



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

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.:	AN/A-22:145	SUBJECT PROPERTY:	122 MARTINDALE CRES ANCASTER
ZONE:	“C5,602” (Mixed Use Medium Density (C5) Zone)	ZONING BY-LAW:	Zoning By-law 05-200, as Amended

APPLICANTS: Agent WEBB Planning Consultants
Owner Canadian Commercial Management – Home Depot

The following variances are requested:

Variances required for the lot to be conveyed to contain the proposed commercial building:

1. A minimum façade height of 4.8m shall be permitted instead of the minimum required façade height of 7.5m for any portion of a building along a street line.
2. A minimum ground floor façade width of 33% shall be permitted for the ground floor façade facing the front lot instead of the requirement that for an interior lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 40% of the measurement of the front lot line.
3. A minimum of 1 parking space for each 8.5m² of gross floor area shall be provided for a restaurant use instead of the requirement that a minimum of 1 parking space for each 8.0m² of gross floor area for a restaurant use.
4. The parking spaces and aisles at the west side of the proposed building shall be a minimum of 2.5m from the Martindale Crescent street line instead of the requirement that parking spaces and aisles shall not be located within 3.0m of a street line.
5. A minimum 2.5m wide planting strip shall be provided at the west side of the proposed building between the parking spaces and aisles and the Martindale Crescent street line instead of the requirement that a minimum 3.0 metre wide planting strip shall be permanently maintained between the street line and the parking spaces and aisles.

PURPOSE & EFFECT: So as to permit a lot to be retained containing an existing retail building (Home Depot) and to permit a lot to be conveyed to contain a proposed commercial building containing 2 restaurant units in order to facilitate Consent File No. AN/B-21:82 and Site Plan File No. SPA-21-154.

Notes:

- i) If Variance # 3 is granted, a minimum of 45 parking spaces are required for the restaurants in each unit of the proposed commercial building and 46 parking spaces have been provided on the lot to be conveyed.
- ii) The variances are necessary to facilitate Consent File No. AN/B-21:82 and Site Plan File No. SPA-21-154.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, June 9, 2022
TIME:	1:35 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

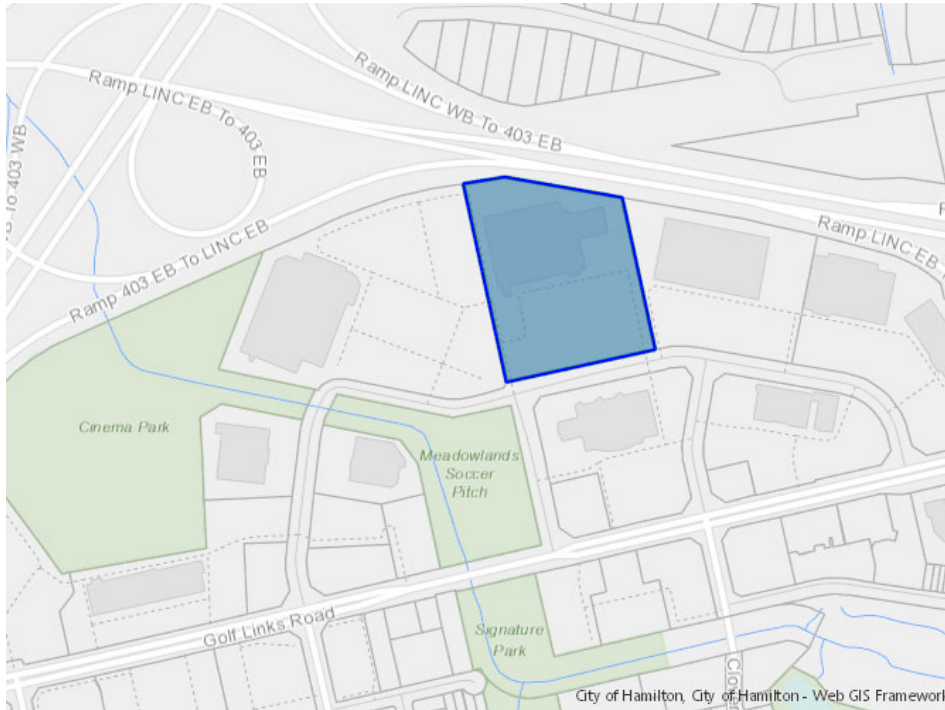
For more information on this matter, including access to drawings illustrating this request and other information submitted:

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

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.



DATED: May 24, 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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions During the Virtual Meeting

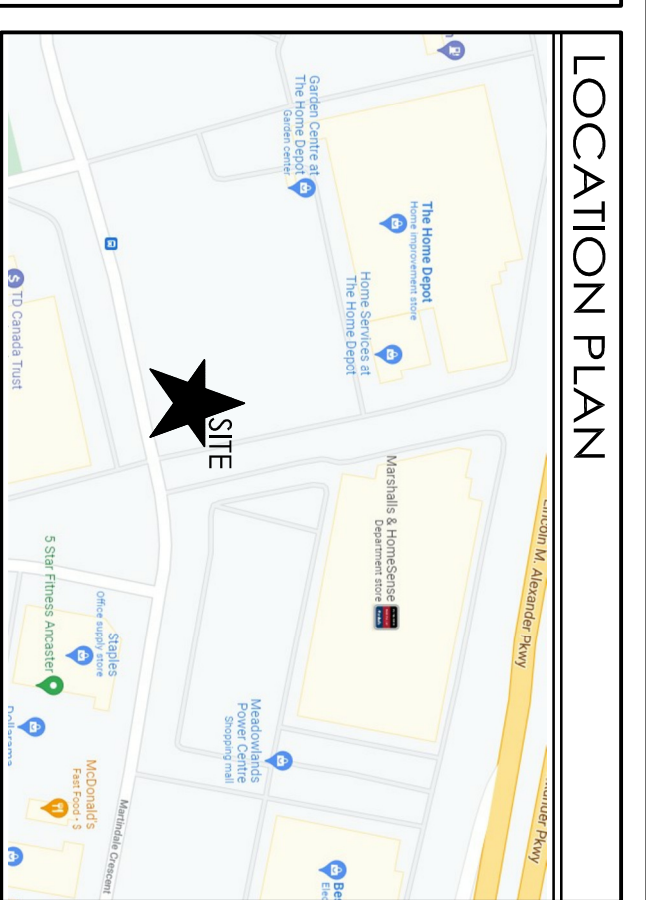
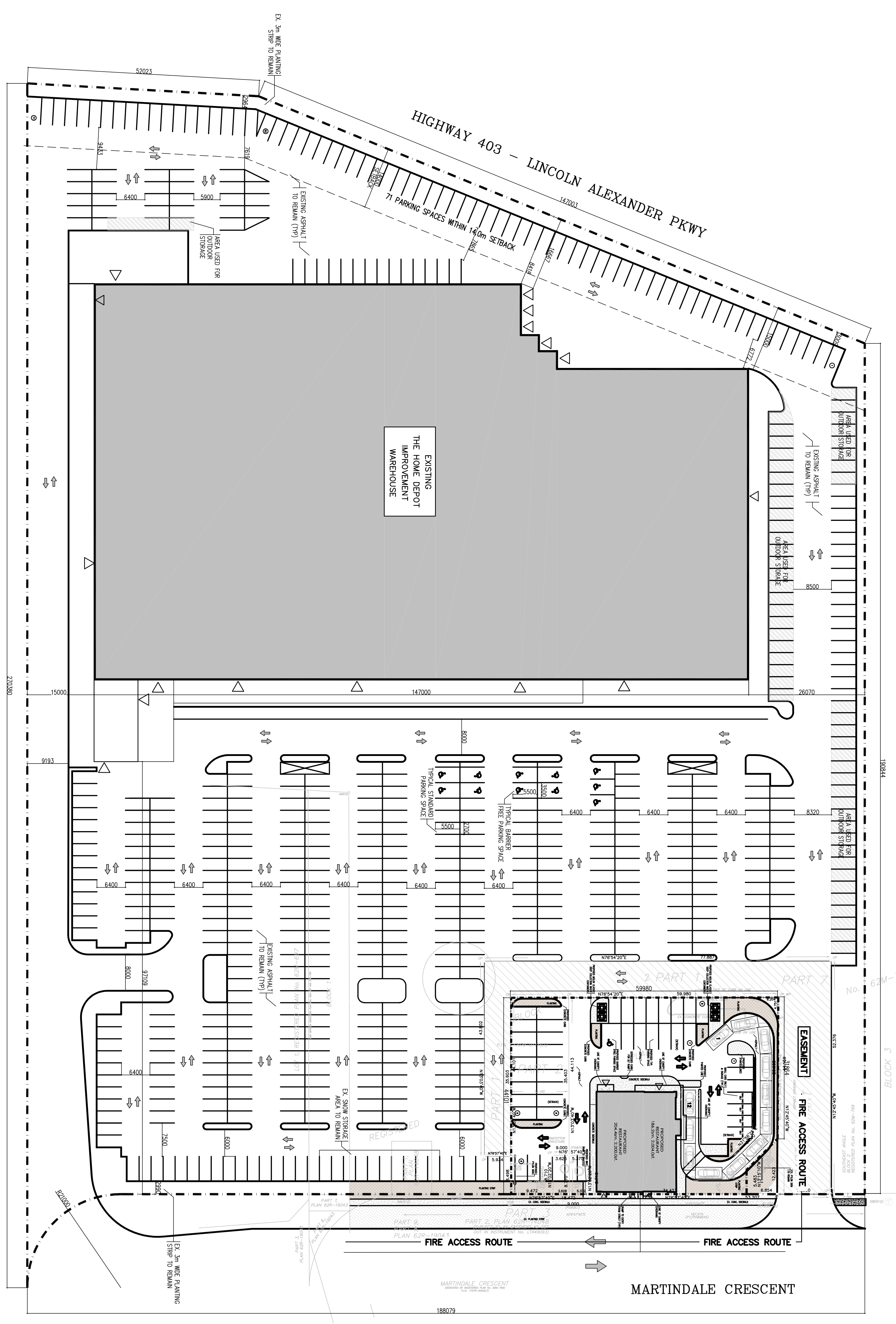
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



GENERAL NOTES

HOME DEPOT PARKING:
HOME IMPROVEMENT SUPPLY
(BASED UPON 1/50 OF GFA)
12,270.4 m² = 245,613 PROV
(455 FRONT FIELD)

EX. HOME DEPOT FACADE: 147m
EX. FRONT LOT LINE WIDTH: 127.6m
FACADE FACING STREET: 87%

LINTACK ARCHITECTS
INCORPORATED

244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
T: 905.522.6165 • F: 905.522.2209 • E: information@lntack.com
www.lntack.com

FOR SITE PLAN APPROVAL
ASSOCIATION OF ARCHITECTS OF ONTARIO
RICHARD F. LINTACK
LICENCE 4148

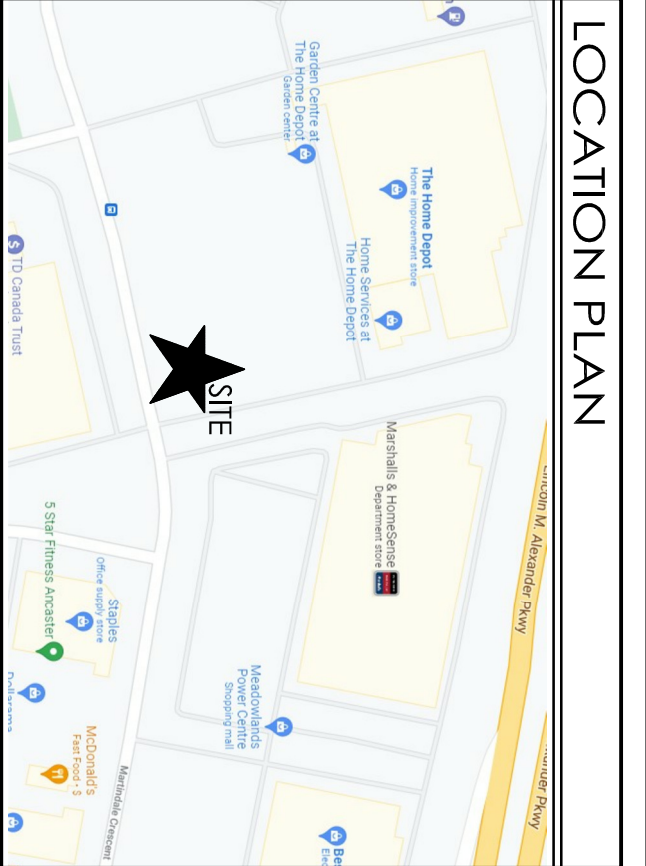
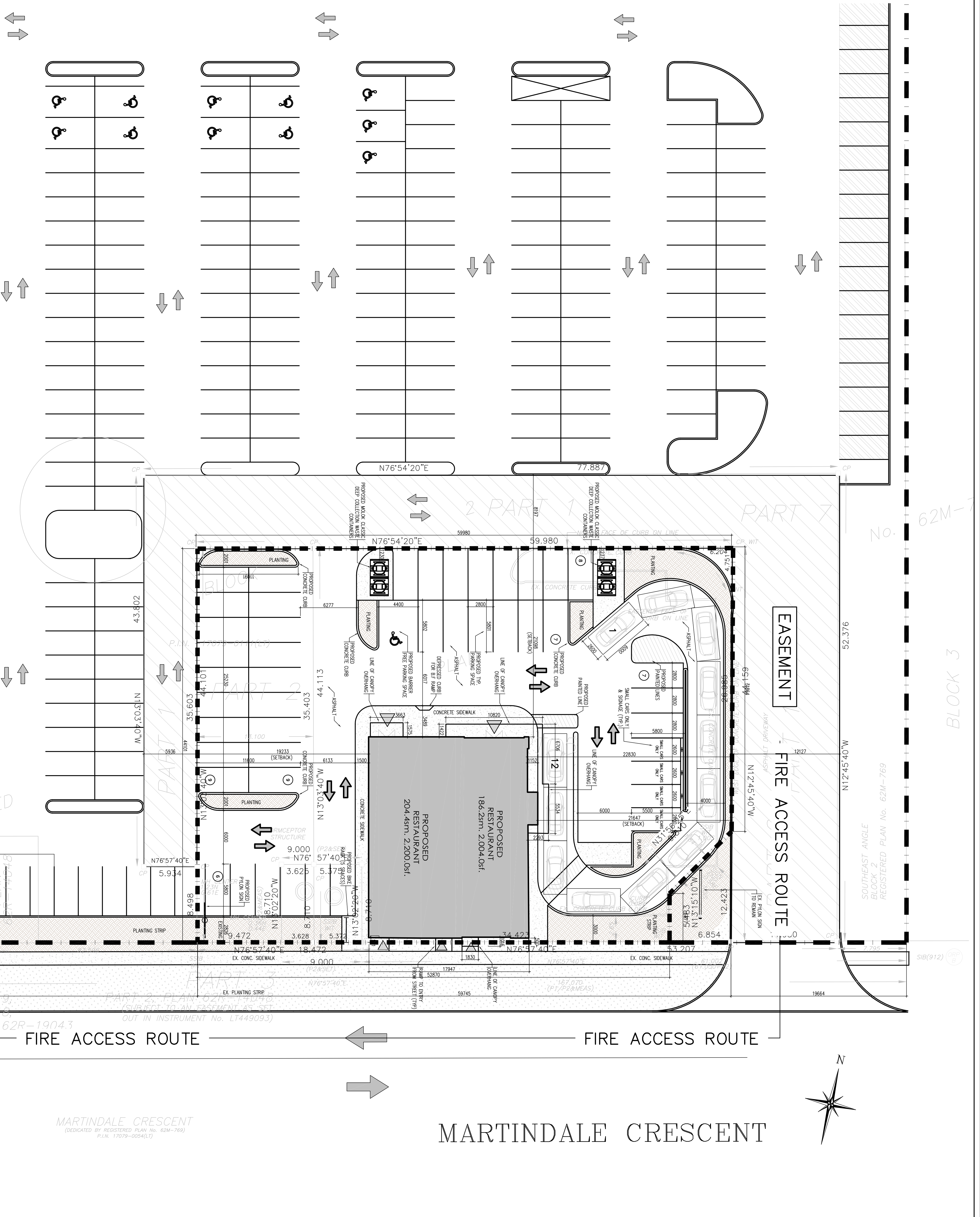
The drawing must not be scaled. Dimensions are indicated on the drawing. All notes and conditions are to be read in conjunction with the drawing. All notes and conditions are to be read in conjunction with the drawing.

No.	Revision	Date
1	ISSUED FOR PERMITS	MAY 14 2022
2	VARIANCE REQUEST TO 50% COVERAGE	MAY 14 2022
3	ISSUED FOR PERMITS	MAY 14 2022
4	ISSUED FOR PERMITS	MAY 14 2022

PROPOSED MARTINDALE RETAIL PAD

123 MARTINDALE CRESCENT
ANCASTER, ON

job no. 21.064
dwg. file
dwgn. by AT
scale 1:500
date SPET 2021
dwg. file
SITE KEY PLAN
SP1.01



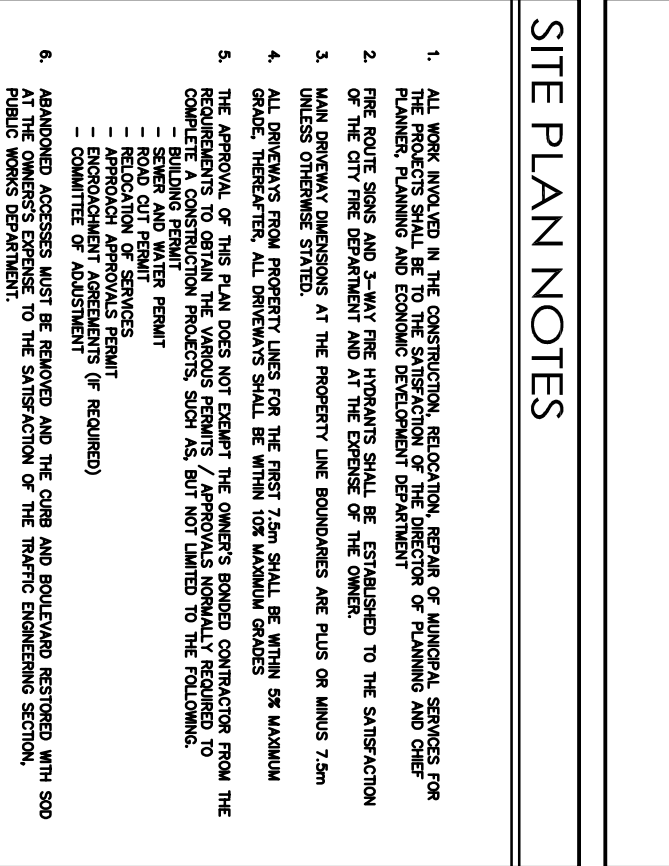
SITE STATISTICS	
LOT AREA	2580m ²
LOT COVERAGE	39% (4.7/2080) = 11%
GROSS HOOD AREA (GHA)	390.44m ²
REQUIRED	PROVIDED
ZONE - MIXED USE MEDIUM DENSITY - EXCEPT ION - 60Z	
Building Height	6.0m max. / 4.6m
Building Footprint	4.5m max. / 0.3m
Street Front Yard	7.5m min. / 21m
Street Side Yard	0.0 / 15.2m
Street Rear Yard	0.0 / 15.2m

UNDERTAKING

FILE NO. 994-21-114
THE 122 MUNICIPAL ORDINANCE, AMALGAMATED

1. THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.
2. THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.
3. THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.
4. THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.
5. THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.
6. THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.
7. THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.
8. THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.
9. THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.
10. THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.

- SITE PLAN NOTES**
- THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.
 - THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.
 - THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.
 - THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.
 - THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.
 - THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.
 - THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.
 - THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.
 - THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.
 - THE UNDERTAKING SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE OF THIS PERMIT.



PROPOSED MARTINDALE RETAIL PAD

123 MARTINDALE CRESCENT
ANCASTER, ON

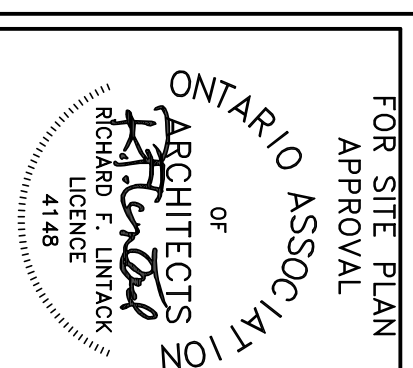
job no.	21.0644
dwg. file	
dwg. by	AT
scale	1:200
date	SPET 2021

LINTACK ARCHITECTS
INCORPORATED

244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
T: 905.522.6165 • F: 905.522.2209 • E: information@lntack.com
www.lntack.com

FOR SITE PLAN APPROVAL
ASSOCIATION OF ARCHITECTS OF ONTARIO
RICHARD F. LINTACK
LICENCE 4148

No.	Revision	Date
1	ISSUED FOR PERMIT	MAY 18 2022
2	ISSUED FOR PERMIT	MAY 18 2022
3	ISSUED FOR PERMIT	MAY 18 2022
4	ISSUED FOR PERMIT	MAY 18 2022
5	ISSUED FOR PERMIT	MAY 18 2022
6	ISSUED FOR PERMIT	MAY 18 2022
7	ISSUED FOR PERMIT	MAY 18 2022
8	ISSUED FOR PERMIT	MAY 18 2022
9	ISSUED FOR PERMIT	MAY 18 2022
10	ISSUED FOR PERMIT	MAY 18 2022



FOR SITE PLAN APPROVAL

DATE: _____

NO.	DESCRIPTION	DATE
1	ISSUED FOR S&A	2022
2	ISSUED FOR PERMITS	2022
3	ISSUED FOR CONSTRUCTION	2022
4	ISSUED FOR AS-BUILT	2022

PROPOSED MARTINDALE RETAIL PAD
123 MARTINDALE CRESCENT
ANCASTER, ON

job no. 21.0644

dwg. file

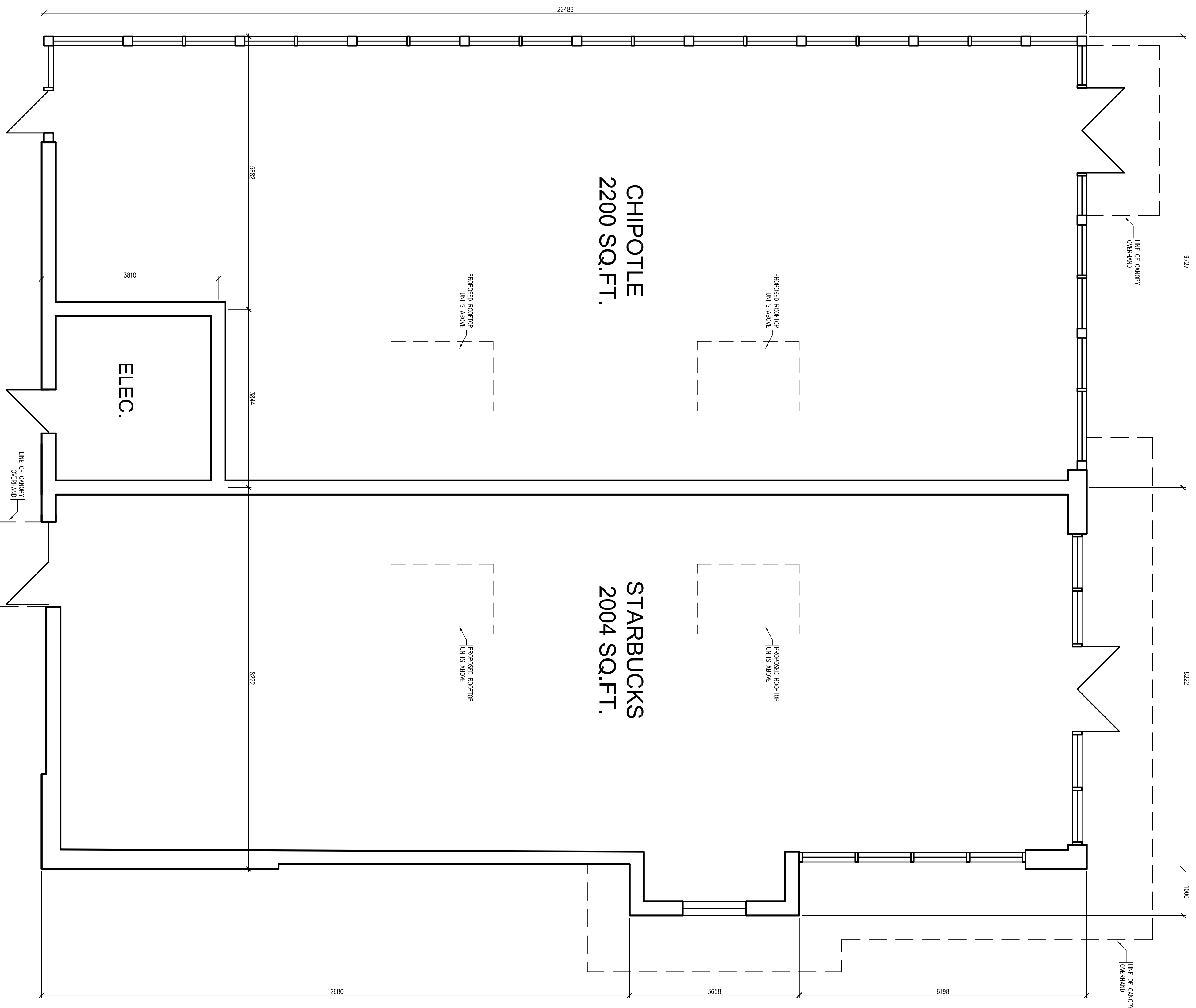
dwn. by AT

scale 1:50

date SPET 2021

dwg. title

FLOOR PLAN



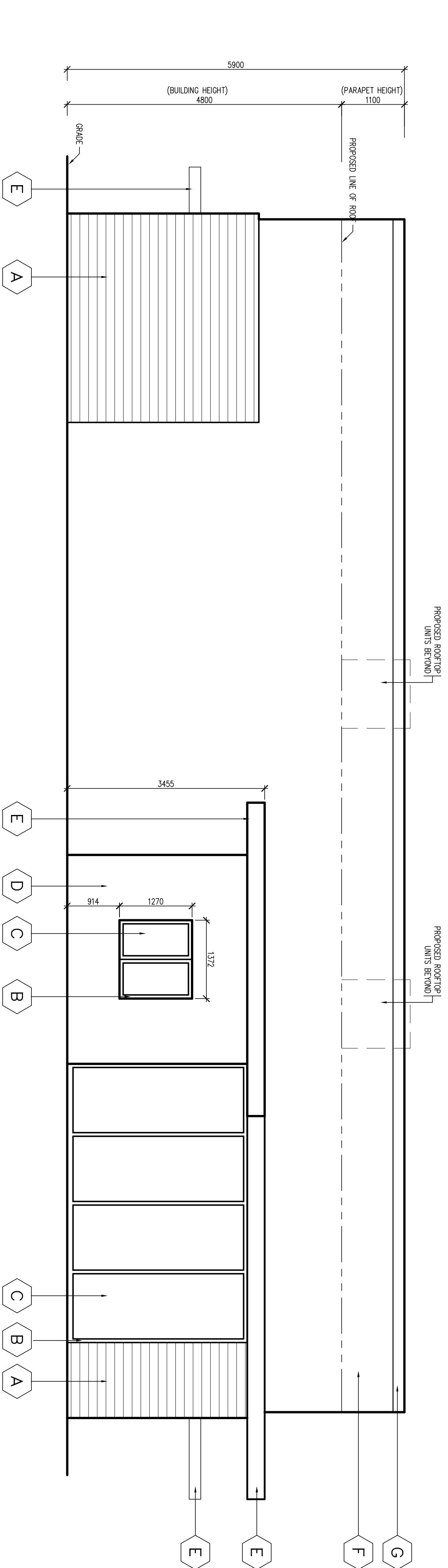
CHIPOTLE
2200 SQ.FT.

STARBUCKS
2004 SQ.FT.

ELEC.

EXTERIOR FINISHED LEGEND

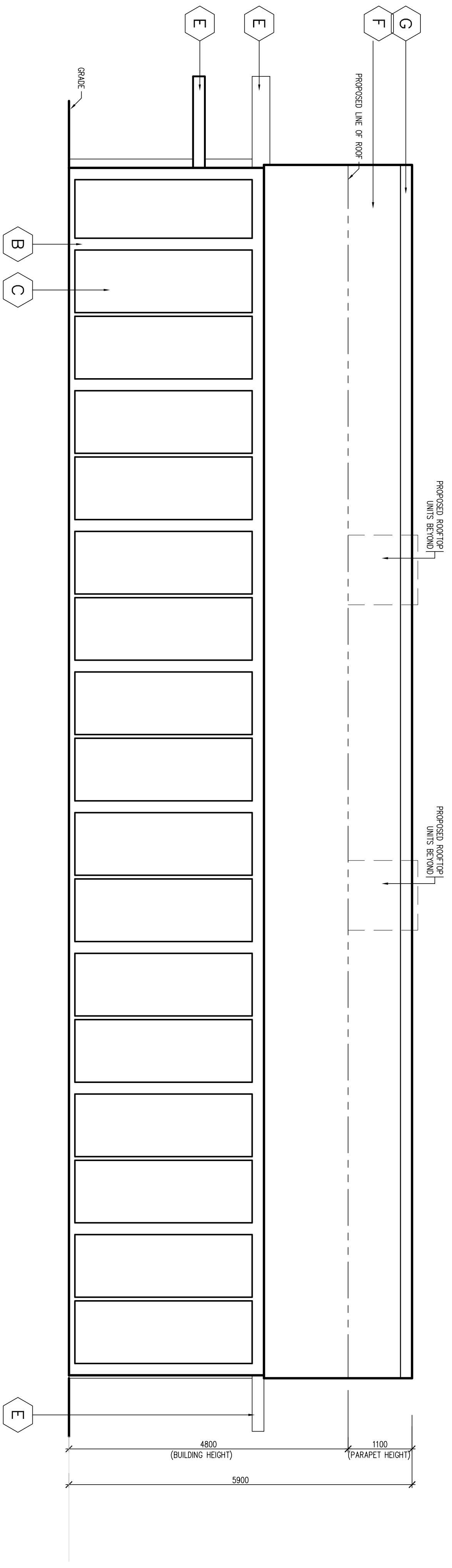
- A CEDAR WOOD SIDING (OR APPROVED EQUAL)
- B CHARCOAL STOREFRONT (TYP)
- C STOREFRONT GLAZING
- D "KNIGHTS ARMOUR" EIFS (TYP)
- E CHARCOAL METAL CANOPY
- F "FOR" EIFS (TYP)
- G METAL COPING (TYP)
- H CHARCOAL METAL TUBES C/W "ALUMINUM ROOF" EIFS BEHIND
- I METAL ROOF SCREEN



1 EAST ELEVATION
SCALE 1:50

GENERAL NOTES

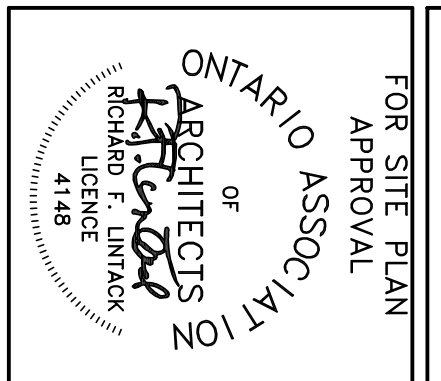
1	ISSUED FOR PERMITS	MAY 18 2022
2	ISSUED FOR PERMITS	MAY 18 2022
3	ISSUED FOR PERMITS	MAY 18 2022
4	ISSUED FOR PERMITS	MAY 18 2022
5	ISSUED FOR PERMITS	MAY 18 2022



2 WEST ELEVATION
SCALE 1:50

LINTACK ARCHITECTS
INCORPORATED

244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
T: 905.522.6165 • F: 905.522.2209 • E: information@lntack.com
www.lntack.com



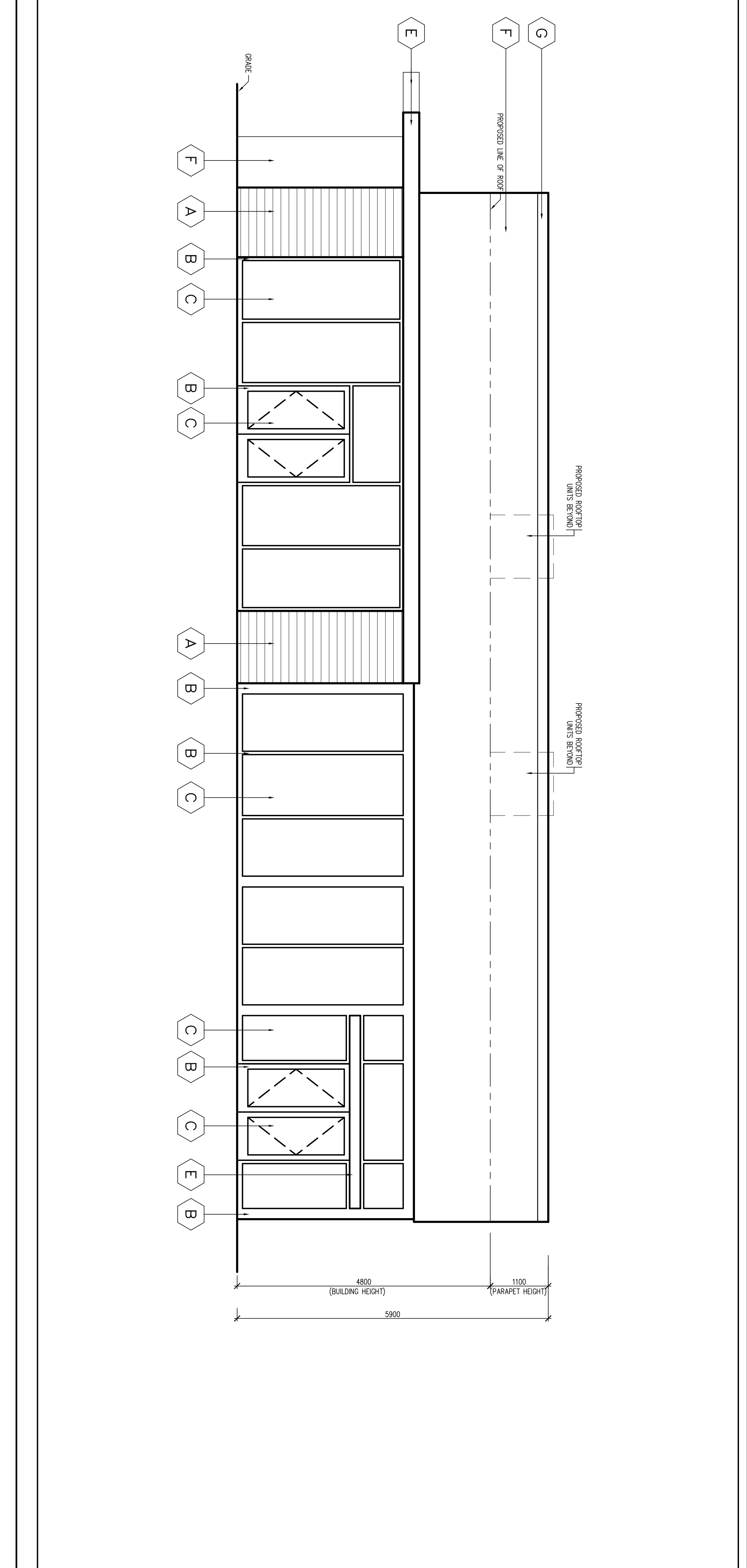
FOR SITE PLAN APPROVAL

PROPOSED MARTINDALE RETAIL PAD

123 MARTINDALE CRESCENT
ANCASTER, ON

job no. 21.0644
dwg. file
dwgn. by AT
scale 1:50
date SPET 2021
dwg. title ELEVATIONS
dwg. A2.01

1 NORTH ELEVATION
SCALE 1:50



EXTERIOR FINISHED LEGEND

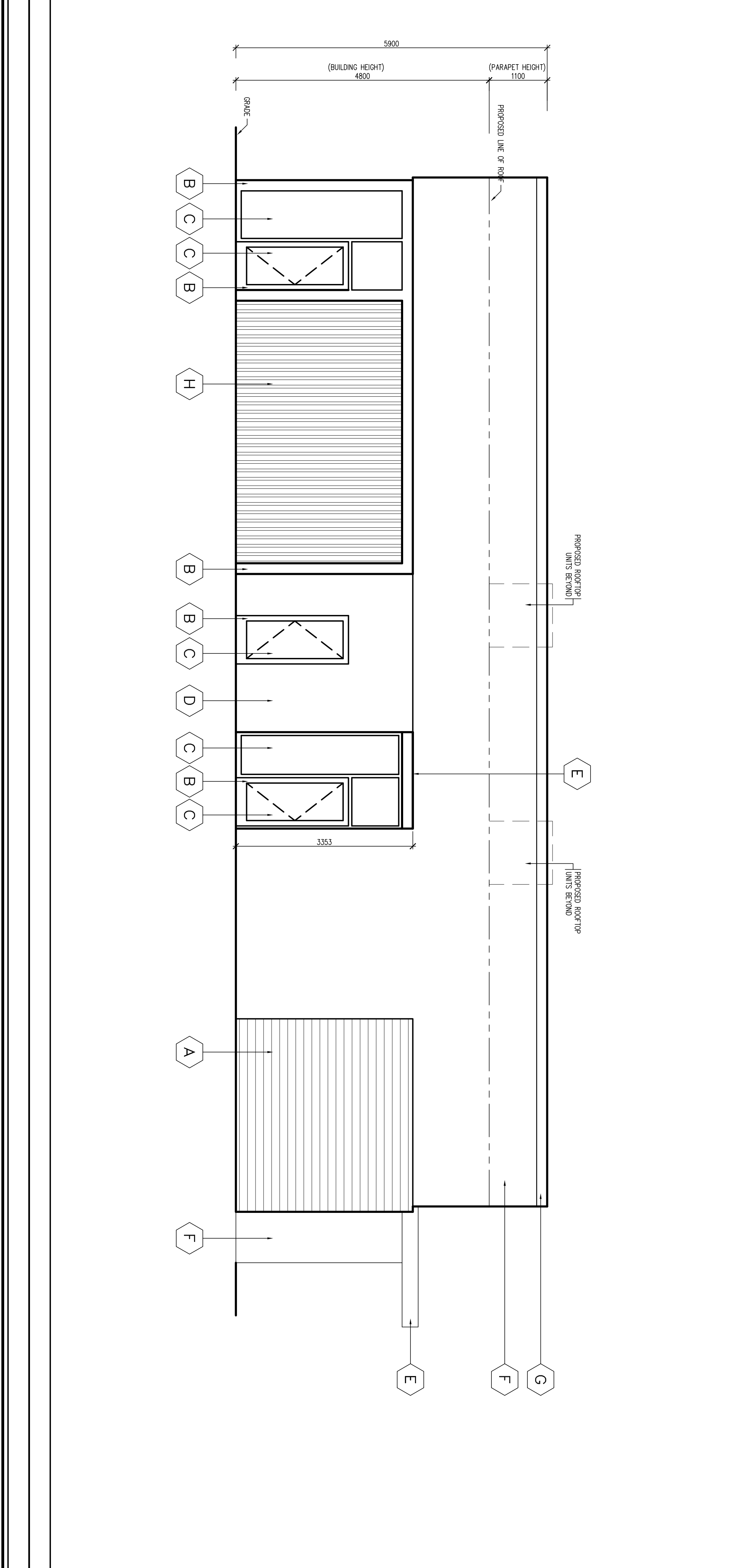
- A CEDAR WOOD SIDING (OR APPROVED EQUAL)
- B CHARCOAL STOREFRONT (TYP)
- C STOREFRONT GLAZING
- D "KNIGHTS ARMOUR" EIFS (TYP)
- E CHARCOAL METAL CANOPY
- F "FOR" EIFS (TYP)
- G METAL COPING (TYP)
- H CHARCOAL METAL TUBES C/W "ALUMINUM ROOF" EIFS BEHIND
- I METAL ROOF SCREEN

GENERAL NOTES

The drawing must not be scaled. Dimensions are given in millimeters. All dimensions and elevations are to the face unless otherwise indicated. All errors and omissions are to be reported immediately to the Architect.

1	ISSUED FOR PERMITS	APR 11, 2022
2	ISSUED FOR PERMITS	APR 11, 2022
3	ISSUED FOR PERMITS	APR 11, 2022
4	ISSUED FOR PERMITS	APR 11, 2022
5	ISSUED FOR PERMITS	APR 11, 2022

2 SOUTH ELEVATION
SCALE 1:50



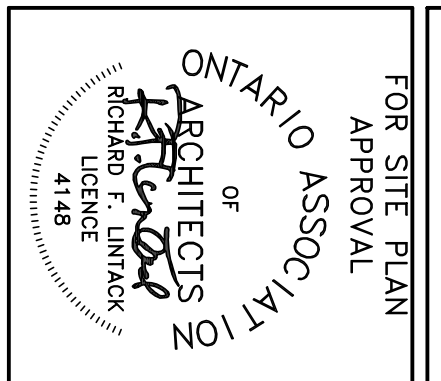
PROPOSED
MARTINDALE RETAIL PAD
123 MARTINDALE CRESCENT
ANCASTER, ON

job no. 21.0644
dwg. file
dwg. by AT
scale 1:50
date SPET 2021

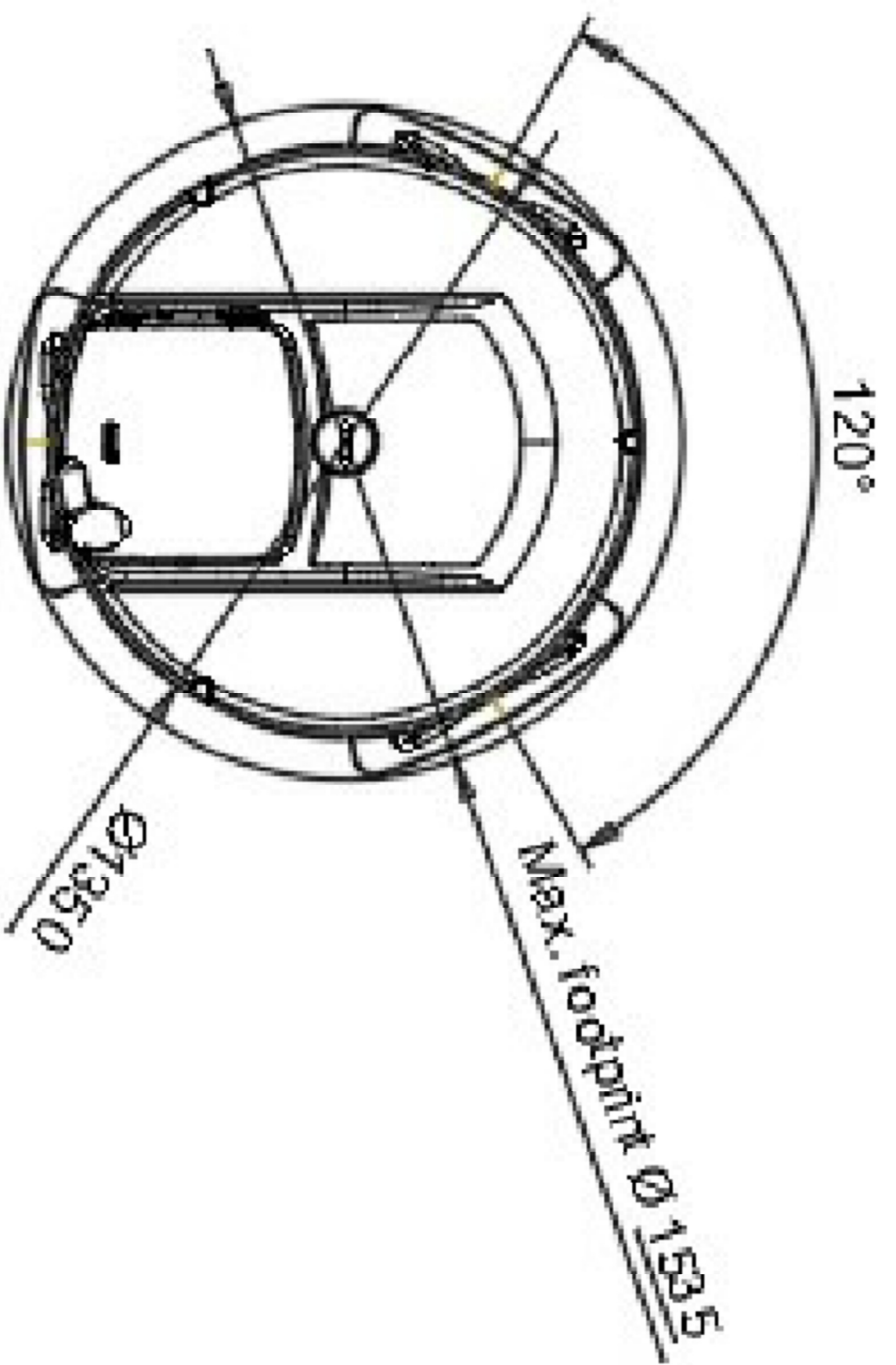
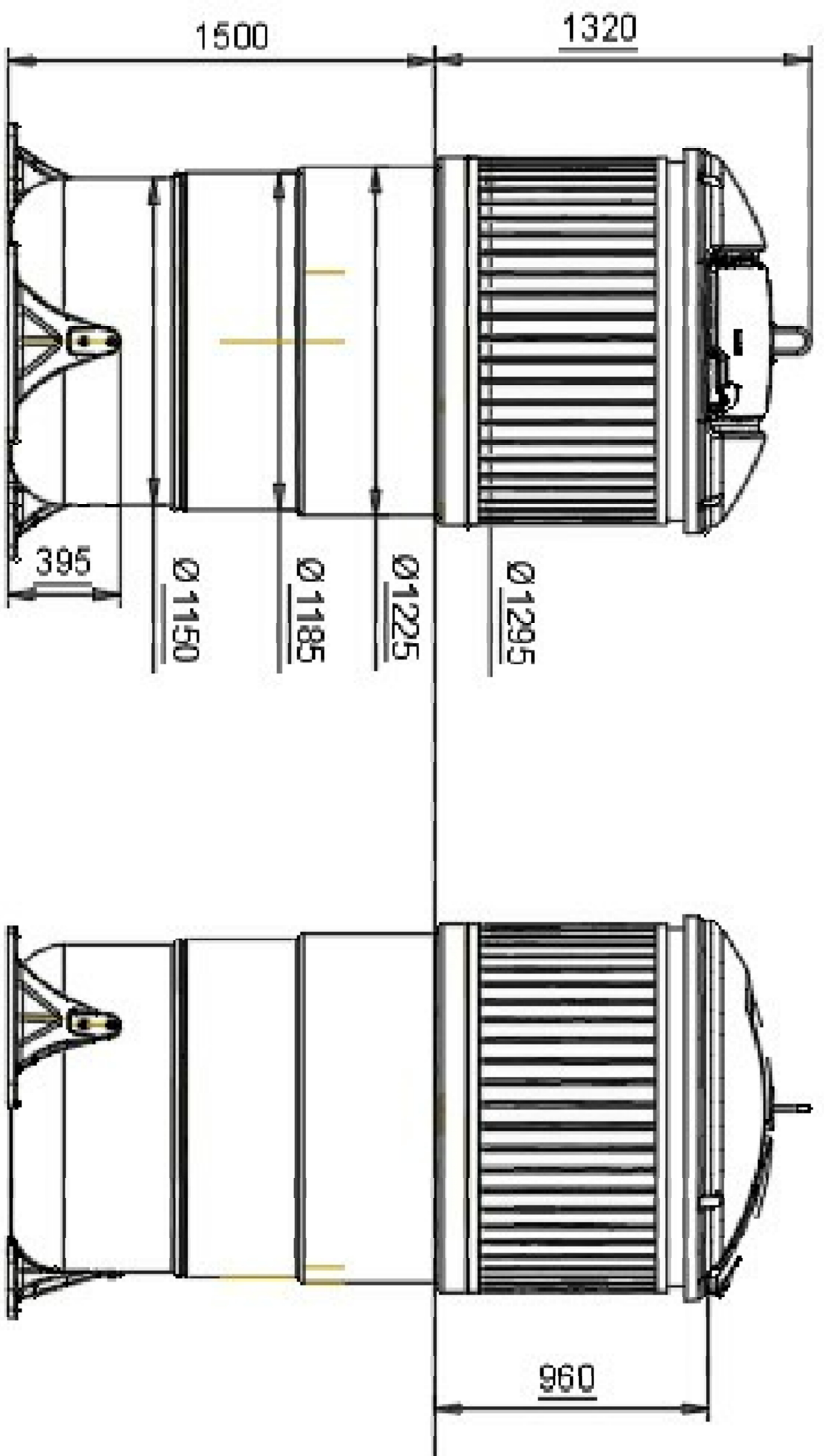
ELEVATIONS

dwg. A2.02

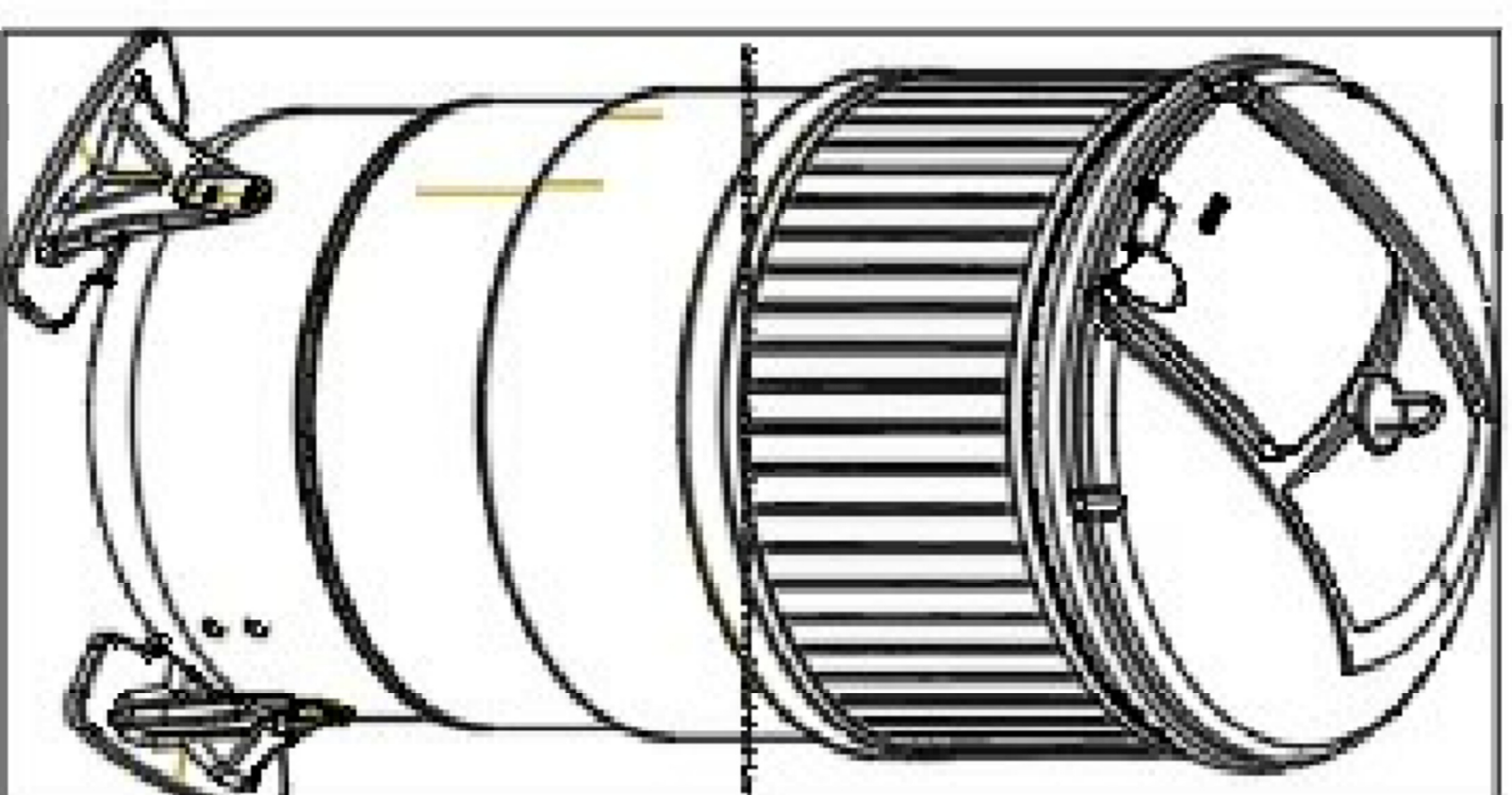
LINTACK ARCHITECTS
INCORPORATED
244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
T: 905.522.6165 • F: 905.522.2209 • E: information@lntack.com
www.lntack.com



FOR SITE PLAN APPROVAL



Molok Classic 3m³



GENERAL NOTES

1	ISSUED FOR ANKOR	MAY 18 2022
2	VARIANCE REQUEST TO SQA COMMENTS	MAY 22 2022
3	ISSUED FOR PERMITS	MAY 22 2022
4	ISSUED FOR SQA	FEB 4 2022

LINTACK ARCHITECTS
INCORPORATED

244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
T: 905.522.6165 • F: 905.522.2209 • E: information@lntack.com
www.lntack.com

FOR SITE PLAN APPROVAL

ONTARIO ASSOCIATION OF ARCHITECTS
OF
Richard F. Lintack
Licence 4148

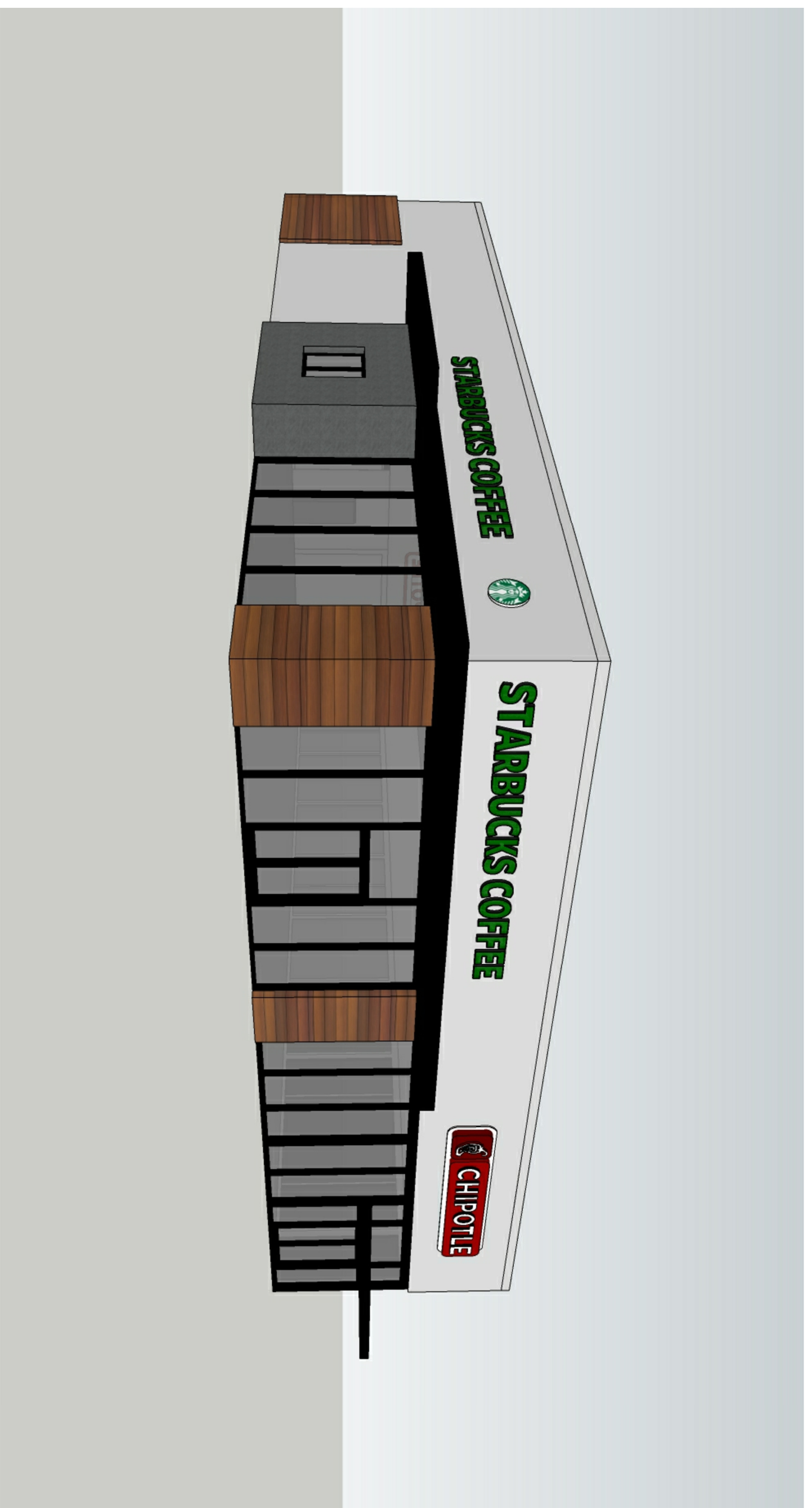
The drawings must not be used for construction, building or any other purpose without the written consent of the Architect. All errors and omissions are to be reported immediately to the Architect.

PROPOSED
MARTINDALE RETAIL PAD

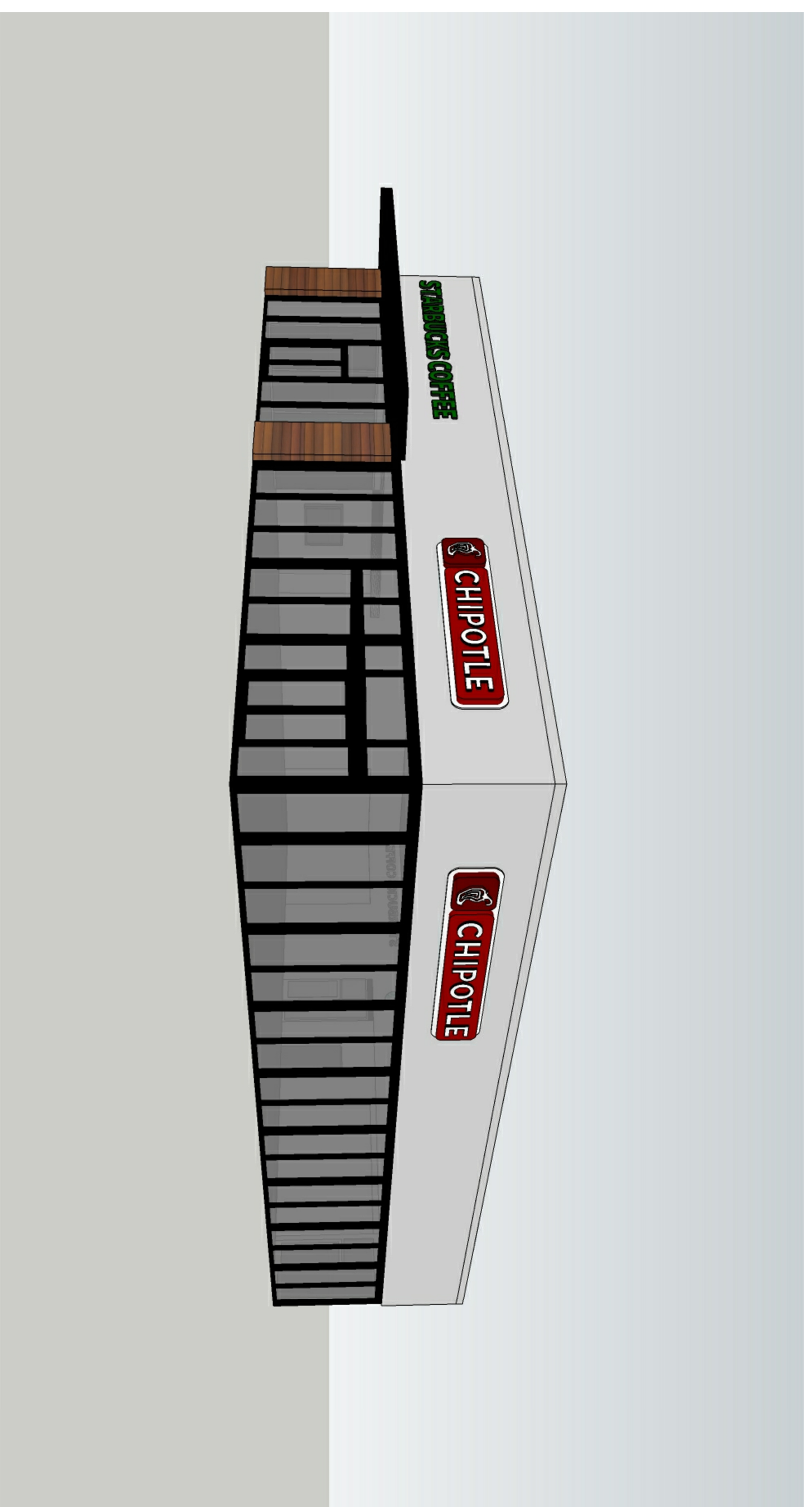
123 MARTINDALE CRESCENT
ANCASTER, ON

job no. 21.0644
dwg. file
dwgn. by AT
scale 1:50
date SPET 2021

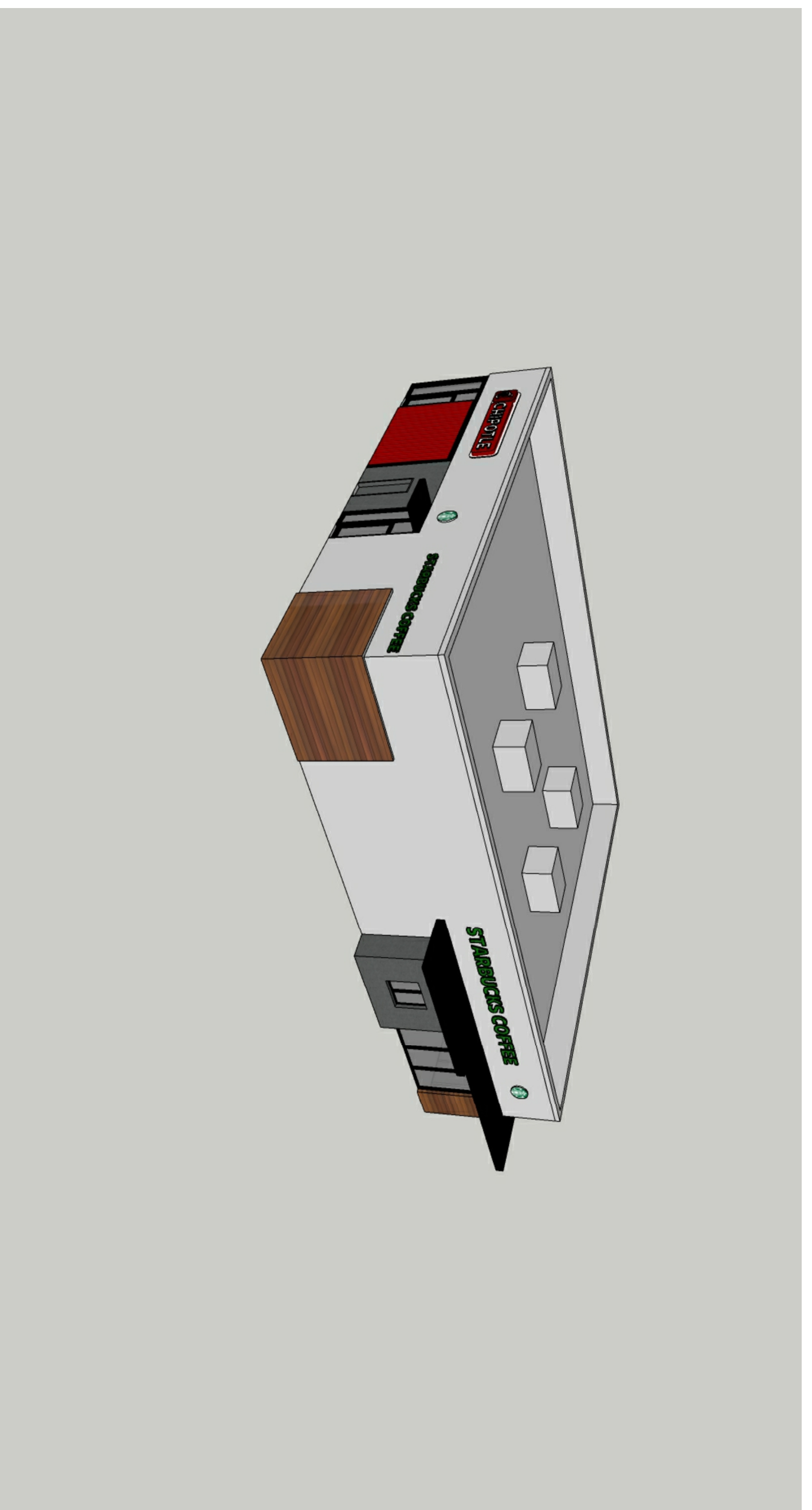
dwg. file
MOLOK
CONTAINER



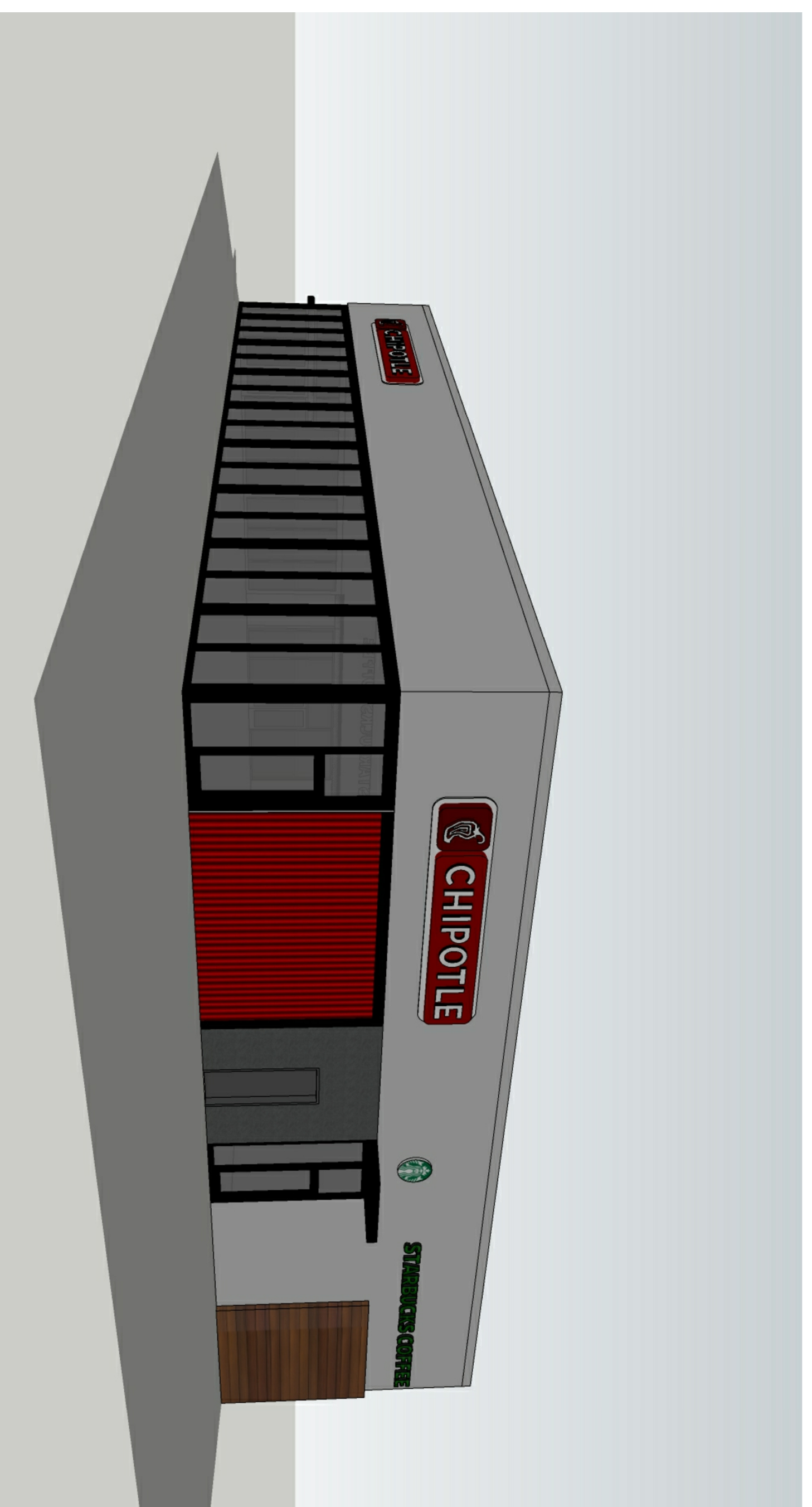
1 NORTH EAST PERSPECTIVE VIEW
PERS SCALE: NTS



2 NORTH WEST PERSPECTIVE VIEW
PERS SCALE: NTS



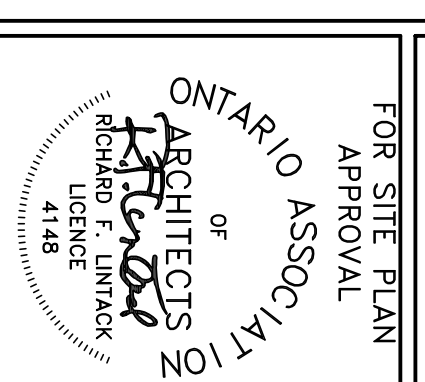
3 SOUTH EAST PERSPECTIVE VIEW
PERS SCALE: NTS



4 SOUTH WEST PERSPECTIVE VIEW
PERS SCALE: NTS

LINTACK ARCHITECTS INCORPORATED

244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
T: 905.522.6165 • F: 905.522.2209 • E: information@lntack.com
www.lntack.com



FOR SITE PLAN
APPROVAL

Architect's Seal

Rev.	Description	Date
1	ISSUED FOR PERMITS	MAY 18, 2022
2	ISSUED FOR PERMITS	MAY 18, 2022
3	ISSUED FOR PERMITS	MAY 18, 2022
4	ISSUED FOR PERMITS	MAY 18, 2022

PROPOSED MARTINDALE RETAIL PAD

123 MARTINDALE CRESCENT
ANCASTER, ON

job no. 21.064

dwg. file

dwn. by AT

scale 1:50

date SPET 2021

dwg. title
PERSPECTIVE
VIEWS

dwg. PERS



Hamilton

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.

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)	Home Depot Holdings Inc.	
Applicant(s)*	Canadian Commercial Management Inc.	
Agent or Solicitor	WEBB Planning Consultants	

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:

Lands to be severed subject to covenant for no hardware sales, reciprocal rights of way to be created for access, lands to be severed will also be subject to easement for services.

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:

Minimum Building Height of 4.8 m. instead of 6.0 m., to permit a minimum of 46 parking spaces whereas 48 are required, existing planting strip 2.5 m. in width at west side of the proposed building shall be permitted notwithstanding 3.0 m. requirement

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Building height reflects standard design template of national branded operators, size of parcel being acquired by severance restricts ability to accommodate full scope of required on-site parking and encompasses portion of existing conditions (planting strip)

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**):

122 Martindale Crescent, lands subject to Variances are limited to parcel that is being severed from larger landholding as a new lot. Refer to attached draft Reference Plan, Parts 2, 3, 4, 5 & 7

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use Retail - Home Depot

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?

Site inspection, discussion with owner

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.

April 21, 2022
Date

Suzanne Russo
Signature Property Owner(s)

HOME DEPOT HOLDINGS INC.
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 52.88 metres
Depth 44.1 metres
Area 2580 sq. metres
Width of street 26.0 metres (Martindale Cres.)

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: _

None, parcel is vacant

Proposed

single storey commercial building, 5.9 metres in height, GFA of 390.6 sq. metres, building dimensions of 22.5 m by 19.0 metres.

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

Existing:

None, parcel is vacant

Proposed:

FY: 0.5 m, SY- West: 19.2 m, SY - East: 22.8 m, RY: 21.0 m

13. Date of acquisition of subject lands:
Lands are pending to be severed to facilitate sale to Applicant
14. Date of construction of all buildings and structures on subject lands:
N/A - parcel is vacant
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Retail Commercial - Home Depot
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Mix of retail and service commercial
17. Length of time the existing uses of the subject property have continued:
In excess of 15 years
18. Municipal services available: (check the appropriate space or spaces)
Water yes Connected yes
Sanitary Sewer yes Connected yes
Storm Sewers yes
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:

C5, Exception 602, Zoning By-law 05-200
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
If yes, please provide the file number:
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 (please include separate sheet if needed)

Land are subject to concurrent Applications for Consent to create the subject Parcel - File No. AN/B-21:82 and Application for Site Plan Approval - File No. SPA-21-154
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.



April 21, 2022

City of Hamilton
Planning & Economic Development Department
Committee of Adjustment
71 Main Street West
Hamilton ON L8P 4Y5

Attention: Ms. Jamila Sheffield
Secretary Treasurer

Dear Ms. Sheffield,

Re: Application for Minor Variance
122 Martindale Crescent, Ancaster, City of Hamilton

WEBB Planning Consultants are retained by the Applicant – Canadian Commercial Development, to provide land use planning services in association with their proposed commercial development on the property located at 122 Martindale Crescent.

As illustrated by the enclosed preliminary Site Plan, the Applicants are proposing a commercial development on a portion of the existing Home Depot property located in the Meadowlands neighbourhood of the Town of Ancaster. The concept is to utilize an area of surplus surface parking and re-purpose this area to accommodate a commercial building that will be sited along the Martindale Crescent street frontage.

The preliminary building has a total gross floor area of approximately 390 square metres (4,200 sq. feet) and intended accommodate two restaurants. The easterly unit is intended as a restaurant with a drive-through with the drive through located to the side of the building. The project does not propose any new points of access to Martindale Cres., access to the site and parking areas will continue to utilize the existing connections to Martindale Cres.

Siting the building at the street edge responds to urban design objectives for retrofitting traditional suburban streetscapes by removing surface parking and adding new building mass at the street edge. Martindale Crescent presently has limited pedestrian character typical of big-box commercial precincts. The proposed development will animate the streetscape by adding active building facades at the street edge and improve pedestrian safety and comfort.

As summarized below, the required scope of planning approvals to implement the proposal include an Application for Consent to create the parcel and associated rights of way/easements, Site Plan Approval and the Application for Minor Variance.

The creation of the parcel for the proposed development is to occur via an application for Consent (severance). As access will utilize the existing Home Depot entrances to Martindale

Crescent, it will also be necessary to obtain Consent approval to establish appropriate easements and rights of way to facilitate access to the development parcel.

An Application for Consent has been submitted to the Committee of Adjustment and assigned File No. AN/B-21:82. The Application was initially scheduled for a Committee meeting in October 2021, the matter was deferred in consultation with City Planning Staff to permit their review and Conditional Approval of the Application for Site Plan Approval. The intent is to have this application heard concurrently with the Application for Minor Variance.

The details of the development proposal are being addressed by way of the Application for Site Plan Approval that was submitted to the City on October 4th, 2021 and assigned File No. SPA-21-154. The Site Plan illustrates the detailed design for the proposed building and the functional considerations of access, vehicle maneuvering and parking. Planning staff are presently finalizing their review of the submission and will shortly be issuing the Conditional Approval package.

Through the processing of the Application for Site Plan Approval, it has been determined that variances from the applicable Regulations of Zoning Bylaw 05-200 will be necessary, the Variances summarized as below:

Minimum Building Height: Regulation 10.5.d.v.2 permits a minimum building height of 6.0 metres where new commercial buildings are developed on a site with existing commercial development. The definition of height measures to the highest point of the roof and certain elements such as a parapet are to be excluded.

The proposed building will have a height of 5.9 metres measured to the top of the parapet and 4.8 metres to the flat portion of the roof. In this case the parapet adds to the massing of the building at the street edge and should be considered in meeting the 6.0 metre minimum albeit a deficiency of 0.1 metres. The proposed massing is considered to be appropriate given the contextual considerations where the existing streetscape is devoid of a uniform street wall and the proposal is meeting the general purpose and intent of regulations that implement the City's Urban Design Policies.

Number of Parking Spaces: based on the floor area of the building 48 parking spaces are required and only 46 spaces are provided. It is noted that the parking ratio for a restaurant use does not acknowledge the additional 12 stacking spaces that are required for the drive-through, functionally increasing the available parking while drive through customers effectively lesson parking demand. The minor relief for 2 spaces is deemed to be acceptable based on functionality of the use and location that is catering to pedestrian traffic generated by the larger commercial precinct.

Width of Planting Strip: Regulations of the City's new Comprehensive Zoning Bylaw require a 3.0 metre wide planting strip where parking is located adjoining the street edge. This requirement is met on the east side of the proposed building where existing parking and the landscaped strip are being replaced. However, on the west side of the proposed building

the planting strip is moderately undersized – a minimum of 2.5 metres where 3.0 is required. The minor reduction applies to only a small section of the frontage and essentially recognizes an existing condition.

In summary, it is our submission that the proposed development which will retrofit a traditional suburban streetscape by removing surface parking and adding new building mass at the street edge meets urban design objectives for appropriate built form and animation of the streetscape to improve the pedestrian environment and comfort. The Variances required to implement the proposal meet the four tests of the Planning Act and will provide the appropriate and planned development of the site to accommodate permitted uses.

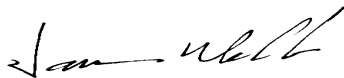
In keeping with the City's requirements for the submission of an Application for Minor Variance, the following materials are enclosed:

- Application for Minor Variance;
- Application Fee of \$3,465.00.00 payable to the City of Hamilton;
- Site Plan, Building Elevations, Floor Plan and Perspective Drawings, prepared by Lintack Architects;

We trust that you will find the enclosed materials complete and suitable for the purpose of processing this Application for Minor Variance. Please contact our office immediately should you have any questions or require additional information in support of this submission.

Yours truly,

WEBB Planning Consultants Inc.



James Webb, MCIP, RPP

cc: Lee Greenwood, CCD