



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.:	HM/A-23:11	SUBJECT PROPERTY:	553 JAMES STREET N, HAMILTON
ZONE:	“D” (Urban Protected Residential – One- and Two-Family Dwellings and ETC.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owner: 2841708 Ontario inc.
Agent: Perspective Views – M. Ribau

The following variances are requested:

1. The use of restaurant shall be permitted.

PURPOSE & EFFECT: To facilitate the establishment of a restaurant on the ground floor of an existing mixed-use building.

Notes:

1. Building Division records indicate that the recognized use of the property is a convenience store on the ground floor, which may be legally established non-conforming provided that it has continuously existed since prior to the passing of Hamilton zoning By-law 6593 on July 25, 1950 until present, and one (1) dwelling unit above.
2. Parking details have not been provided, note that as per section 18A table 1, parking for a restaurant shall be provided at a rate of; 1 space per 6 persons who may be lawfully accommodated.

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, February 16, 2023
TIME:	2:45 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

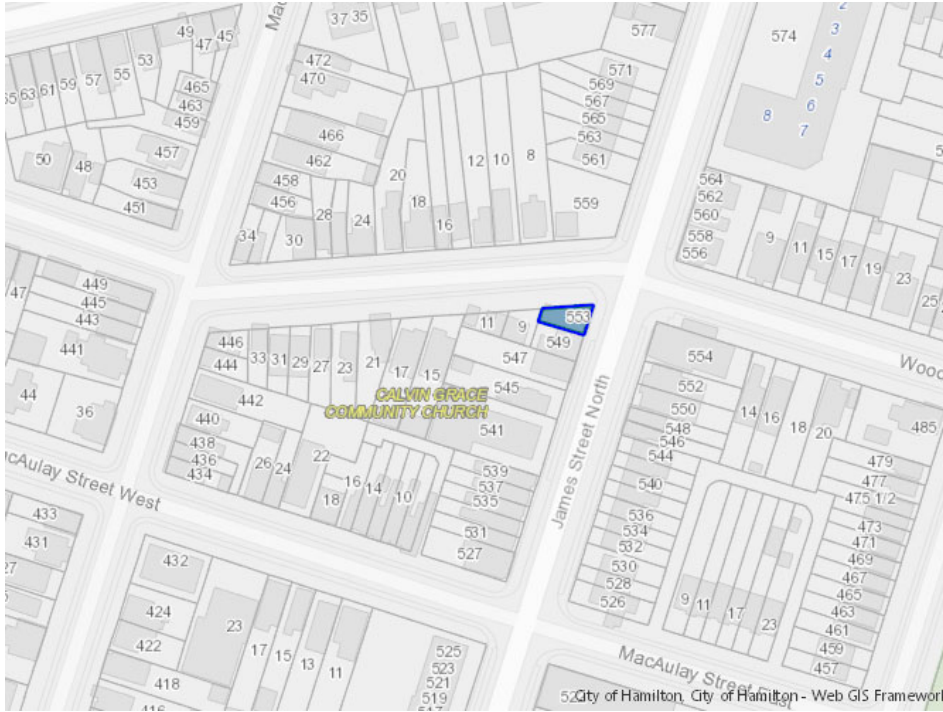
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:11, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.



 Subject Lands

DATED: January 31, 2023

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. 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.

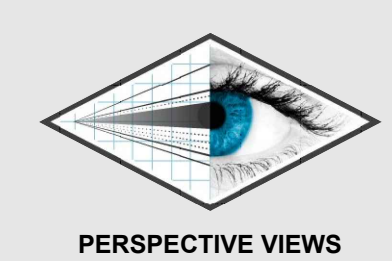
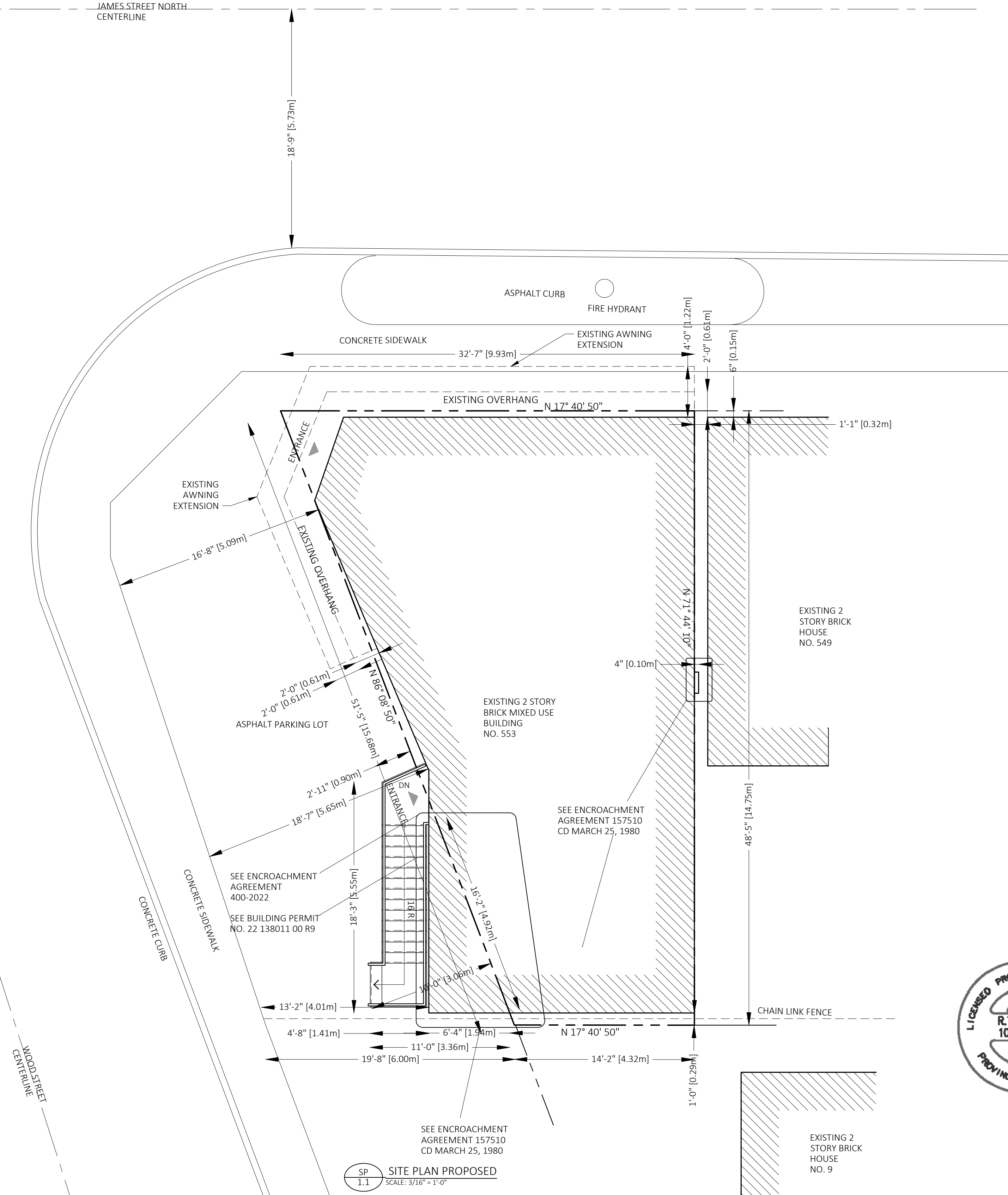
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



PERSPECTIVE VIEWS

All drawings, the design, and the details therein remain the property of the designer and are not to be altered, re-used or reproduced without the designer's express written consent. The contractor must field verify all dimensions and must confirm & correlate all details within the full drawings package being responsible for same throughout construction, reporting any discrepancies to the designer prior to commencing the relevant work. All drawings, detail & specifications represented in the drawings are to be used for construction only when issued by the designer and noted accordingly in the "issue/revisions" box hereon.

553 JAMES STREET N

533 JAMES STREET N,
HAMILTON, ON
Project No. PV21-70

Issue	
MINOR VARIANCE	22/12/07
MINOR VARIANCE	22/01/18

Project North



Scale 3/16" = 1'-0"

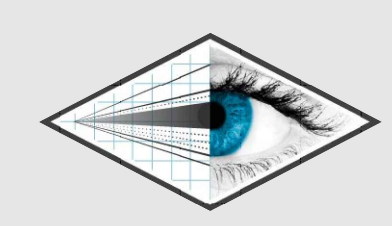
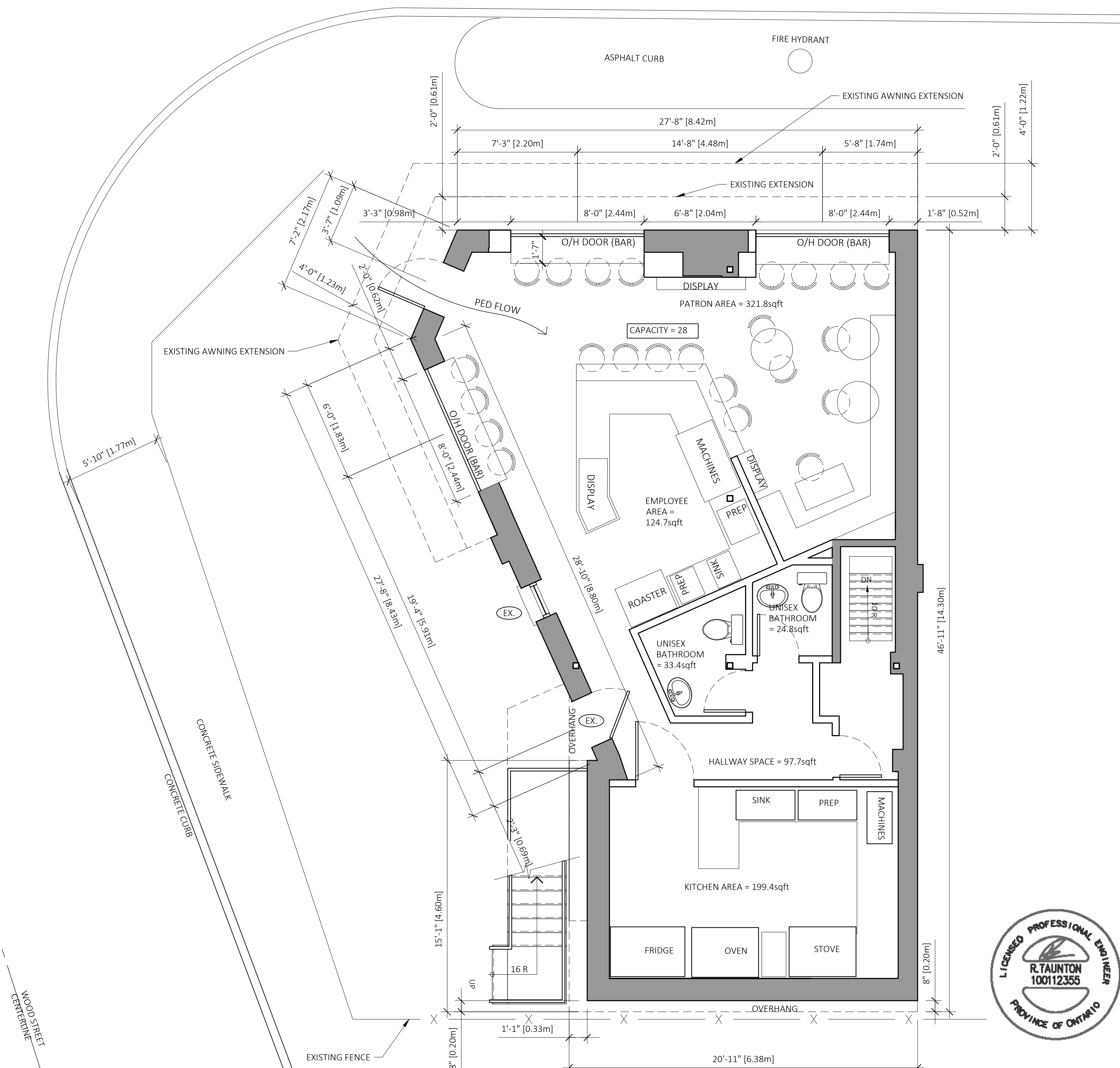
EXISTING SITE PLAN

SP1.1

2022-08-03 - 3:35:12 PM



SP 1.1 SITE PLAN PROPOSED
SCALE: 3/16" = 1'-0"



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HAMILTON, ON

Project No. PV21-70

Issue	
MINOR VARIANCE	22/12/07
MINOR VARIANCE	22/01/18

Project North

Scale 1/4" = 1'-0"

PROPOSED MAIN FLOOR

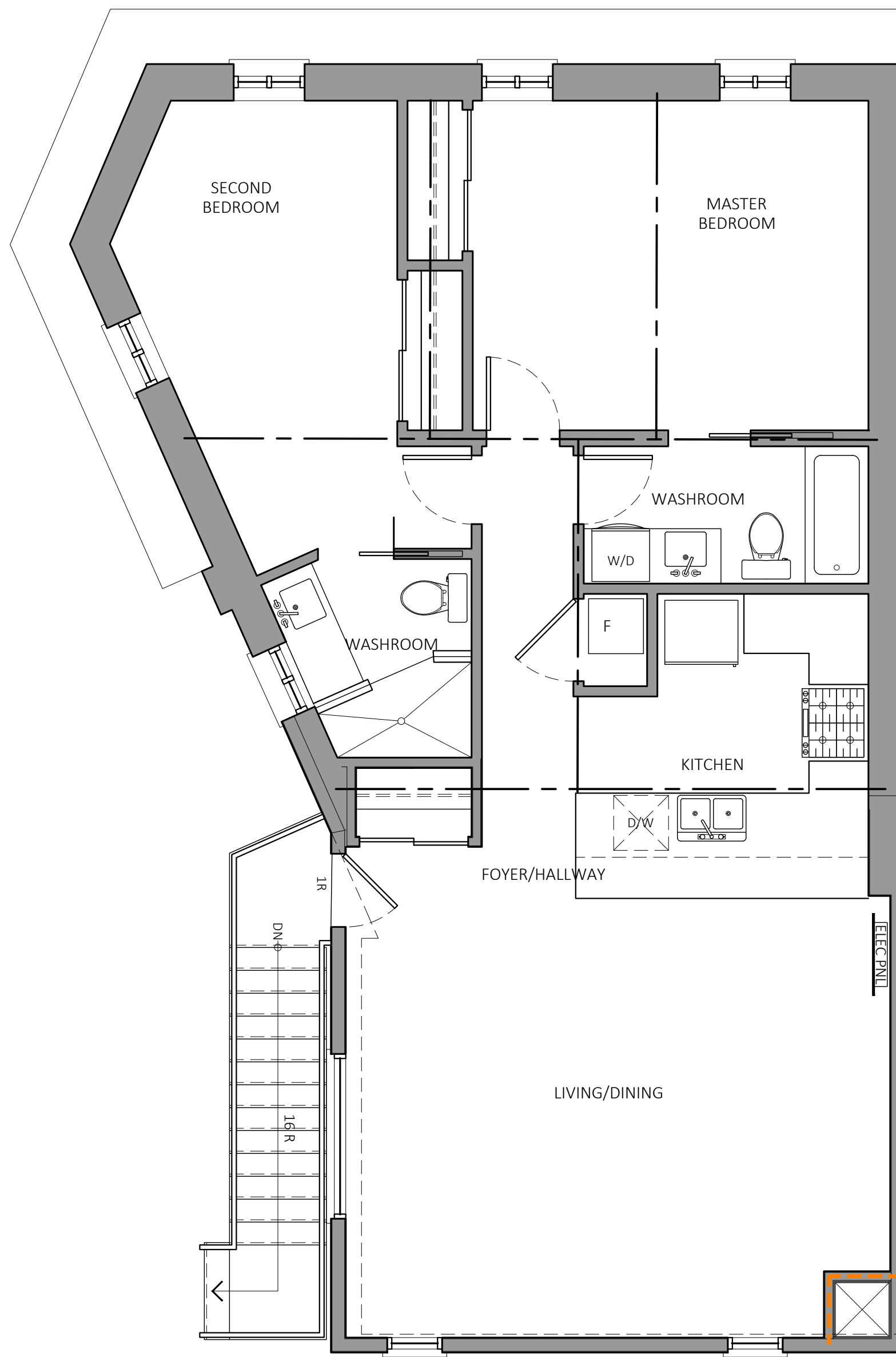
A01.1

2022-08-03 - 3:35:12 PM



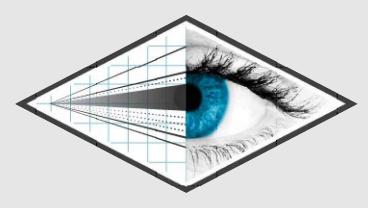
CONCEPTUAL FLOOR PLAN
A
1.1
PROPOSED MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

■ DENOTES EXISTING TO REMAIN



REFERENCE ONLY (NOT IN SCOPE)
A SECOND FLOOR PLAN
 1.2 SCALE: 1/4" = 1'-0"

■ DENOTES EXISTING TO REMAIN



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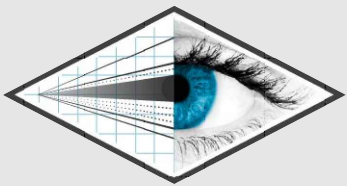
Project North



Scale 1/4" = 1'-0"

SECOND FLOOR PLAN

A01.2



PERSPECTIVE VIEWS

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Project North

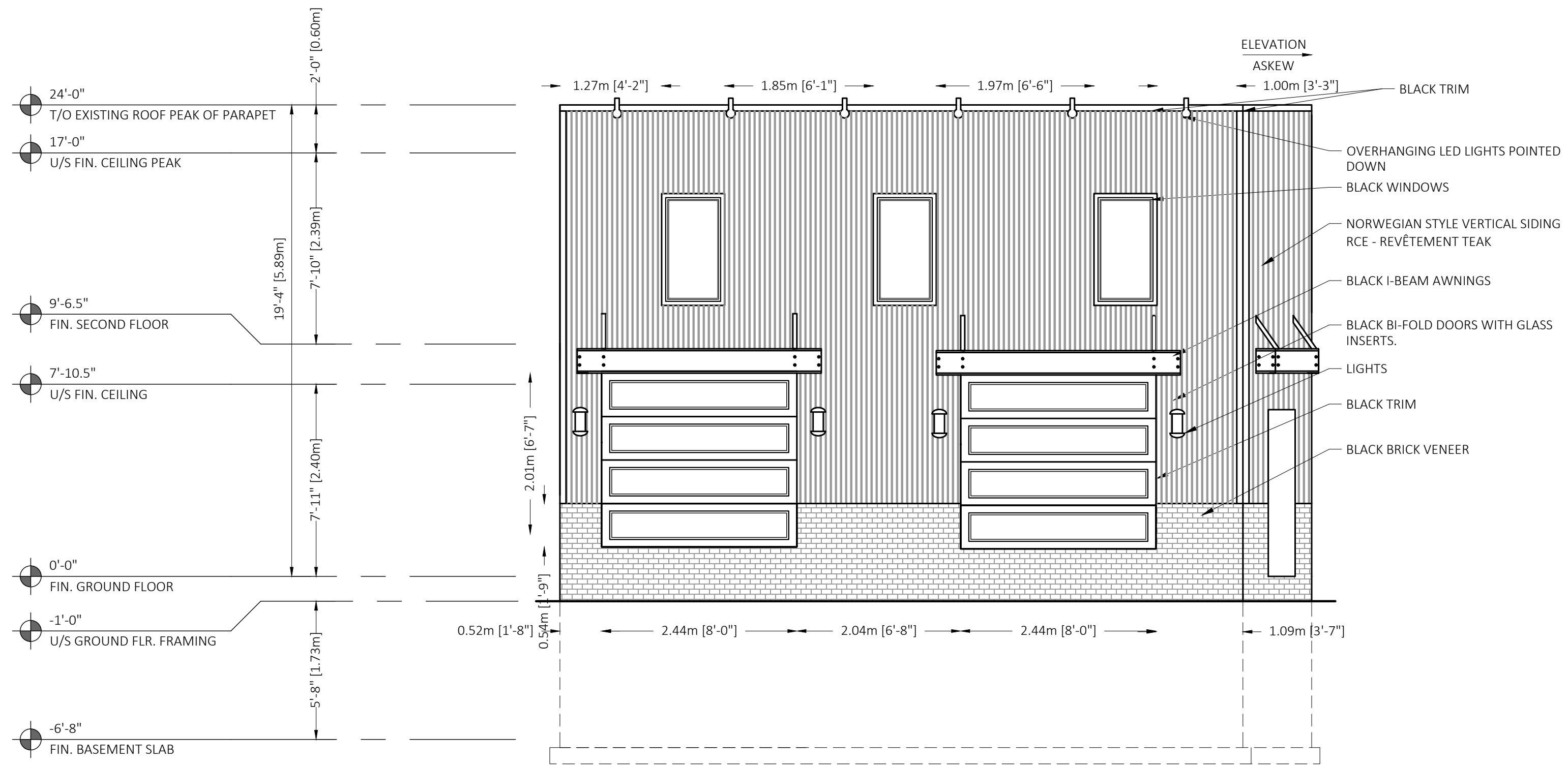


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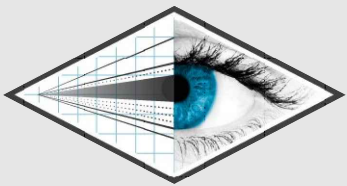
FRONT ELEVATION

A02.1

2022-08-03 - 3:35:12 PM



CONCEPTUAL ELEVATION
 A
 2.1
 PROPOSED FRONT ELEVATION
 SCALE: 1/4" = 1'-0"



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Project North

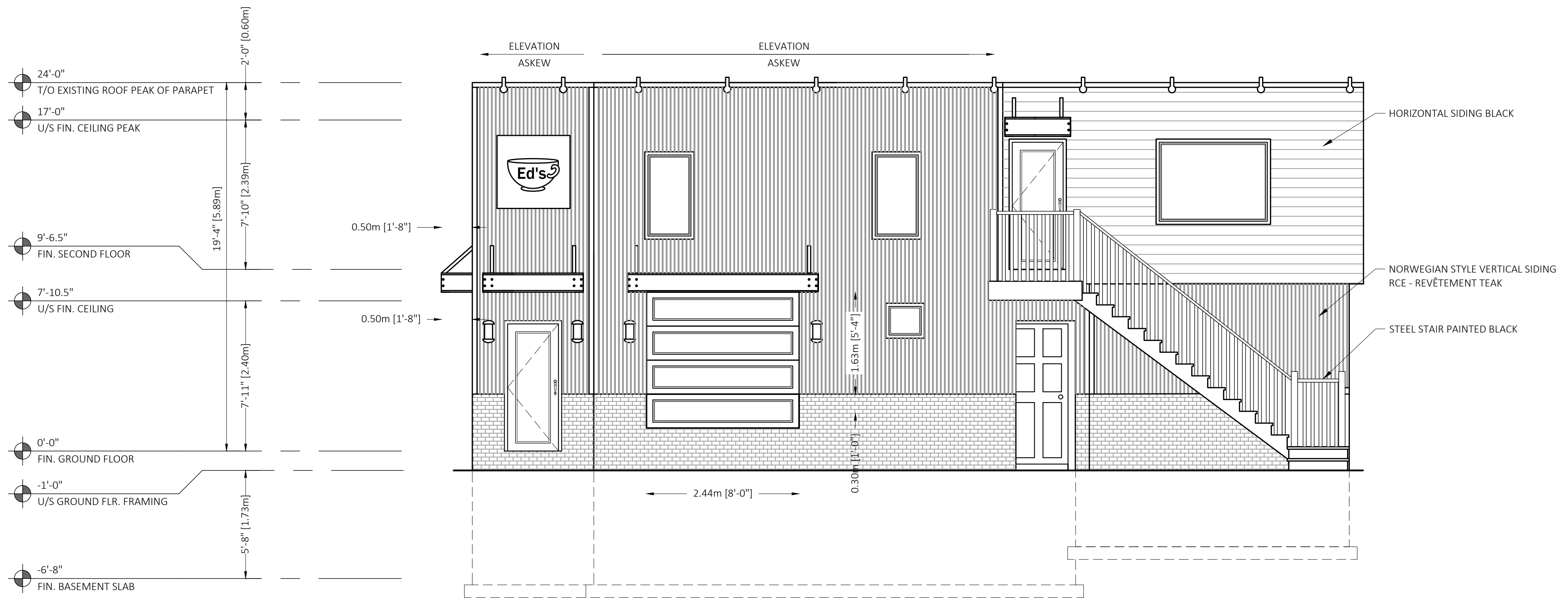


Scale 1/4" = 1'-0"

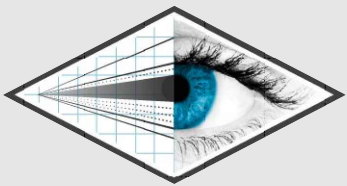
RIGHT
ELEVATION

A02.2

2022-08-03 - 3:35:12 PM



CONCEPTUAL ELEVATION
A
2.2
PROPOSED RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



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**553 JAMES STREET N
STREET N**

553 JAMES STREET N,
HAMILTON, ON

Project No. PV21-70

Issue	
MINOR VARIANCE	22/12/07
MINOR VARIANCE	22/01/18

Project North

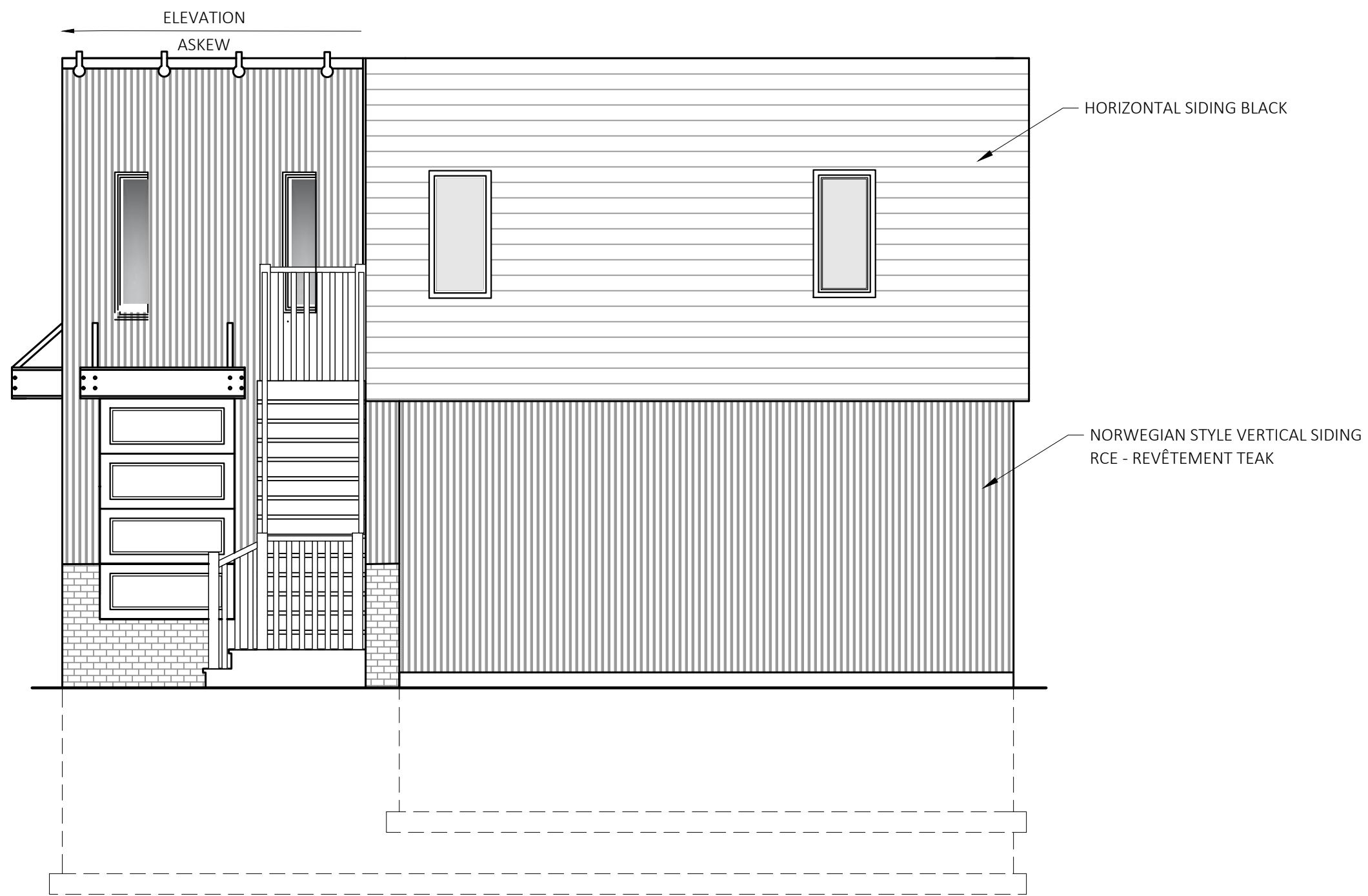
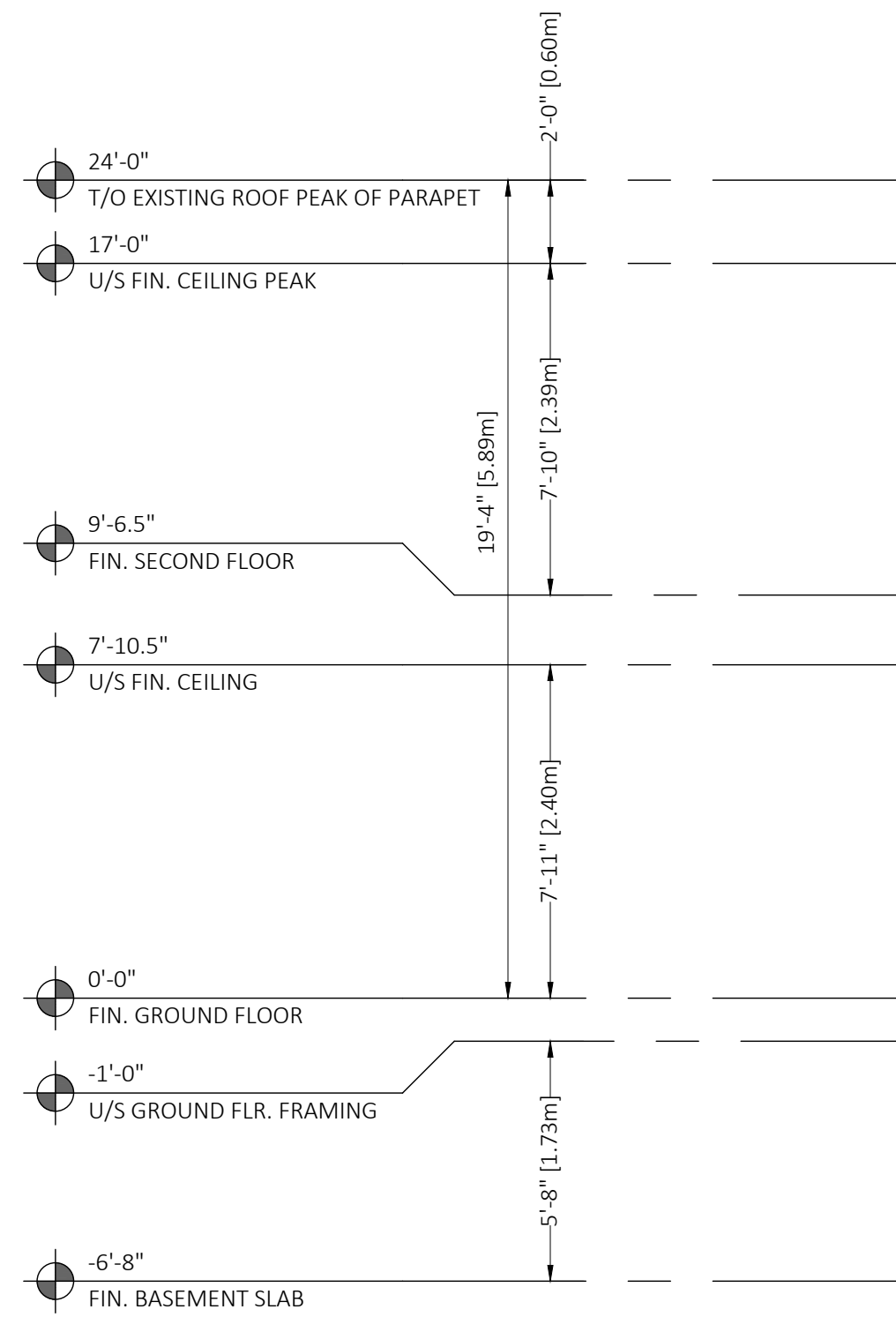


Scale 1/4" = 1'-0"

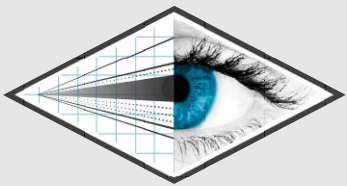
REAR ELEVATION

A02.3

2022-08-03 - 3:35:12 PM



CONCEPTUAL ELEVATION
A
2.3
PROPOSED REAR ELEVATION
 SCALE: 1/4" = 1'-0"



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Project North

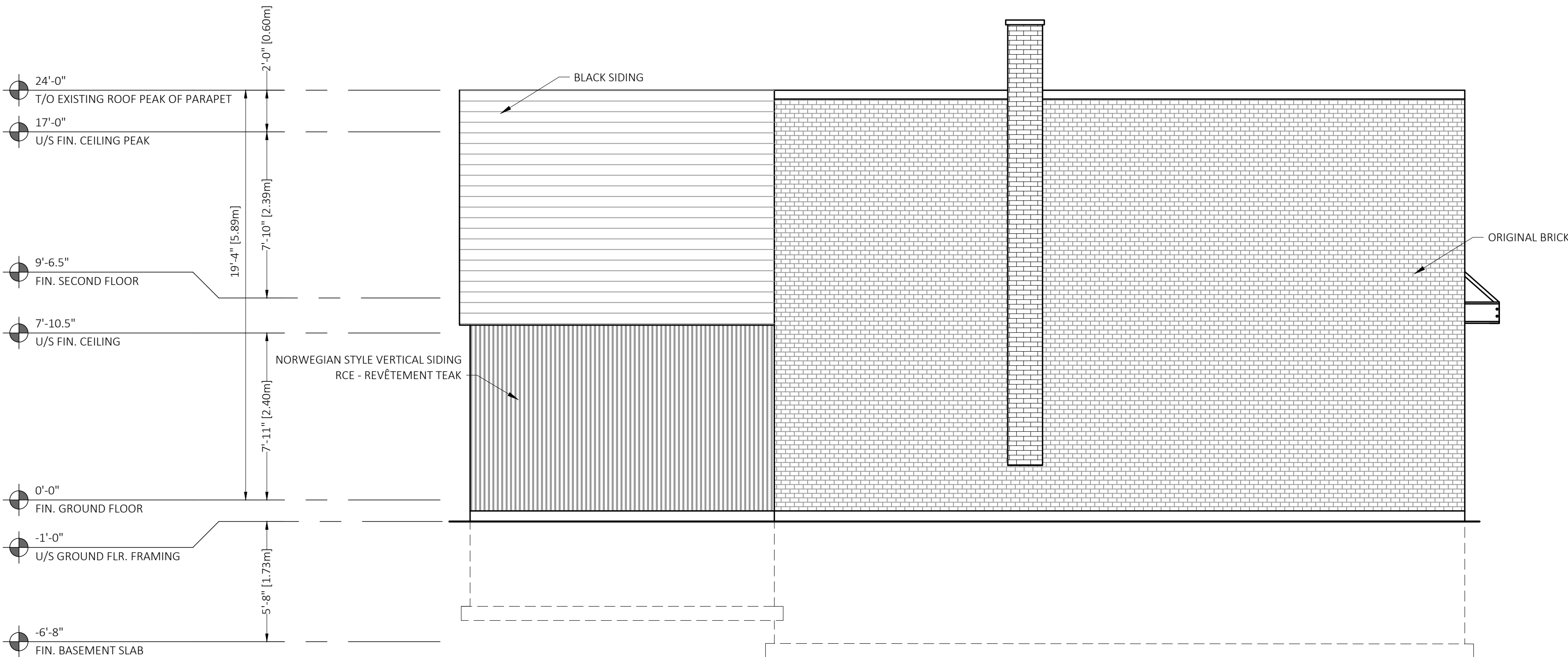


Scale 1/4" = 1'-0"

LEFT ELEVATION

A02.4

2022-08-03 - 3:35:12 PM



CONCEPTUAL ELEVATION
A
2.4 PROPOSED LEFT ELEVATION
 SCALE: 1/4" = 1'-0"



Hamilton

Planning and Economic
Development Department

Memorandum

To: Scott Baldry, Secretary-Treasurer, Committee of Adjustment
From: Joseph Sanseverino
Phone: 905-546-2424 Ext 4672
Date: May 13, 2019
Subject: Committee of Adjustment Meeting – May 16, 2019

HM/A-19:128

252 Catharine St. N., Hamilton

The purpose of this application is to permit the second floor of an existing two storey building to be altered into a nine unit multiple dwelling, notwithstanding the variances below.

Urban Hamilton Official Plan (UHOP)

The subject property is located within the West Harbour Secondary Plan Area which is subject to Ontario Municipal Board Non-Decision No. 113. The Regional Official Plan and City of Hamilton Official Plan are referred to in evaluating this application.

West Harbour (Setting Sail) Secondary Plan

The subject lands are designated “Prime Retail” and identified as “Stable Areas” within the West Harbour (Setting Sail) Secondary Plan. In accordance with policies A.6.3.3.1.18 amongst others, apply and permit a multiple dwelling.

The subject lands are designated **Prime Retail** within the West Harbour Secondary Plan. The following policies amongst others, are applicable:

A.6.3.3.1.18 James Street and Barton Street are the prime retail streets in West Harbour. In Prime Retail areas:

- “i) mixed use developments with ground-floor, street-related commercial and community uses are permitted and encouraged;
- iv) the range of uses permitted on upper floors shall include residential, live/work and office. Two-storey retail stores are

permitted, and personal services are permitted on the second floor of buildings.”

The applicant is proposing to permit a two storey mixed used building with commercial uses on the ground floor and nine residential units on the second floor. Mixed use developments with ground floor commercial and residential uses above are permitted and encouraged. Based on the foregoing, staff believes their tent of the Secondary Plan is being maintained.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “J/S-378” – (Light and Limited Heavy Industry Etc, District Modified), which does not permit a multiple dwelling.

Variance 1

The applicant is requesting a variance to allow a multiple dwelling to be permitted, however the Zoning By-law does not permit the use of a multiple dwelling. The general intent and purpose of the Zoning By-law is to ensure existing and proposed development within the neighbourhood.

The subject lands, were initially intended to be zoned (C5a) Mixed Use Medium Density – Pedestrian Focus (C5a) Zone within the new Commercial Mixed Use Zoning By-law. However, due to the subject lands being part of the West Harbour Secondary Plan which is subject to a non-decision, the lands were excluded from the approval of the Commercial and Mixed-Use Zoning By-law.

The lands are currently zoned “J/S-378” – (Light and Limited Heavy Industry, Etc. District Modified) within the former City of Hamilton Zoning By-law 6593. The intention outlined within the West Harbour Secondary Plan is for the lands to be developed or maintained as mixed use development inclusive of mixed use commercial and residential land uses. The lands are intended to be zoned for Commercial and Mixed Use in the future.

The subject lands are located on the corner of Catharine Street North, and Barton Street East with frontages on both streets. The surrounding properties fronting on Catherine Street North are primarily zoned “D”- (Urban Protected Residential One and Two Family Dwellings, etc.), and Community Institutional (I2) Zone. The surrounding properties within the neighbourhood fronting along Barton Street East are primarily zoned “H”- (Community Shopping and Residential District) which allows for mixed use development to occur.

Staff are satisfied that the proposal for a mixed use development containing nine dwelling units on the second floor, and commercial uses at grade is in keeping with the

ongoing development within the neighbourhood and is in keeping with the overall commercial and residential character along Catharine Street North and Barton Street East.

The intention of the Zoning By-law in this case is superseded by the prevailing intention of the West Harbour Secondary Plan. The West Harbour Secondary Plan allows for mixed use development within areas designated Prime Retail. The overall outlook for the neighbourhood is to maintain or develop mixed use commercial and residential land uses. The existing remnant industrial zones within the neighbourhood do not align with or meet the intent of the Secondary Plan. The proposed variance would bring the subject lands into closer conformity with the long term vision for the area.

The general intent of the intended future Zoning By-law is being maintained as the proposed use was previously a permitted use within the drafted Commercial and Mixed Use Zoning By-law. As the intent is to convert the second floor of the building to contain nine dwelling units, staff recommend this variance be approved subject to a record of site condition.

The proposed variance meets the general intent and purpose of the West Harbour Secondary Plan and the Zoning By-law, is minor in nature and is desirable and appropriate for the use of the lands. **Staff support this variance on condition.**

Variance 2

The applicant is seeking a variance to allow a minimum of one parking space for every 50.0 square metres of floor area for that portion of the floor area between 450 square metres up to an including 3,700 square metres shall be provided for a retail store, whereas the Zoning By-law requires a minimum of one parking space for every 31.0 square metres of floor area for that portion of the floor area between 450 square metres up to an including 3,700 square metres.

The general intent and purpose the Zoning By-law requirement is to provide adequate parking for the commercial use.

The proposed variance recognizes an existing condition of the building. The commercial floor area of the building is not increasing as a result of this development. Staff are satisfied that the existing parking scenario for the commercial component of the building will continue to function appropriately to satisfy the parking needs of the commercial component of the building.

The proposed variance meets the general intent and purpose of the West Harbour Secondary Plan and the Zoning By-law, is minor in nature and is desirable and appropriate for the use of the lands. **Staff support this variance.**

Variance 3

The applicant is seeking a variance to allow a minimum aisle manoeuvring width space of 4.0 m shall be provided for the thirteen parking spaces located at the north side of the building, whereas the Zoning By-law requires a minimum required aisle width space of 6.0 m. The general intent and purpose of the Zoning By-law requirement is to ensure vehicles can safely manoeuvre within the aisle width space with minimal risk to surrounding vehicles, pedestrians, and property.

The proposed variance applies only to the existing parking spaces designated for the commercial component of the building at the north side of the site fronting onto Barton Street East and recognizes an existing condition. Staff are satisfied that the existing aisle manoeuvring space width of 4.0 metres will continue to allow vehicles to manoeuvre to and from the existing parking spaces intended for the commercial component of the building on the north side of the site only.

The proposed variance meets the general intent and purpose of the West Harbour Secondary Plan and the Zoning By-law, is minor in nature and is desirable and appropriate for the use of the lands. **Staff support this variance.**

Variance 4

The applicant is seeking a variance to allow the parking area to be 0.0 m from the east lot line abutting a Residential District and no planting strip and no visual barrier shall be provided. The Zoning By-law requires the boundary of every parking area on a lot containing five or more parking spaces located on the surface of a lot adjoining a Residential District to be not less than 1.5 m from the adjoining residential boundary and not closer to the street line than the minimum depth of the front yard required to be provided in the adjoining residential district for that portion of the parking area within 3.0 metres of a Residential District. Additionally, for every parking area there shall be provided and maintained between the boundary of the parking area and the residential district, an area landscaped with a planting strip and a visual barrier along the boundary of the lot abutting the residential district not less than 1.2 metres in height and not greater than 2.0 metres in height.

The general intent and purpose of the Zoning By-law requirements are to provide a visual barrier, and separation distance between the parking lot and the abutting Residential District.

The proposed variance recognizes an existing condition of the site. It is not possible to comply with the Zoning By-law requirement to provide a visual barrier between the parking area are abutting residential land use without removing a required parking space from the commercial component of the building. Staff note a short visual barrier

wall exists between the parking space labelled “13” on the site plan, and the abutting Residential District. Staff are satisfied that the existing separation and visual barrier between the commercial parking area, and abutting residential district will continue to function appropriately.

The proposed variance meets the general intent and purpose of the West Harbour Secondary Plan and the Zoning By-law, is minor in nature and is desirable and appropriate for the use of the lands. **Staff support this variance.**

Variations 5 and 6

The applicant is seeking a variance to allow a 5.5m two way access driveway located at the north side of the building shall be 0.0m from the east lot line abutting a Residential District, notwithstanding the requirement that where a multiple dwelling is adjacent to a residential district, every access driveway to the multiple dwelling shall be located not less than 3.0 metres from the common boundary between the district in which the multiple dwelling is located and the district that does not permit such uses, and every access driveway providing access to or egress from or both access to and egress from the non-residential use shall be located not less than 3.0 metres from the common boundary with the residential district.

The general intent and purpose of the Zoning By-law requirement is to ensure vehicles can safely access the parking area and to provide a buffer between the access driveway and multiple dwelling.

The proposed variations recognize an existing condition of the site. It is not possible to comply with the Zoning By-law requirements without removing and relocated the existing access driveway abutting the residential district. Staff are satisfied that the existing separation and visual barrier between the parking area and abutting residential district will continue to function appropriately.

The proposed variance meets the general intent and purpose of the West Harbour Secondary Plan and the Zoning By-law, is minor in nature and is desirable and appropriate for the use of the lands. **Staff support this variance.**

Variance 7

The applicant is seeking a variance to allow a minimum commercial loading space size of 3.7 metres wide by 9.0 metres long by 4.3 metres high shall be provided, whereas the minimum required commercial loading space of 3.7 metres wide by 18.0 metres long by 4.3 metres high. The intent of this provision is to allow for adequate space for loading vehicles to be parked and maneuver.

The proposed variance recognizes an existing condition. Staff are satisfied that loading vehicles will continue to park and manoeuvre within the loading area with the existing load space size of 3.7 metres wide by 9.0 metres long by 4.3 metres high.

Recommendation:

Staff recommends that variance 1 be **approved on condition**, and variance 2, 3, 4, 5, 6, and 7 be **approved**, as the variances maintains the general intent and purpose of the West Harbour Secondary Plan, and Zoning By-law, is minor in nature and is desirable for the appropriate development of the lands.

CONDITIONS: (If Approved)

1. The Owner submits a Record of Site Condition to the satisfaction of the Manager of Development Planning, and Heritage Design and the MOECP.

NOTE:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).”



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/PERMISSION
UNDER SECTION 45 OF THE PLANNING ACT**

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Registered Owners(s)	2841708 Ontario Inc	128 Chedoke Avenue	Phone: 9056914235
			E-mail: garsides@mcmaster.ca
Applicant(s)	Matthew Ribau	126 Catharine Street North, Hamilton	Phone: 2893894502
			E-mail: info@perspectiveviews.com
Agent or Solicitor	Matthew Ribau	126 Catharine Street North, Hamilton	Phone: 2893894502
			E-mail: info@perspectiveviews.com

- 1.2 All correspondence should be sent to Owner Applicant
 Agent/Solicitor
- 1.2 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor
- 1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor
- 1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent info@perspectiveviews.com
- 1.5 All correspondence may be sent by email Yes* No
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	553 James Street North, Hamilton		
Assessment Roll Number	251802011101180		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	PT LT 1 BLK 9 PL 127 AS IN CD302145.	Lot(s)	
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes No

If YES, describe the easement or covenant and its effect:

17154-0196(11) Nov 17 2022 , 157510CD March 25, 1980.

3. PURPOSE OF THE APPLICATION

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Currently the building is zoned as legal non-conforming mixed-use, with commercial retail on main floor and residential on top. We want to change the main floor to a neighbourhood cafe space.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Currently legal non-confirming mixed-use commercial retail. Want to retain it, but change retail to cafe/restaurant.

3.3 Is this an application 45(2) of the Planning Act.

Yes No

If yes, please provide an explanation:

Building has operated as mixed-use commercial retail since 1930-40s. (Ed's Variety)

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
9.93m	14.75	105 m2	11.5m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Mixed Use Building	0.15m	0.29m	0m	1930s

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Mixed Use Building	0.15m	0.29m	0m	1930s

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Mixed Use	102.5m ²	103m ²	2	7.06m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Mixed Use	102.5m ²	103 m ²	2	7.06m

4.4 Type of water supply: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well

- lake or other water body
 other means (specify)
-

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers
 swales

- ditches
 other means (specify)
-

4.6 Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
 - privately owned and operated individual septic system
 - other means (specify)
-

- 4.7 Type of access: (check appropriate box)
- provincial highway
 - municipal road, seasonally maintained
 - municipal road, maintained all year
- right of way
 - other public road
-

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
Mixed-use, commercial restaurant on the main floor and residential second floor.

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
Duplex, townhomes.

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
2021

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
Mixed-use, legal non-conforming commercial retail main floor and residential second floor. Main floor used as variety store with food takeout.

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
Mixed-use, legal non-conforming commercial retail main floor and residential second floor. Main floor used as variety store with food takeout.

7.4 Length of time the existing uses of the subject property have continued:
1930-40, predating Zoning By-Law 6593

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) West Harbour Setting Sail Secondary Plan

Please provide an explanation of how the application conforms with the Official Plan.

7.6 What is the existing zoning of the subject land? D (Legal non-conforming mixed-use commercial retail.)

7.8 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:

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes No

If yes, please provide the file number:

7.10 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

7.11 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.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

8.3 Additional Information (please include separate sheet if needed):

Applying for a change from legal non-conforming commercial retail to legal non-conforming commercial restaurant. The proposed change explicitly complies with the West Harbour Setting Sail Secondary Plan.

Precedents exist for a minor variance where the proposed use complies with the West Harbour Secondary Plan. (Example – 252 Catherine Street North (HM/A-19:128))

Bello Aminu has confirmed staff support for the minor variance.

Please consider the entirety of the attached document, with supporting sections from the Urban Hamilton Official Plan, and the West Harbour Secondary Plan.

More specifically, please consider the following in the West Harbour Secondary Plan:

- A.6.3.3.1.17 - In Mixed Use areas, i) and ii)
- A.6.3.3.1.18 - In Prime Retail areas, i), ii) and iii)
- A.6.3.3.2.4 - i) Primary Mobility streets, h) James Street North
- A.6.3.6.5.1 - James Street is the primary retail street...
- A.6.3.8.15.4 - Interpretation of the Plan
- A.6.3.8.16.3 - Administration of this Plan

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
- _____
- _____