



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

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-24:29	SUBJECT PROPERTY:	1395 UPPER OTTAWA STREET, HAMILTON
ZONE:	C6 Exception 346 (District Commercial)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: CHURCHDANE COMMERCIAL CENTRE (ANTHONY CUTRONA)
Agent: AGORA RESEARCH GROUP INC. (CLAUDIO BALBINOT)

The following variances are requested:

1. To permit parking, stacking lanes and drive aisles between the building façade and the front lot line and flankage lot line, whereas the by-law does not permit parking, stacking lanes and drive aisles to be located between the building and the front lot line and flankage lot line.
2. A maximum setback of 20.7 metres building setback to the street line whereas the bylaw permits a maximum building setback of 4.5 metres to the street line.

PURPOSE & EFFECT: As to permit the construction of a new drive through restaurant.

Notes:

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

This application will be heard by the Committee as shown below:

DATE:	Tuesday, March 12, 2024
TIME:	3:10 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

HM/A-24:29

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

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, written comments must be received no later than noon March 8, 2024

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, registration to participate virtually must be received no later than noon March 11, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-24:29, 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.

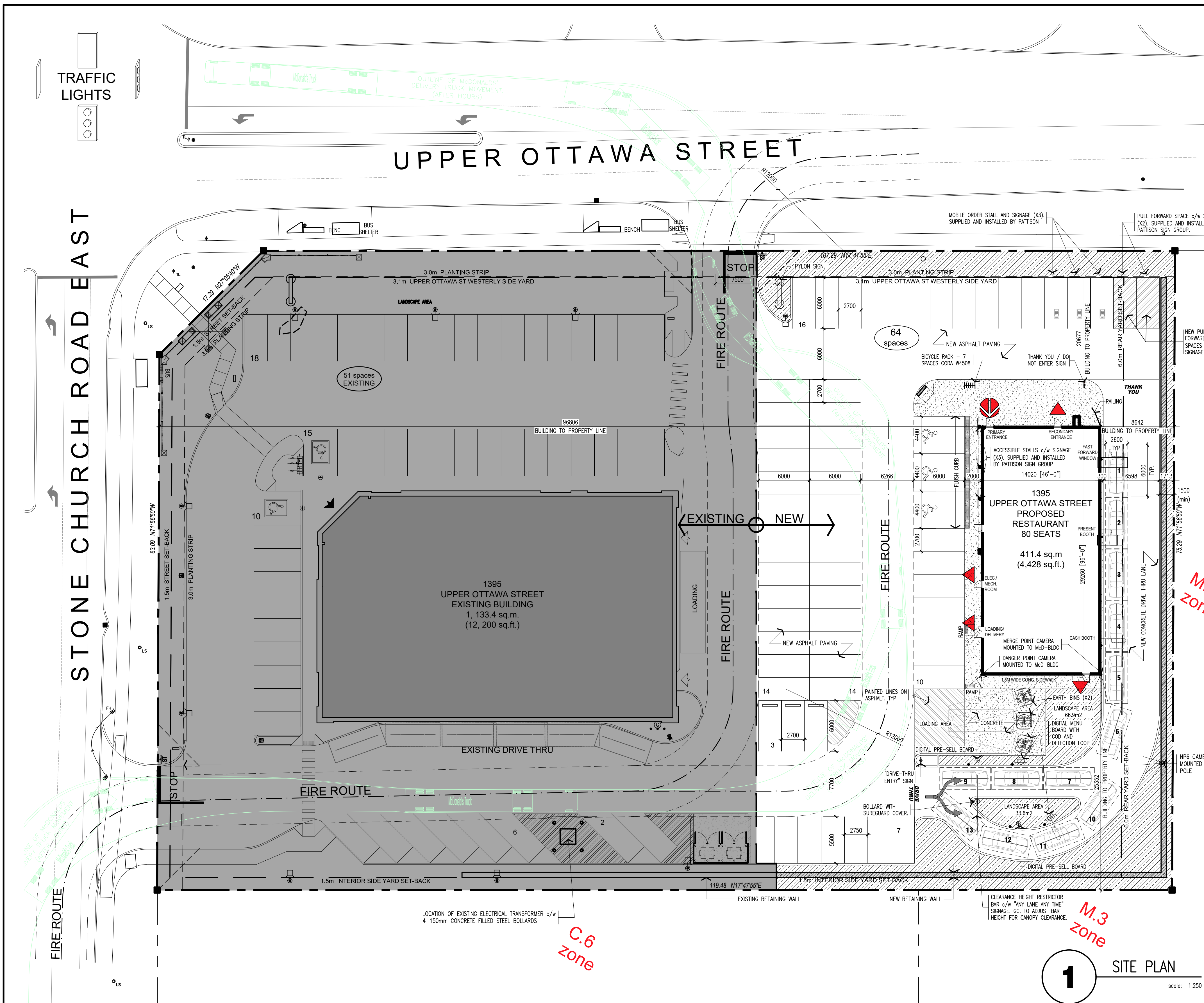
If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



DATED: February 22, 2024

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.



ZONE: C.6 zone (DISTRICT COMMERCIAL ZONE) - EXCEPTION 346

PERMITTED USES:	RESTAURANT DRIVE THRU		
ZONING REGULATION	REQUIRED	PROVIDED	COMPLIANCE
LOT AREA	NOT APPLICABLE	8920.9 m ²	YES
MINIMUM LOT FRONTAGE:	NOT APPLICABLE	80.38 m	YES
SETBACK FROM A STREET	MIN 1.50m MAX 4.50m EXCEPTION 346(c) - A MINIMUM WESTERLY SIDE YARD OF 3.1 METRES SHALL BE PROVIDED AND MAINTAINED. ALSO, BYLAW # 11-271 (SITE SPECIFIC)	20.67m (FROM PROP. BLDG. TO UPPER OTTAWA STREET) WESTERLY SIDE YARD	YES
MINIMUM INTERIOR SIDE YARD	MIN. 1.50m	25.35 m	YES
MINIMUM REAR YARD	MIN. 6.00m	8.642 m	YES
MAXIMUM BUILDING HEIGHT	14m	8.53m	YES
OUTDOOR STORAGE	NO OUTDOOR STORAGE PERMITTED	N/A	N/A
ACCESSORY BUILDINGS OR STRUCTURES	IN ACCORDANCE WITH SECTION 4.8	N/A	N/A
LANDSCAPE AREA	RESTAURANT - 10% RETAIL - 10% TOTAL SITE - 10%	22.1% 23.2% 22.6%	YES YES YES

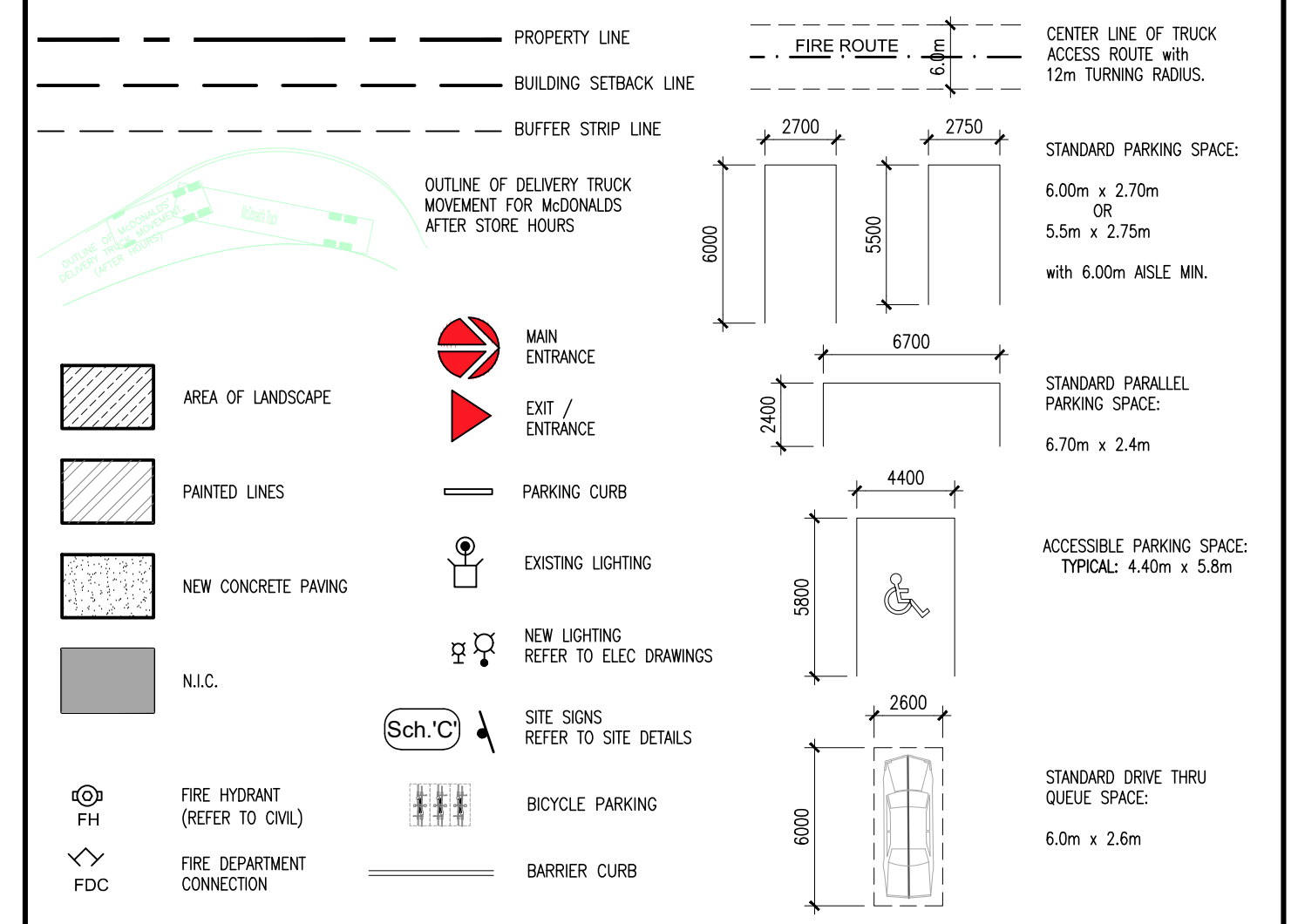
OFF-STREET PARKING - RESTAURANT DRIVE THRU

ZONING REGULATION	REQUIRED	PROVIDED	COMPLIANCE
PARKING REQUIREMENTS: (C6 204E) 1 space / 8 m ² RESTAURANT 1 space / 17 m ² EXISTING RETAIL TOTAL SITE	PROPOSED RESTAURANT BUILDING = 411.4 m ² = 51.42 spaces (52 REQUIRED) EXISTING RETAIL = 40 x 4.5 = 1.8 (2) TOTAL SITE = 92 SPACES	64 PARKING SPACES 51 PARKING SPACES 115 PARKING SPACES	YES
PARKING DIMENSIONS	2,700m x 5,500m (AS PER EXCEPTION 346)	2,700m x 6,00m (at proposed building)	YES
PARALLEL PARKING	2,400m x 6,700m	N/A	YES
SMALL PARKING	2,600m x 5,500m (MAX 10% OF REQUIRED)	N/A	N/A
ACCESSIBLE PARKING REQUIREMENTS 50-100 SPACES, 4% OF REQUIRED PARKING	RESTAURANT = 57 x 4% = 2.28 (3) EXISTING RETAIL = 40 x 4% = 1.6 (2) TOTAL SITE = 97 x 4% = 3.9 (4)	3 BF SPACES 2 BF SPACES 5 BF SPACES	YES
ACCESSIBLE PARKING DIMENSIONS	4.40m x 5.80m	4.40m x 6.00m (at proposed building)	YES
MINIMUM WIDTH OF DRIVEWAYS AND PARKING AISLES	6.0 m	6.00 m	YES

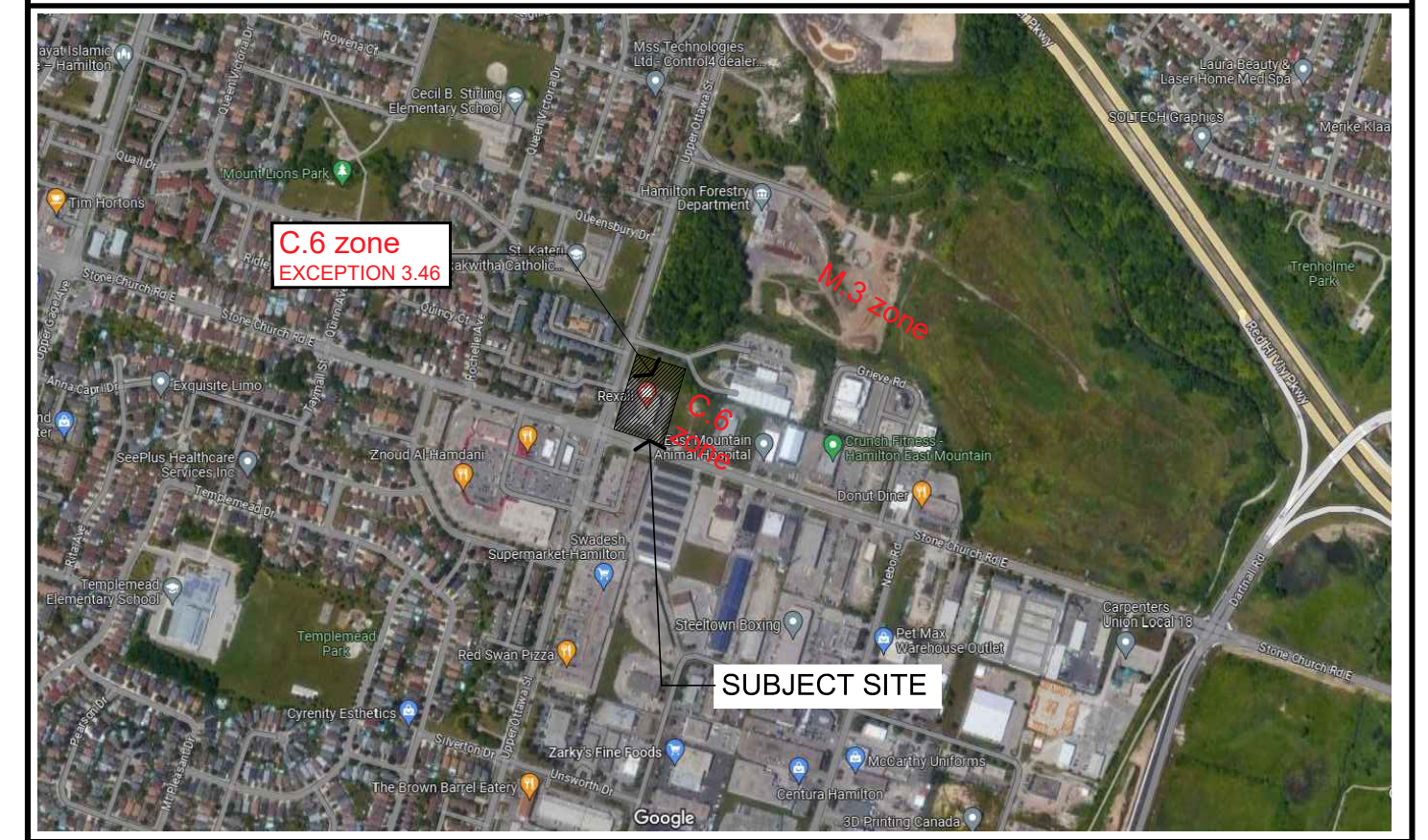
BICYCLE PARKING

ZONING REGULATION	REQUIRED	PROVIDED	COMPLIANCE
N/A	N/A	7 SPACES	N/A

LEGEND



KEY MAP



THE LEGAL DESCRIPTION & PROPERTY INFORMATION USED FOR THIS DRAWING HAS BEEN TRANSFERRED FROM THE FOLLOWING DRAWING(S):

A PDF FILE OF A MCDONALDS CONCEPT SITE PLAN FOR A DOUBLE DRIVE THRU BUILDING PREPARED BY: ARCADIS ISI GROUP
2000-360 JAMES STREET NORTH
HAMILTON, ONT., L8L 1H5 TEL: (905) 546-1010
PROJECT No. 137350, DATED 2020.02.17 DRAWING: CPL.0

AND

TOPOGRAPHIC SURVEY OF SITE PLAN
PREPARED BY: UNKNOWN
FILE NAME: UNKNOWN
PROJECT No. UNKNOWN
DATED: UNKNOWN

DESIGN - 06a
46'-0" x 96'-0" McDonalds
2024-01-26 CRT

1 SITE PLAN
scale: 1:250

NOTE: This drawing and all associated documentation are the confidential property of BJC architects inc. and must be returned upon request. Any duplication, reuse, revision and/or distribution in part or whole without the prior written authorization of BJC architects inc. is strictly prohibited. Each contractor will check and verify all dimensions and report all errors and omissions to the design professional whose seal is affixed to this drawing. Do not scale this drawing.

The information and material herein reflect the best judgement of BJC architects inc. in light of the information available to them at the time of preparation of these documents. Any use which a third party makes of these documents, or any reliance on or decisions to be made based on them, is the sole responsibility of such third party. BJC architects inc. accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on these documents © BJC architects inc. 2024

03		
02		
01	ISSUED FOR MINOR VARIANCE	2024-01-26
No.	REVISIONS	date YYYY MM.DD

PROJECT NORTH
TRUE NORTH
scale: 1:250

drawn by CRT
last worked on by 2024.01.26 MW
checked by B.R.J.
print date 2024.01.26

BJC
architects + assocs. inc.

client
CHURCHDANE COMMERCIAL CENTRE
1230 SHEPPARD AVE W SUITE 12
TORONTO ONTARIO

project
NEW MCDONALD'S
1395 UPPER OTTAWA STREET
HAMILTON ONTARIO

drawing title
SITE PLAN

reference

project no. 23-058
client reference number

sheet no.
A-101 NN

January 31, 2024

Committee of Adjustment
City Hall, 5th Floor
71 Main Street West
Hamilton, Ontario
L8P4Y5

905-546-2424 ext 4221

Email: cofa@hamilton.ca

Dear Sir/Madam:

Re – 1395 Upper Ottawa Street, Hamilton, Ontario
Minor Variance Application Submission

Agora Research Group Inc. has been retained by Churchdane Commercial Centre Inc. to act as land use planners and development advisors for the property municipally described as 1395 Upper Ottawa Street in Hamilton, Ontario hereinafter referred to as the “Site”.

The proposal is to construct a one storey McDonald’s restaurant drive through building (approximately 411 m²) on the northern portion of the Site shown as Phase II on the attached Site Plan. The Rexall retail building (Phase I) will remain operational throughout the development of the Phase II project.

The development plan completes the full build out of the Site that is supported by two existing all turn movements access points (one on Stone Church Road East and the second on Upper Ottawa Street). Parking will be provided for 64 parking spaces including 3 barrier free spaces on the McDonald’s Phase II portion of the site in addition to the existing 51 parking spaces on the Phase I Rexall portion of the Site.

The McDonald’s drive through lane along with stacking lane will be located to the east and north of the building. One loading space will be provided at the rear of the McDonald’s restaurant.

Based upon our interpretation of Hamilton’s Official Plan and Hamilton Zoning By-law 05-200 along with the “Applicable Law Review” (attached) which identified the proposed development’s zoning by-law compliance, the applicant is seeking Minor Variance relief related to the following two specific regulations.

Section 10.6.3(g)(vi)

Relief required to permit parking, stacking lane and drive aisles between building facade and the front lot line and flankage lot line.

Section 10.6.3(a)

Relief required to increase maximum setback from 4.5m to 17.7m along Upper Ottawa St.

However, please note that Exception 346 states that a minimum westerly side yard of 3.1m shall be provided. Also, a site specific by-law 11-271 further supports the 3.1m minimum westerly side yard.

As part of the Minor Variance Application submission package requirements, we have enclosed the following:

Materials	Electronic Copies Required
Cover letter	1
Copy of Fee Payment Cheque Letter (Sent via Courier)	1
Minor Variance Application	1
Applicable Law Review Letter – Applicant’s response	1
Site Plan	1

A copy of the cheque in the amount of \$3,900.00 is enclosed to cover the Minor Variance Application fee payable to the City of Hamilton. The fee cheque has been sent via courier to the attention of the Hamilton Committee of Adjustment on January 31, 2024.

Authorization has been granted by the registered property owner to Claudio Balbinot MCIP, RPP to act as the agent for the application.

We trust the Minor Variance Application submission package has been completed to your satisfaction. If you require additional information or if Planning Staff requires clarification on any matter, please do not hesitate to contact the undersigned.

Respectfully Submitted,



Claudio Balbinot B.E.S.(Hons), MCIP, RPP
Agora Research Group Inc.
416-460-3383
claudio@agoraresearch.com

cc:

Matt Weishar - BJC Architects Inc. - matt.weishar@bjcarchitects.com
Anthony Cutrona – Churchdane Commercial Centre - anthony@macdane.com



Hamilton

November 28, 2023

FILE: ALR
FOLDER: 23-311464-00 ALR
ATTENTION OF: Victoria Brito
TELEPHONE NO: (905) 546-2424
EXTENSION: 7628

Claudio Balbinot

KLEINBURG, ON L0J 1C0

Attention:

Re: **APPLICABLE LAW REVIEW – ZONING BYLAW RESPONSE FROM
APPLICANT IN RED TEXT BELOW IMBEDDED IN DOCUMENT -
January 16, 2024**

**Present Zoning: C6, 346 (District Commercial)
Address: 1395 UPPER OTTAWA ST HAMILTON, ON**

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

COMMENTS:

1. The applicant indicates that the proposal is to amend Phase 2 of previous approved Site Plan Control Agreement DA-12-003, originally intended for a multi-tenant building on the northern portion of the site. The proposal will facilitate the construction of a drive-thru restaurant (McDonald's) in place of the multi-tenant building on said northern portion of the subject property while maintaining the existing Phase 1 of the development consisting of retail store.
2. The proposed drive-thru restaurant (Mc Donald's) is permitted in the current zoning "C6, 346" (District Commercial).
Building Division records indicates that the recognized use is Retail ("Rexall Pharmacy") which is permitted.
3. This is a corner lot. Therefore, the lot line abutting Stone Church Road East is considered the front lot line for this development as it is the shortest lot line abutting a street and the opposite lot line is considered the rear lot line. The lot line abutting Upper Ottawa Street is considered a flankage lot line including the hypotenuse of the daylight triangle and the remaining easterly side lot line an interior side lot line.
4. This Division has previously interpreted that the proposed garbage facilities shown (earthbins/moloks) are considered accessory structures shall comply with the requirements of Section 4.8 "Accessory Buildings" regulations of the Hamilton Zoning By-law 05-200.

5. All mechanical equipment including “transformers” shall comply with the requirements of Section 4.9 of the Hamilton Zoning By-law 05-200 and shall not be located within required landscaped/planting strip areas.
6. Any proposed encroachments shall comply with the requirements of Section 4.6 of the Hamilton Zoning By-law 05-200.
7. The proposed development is subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
8. All new signs proposed for this development must comply with the regulations contained within Hamilton Sign By-law 10-197. A building permit(s) is required for all signage.
9. All new fencing proposed for this development must comply with the regulations contained within Hamilton Sign By-law 10-142.
10. The designer shall ensure that the fire access route conforms to the Ontario Building Code.
11. The proposed development has been reviewed and compared to the standards of the C6, 346 (District Commercial) zone as indicated in the following chart

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 10.6– C6 Requirements			
Restricted Uses [as per section 10.6.3(a) of Hamilton Zoning By-law 05-200]	i) Restriction of Uses within a Building: 1. Notwithstanding Section 10.6.1, for building(s) with a gross floor area of less than 4,650 square metres, a Dwelling Unit(s), Mixed Use shall only be permitted above the ground floor except for access, accessory office and utility areas, and shall not occupy more than 50% of the total gross floor area of all the building(s) within the lot. For buildings with a gross floor area of 4,650 square metres or more, a Dwelling Unit(s) in conjunction with a commercial use shall only be permitted above the ground floor except for access, accessory office and utility areas 2. Notwithstanding Section 10.6.1, an Office(s) and Medical Clinic(s) shall only be permitted above the ground floor.	Not proposed as part of the development.	N/A
Building Setback from a Street Line [as per section 10.6.3(a) of Hamilton Zoning By-law 05-	i) Minimum 1.5 metres; ii) Maximum 4.5 metres, except where a visibility triangle is required for a	i) and ii) A maximum setback greater than 4.5m is proposed from both street line lines.	Partly non-conforming. By-law 11-271 permits a minimum westerly side yard of 3.1m. Please confirm.

	Required By By-Law	Provided	Conforming/ Non-Conforming
200]	<p>driveway access;</p> <p>iii) Notwithstanding Section 10.6.3i), 6.0 metres for that portion of a building providing an access driveway to a garage; and,</p> <p>iv) Section 10.6.3i) shall not apply for any portion of a building that exceeds the requirement of Section 10.6.3 g) ii) and iii).</p>	<p>iii) Not applicable to the proposed development.</p> <p>iv) This requirement is not applicable to the proposed development.</p>	<p>N/A</p> <p>See comments in Section 10.6.3 g) iii)</p>
Minimum Rear Yard [as per section 10.6.3(b) of Hamilton Zoning By-law 05-200]	<p>i) 6.0m; and,</p> <p>ii) 7.5m abutting a Residential or Institutional Zone or lot containing a Residential Use.</p> <p>Site Exception #346, states that notwithstanding the above section, a minimum rear yard of 3.1m shall be provided and maintained.</p>	<p>A rear yard of 8.03m</p> <p>Note: This property is not abutting a Residential or Institutional Zone or a lot containing a Residential Use.</p>	Conforms
Minimum Interior Side Yard [as per section 10.6.3(c) of Hamilton Zoning By-law 05-200]	<p>i) 1.5m; and,</p> <p>ii) 4.5m abutting a Residential or Institutional Zone or lot containing a residential use.</p> <p>Site exception #346, states notwithstanding the above section a minimum westerly side yard of 3.1m shall be provided and maintained.</p>	<p>i) and ii) A portion of this property abuts a lot containing a residential use to the east. An easterly interior side yard significantly greater than 4.5m is proposed.</p> <p>The westerly side yard is not an interior side yard.</p>	<p>Conforms</p> <p>N/A</p>
Maximum Building Height [as per section 10.6.3(d) of Hamilton Zoning By-law 05-200]	14.0m	The elevation plans do not show the height dimension measured from grade. However, a height less than 14.0m is proposed. Site Statistic chart indicates a height of 8.03m	Conforms
Maximum Gross Floor Area for Office Use [as per section 10.6.3(e) of Hamilton Zoning By-law 05-200]	2,000.0m ²	Not proposed as part of the development.	N/A
Maximum Gross Floor Area for Individual Commercial Use [as per section 10.6.3(f) of Hamilton Zoning By-law 05-200]	10,000.0m ² per individual commercial use.	The site zone "charts" indicates that the existing building has a area of 1,133.4m ² and the proposed building an area of 454.0m ² .	Conforms

	Required By By-Law	Provided	Conforming/ Non-Conforming
<p>Built form for New Development [as per section 10.6.3(g) of Hamilton Zoning By-law 05-200]</p>	<p><i>In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this By-law:</i></p> <p>i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street;</p> <p>ii) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 40% of the measurement of the front lot line and shall exclude access driveways and lands within a required yard.</p> <p>iii) For a corner lot, the width of the ground floor face facing a front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street and shall exclude access driveways and lands within a required yard.</p> <p>iv) In addition to Section 10.6.3(i)(ii) and (iii), the minimum width of the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street.</p> <p>v) Notwithstanding Section 10.6.3.(g)(ii) and (iii), for commercial development existing at the time of the passing of the By-law, new commercial buildings with a Gross Floor Area of less than 650.0m² shall be permitted.</p> <p>vi) No parking, stacking lanes, or aisles shall be located between a building façade and the front lot line and flankage lot line;</p> <p>1. Section 10.6.3g)vi) shall not apply for any portion of a building that exceeds the requirement of Section 10.6.3g) ii) and iii).</p>	<p>i) No rooftop mechanical equipment is shown.</p> <p>ii) Not applicable as this is corner lot.</p> <p>iii) Details not provided. Appears to be less than 50.0% of the measurement of all lot lines abutting a street.</p> <p>iv) permissible deductions to be noted by applicant.</p> <p>v) This is an existing commercial development and the new commercial building has a proposed gross floor area of 454.0m². Therefore, Section 10.6.3 (g)(iii) shall not apply.</p> <p>vi) Parking and stacking lanes or aisles are shown between the proposed building face and the front lot line and flankage lot line.</p> <p>vi) 1. Not applicable to the proposed development.</p>	<p>N/A</p> <p>N/A</p> <p>Not applicable per Section 10.6.3.(g)(v)</p> <p>Not applicable per Section 10.6.3.(g)(v)</p> <p>Conforms</p> <p>Non-conforming Applicant will seek relief from the COA to permit parking and stacking lanes or aisles between building face and front lot line and flankage lot line.</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>vii) A minimum of one principal entrance shall be provided:</p> <ol style="list-style-type: none"> 1. within the ground floor façade that is setback is closest to a street; and, 2. shall be accessible from a building façade with direct access from the public sidewalk; and <p>viii) A walkway shall be permitted in a planting strip where required by the By-law.</p>	<p>vii) The principle entrance is not provided between the ground floor façade that is setback closest to the street; in addition, it appears that no direct access from a public sidewalk is proposed.</p> <p>viii) A walkway is not shown between a required planting strip.</p>	<p>Non-conforming</p> <p>Applicant has relocated the principle entrance to face the street (Upper Ottawa St)</p> <p>N/A</p>
<p>Planting Strip Requirements [as per section 10.6.3(h) of Hamilton Zoning By-law 05-200]</p>	Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5m wide planting strip shall be provided and maintained.	This property does not abut a Residential Zone or an Institutional Zone.	N/A
<p>Visual Barrier Requirement [as per section 10.6.3(i) of Hamilton Zoning By-law 05-200]</p>	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) zone property line in accordance with the requirements of Section 4.19 of this By-law.	This property does not abut a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone.	N/A
<p>Outdoor Storage [as per section 10.6.3(j) of Hamilton Zoning By-law 05-200]</p>	<p>i) No outdoor storage of goods, materials, or equipment shall be permitted; and,</p> <p>ii) Notwithstanding Section 10.6.3(j)(i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a Front or Flankage yard.</p>	Not shown to be proposed.	N/A
Accessory buildings in all zones – Section 4.8			
<p>Location in relation to a yard [as per section 4.8 b) of Hamilton Zoning By-law 05-200]</p>	Accessory Buildings shall not be permitted within a front or flankage yard.	The proposed earthbins structures are not located within a front or flankage yard.	Conforms
<p>Maximum height [as per section 4.8 g) of Hamilton Zoning By-law 05-200]</p>	All Accessory Buildings shall have a maximum height of 4.5 metres.	No details provided.	<p>Unable to determine compliance</p> <p>No accessory buildings are proposed.</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
Minimum setbacks [as per section 4.8.3 a) of Hamilton Zoning By-law 05-200]	Minimum 0.6 metres where a rear lot line does not abut a Laneway.	Significantly greater than 0.6m from the rear lot line.	Conforms
	Minimum 0.6 metres where a side lot line does not abut a Laneway.	Significantly greater than 0.6m from the side lot line.	Conforms
Drive Through Regulations – Section 4.25			
Minimum number of stacking spaces [as per section 4.25 a) of Hamilton Zoning By-law 05-200]	Notwithstanding any other provisions in this by-law, every drive through shall provide the following minimum number of stacking spaces from the service window:	The site can only accommodate thirteen (13) stacking spaces from the drive through window.	Conforming
	i) Restaurant - 12 spaces		
	ii) All other uses - 3 spaces	Not applicable	N/A
Minimum stacking lane space sizes [as per section 4.25 b) of Hamilton Zoning By-law 05-200]	No stacking spaces shall be less than 2.6m in width by 6.0m in length, unless otherwise provided for in this By-law.	The stacking space sizes have not been clearly dimensioned.	Unable to determine compliance Stacking space clearly dimensioned on revised Site Plan.
Locational specific regulations [as per section 4.25 c) i) of Hamilton Zoning By-law 05-200]	i) No Drive-Through Facility shall be permitted to locate between any required parking area and the main entrance for the use;	The drive-through facility is not located between the required parking area and the main entrance for the use.	Conforms
	ii) No Drive-Through Facility stacking lane shall be permitted between the street and the building, except where other buildings on the same lot occupy the space between the Drive-Through Facility and a street;	The proposed drive-through facility is not shown to be located between the street and the building.	Conforms
	iii) Required stacking spaces shall not be permitted in any aisle providing access to the required parking nor obstruct the ability to access a parking space; and,	The proposed stacking spaces do not appear to interfere with the driveway aisle providing access to a required parking space.	Conforms
	iv) No Drive-Through Facility, including the stacking space, and any access driveway or manoeuvring space to provide access to the Drive-Through Facility, shall be permitted less than 12.0 metres from a Residential Zone measured from the property line of the lot containing the Drive-Through Facility abutting a Residential Zone or where the lots are separated by a public street, from the lot line closest to the Residential Zone.	This property is located a distance greater than 12.0m from a Residential zone.	N/A

	Required By By-Law	Provided	Conforming/ Non-Conforming
<p>Minimum planting strip/visual barrier requirements [as per section 4.25 c) i) of Hamilton Zoning By-law 05-200]</p>	<p>d) Where a Landscaped Area occupies the space between a Drive-Through Facility and a Residential Zone or an Institutional Zone property line:</p> <p>i) A minimum 3.0 metre planting strip shall be provided and maintained along that portion of the lot line that abuts a Residential Zone or Institutional Zone property line or lot containing a residential use; and,</p> <p>ii) In addition to Section 4.19, a minimum 1.8 metre solid visual barrier shall be provided and maintained along that portion of the property line that abuts Residential Zone or Institutional Zone property line or a lot containing a residential use.</p>	<p>This property does not abut a Residential zone or Institutional zone.</p>	<p>N/A</p>
Section 5 - Parking			
<p>Location (All Uses) [as per section 5.1(a) of Hamilton Zoning By-law 05-200]</p>	<p>i) Required parking facilities shall be located on the same lot as the use requiring the parking.</p> <p><i>ii) Notwithstanding Subsection 5.1 a) i), where the provision of parking on the same lot as the use requiring the parking is not possible, such off-site parking may be located on another lot within 300.0 metres of the lot containing the use requiring the parking, provided:</i></p> <p>a) Such off-site parking shall only be permitted within a zone in which the use requiring such parking is permitted;</p> <p>b) Such off-site parking shall be subject to Subsection 5.1 a) iii); and,</p> <p>c) Subsection 5.1 a) ii) shall not apply to any Residential Zone</p> <p>iii) Where the required parking is provided in accordance with Subsection ii) above, the owners of both lots shall enter into an agreement with the City to be registered against the title of both the lot upon which parking is to be provided and the lot containing the use requiring the parking. The lot</p>	<p>All required parking facilities are located on the same lot as the use.</p>	<p>Conforms</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
<p>Design Standards [as per section 5.2 of Hamilton Zoning By-law 05-200]</p>	<p>a) Where a parking lot is situated on a lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5), or Downtown (D6) Zone, the following shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5) Zone, or Downtown (D6) Zone:</p> <p>i) A minimum 1.5 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.</p>	<p>This property does not abut a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5) or Downtown (D6) zone.</p>	<p>N/A</p>
	<p>b) <i>Unless permitted by another regulation in this By-law, parking space sizes shall be:</i></p> <p>i) Minimum 2.8 metres in width and 5.8 metres in length;</p> <p>Site Exception #346 states that notwithstanding Subsection 5.2b), every parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 5.5 metres long.</p> <p>ii) Where a wall, column, or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.3 metres;</p> <p>iii) Notwithstanding Subsection ii), an additional 0.3 metres shall not be required provided:</p> <ol style="list-style-type: none"> 1. the maximum length of the wall, column or any other obstruction shall not exceed 1.15 metres; 2. the wall, column or any other obstruction is located at the front, rear, or both ends of the parking space; and, 3. the wall, column or any other obstruction does not project more than 0.15 metres into the width of the parking space. <p>iv) The length of each parking space</p>	<p>i) A typical parking space size of 2.7m x 6.0m and 2.7m x 5.5 is shown.</p> <p>ii), iii), iv), and v) Not applicable to the proposed development.</p>	<p>Conforms</p> <p>N/A</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>in an attached garage of a dwelling unit shall be increased by an equivalent length of the step, steps or stairwell that extends into the parking space;</p> <p>v) Notwithstanding Subsection iv), an open stairway may project into the length of the required parking space not more than 0.75 metres provided the height of the stairway does not exceed 0.5 metres;</p> <p>vi) Notwithstanding Subsection i) herein, where 10 or more parking spaces are required on a lot, the minimum parking space size of not more than 10% of such required parking spaces shall be a width of 2.6 metres and a length of 5.5 metres, provided that any such parking space is clearly identified as being reserved for the parking of small cars only;</p> <p>vii) Notwithstanding Subsection b) herein, light standards, including the base, located at the intersection of 4 parking spaces shall not be considered as an obstruction.</p>	<p>vi) No small car parking spaces have been identified as part of the proposal.</p> <p>vii) No light standard obstruction shown within the new parking lot. No other light standards shown.</p>	<p>N/A</p> <p>N/A</p>
	<p>c) All required parking shall be provided as follows:</p> <p>i) With adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle;</p> <p>ii) Shall be arranged so as to not interfere with normal public use of the street or laneway;</p> <p>iii) Shall be accessed by means of an access driveway:</p> <ol style="list-style-type: none"> 1. Located on the lot; or, 2. Located party on the lot in the case of a mutual driveway; or, 3. By means of a Right-of-Way. <p>iv) Any parking lot shall provide for ingress and egress of vehicles to and front a street in a forward motion only.</p>	<p>i) New parking is shown to be provided with adequate means of ingress and egress to and from a street without moving any other vehicle. All other parking area are existing.</p> <p>ii) New parking areas are arranged as to not interfere with normal public use of the street for the new parking area. All other parking spaces are existing.</p> <p>iii) All parking is shown to be accessed by means of an access driveway located on the lot.</p> <p>iv) All Ingress and egress of vehicles in a forward motion only.</p>	<p>Conforms</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>d) <i>Notwithstanding Subsection b) herein, in the case of parallel parking:</i></p> <p>Each parallel parking space shall have a minimum width of 2.4 metres and a minimum length of 6.7 metres. End spaces which have a clear, unobstructed approach, shall have a minimum length of 5.5 metres</p>	<p>No parallel parking spaces are shown as part of the proposal.</p>	<p>N/A</p>
	<p>ii) <u>Parking Lots in All Zones, except the Rural Classification Zones</u></p> <p>a) Shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material;</p>	<p>Details of the composition of the proposed parking area are not clearly specified.</p>	<p>Unable to determine compliance</p> <p>Parking lot to be asphalt paved as shown in the revised Site Plan.</p>
	<p>f) Notwithstanding Subsection b) herein, in the case of a barrier free parking, each parking space shall have a minimum width of 4.4 metres and a minimum length of 5.8 metres; and,</p>	<p>The plan shows proposed size of 4.4m x 6.0m for barrier free parking.</p>	<p>Conforms</p>
	<p>h) <i>In addition to Section 5.1 a) v) and Subsection 5.2 e), the following Planting Strip requirements shall apply to surface parking lots in all zones where 50 or more parking spaces are provided on a lot::</i></p> <p>i) Landscaped Area(s) or Landscaped Parking Island(s) with a minimum combined area of 10% of the area of the parking lot and associated driveway and maneuvering areas shall be provided and maintained;</p> <p>ii) Each Landscaped Area and Landscaped Parking Island shall have a minimum area of 10.0 square metres;</p> <p>iii) In addition to Section 5.6, the number of required parking spaces required to accommodate the Landscaped Area or Landscaped Parking Island within the parking lot shall be reduced by the amount needed to accommodate the minimum Landscaped Parking Island requirement as required by Subsection 5.2h)i), up to a maximum of 10% of the required parking spaces.</p>	<p>The new proposed surface parking area is less than 64 parking spaces.</p> <p>i), ii) and iii) Insufficient details provided.</p>	<p>Unable to determine compliance</p> <p>h) The new proposed restaurant surface parking area will accommodate 64 parking spaces as shown on revised Site Plan.</p> <p>i) Landscape area has been calculated as 20.9% of the proposed restaurant area of the Site.</p> <p>ii) Each landscape parking island has a minimum 10.0 sqm and is shown on the revised Site Plan.</p> <p>iii) N/A</p>

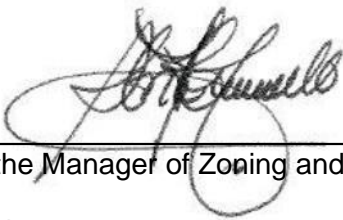
	Required By By-Law	Provided	Conforming/ Non-Conforming																
	<p>i) <i>In addition to Subsection c) herein, the minimum aisle width shall be designed and provided in accordance with the following requirements:</i></p> <table border="1"> <thead> <tr> <th>Parking Angle Degree</th> <th>One-Way and Two-Way Aisle Width</th> </tr> </thead> <tbody> <tr> <td>0°</td> <td>3.7m</td> </tr> <tr> <td>15°</td> <td>3.7m</td> </tr> <tr> <td>30°</td> <td>3.7m</td> </tr> <tr> <td>45°</td> <td>4.5m</td> </tr> <tr> <td>60°</td> <td>5.5m</td> </tr> <tr> <td>75°</td> <td>6.0m</td> </tr> <tr> <td>90°</td> <td>6.0m</td> </tr> </tbody> </table>	Parking Angle Degree	One-Way and Two-Way Aisle Width	0°	3.7m	15°	3.7m	30°	3.7m	45°	4.5m	60°	5.5m	75°	6.0m	90°	6.0m	<p>An aisle width of 6.0m and greater is shown for the proposed parking area.</p> <p>All other parking areas are existing showing an aisle of greater than 6.0m.</p>	<p>Conforms</p>
Parking Angle Degree	One-Way and Two-Way Aisle Width																		
0°	3.7m																		
15°	3.7m																		
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45°	4.5m																		
60°	5.5m																		
75°	6.0m																		
90°	6.0m																		
<p>Location of Loading Facilities [as per section 5.2.1 of Hamilton Zoning By-law 05-200]</p>	<p><i>The location of loading doors and associated loading facilities shall be subject to the following:</i></p> <p>a) Shall not be permitted within a Front Yard;</p> <p>b) Shall not be permitted in any yard abutting a street, except where screened from view by a Visual Barrier in accordance with Section 4.19 of this Bylaw; and,</p> <p>c) Shall not be permitted in a required yard abutting a Residential Zone or an Institutional Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law.</p>	<p>The proposed loading facility is not located in the front yard or a yard abutting a street.</p> <p>This lot does not abut a Residential Zone or an Institutional zone.</p>	<p>Conforms</p>																
<p>Barrier Free Parking [as per section 5.5 of Hamilton Zoning By-law 05-200]</p> <p><i>*Shall not apply to Single Detached Dwellings, Semi-Detached Dwellings, Duplex Dwellings and Street Townhouses abutting a public street.</i></p> <p><i>**Where the application of the parking standards in Section a) above results in a</i></p>	<p>a) <i>Barrier free parking shall be designated and provided as part of the required parking spaces in accordance with the following requirements:</i></p> <p>Therefore, based on 96 required parking spaces, a minimum of 3 parking spaces shall be maintained as barrier free.</p> <table border="1"> <thead> <tr> <th>Required Parking Spaces</th> <th>Designated Barrier Free Parking Spaces</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> </tbody> </table>	Required Parking Spaces	Designated Barrier Free Parking Spaces			<p>A total of five (5) barrier free spaces are proposed to be maintained.</p>	<p>Conforms</p>												
Required Parking Spaces	Designated Barrier Free Parking Spaces																		

	Required By By-Law		Provided	Conforming/ Non-Conforming
<p><i>numeric fraction, fractions shall be rounded down to the nearest whole number.</i></p>	1 – 49 Spaces	Minimum 1 space;		
	50 – 100 Spaces	Minimum 4% of the total number of required parking spaces;		
	101 – 200 Spaces	Minimum 1 space + 3% of the total number of required parking spaces;		
	201 – 1000 Spaces	Minimum 2 spaces + 2% of the total number of required parking spaces; and,		
	1000+	Minimum 11 + 1% of the total number of required parking spaces.		
	<p>b) Subsection 5.5 a) shall not apply to Single Detached Dwellings, Semi-Detached Dwellings, Duplex Dwellings and Street Townhouses abutting a public street.</p> <p>c) Where the application of the parking standards in Section a) above results in a numeric fraction, fractions shall be rounded down to the nearest whole number.</p>			
<p>Minimum Number of Required Parking Spaces [as per section 5.6 c) of Hamilton Zoning By-law 05-200]</p>	<p>A minimum of 96 parking spaces shall be maintained for the overall site.</p> <p><u>Breakdown:</u></p> <p><u>Restaurant (All Zones except Transit Oriented Corridor Zones):</u></p> <p>i) 1 for each 8.0 square metres of gross floor area which</p>		<p>107 parking spaces are proposed to be maintained.</p> <p>The site shows 43 parking spaces are existing plus 64 new parking spaces.</p>	<p>Conforms</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>accommodates such use.</p> <p>ii) Notwithstanding i), where there are no seats provided for dining purposes a minimum of 3 spaces shall be required.</p> <p>Therefore, based on $454.0\text{m}^2 \div 8\text{m}^2 = 56.75 = \mathbf{56 \text{ spaces}}$</p> <p><u>Existing Retail store 1133.4m²:</u></p> <p>i) 0 where a use is less than 450.0 square metres in gross floor area;</p> <p>ii) 1 for each 17.0 square metres any gross floor area between 450.0 square metres and 4,000.0 square metres; and,</p> <p>iii) 1 for each 50.0 square metres of gross floor area greater than 4,000.0 square metres.</p> <p>Therefore, based on a GFA of $1133.4\text{m}^2 - 450.0\text{m}^2 = 683.4\text{m}^2$</p> <p>$683.4 \div 17\text{m}^2 = 40.2 = \mathbf{40 \text{ spaces}}$</p>		
<p>Bicycle Parking [as per section 5.7 of Hamilton Zoning By-law 05-200]</p>	<p>a) <i>Locational Requirements:</i></p> <p>i) Long-term Bicycle Parking Space shall be located in a secure enclosed bicycle parking area.</p> <p>ii) Short-term Bicycle Parking Space shall be located within a bicycle parking area at grade</p>	<p>Short-term bicycle parking shown at grade.</p> <p>Long-term bicycle parking shown within underground parking levels.</p>	<p>N/A</p>
	<p>c) In the Downtown (D1), (D2) and (D5) Zones, Transit Oriented Corridor Zones and Commercial and Mixed-Use Zones short-term bicycle parking shall be provided in each and every building in the minimum quantity specified in accordance with the following requirements:</p> <p>Other commercial uses not listed: 5 spaces</p>	<p>The proposal shows a seven (5) short-term bicycle rack parking at grade.</p>	<p>Conforms</p>
	<p>e) Notwithstanding Section b) and in addition to c) above, in the Downtown (D1), (D2), and (D5) Zones, Transit Oriented Corridor Zones long-term bicycle parking shall be provided in the minimum quantity specified in accordance with the following requirements.</p>	<p>Long-term bicycle parking is not required for a property in the CMU zone.</p>	<p>N/A</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
Encroachments Section 4.6			
<p>window sills, chimney breasts, belt courses, cornices, eaves, troughs and other similar architectural features, ductwork, venting and other similar appurtenances</p> <p>[as per section 4.6 a) of Hamilton Zoning By-law 05-200]</p>	<p>May be permitted in any required yard, provided that no such feature shall project more than 0.6 metres into the required yard, or to a maximum of half the distance of the required yard, whichever is the lesser;</p>	<p>No concerns as the proposed building is located a distance greater than the minimum setback requirements.</p>	Conforms
<p>A porch, deck or canopy</p> <p>[as per section 4.6 d) of Hamilton Zoning By-law 05-200]</p>	<p>May encroach into any required yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser;</p>		

Yours truly



for the Manager of Zoning and Committee of Adjustment

VB/vb

Claudio Balbinot

KLEINBURG, ON L0J 1C0



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 Primary contact Applicant Owner
Agent/Solicitor

1.3 Sign should be sent to Applicant Owner
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.

1.6 Payment type In person Credit over phone*
Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		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:

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

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

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

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

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

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

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 right of way
 municipal road, seasonally maintained other public road
 municipal road, maintained all year
- 4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
- 7.4 Length of time the existing uses of the subject property have continued:
- 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)

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

- 7.6 What is the existing zoning of the subject land?
 District Commercial C6 - Exception 346
- 7.8 Has the owner previously applied for relief in respect of the subject property?
 (Zoning By-law Amendment or Minor Variance)
 Yes No ZAC-11-008 / Zoning By-law 11-271
- 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:

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing:

8.2 Number of Dwelling Units Proposed:

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

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