

## **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-21:203

**APPLICANTS:** Agent A.J. Clarke & Associates  
Owner Fehmi Imeri

**SUBJECT PROPERTY:** Municipal address **180 Wellington St. N., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended

**ZONING:** "H" (Community Shopping and Commercial, etc.) district

**PROPOSAL:** To permit the establishment of a parking area containing five (5) parking spaces to serve as additional parking for the existing Motor Vehicle Service Station located on the adjacent property to the south known as 231-233 Cannon Street East, notwithstanding,

1. A minimum manoeuvring space width of 3.5 metres shall be provided for the proposed parallel parking spaces instead of the minimum required manoeuvring space width of 3.7 metres required to be provided abutting upon and accessory to a parallel parking space; and,

2. The public alley to the east, which is partly subject to a residential zoning district, shall be permitted to be used for the purpose of vehicular egress from the subject lands notwithstanding no land in a residential district is permitted to be used for the purpose of vehicular access to or egress from any land in a commercial or industrial district.

**NOTES:**

1. Further variances will be required should the subject lands and the abutting lands to the south containing the existing Motor Vehicle Service Station, known as 213-233 Cannon Street East, not be merged in title or registered under identical ownership to allow for consolidated lot development.

2. A further variance will be required should the proposed parking area not be provided with a permanent durable and dustless surface that is graded, drained, and paved with concrete or asphalt or a combination of concrete and asphalt.

3. The variances are necessary to facilitate site plan application MDA-20-088.

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

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**DATE:** Thursday, July 8th, 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](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: June 22nd, 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.***




1. All work involved in the construction, installation, repair of municipal services for the project shall be to the satisfaction of the Director of Planning and Chief Planner, Planning and Economic Development Department.
2. Fire Route Signs and 3-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 7.5m unless otherwise stated.
4. All driveways from property lines for the first 7.5m shall be within 5% maximum grade, hereafter, all driveways shall be within 10% maximum grades.
5. The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the following:
  - Road cut permits
  - Relocation of services
  - E-encroachment Agreements (if required)
  - Committee of Adjustment
  - Sewer and water permits
6. Abandoned accesses must be removed and the curb and boulevard restored with sod at the owner's expense to the satisfaction of the Corridor Management Section, Public Works Department.
7. \_\_\_\_\_ metre by \_\_\_\_\_ metre visibility triangles, in which the maximum height of any objects or mature vegetation is not to exceed a height of 0.70 metres above the corresponding perpendicular centreline elevation of the adjacent street.
8. All signs must comply with Sign By-Law No. 10-57.
9. Where illumination is provided for a parking area or loading space, the illumination shall be directed towards or on the lot on which the parking area is located and away from a) any adjacent use and b) any driveway.



3.	UPDATED AS PER CITY COMMENTS	JUN. 15/21	RF
2.	REMOVED PROP. ROAD WIDENING & DAYLIGHT TRIANGLE	MAY 20/20	SM
1.	UPDATED AS PER CITY COMMENTS	APR. 8/20	SS
	Revision	Date	By
	REVISIONS		

- 1 TENDERS SHALL SATISFY THEMSELVES AS TO THE NATURE OF THE GROUND AND BID ACCORDINGLY.
- 2 ALL ROCK LINE INDICATIONS SHOWN ON THE PLAN MUST BE VERIFIED BY THE CONTRACTOR.
- 3 CONTRACTOR SHALL VERIFY LOCATIONS AND INVERTS OF ALL EXISTING SANITARY AND STORM SEWERS AND WATERMANS, PRIVATE SEWER DRAINS AND WATER SERVICES, GASMAINS, CABLE 'V', HYDRO AND TELEPHONE DUCTS, ETC., AT START OF CONSTRUCTION.



CITY OF HAMILTON

**AV**  
*A. J. Clarke and Associates Ltd.*  
SURVEYORS • PLANNERS • ENGINEERS

**REVIEWS • PLANNERS • ENGINEERS**  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO L8P 1H1  
Tel: 905 528-8761 Fax: 905 528-2289  
email: [qlc@qlclarke.com](mailto:qlc@qlclarke.com)

SCALE:	1:100	DATE:	MARCH 2020
DESIGN:		DRAWN:	L.H.
DWG:	100012D	SHT:	CD



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

May 7, 2021

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

Attn: Ms. Jamila Sheffield - Secretary-Treasurer (via email: [Jamila.Sheffield@hamilton.ca](mailto:Jamila.Sheffield@hamilton.ca))  
Re: **Minor Variance Application – 180 Wellington Street N, Hamilton**

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Dear Madam,

A.J. Clarke & Associates Ltd. have been retained by the property owner Fehmi Imeri for the purposes of submitting a Minor Variance Application on the subject lands. The purpose of this minor variance application is to facilitate the approval of a concurrent Minor Site Plan Application File# MDA-20-088.

The property owner operates a Motor Vehicle Service Establishment on the adjacent lands at 231 Cannon Street. The subject lands known as 180 Wellington Street North have been purchased by the owner in order to facilitate the creation of five (5) perpendicular parking stalls on the subject lands. The existing single detached dwelling is proposed to be demolished. The parking spaces will be utilized by the existing Motor Vehicle Sales and Service Establishment adjacent to the subject lands and the parking spaces will have adequate egress though the adjacent public alleyway to the east. The variances are required to address the fact that the access aisle is deficient by 0.2m and that the alleyway used for egress is partially zoned residential.

The following variances are required to facilitate the application:

1. A minimum maneuvering space aisle width of 3.5 metres to be provided for the proposed parallel parking spaces, whereas 3.7 metres is required.
2. The public alley used for vehicular egress is partly within a residential district, whereas the By-law requires that vehicle egress be contained entirely within the lands zoned "H" District Commercial.

**Urban Hamilton Official Plan**

The subject lands are designated "Neighbourhoods" on Schedule E-1 of the Urban Hamilton Official Plan. The Neighbourhoods designation permits a range of residential uses and small scale local commercial uses. The proposed use is not prohibited by the UHOP and will facilitate additional parking space for the existing motor vehicle service establishment which is also owned by the property owner. As such, the proposal conforms to the Urban Hamilton Official Plan.

**Zoning By-law No. 6593**

The subject lands are zoned "H" Shopping and Commercial etc. District in Zoning By-law No. 6593. The use of the subject lands for parking in conjunction with the lands to the south is



permitted, however technical variances are required to facilitate the layout of the proposed parking spaces and motor vehicle egress to and from the site.

### **Analysis**

Minor Variances are subject to the four tests as noted in Section 45(1) of the *Planning Act*. An analysis of the four tests is provided below:

#### **Does the proposed Variances maintain the purpose and intent of the Urban Hamilton Official Plan?**

As noted above, the Urban Hamilton Official Plan designates the subject lands as Neighbourhoods, which permits small scale local neighborhood commercial uses. In accordance with the UHOP, the use is permitted and the proposal will facilitate the orderly circulation of motor vehicles on site. The variances will facilitate safe and adequate motor vehicles to access Cannon Street through an existing public alleyway for egress. As the proposal facilitates the orderly development and site circulation for the existing Motor Vehicle Sales and Service Use, the proposal maintains the intent and purpose of the UHOP.

#### **Does the proposed Variances maintain the purpose and intent of the City of Hamilton Zoning By-law No. 6593?**

The variances are intended to be technical in nature and are as a result of the existing lot constraints on site.

Five proposed perpendicular parking spaces are proposed to facilitate additional parking and adequate egress of motor vehicles on site. The resultant aisle width is 3.5m whereas 3.7m is required in the Zoning By-law. The intent of this provision is to allow for motor vehicles adequate room to maneuver and access the parking spaces. A minor reduction in aisle width is not anticipated to impact or impede the way in which motor vehicles will utilize the proposed five parking spaces. Further, the width of the aisle is encumbered by the existing lot width and the existing motor vehicle service building adjacent to the site. Based on the site constraints and the minor reduction in aisle width, adequate motor vehicle access is achieved and accordingly the variance maintains the purpose and intent of the Zoning By-law.

A Variance is required as the proposed aisle that will be used for adequate egress is split zoned commercial and residential. Accordingly, the By-law does not permit a motor vehicle to use part of lands zoned residential for access. Given that the alleyway is split zoned and this is an existing condition affecting the alleyway, this variance is technical in nature and will not impact the way in which the alleyway is used for access. A number of residential uses already utilize the alleyway for access to parking even though it is split zoned. As such, the variance represents an existing condition affecting the subject lands and maintains the purpose and intent of the Zoning By-law.

#### **Is the proposed variance appropriate for the development of the property?**

The variances will improve the current condition of the subject lands by allowing for adequate motor vehicle access and parking for the Motor Vehicle Sales and Service establishment directly adjacent to the subject lands. Currently, motor vehicles maneuver on site at 231 Cannon Street amongst motor vehicles that are being temporarily stored until they are serviced. The inclusion of



additional parking and alleyway access will facilitate the adequate movement of motor vehicles in and out of the site and thereby improve site circulation and safety. The variances that facilitate improved site circulation appropriate for the development of the subject property.

### **Is the proposed variance minor in nature?**

As previously noted, the above variances are purely technical in nature and do not have an impact on the surrounding properties. The site will allow for motor vehicles to access the alleyway despite the minor reduction in aisle width. The alleyway is partially zoned Commercial and partially zoned Residential which results in the required variance to allow for motor vehicles to utilize lands zoned Residential for egress. This is a technical variance and is not anticipated to impact any neighboring residential properties. As such, the requested variances are minor in nature.

### **Conclusion**

In our submission, the variance meets the four tests of established under Section 45(1) of the *Planning Act*, represent good planning, and should be approved. The requested variances are purely technical in nature and do not pose an impact on the surrounding neighbourhood.

In support of the subject application, the following have been provided:

1. A cheque in the amount of \$3,320.00 made payable to the City of Hamilton in payment of the requisite application fee.
2. An executed copy of the minor variance application.
3. One (1) full size copy of the Site Plan Drawing prepared by A.J. Clarke & Associates Ltd.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter. Should 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: Fehmi Imeri



## 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>	Fehmi Imeri		
<b>Applicant(s)*</b>	A.J. Clarke & Associates Ltd. c/o Ryan Ferrari		
<b>Agent or Solicitor</b>	same as applicant		<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 see attached cover letter.

5. Why it is not possible to comply with the provisions of the By-law?  
Please see attached cover letter.

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 21 and Part of Lots 22, 23 & 24, Registered Plan No. 199  
180 Wellington Street North

7. PREVIOUS USE OF PROPERTY  
Residential ☒ Industrial ☐ Commercial ☐  
Agricultural ☐ Vacant ☐  
Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use Single Detached Dwelling

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.

May 7 2021  
Date

  
Signature Property Owner

Fehmi Imeri  
Print Name of Owner

SIGN HERE

10. Dimensions of lands affected:

Frontage	<u>7.62m</u>
Depth	<u>44.97m</u>
Area	<u>342.67</u>
Width of street	<u>approx. 23 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: \_

Existing Single Detached Dwelling to be demolished.

Proposed

Five (5) parallel parking spaces and landscaping in support of the existing Motor Vehicle Sales and Service Use at 231 Cannon Street.

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

Existing:

Existing Single Detached Dwelling to be demolished.

Proposed:

Five (5) Parallel Parking Spaces and Landscaping in support of the existing Motor Vehicle Sales and Service Use at 231 Cannon Street.

13. Date of acquisition of subject lands:  
2019
- 
14. Date of construction of all buildings and structures on subject lands:  
Early 1900s
- 
15. Existing uses of the subject property:  
Residential
16. Existing uses of abutting properties:  
Residential and Commerical
17. Length of time the existing uses of the subject property have continued:  
Since Construction
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:  
Neighbourhoods - Schedule E-1- Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
"H" Community Shopping and Commercial District etc.
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.