

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-22:241	SUBJECT PROPERTY:	120 PORTIA DRIVE, ANCASTER
ZONE:	"C7 & E341" (Arterial Commercial)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 17-240

APPLICANTS: Owner – HTL Ancaster Inc.: R. Wells
Agent – Urban Solutions: M. Johnston

The following variances are requested:

1. To permit the use of a Motor Vehicle Service Station as a permitted use.

PURPOSE & EFFECT: To permit the use of a Motor Vehicle Service Station, notwithstanding that the use of Motor Vehicle Service Station is not permitted within the current zoning designation.

Notes:

1. Variances have been written exactly as requested by the applicant. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.

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, August 11, 2022
TIME:	1:35 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton

	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment
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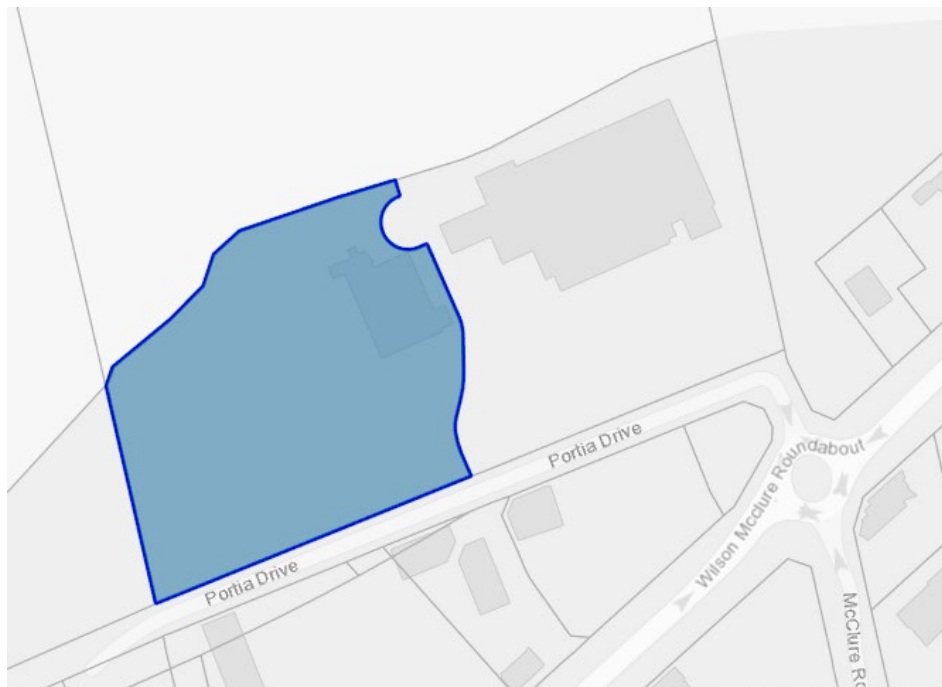
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- 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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



 Subject Lands

DATED: July 26, 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.

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.**

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

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

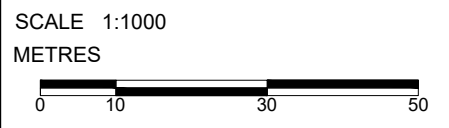
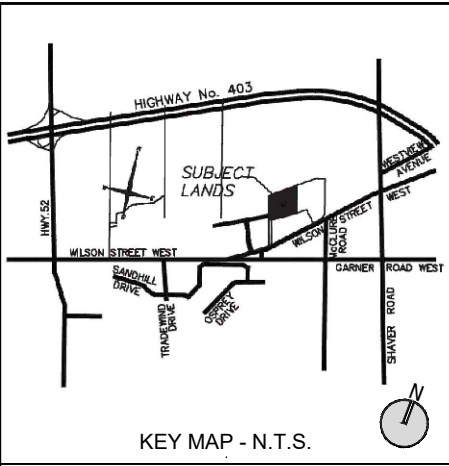
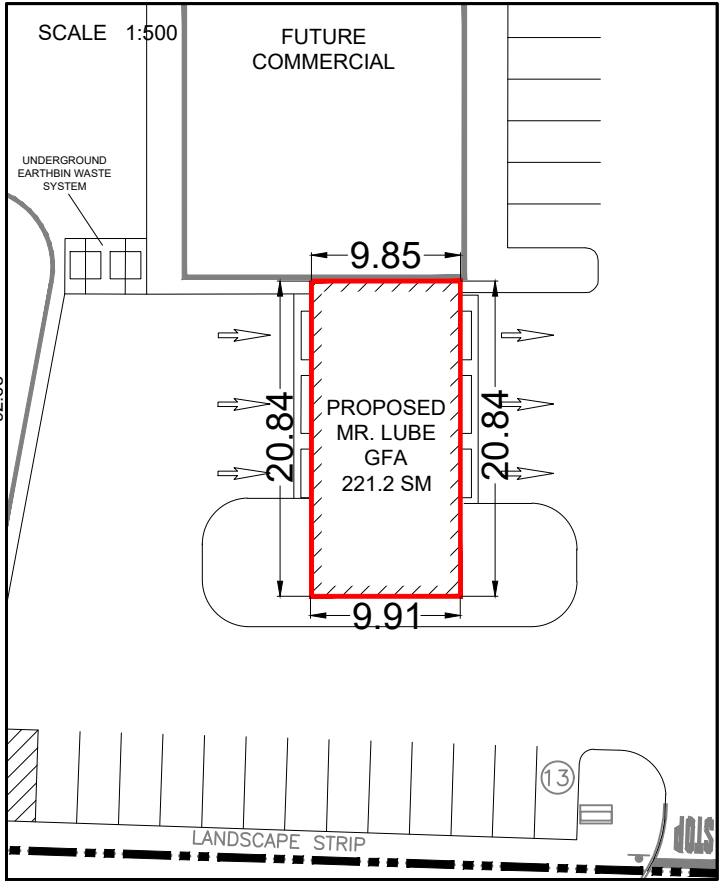
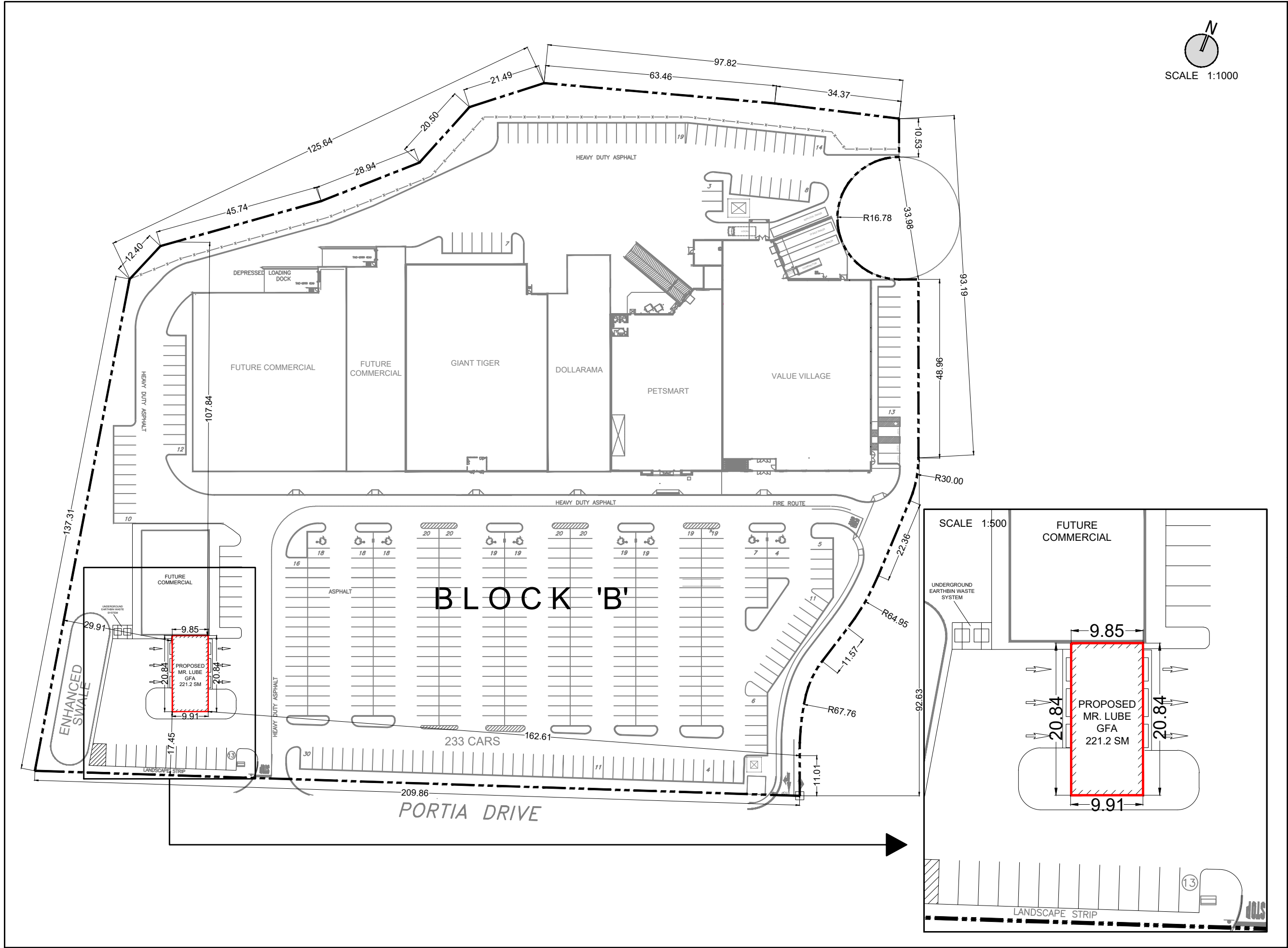
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.



LEGEND

	SUBJECT LANDS
	PROPOSED MR. LUBE
	PLANNED COMMERCIAL

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: J. STANLEY	CHECKED BY: M. JOHNSTON
DRAWN BY: J. STANLEY	DATE: JULY 12, 2022

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
HTL ANCASTER INC.
120 PORTIA DRIVE
CITY OF HAMILTON

TITLE:
MINOR VARIANCE

U/S FILE NUMBER: 455-22	SHEET NUMBER: 1
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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)	HTL Ancaster Inc. c/o Rob Wells	
Applicant(s)*	Same as above	
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston	

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:

Sun Life Assurance Company of Canada
1 York Street, Suite 1200,
Toronto, ON, M5J 0B6

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 refer to cover letter

☐ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

Please refer to 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**):

Part of Block 1, Registered Plan 62M-1216
120 Portia Drive, Ancaster

7. PREVIOUS USE OF PROPERTY

Residential ☐ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☒

Other _____

- 8.1 If Industrial or Commercial, specify use N/A

- 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?

Consultation 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 ☐ N/A

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 6, 2022

Date


Signature Property Owner(s)

Fred Waks, President & CEO

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage +/-209.9 metres

Depth Varies

Area +/- 33,400.0 square metres

Width of street +/- 20.0 metres

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:

Refer to enclosed Survey Plan

Proposed

Refer to enclosed Site Plan

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

Existing:

Refer to enclosed Survey Plan

Proposed:

Refer to enclosed Site Plan

13. Date of acquisition of subject lands:
2014
14. Date of construction of all buildings and structures on subject lands:
2014 and ongoing
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Commercial buildings and vacant land
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Commercial and vacant
17. Length of time the existing uses of the subject property have continued:
2014 - Present
18. Municipal services available: (check the appropriate space or spaces)
Water ☒ Connected ☒
Sanitary Sewer ☒ Connected ☒
Storm Sewers ☒
19. Present Official Plan/Secondary Plan provisions applying to the land:
Designated as 'Arterial Commercial' in Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Arterial Commercial (C7, 341) Zone in City of Hamilton 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:
ZAC-15-037 | AN/A-20:27
- 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)
Please refer to cover letter for additional information.
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



July 12, 2022

455-22

Via Email and Delivered

Ms. Jamila Sheffield
Secretary-Treasurer, Committee of Adjustment

City of Hamilton,
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

**RE: 120 Portia Drive, Hamilton
Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions), has been retained to act as the authorized planning consultant for HTL Ancaster Inc., the registered owner of the lands known municipally as 120 Portia Drive, in the City of Hamilton. On behalf of the owners, UrbanSolutions is pleased to submit the enclosed Minor Variance application for the City of Hamilton.

The subject lands are designated as "Arterial Commercial" on Schedule E-1 of the Urban Hamilton Official Plan (UHOP). Further, the subject lands are located in a site specific Arterial Commercial (C7, 341) Zone in the City of Hamilton Zoning By-law 05-200.

A Minor Variance application is required to permit a Motor Vehicle Service Station use on the subject property. A Motor Vehicle Service Station is permitted within an Arterial Commercial (C7) Zone, however a Zoning By-law Amendment for the subject property was approved in May 2014 (By-law No. 14-112) which placed the property into a site specific Arterial Commercial (C7, 341) Zone. As a result of regulation wording within this site specific (C7, 341) Zone, Motor Vehicle Service Stations were removed as a permitted use. The applicant intends on leasing a future structure proposed for the property as a Motor Vehicle Service use. As such, a Minor Variance is required to re-establish a Motor Vehicle Service Station as a permitted use within the existing (C7, 341) Zone.

This Minor Variance application is intended to achieve relief from the City of Hamilton Zoning By-law 05-200 with respect to the site specific Arterial Commercial (C7, 341) Zone as follows:

- *To add a Motor Vehicle Service Station as a permitted use, in addition to the uses currently permitted in the (C7, 341) Zone.*

To assist in the evaluation of this application, please refer to the enclosed Minor Variance Sketch.

Justification for the proposed variance has been provided below in accordance with Section 45(1) of the *Planning Act*:

1. Is the proposed minor variance in keeping with the general purpose and intent of the Urban Hamilton Official Plan?

The subject lands are designated as “Arterial Commercial” in the UHOP, which permits “automotive-related uses primarily for vehicle sales, service and rental, parts sales, gas bars, car washes, and service stations”. Further, Volume 1, Section E.4.8 indicates that the Arterial Commercial designation is intended to provide for a range of uses catering to the traveling or drive-by consumer. Additionally, Section E.4.0 of the Official Plan encourages service commercial uses which are said to contribute to the health and vitality of the City. Accordingly, the proposed Motor Vehicle Service Use implements the objectives of the “Arterial Commercial” designation of the UHOP. As such, the proposed variance is in keeping with the purpose and intent of the Urban Hamilton Official Plan.

2. Is the proposed minor variance in keeping with the general purpose and intent of the Zoning By-law?

The subject property is located in the site-specific Arterial Commercial (C7, 341) Zone, in Zoning By-law No. 05-200. The purpose of the requested variance is to permit a Motor Vehicle Service Station that caters to the travelling public on the subject lands, in addition to those currently permitted within the (C7, 341) Zone. As previously noted, the proposed use is similar in nature to those currently permitted within the (C7, 341) Zone and represents a permitted use within the property’s former (C7) Zone. Furthermore, the proposed development conforms to all other applicable zoning provisions of the (C7, 341) Zone and therefore, the overall intent of the Zoning By-law is maintained.

3. Is the proposed minor variance minor in nature?

The proposed variance is minor in nature as it will solely function to restore a Motor Vehicle Service Station as a permitted use within the (C7, 341) Zone, which as previously noted, is an existing permitted use within the Arterial Commercial (C7) Zone on the subject lands prior to the passing of By-law No. 14-112. Further, the requested variance will permit a land use which is in keeping with the commercial uses in the surrounding area. Given that all other applicable regulations of the By-law will be adhered to, the request is consistent with the Zoning By-law and is considered to be minor in nature.

4. Is the proposed minor variance desirable for the appropriate development or use of the land, building or structure?

The requested variance will facilitate an appropriate and compatible form of development within the City’s Urban Boundary which represents a use of land that is permitted by the UHOP and the Arterial Commercial (C7) Zone of Zoning By-law 05-200. Additionally, the proposed Motor Vehicle Service Station use is similar in nature to those permitted within the existing (C7, 341) Zone, specifically, a Motor Vehicle Gas Bar and Motor Vehicle Dealership. Accordingly, both the built form and land use will be in keeping with the character of the surrounding area and represent a use of the land that maintains the intent of

the Urban Hamilton Official Plan and Zoning By-law 05-200. Based on the above, the requested variance can be considered to facilitate desirable and appropriate development.

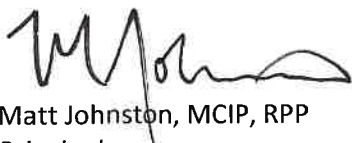
As such, the proposed variance satisfies the four tests outlined in Section 45(1) of the *Planning Act* as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

In support of our Minor Variance application, please find enclosed the following:

- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Minor Variance Sketch completed by UrbanSolutions; and,
- One (1) cheque in the amount of **\$3,465.00** made payable to the City of Hamilton.

We look forward to working with City staff in the review of this application. Should you have any questions or require anything further, please do not hesitate to contact the undersigned.

Kind Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Scott Beedie, BURPI
Planner

cc: HTL Ancaster Inc.
Councillor Ferguson, Ward 12, City of Hamilton