



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>DN/A-23:75</b>	<b>SUBJECT PROPERTY:</b>	245 MILL STREET, DUNDAS
<b>ZONE:</b>	"I1" (Neighbourhood Institutional)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: CHRISTIAN SCIENCE SOCIETY  
Agent: NICOLE WILSON

The following variances are requested:

1. To include the uses of a medical clinic and personal service under the permitted uses for the 'I1' Neighbourhood Institutional Zone.

**PURPOSE & EFFECT:** To permit the uses of a medical clinic and personal service within the existing building at 245 Mill St, Dundas.

**Notes:** N/A

**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, May 4, 2023</b>
<b>TIME:</b>	<b>10:45 a.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:

## DN/A-23:75

- 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 DN/A-23:75, 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: April 18, 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.



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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](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.

Cover Letter – Committee of Adjustment

Dear Committee of Adjustment,

Thank you for your time in reviewing my Application for a Minor Variance/Permission. This application is being submitted with the greatest hope that a minor variance/permission can be made to the current Institutional (I1) Zoning, of 245 Mill St. in Dundas, to allow for the addition of my use, a wellness centre. I have conditionally purchased this property with hopes that my wellness centre (chiropractic, physiotherapy, massage and naturopathy) will be permitted under the existing zoning. Our wellness centre is of complimentary use, as it is intended to serve local residents, as per UHOP Policy E.3.2.1. and we would blend well into the neighbourhood as we value a calm, relaxing and quiet environment.

As the current building is perfectly sized for our needs, I will keep the existing building footprint and plan only interior renovations that include adding accessibility with a main floor bathroom and entrance. Of great benefit, the 18 existing parking spaces on this property surpass the parking requirements (10 parking spaces) for a medical clinic as outlined by the City of Hamilton for this building size. I am happy to invest in a full parking survey, prior to submitting for a building/renovation permit, once I fully own the property.

Sadly, I have had great difficulty in purchasing property in Dundas for the past 7 years, as COVID and larger deep-pocketed out-of-town buyers have outbid me with cash and no conditions. Unfortunately, in my situation, I must rely on financing. My financing is contingent upon not only my personal finances, but also on zoning, environmental and inspection assessments and approvals all at my own expense and prior to owning the property.

I am hopeful that the existence of a similar health clinic nearby, operating in an R4 Zoning, will bode favourably for me in my request for my additional use to be granted. Specifically, Prosia Total Health is locations on 50 Park St W, Dundas, ON L9H 1X2.

I am ecstatic that my offer for this property was accepted. The current owners expressed that they liked my similar use of supporting the community and, I believe, they too liked that I am a Dundasian, a regular mom of 3 amazing kids, a Dundas business owner, and Chair of the annual Dundas Terry Fox Run. I have worked so hard for this opportunity. I am a steel worker's daughter and have worked tirelessly to put myself through school and to build a clinic that is filled with passionate caregivers, the majority who also live and raise their families in Dundas. This opportunity is more than just a building to me.

I understand that a Zoning By-law Amendment is the preferred application, as the Neighbourhood Institutional (I1) Zone does not permit a professional service-type use, however, as a small business and parent, I sadly cannot finance, nor risk, the \$29,000 cost on a property that I do not own as of yet.

I have not submitted for a Zoning Compliance Review, as I was informed by the Zoning staff that the staff will complete a fulsome zoning review when a Minor Variance application is submitted. Similarly, I did not apply for a Zoning Verification, as I was informed by Zoning staff that, in my situation, it would not add value as Zoning staff confirmed the current church use and therefore any previously established uses would not be recognized. As I understand, these forms would not provide any value in my situation.

Thank you so much for your time. Your consideration is greatly appreciated.  
I welcome any questions.

Sincerely,



Nicole Wilson

Letter of Permission

March 21, 2023

To whom it may concern,

To whom it may concern:

The below signed are the signing authority for Christian Science Society, Hamilton as Owner of 245 Mill Street in Dundas Ontario and give permission to Nicole Wilson, as a potential Owner under a conditional Offer to Purchase, to request any, and all, information from the municipality and to apply for any permits, applications, variances etc. as may be required for her own due diligence in purchasing this property for her intended use.

Owner(s) Authorization (Corporation)

As of the date of this application, I (Name/s)

Marjorie Verhoeven,  
Margaret Hollinshead, and  
Leo Siroky

having signing authority for Christian Science Society, that is the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize Nicole Wilson of The Health Centre Integrative Therapies, as a potential Owner under a conditional Offer to Purchase, to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

Christian Science Society, Hamilton

Marjorie Verhoeven  
Marjorie Verhoeven

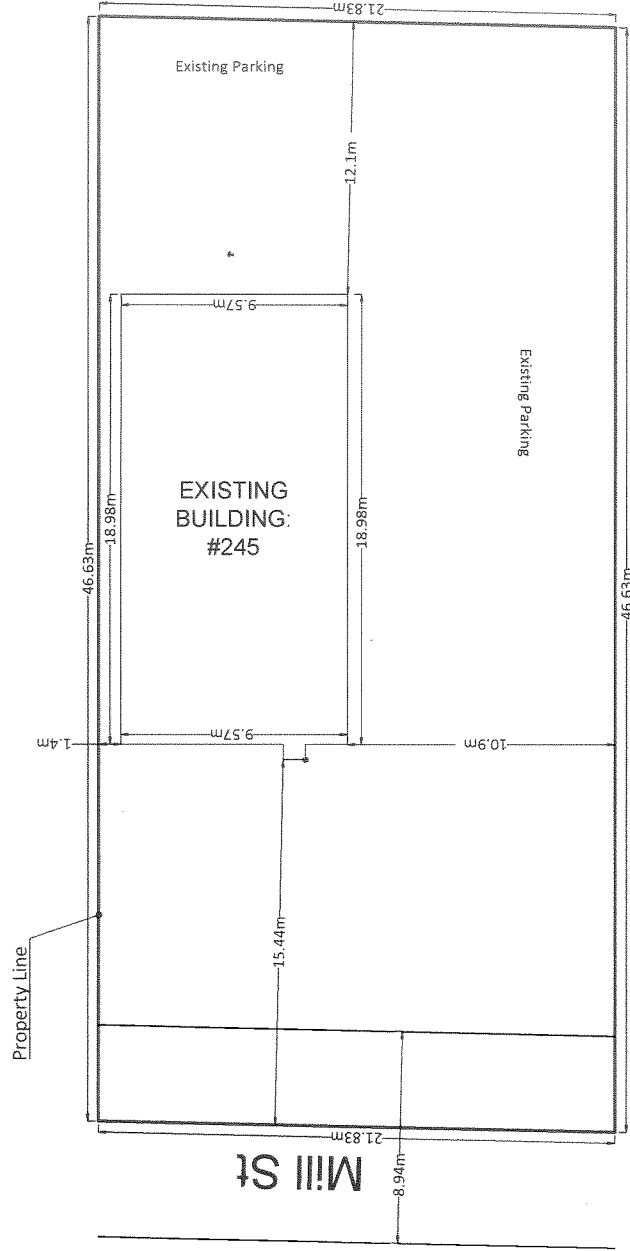
Date: MAR. 22, 2023

M. Hollinshead  
Margaret Hollinshead

Date: March 22, 2023

Leo Siroky  
Leo Siroky

Date: March 22, 2023



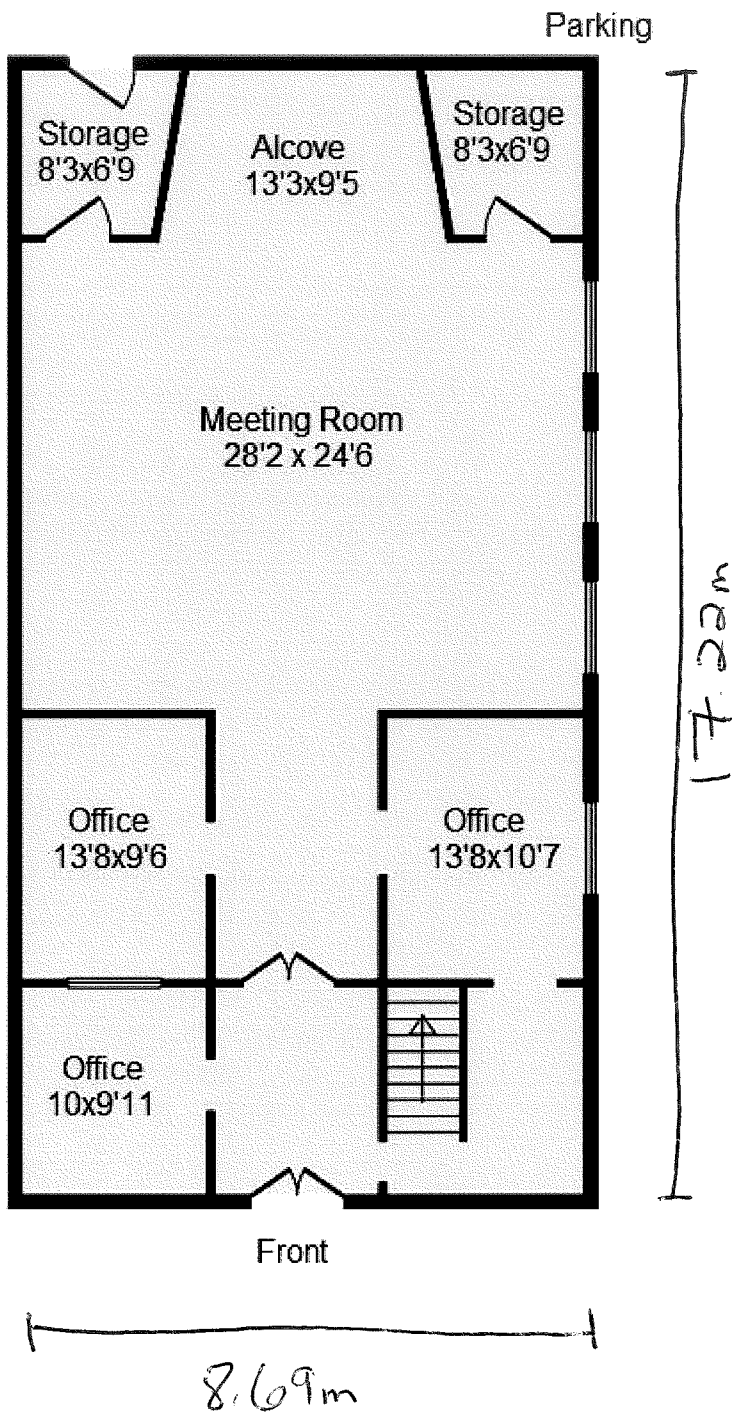
PT LOT 9, BLOCK 41, PLAN 1443 , AS IN VM86801 ; PT LOT 9, BLOCK 41, PLAN 1443 , PT LOT 10, BLOCK 41, PLAN 1443 , AS IN VM162479 ;  
DUNDAS CITY OF HAMILTON

245 Mill St  
Dundas, ON L9H 2L6  
Scale: 1:200

\*No change to site plan requested

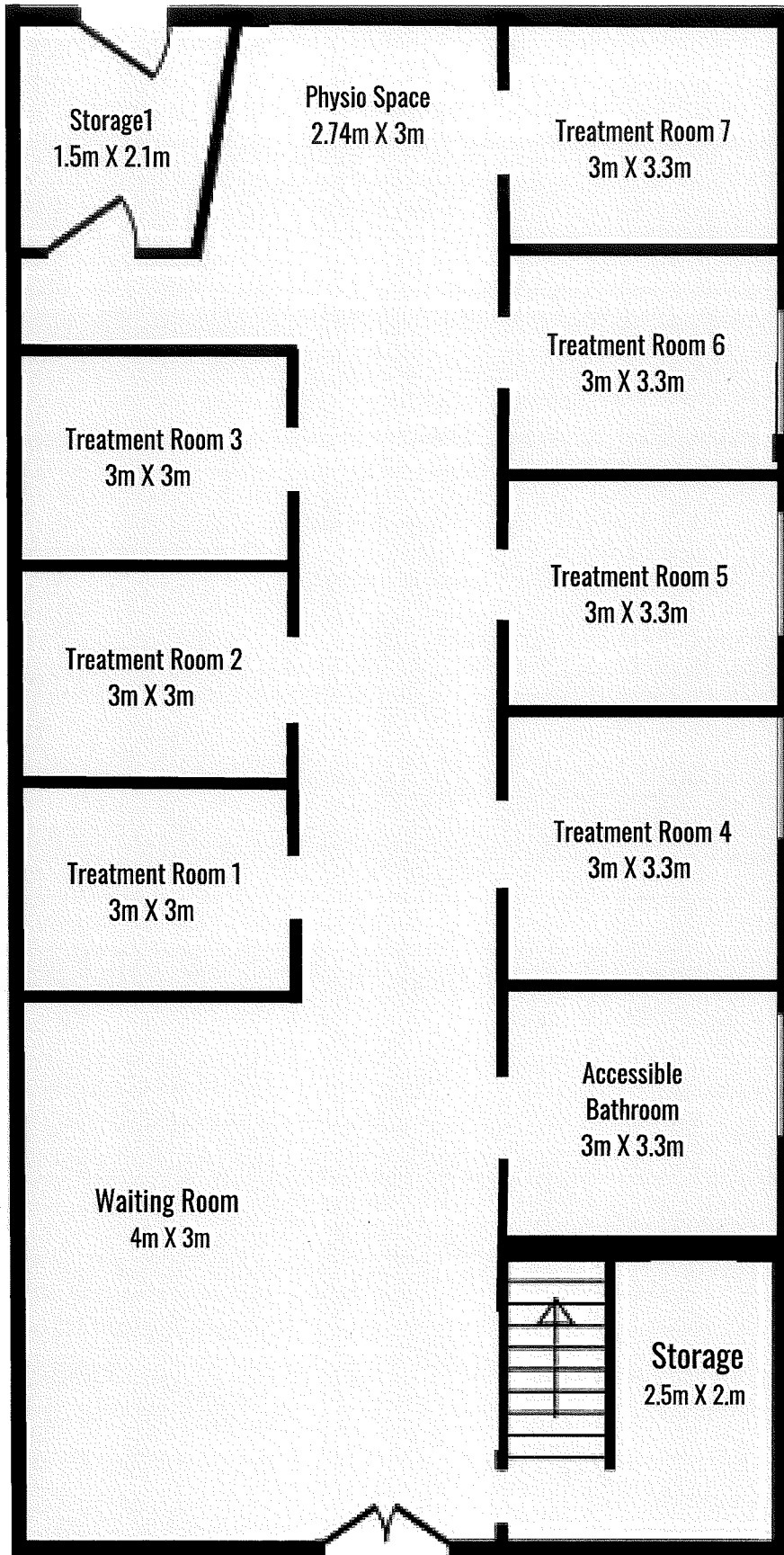
22

# Existing Building/Footprint





# Planned Interior Renovations (No change to exterior)



17.22m

Front

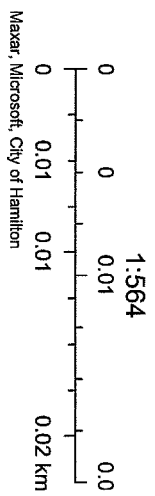
8.69m

# Interactive Zoning



3/16/2023, 6:43:55 PM

- Ward Boundary
- Community Boundary
- City Boundary
- Urban Boundary
- Property Parcels
- Zoning Compliance Review Required
- Zoning Boundaries
- Interim Control By-Laws



The City of Hamilton is not liable for any damages resulting from this product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or survey.

### E.3.0 NEIGHBOURHOODS DESIGNATION

Hamilton's neighbourhoods are diverse, ranging from old, historic areas of the City, to newly developed subdivisions. Each neighbourhood has its own unique character. Together, neighbourhoods create the rich mosaic of the City.

Neighbourhoods provide the context for daily life for citizens. Neighbourhoods are “living areas” - places where we live, learn, play and socialize on a daily basis. The designation “Neighbourhoods” recognizes that our neighbourhoods are made up of more than just homes, but include a variety of land uses. The mix of uses is important in a neighbourhood. Also important are the relationships between these uses, the locations of the uses, how they function together, how they are designed, and how they are accessed by local residents.

The intent of the Neighbourhoods designation is to describe neighbourhood functions, identify appropriate scales of *development* and design requirements for various land uses, and allow for the continued evolution of neighbourhoods.

#### 3.1 Policy Goals

The following goals apply to the Neighbourhoods land use designation:

- 3.1.1 Develop compact, mixed use, transit-supportive, and *active transportation* friendly neighbourhoods.
- 3.1.2 Develop neighbourhoods as part of a *complete community*, where people can live, work, shop, learn, and play.
- 3.1.3 Plan and designate lands for a range of housing types and densities, taking into account *affordable* housing needs.
- 3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- 3.1.5 Promote and support *residential intensification* of appropriate scale and in appropriate locations throughout the neighbourhoods.

#### 3.2 Neighbourhoods Designation – General Policies

##### Function

- 3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- 3.2.2 The Neighbourhoods designation applies to lands generally greater than 4 hectares in size designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations.
- 3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
  - a) residential dwellings, including second dwelling units and *housing with supports*;

- b) open space and parks;
- c) local *community facilities/services*; and,
- d) local commercial uses.

**Scale and Design**

**3.2.4** The existing character of established Neighbourhoods designated areas shall be maintained. *Residential intensification* within these areas shall enhance and be *compatible* with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

**3.2.5** Individual supporting uses in the Neighbourhoods designation shall be no greater than 4 hectares in size.

**3.2.6** Supporting uses such as local commercial, *community facilities/services*, and open space and parks, should be clustered to create a focal point for the neighbourhood and to facilitate access by all forms of transportation.

**3.2.7** The City shall require quality urban and architectural design. *Development* of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- a) *New development* on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.
- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- c) Adequate and direct pedestrian access and linkages to *community facilities/services* and local commercial uses shall be provided.
- d) *Development* shall improve existing landscape features and overall landscape character of the surrounding area.
- e) *Development* shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.

**3.2.8** Proposals for supporting uses, except local commercial uses, within the Neighbourhoods designation shall be evaluated on the following criteria:

- a) *compatibility* with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking, and landscaping;
- b) access to a collector or major or minor arterial road shall be preferred;
- c) provision of adequate off-street parking with appropriate buffering and landscaping from residential uses;
- d) compliance with Section B.3.3 – Urban Design Policies and B.3.5 – Community Facilities/Services Policies; and,



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**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			Phone:
			E-mail:

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	245 Mill St. Dundas, ON L9H 2L6		
Assessment Roll Number	2518 2601 400 7800		
Former Municipality	Dundas		
Lot		Concession	
Registered Plan Number	Plan 1443, Block 41	Lot(s)	
Reference Plan Number (s)		Part(s)	9 & 10

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:

- Additional use request (Current Place of Worship - to a Wellness Centre)
- No change to exterior/footprint of building, nor existing parking lot
- Only interior renovations (treatment rooms and an accessible bathroom added on main floor)

Second Dwelling Unit

Reconstruction of Existing Dwelling

*not a dwelling now*

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

The use is not permitted

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
21.946m	36.576m	802.696m	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
Building	15.53m	12.1m	10.9m(East), 1.4m(West)	No change to exiting building

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Building (same as above)	no change to buidling footprint	no change to buidling footprint	no change to buidling footprint	*No change to existing building

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
Building	167.22sqm	167.22sqm	1	4.57m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Building	167.22sqm	167.22sqm	1	4.57m
*No change to existing building				

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.):

Wellness Centre/office (Personal Services/Medical Clinic)  
(chiropractic, physiotherapy, massage, naturopathy)

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

Single detached dwellings

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

- May 5, 2023 proposed as per APS

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

- Place of Worship

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

- Place of Worship

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

- 21 years

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

Rural Hamilton Official Plan designation (if applicable): not applicable

Rural Settlement Area: not applicable

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Our intended use is to serve local residents, As per UHOP Policy E.3.2.1

Our clinic operates with a focus on creating a calm, relaxing, and quiet environment/community.

7.6 What is the existing zoning of the subject land? I1 - Residential Institutional

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: \_\_\_\_\_

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 (N/A)

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):

- No changes to exterior of existing building or parking lot
- Interior renovations only (adding treatment rooms and accessible bathroom)
- Dividing spaces with separate HVAC and electrical
- Adding accessible front entrance (door/ramp)

## 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

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