



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-23:79	SUBJECT PROPERTY:	1491 MAIN STREET E, HAMILTON
ZONE:	“TOC1” (Transit Oriented Corridor Mixed Use Medium Density)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 16-265

APPLICANTS: Owner: PAUL BETTENCOURT

The following variances are requested:

1. A minimum rear yard of 6.0 m shall be permitted instead of the minimum required rear yard of 7.5 m; and,
2. A minimum building height of 2.6 m shall be permitted instead of the minimum required building height of 11.0 m.

PURPOSE & EFFECT: To construct a one-storey rear addition to the existing one-storey commercial building (restaurant):

Notes:

- i. The variances have been written as identified by the applicant.

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, May 4, 2023
TIME:	9:30 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

PUBLIC INPUT

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

Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:79, 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: April 18, 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.



Hamilton

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City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

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.

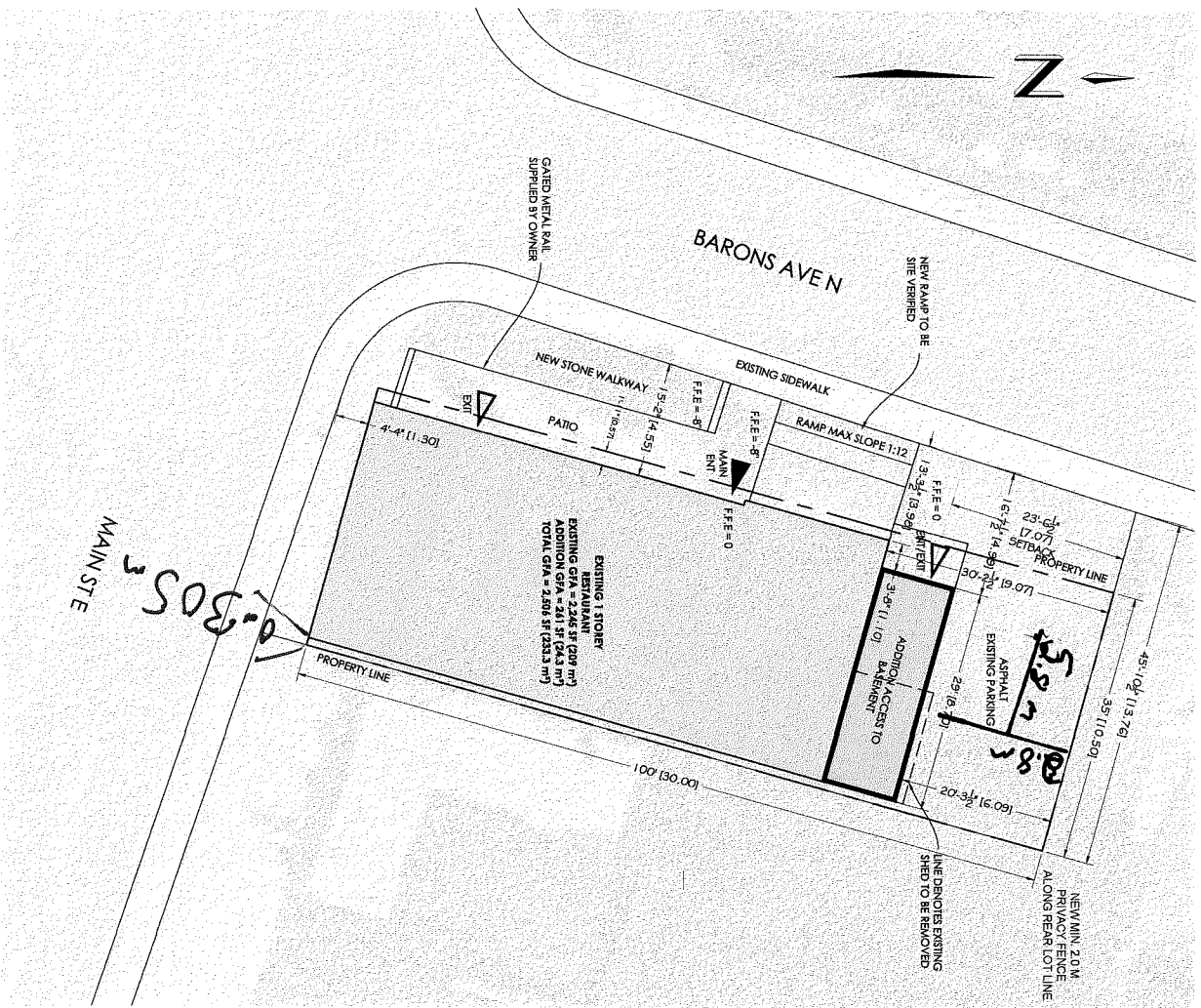
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

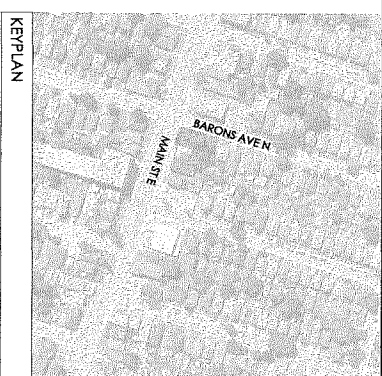
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.



SITE LEGEND	
▲	MAIN ENTRANCE
▽	OTHER ENTRANCE



SITE STATS	
SITE STATS	AREA
BUILDING FOOTPRINT - EXISTING	2245 SF (207 m ²)
BUILDING FOOTPRINT - ADDITION	241 SF (24.6 m ²)
TOTAL AREA	2586 SF (233 m ²)

ZONING INFORMATION		
TRANSIT ORIENTED CORRIDOR - MIXED USE ZONE (TOC1)		
ZONING ITEM	REQUIRED	ACTUAL
LOT AREA (MIN)	N/A	324 m ²
LOT WIDTH (MIN)	N/A	10.5 m (EXISTING)
LOT COVERAGE (MAX)	N/A	N/A
BUILDING HEIGHT (MAX)	22 m	4.5 m (EXISTING)
FRONT YARD (MIN)	4.5 m	(EXISTING)
REAR YARD (MIN)	7.5 m	6.0 m
SIDE YARD INTERIOR (MIN)	7.5 m	0.4 m (EXISTING)
SIDE YARD EXTERIOR (MIN)	N/A	0.4 m (EXISTING)
LANDSCAPE OPEN SPACE (MIN)	N/A	N/A

ZONING NOTES:
 RESTAURANT
 1) 0 WHERE LESS THAN 450 SQ FT OF GROSS FLOOR AREA
 2) 1 FOR EACH 50 SQ FT OF GROSS FLOOR AREA WHICH ACCOMMODATES SUCH USE FOR THAT PORTION OF A BUILDING THAT IS IN EXCESS OF 450 SQ FT

1 SITE PLAN
 SP1 1/8" = 1' = 0"

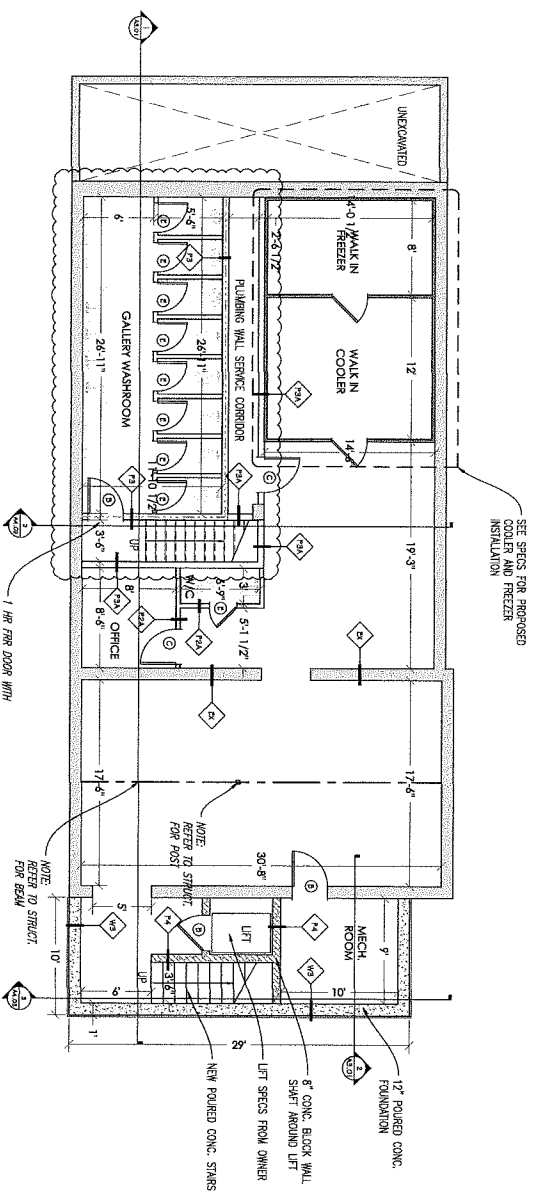
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Professional Certification
 I, James A. O'Connell, being duly sworn, depose and say that I am a duly Licensed Professional Engineer under the Professional Engineers Act, R.S.O. 1990, Chapter 192, and I am duly Licensed under the Professional Engineers Act, R.S.O. 1990, Chapter 192, and I am duly Licensed under the Professional Engineers Act, R.S.O. 1990, Chapter 192, and I am duly Licensed under the Professional Engineers Act, R.S.O. 1990, Chapter 192.

Ontario Association of Architects
 I, James A. O'Connell, being duly sworn, depose and say that I am a duly Licensed Professional Engineer under the Professional Engineers Act, R.S.O. 1990, Chapter 192, and I am duly Licensed under the Professional Engineers Act, R.S.O. 1990, Chapter 192, and I am duly Licensed under the Professional Engineers Act, R.S.O. 1990, Chapter 192, and I am duly Licensed under the Professional Engineers Act, R.S.O. 1990, Chapter 192.

Scale: not titled
drawn by: JH
checked by: RL
job number: 21134
plot date: 2022 02 25
drawing number: SP1

Project: BB MAIN PIZZA PUB
 1481 Main St E. Hamilton, ON



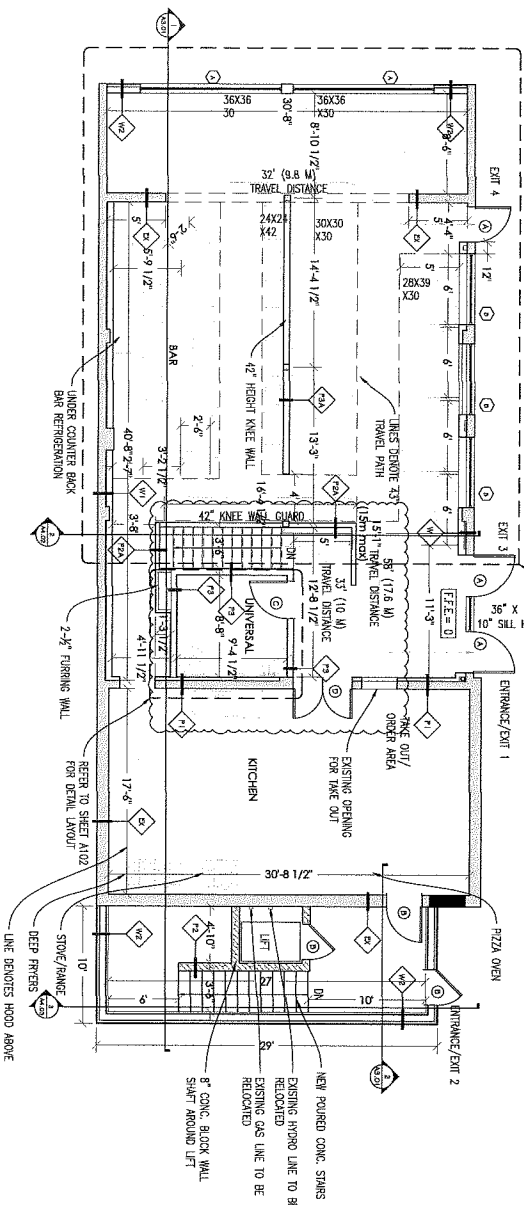
SEE SPECS FOR PROPOSED COOLER AND FREEZER INSULATION

1 HR FIRE DOOR WITH CLOSURE

NOTE: REFER TO STRUCT. FOR POST

NOTE: REFER TO STRUCT. FOR BEAM

2 PROPOSED BASEMENT
SCALE: 1/8" = 1'-0"



1 PROPOSED MAIN FLOOR
SCALE: 1/8" = 1'-0"

- PROPOSED NOTES:**
- ONE W/C FOR STAFF FOR RESTAURANT WITH MORE THEN 40 SEATS OR C 3.7.4.6.(6)
 - TRAVEL DISTANCE AS PER ORC 3.4.2.5.(8) - MAX 40' m
 - REFER TO STRUCTURAL FOR DETECTION TRACK REQUIREMENTS

ENERGY EFFICIENCY SB10		
SB1 - TABLE 1.2	LOCATION	HAMILTON
SB10 - TABLE 1.3.1.1.1.	DEGREE DAYS	3460
SB10 - TABLE SB 5.5.-5	CLIMATIC ZONE	ZONE 5
SB10 - TABLE SB 5.5.-5	DESCRIPTION	MIN R-VALUE
	ROOF (ABOVE GROUND)	R-35 cl
	ROOF (AT/IC & OTHER)	R-40
	WALLS ABOVE GRADE (WOOD FRAMED & OTHER)	R-13 + R-10 cl
	WALLS BELOW GRADE	R-15 cl
	FLOOR (WOOD FRAMED)	R-39
	SLAB ON GRADE (UNHEATED)	R-15 (6" 48" H. FIBERGLASS)
		0.40

WALL TYPE SCHEDULE

W1 - WALL TYPE 1	W2 - WALL TYPE 2
DESCRIPTION EXTERIOR WALLS (EXISTING) - NEW METAL SIDING - EXISTING 8" BLOCK WALL - 2" MINERAL WOOL @ 16" O.C. - 3/4" METAL STUDS @ 16" O.C. - 5/8" GYPSUM BOARD TYPE X	DESCRIPTION EXTERIOR WALLS (NEW) AS PER ORC TABEL 23.4.A. & TABEL 23.4.E - NEW SIDING - 1/2" CHANNEL - 2" MINERAL INSULATION - AIR BARRIER - 1/2" SHEATHING - 2X4 WOOD STUDS OR 2" STRUCTURAL METAL - 5/8" GYPSUM BOARD TYPE X
STC RATING 41	STC RATING 34
FIRE RATING 2 HR	FIRE RATING 45 min (1 hr)
SB10/ R-VALUE R-13 + R-10 cl	SB10/ R-VALUE 45 min (1 hr)
SB9/ UL DESIGN # W005	SB9/ UL DESIGN # W1 B (SB9)

WALL TYPE SCHEDULE

P1 - PARTITION TYPE 1	P2 - PARTITION TYPE 2	P3 - PARTITION TYPE 3
DESCRIPTION INTERIOR PARTITION - EXISTING 8" BLOCK WALL - 2X4 WOOD STUDS @ 16" O.C. - 5/8" GYPSUM BOARD	DESCRIPTION INTERIOR PARTITION - 2X4 WOOD STUDS @ 16" O.C. - 5/8" INSULATION - 1/2" GYPSUM BOARD ON EACH SIDE NOTE: (P2A INSULATION NOT NEEDED)	DESCRIPTION INTERIOR PARTITION - 2X4 WOOD STUDS @ 16" O.C. - 5/8" INSULATION - 1/2" GYPSUM BOARD ON EACH SIDE NOTE: (P3A INSULATION NOT NEEDED)
STC RATING 51	STC RATING 34	STC RATING 51
FIRE RATING 2 hr	FIRE RATING 45 min (1 hr)	FIRE RATING 2 hr
SB10/ R-VALUE 2 hr	SB10/ R-VALUE 45 min (1 hr)	SB10/ R-VALUE 2 hr
SB9/ UL DESIGN # R-15 cl	SB9/ UL DESIGN # W1 B (SB9)	SB9/ UL DESIGN # R-39

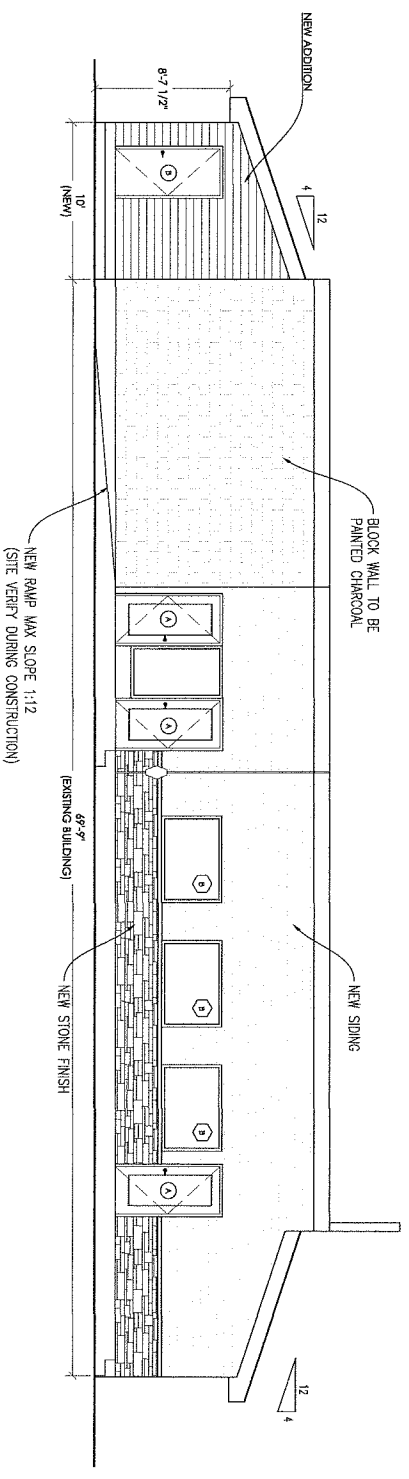
W3 - WALL TYPE 3	P4 - PARTITION TYPE 4
DESCRIPTION FOUNDATION WALL (NEW ADDITION) - 1/2" SPOURED CONC. FOUNDATION - WATER PROOFING - DAMP BARRIER - 9" CONTINUOUS RIGID INSULATION	DESCRIPTION SHAFT WALL - 8" CONC. BLOCK WALL
STC RATING -	STC RATING -
FIRE RATING -	FIRE RATING -
SB10/ R-VALUE -	SB10/ R-VALUE -
SB9/ UL DESIGN # -	SB9/ UL DESIGN # -

PROFESSIONAL CERTIFICATION

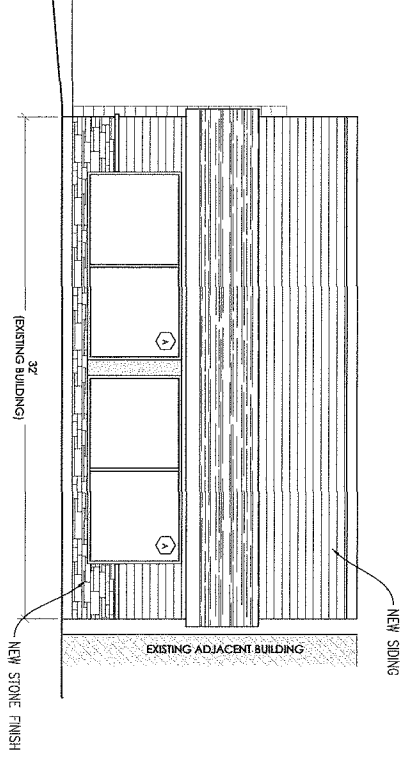
Ontario Association of Architects (OAA) and Ontario Association of Engineers (OAE) are the professional bodies for architects and engineers in Ontario, Canada. They are responsible for regulating the profession and ensuring the highest standards of practice.

PROPOSED FLOOR PLANS

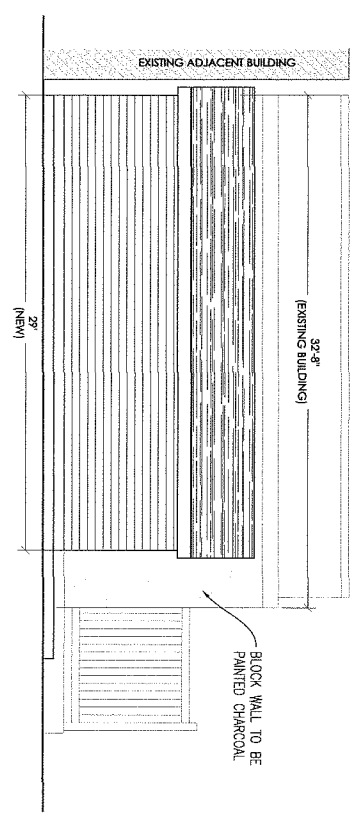
Scale: as noted
 drawn by: JH
 reviewed by: BL
 job number: 21134
 job date: 2022.02.25
 drawing number: A1.02



1 SIDE ELEVATION
A2.01 1/4"=1'-0"



2 FRONT ELEVATION
A2.01 1/4"=1'-0"



3 REAR ELEVATION
A2.01 1/4"=1'-0"



NO.	DATE	DESCRIPTION
01	2023.02.25	ISSUED FOR PERMIT
02	2023.11.28	ISSUED FOR PERMIT
03	2023.02.25	ISSUED FOR PERMIT

DRAWING BY: JH
 CHECKED BY: RL
 DATE: 2023.02.25



Professional Certification
 I, the undersigned, being a duly qualified Architect and being duly registered in the Province of Ontario, do hereby certify that the foregoing is a true and correct copy of the plans and specifications as submitted to me for my professional seal and signature.

Project: 88 MAIN PIZZA PUB
Client: L&L KORTT E. HAMILTON ON
ELEVATIONS

Scale: as noted
Drawn By: JH
Released By: RL
Job Number: 21134
Proj. Date: 2023.02.25
Drawing Number: A2.01

- **Relief from Section 11.1.3b) to permit a minimum rear yard of 6.0 m, whereas the by-law permits a minimum rear yard of 7.5 m; and,**
- **Relief from Section 11.1.3d) to permit a minimum building height of 2.6 m for a building addition, whereas the by-law permits a minimum height of 11.0 m.**

The proposed variances meet the intent of the City's Official Plan and Zoning By-law. The Restaurant Use is a permitted use, and the purpose of the minimum rear yard requirement is to ensure an adequate separation distance is maintained between the building addition and the adjacent properties. The proposed addition will accommodate a rear yard of 6.0 m, which provides an adequate buffer and distance from the neighbouring property and dwelling. Additionally, in accordance with Section 4.19 of the zoning by-law, a visual barrier will be constructed consisting of a new privacy fence along the rear lot line abutting the neighbouring residential use. This visual barrier will assist in screening the addition and parking lot. As it relates to the proposed height, the addition will match the height of the existing building, and the minimum height requirement is intended for newer buildings. The proposed building height is appropriate for the subject lands.

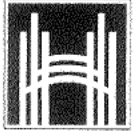
The variances can be considered minor and appropriate for the development of the land.

The building addition will not be visible from Main Street East and will be setback further from Barons Avenue North than the existing building. No new services are proposed for this project; all services exist. The proposed addition will not extend further into the parking lot than the existing detached buildings; therefore, there will be no impact to the existing parking spaces. The requested variances should not impact any of the adjacent land uses nor the subject property.

Thank you for your consideration of this minor variance submission.

Paul Bettencourt
Owner





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)		
Applicant(s)		
Agent or 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 [REDACTED]

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	1491 Main Street East, Hamilton, ON		
Assessment Roll Number	04033308570		
Former Municipality	Hamilton		
Lot	260	Concession	
Registered Plan Number	613	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:

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:

Relief from Section 11.1.3b) to permit a minimum rear yard of 6.0 m for a rear yard addition to an existing building, whereas a minimum of 7.5 m is required.

Relief from Section 11.1.3d) to permit a minimum building height of 2.6 m for a building addition.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Proposed building addition is needed to make some much needed health and safety improvements to the existing building including a new staircase, exterior exit and an interior supply lift for our staff.

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

Yes

No

If yes, please provide an explanation:

N/A

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
10.5 m	30.0 m	324 m ²	+/-20 m

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
Block Brick Building	0 m (existing)	9.07 m (existing)	0.03 m (existing)	01/04/1939

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Block Brick Building	0 m (existing)	6.09 m (includes new addition)	0.03 m (existing)	01/08/2023

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
Block Brick Building	209 m ²	209 m ²	1	4.5 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Existing Block Building	233.3 m ²	233.3 m ²	1	2.6 m - 4.5 m

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.):

Existing restaurant. No new use proposed.

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

Single family home and Commercial office

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

May 14, 2020

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

Restaurant

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

Restaurant

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

Plus minus 50 years

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

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Mixed Use - Medium Density

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

Proposed/Existing restaurant is a permitted use in the Mixed Use - Medium Density land use designation.

7.6 What is the existing zoning of the subject land? TOC1 Zone

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: TOC1 Zone

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: N/A

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: 0

8.2 Number of Dwelling Units Proposed: 0

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

Please see attached cover letter for additional details.

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
