MARK IN MANHOLE AT CARDINAL NEWMAN SECONDARY SCHOOL
ALONG LEWIS ROAD AT BARTON ST. IN FRONT LAWN 28.35 WEST OF CENTRE LINE
OF LEWIS ROAD, 15.5m. NORTH OF EAST CORNER OF SCHOOL.
ELEVATION = 88.001 m.

BEARING NOTE:
ALL BEARINGS USED HEREIN ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT
OF LEWIS ROAD AS SHOWN ON PLAN 62R-14644, HAVING A BEARING OF N16°44'00"E.

NOTE:
FOR GRADING INFORMATION AND SITE SERVING DETAILS REFER TO SITE
PLAN 62R-14644 PREPARED BY
ASHENHURST NOUWENS LIMITED.
SURVEY & TOPOGRAPHICAL INFORMATION TAKEN FROM
THE SURVEY AS PREPARED BY
ASHENHURST NOUWENS LIMITED
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS
315 YORK BOULEVARD, SUITE 201, HAMILTON, ONTARIO L8R 3K5
(905) 526-4316 (905) 526-4314 1-800-524-6224
e-mail: enl@nouwens.com
PROJECT/DRAWING NO.: 990417PO
DATE OF SURVEY: MARCH 4TH, 1999.

PAVING LEGEND: (SEE SPECIFICATIONS)

- HEAVY DUTY PAVING:
ASPHALTIC CONCRETE SURFACE (AL 3)
ASPHALTIC CONCRETE BASE (AL 4)
GRANULAR SUB-BASE (GRANULAR B - TYPE 1)
- LIGHT DUTY PAVING



ISSUED FOR BUILDING PERMIT ONLY
(OCT.25/99.)

Copyright:
All right, title and copyright to and in these specifications, drawings and
enclosures is and remains at all times the absolute property of
TARBUTT CONSTRUCTION LTD. No use or reproduction of the
same can be made by any person, without the prior written consent of
TARBUTT CONSTRUCTION LTD.

REVISION	DATE	BY	DESCRIPTION
1	2000/04/07	CP/TJ	REVISED FOR BUILDING PERMIT
2	2000/04/07	CP/TJ	REVISED FOR BUILDING PERMIT
3	2000/04/07	CP/TJ	REVISED FOR BUILDING PERMIT
4	2000/04/07	CP/TJ	REVISED FOR BUILDING PERMIT
5	2000/04/07	CP/TJ	REVISED FOR BUILDING PERMIT
6	2000/04/07	CP/TJ	REVISED FOR BUILDING PERMIT
7	2000/04/07	CP/TJ	REVISED FOR BUILDING PERMIT
8	2000/04/07	CP/TJ	REVISED FOR BUILDING PERMIT
9	2000/04/07	CP/TJ	REVISED FOR BUILDING PERMIT
10	2000/04/07	CP/TJ	REVISED FOR BUILDING PERMIT

JACKSON RYDER
ARCHITECTS
INCORPORATED
114 LAKESHORE ROAD, SUITE 20
OAKVILLE, ONTARIO L6H 6N5
TEL: (905) 848-8800
FAX: (905) 848-8801
EMAIL: jryder@jryder.com

ONTARIO ASSOCIATION
OF ARCHITECTS
Member Since 1998

The Proposed
STONEY CREEK DECOR CENTRE
STONEY CREEK, ONTARIO

TARBUTT
CONSTRUCTION LTD.
GENERAL CONTRACTORS

410 LEWIS ROAD,
STONEY CREEK, ONTARIO
L8E 6Y7
(905) 643-4633
(905) 643-7643

SITE PLAN

DATE	APR. 7, 2000.
DRAWN BY	CP/TJ
SCALE	1:600
DWG. NO.	PROJECT NO.
A1	9844

360 & 410 Lewis Road Stoney Creek

FOR LEASE

STONEY CREEK FURNITURE

Subject Unit

STONEY CREEK FURNITURE

Current Tenants - 410 Lewis Road	
Unit #	Tenant
101-102	Global Surface Inc
104	Grimbsy Chrylser Dodge Jeep Ltd
105	Sparkling Lights
106-107	Ourr Home & Appliances
108	The Energy Lab
109-111	End of the Roll
112	Leather Sofa
113	Baby World
115	Creative Visions
118	UTC-CHUBB
Current Tenants - 360 Lewis Road	
Unit #	Tenant
201	Play Time
202	Italian Food Factory
206	Arcon Picture Frames
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208	Greater Hamilton Foodshare
209	Stoney Creek Furniture

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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)	Stoney Creek Centre Inc.	
Applicant(s)*	(same as owner)	
Agent or Solicitor	A.J. Clarke and Associated Ltd.	

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:

Romspen Investment Corporation
162 Cumberland St Suite 300
Toronto ON M15 3N5

Trilend Inc.,
8830 Jane St
Vaughan ON L4K 2M9

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:

The proposal is to permit a Motor Vehicle Leasing Office and Showroom for all types of vehicles on the subject lands, whereas the Zoning By-law does not permit the Motor Vehicle Leasing Office for recreational and pleasure crafts on the subject lands, just commercial motor vehicles.

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

A motor vehicle leasing office and showroom for recreational and pleasure crafts is not currently a permitted use.

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**):

360 & 410 Lewis Road, Stoney Creek Ontario
Pt Lt 6, Con 1, Saltfleet

7. PREVIOUS USE OF PROPERTY

Residential ☐ Industrial ☐ Commercial ☒
Agricultural ☐ Vacant ☐

Other _____

- 8.1 If Industrial or Commercial, specify use Multi-tenanted building
- 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?
Property owner information

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.

04/27th/21
Date


Signature Property Owner

STONEY CREEK CENTRE INC.
Print Name of Owner

10. Dimensions of lands affected:

Frontage	+/- 402.9m
Depth	+/- 176.46m
Area	+/- 58,168.92 sq m
Width of street	+/- 22.9m

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: _

A 1-2 storey commercial building with associated paved parking. The building currently sits near the middle of the lot, surrounded by paved parking.

Proposed

No new construction is proposed. A Motor Vehicle Leasing tenant will occupy Unit 104 of the existing development.

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

Existing:

A 1-2 storey commercial building with associated paved parking. The building currently sits near the middle of the lot, surrounded by paved parking.

Proposed:

No new construction is proposed. A Motor Vehicle Leasing tenant will occupy Unit 104 of the existing development.

13. Date of acquisition of subject lands:
N/A
14. Date of construction of all buildings and structures on subject lands:
Subject building exists, construction took place over 10 years ago.
15. Existing uses of the subject property:
Commercial building with multiple commercial tenants.
16. Existing uses of abutting properties:
Commercial retail establishments, and a transportation business.
17. Length of time the existing uses of the subject property have continued:
Tenants and uses as permitted have existed on the subject lands since the
18. Municipal services available: (check the appropriate space or spaces)
Water available Connected yes
Sanitary Sewer available Connected yes
Storm Sewers available
19. Present Official Plan/Secondary Plan provisions applying to the land:
Business Park
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
M3 Exception 402 & M2 Exception 402
21. Has the owner previously applied for relief in respect of the subject property?
☒ Yes ☐ No
If the answer is yes, describe briefly.
SC/A-06:73 & SPA-17-231
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
N/A
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.



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

May 20, 2021

The City of Hamilton
Committee of Adjustment
Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

Attn: Ms. Jamila Sheffield - Secretary-Treasurer (via email: Jamila.Sheffield@hamilton.ca)
Re: **Revised Cover Letter Minor Variance Application – SC/A-21:189**
360 & 410 Lewis Road, Hamilton

Dear Madam,

A.J. Clarke & Associates Ltd. was retained by Stoney Creek Centre Inc. for the purposes of submitting a Minor Variance Application on the subject lands.

The application was submitted on April 28, 2020 and contained inaccurate information regarding the proposed use of the unit on the subject property. The previous cover letter identified that recreational vehicles or pleasure crafts would be leased out on the property. This is no longer the case.

In discussion with our clients, the only two types of vehicles that will be leased out of the unit will be commercial motor vehicles, to which the use is already permitted, and motor vehicles which is currently not permitted.

As we understand, the leasing of motor vehicles within the unit is defined as a Motor Vehicle Dealership under City of Hamilton Zoning By-law No. 05-200. Note that as specified in our original covering letter, there are no service, outdoor sales, storage or display that will be required outside of the unit and as such the use will be contained entirely within Unit #104 of the existing plaza. We would be agreeable to adding a condition to the application which would ensure that no service bays, outdoor sales or display will be provided and associated with the proposed use.

If you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

Ryan Ferrari, CPT

A. J. Clarke and Associates Ltd.

cc. via email: Stoney Creek Centre Inc. c/o Mr. Tony Peruzza and Mr. Elio Trolio