



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**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 and C2(Community Shopping and Neighbourhood Commercial) 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, and recognize the location of the existing parking spaces at the south west corner of 231-233 Cannon Street East notwithstanding,

**Variances to 180 Wellington St N pursuant to Zoning By-law 6593**

1. To allow for a minimum manoeuvring space width of 3.50 m, whereas the Zoning By-law requires a manoeuvring space width of 3.70 m.

**Variances to 231-233 Cannon St E pursuant to Zoning By-law 05-200**

1. The parking spaces at the south west corner of 231-233 Cannon St E will be located 0.0 m from the street with no planting strip, whereas the Zoning By-law requires parking spaces to be located 3.0 m from a street line and a 3.0 m wide planting strip to be maintained between the parking spaces and street line.

2. No barrier free parking spaces will be provided, whereas the Zoning By-law requires one (1) barrier free parking space to be provided on site.

3. No short term bicycle parking spaces will be provided, whereas the Zoning By-law requires five (5) short term bicycle parking spaces to be provided on site.

**NOTES:**

1. Further variiances 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. \*Specific to 180 Wellington Street North only\*

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, January 20<sup>th</sup>, 2022  
**TIME:** 1:35 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: January 4<sup>th</sup>, 2022.

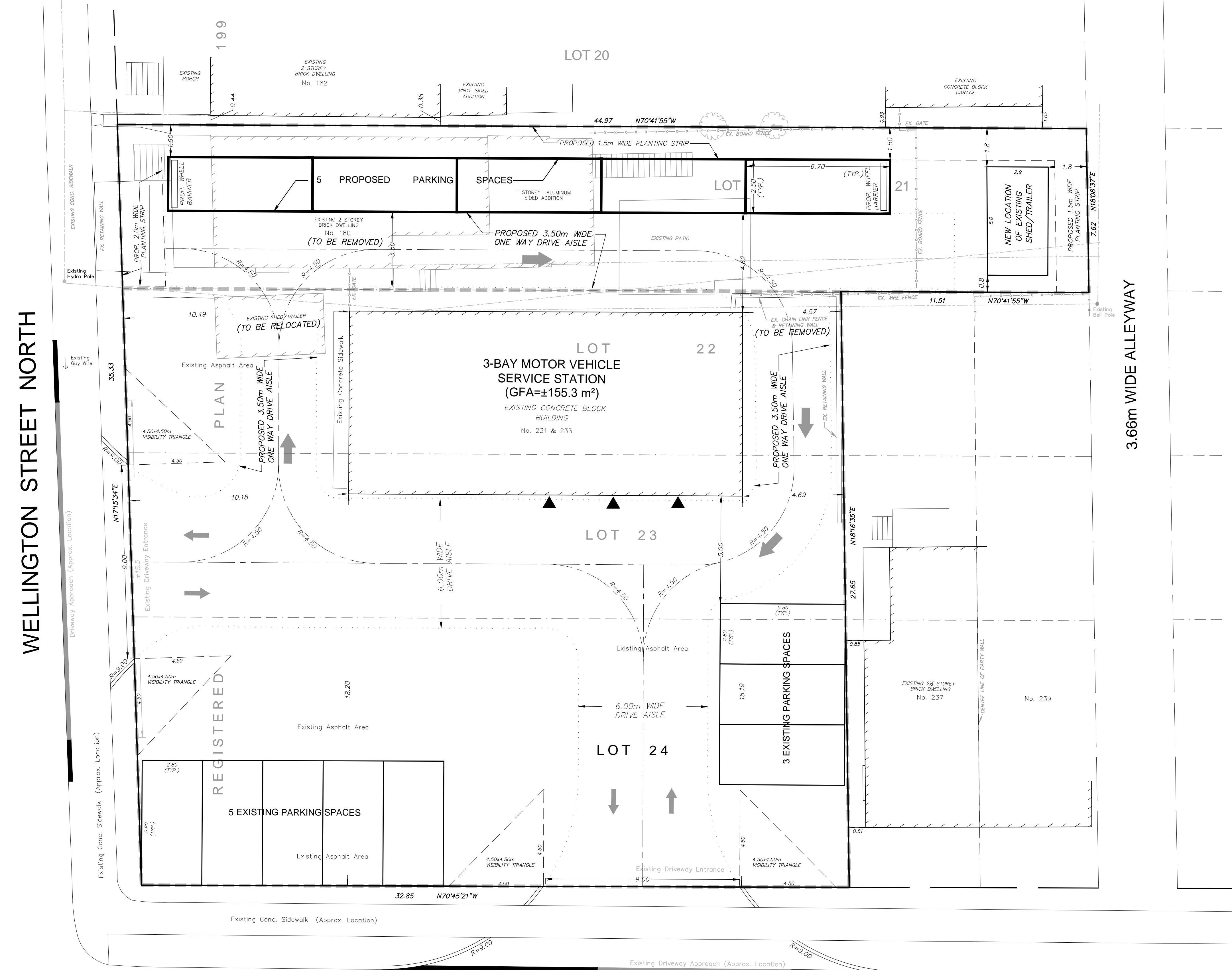
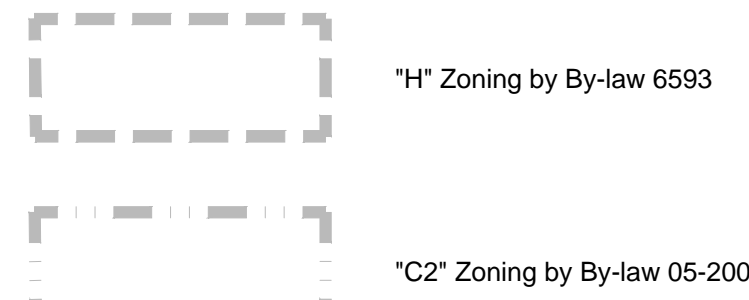
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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***

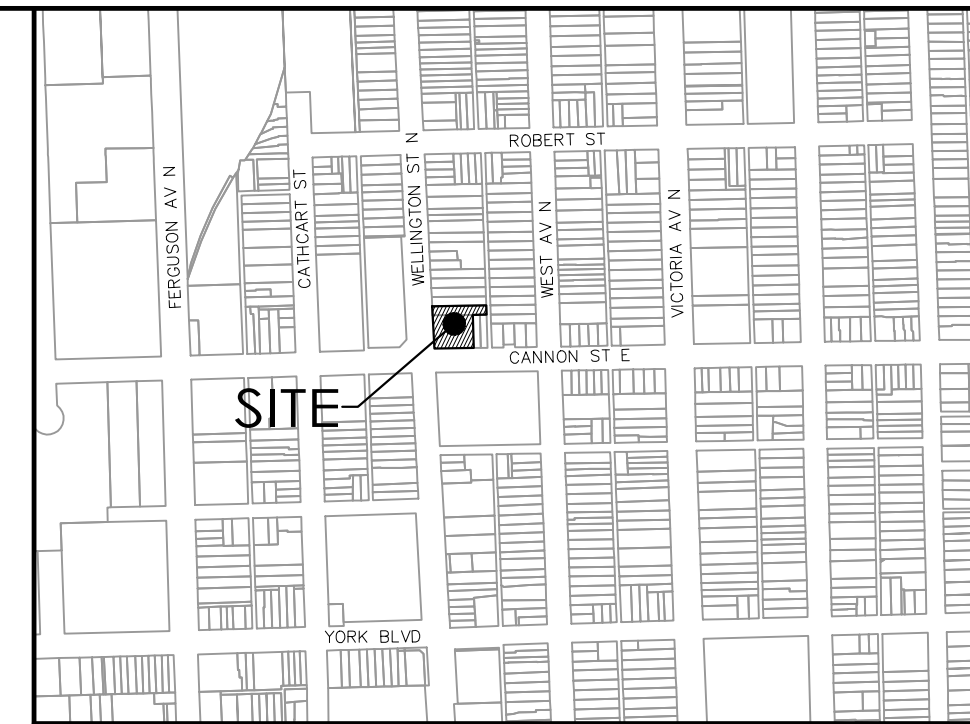
NOTES:

- All work involved in the construction, relocation, 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.
- 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, but not limited to the following:
  - Building permit
  - Road cut permits
  - Approach approval permits
  - Committee of Adjustment
  - Sewer and water permits
  - Relocation of services
  - Encroachment Agreements (if required)
- 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.
- 4.5 metre by 4.5 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.
- All signs must comply with Sign By-Law No. 10-97.
- 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 highway.



CANNON STREET EAST

Required By By-Law	Provided
<b>C2 - Local Commercial Zone</b>	
10.2.3 a) Building Setback	Motor vehicle service station
b) Minimum Rear Yard	Motor vehicle service station
c) Minimum Interior Side Yard	n/a
d) Maximum Height	n/a
e) Maximum Lot Area	Existing 1 storey building
f) Maximum Gross Floor Area for an Individual Office	1,258 m <sup>2</sup>
g) Maximum Gross Floor Area for Commercial School on a lot	n/a
h) Maximum Gross Floor Area for Commercial Uses on a lot	500m <sup>2</sup> per unit
i) Built form for New Development	250m <sup>2</sup>
j) Planting Strip Requirements	n/a existing building
k) Visual Barrier Requirement	0.0m (existing condition)
l) Outdoor Storage	n/a existing building
m) Visual Barrier Requirement	Visual Barrier required abutting OS D6 Zone or residential Zone
n) Outdoor Storage	i) No outdoor storage of goods, materials, or equipment shall be permitted
o) Notwithstanding Section 10.2.3), the display of goods or materials for retail purposes accessory to a retail use shall only be permitted in a front or laneway yard	permitted
<b>10.2.4 MOTOR VEHICLE SERVICE STATION REGULATIONS</b>	
a) Minimum Yard Abutting a Street	Minimum 4.5 metres.
b) Minimum Yard for Fuel Pump Islands, Fuel Pumps and Canopies	10.49m/18.2m
c) Minimum Planting Strip Requirements	4.5 metres from any lot line.
d) Maximum Gross Floor Area for Accessory Retail Uses to a Motor Vehicle Service Station	Notwithstanding Section 10.2.3), a minimum 3.0 metre planting strip shall be required abutting any street line, or Residential Zone or Institutional Zone lot line, except for porches for ingress and egress.
10.2.6 ACCESSORY BUILDINGS	175 square metres
10.2.7 PARKING	In accordance with the requirements of Section 4.8 of this By-law.
<b>SECTION 5 - PARKING</b>	
<b>5.1 LOCATION</b>	
a) All Uses	i) Required parking facilities shall be located on the same lot as the use requiring the parking.
	ii) Unless otherwise regulated in this By-law, parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be subject to the following:
	a) Shall not be located within 3.0 metres of a street line.
	b) Shall provide a 3.0 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle, except for that portion of a lot line abutting the Red Hill Valley Parkway and the Lincoln Alexander Parkway; and,
	c) Where a Planting Strip is provided, as per b) above, any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 0.8 metres.
<b>5.2 DESIGN STANDARDS</b>	
	b) Unless permitted by another regulation in this By-law, parking space sizes shall be:
	i) Minimum 2.8 metres in width and 5.8 metres in length.
	c) All required parking shall be provided with adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle, and shall be arranged so as not to interfere with normal public use of the street or laneway. Any parking lot shall provide for ingress and egress of vehicles to and from a street in a forward motion only.
	e) i) Parking Spaces, Driveways and Widening(s) in All Zones a) Shall be provided and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material, crushed stone or gravel, and shall be maintained in a dust free condition;
	ii) Parking Lots in All Zones, except the Rural Classification Zones
	a) Shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material;
	i) In addition to Subsection c) herein, the minimum aisle width shall be designed and provided in accordance with the following requirements:
	9.0 degrees
<b>5.6 PARKING SCHEDULES</b>	
	Motor Vehicle Service Station: 4 per bay
	12 required / 18 provided
<b>4.8.3 BUILDINGS ACCESSORY TO COMMERCIAL USES IN ALL ZONES</b>	
a) All Accessory Buildings having a Gross Floor Area less than or equal to 18 square metres shall conform to the following regulations:	
	i) Building Setback from 1. Minimum 0.0 metres where a Rear Lot Line a rear lot line abuts a Laneway.
	2. Minimum 0.6 metre where a rear lot line does not abut a Laneway.
	ii) Building Setback from 1. Minimum 0.0 metres where a Side Lot Line a rear lot line does not abut a Laneway.
	2. Minimum 0.6 metre where a rear lot line does not abut a Laneway.
	iii) Building Setback from Accessory Buildings shall a Flankage Lot Line conform to the regulations for the principal use.



**KEY PLAN (NOT TO SCALE)**

**LOT 21 AND PART OF LOTS 22, 23 & 24 REGISTERED PLAN 199 CITY OF HAMILTON**

No.	Revision	Date	By
4.	UPDATED AS PER CITY COMMENTS	JULY 16/21	RF
3.	UPDATED AS PER CITY COMMENTS	JAN. 15/21	RF
2.	REMOVED PROP. ROAD WIDENING & DAYLIGHT TRIANGLE	MAY 20/20	MW
1.	UPDATED AS PER CITY COMMENTS	APR. 8/20	SS

**GENERAL NOTES**

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

**ENGINEER**

**PROJECT OWNER:**

**FEHMI IMERI**

**NOT ISSUED FOR CONSTRUCTION**

**MUNICIPALITY:**

**CITY OF HAMILTON**

**PROJECT NAME:**

**180 WELLINGTON STREET NORTH AND 231 & 233 CANNON STREET EAST**

**A. J. Clarke and Associates Ltd.**

SURVEYORS • PLANNERS • ENGINEERS

25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO L8P 1H1  
Tel: 905 528-8761 Fax: 905 528-2289  
email: ajc@ajclarke.com

**TITLE:**

**SITE PLAN**

<b>SCALE:</b> 1:100	<b>DATE:</b> MARCH 2020
<b>DESIGN:</b>	<b>DRAWN:</b> L.H.
<b>DWC:</b> 198213P	<b>SHT:</b> SP



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

November 22, 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 Resubmission – 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 Application was previously deferred and is now amended.

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. The variances are required to address the fact that the access aisle is deficient by 0.2m.

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.

Previous to the revised submission, the alleyway was used as access to and from the site. This access has been deleted and the site plan has been amended on facilitate motor vehicle circulation completely on site.

**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 variance does not pose an impact on the surrounding neighbourhood.

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, BURPI, CPT  
**A. J. Clarke and Associates Ltd.**  
cc. via email: Fehmi Imeri