

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-21:245

APPLICANTS: Owner KTJ Investments Ltd.
Applicant William Johnston

SUBJECT PROPERTY: Municipal address **1350 Upper James St., Hamilton**

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

ZONING: C7 district (Arterial Commercial Zone)

PROPOSAL: To permit an alteration to the existing Motor Vehicle Dealership notwithstanding that:

1. A minimum building setback to a street line along Upper James Street shall be 14.4 metres instead of the required 18.0 metres.
2. A minimum building setback to a street line along Stone Church Road West shall be 15.9 metres instead of the required 18.0 metres.

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

DATE: Thursday, July 8th, 2021
TIME: 1:10 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: June 22nd, 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.

Johnston

CHRYSLER DODGE // Jeep RAM

Johnston



June 11, 2021

To Whom It May Concern,

Re: 1350 Upper James St, Hamilton

The above referenced property was purchased in the late 1960's by Chrysler Canada. Previously it was farm land.

In 1974, an automotive dealership was constructed. My family has operated a Chrysler franchise at this location since.

Over the past 47 years there have been various additions and changes to structures with the last one occurring in 2013 with the construction of the Fiat facility.

In approximately 1991, the last of our gas and oil tanks were removed from the ground. In 1999 a phase I and phase II environmental assessment was conducted. In 2000 a phase III environmental assessment was completed including the excavation of impacted soils. We have retained the hard copies of these reports.

The property was purchased in 2007 from Chrysler Canada by KTJ Investments. KTJ Investments is owned by William Johnston (the undersigned).

Yours Truly,

A handwritten signature in blue ink, appearing to read "W Johnston", written over a horizontal line.

William (Bill) Johnston

**Committee of Adjustment**

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

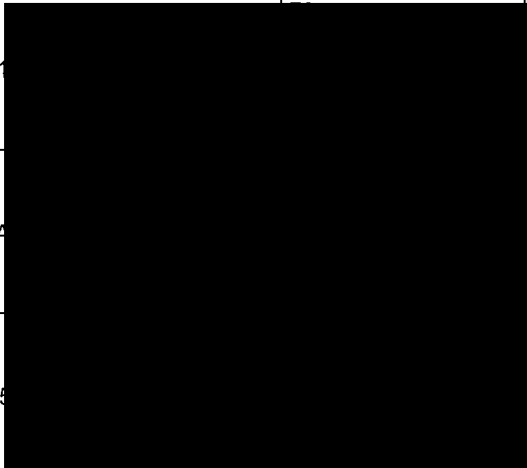
APPLICATION FOR A MINOR VARIANCE**FOR OFFICE USE ONLY.**

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	MAILING ADDRESS
Registered Owners(s)	KTJ Investments Ltd.	
Applicant(s)*	William Johnston	
Agent or Solicitor	Sam Esposto Architect Inc.	

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:

For relief of the Minimum Building Setback to a Street Line from 18.0 metres to the proposed 12.8 metres

☐ Secondary Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

We are altering the existing building and are requesting to stay within the existing setback from the street line

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 1 and Part Lot 3, Margaret Mackay Survey, Registered Plan No 427

1350 Upper James Street, Hamilton ON.

7. PREVIOUS USE OF PROPERTY

Residential ☐ Industrial ☐ Commercial ☒
Agricultural ☐ Vacant ☐ Other ☐

Other _____

- 8.1 If Industrial or Commercial, specify use Motor Vehicle Dealership

- 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 8.1 to 8.10 above?

A Phase I, II & III Environmental Site Assessment has been completed

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

June 7, 2021

Date

Signature Property Owner(s)

KTJ Investments Ltd c/o W. Johnston

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	110.56 m
Depth	174.70 m
Area	18,603.6 sqm
Width of street	Varies from 18.3 m to 22.1 m

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: _

GFA Calculations:

Ground Floor 2,520 sqm, Second Floor 238 sqm, Total GFA: 2,580 sqm

Building Height: 6.9 m

Building width: 47.8 m, Building Length: 89m



Proposed

GFA Calculations:

Ground Floor 2,580 sqm, Second Floor 245 sqm, Total GFA: 2825 sqm

Building Height: 6.9 m

Building width: 47.8 m, Building Length: 89 m



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

Existing:

North Property Line Setback 44.36 m, South Property Line Setback 15.8 m

South-East Corner 18.29 m

East Property Line Setback 14.54 m, West Property Line Setback 70.36 m

Proposed:

North Property Line Setback 44.36 m, South Property Line Setback 15.8 m

South-East Corner 12.80 m

East Property Line Setback 14.54 m, West Property Line Setback 70.36 m

13. Date of acquisition of subject lands:
2007
-
14. Date of construction of all buildings and structures on subject lands:
Construction Dates Vary between 1974 and 2013
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Commercial Retail Motor Vehicle Dealership - Sales and Repair
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Owner also owns adjacent north vacant land, lands to west multi-family residential
17. Length of time the existing uses of the subject property have continued:
Since 1974
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers | <input checked="" type="checkbox"/> | | |
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:
Lands are currently zoned C7
21. Has the owner previously applied for relief in respect of the subject property?
Yes ☒ No ☐
If the answer is yes, describe briefly.
Adjacent Fiat building to north built 2013, minor variance granted during SPA
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.