



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-22:290	SUBJECT PROPERTY:	1151 GARNER ROAD W, ANCASTER
ZONE:	"C7, 650" (Arterial Commercial)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: St. Mary's Ancaster Healthcare Inc. c/o N. Fahmy
Agent: IBI Group c/o J. Ariens & I. Ilagan

The following variances are requested:

1. A Medical Clinic use shall be permitted within the existing building whereas the current C7, 650 zone does not permit the use of a Medical Clinic.

PURPOSE & EFFECT: To facilitate the change of use of the existing building to a Medical Clinic.

Notes:

1. Variances have been written as requested by the applicant.
2. It appears changes to the existing parking layout are intended. As insufficient information has been submitted in order to confirm zoning compliance at this time. The applicant shall ensure that the proposed parking lot conforms to the requirements contained within Section 5 of Hamilton Zoning By-law 05-200.
3. Our records indicate that the recognized use of the existing building is currently a legally established non-conforming Place of Worship.

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, October 20, 2022
TIME:	1:50 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

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: October 4, 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.



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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. Please include your name and address, hearing date, and file number. 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.

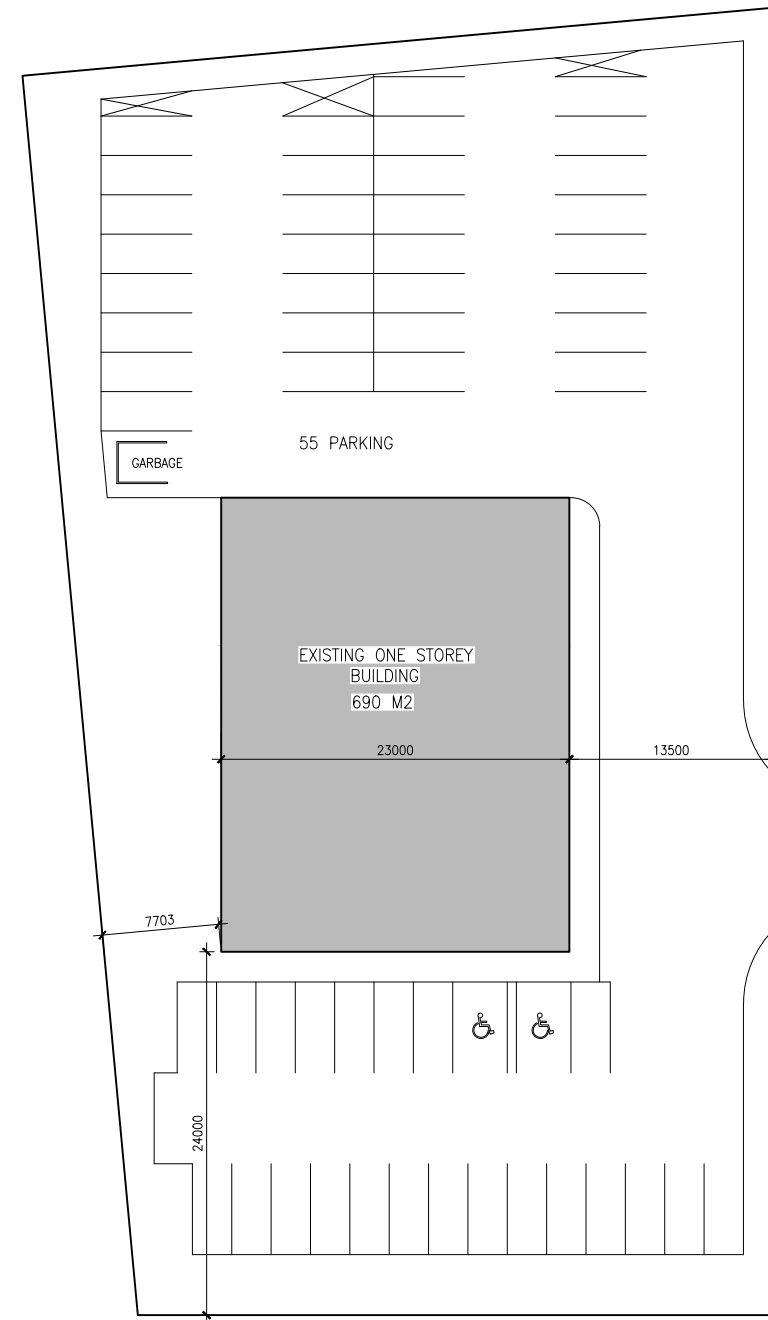
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



LOCATION

PART OF LOT 35, CONCESSION 3
 FORMERLY IN THE TOWNSHIP
 OF ANCASTER, NOW IN THE
 TOWN OF ANCASTER, REG. MUNICIPALITY
 OF HAMILTON-WENTWORTH

SITE SURVEY

LAND SURVEYOR - CONSOLI & JACOBS SURVEYING LTD.
 1995

SITE DESCRIPTION

ZONING - C3
 OCCUPANCY - OFFICE CHANGED TO PLACE OF WORSHIP
 BUILDING CLASSIFICATION - GROUP A, DIVISION 2, 3.2.2.25
 COMBUSTIBLE OR NON-COMBUSTIBLE CONSTRUCTION
 OCCUPANT LOAD - 266
 BUILDING AREA
 MAIN FLOOR 690 m2

GROSS BUILDING AREA 690 m2

PARKING REQUIRED
 CHURCH ROOM 1 SPACE PER 3 SEATS OR 1.5 m OF BENCH
 m2 / m2 = 267 SPACES

TOTAL PARKING REQUIRED ? SPACES
 PARKING PROVIDED 55 SPACES

	REQUIRED	PROVIDED
LOT AREA	- m2	3863 m2
LOT FRONTAGE	- m	42.0 m
LOT DEPTH	- m	86.5 m
LOT COVERAGE (MAX.)	- %	- %
FRONTYARD SETBACK	- m	26.0 m
INTERIOR SIDEYARD SETBACK	- m	7.5/13.5 m
EXTERIOR SIDEYARD SETBACK	- m	N.A. m
REARYARD SETBACK	- m	28.93 m
BUILDING HEIGHT	- m (max)	9.0 m (max)

K I N G ' S H I G H W A Y N O . 5 3

G I V E N R O A D

 DICKINSON + HICKS ARCHITECTS INC.	PROJECT	CALVARY PENTECOSTAL TABERNACLE
	TITLE	SITE PLAN

PROJ. NO.	03-162
DATE	MAY 5, 2004
DRAWN BY	IGD
SCALE	1:500
DWG. NO.	A1a



IBI GROUP
200 East Wing – 360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010
ibigroup.com

September 8, 2022

Chair and Members of Committee of Adjustment
Secretary-Treasurer, Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5

APPLICATION FOR MINOR VARIANCE – 1151 GARNER ROAD WEST

On behalf of our client, Dr. Nader Fahmy of St. Mary's Ancaster Healthcare Inc., we are pleased to submit the enclosed application for Minor Variance for the lands located at 1151 Garner Road West, Ancaster in the City of Hamilton. The proposed Minor Variance requested for is to allow the legal non-complying place of worship and music academy to be converted to a medical clinic and accessory uses (i.e. pharmacy, laboratory, X-ray, physiotherapy and other similar uses), as the current zoning of the subject lands, Arterial Commercial C7 Zone with site specific exception 650 within Zoning By-law 05-200 ("Zoning By-law"), does not permit a medical clinic.

To accommodate the medical clinic and accessory uses, minor façade and signage changes will be completed through interior renovations and no external additions or changes will be done to the building. The parking lot can be readily painted in the northwestern portion of the parking lot to accommodate 8 spaces to comply with the requirement of 44 spaces, based on a parking standard of 1 space per every 16 square metres of floor area for a medical clinic having a floor area of 690 square metres. As seen in the Site Plan dated May 5, 2004, and submitted as part of this application, 55 parking spaces can be provided.

Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13 (the "Planning Act") gives power to the Committee of Adjustment to authorize minor variance from the provisions of the Zoning By-law. Section 45(2) clause (a)(ii) states:

In addition to its powers under subsection (1), the committee, upon any such application,

(a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

The medical clinic is compatible with the Arterial Commercial C7 Zone as it has a commercial component, serves the travelling and existing residential and employment communities, serves the public, fits within the building footprint, and does not create any adverse impact. Furthermore, it is our opinion that the medical clinic is more compatible with the uses permitted by the Zoning By-law than the legal non-complying place of worship and music academy are.

As seen in **Figure 1** below, the Ancaster Medical Centre, located in the plaza northeast of the subject lands on Wilson Street West, offers a variety of medical uses, such as an endoscopy clinic, a pharmacy, and an X-ray and ultrasound clinic. The proposed medical clinic and associated uses are more compatible with these existing uses than the place of worship and music academy are.

Committee of Adjustment – September 8, 2022

It is also our opinion that the use of the legal non-complying place of worship and music academy has continued since it was acquired by the Client on November 15, 2021.



Figure 1: Street view of the Ancaster Medical Centre located northeast of the Subject Lands on Wilson St. W. (Retrieved from Google Earth)

SUMMARY

It is our opinion that the requested Minor Variance to allow the legal non-complying place of worship and music academy to be converted to a medical clinic and accessory uses is more compatible with the uses permitted by the Zoning By-law, as there are existing medical uses northeast of the subject lands. Overall, it is our opinion that the proposed development makes appropriate use of the subject lands, represents good land use planning, and is in the public interest.

SUBMISSION MATERIALS

In support of the proposed minor variance application, please find enclosed the following materials:

- One (1) completed, signed, and commissioned application form; and,
- One (1) Site Plan

As the client wishes to pay via phone, please contact him below to arrange for payment.

Name: Dr. Nader Fahmy
Telephone: (905)537-1619

Should there be any questions or clarification required, please do not hesitate to contact the undersigned.

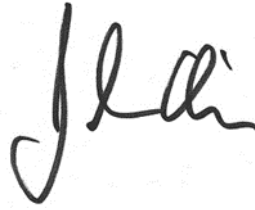
Committee of Adjustment – September 8, 2022

Sincerely,

IBI Group

A handwritten signature in black ink, appearing to read 'I. Ilagan', written in a cursive style.

Isabelle Ilagan
Student Planner

A handwritten signature in black ink, appearing to read 'John Ariens', written in a cursive style.

John Ariens, MCIP RPP
Associate Director, Practice Lead, Planning



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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	
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

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:

Mortgage with RBC Royal Bank Plaza 200 Bay Street Toronto, Ontario M5J 2W7
--

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:

Pursuant to Section 45(2)(a)(ii) of the Planning Act, the relief requested is to allow the legal non-complying place of worship and music academy to be converted to a medical clinic and accessory uses

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The current zoning of the subject lands, Arterial Commercial C7 Zone with site specific exception 650 within Zoning By-law 05-200, does not permit a medical clinic

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**):

1151 Garner Road West
PT LT 35, CON 3 ANCASTER , PART 1 , 62R13533; ANCASTER, CITY OF
HAMILTON

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other Office, Place of Worship, Music Academy

8.1 If Industrial or Commercial, specify use Please see above

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

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.

Date

Sept - 8th, 2022

Signature Property Owner(s)

Dr. Nader Fahmy

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>±42.09m along Garner Rd. W.</u>
Depth	<u>±84.47m</u>
Area	<u>±3,879 m²</u>
Width of street	<u>±31.63m</u>

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:

Please refer to Attached Image

Proposed

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

Existing:

Please refer to Attached Image

Proposed:

13. Date of acquisition of subject lands:
November 15, 2021
-
14. Date of construction of all buildings and structures on subject lands:
1996
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Currently vacant, previously Institutional and Commercial
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Commercial and agricultural with scattered residential
-
17. Length of time the existing uses of the subject property have continued:
Approximately 18 years (since 2004)
-
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:
Arterial Commercial - Schedule E1
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Arterial Commercial C7 Zone with site specific exception 650 - Zoning By-law 05-
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)
- Please see Cover Letter
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.