



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.:	A-24:208	SUBJECT PROPERTY:	0 Portia Drive, Ancaster
ZONE:	C7 - Arterial Commercial	ZONING BY-LAW:	Zoning By-law Hamilton 05-200

APPLICANTS:

Owner: Duff's Corner Developments Inc.

Agent: Urban Solutions Planning & Land Development Consultants Inc. c/o Matt Johnston

The following variances are requested:

1. To permit the use of a Medical Clinic whereas the zoning by-law does not permit this use in a C7-Arterial Commercial zone.
2. To permit a minimum of 1 space for every 26.0 square meters of gross floor area for a Medical Clinic whereas the by-law requires a minimum of 4.5 per 100 square metres of gross floor area.
3. To permit a minimum of 5% combined landscape area for parking islands for a parking lot containing 50 or more parking spaces whereas the by-law requires a minimum of 10%.
4. To permit a minimum landscaped parking island of 3.5 square metres whereas the by-law requires a minimum of 10 square metres.

PURPOSE & EFFECT: So as to permit the construction of a two-storey medical clinic with 95 parking spaces.

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:

DATE:	Tuesday, October 22, 2024
TIME:	1:20 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

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

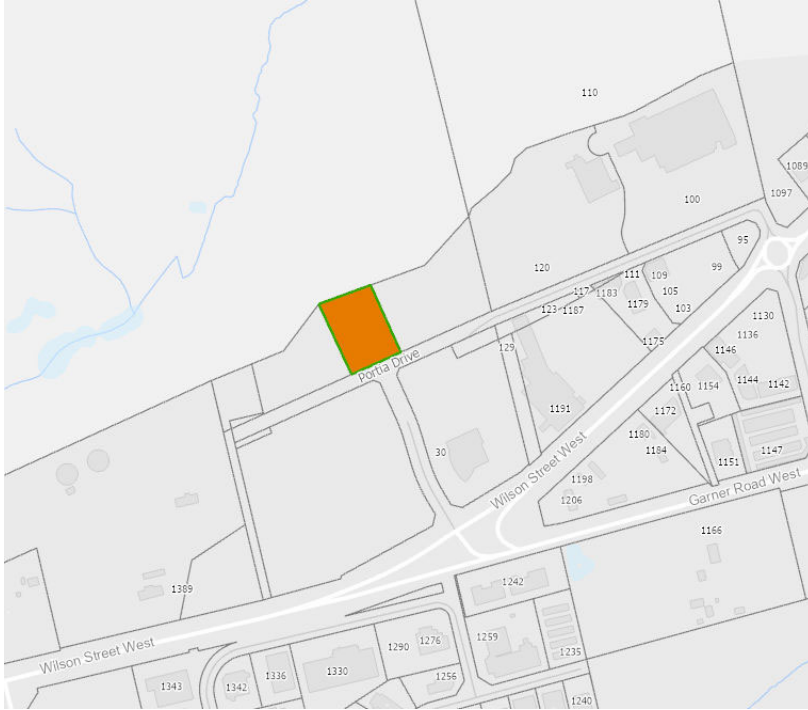
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon October 18, 2024

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 October 21, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:208, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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



 **Subject Lands**

DATED: October 3, 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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing 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 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 on the day listed on the Notice of Public Hearing** to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

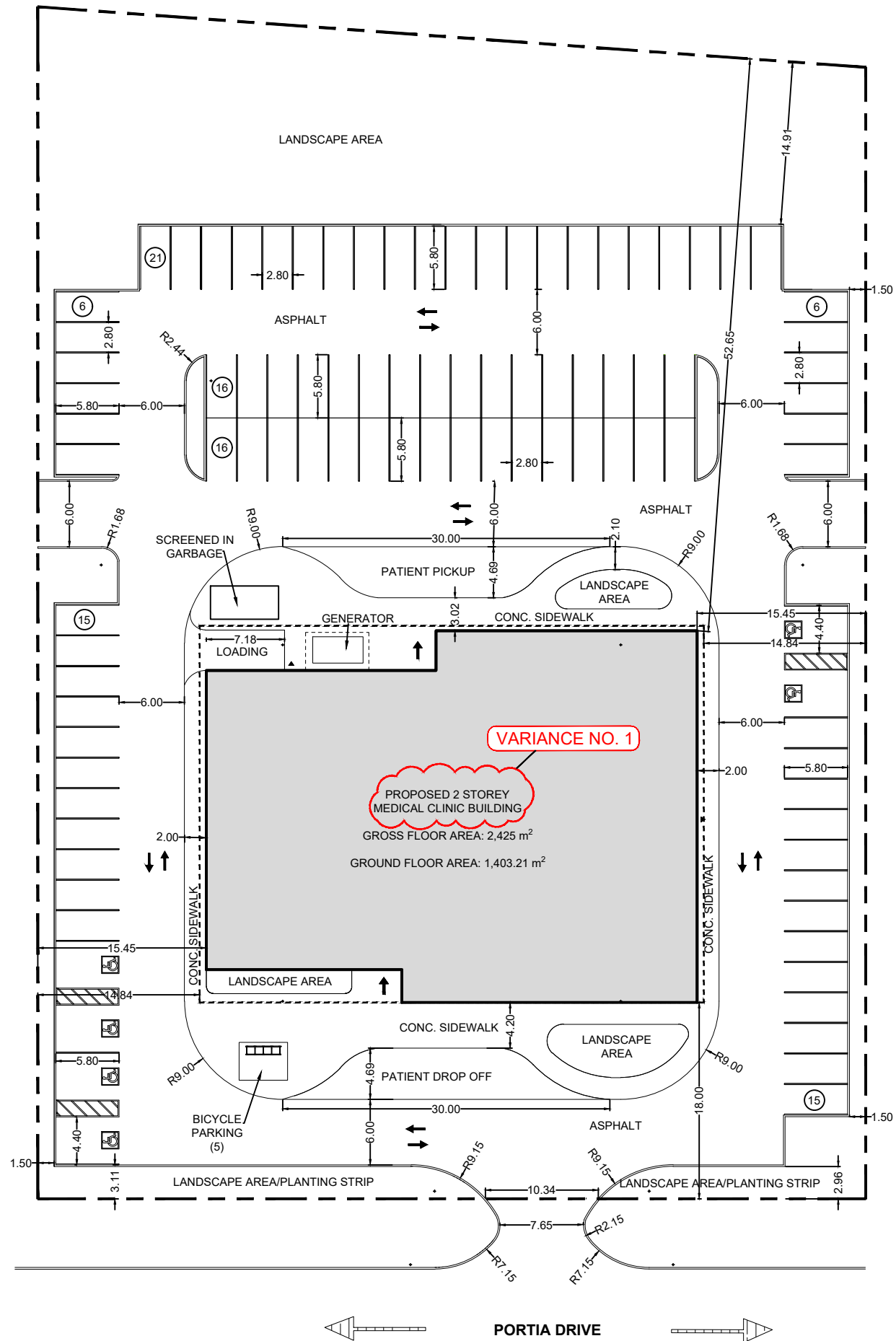
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

2. In person Oral Submissions

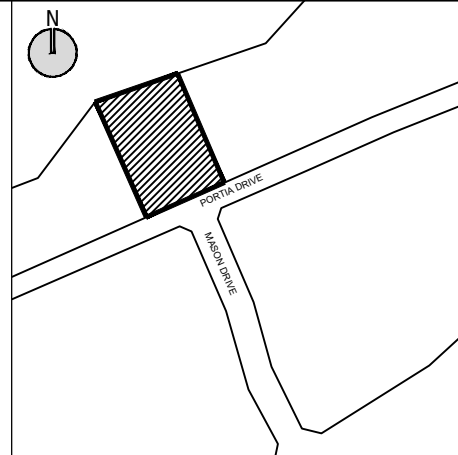
Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than 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.

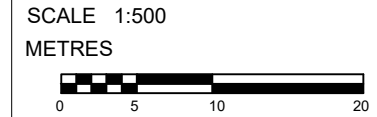
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



SCALE 1:500



KEY MAP - N.T.S.



- LEGEND**
- SUBJECT LANDS
 - PROPOSED MEDICAL CLINIC
 - ROOF OVERHANG ABOVE

VARIANCES TO THE CITY OF HAMILTON ZONING BY-LAW NO. 05-200.

VARIANCE NO. 1: TO PERMIT THE USE OF A MEDICAL CLINIC ON THE SUBJECT LANDS, WHEREAS SUCH IS NOT CURRENTLY PERMITTED WITHIN THE ARTERIAL COMMERCIAL (C7, 650) ZONE.

VARIANCE NO. 2: TO REDUCE THE MINIMUM REQUIRED NUMBER OF PARKING SPACES FOR A MEDICAL CLINIC TO 1 SPACE FOR EVERY 26.0 SQUARE METRES OF GROSS FLOOR AREA, WHEREAS A MINIMUM OF 1 SPACE FOR EVERY 16.0 SQUARE METRES OF GROSS FLOOR AREA IS CURRENTLY REQUIRED.

VARIANCE NO. 3: TO REDUCE THE MINIMUM REQUIRED COMBINED AREA FOR LANDSCAPE PARKING ISLANDS TO 5% OF THE AREA OF ANY PARKING LOT WHERE 50 OR MORE PARKING SPACES ARE PROVIDED, WHEREAS A MINIMUM OF 10% IS CURRENTLY REQUIRED.

VARIANCE NO. 4: TO REDUCE THE MINIMUM AREA OF EACH LANDSCAPE PARKING ISLAND TO 3.5 SQUARE METRES, WHEREAS A MINIMUM OF 10.0 SQUARE METRES IS CURRENTLY REQUIRED.

Development Statistics		
Zone: Arterial Commercial C7,650		
Item	Required	Proposed
Lot Area	N/A	8,085.97 m ²
Lot Frontage	N/A	75.91 m
Permitted Uses	Varies (Not Medical Clinic)	Medical Clinic
Min. Building Setback to a Street Line	18.0 m	18.0 m
Min. Rear Yard	6.0 m	52.65 m
Min. Interior Side Yard	1.5 m	15.45 m
Max. Building Height	14.0 m	TBC
Min. Setback to a P7 Zone	7.5 m	52.65 m
Landscape Area	N/A	2,039.92 m ² (25.23%)
Parking		
Min. Vehicle Spaces	1/16 m ² of GFA = 151.56 spaces	95 spaces
Min. Barrier Free Spaces	1 space + 3% of required spaces = 5.53 spaces	6 spaces
Min. Short Term Bicycle Parking Spaces	5 spaces	5 spaces
Min. Landscaped Parking Islands	10%	315.55 m ² (5.0%)
Min. Landscaped Parking Island Size	10 m ²	3.6 m ²

VARIANCE NO. 2

VARIANCE NO. 3

VARIANCE NO. 4

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: C & PARTNERS CHECKED BY: M. JOHNSTON
DRAWN BY: L. DRENNAN DATE: SEPTEMBER 11, 2024

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, SUITE 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
0 Portia Drive
CITY OF HAMILTON

CLIENT:
Duff's Corner Developments Inc.

TITLE:
MINOR VARIANCE SKETCH

U/S FILE NUMBER: 227-17 SHEET NUMBER: 1

September 13, 2024

227-17

Via Email & Delivered

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**RE: 0 Portia Drive, Ancaster
Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Duff's Corners Developments Inc. c/o Mr. Brian Leggat, the registered owner of the subject lands municipally known as 0 Portia Drive in Ancaster. On behalf of the owner, UrbanSolutions is pleased to submit the enclosed Minor Variance application and supporting materials.

Subject Lands

The subject lands are identified as an 'Employment Area' on Schedule E – Urban Structure of the Urban Hamilton Official Plan (UHOP), are designated 'Arterial Commercial' on Schedule E-1 – Urban Land Use Designation of the UHOP, and are zoned Arterial Commercial (C7, 650) in the City of Hamilton Zoning By-law No. 05-200. The subject site comprises a portion of a larger (currently vacant) parcel owned by the applicant and represents part of Block 2 in Plan 62M-1067, being the Duffs Corners Corporate Business Park. The site has a total area of 0.89 hectares, a maximum depth of 109.3 metres, and 75.9 metres of frontage on Portia Drive.

Proposed Development

As outlined in the enclosed Minor Variance Sketch, The proposed development consists of a two-storey medical clinic having a total GFA of 2,425.0 square metres and 95 surface parking stalls.

Requested Variances

The purpose of this application is to address zoning nonconformities associated with the proposed development. As outlined on the enclosed Minor Variance Sketch, the variances required are outlined below followed by planning rationale in support of the request:

- **Minor Variance No. 1:** To permit the use of a medical clinic on the subject lands, whereas such is not currently permitted within the Arterial Commercial (C7, 650) Zone.

While the UHOP indicates that the Arterial Commercial designation is intended to provide a range of commercial uses catering to the travelling or drive-by consumer, such does not currently permit medical clinics which have evolved from primarily small, local practitioners to include large, multi-functional facilities offering a range of services to the greater community. This evolution is supported by the Province's 'Your Health: A Plan for Connected and Convenient Care' initiative which recently introduced regulatory changes to expand OHIP-insured surgical and diagnostic services to reduce wait times and improve service delivery. This requested variance is in keeping with the expressed intent of Staff outlined in Committee of Adjustment Report A-24:131 dated July 2, 2024 respecting the lands located at 1025 Wilson Street West in Ancaster, wherein Staff identify a gap in the existing policy framework respecting permitted commercial uses within the 'Arterial Commercial' designation. As such, the requested variance is in keeping with the general purpose and intent of the UHOP and Zoning By-law No. 05-200.

- **Minor Variance No. 2:** To reduce the minimum required number of parking spaces for a medical clinic to 1 space for every 26.0 square metres of gross floor area, whereas a minimum of 1 space for every 16.0 square metres of gross floor area is currently required.

While Section 5.6 c) of Zoning By-law No. 05-200 currently requires the proposed medical clinic (having a total gross floor area of 2,425.0 square metres) to have a minimum of 151 parking spaces based on a ratio of 1 space for every 16.0 square metres of gross floor area (GFA), the City's newly proposed parking regulations introduced via By-law 24-052 reduces this minimum requirement to 109 spaces; based on a ratio of 4.5 spaces for every 100 square metres of GFA. As such, while this requested variance seeks to reduce the minimum parking requirement by a total of 56 spaces based on *current* zoning regulations, such only seeks a reduction of 14 spaces from the City's proposed parking regulations which represent the expressed intent of Council. This minor reduction is necessary to accommodate the minimum required 10.0 metre setback from the existing Core Area located directly north of the subject lands, as recommended in the supporting Environmental Impact Study prepared by GeoProcess Research Associates. Further, the proposed development is a purpose-built medical facility with rigid scheduling requirements and no walk-in service offerings, thereby demanding fewer parking spaces than a traditional medical clinic. This ratio will accommodate the required parking demand on-site and thus satisfies the four tests outlined in Section 45(1) of the *Planning Act*.

- **Minor Variance No. 3:** To reduce the minimum required combined area for Landscape Parking Islands to 5% of the area of any parking lot where 50 or more parking spaces are provided, whereas a minimum of 10% is currently required.
- **Minor Variance No. 4:** To reduce the minimum area of each Landscape Parking Island to 3.5 square metres, whereas a minimum of 10.0 square metres is currently required.

Variances Nos. 3 and 4 are necessary to facilitate the proposed building footprint and total number of parking spaces while accommodating a sizable vegetation protection zone (VPZ) separating the site's developable area from the existing core area to the north. While Natural Heritage Staff identified the requirement for a (minimum) 10.0 metre VPZ during a recent site visit attended by both UrbanSolutions and GeoProcess, the proposed site design incorporates an

increased setback with an average depth of 17.07 metres. This area will be planted with natural, self-sustaining vegetation to enhance the ecological functions of the abutting Core Area and provide protection during construction (in accordance with Section 2.5.9 of the UHOP).

Based on the above, the requested variances satisfy the four tests outlined in Section 45(1) of the *Planning Act*, in that such conform to and implement the policies of the UHOP and applicable regulations contained within Zoning By-law No. 05-200; are minor in nature; and are desirable and appropriate for the subject lands. Accordingly, it is our professional opinion that the requested variance represents good land use planning.


In support of this application, please find enclosed the following:

- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Minor Variance Sketch prepared by UrbanSolutions and C& Partners Architects, and;
- One (1) cheque in the amount of **\$3,900.00** payable to the City of Hamilton for the Minor Variance application.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions


Matt Johnston, MCIP, RPP
Principal


Matthew LeBlanc, M.PL, BA (Hons)
Planner

cc: Duff's Corners Developments Inc. c/o Mr. Brian Leggat (via email)



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)	Duff's Corner Developments Inc.
Applicant(s)	Same as owner.
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston

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 Please send all correspondence to both agent email addresses listed above.

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	0 Portia Drive		
Assessment Roll Number	140220529920000		
Former Municipality	Ancaster		
Lot		Concession	
Registered Plan Number	62M-1067	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:

Please refer to the enclosed Cover Letter for a description of the extent of relief being applied for through the requested variances.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Please refer to the enclosed Cover Letter for an explanation as to 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:

N/A

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
75.91 metres	varies	+/- 0.81 hectares	20.0 metres

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: **Note: The subject lands are currently vacant.**

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
Medical Building	18.0 metres	52.65 metres	East: 15.45 metres West: 15.45 metres	TBD

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
The subject lands are currently vacant.				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Medical Building	1,403.21 sq. m	2,424 sq. m	2	2-storeys , < 14m

- 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.):

2-storey Medical Building

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

Vacant

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Unknown

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:

Indefinitely

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

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

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Arterial Commercial

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

7.6 What is the existing zoning of the subject land? Arterial Commercial (C7, 650)

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: N/A

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes No

If yes, please provide the file number: N/A

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 0

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

Please refer to the enclosed Cover Letter for more information on the extent of the requested variances.

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
-
-