



Hamilton

COMMITTEE OF ADJUSTMENT

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

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.: | A-24:53 | SUBJECT PROPERTY: | 541, 545, 557, 561, 573 & 577 Skinner Road, Flamborough |
| ZONE: | "UC-14 & CM-6" (Existing Residential) | ZONING BY-LAW: | Zoning By-law former Town of Flamborough 90-145-Z, as Amended 21-138 |

APPLICANTS: Owner: Balpal Holdings Corp.
Agent: Trinistar Corporation – T. Arruda

The following variances are requested:

1. A minimum of 693 parking spaces shall be permitted instead of the minimum 730 parking spaces required.
2. An outdoor commercial patio shall be permitted along the northerly lot line for the convenience restaurants municipally known as 573 and 577 Skinner whereas the Zoning By-law states that no outdoor commercial patio shall be permitted on a lot where any lot line abuts a Residential Zone.

PURPOSE & EFFECT: To facilitate the development of a shopping centre consisting of six (6) commercial buildings; consisting of two restaurant buildings with drive-through facilities and four (4) multi-tenanted commercial buildings.

Notes:

The variances are necessary to facility Site Plan Control application DA-23-004.

This property abuts a residential zone along the southerly lot line.

The applicant shall ensure that the minimum required 15.0m setback is maintained from the CM-6 zone; otherwise, further variance may be required.

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, April 23, 2024 |
| TIME: | 2:20 p.m. |
| PLACE: | City Hall Council Chambers (71 Main St. W., Hamilton) |

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

PUBLIC INPUT

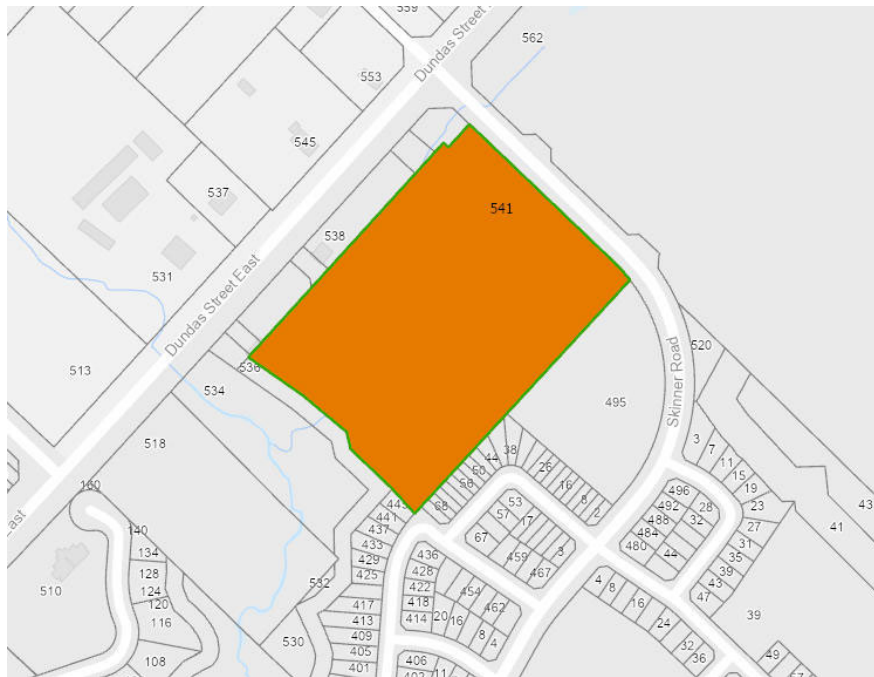
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. Written comments must be received no later than noon April 19, 2024

Orally: If you would like to speak to this item at the hearing you may do so by attending in person. Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive no less than 10 minutes before the time of the Public Hearing, as per above.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:53, 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: April 4, 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.



Hamilton

COMMITTEE OF ADJUSTMENT

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

E-mail: cofa@hamilton.ca

IN-PERSON 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 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 on the date listed on the Notice of Public Hearing.

Comments are available the Friday 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 in person at the Hearing.

In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive 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



Mailing Address:
Hamilton City Hall
71 Main Street West, 6th Floor
Hamilton, ON L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Growth Management Division
Physical Address: 71 Main Street West, 6th Floor
Phone: 905-546-2424 Ext.6572 Fax: 905-540-5611
maddress@hamilton.ca

Hamilton

February 14, 2024

Balpal Holdings Corp. – **mikeb@trinistar.com**
8600 Dufferin Street
Vaughan, ON L4K 5P5

Trinistar Corporation
c/o Tina Arruda – **tinaa@trinistar.com**
8600 Dufferin Street
Vaughan, ON L4K 5P5

Re: Preliminary Address Notification Letter for file DA-23-004; 585 Skinner Road, Flamborough

We have received notice that your Site Plan Control application received conditional approval from Development Planning. We are now in a position to provide the following addressing comments based on the conditionally approved plans that were submitted with the application, and subject to final site plan approval of the application by Development Planning.

1. While reviewing your Site Plan application, we wish to confirm that the following municipal addresses of **541, 545, 557, 561, 573, 577 Skinner Road** will be retained for the subject proposal.

We will require that the following statement be added to the Site Plan Letter of Undertaking:

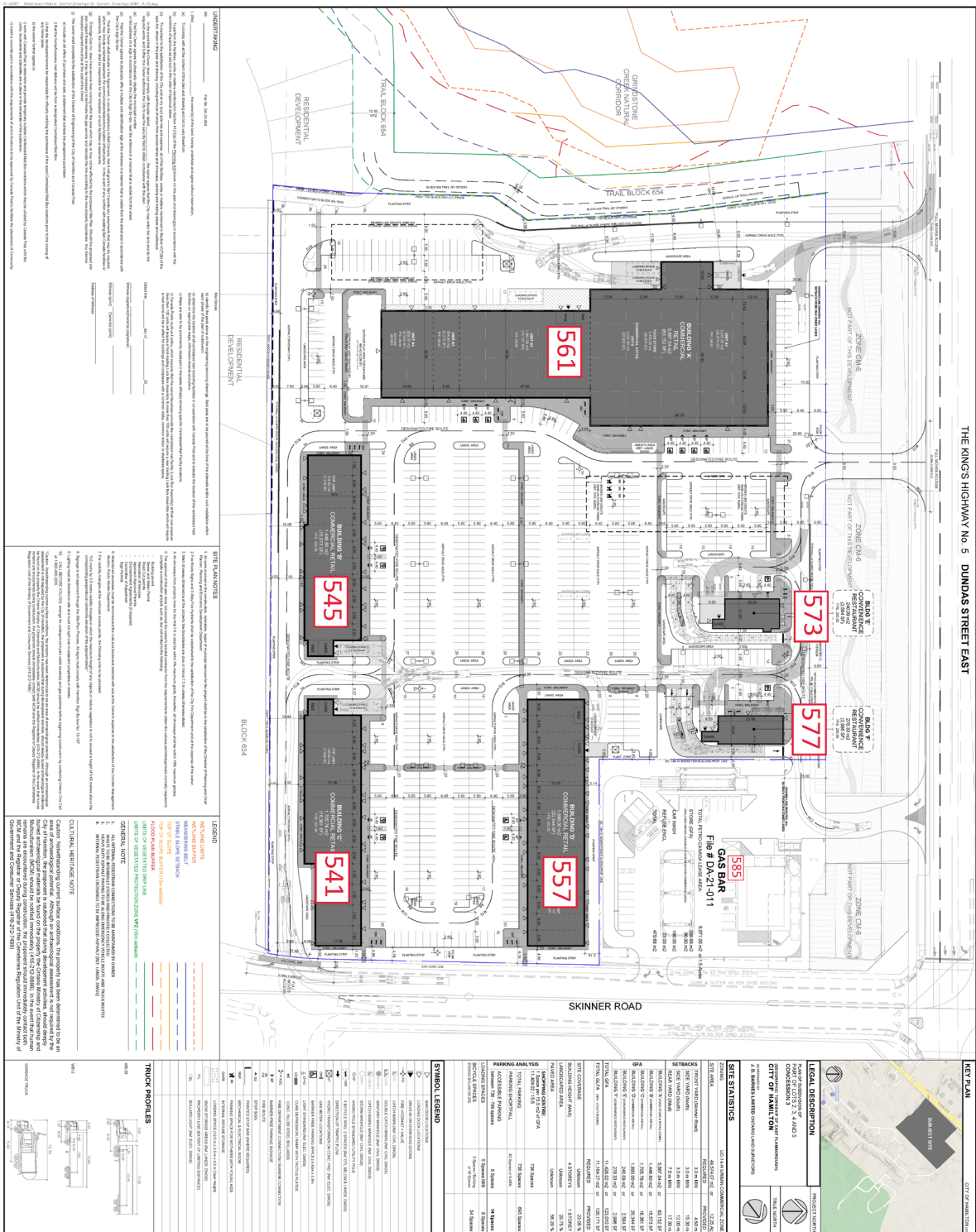
1. That the Owner agrees to physically affix the municipal number (i.e. **541**) or full address (i.e. **541 Skinner Road**) to the building or on a sign near the driveway entrance in accordance with the City's Sign By-law, in a manner that is visible from the street.

If the application is approved by the Planning Division, and you have fulfilled all the required conditions, an Official Address Notification letter will be sent to you and a number of City Departments, Agencies and Utilities.

Should you have any questions regarding the above, please contact Max Iannone at 905-546-2424 Ext. 6572 or by email at maddress@hamilton.ca.

For:
Heather Travis, MCIP, RPP
Manager
Legislative Approvals / Staging of Development, Growth Management Division
MI:

cc: Devon Morton, Planner I, Site Plan
Helen McArthur, Senior Project Manager, Growth Management
Lori McGilvery, Supervisor Plans Examination, Building Engineering and Zoning
Rosie Hagerty, Support Assistant, Building Engineering and Zoning
Chantal Costa, Plans Examination Secretary, Building Engineering and Zoning



| No. | ISSUED | DATE |
|-----|----------------------------|-----------------------------|
| 1 | ISSUED FOR SPA | OCT. 28, 2022 |
| 2 | ISSUED FOR CONDITIONAL SPA | JULY 7 th , 2023 |
| 3 | ISSUED FOR SPA | OCT. 12, 2023 |

| | | |
|-----|-----------------------------------|---------------|
| 1 | REVISED TO SUIT PLANNING COMMENTS | OCT. 20, 2023 |
| No. | REVISION | DATE |

BALDASSARRA
Architects Inc.
30 Great Gulf Drive, Unit 20 | Concord ON | L4K 0K7
T. 905.660.0722 | www.baldassarra.ca



OWNERS INFORMATION:
BALPAL HOLDINGS CORP.

WATERDOWN MARKET

585 SKINNER ROAD
FLAMBOROUGH, ON

SITE PLAN

| | | | | | | | |
|-------------|--|----------|--|-------------|--|-------|--|
| DATE | | DRAWN BY | | CHECKED | | SCALE | |
| OCT. 2022 | | DW | | | | 1:600 | |
| PROJECT No. | | | | DRAWING No. | | | |
| 22-87 | | | | A-1.0 | | | |

February 22, 2024

Committee of Adjustment

City Hall, 5th Floor
71 Main Street West
Hamilton, Ontario
L8P 4Y5

RE: Minor Variance Application
541, 545, 557, 561, 573 & 577 Skinner Road, Flamborough
Balpal Holdings Corp.
Site Plan Control File Number: DA-23-004

A Site Plan Control application has been submitted for a proposed commercial/retail development located at 541, 545, 557, 561, 573 & 577 Skinner Road in the former Town of Flamborough. The purpose of the requested variances is to facilitate the construction of this development under Site Plan Control File No. DA-23-004, which was conditionally approved on November 20, 2023.

Variance No. 1 is to permit 693 parking spaces, whereas 730 parking spaces are required in accordance to Zoning By-law No. 90-145-Z. A comparison of Shopping Centre or Commercial/Retail parking requirements in other municipalities revealed less restrictive requirements than the required 1 space per 15.5 square metres of gross floor area in the current By-law. The Town of Oakville requires a minimum of 1 parking space per 30 square metres of gross floor area, while the Town of Milton requires 1 parking space per 20 square metres of gross floor area.

Variance No. 2 is to permit an outdoor commercial patio at the convenience restaurants (573 & 577 Skinner Road), whereas no outdoor commercial patio shall be permitted on a lot where any lot line abuts a Residential Zone. The southerly lot line of the subject property abuts a Residential Zone, however, the proposed outdoor patios are located at the north end of the subject property adjacent to the CM-6 Zone/Dundas Street East, which will have minimal impact to the residents to the south.

We trust the Committee of Adjustment will find the requested variances to be minor in nature, maintain the general intent and purpose of the Zoning By-law and Official Plan, and are appropriate for the development of the land.

Thank you.

Yours truly,

Tina Arruda

Tina Arruda, Planner



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 |
|-----------------------------|---------------------------------------|
| Registered Owners(s) | Balpal Holdings Corp. |
| Applicant(s) | Balpal Holdings Corp. |
| Agent or Solicitor | Tina Arruda, Trinistar Corporation |

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*

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 be 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 | 541, 545, 557, 561, 573 & 577 Skinner Road | | |
| Assessment Roll Number | | | |
| Former Municipality | Town of Flamborough | | |
| Lot | Part of Lot 2 | Concession | 3 |
| Registered Plan Number | 62M-1266 | Lot(s) | Block 645 |
| 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:

1. To permit 693 parking spaces whereas 730 parking spaces are required.
2. To permit an Outdoor Commercial Patio at the Convenience Restaurants (573 & 577 Skinner Road) along the northerly lot line whereas no Outdoor Commercial Patio shall be permitted on a lot where any lot line abuts a Residential Zone (southerly lot line abuts a Residential Zone).

☐ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

Layout of proposed commercial development conflicts with the by-law regulations.

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 |
| 195.80 m | 279.42 m | 49,574.07 m ² | Unknown |

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 |
|-------------------------------|-----------------------|-------------------|--------------------|----------------------|
| Commercial Bldg A | N/A | 17.30 m (West) | N/A | |
| Commercial Bldg B | N/A | N/A | 12.00 m (South) | |
| Commercial Bldg C | 4.50 m (Skinner Road) | N/A | N/A | |
| Convenience Restaurant Bldg F | N/A | N/A | 15.30 m (North) | |

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 |
|-------------------|-------------------------|-------------------------|-------------------|---------|
| Commercial Bldg A | 5,867.04 m ² | 5,867.04 m ² | 1 | 9.475 m |
| Commercial Bldg B | 1,446.80 m ² | 1,446.80 m ² | 1 | 8.175 m |
| Commercial Bldg C | 1,705.76 m ² | 1,705.76 m ² | 1 | 8.175 m |
| Commercial Bldg D | 1,800.90 m ² | 1,800.90 m ² | 1 | 8.175 m |

Conv. Restaurant Bldg. E - Ground/Gross 240.09 m² - 1 Storey/7.525m, Conv. Restaurant Bldg. F - Ground/Gross 278.33 m² - 1 Storey/6.655 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.):
Commercial/Retail

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

Dundas Street East/Conservation (North), Skinner Road/Residential (East), Residential (South), Residential/Open Space (West).

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

April 2022

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

Vacant

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

Vacant

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

Unknown

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) District Commercial

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

The application conforms with the Official Plan by promoting a live-work opportunity, creating a neighbourhood identity, and supporting future public transit services.

7.6 What is the existing zoning of the subject land? UC-14

7.8 Has the owner previously applied for relief in respect of the subject property?
(Zoning By-law Amendment or Minor Variance)

File No. FL/A-22:250 ☒ Yes ☐ No

If yes, please provide the file number: UC-14

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: 0

8.2 Number of Dwelling Units Proposed: 0

8.3 Additional Information (please include separate sheet if needed):
Cover letter is provided.

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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