

## **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.:** SC/A-21:258

**APPLICANTS:** Agent Gerry Gatto  
Owners A. & C. Mariella

**SUBJECT PROPERTY:** Municipal address **583 Barton St., Stoney Creek**

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

**ZONING:** "M3" (Prestige Business Park) district

**PROPOSAL:** To permit the severance of the subject lands in accordance with Consent Application No. SC/B-21:18 notwithstanding that:

1. A yard setback being 29.5m shall be provided abutting a street instead of the maximum yard setback of 27.0m permitted abutting a street.
2. The use of Retail shall be permitted on the lands to be retained whereas this use is not permitted in the current M3 zone.
3. The use of a Personal Service shall be permitted on the lands to be retained whereas this use is not permitted in the current M3 zone.

**NOTE:**

- i. These variances are necessary to facilitate Consent Application No. SC/B-21:18.

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

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**DATE:** Thursday, August 12th, 2021  
**TIME:** 3:00 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:

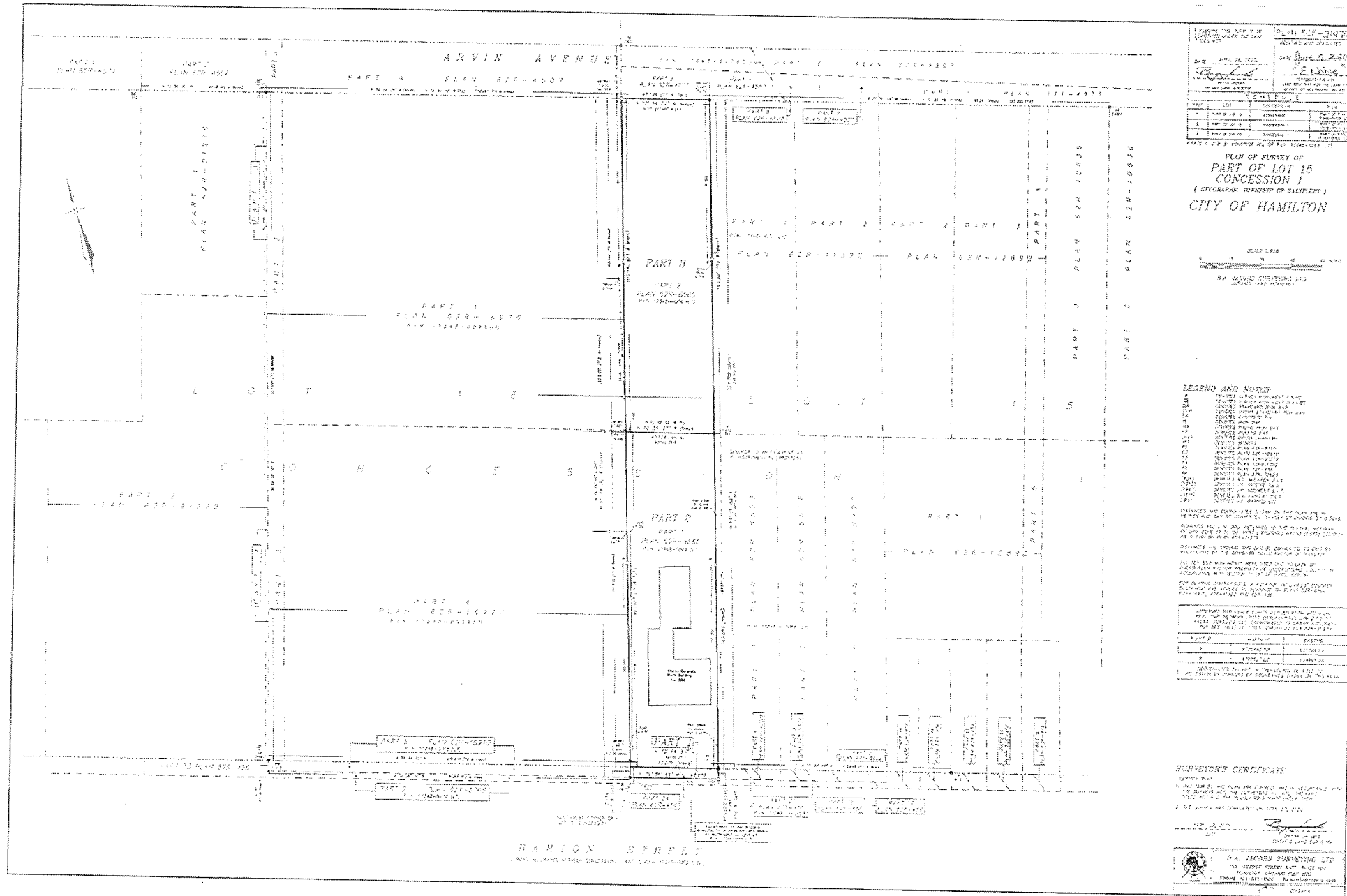
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: July 27th, 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.***





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	MAILING ADDRESS
Registered Owners(s)	Antonietta Mariella	
Applicant(s)*	Antonietta Mariella	
Agent or Solicitor	Gerry G. Gatto	

**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:

First, we are asking for a minor variance to seek an exception to the Yard Abutting a Street Zoning requirement per section 9.3.3(b) of Hamilton Zoning By-Law No. 05-200. This section states the maximum yardage abutting a street allowed is 27.0 m, whereas our property's yardage is 28.450 m. Continued on next page

☐ Secondary Dwelling Unit      ☐ Reconstruction of Existing Dwelling

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

First, we are not able to comply with the yard abutting the street because the building was constructed before the by-law came into effect, and bringing the building into compliance would require demolition and reconstruction of majority of the building and would require shutting down all of the businesses which operate on the property. Continued on the next page.

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**):

PT LT 15, CON 1 SALTFLEET, AS IN CD407187; STONEY CREEK CITY OF HAMILTON  
PIN: 17348-0069 (LT)  
583 Barton Street, Stoney Creek, Ontario, L8E 6E4

7. PREVIOUS USE OF PROPERTY

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

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use \_\_\_\_\_

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?

Client has owned the property since 1987 and is very familiar with the area.

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 28, 2021  
Date

  
Signature Property Owner(s)

ANTONIETTA MARIELLA  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>Fronting on Barton St. - 43.079m; on Arvin Ave. - 43.129m</u>
Depth	<u>East side - 332.974m; West side - 333.060m (prior to road wi</u>
Area	<u>1.746 acs.</u>
Width of street	<u>Barton St., from centreline - 13.106m; Arvin Ave. - 13.106m</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: \_

1 storey plus mezzanine brick dwelling; ground floor area - 1369 metres squared; gross floor area - 1495.4 metres squared; height - 5160 mm to upstairs, 5485 mm overall

Proposed

1 storey plus mezzanine brick dwelling - NO CHANGE

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

Existing:

1 storey building - 1.2m from west lot line, 12.5m from south lot line, 13.392m from east lot line

Wooden shed - 6.3m from north lot line, 13.392m from east lot line

Proposed:

N/A

13. Date of acquisition of subject lands:  
04/30/1987
- 
14. Date of construction of all buildings and structures on subject lands:  
December 1986
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Commercial, retail, personal service
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Commercial, personal service
17. Length of time the existing uses of the subject property have continued:  
1995 and 2000
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                          |
|----------------|-------------------------------------|-----------|--------------------------|
| Water          | <input checked="" type="checkbox"/> | Connected | <input type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input type="checkbox"/> |
| Storm Sewers   | <input checked="" type="checkbox"/> |           |                          |
19. Present Official Plan/Secondary Plan provisions applying to the land:  
62R-8560
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
By-law No.05-200, section 9.3
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.