

## **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-21:284

**APPLICANTS:** Owner Peoples Church  
Agent David Premi

**SUBJECT PROPERTY:** Municipal address **510 Mohawk Rd. W., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593 & Zoning By-law 05-200, as Amended

**ZONING:** I2 and C district (Community Institutional (I2) zone and Urban Protected Residential, etc.)

**PROPOSAL:** To permit the construction of a second storey addition and two main floor additions having a gross floor area of 1,381m<sup>2</sup> onto an existing Place of Worship in order to facilitate Site Plan Application File No. SPA-14-107 notwithstanding that:

1. A minimum flankage side yard of 1.2m shall be provided to the side lot line abutting Juanita Drive instead of the minimum required flankage side yard of 6.0m.
2. One (1) parking space every 24.5m<sup>2</sup> of gross floor area, inclusive of a basement or cellar, to accommodate such use shall be required instead of the requirement that for a place of worship one (1) for every 10m<sup>2</sup> of gross floor area, inclusive of a basement or cellar, to accommodate such use.
3. A minimum parking space size of 2.6m wide x 5.5m long shall be permitted instead of the minimum required parking space size of 2.8m wide x 5.8m long.
4. Notwithstanding Subsection b) herein, light standards, including the base, located at the intersection of 4 parking spaces and located between one set of 2 parking spaces shall not be considered as an obstruction instead of the requirement that notwithstanding Subsection b) herein, light standards, including the base, located at the intersection of 4 parking spaces shall not be considered as an obstruction.
5. A minimum barrier free parking space size of 4.4m wide x 5.5m long shall be provided instead of the minimum required barrier freer parking space size of 4.4m wide x 5.8m.
6. No planting strip shall be provided between the Juanita Drive street line and the parking spaces and aisles giving direct access to abutting parking spaces and no planting strip shall be provided at the east side of the Mohawk Road access driveway between the Mohawk Road West street line and the parking spaces and aisles giving direct access to abutting parking spaces instead of the requirement that a 3.0 metre wide planting strip shall be provided and permanently maintained between the street line and parking spaces and aisles giving direct access to abutting parking spaces.

7. No visual barrier shall be provided between the parking lot and a lot line abutting a residential zone instead of the requirement that where a parking lot is situated on a lot which abuts a Residential Zone, a visual barrier shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, in accordance with Section 4.19 of this By-law.

NOTE:

- i) If Variance # 2 is granted a minimum of 238 parking spaces shall be required and a total of 241 parking spaces are shown on the subject lands which will conform.
- ii) Pursuant to Variance # 7, a chain link fence is shown abutting the residential zones.
- iii) The variances are necessary to facilitate Site Plan File No. SPA-14-107.

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

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<b>DATE:</b>	<b>Thursday, September 9th, 2021</b>
<b>TIME:</b>	<b>1:40 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed at</b>
	<b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>
	<b>for viewing purposes only</b>

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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: August 24th, 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.***



JUANITA DRIVE

LEEWARD PLACE

Break out existing and pour new 180mm thick reinforced concrete sidewalk to suit new driveway

New curb faced concrete sidewalk to city of Hamilton standards

Re-grade and sod to city of Hamilton standards

CLS

A

JUANITA DRIVE

Break out existing and pour new 180mm thick reinforced concrete sidewalk to suit new driveway

New curb faced concrete sidewalk to city of Hamilton standards

Re-grade and sod to city of Hamilton standards

9.0m x 9.0m Dedicated day lighting triangle

MOHAWK ROAD WEST

1  
A01.01

Site Plan

SCALE: 1:300

2  
A01.01

Site Details

SCALE: NTS

#### DESCRIPTION OF PROPERTY

510 MOHAWK ROAD WEST, HAMILTON.

PLAN OF SURVEY OF: PART  
PART OF LOT 19, CONCESSION 6 GEOGRAPHIC TOWNSHIP OF  
BARTON, CITY OF HAMILTON, REGIONAL MUNICIPALITY OF  
HAMILTON-WENTWORTH.

THE SURVEY & BASE SITE INFORMATION ON THIS DRAWING  
WAS OBTAINED FROM A DRAWING PREPARED BY:

PARKER ARCHITECTS INC.  
PLAN DATED: AUGUST 15, 2014 (DRAWING NUMBER: SPA 1.1)

#### SITE PLAN INFORMATION

ZONING	COMMUNITY INSTITUTIONAL (12)
NET LOT AREA	14,890.00 m <sup>2</sup>
BUILDING COVERAGE	3,492.00 m <sup>2</sup>
GROSS FLOOR AREA	5,742.000 m <sup>2</sup>
	4,361.00 m <sup>2</sup> (Existing)
	1,381.00 m <sup>2</sup> (New Addition)

SETBACKS	
FRONT YARD	10.3 m (3.00 m MINIMUM)
FLANKAGE YARD	N/A (6.00 m MINIMUM)
SIDE YARD	N/A (6.00 m MINIMUM)
REAR YARD	N/A (7.00 m MINIMUM)

	REQUIRED/ALLOWED	PROPOSED
BUILDING HEIGHT	10.50m	10.30m
BUILDING COVERAGE	10% Of Lot Area	28% (4,230 m <sup>2</sup> )
LANDSCAPE AREA	10% Of Lot Area	18% (2,790 m <sup>2</sup> )

PARKING REQUIREMENTS:	241 SPACES
PLANS OF MINIMUM 1:1000 SHALL BE SUBMITTED TO THE CITY OF HAMILTON FOR REVIEW.	
EXISTING PARKING	103 SPACES
REQUIRED PARKING FOR 1,381 m <sup>2</sup> ADDITION	138 SPACES
TOTAL PARKING PROVIDED	241 SPACES

#### SITE PLAN NOTES

- All work involved in construction, relocation, repair of municipal services for all the project shall be to the satisfaction of the director of planning, planning and economic development department + chief planner.
- 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.
- Main driveway dimensions at the property line boundaries are plus or minus 7.5m unless otherwise stated.
- All driveways from property lines for the first 7.5m shall be within 5% maximum grade, thereafter, all driveways shall be within 10% maximum grades.
- The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the various permits/approvals normally required to complete a construction project, such as, but not limited to the following:
  - Building permit
  - Road cut permits
  - Approach approval permits
  - Committee of adjustment (if required)
  - Sewer and water permits
  - Relocation of services
  - Encroachment agreements
- Abandoned accesses must be removed and curb and blvd. restored and SOD at the owner's expense to the satisfaction of the geomatics, corridor mgmt. & public works department.
- For visibility triangles at the vehicular access points, the following notes shall be provided: "5 metre by 5 metre at Mohawk Road and 3 metre by 3 metre at Juanita Drive 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"
- Lighting must be directed on site and must not spill over to adjacent properties or streets. Must provide 'house shields' where needed, to completely eliminate glare to adjacent properties.

#### SITE PLAN LEGEND

- Denotes Main Level Building Addition
- Denotes Second Level Building Addition
- New Concrete Sidewalk
- New Asphalt Paving
- New Landscaped Area
- Building Entrance
- Outline of M&E Equipment
- New Light Standard
- Existing Hydro Pole Light Standard

FILE No. SPA-14-107

UNDERTAKING

RE: 510 Mohawk Road West, Hamilton

- I, (We) **WILLIE BROWN** the owner(s) of the land, hereby undertake and agree without reservation, (a) to comply with all the content of this plan and drawings and not to vary therefrom;
- (b) to perform the facilities, works or matters mentioned in Section 41(7)(b) of the Planning Act shown on (plan and drawings) in accordance with the conditions of approval as set out in the Letter of Approval dated **NOVEMBER 16, 2015**;
- (c) to maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the Planning Act shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways; and;
- (d) in the event that the Owner does not comply with the plan dated **JUNE 25, 2020**, the owner agrees that the City may enter the land and do the required works, and further the Owner agrees that the City to use the security filed to obtain compliance with the plan.

Dated this **6th** day of **JULY** 20 **20**

Witness (signature) **Willie Brown** (seal)  
Owner (s) (signature)

**Eather Gillingham**  
Witness (print)  
**Willie Brown**  
Owner (print)

30 Glenview Dr. Stony Creek, ON L6A 1A1  
Address of Witness

peoples church

Peoples Church Renovation  
& Addition

SPA-14-107

510 Mohawk Road West  
Hamilton, ON L9C 1X4

dpa

architecture  
interiors  
urban design

25 Main Street West  
Hamilton, Ontario  
L8P 1H1

T: 905-522-0220

Drawings are not to be scaled.

Contractor must verify all dimensions on the job and report any discrepancy to architects before proceeding with the work.

All drawings and specifications are the property of the architect and must be returned at the completion of the work.

This drawing is not to be used for construction until countersigned. Date:

Seals



Key Plan

A MINOR VARIANCE FOR  
NON-CONFORMING  
MINIMUM SIDE YARD  
[Section 8.2.3.1 c)]

04 ISSUED FOR MINOR VARIANCE 2021-08-16  
03 ISSUED FOR INFORMATION (R2) 2021-03-04  
02 ISSUED FOR INFORMATION (R1) 2020-06-30  
01 ISSUED FOR INFORMATION 2019-12-02

No. Issues/Revisions Date

Drawing Title:

Site Plan  
& Miscellaneous Details

Issue Date: 2020-07-02

Drawn by: PN Checked by: DP

Project No.: 11837 Scale: AS NOTED

Drawing No.:



A01.01



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)	Peoples Church Hamilton		
Applicant(s)*	DAVID PREMI		
Agent or Solicitor			Phone:
			E-mail:

**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:

Royal Bank of Canada  
Commercial Financial Services  
100 KING ST W-8TH FLR STELCO TOWER  
HAMILTON ON, CANADA L8P 1A2

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:  
MINOR VARIANCE FOR NON-COMPLIANT SIDE YARD REQUIREMENT.

☐ Secondary Dwelling Unit      ☐ Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?  
THE ADDITION OF A SECOND STOREY TO AN EXISTING BUILDING, IS INTENDED TO BE BUILT TO ALIGN WITH THE EXTERIOR WALL OF GROUND LEVEL, WHICH IS CURRENTLY NOT COMPLYING WITH THE SIDE YARD REQUIREMENT OF 6.0m. THE EXISTING SETBACK ALONG JUANITA DRIVE IS 1.215m.

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**):  
510 MOHAWK ROAD WEST, HAMILTON.  
PLAN OF SURVEY OF: PART 1PART OF LOT 19, CONCESSION 6 GEOGRAPHIC TOWNSHIP OF BARTON, CITY OF HAMILTON, REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH.

7. PREVIOUS USE OF PROPERTY

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

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?

OWNER'S BUILDING RECORDS, CITY'S RECORDS.

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.

July 12, 2021  
Date

  
Signature Property Owner(s)

Willie Brown  
Print Name of Owner(s)

10. Dimensions of lands affected:  
Frontage 75.23 m  
Depth 120.98 m  
Area 14, 930 m2  
Width of street 16.0m (MOHAWK ROAD) & 8.0m (JUANITA DRIVE)

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:  
2-STOREY BUILDING (AREA: 3,109 m2)

Proposed  
NEW BUILDING ADDITION - GROUND FLOOR (AREA: 414 m2)  
NEW BUILDING ADDITION - SECOND FLOOR (AREA: 967 m2)  
GFA: 5,853 m2 (EXISTING: 4,515 m2 + 1,381 m2)

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)  
Existing:  
FRONT: 14.3 m  
SIDE (EXTERIOR): 1.215 m  
SIDE (INTERIOR): 13.95 m  
REAR: 24.18 m  
Proposed:  
FRONT: 11.0 m  
SIDE (EXTERIOR): 1.215 m

13.

Date of acquisition of subject lands:  
1971
- 
14.

Date of construction of all buildings and structures on subject lands:  
1972
- 
15.

Existing uses of the subject property (single family, duplex, retail, factory etc.):  
  
INSTITUTIONAL (CHURCH BUILDING)
16.

Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
  
RESIDENTIAL (SINGLE FAMILY) - SOUTH & EAST
17.

Length of time the existing uses of the subject property have continued:
18.

Municipal services available: (check the appropriate space or spaces)  
Water ☒ Connected ☐  
Sanitary Sewer ☒ Connected ☐  
Storm Sewers ☒
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:  
  
COMMUNITY INSTITUTIONAL - I2
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.