



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

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-21:333</b>	<b>SUBJECT PROPERTY:</b>	777 UPPER JAMES ST., HAMILTON
<b>ZONE:</b>	“C6” (District Commercial)	<b>ZONING BY-LAW:</b>	Zoning By-law 05-200, as Amended By-law 17-240

**APPLICANTS:** Agent Rutledge Development – I. Rutledge  
**Owner Canadian Tire Properties Inc.**

The following variances are requested:

1. No maximum building setback shall apply from Mohawk Road East whereas the by-law permits a maximum building setback of 14.5m from a street line.
2. No Planting Strip shall be provided abutting a Residential Zone whereas the by-law requires a minimum 1.5m wide Planting Strip to be provided where a property line abuts a Residential or Institutional Zone.
3. A parking space size of 2.7m x 5.6m shall be permitted instead of the minimum 2.8m x 5.8m parking space required.
4. A parking space size having a length of 5.6m shall be permitted for the required one barrier free space instead of the minimum 5.8m parking space length required.
5. A drive-through facility shall provide ten (10) stacking spaces instead of the minimum required 12 stacking spaces.
6. A drive-through facility shall be permitted on the subject lot notwithstanding that this lot is located a distance of 0.0m from all abutting residential zone boundaries instead of the required 12.0m distance from a Residential zone.
7. An outdoor patio shall be permitted on the subject lot whereas the zoning By-law does not permit an outdoor patio on a lot where any lot line abuts a Residential zone.
8. An outdoor patio shall be permitted to be located in the northerly side yard of the proposed building whereas the zoning By-law states that where only a rear lot line abuts a Residential zone an outdoor patio shall be permitted in the front yard.

**PURPOSE & EFFECT:** To permit the construction of a new restaurant with along with associated drive-through facility on the subject lands.

**Notes:**

1. These variances are necessary to facilitate Site Plan Control Application No. SPA-20-062.
2. The applicant is requesting a variance to the maximum permitted 4.5m building setback from the Upper James Street. However, this variance is not required as the proposed building is located a distance of 3.0m from the Upper James Street line which is in compliance with the said regulation.
3. The applicant requested a front yard variance to the former Hamilton Zoning By-law 6593 regulations. However, the requested variance is not required as the regulations of the Hamilton Zoning By-law 05-200 are now in full force and effect.
4. The applicant is requested a variance to the required ground floor façade; however, the requested variance is not required as the requirement does not apply to buildings having a gross floor area of less than 650.0m<sup>2</sup> located on lots containing existing commercial development.
5. The applicant requested a variance to permit the existing parking spaces and aisles to be located between the proposed building and the front lot line; however, this variance is not required as the requirement is not applicable to buildings having a gross floor area of less than 650.0m<sup>2</sup> located on lots containing existing commercial development.
6. The applicant has requested a variance to permit a reduction on the minimum number of parking spaces previously approved under the former Hamilton Zoning By-law 6593. Please note that the overall “Gross Floor Area” of the site was not provided; however, it appears that the parking spaces provided on site may be sufficient to satisfy the minimum number of parking spaces required under the current zoning By-law 05-200 regulations. The applicant shall confirm the overall gross floor area in order to ensure the minimum required on site parking can be satisfied; otherwise, further variances shall be required.

**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:

<b>DATE:</b>	<b>Thursday, June 23, 2022</b>
<b>TIME:</b>	<b>2:00 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeefadadjustment">www.hamilton.ca/committeefadadjustment</a>

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

- Visit [www.hamilton.ca/committeefadadjustment](http://www.hamilton.ca/committeefadadjustment)

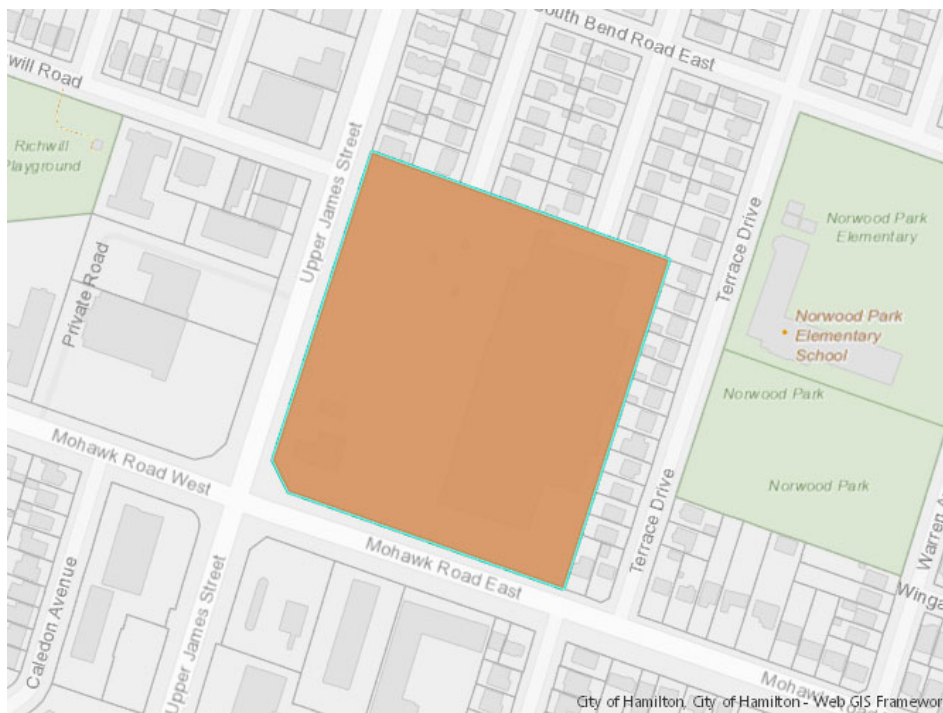
## HM/A-21:333

- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto: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: June 7, 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, and may include posting electronic versions.



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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## 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](mailto: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](http://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](mailto: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.

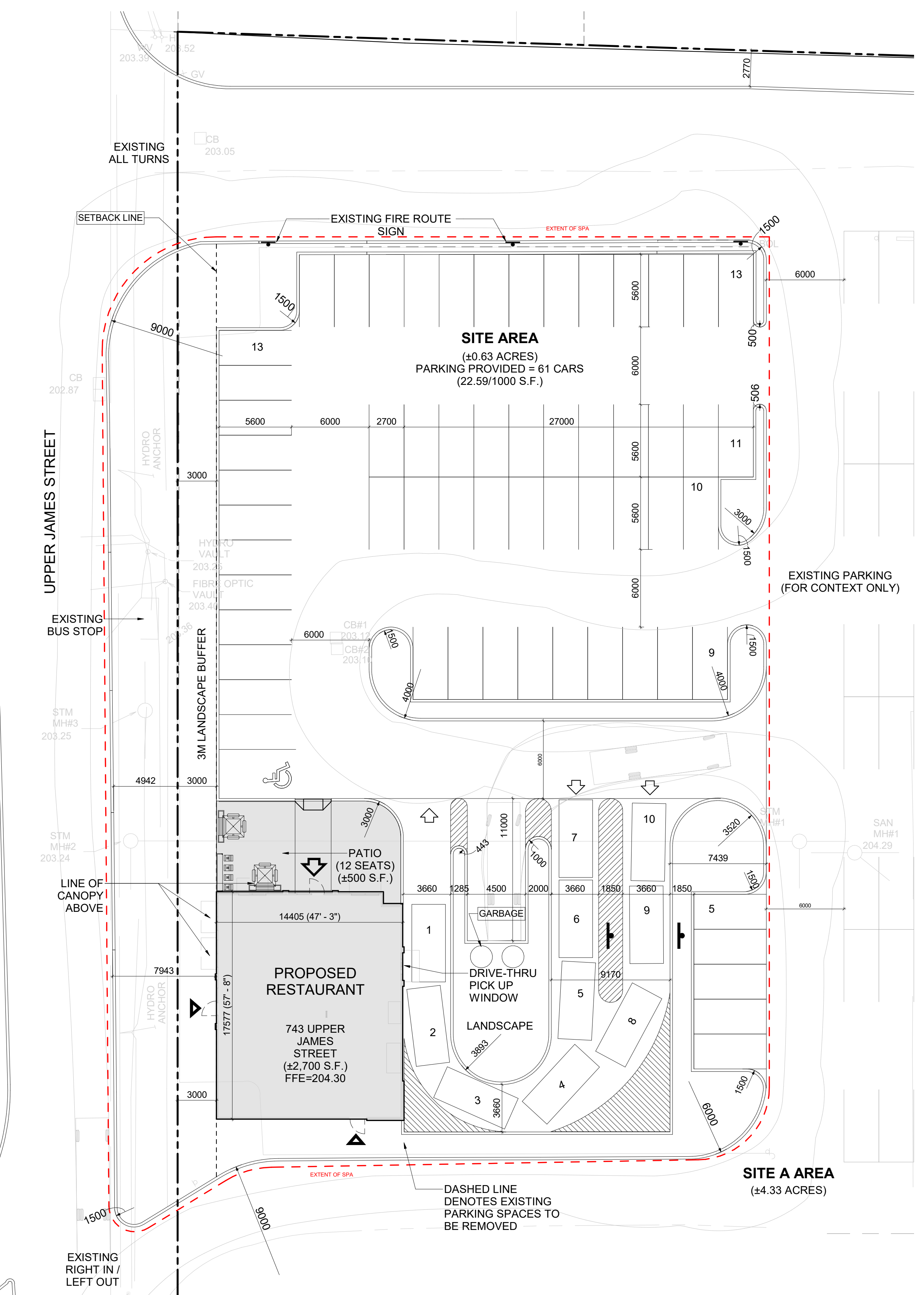
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

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.



This drawing, as an instrument of service, is provided by and is the property of Turner Fleischer Architects Inc. The contractor must verify and accept responsibility for all dimensions and conditions on site and must notify Turner Fleischer Architects Inc. of any variations from the approved information. This drawing is not to be scaled. The architect is not responsible for the accuracy of survey, structural, mechanical, electrical, etc. information shown on this drawing. Refer to the appropriate consultant drawings before proceeding with the work. Contractor must conform to all applicable codes and requirements of all applicable governing jurisdictions. The contractor working from drawings not specifically marked "For Contractor" must assume full responsibility and bear costs for any corrections or damages resulting from his work.

The site plan prepared by Turner Fleischer is based on a legal survey showing the boundaries of the lands together with the current location of any existing buildings, features or encroachments prepared by \_\_\_\_\_ dated \_\_\_\_\_ as provided by \_\_\_\_\_.



STATISTICS						
NO.	NAME	%	AREA	UNIT	AREA	UNIT
1	SITE A AREA		4.33 ACRES		1.75 HA	
2	SITE B1 AREA		5.17 ACRES		2.09 HA	
3	SITE B2 AREA		0.76 ACRES		0.31 HA	
	<b>TOTAL SITE AREA</b>		<b>10.26 ACRES</b>		<b>3.84 HA</b>	

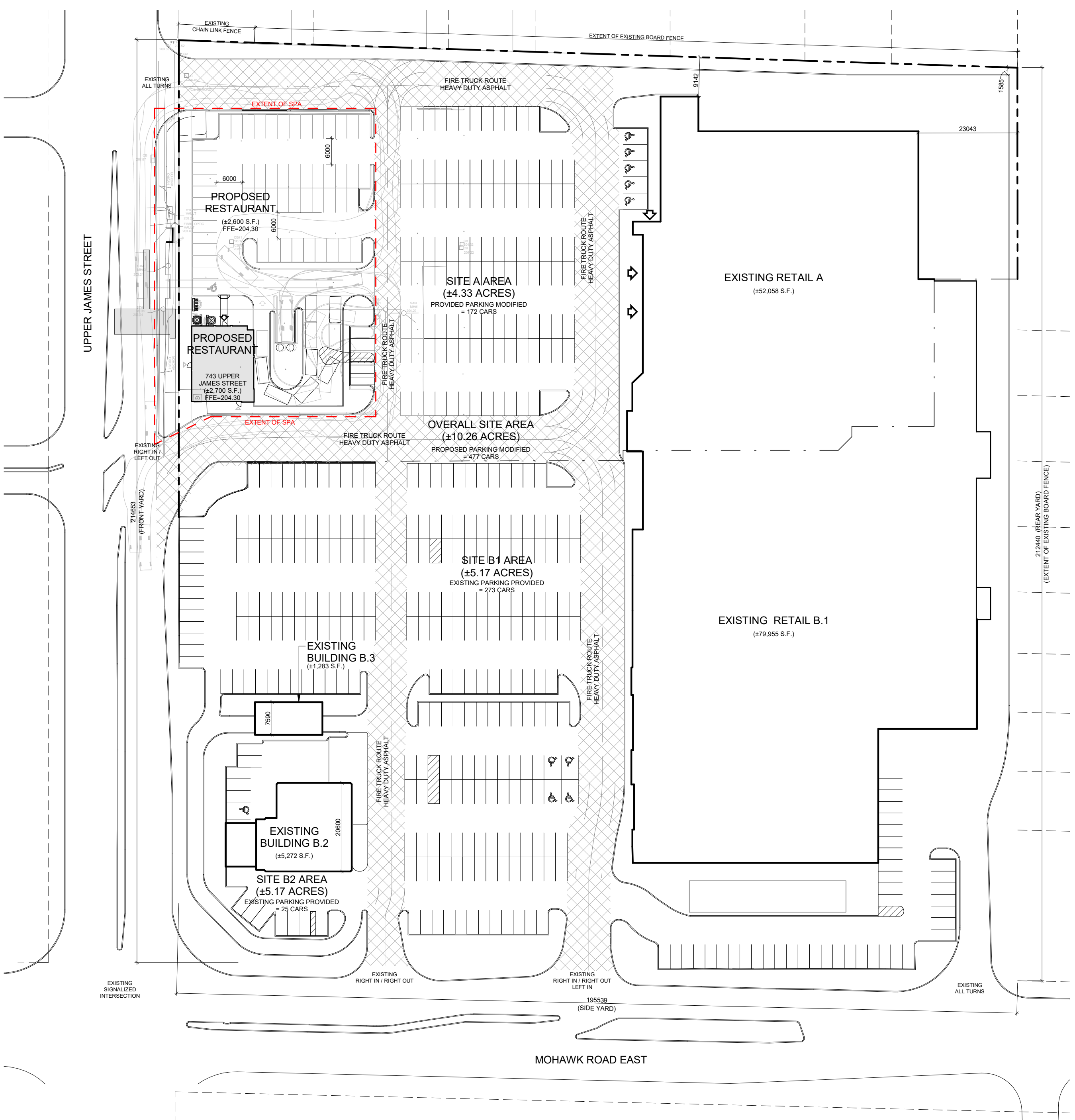
EXISTING BUILDING B1 STATISTICS						
4	CT RETAIL GROUND	61%	43,972 S.F.		4,085 S.M.	
5	CT WAREHOUSE GROUND		15,231 S.F.		1,416 S.M.	
6	CT WAREHOUSE MEZZANINE		13,046 S.F.		1,212 S.M.	
7	CT WAREHOUSE TOTAL	39%	28,277 S.F.		2,627 S.M.	
8	CT OFFICE GROUND		0 S.F.		- S.M.	
9	CT OFFICE MEZZANINE		2,713 S.F.		252 S.M.	
10	CT OFFICE TOTAL		2,713 S.F.		252 S.M.	
11	CT SERVICE CENTRE GROUND		10,936 S.F.		1,016 S.M.	
12	CT SERVICE CENTRE MEZZANINE		119 S.F.		11 S.M.	
13	CT SERVICE CENTRE TOTAL		11,055 S.F.		1,027 S.M.	
14	GARDEN CENTRE GROUND		4,676 S.F.		434 S.M.	
15	<b>TOTAL CANADIAN TIRE BUILDING AREA (4-7+10+13+14)</b>		<b>90,693 S.F.</b>		<b>8,426 S.M.</b>	
16	<b>TOTAL GROUND FLOOR COVERAGE</b>	<b>39.67%</b>	<b>74,815 S.F.</b>		<b>6,951 S.M.</b>	
17	CT BUILDING STRUCTURE (4-5+10+13+14)		77,647 S.F.		7,214 S.M.	
18	CT BUILDING FUNCTIONAL (4-7+10+13+14)		90,693 S.F.		8,426 S.M.	
19	CT GARDEN CENTRE COMPOUND		2,872 S.F.		267 S.M.	
20	EXISTING RETAIL A (SITE A)		52,058 S.F.		4,836 S.M.	
21	EXISTING GAS BAR B3 (SITE B2)		5,272 S.F.		490 S.M.	
22	EXISTING RETAIL B3 (SITE B2)		1,283 S.F.		119 S.M.	
23	PROPOSED RESTAURANT (SITE A)		2,700 S.F.		251 S.M.	

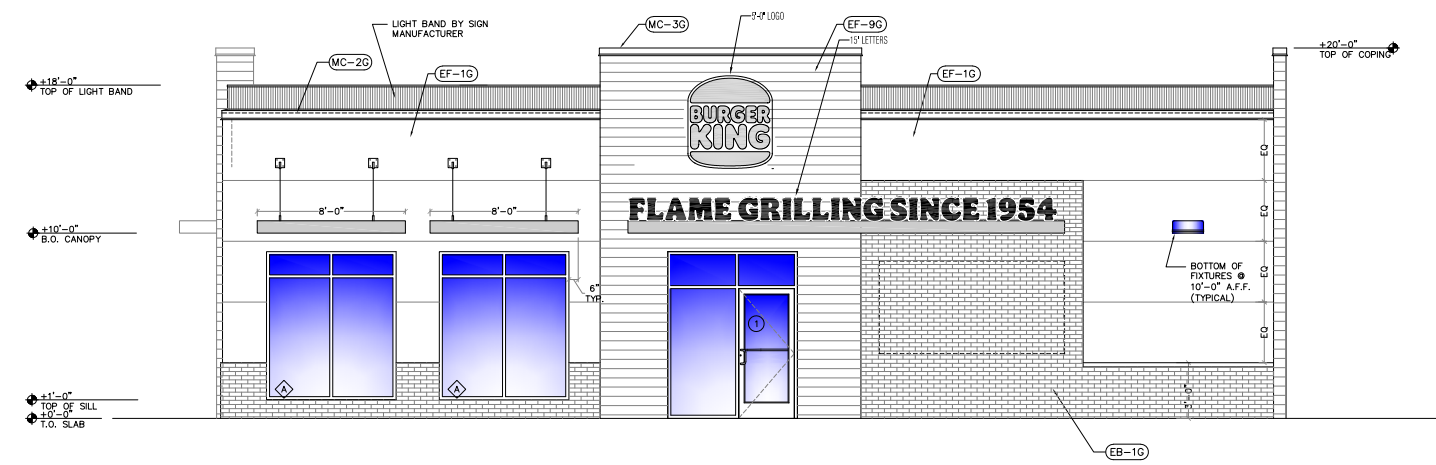
20	<b>TOTAL SITE AREA</b>		<b>10.26 ACRES</b>		<b>3.84 HA</b>	
21	<b>TOTAL GROUND FLOOR AREA</b>	<b>30.46%</b>	<b>136,128 S.F.</b>		<b>12,647 S.M.</b>	
	(16+20+21+22+23)					
22	<b>TOTAL BUILDING AREA</b>		<b>152,006 S.F.</b>		<b>14,122 S.M.</b>	
	(15+20+21+22+23)					
23	<b>TOTAL PARKING PROVIDED</b>		<b>470 CARS</b>		<b>3.36 / 1,000 S.F.</b>	<b>3.64 / 100 S.M.</b>
	(17+20+21+22+23, 139,126 S.F.)					

## ZONING AND REGULATION COMPLIANCE SCHEDULE

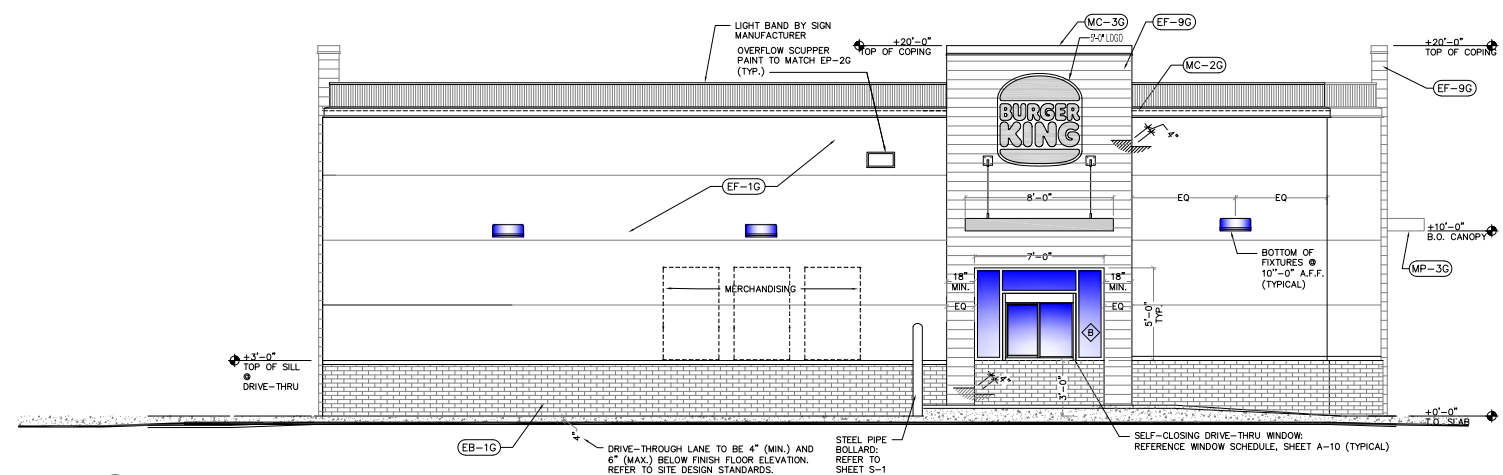
ZONE: C6	REQUIRED	PROVIDED
<b>PARKING REQUIREMENTS</b>		
OVERALL SITE PARKING REQUIRED	MIN. 530 CARS	470 CARS
SITE A PARKING PROVIDED		172 CARS
SITE B1 PARKING PROVIDED		273 CARS
SITE B2 PARKING PROVIDED		25 CARS
<b>SPA SITE PARKING SPACE</b>		
STANDARD PARKING SPACE	MIN. 3.0M X 5.8M	3.0M X 5.8M
ACCESSIBLE PARKING SPACE	MIN. 4.4M X 5.8M	4.4M X 5.8M
<b>4.25 a) - b) DRIVE-THROUGH FACILITY</b>		
NUMBER OF STACKING UNITS	MIN. 12 CARS	10 CARS
STACKING UNIT DIMENSIONS	MIN. 2.6M X 6.0M	2.6M X 6.0M
<b>10.6.3 a) - c) SETBACKS</b>		
BUILDING SETBACK FROM A STREET LINE	MIN. 1.5 M	7.9 M
MINIMUM REAR YARD (ABUTTING RESIDENTIAL ZONE)	MAX. 4.5M	9.6 M
MINIMUM INTERIOR YARD (ABUTTING RESIDENTIAL ZONE)	MIN. 4.5 M	9.1 M
<b>10.6.3 d) BUILDING HEIGHT</b>		
BUILDING HEIGHT	MAX. 14.0 M	5.3 M
<b>10.6.3 f) MAXIMUM GROSS FLOOR AREA FOR COMMERCIAL USE</b>		
MAXIMUM GROSS FLOOR AREA	MAX. 10,000 S.M.	231 S.M.
<b>10.6.3 g) iii) LOT FRONTAGE</b>		
LOT FRONTAGE	50% OF LOT LINE	40.1M / 214.6M (18.70 %)



#	DATE	DESCRIPTION	BY
PROJECT			
743 UPPER JAMES STREET			
HAMILTON, ON SPA-20-062			
DRAWING			
SITE PLAN			
PROJECT NO. 19.354SD			
PROJECT DATE 2022-02-04			
DRAWN BY Author			
CHECKED BY Checker			
SCALE As indicated			
DRAWING NO. <b>A1-39</b>			



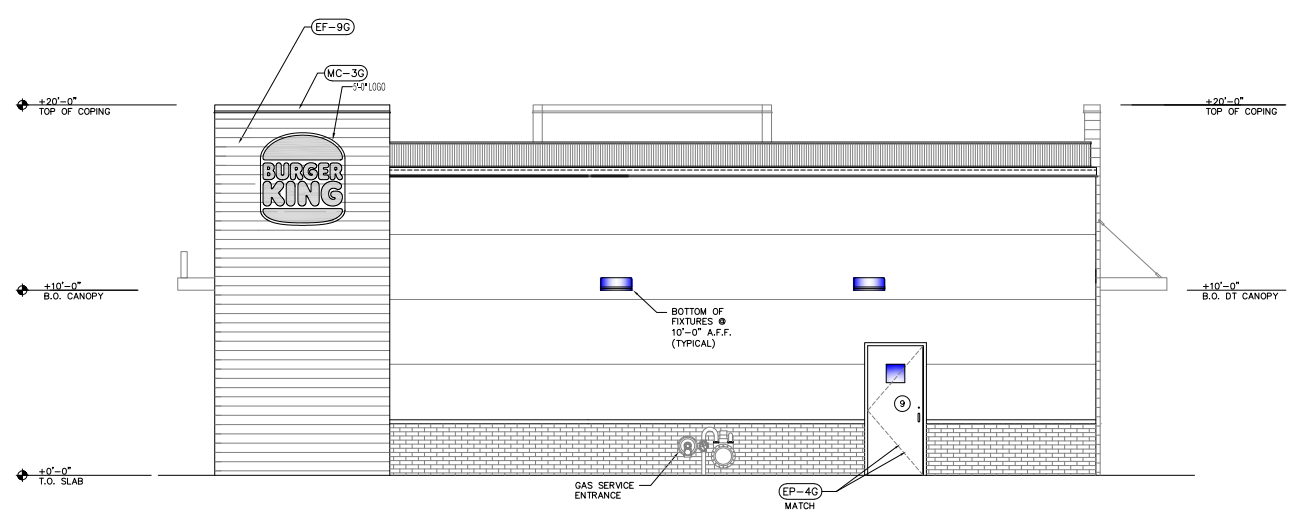
**1 MAIN ENTRANCE ELEVATION (WEST)**  
SCALE: 1/4" = 1'-0"



**2 DRIVE THROUGH ELEVATION (EAST)**  
SCALE: 1/4" = 1'-0"



**1 FRONT ELEVATION (NORTH)**  
SCALE: 1/4" = 1'-0"



**2 REAR ELEVATION (SOUTH)**  
SCALE: 1/4" = 1'-0"

EXTERIOR MATERIALS & FINISH SCHEDULE (not all specs are used on every projects)							
S.NO	CODE	MATERIAL	LOCATION	MANUFACTURER	DESCRIPTION		ADDITIONAL INFORMATION
					PRODUCT	COLOR	
1	EB-1G	EXTERIOR BRICK	GENERAL	PINE HALL BRICK	FACE BRICK	OLD IRVINGTON	NOTE : USE WITH EGR -3G
2	ECT-1G	EXTERIOR CERAMIC TILE	ACCENT AT BUILDING FRONT	GRANTI GIANDRE / EUROWEST	SENSIBLE STONE ED5052	RED NATURAL STACKED BOND PATTERN	
3	EF-1G	EXTERIOR FINISH STUCCO, STD. FIBRE CEMENT SIDING PANELS	GENERAL	STO OR APPROVED EQUAL	STO POWERFUL STUCCO SYSTEM TEXTURE - FINE SAND OR STO THERM CI EFS SYSTEM	COLOR TO MATCH EP-2G PPG "DESERT DUNE 1023-4"	
4	EF-9G	EXTERIOR FINISH FIBRE CEMENT	EXTERIOR ARCHONS	NICHHA FIBRE CEMENT	VINTAGE WOOD EF762	"CEDAR"	CONTACT: NICHHA CUSTOMER SERVICE (770)865-9466 BK@NICHHA.COM INSTALL PER MANUFACT. SPECIF. VERTICAL SEAMS SHALL BE MINIMIZED. ALL SPANS OF 10' OR MORE SHALL HAVE VERTICAL SEAMS ALIGNED IN THE CENTRE OF THE ARCHON. SEAMS TO BE CALKED OR USE "H-HOLE" FACTORY TRIMS. ALL TRIMS SHALL BE FACTORY PAINTED TO MATCH PANELS. VERTICAL APPLICATIONS ONLY (NOT FOR USE ON SOFFITS)
5	EP-2G	EXTERIOR PAINT	EXTERIOR GENERAL		PRIMER : Loxon Concrete & Masonry A24W300 PAINT : Superpoint Ext Satin A89 Series	"DESERT DUNE" 1023-4	
6	EP-4G	EXTERIOR PAINT	EXTERIOR WAINSCOT		PRIMER : Loxon Concrete & Masonry A24W300 PAINT : Superpoint Ext Satin A89 Series	"HOMESTEAD BROWN" SW7515	
7	MC-1G	METAL COPING	TOP OF LIGHT BAND WALL CAP	W.P. HICKMAN SYSTEM, INC.	PERMA SNAP PLUS	A-30 SILVERSMITH	
8	MC-2G	METAL COPING	BELOW LIGHT BAND	W.P. HICKMAN SYSTEM, INC.	PERMA SNAP PLUS	FACTORY FINISH TO MATCH EP-2G PPG "TANNERS TAUPÉ"	
9	MP-3G	METAL CANOPY	ABOVE DOORS AND WINDOWS	CANOPY SUPPLIERS *SEE APPROVED	CUSTOM METAL CANOPY	COLOR: CLEAR ANODIZED	*SEE PLANS
10	MP-4G	METAL AWNING / S/M ROOFING	ABOVE WINDOWS / MANSARD ROOFING	FIRESTONE METAL PRODUCTS	STANDING SEAM METAL ROOF UC -4 PROFILE	SILVER METALLIC SR	*SEE PLANS
				BERRIDGE ROOFING METAL PRODUCTS	STANDING SEAM METAL ROOF	PREMIUM METALLIC - ZINC	*SEE PLANS



## RUTLEDGE DEVELOPMENT CONSULTING

647-302-4416

ianrutledge@rutledgeconsulting.com

2751 Bloor Street W, Toronto, ON, M8X 1A6

May 5, 2022

Committee of Adjustment  
Planning and Economic Development Department  
71 Main Street West, 5th floor  
Hamilton, ON  
L8P 4Y5

Attention: Samantha Costa, Development Clerk, Committee of Adjustment

Re: Minor Variance Application - Recirculation  
File Number: HMA-21:333  
Canadian Tire Properties Inc.  
777 Upper James Street  
Hamilton, Ontario

On behalf of Canadian Tire Properties Inc. (CTPI), Rutledge Development Consulting is pleased to submit a revised application for Minor Variance for the above noted lands. This application is a re-submission of a previous variance application that was submitted in September of 2021. Changes have been made to the site plan to reduce the total number of variances required based on feedback received from Planning Staff. A Site Plan Approval application for the proposed development has been submitted and is currently under review (File no: SPA-20-062).

The site is municipally known as 777 Upper James Street and is located at the north east corner of Mohawk Road East and Upper James Street. The subject lands comprise an area of approximately 10.3 acres (3.8 ha) and contain an existing Canadian Tire retail store, a food store and a gas bar.

Under the Hamilton Zoning By-law 05, 200, as amended, the subject lands are zoned C6 (District Commercial). A restaurant with accessory drive-through facility is permitted in the C6 zone.

### **Proposal**

CTPI is proposing to develop the northerly portion of the site with a 251 sq. m (2,700 sq. ft.) restaurant with drive-through facility. Surface parking, areas of soft landscaping as well

as pedestrian connections/walkways are also proposed. The development area is within an under-utilized portion of the site currently used for parking. No changes are proposed to the site accesses.

### **Requested Variances**

We kindly request the Committee of Adjustment to grant the following minor variances:

Hamilton Zoning By-law 05-200, as amended:

- Section 10.6.3a)ii) Section currently under appeal: Maximum building setback from a street line of 4.5 m.

*We are requesting a building setback from a street line (Mohawk Road East and Upper James Street) that is greater than 4.5 m.*

- Section 10.6.3g)iii) Section currently under appeal: For a corner lot the width of the ground floor façade facing a front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street and shall exclude access driveways and lands within a required yard.

*We are requesting that the width of the ground floor façade facing a front lot line and flankage lot line is less than 50%.*

- Section 10.6.3g.vi) Section currently under appeal: No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line.

*We are requesting that the existing parking spaces and aisles that are located between the proposed building facade and the front lot line (Mohawk Road East) be permitted.*

- Section 10.6.3h): Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.

*We are requesting that the existing landscaped area (consisting mostly of grass and small shrubs) that is located along the north and east property lines (that abuts the Residential Zone), be recognized as a Planting Strip.*

- Section 4.25a)i): A restaurant drive through shall provide a minimum of 12 stacking spaces from the service window.

*We are requesting 10 stacking spaces from the service window.*



- Section 4.20c)i): Location Requirements for Outdoor Commercial Patios: No outdoor patio shall be permitted on a lot where any lot line abuts a Residential Zone.

*We are requesting that an outdoor patio be located on the north side of the proposed building.*

Former Hamilton Zoning By-law 6593, as amended:

- Section 13A (4)(a): Where any such building or structure is no more than 12.0 metres in height, a front yard of a depth of at least 11.0 m is required.

*We are requesting a front yard depth of +/- 3.0 m from Upper James Street.*

- Minimum number of parking spaces [Per Committee Decision HM/A-02:137]: This site was required to provide a minimum of 530 parking spaces for the overall site based on approved Committee Decision HM/A-02:137.

*We are proposing a total of 470 parking spaces for the overall site (of which 9 spaces will form part of the snow storage area within the proposed development area).*

### **Discussion**

The variances sought are mostly technical adjustments needed to facilitate the proposed site plan design. The variances were discussed in detail with Planning Staff who are generally satisfied with the layout and design of the proposed site plan. It is in our opinion that the variances sought are minor in nature and maintain the general intent of the By-law.

Under the Urban Hamilton Official Plan Policies, the site is designated as District Commercial. This designation permits a variety of commercial related uses including drive through restaurants. The District Commercial designation is intended to provide service commercial uses which cater to the weekly and daily shopping needs of residents in the surrounding neighbourhoods. As such, the proposed use and development as contemplated is consistent with the intent of the Urban Hamilton Official Plan.

The proposed development of the subject lands is appropriate and desirable. The location of the restaurant and associated drive-through are intended to further enhance the shopping activities within the existing shopping centre and along the Upper James Street corridor.

As per the electronic submission requirements, please find enclosed the following:

- Completed Application Form;
- Topographic Survey of the proposed development area; and
- Architectural drawings which include the Site Plan and Building Elevations.

Please note that the \$285.00 recirculation fee will be paid by credit card.

We trust that the enclosed information is satisfactory and we look forward to continuing to work with Staff on this file. If you have any questions or require further information, please feel free to give me a call.

Yours very truly,

**RUTLEDGE DEVELOPMENT CONSULTING**

A handwritten signature in black ink, consisting of a large, stylized loop that crosses itself, followed by a horizontal line extending to the right.

Ian Rutledge

Cc: Michael Fiorino, City of Hamilton

**APPLICATION FOR A MINOR VARIANCE**

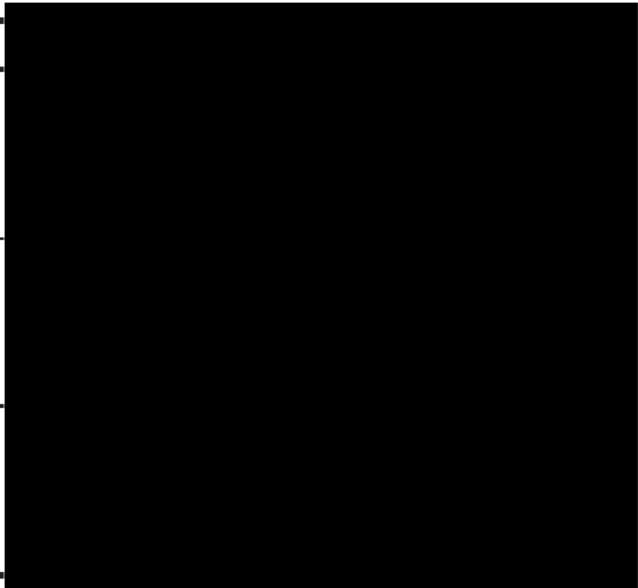
<b>FOR OFFICE USE ONLY.</b>	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**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
<b>Registered Owners(s)</b>	Canadian Tire Properties Inc.
<b>Applicant(s)*</b>	Canadian Tire Properties Inc.
<b>Agent or Solicitor</b>	Ian Rutledge (Rutledg Development Consulting)



**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:  
Please see attached cover letter.

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?  
Please see attached cover letter.

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**):  
777 Upper James Street BLOCK A Registered Plan 1240

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial   
Agricultural       Vacant       Other

Other We are not changing the use. We are adding restaurant use to the property.

- 8.1 If Industrial or Commercial, specify use Current uses: Retail/Gas Bar. Proposed 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?

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 27, 2021

Date



Signature Property Owner(s)

Kevin Salsberg

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	+/-214 m Upper James Frontage
Depth	+/-195 m
Area	3.84 ha
Width of street	+/-24 m

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: \_

Canadian Tire / Food Basics - GFA +/- 8,246 sq m, 1 storey plus mezzanine. See site plan for other details.

Gas Bar - GFA +/- 490 sq m, 1 storey. See site plan for other details.

Proposed

Restaurant - GFA +/- 242 sq m, 1 storey, +/- 5.3m height, building dimensions +/-19.8 by 11.9m

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

Existing:

See site plan for building locations and setbacks.

Proposed:

Setbacks: +/- 181 m from Mohawk Rd East; +/- 8.6 m from Upper James; +/- 21.6 m from Interior side yard; +/- 168 m from rear yard.

13. Date of acquisition of subject lands:  
\_\_\_\_\_
14. Date of construction of all buildings and structures on subject lands:  
\_\_\_\_\_
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Commercial: Retail / Gas Bar
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Commercial to the south and west, single family residential to the north and 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          | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers   | <input checked="" type="checkbox"/> |           |                                     |
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Urban Hamilton Official Plan - District Commercial
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Hamilton Zoning By-law No. 05-200 - C6 (District Commercial) Zoning
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  
The proposal is currently being review under SPA application number SPA-20-0
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.