COMMITTEE OF ADJUSTMENT



City Hall, 5th 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

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-22:39

APPLICANTS: Agent CTS Planning & Land Development – C. Stoyanovich

SUBJECT PROPERTY: Municipal address 799 Barton St. E., Hamilton

ZONING BY-LAW: Zoning By-law Hamilton Zoning By-law 05-200 10.5; 4 & 5, as

Amended

ZONING: C5,300 Mixed Use Medium Density district

PROPOSAL: To permit the construction of a new one storey commercial building

containing a convenience store (associated with the existing motor vehicle gas bar) and a restaurant, in accordance with Site Plan

Control Application SPA-21-055 notwithstanding that:

- 1. A maximum building setback of 30.1m shall be provided from Barton Street East instead of the maximum 4.5m building setback permitted from a street line.
- 2. A maximum building setback of 25.2m shall be provided from Chapple Street instead of the maximum 4.5m building setback permitted from a street line.
- 3. A façade height of 6.3m shall be provided instead of the minimum required façade height of 7.5m.
- 4. Parking spaces shall be provided between the building and a street line whereas the by-law prohibits any parking spaces to be located between the building façade and a street.
- 5. No principal building entrance shall be provided along the ground floor façade facing Chapple Street whereas the by-law requires a principal building entrance to be provided along the portion of the ground floor façade which is located nearest the street.
- 6. Two (2) motor vehicle stacking spaces within the drive-through stacking lane shall be located between the building and a street whereas the by-law prohibits any portion of a drive-through stacking lane to be provided between the building façade and a street line.
- 7. Eight (8) parking spaces shall be provided partially off-site and located within the Barton Street road allowance whereas the by-law requires all parking spaces to be located on the same lot as the principal use.

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- 8. Landscaped areas and landscaped parking island(s) having a combined area of 428m² shall be provided whereas the by-law requires parking lots to provide landscaped areas and/or landscaped parking islands with a minimum combined area of 10% of the area of the parking lot.
- 9. A 5.9m aisle width shall be provided instead of the minimum required 6.0m aisle width.

NOTE:

- These variances are necessary to facilitate Site Plan Control Application No. SPA-21-055.
- ii. Please be advised that By-law 17-240 (create new commercial and mixed use and utility zones for the City of Hamilton) was passed November 8, 2017. At this time, certain provisions contained in the C5 zone remain under appeal and are therefore not yet final. At present, proposed developments are reviewed under both the proposed zoning by-law provision and the like provisions under the former zoning by-law (where applicable), with the more restrictive regulations of each being applied. The exemption to this is for building permits which are reviewed under the former regulations until such time that these appealed sections become final and binding. Variances 1, 2, 3, 4 and 5 all relate to zoning provisions which currently remain under appeal within the current C5 zone under Hamilton Zoning By-law 05-200.
- iii. The current zoning designation requires a minimum of one (1) principal building entrance to be provided along the ground floor façade that is setback closest to a street. As it relates to Variance #5, The ground floor façade nearest the street is the easterly façade facing Chapple Street whereas the principal building entrances of the proposed building each face Barton Street East.
- iv. The minimum required 10% landscaped area and landscaped parking island requirement referenced in Variance #8 is applicable to any parking lot which contains 50 or more parking spaces. The applicant should also be advised that the size of any individual landscaped parking island shall be at least 10.0m² in area. Insufficient information has been provided in order to determine zoning compliance.

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

DATE: Thursday, March 17th, 2022

TIME: 2:20 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.

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MORE INFORMATION

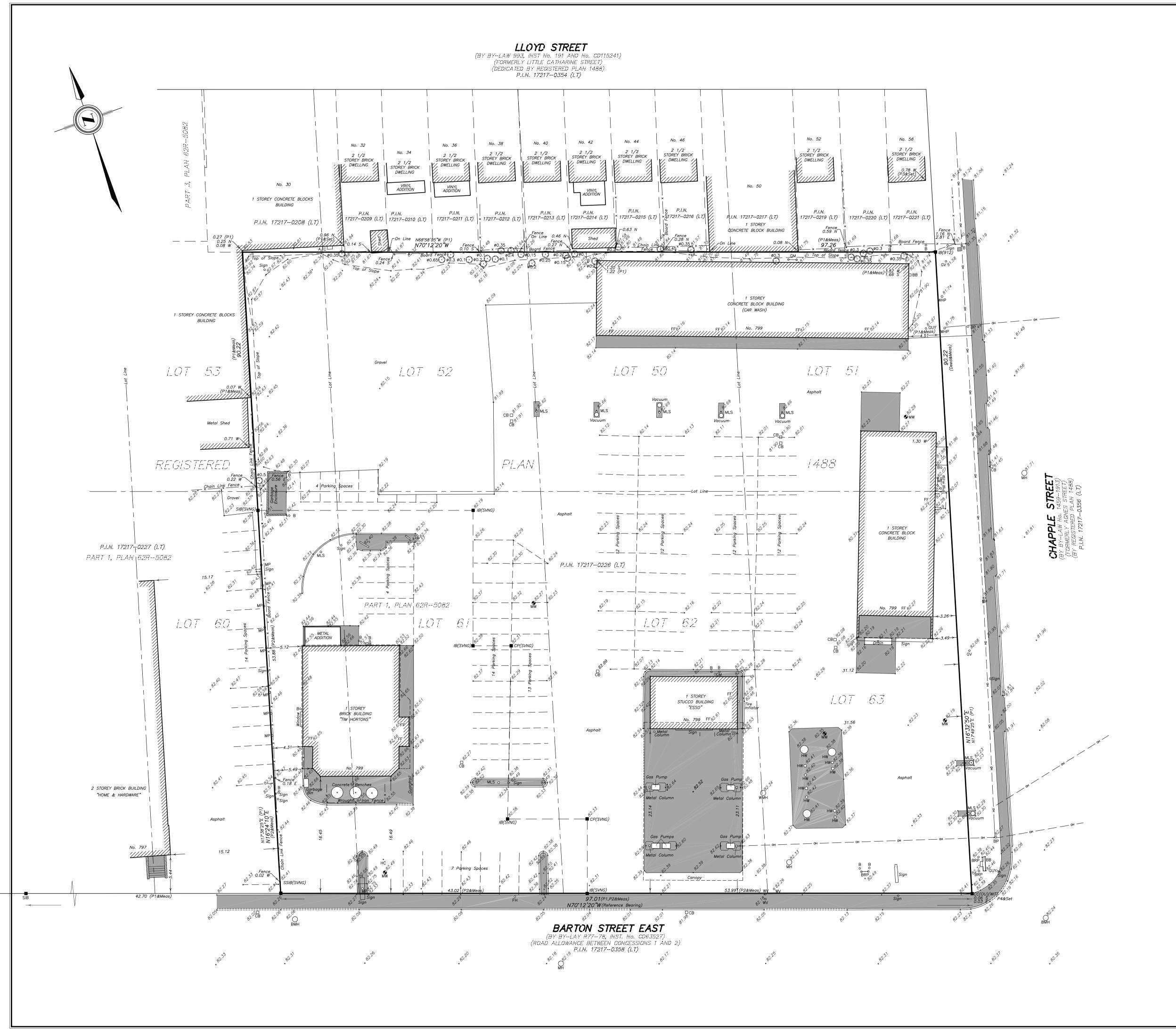
For more information on this matter, including access to drawings illustrating this request:

- 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: March 1st, 2022.

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.



LOTS 61, 62, 63 AND PART OF LOTS 50, 51, 52 AND 60 REGISTERED PLAN 1488

CITY OF HAMILTON
SCALE 1: 250

SPEIGHT, VAN NOSTRAND & GIBSON LIMITED ONTARIO LAND SURVEYORS

ONTARIO LAND SURVEYORS 2019

C IN WHOLE OR IN PART, WITHOUT THE EXPRESS PERMISSION OF SPEIGHT, VAN NOSTRAND & GIBSON LIMITED IS STRICTLY PROHIBITE

ELEVATION NOTE

ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM THE CITY OF HAMILTON BENCHMARK No. 65-U-116.

LOCATION

KING GEORGE SCHOOL (1911), WEST SIDE OF GAGE AVENUE, MIDWAY BETWEEN BEECHWOOD AVENUE AND CANNON STREET, OPPOSITE PRIMROSE AVENUE; TABLET IN NORTH CONCRETE FOUNDATION WALL, 2.5 M EAST OF SIDE ENTRANCE DOOR, 0.6 M WEST OF A WINDOW, 0.3 M BELOW BRICK.

ELEVATION:

PUBLISHED ELEVATION = 85.511 metres.

BEARING NOTE

BEARINGS SHOWN HEREON ARE UTM GRID AND ARE REFERRED THE NORTHERLY LIMIT OF BARTON STREET EAST AS SHOWN ON PLAN 62R-20121, HAVING A BEARING OF N70°12'20"W.

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DENOTES SURVEY MONUMENT FOUND

LEGEND

SURVEY MONUMENT PLANTED WITNESS MONUMENT STANDARD IRON BAR SHORT STANDARD IRON BAR IRON BAR CUT CROSS CUT CROSS
CONCRETE PIN
NORTH, SOUTH, EAST, WEST
ORIGIN UNKNOWN
SPEIGHT, VAN NOSTRAND & GIBSON LIMITED
A. J. CLARKE AND ASSOCIATES LMITED
PLAN OF SURVEY BY A. J. CLARKE AND ASSOCIATES LMITED, O.L.S.
— DATED SEPTEMBER 13, 1988
PLAN 628—20121 N,S,E,W SVNG 912 PLAN 62R-20121 PLAN OF SURVEY BY A. J. CLARKE AND ASSOCIATES LMITED, O.L.S. - DATED NOVEMBER 9, 1984 PLAN 62R-20121 AIR CONDITIONER BOLLARD BELL BOX BELL MANHOLE BELL POLE BREATHER PIPE CATCH BASIN FINISHED FLOOR FIRE HYDRAND GAS METER GUY WIRE GAS VALVE HAND WELL METER MANHOLE METAL LIGHT STANDARD METAL POLE MONITORING WELL OVERHEAD WIRES
WOODEN HYDRO POLE WHP WATER MANHOLE WMH WATER VALVE DECIDUOUS TREE CONIFEROUS TREE

SURVEYOR'S CERTIFICATE

CONCRETE

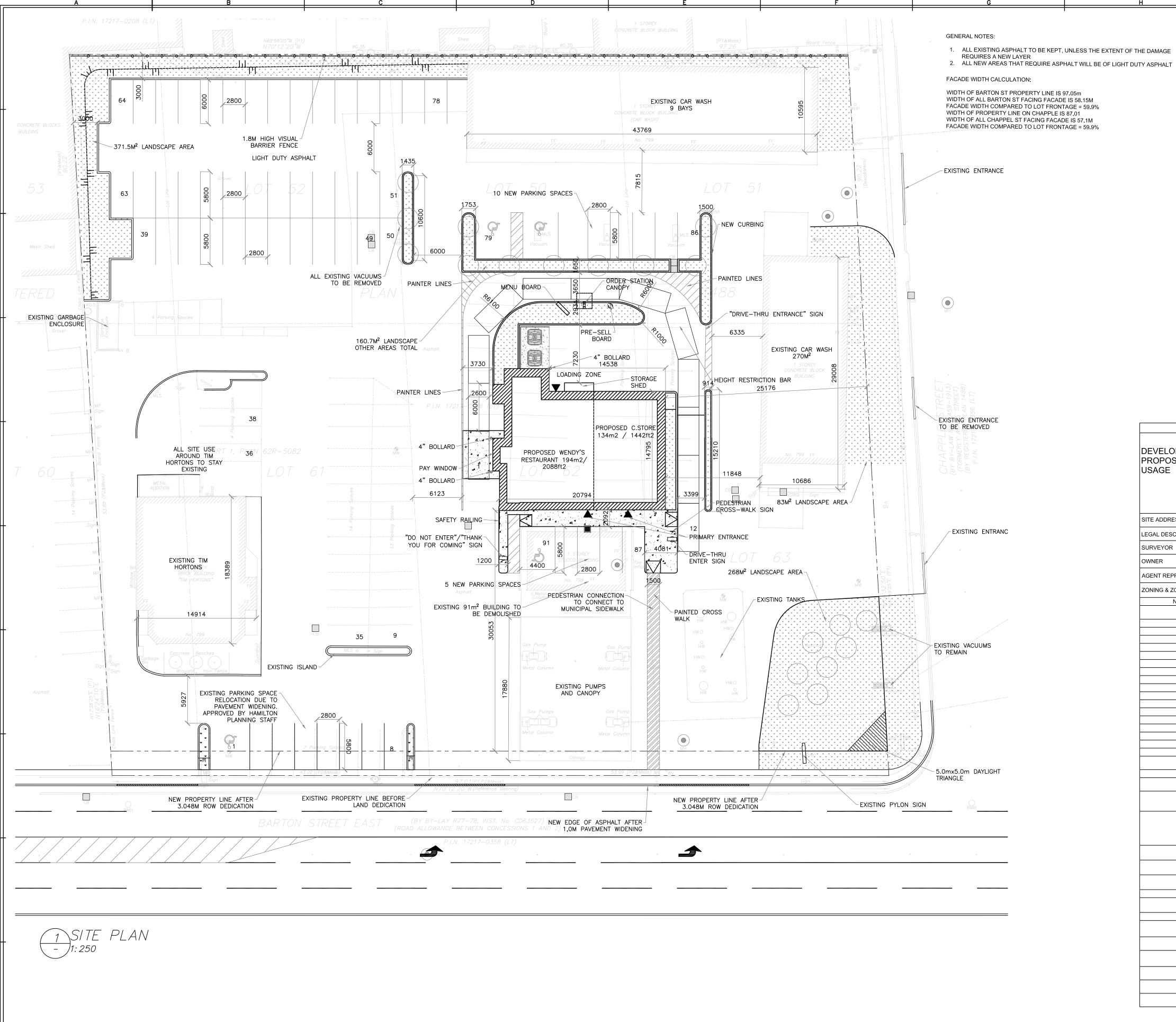
I CERTIFY THAT :

 THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 THE SURVEY WAS COMPLETED ON

DATE :

D. A. WILTON ontario land surveyor





KEY PLAN

LEGAL DESCRIPTION LOTS 61, 62, 63 AND PART OF MUNICIPAL ADDRESS 799 Barton St E LOTS 50, 51, 52 AND 60 Hamilton, ON L8L 3B2 REGISTERED PLAN 1488, CITY OF HAMILTON

NORTH

NORTH

GENERAL NOTES:

- ALL SITE FEATURES ARE TO BE CONSIDED NEW UNLESS OTHERWISE NOTED. CONTRACTOR TO VERIFY EXISTING CONDITIONS PRIOR TO CONSTRUCTION.
- CONTRACTOR TO ENSURE ALL SETBACKS ARE MAINTAINED DURING CONSTRUCTION OF SITE. OWNER OR OWNER REPRESENTATIVE ARE TO BE NOTIFIED OF ANY ERRORS OR OMISSIONS THAT ARE DISCOVERED.
- 5. OWNER OR OWNER REPRESENTATIVE ARE RESPONSIBLE FOR FINAL CONFIRMATION AND PLACEMENT OF ALL EQUIPMENT.
- 6. CONTRACTOR TO HAVE LOCATES DONE PRIOR TO ANY CONSTRUCTION ACTIVITIES. ALL DIMENSIONS ARE APPROXIMATE AND NEED TO BE VERIFIED PRIOR TO CONSTRUCTION.

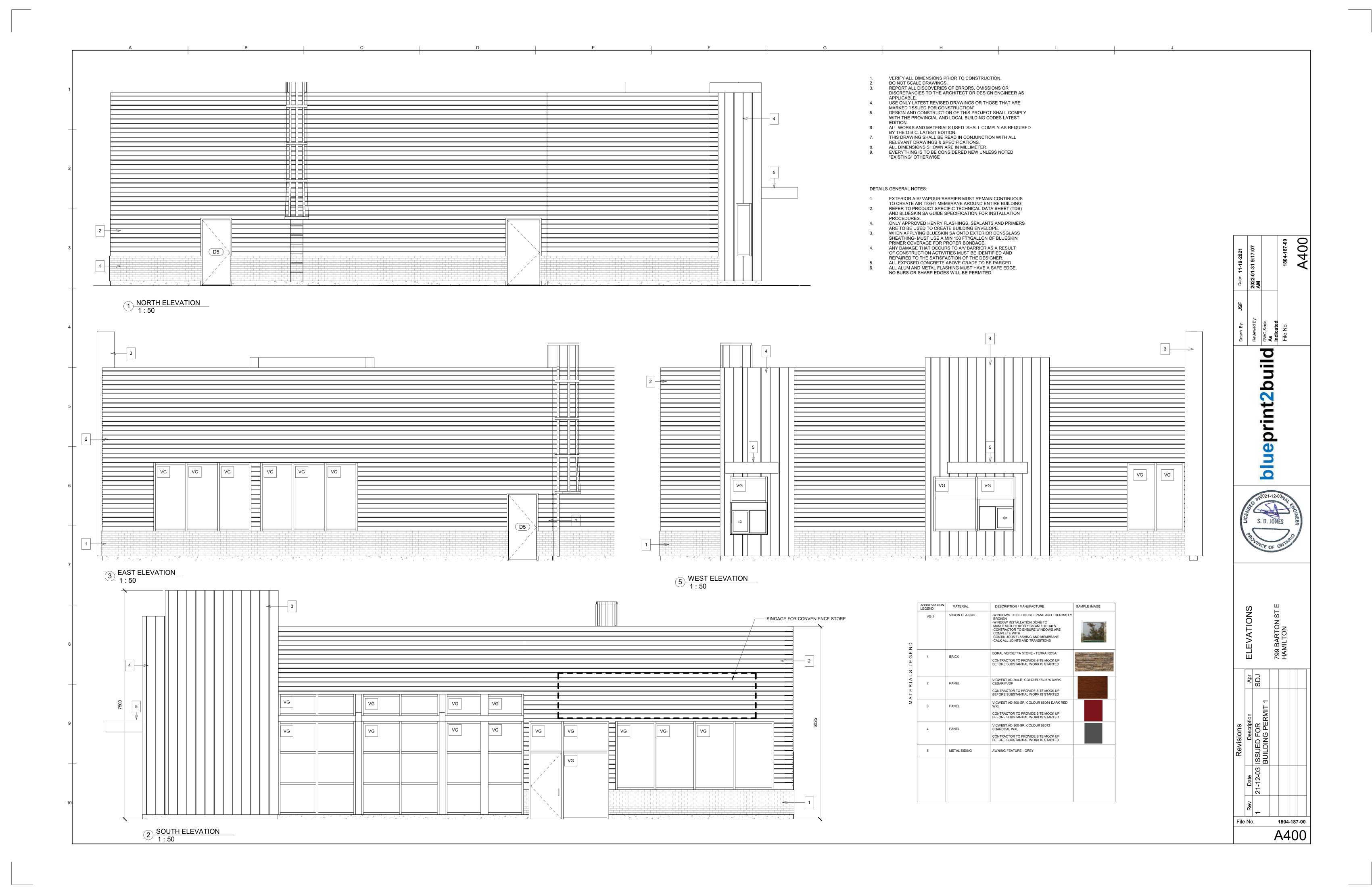
DO NOT SCALE DRAWINGS.

SITE PLAN BUILDING STATISTICS DEVELOPMENT SCOPE-PROPOSAL EXISTING CONVENIENCE STORE RENOVATION **NEW WENDY'S RESTAURANT** NEW RETAIL STORE PROPOSED PARKING SITE ADDRESS 799 BARTON ST E, HAMILTON, ONTARIO. L8L 3B2 LOTS 61, 62, 63 AND PART OF LOTS 50, 51, 52 AND 60 REGISTERED PLAN 1488, LEGAL DESCRIPTION CITY OF HAMILTON SPEIGHT, VAN NOSTRAND & GIBSON LIMITED AGENT REPRESENTATIVE JOE FLEMMING & SIMON JONES (blueprint2build) ZONING & ZONING BY-LAW C5- MIXED USE MEDIUM DENSITY 8753m2 Lot Area 97m Building Area EXISTING Gas Canopy Area EXISTING Gas Canopy Dimensions Car Wash Area Front Yard Setback CONVENIENCE STORE 23.0m 23.0m 6.0m Front Yard Setback WENDY'S RES Front Yard Setback ONVENIENCE STORE 49.5m Side Interior Yard Setback Side Interior Yard Setback WENDY'S RES 49.5m Side Interior Yard Setback 31.0m CONVENIENCE STORE Side Exterior Yard Setback 7.5m 26.0m Side Exterior Yard Setback WENDY'S RES Side Exterior Yard Setback Rear Yard Setback CONVENIENCE STORE 57.8m Rear Yard Setback 7.5m 40.6m Rear Yard Setback 883.2M2 10.1% 10% APROX. 6.3M PARAPET APROX. 7.5M T/O BLADE Building Height EXISTING Canopy Height PARKING SPACES REQUIREMENTS: 90 TOTAL WENDYS: 1 PER 8M2 = 196/8 = 25 SPACES C.STORE: 1 PER 25M2 = 134/25 = 6 TIMS:1 PER 8M2 = ²⁵⁰/₂ = 32 SPACES CAR WASH(SELF): 2 PER BAY = 2×9 = 18 SPACES CAR WASH(DRIVE): 1 PER 30M2 = ²⁵⁰/₃₀ = 9 SPACES 91 PROVIDED Parking Spaces Calculation 39 EXISTING + 52 NEW 4 TOTAL Parking Spaces Barrier Free Width of Accessible Parking Space Type A Length of Accessible Parking Space Type A Width of Parking Spaces 3.0m 3.0m Length of Parking Spaces 5.8M 5.8M Loading Space SPACE PROVIDED ON Snow Storage LANDSCAPE AREAS Landscape Buffer (min) EXISTING Drive Thru Stacking Lane (Food Partner) 12 PROVIDED Drive Thru Stacking Lane (Car Wash) EXISTING-11.6m,11.0m Entrance Width (Combined) 4.9m, 5.2m, 3.7m, 8.9m

Date: 2018-12-06	Date: 2019-05-15		
JSF	SDJ	1:250	
By:	ved By: SDJ	Scale:	

O print2b 0

File No. 1905-187-00 Sheet 1 of 1





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

Phone: (905) 546-2424 ext. 4221 Email: cofa@hamilton.ca

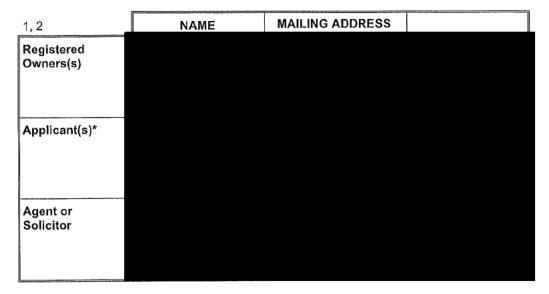
APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY	<i>7</i> .
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.



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:

None.

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled Nature and extent of relief applied for: e minor variances required. See attached cover letter for list of minor variances (6) Secondary Dwelling Unit Reconstruction of Existing Dwelling 5. Why it is not possible to comply with the provisions of the By-law? See attached cover letter for full planning justification. Legal description and Address of subject lands (registered plan number and lot number or 6. other legal description and where applicable, street and street number): 799 Barton Street East, Hamilton Lot 61,62,63 Registered Plan No. 1488 7. PREVIOUS USE OF PROPERTY Residential Industrial Commercial Agricultural Vacant Other Other Commercial If Industrial or Commercial, specify use 8.1 Has the grading of the subject land been changed by adding earth or other material, i.e. 8.2 has filling occurred? Yes () No (Unknown Has a gas station been located on the subject land or adjacent lands at any time? 8.3 Yes (•) Unknown (No (Has there been petroleum or other fuel stored on the subject land or adjacent lands? 8.4 Yes No () Unknown Are there or have there ever been underground storage tanks or buried waste on the 8.5 subject land or adjacent lands? No (•) Yes (Unknown (Have the lands or adjacent lands ever been used as an agricultural operation where 8.6 cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands? Yes No Unknown Have the lands or adjacent lands ever been used as a weapon firing range? 8.7 No (•) Unknown (

Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area

remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes ____ No ___ Unknown ____ If there are existing or previously existing buildings, are there any building materials

Unknown (

of an operational/non-operational landfill or dump?
Yes No Unknown

No (•)

8.8

8.9

Yes ()

8.10	uses on the site or a	djacent sites?	et land may have been contaminated by former		
	100	S			
8.11	What information did you use to determine the answers to 8.1 to 8.10 above? Site history information and existing site information				
8.12		ory showing all forme	commercial or if YES to any of 8.2 to 8.10, a er uses of the subject land, or if appropriate, the ded.		
	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.				
	JAN-31-2022		£12-		
	Date		Signature Property Owner(s)		
			JIAN MAO		
			Print Name of Owner(s)		
10.	Dimensions of lands				
	Frontage 97 m				
	Depth 87.01 m				
	Area	8,753 sm			
	Width of street				
11.			on or proposed for the subject lands: (Specify aber of stories, width, length, height, etc.)		
	Commercial Plaza	See attached site p	lan		
	Proposed				
	Commercial Plaza	See attached site p	ılan		
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 convenience store to be demolished and a new convenience store with				
	an attached fast food restaurant to be constructed in this place. Existing Tim Hortons				
	to remain on the subject lands.				
	Proposed: To permit a maximum Street street line.	setback of 30.1 m fro	m the Barton St East street line and 25.1 m from the Chapple		

See attached site plan which illustrates the various proposed minor variances

Date of acquisition of subject land	is:
Date of construction of all building	s and structures on subject lands: d. Verent latas 20 years - 35 years
Existing uses of the subject prope Commercial Plaza	erty (single family, duplex, retail, factory etc.):
Existing uses of abutting propertion	es (single family, duplex, retail, factory etc.):
Length of time the existing uses of Approximately 35 years	f the subject property have continued:
Municipal services available: (che	eck the appropriate space or spaces)
Water 🗸	Connected
Sanitary Sewer	Connected 🔽
Storm Sewers	
Present Official Plan/Secondary F	Plan provisions applying to the land:
Present Restricted Area By-law (Z C5 Mixed Use medium density	Zoning By-law) provisions applying to the land:
Has the owner previously applied Yes	for relief in respect of the subject property?
If the answer is yes, describe brie	·ly.
s the subject property the subject the <i>Planning Act</i> ?	of a current application for consent under Section 53 of
Yes 🌑	No 🏵
Additional Information	
Site Plan Application 21-055 has co	onditional site plan approval as issued by City
Planning Department in letter dated	September 30, 2021
of the subject lands and of all abu ouildings and structures on the su	copy of this application a plan showing the dimensions ting lands and showing the location, size and type of all bject and abutting lands, and where required by the an shall be signed by an Ontario Land Surveyor.
Please see attached Site Plan Drawir	or and Plan of Survey