



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-22:289</b>	<b>SUBJECT PROPERTY:</b>	1208 Main St E, Hamilton
<b>ZONE:</b>	“TOC1” (Transit Oriented Corridor Mixed Use Medium Density)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended 16-265

**APPLICANTS:** 2768732 Ontario Inc  
2MK Architects Inc – Mustafa Khalil

The following variances are requested:

1. A minimum of four (4) parking spaces shall be provided on site instead of the minimum required five (5) parking spaces.

**PURPOSE & EFFECT:** To facilitate the existing single-family dwelling to be converted into a dental clinic notwithstanding that;

**Notes:**

**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, October 20, 2022</b>
<b>TIME:</b>	<b>2:40 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

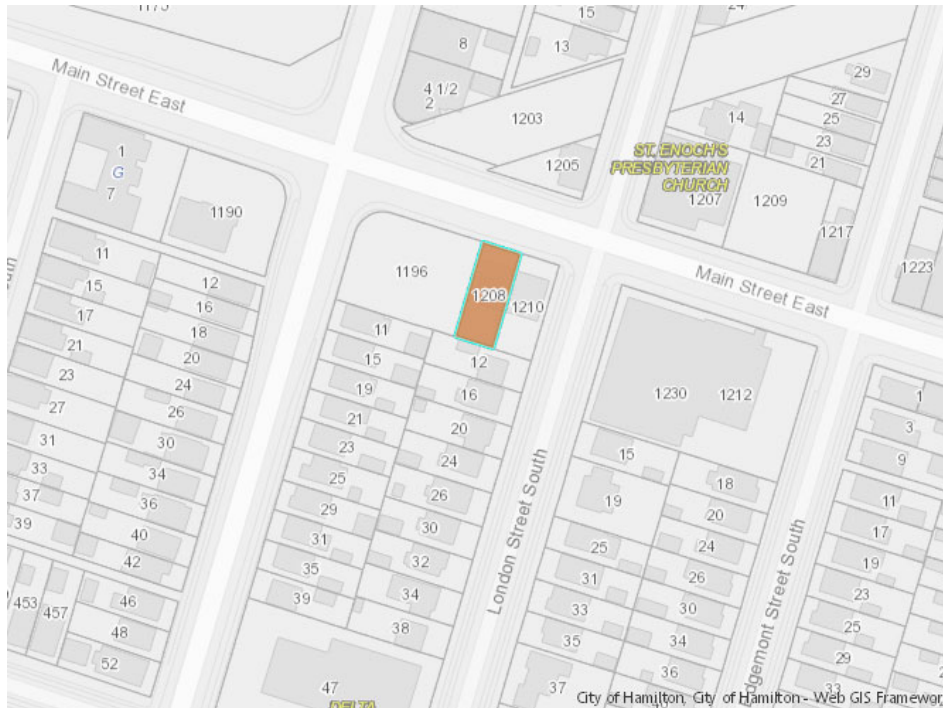
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> 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

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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.



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## COMMITTEE OF ADJUSTMENT

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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](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.**

Comment packages 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

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](mailto: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 (2<sup>nd</sup> 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](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.

**STATISTICS**

ADDRESS: 1208 Main street, Hamilton, Ontario		
EXISTING USE: Single Dwelling Unit	PROPOSED USE: Interior Alteration and Renovation to Create Dental Clinic	
ZONING: Zoning Code TOC1 Transit Oriented Corridor Mixed Use Medium Density Parent Bylaw Number 05-200	Registered Plan: LOT 2 , Plan No. 687	SET-BACKS : EXISTING (NO CHANGE)
	LOT AREA: 387.857m <sup>2</sup>	
Basement GFA: 85.2 m <sup>2</sup>	Ground Floor GFA: Proposed Clinic GFA = 85.20 m <sup>2</sup>	2nd Floor GFA: 85.20 m <sup>2</sup> Un-Occupied Space for future Tenant fit out
Parking Required : 1. Clinics at 1 Parking for 16 sq.m = 85.2 m <sup>2</sup> / 16 = 5 Parking	Parking Provided : 1. 4 Parking Space on Site 2. 10% reduction for Bike Rack=0.50 3. 10% reduction for showers =0.50 total provided on site 5	NUMBER OF STOREYS: Basement + Ground + Second
BUILDING MAJOR OCCUPANCY: Group "D" Medical Clinic	BUILDING O.B.C CLASSIFICATION: Group D 3.2.2.53	NUMBER OF STREETS / ACCESS ROUTE: 1 STREET

**STATISTICS FOR AREA OF SCOPE OF WORK**

OCCUPANCY LOAD :
Ground : MAX. 10 Person
2Nd Floor :
Basement :

This drawing is protected by copyright. Contractors must check all dimensions on site. Only figured dimensions are to be used. Discrepancies must be reported immediately to the architect before proceeding. All dimensions are shown in mm.

Revisions		
No.	Issued	Date
1	Issued for Permit	2022-04-10
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		



True North



Project North

Client  
**The Tooth Corner**  
1208 Main street Hamilton, Ontario

Consultant  
**2MK Architects Inc.**  
3461 Dixie Rd., unit 504  
Mississauga ON, L4Y 3X4  
phone (416) 272-9435 or (647) 300-0175

Project  
**Interior Alteration and Renovation to Existing Building**  
1208 Main street Hamilton, Ontario

Drawing Title  
**Cover Sheet & Stats**

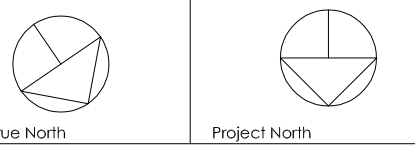
Drawn by: LK	Checked by: MK
Scale: N.T.S	Date: 27.05.2022
Project No. 202115	
drawing No. <b>A000</b>	



**1** Site Plan  
Scale 1:150

This drawing is protected by copyright. Contractors must check all dimensions on site. Only figured dimensions are to be used. Discrepancies must be reported immediately to the architect before proceeding. All dimensions are shown in mm.

Revisions		
No.	Issued	Date
1	Issued for Permit	2022-06-10
2		
3		
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11		



Client  
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Project  
**Interior Alteration and Renovation to Existing Building**  
1208 Main street Hamilton, Ontario

Drawing Title  
**Site Plan**

Drawn by: LK Checked by: MK  
Scale: 1:150 Date: 27.05.2022  
Project No. 20215  
drawing No. **A001**

## ProjectFlow - Review Details Report

Project Name: 20 199201 000 00 C9

Workflow Started: 12/17/2020 12:03 PM

Report Generated: 08/29/2022 05:23 PM

### PLAN REVIEW COMMENTS

Cycle	Department	Reviewer	Review Status	Comments	Additional Reviewer Comments	Coordinator Comments	Comment Date	Changemark Snapshot	Applicant Response	Comment Status
<b>Department Review</b>										
1	Building Admin	sherif.rizkalla@hamilton.ca								
2			Checklists		Payment of parkland dedication fee, if applicable.			8/11/2022 3:05:20 PM		
							8/11/2022 3:05:20 PM			Not Met
	Mechanical	sherif.rizkalla@hamilton.ca	Review Comments	Corrections Required			8/11/2022 3:08:33 PM			
			Review Comments	Corrections Required				8/11/2022 3:08:33 PM		

## ProjectFlow - Review Details Report

**Project Name:** 20 199201 000 00 C9

**Workflow Started:** 12/17/2020 12:03 PM

**Report Generated:** 08/29/2022 05:23 PM

2	Plans Examination	sherif.rizkalla@hamilton.ca							
		Review Comments	Corrections Required				8/11/2022 3:08:33 PM		
	Zoning	kayla.medeiros@hamilton.ca							
		Checklists		As per Section 5.7 b) and g) within Hamilton Zoning By-law 05-200 a 10% reduced parking space for motor vehicles only applies to Industrial and Commercial Zones. This property is zoned TOC1 and therefore Cycle 1 comments remain the same.			6/27/2022 2:59:38 PM		Not Met
		Review Comments	Corrections Required				8/11/2022 3:08:33 PM		



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Email: [cofa@hamilton.ca](mailto: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)	2768732 ONTARIO INC.	
Applicant(s)*	2MK Architects Inc. - Mustafa Khalil	
Agent or Solicitor	2MK Architects Inc. - Mustafa Khalil	

**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:



**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:

required 5 parking, available is 4

Second Dwelling Unit                       Reconstruction of Existing Dwelling

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

existing building, can not add extar parking

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**):

Registered Plan:  
LOT 2 , Plan No. 687

7. PREVIOUS USE OF PROPERTY

Residential                       Industrial                       Commercial

Agricultural                       Vacant

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify 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?

SURVEY

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.

2022-07-13  
Date

  
Signature Property Owner(s)

Hassan El-Awour  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 12.725 m  
Depth 30.48 m  
Area 387.858 sq.m  
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:  
Basement + GF + 2ND Floor, GFA 170.4 sq.m

Proposed  
same no change

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

Existing:  
existing no changes

Proposed:  
existing no changes

13. Date of acquisition of subject lands:  
2020
- 
14. Date of construction of all buildings and structures on subject lands:  
50 years +
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
50 years +
- 
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
50 years +
- 
17. Length of time the existing uses of the subject property have continued:  
50 years +
- 
18. Municipal services available: (check the appropriate space or spaces)  
Water available Connected yes  
Sanitary Sewer available Connected yes  
Storm Sewers available
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:  

TOC1 Transit Oriented Corridor Mixed Use Medium Density
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)
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.