



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**

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**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>SC/A-23:28</b>	<b>SUBJECT PROPERTY:</b>	394 WINONA ROAD, STONEY CREEK
<b>ZONE:</b>	"C6, Exception 727" (District Commercial)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: 2782488 ONTARIO INC.  
Agent: IBI GROUP C/O JARED MARCUS

The following variances are requested:

1. A maximum 17.27m setback from a street line shall be permitted instead of the required maximum 4.5 metres from a street line.
2. A minimum 1.4 metre rear yard shall be permitted instead of the required minimum 6.0 metre rear yard.
3. Parking, stacking lanes, or aisle shall be permitted to be located between the building façade and the front and flankage lot line. Instead of the requirement that no parking, stacking lanes or aisles shall be located between the front façade and front and flankage lot line.
4. No principle entrance shall be provided within the ground floor façade that is setback closest to a street and no direct access to the public sidewalk shall be required. Instead of the requirement that one principle entrance shall be located within the ground floor façade setback closest to the street and have direct access from the public sidewalk.
5. An accessory building (vacuums) shall be permitted within the front or flankage yard instead of the requirement that no accessory building shall be located within a front or flankage yard.

**PURPOSE & EFFECT:** To permit the construction of a new motor vehicle washing establishment.

**Notes:**

1. Please be advised as per a previous interpretation Railway Street is not a public Right-of-Way. As

such, the subject lands cannot be considered “Corner Lot” in accordance with the definition in the Zoning By-law.

**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, March 30, 2023</b>
<b>TIME:</b>	<b>2:10 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.

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding SC/A-23:28, you must submit a written request to [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.

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](mailto: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: March 14, 2023

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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.

## **PARTICIPATION PROCEDURES**

### **Written Submissions**

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

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.

1. ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING, ZONING AND ECONOMIC DEVELOPMENT DEPARTMENT.
2. FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
3. MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
4. ALL DRIVEWAYS FROM PROPERTY LINES FOR THE 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADE.
5. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
  - ROAD CUT PERMITS
  - SEWER PERMITS
  - APPROACH APPROVAL PERMITS
  - RELOCATION OF SERVICES
  - COMMITTEE OF ADJUSTMENT
  - COVENANCE AGREEMENTS
  - BUILDING PERMITS
  - (IF REQUIRED)

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  - COVENANCE AGREEMENTS
  - BUILDING PERMITS
  - (IF REQUIRED)

THE OWNER/APPLICANT TO CONTACT ALBERTA UTILITIES ENGINEERING DESIGN  
DEPARTMENT AT 905-521-4907.  
RELOCATION, MODIFICATION, OR REMOVAL, OF ANY EXISTING HYDRO FACILITIES SHALL  
BE AT THE OWNER'S EXPENSE. PLEASE CONTACT ALBERTA UTILITIES TO FACILITATE  
THIS.  
DEVELOPERS SHALL BE RESPONSIBLE FOR THE COST OF CIVIL WORK ASSOCIATED  
WITH DUCT STRUCTURES, TRANSFORMER FOUNDATIONS, AND ALL RELATED  
DISTRIBUTION EQUIPMENT.  
DEVELOPER TO ACQUIRE AN EASEMENT, IF REQUIRED.  
CALL BEFORE YOU DIG - ARRANGE FOR UNDERGROUND HYDRO CABLE LOCATE(S)  
BEFORE BEGINNING CONSTRUCTION BY CONTACTING ONTARIO ONE CALL AT  
1-800-400-2255.

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1-800-400-2255.

CURRENT ZONING	C6-727 - DISTRICT COMMERCIAL WITH SPECIAL EXCEPTION		
PERMITTED USES	MOTOR VEHICLE SERVICE STATION & WASHING ESTABLISHMENT		
PROVISIONS	REQUIRED	PROVIDED	VARIANCE
BUILDING SETBACK FROM A STREET LINE	MINIMUM 1.5m	17.27m	NO
	MAXIMUM 4.5m	17.27m	YES
MINIMUM REAR YARD	6.0m	1.44m	YES
MINIMUM INTERIOR SIDE YARD	1.5m	5.33m	NO
MAXIMUM HEIGHT	14.0m	3.66m	NO
MAXIMUM GROSS FLOOR AREA FOR INDIVIDUAL COMMERCIAL USE	10,000.0m²	±152m²	NO
BUILT FORM FOR NEW DEVELOPMENT			
MIN. WIDTH OF GROUND FLOOR FACADE	40% = 23.16m x 40% = 9.26m	19.49m = 84.1%	NO
NO PARKING/AISLE BETWEEN FACADE AND STREET LINE	NOT PERMITTED	PROVIDED	YES
MIN. OF ONE PRINCIPLE ENTRANCE ACCESSIBLE FROM STREET	REQUIRED	NOT PROVIDED	YES
PARKING REQUIREMENTS			
MIN. NUMBER OF PARKING SPACES ±152m² GFA 3 MANUAL BAYS	1/30.0m² and 2/BAY = 11 SPACES	12 SPACES	NO
BARRIER FREE PARKING	1 SPACE	1 SPACE	NO
PARKING SETBACK TO A STREET LINE	3.0m	WINONA ROAD = 4.67m	NO
PLANTING STRIP ABUTTING A STREET LINE	3.0m	WINONA ROAD = 3.0m	NO
SHORT TERM BICYCLE PARKING	5 SPACES	6 SPACES	NO
ACCESSORY BUILDINGS			
LOCATION WITHIN A FRONT OR FLANKAGE YARD	NOT PERMITTED	PROPOSED	YES
MAX. HEIGHT	4.5m	<4.5m	NO
MAX. GFA	18m²	3.3m²	NO
MIN. YARD SETBACK			
FRONT YARD:	NOT PERMITTED	4.92m	YES
REAR YARD:	0.6m	30.31m	NO
SIDE YARD:	0.6m	6.46m	NO
FLANKAGE YARD	1.5m	N/A	NO

CURRENT ZONING	C6-727 - DISTRICT COMMERCIAL WITH SPECIAL EXCEPTION		
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FLANKAGE YARD	1.5m	N/A	NO

RE: 394 Winona Road, Stoney Creek  
File No. DA-21-\_\_\_\_

(a) To comply with all the content of this plan and drawing and not to vary therefrom

(b) To perform the facilities, works or matters mentioned in Section 41 (7)(a) of The

as set out in the Letter of Approval dated \_\_\_\_\_, 2022:

(c) To maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways;

(d) In the event that the Owner does not comply with the plan dated \_\_\_\_\_, 2022, the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.

(e) "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 Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately. In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit the Ministry of Government and Consumer Services (416-212-7499)."

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022

Witness (signature) \_\_\_\_\_

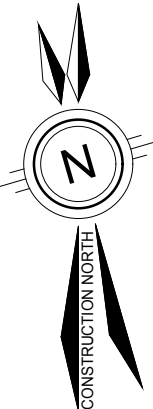
Owner(s) (signature): \_\_\_\_\_

Witness (print) \_\_\_\_\_

Owner(s) (print)

Address of Witness

### LEGEND



SOURCE:  
TOPOGRAPHIC SURVEY COMPLETED BY A.J. CLARKE AND  
ASSOCIATES LTD. DATED 2019-12-10.

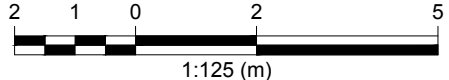
ARCHITECTURAL BUILDING DESIGN AND SITE LAYOUT OF  
FROM CHARLES LINSEY & ASSOCIATES DWG No. 20-168, D  
JUNE 2021.

BENCHMARK  
MONUMENT No. 07720100036  
RIB WITH BRASS CAP

MONUMENT IS LOCATED AT THE EAST SIDE OF MAHONY PARK,  
~90.0m NORTH OF THE CENTRE LINE OF BATON STREET EAST,  
~15.0m NORTH OF THE CENTRE LINE OF GOGGIN AVENUE AND  
~16.0m WEST OF THE CENTRE LINE OF ADELINE AVENUE.

ELEVATION = 86.893 CGVD 28

SCALE



DESIGN BY: CHARLES LINSEY	CHECKED BY: T.TUCKER
DRAWN BY: J.MARCUS	DATE: 2021-08-10

3	2023-02-10	JM	MINOR VARIANCE APPLICATION
2	2022-06-28	JM	SECOND SITE PLAN SUBMISSION
1	2021-08-10	JM	FIRST SITE PLAN SUBMISSION
#	DATE	BY	DESCRIPTION

## DRAWING ISSUE RECORD

## APPROVALS



**IBI GROUP**  
200 East Wing-360 James Street North  
Hamilton ON L8L 1H5 Canada  
tel 905 546 1010 fax 905 546 1011  
**ibigroup.com**

2782488 ONTARIO INC.

PROPOSED CAR WASH  
394 WINONA ROAD  
STONEY CREEK, ON

SITE PLAN  
DA-21-155

FILE NUMBER:	133197	SHEET NUMBER:	SP1
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VINCE MAZZA WAY  
(FORMERLY SOUTH SERVICE ROAD STREET NAME CHANGED BY BY-LAW No 14-188, REG'D. AS WE986403 )

SURVEYOR'S REAL PROPERTY REPORT  
PART 1  
PLAN OF SURVEY OF  
LOTS 115 & 116-VILLAGE OF ONTARIO  
REGISTERED PLAN No. 310  
IN THE  
CITY OF HAMILTON  
SCALE 1:150  
0 5 10 metres  
NICHOLAS P. MUTH O.L.S.

PART 4  
REGISTERED PLAN No 1754 MISC.  
(P-2113-299)

LOT 92  
LOT 91  
REGISTERED PLAN No 310

CITY OF HAMILTON  
BENCH MARK  
MONUMENT No 07720100036  
RIB WITH BRASS CAP  
MONUMENT IS LOCATED AT THE EAST SIDE OF MAHONY PARK, ~90.0m NORTH  
OF THE CENTRE LINE OF BARTON STREET EAST, ~15.0m NORTH OF THE  
CENTRE LINE OF COGOIN AVENUE AND ~16.0m WEST OF THE  
CENTRE LINE OF ADELIN AVENUE.  
ELEVATION =86.893 CGVD 28

LEGEND:  
CB DENOTES CATCH BASIN  
CU DENOTES UTILITY POLE  
INV DENOTES INVERT ELEVATION  
SMH DENOTES STORM MANHOLE  
TCC DENOTES TOP OF CONCRETE CULVERT  
TMC DENOTES TOP OF METAL CULVERT  
TWP DENOTES TOP OF WALL  
1000 DENOTES 100mm DIA. TREE  
DIA. DENOTES DIAMETER

SURVEYOR'S REAL PROPERTY REPORT  
PART 1 T-2785  
PART 2  
- PARCEL IS SUBJECT TO AN EASEMENT AS IN  
INSTRUMENT No SA52395  
- PLEASE REFER TO THE PLAN FOR SPECIFIC  
LOCATION OF FENCES

THIS REPORT WAS PREPARED FOR  
JVM INC.  
NOTE:  
ALL TIES TAKEN TO FOUNDATION  
UNLESS OTHERWISE NOTED

LOT 101

REGISTERED PLAN No 310

PART 1 PLAN 62R-17620  
PIN 17368 - 0654

LOT 108

LOT 107

LOT 116

LOT 115

LOT 114

LOT 113

UNNAMED STREET  
(ESTABLISHED ACCORDING TO REGISTERED PLAN No 310)  
(NOT TRAVELED)

REGISTERED PLAN No 310

PART 2  
PLAN 62R-17620  
SUBJECT TO AN EASEMENT  
AS IN INST. Nos SA19973 AND SA52780

RAILWAY STREET  
(ESTABLISHED ACCORDING TO REGISTERED PLAN No 310 )

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2075330  
THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR  
IN ACCORDANCE WITH  
REGULATION 1026, SECTION 29(3).

SURVEYOR'S CERTIFICATE:

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM
  - THE SURVEY WAS COMPLETED ON THE 21st DAY OF NOVEMBER 2018

JANUARY 22, 2019  
DATE

NICHOLAS P. MUTH  
ONTARIO LAND SURVEYOR

LEGEND:  
SIGN THIS DENOTES A SURVEY MONUMENT PLANTED  
CB DENOTES CATCH BASIN  
CU DENOTES UTILITY POLE  
INV DENOTES INVERT ELEVATION  
SMH DENOTES STORM MANHOLE  
TCC DENOTES TOP OF CONCRETE CULVERT  
TMC DENOTES TOP OF METAL CULVERT  
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TMC DENOTES TOP OF METAL CULVERT  
TWP DENOTES TOP OF WALL  
1000 DENOTES 100mm DIA. TREE  
DIA. DENOTES DIAMETER

METRIC:  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

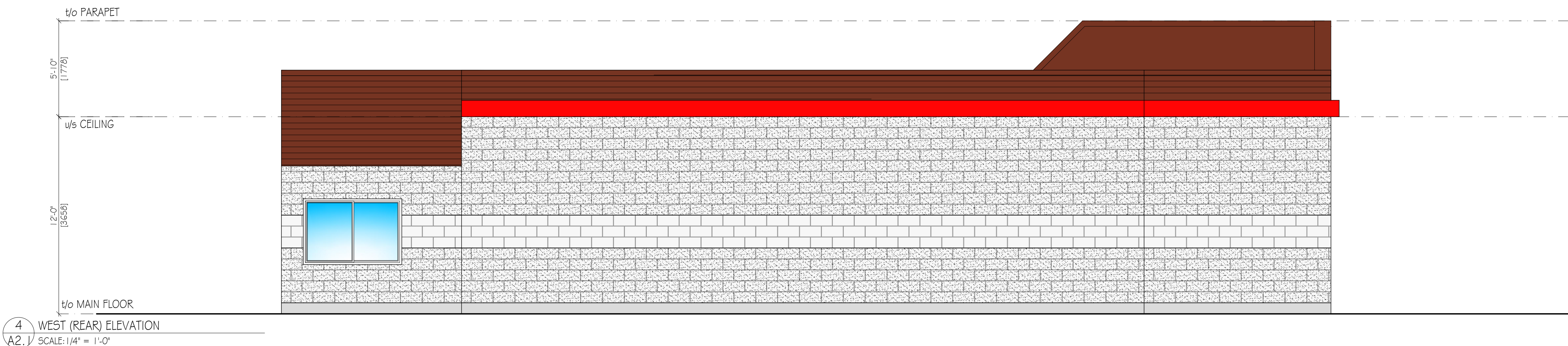
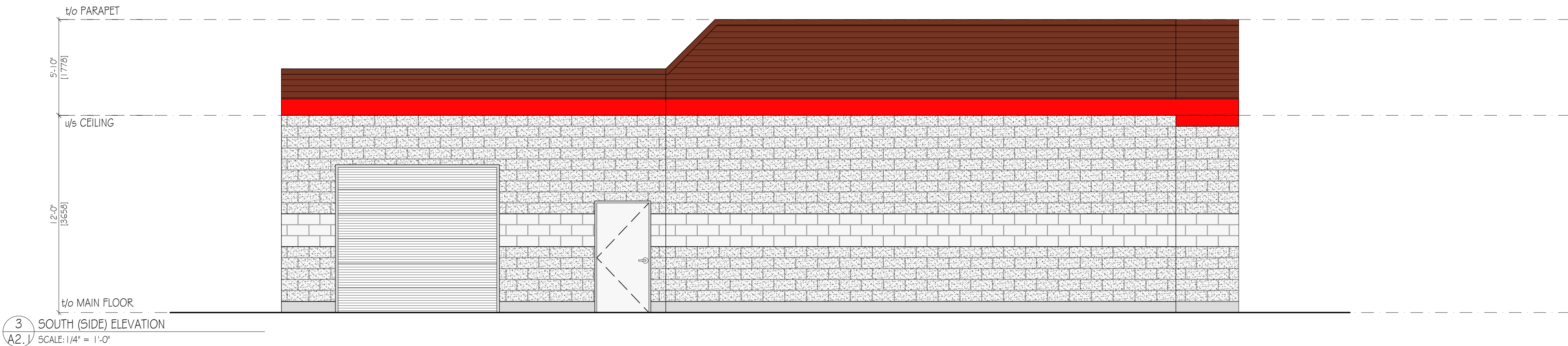
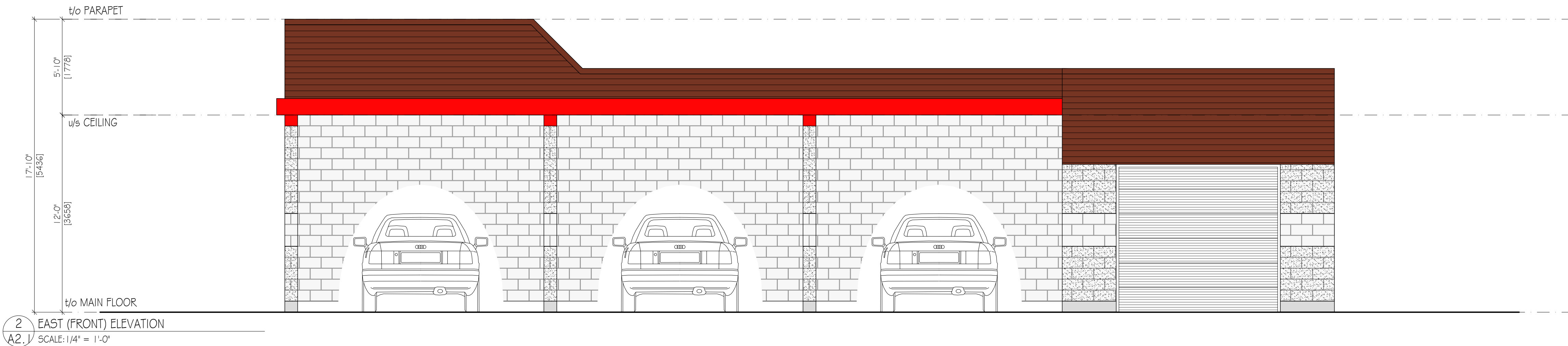
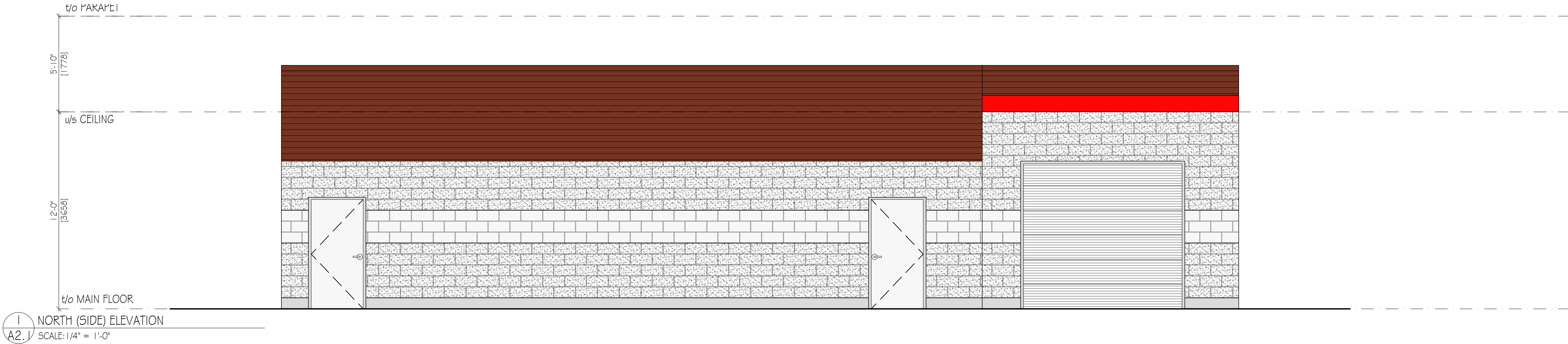
BEARINGS ARE ASTRONOMIC AND REFERRED TO THE  
EASTERN LIMIT OF WINONA ROAD AS SHOWN  
ON PLAN 62R-17620 HAVING A BEARING OF N16°14'30"E

NOTE:  
A. J. CLARKE & ASSOCIATES LTD. is not liable for use of this  
REPORT by any party or parties for FUTURE TRANSACTIONS  
or for any unrelated purposes.  
This REPORT reflects conditions at time of survey. UPDATING  
may be required to issue ADDITIONAL COPIES subsequent to  
DATE OF THE SURVEYOR'S CERTIFICATE.

A. J. Clarke and Associates Ltd.  
SURVEYORS • PLANNERS • ENGINEERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO, L8P 1H1  
TEL. 905-528-5761 FAX 905-528-2289  
email: ajc@ajclarke.com

PROJECT No 188204



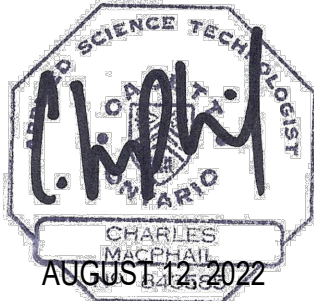


CHARLES LINSEY  
& ASSOCIATES LIMITED

37 Main Street South,  
PO Box 1479  
Waterdown, On L0R 2H0

Tel: (905) 548-7607  
info@charleslinsey.com  
www.charleslinsey.com

Note:  
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on this document.



CHARLES MacPHAIL  
CHARLES LINSEY & ASSOCIATES LIMITED  
BCIN# 20723  
BCIN# 41983

CLADDING/FINISH SCHEDULE

FOUNDATION	MANUFACTURER: T.B.D. PRODUCT: HORIZONTAL SIDING COLOUR: FAUX WOOD
FOUNDATION	MANUFACTURER: T.B.D. PRODUCT: PREPAINTED METAL COLOUR: RED
CLADDING	MANUFACTURER: T.B.D. PRODUCT: SPLIT FACE BLOCK COLOUR: WHITE
CLADDING	MANUFACTURER: T.B.D. PRODUCT: CONCRETE BLOCK COLOUR: WHITE

REV.	DESCRIPTION	DATE
A	FOR DISCUSSION	MAR 8/21
B	FOR DISCUSSION	APR 12/21
C	FOR DISCUSSION	MAY 06/21
D	FOR DISCUSSION	JUN 02/21
E	FIRST SITE PLAN SUBMISSION	AUG 12/21
F	SECOND SITE PLAN SUBMISSION	APR 22/22
G	GENERAL REVISIONS	APR 29/22
H	GENERAL REVISIONS	MAY 24/22
J	THIRD SITE PLAN SUBMISSION	AUG 12/22

2782488 ONTARIO Inc.	
project	
394 WINONA ROAD STONE CREEK, ONTARIO PROJECT No. 20-168	
drawing	
BUILDING ELEVATIONS	
drawn	checked
A.M.	C.M.
date	scale
JUNE 2021	AS NOTED
revision number	drawing number
J	A2.1



February 10, 2023

Ms. Jamila Sheffield, ACST  
Secretary Treasurer-Committee of Adjustment  
City of Hamilton  
71 Main Street West, 5th Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**394 WINONA ROAD, STONEY CREEK  
MINOR VARIANCE APPLICATION**

On behalf the property owners, 2782488 Ontario Inc., we are pleased to submit a Minor Variance application for the above noted property.

The proposed applications would facilitate Site Plan application DA-21-155 and supports the creation of a carwash facility with three manual carwash bays, one automatic carwash bay and one detailing bay. The building will also include a small mechanical room, as well as washrooms and waiting area.

In support of the applications please find enclosed the following information:

- One (1) digital copy of the completed Minor Variance application form;
- One (1) digital copy of the Site Plan drawing;
- One (1) digital copy of the Building Elevation drawing;
- One (1) digital copy of the Survey Plan; and,
- One (1) copy of the Planning Opinion memo supporting the proposed variances.

Please note that the application review fee will be submitted under separate cover.

Should you require any additional information please do not hesitate to contact the undersigned.

Yours truly,  
**Arcadis IBI Group**



Jared Marcus, CPT  
Associate, Manager – Planning

Cc: 2782488 Ontario Inc.



394 Winona Road, Stoney Creek Minor Variance List

1. S.10.6.3(a)(ii): To permit a maximum building setback from street line of 17.5m, whereas 4.5m is required;
2. S.10.6.3(b): To permit a minimum rear yard of 1.4m, whereas 6.0m is required;
3. S.10.6.3(g)(vi): To permit parking, stacking lanes, or aisles to be located between a building façade and the front and flankage lot line;
4. S.10.6.3(g)(vii): That no principal entrance shall be provided within the ground floor façade, and no direct access to the public sidewalk is required;
5. S.4.8(b): To permit an Accessory Building (Vacuums) to be located within front yard; and,
6. S.4.8.3(a): To permit an Accessory Building to be located 4.9m from a front lot line.



Hamilton

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto: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)		
Applicant(s)		
Agent or Solicitor		

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 \_\_\_\_\_

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	394 Winona Road		
Assessment Roll Number	251800311008200		
Former Municipality	Stoney Creek		
Lot		Concession	
Registered Plan Number	310	Lot(s)	115 & 116
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:

Inst. SA52395 - Hydro One easement

### 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:

Please see attached Minor Variance list.

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

The zoning regulations do not envision a use without a public space. The building cannot

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

☒ Yes

☐ No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
40.23m	40.19m	1,616sq.m	20m



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
2 storey block building	10.62m	3.30m	9.03m & 11.81m	unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
1 storey carwash	17.27m	1.44m	5.33m & 15.40m	

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
2 storey block building	383sq.m	656sq.m	2	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
1 storey car wash	289sq.m	2789sq.m	1	3.66m

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.):  
Commercial - Car Wash

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
North and East - Commercial - Big Box Store and vacant land; South - Hydro One corridor and CN Rail; West - Winona Road.

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:  
2020

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Commercial - equipment sales

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Commercial - vacant building

7.4 Length of time the existing uses of the subject property have continued:  
Unknown

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) District Commercial - Special Policy Area "E"

Please provide an explanation of how the application conforms with the Official Plan.  
Please see attached Planning Opinion memo.

7.6 What is the existing zoning of the subject land? District Commercial (C6, 727)

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:

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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:

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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: None

8.2 Number of Dwelling Units Proposed: None

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

Applicant proposes a 1-storey car wash facility with one automatic bay, three manual bays, and a detailing bay. Proposal is subject to Site Plan application DA-21-155, conditional approval has not yet been issued.



## 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
- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_