



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-24:231 | SUBJECT PROPERTY: | 1280 Rymal Road East & 385 Nebo Road, Hamilton |
| ZONE: | C7, Exception 878 Arterial Commercial (C7) Zone | ZONING BY-LAW: | Hamilton Zoning By-law 05-200, as Amended by By-law 23-209 |

APPLICANTS: Owner: 2531083 Ontario Inc.
Agent: Fothergill Planning & Dev. Inc.- Ed Fothergill

The following variances are requested:

1. To permit a minimum rear yard of 1.5 metres instead of the minimum required rear yard of 6.0 metres.

PURPOSE & EFFECT: To facilitate the construction of the commercial building in accordance with the Site Plan Application SPA-24-003.

Notes:

1. The variance has been written as requested by the applicant.

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

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

| | |
|---------------|---|
| DATE: | Tuesday, November 26, 2024 |
| TIME: | 1:25 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 |

A-24:231

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

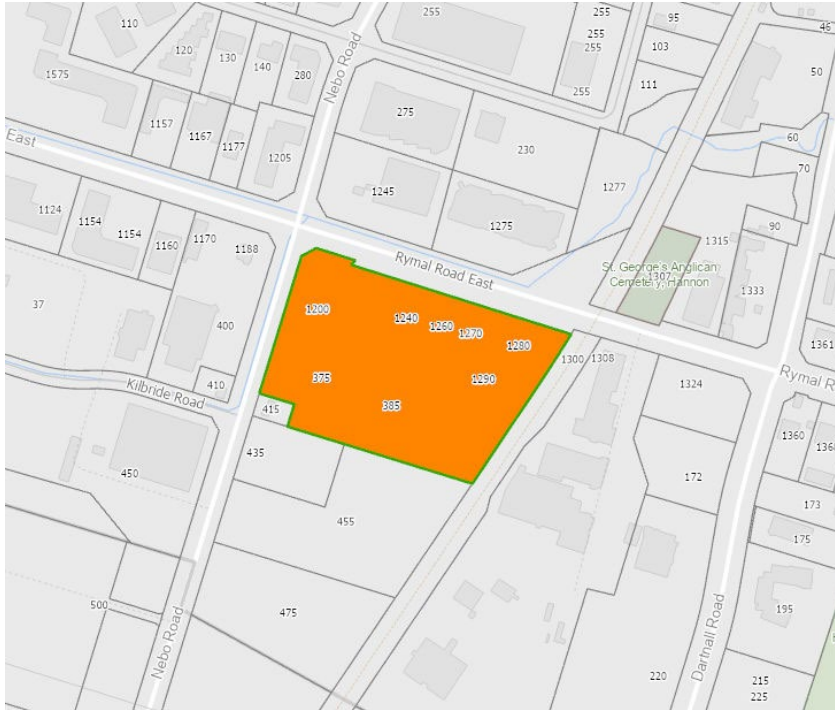
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon November 22, 2024

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 November 25, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:231, 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: November 7, 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.

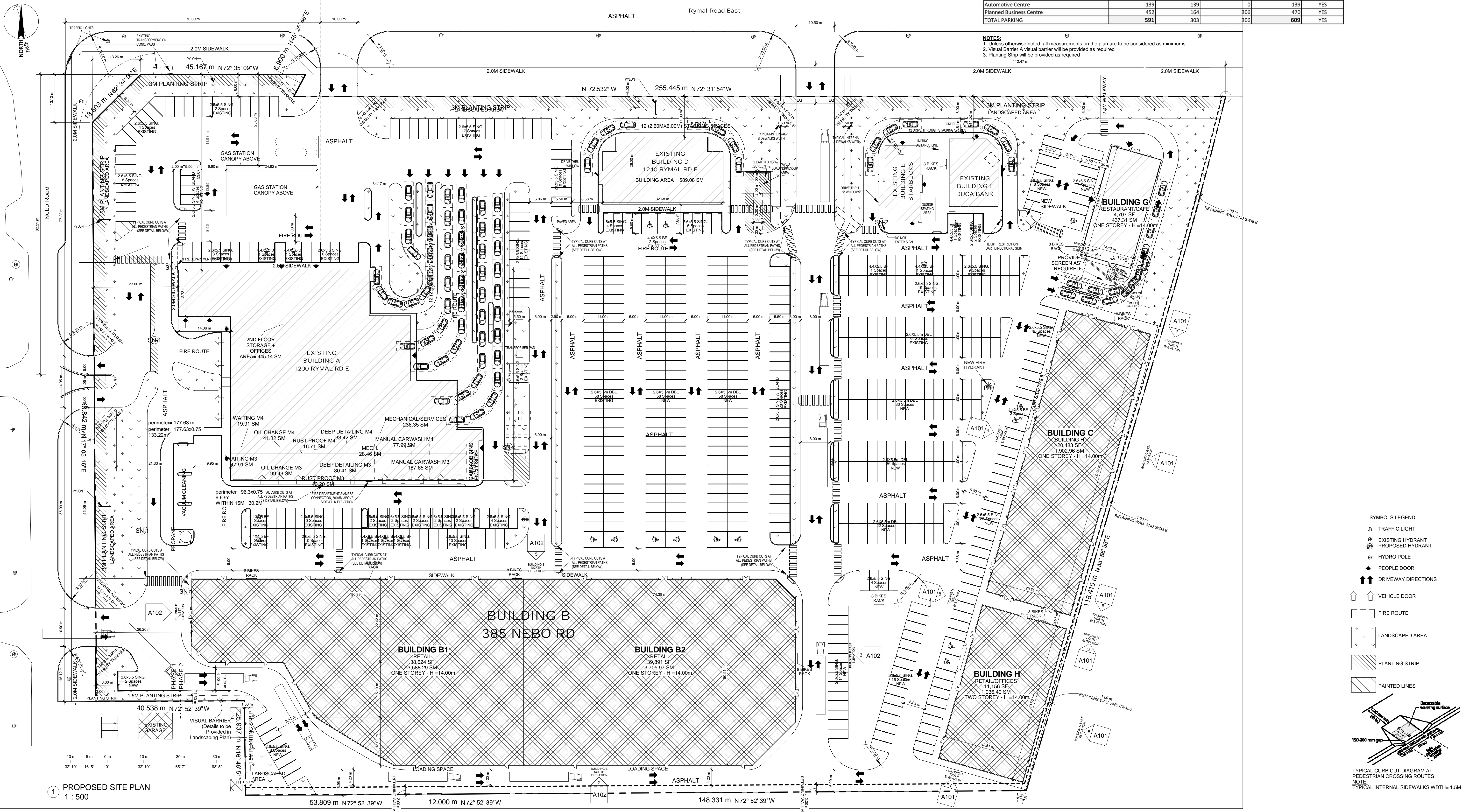
| 3- PARKING REQUIRED - CALCULATION FACTORS | | | | | | | |
|---|---------------------|------------|------------------------|----------------------|------------------|-------|---------------------|
| Level | Name | BUILDING | Area SM | BY AREA | PARKING REQUIRED | PHASE | Department |
| Level 1 | AUTOMATIC CARWASH | BUILDING A | 730.83 m ² | 0.00 m ² | 8 | 8 | EXISTING AUTOMOTIVE |
| Level 1 | FOOD/CAFE | BUILDING A | 260.02 m ² | 8.00 m ² | 0 | 33 | EXISTING AUTOMOTIVE |
| Level 1 | C-STORE | BUILDING A | 233.50 m ² | 20.00 m ² | 0 | 12 | EXISTING AUTOMOTIVE |
| Level 1 | CAR DETAILING | BUILDING A | 939.54 m ² | 0.00 m ² | 8 | 8 | EXISTING AUTOMOTIVE |
| Level 1 | MECHANICAL/SERVICES | BUILDING A | 236.35 m ² | 0.00 m ² | 0 | 0 | EXISTING AUTOMOTIVE |
| Level 1 | OIL CHANGE M3 | BUILDING A | 99.43 m ² | 0.00 m ² | 0 | 0 | EXISTING AUTOMOTIVE |
| Level 1 | MANUAL CARWASH M3 | BUILDING A | 187.65 m ² | 0.00 m ² | 0 | 0 | EXISTING AUTOMOTIVE |
| Level 1 | RUST PROOF M4 | BUILDING A | 16.71 m ² | 0.00 m ² | 4 | 4 | EXISTING AUTOMOTIVE |
| Level 1 | WAITING M3 | BUILDING A | 47.91 m ² | 30.00 m ² | 0 | 2 | EXISTING AUTOMOTIVE |
| Level 1 | DEEP DETAILING M3 | BUILDING A | 80.41 m ² | 0.00 m ² | 0 | 0 | EXISTING AUTOMOTIVE |
| Level 1 | MECH. | BUILDING A | 28.46 m ² | 0.00 m ² | 0 | 0 | EXISTING AUTOMOTIVE |
| Level 1 | OIL CHANGE M4 | BUILDING A | 41.32 m ² | 0.00 m ² | 12 | 12 | EXISTING AUTOMOTIVE |
| Level 1 | RUST PROOF M3 | BUILDING A | 40.20 m ² | 0.00 m ² | 0 | 0 | EXISTING AUTOMOTIVE |
| Level 1 | DEEP DETAILING M4 | BUILDING A | 33.42 m ² | 0.00 m ² | 8 | 8 | EXISTING AUTOMOTIVE |
| Level 1 | MANUAL CARWASH M4 | BUILDING A | 77.99 m ² | 0.00 m ² | 20 | 20 | EXISTING AUTOMOTIVE |
| Level 1 | WAITING M4 | BUILDING A | 19.91 m ² | 30.00 m ² | 0 | 1 | EXISTING AUTOMOTIVE |
| Level 1 | STORE | BUILDING A | 184.22 m ² | 20.00 m ² | 0 | 9 | EXISTING AUTOMOTIVE |
| Level 1 | CORRIDOR | BUILDING A | 32.42 m ² | 0.00 m ² | 0 | 0 | EXISTING AUTOMOTIVE |
| Level 2 | OFFICES/SERVICES | BUILDING A | 380.64 m ² | 30.00 m ² | 0 | 13 | EXISTING AUTOMOTIVE |
| Level 2 | OFFICES/SERVICES | BUILDING A | 184.22 m ² | 30.00 m ² | 0 | 6 | EXISTING AUTOMOTIVE |
| AUTOMOTIVE: 20 | | | 3855.13 m ² | | 136 | | |

| 3- PARKING REQUIRED - CALCULATION FACTORS | | | | | | | |
|---|-------------------|-------------|-------------------------|----------------------|------------------|-------|--------------------------|
| Level | Name | BUILDING | Area SM | BY AREA | PARKING REQUIRED | PHASE | Department |
| Level 1 | RETAIL | BUILDING B1 | 3588.29 m ² | 30.00 m ² | 0 | 120 | NEW BUSINESS CENTRE |
| Level 1 | RETAIL | BUILDING B2 | 3705.97 m ² | 30.00 m ² | 0 | 124 | NEW BUSINESS CENTRE |
| Level 1 | RESTAURANT/CAFE | BUILDING C | 1902.96 m ² | 30.00 m ² | 0 | 63 | NEW BUSINESS CENTRE |
| Level 1 | RESTAURANT/CAFE | BUILDING D | 585.38 m ² | 30.00 m ² | 0 | 20 | EXISTING BUSINESS CENTRE |
| Level 1 | RESTAURANT/CAFE | BUILDING E | 210.33 m ² | 30.00 m ² | 0 | 7 | EXISTING BUSINESS CENTRE |
| Level 1 | BANK | BUILDING F | 243.50 m ² | 30.00 m ² | 0 | 8 | EXISTING BUSINESS CENTRE |
| Level 1 | RESTAURANT/CAFE | BUILDING G | 437.31 m ² | 30.00 m ² | 0 | 15 | EXISTING BUSINESS CENTRE |
| Level 1 | RETAIL/OFFICES | BUILDING H | 1036.40 m ² | 30.00 m ² | 0 | 35 | NEW BUSINESS CENTRE |
| Level 2 | OFFICES 2ND FLOOR | BUILDING C | 1902.96 m ² | 30.00 m ² | 0 | 63 | NEW BUSINESS CENTRE |
| BUSINESS CENTRE: 9 | | | 13613.09 m ² | | 455 | | |
| | | | 17468.23 m ² | | 591 | | |

| 4- PARKING PROVIDED | |
|------------------------|-------|
| Type | COUNT |
| 2.6x5.5 SING W ISLAND | 28 |
| 2.6x5.5 SING. | 227 |
| 2.6x5.5 SING. | 42 |
| 2.6x5.5 SING. W ISLAND | 4 |
| 2.6x5.5m DBL | 286 |
| 4.4x5.5 BF | 6 |
| 4.4x5.5 BF | 16 |
| Grand total: 62 | |
| 609 | |

| Site Statistics Chart: 385 Nebo Road - HAMILTON, ON | | | | | |
|--|------------------|--------------|--------------|--------------|------------|
| ZONING REGULATIONS | ALLOWED/REQUIRED | EXISTING | PROPOSED | TOTAL | COMPLIANCE |
| Zoning District: C7 | | | | | |
| Lot Area (minimum) | N/A | 53,309.68 SM | | | |
| Lot Frontage - Nebo Rd - (minimum) | N/A | 171.96 M | | | |
| Lot Depth - Rymal Rd E - (minimum) | N/A | 310.59 M | | | |
| GROSS Area | N/A | 5,331.65 SM | 12,136.58 SM | 17,618.23 SM | |
| BUILDING Area (Building Coverage) | N/A | 4,766.79 SM | 10,233.62 SM | 15,150.40 SM | |
| Lot Coverage | N/A | 8.94% | 19.20% | 28.14% | |
| Minimum Building Setback to a Street Line | 18.00 M | 8.00 M | 8.00 M | 8.00 M | EXISTING |
| Minimum Rear Yard (EAST) | 6.00 M | 8.00 M | 1.50 M | 1.50 M | NO |
| Minimum Rear Yard abutting a Residential or Institutional Zone or lot containing a residential use. | 7.50 M | 8.00 M | 8.00 M | 8.00 M | YES |
| Minimum Interior Side Yard (SOUTH) | 1.50 M | 1.50 M | 1.50 M | 1.50 M | YES |
| Minimum Interior Side Yard abutting a Residential or Institutional Zone or lot containing a residential use. | 4.50 M | 7.50 M | 7.50 M | 7.50 M | YES |
| Landscaped Area | N/A | 0.00 SM | 5,786.80 SM | | |
| Landscaped Open Space (%) | N/A | 0.00% | 10.86% | 10.86% | |
| Maximum Height | 14.00 M | 10.00 M | 14.00 M | 14.00 M | YES |
| MOTOR VEHICLE GAS BAR AND MOTOR VEHICLE SERVICE STATION REGULATIONS | | | | | |
| Minimum Yard Abutting a Street | 4.50 M | 23.00 M | 23.00 M | 23.00 M | YES |
| Minimum Yard for Fuel Pump Islands, Fuel Pumps and Canopies | 4.50 M | 23.00 M | 23.00 M | 23.00 M | YES |
| Minimum Planting Strip Requirements | 3.00 M | 3.00 M | 3.00 M | 3.00 M | YES |
| Maximum Gross Floor Area for Accessory Retail Uses to a Motor Vehicle Gas Bar | 175.00 SM | 233.50 SM | 233.50 SM | 233.50 SM | EXISTING |
| PARKING CALCULATION | | | | | |
| Automotive Centre | 139 | 139 | 0 | 139 | YES |
| Planned Business Centre | 452 | 164 | 306 | 470 | YES |
| TOTAL PARKING | 591 | 303 | 306 | 609 | YES |

NOTES:
 1. Unless otherwise noted, all measurements on the plan are to be considered as minimums.
 2. Visual Barrier: A visual barrier will be provided as required.
 3. Planting Strip will be provided as required.



SYMBOLS LEGEND

- ⊙ TRAFFIC LIGHT
- ⊕ EXISTING HYDRANT
- ⊕ PROPOSED HYDRANT
- ⊕ HYDRO POLE
- ⬆ PEOPLE DOOR
- ↔ DRIVEWAY DIRECTIONS
- ↑ VEHICLE DOOR
- ⬆ FIRE ROUTE
- ▨ LANDSCAPED AREA
- ▨ PLANTING STRIP
- ▨ PAINTED LINES

150-300 mm gpg

TYPICAL CURB CUT DIAGRAM AT PEDESTRIAN CROSSING ROUTES
 NOTE: TYPICAL INTERNAL SIDEWALKS WIDTH=1.5M

1 PROPOSED SITE PLAN
 1 : 500

7D ASSOCIATES LTD.
 Architecture | Interiors | Planning | Management

25 Dwyer Court
 Brantford, Ontario N3T 0G8

(519) 752-9759
 7dassociates@gmail.com
 www.7dassociates.com

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Note:
 THIS DOCUMENT IS VALID ONLY WHEN STAMPED AND SIGNED BY THE ARCHITECT.



| # | Description | Date |
|----|-----------------------------------|------------|
| 1 | ISSUED FOR SITE PLAN CONTROL | 2017-09-15 |
| 2 | SITE PLAN AMENDMENT | 2018-03-09 |
| 3 | ISSUED FOR SITE PLAN RESUBMISSION | 2018-04-25 |
| 4 | ISSUED FOR SITE PLAN RESUBMISSION | 2018-07-12 |
| 7 | ISSUED FOR SITE PLAN RESUBMISSION | 2018-11-02 |
| 21 | ISSUED FOR SITE PLAN AMENDMENT | 2023 08 21 |
| 24 | ISSUED FOR SITE PLAN AMENDMENT | 2024 08 01 |

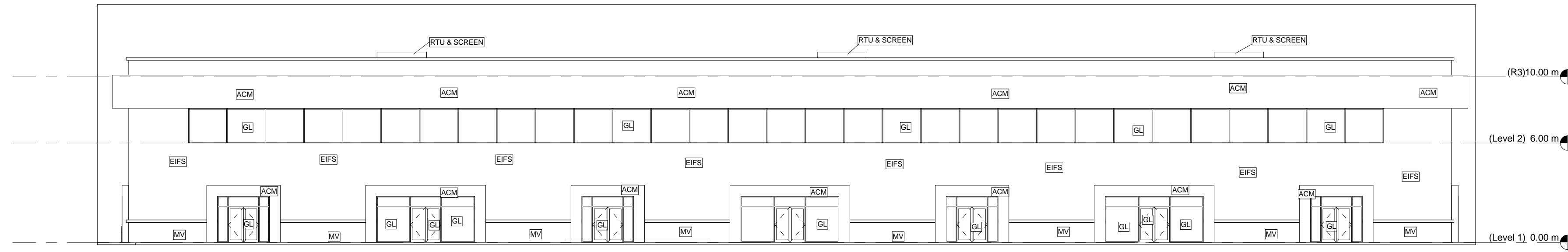
Project Name:
Nebo Rymal PLAZA

Project Address:
 1200 RYMAL Road E
 HAMILTON, ON

PROPOSED SITE PLAN

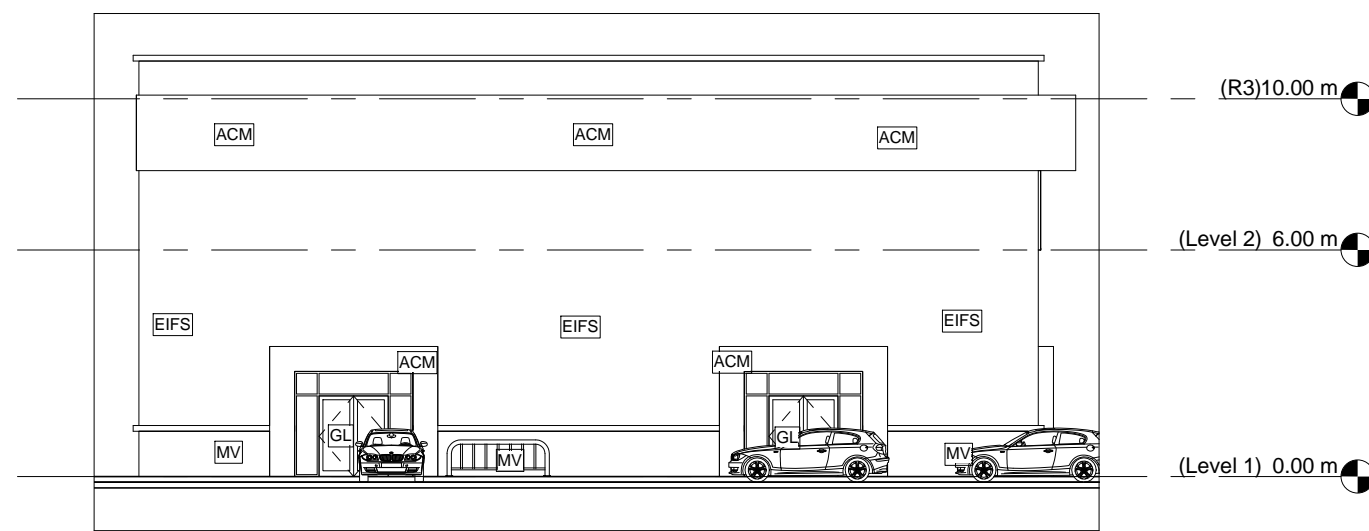
File No.
 Issue Date 2024 08 01
 Drawn by S.F.
 Checked by E.F.
 Scale 1 : 500

SP1.01

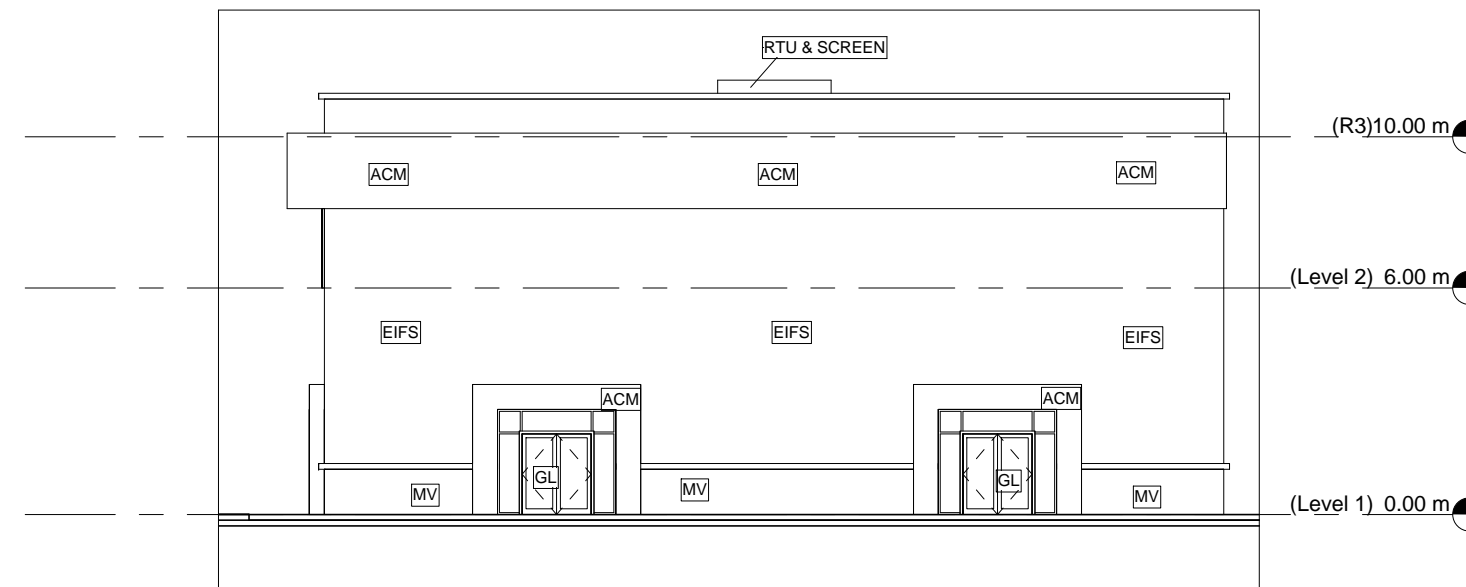


4 BUILDING C WEST ELEVATION
1 : 200

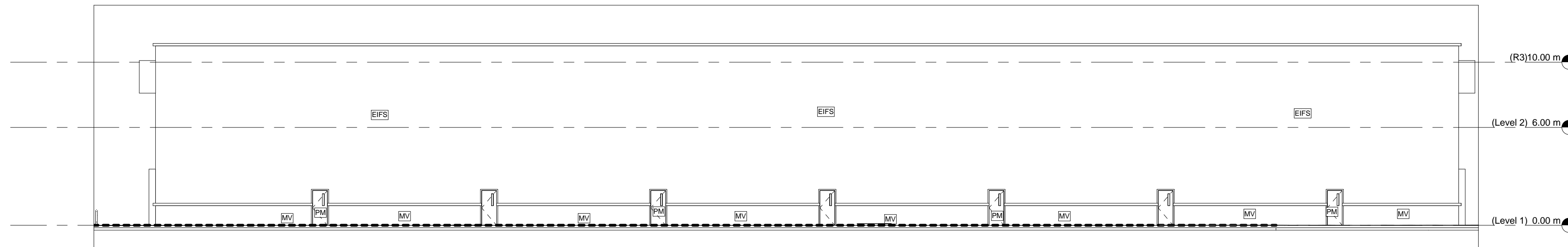
ELEVATIONS EXTERIOR FINISH
 EIFS: EXT. INSULATED FINISH SYSTEM (MEDIUM GREY)
 ACM: PREFINISHED METAL PANELS (BLACK)
 GL: INSULATED LOW E GLAZING
 MV: MASONRY VENEER (DARK GREY)
 PM: PAINTED METAL (DARK GREY)
 ANODIZED ALUM. EXT. DOORS AND MULLIONS
 PREFINISHED METAL FLASHING



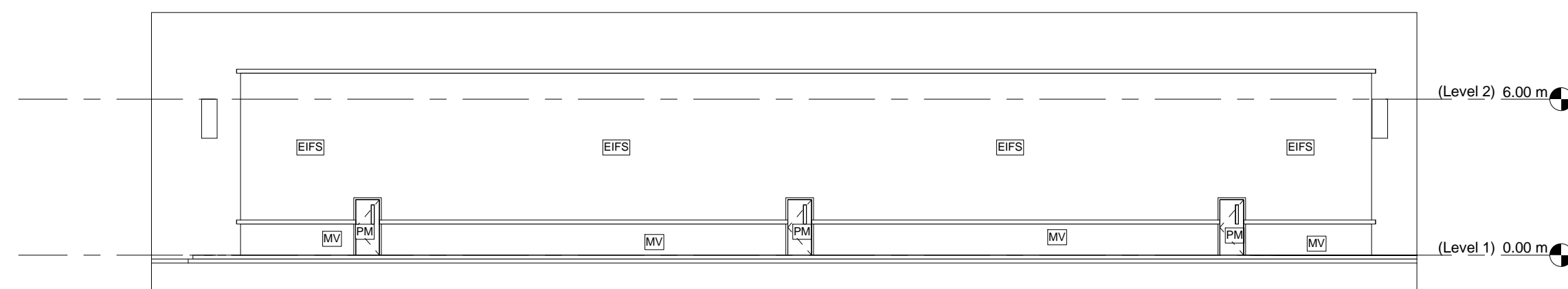
2 BUILDING C NORTH ELEVATION
1 : 200



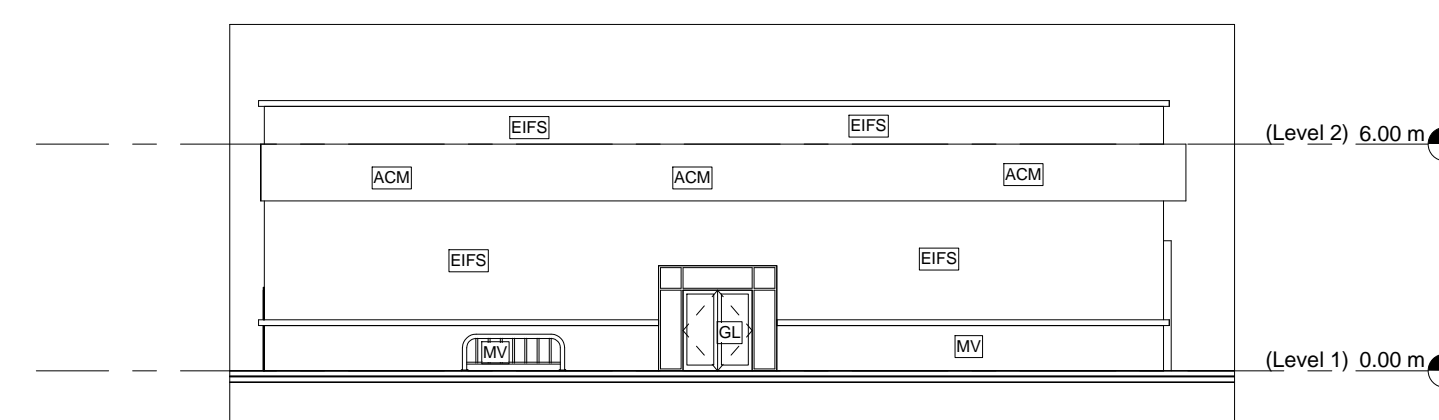
3 BUILDING C SOUTH ELEVATION
1 : 200



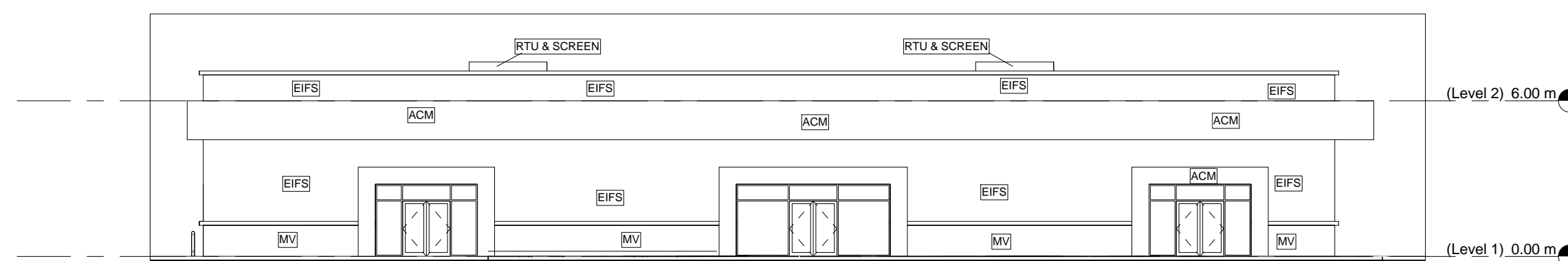
1 BUILDING C EAST ELEVATION
1 : 200



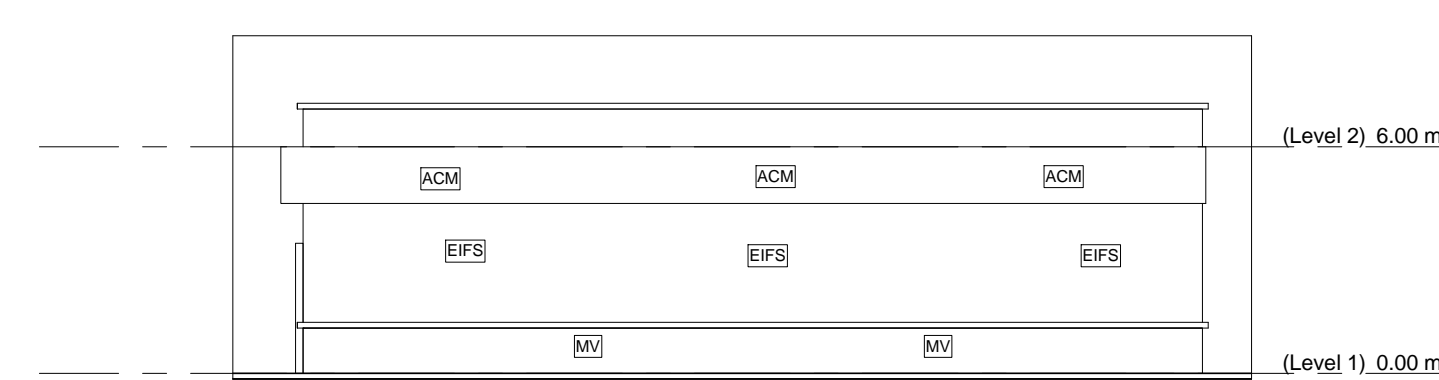
5 BUILDING H EAST ELEVATION
1 : 200



6 BUILDING H NORTH ELEVATION
1 : 200



8 BUILDING H WEST ELEVATION
1 : 200



7 BUILDING H SOUTH ELEVATION
1 : 200



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| 5 | ISSUED FOR FACADES REVISIONS | 2018-07-23 |
| 7 | ISSUED FOR SITE PLAN RESUBMISSION | 2018-11-02 |
| 8 | ISSUED PER UD COMMENTS | 2019 01 11 |
| 10 | BUILDING ELEVATIONS | 2019 06 05 |
| 14 | ISSUED FOR CITY REVIEW | 2019 08 27 |
| 21 | ISSUED FOR SITE PLAN AMMENDMENT | 2023 08 21 |
| 24 | ISSUED FOR SITE PLAN AMMENDMENT | 2024 08 01 |

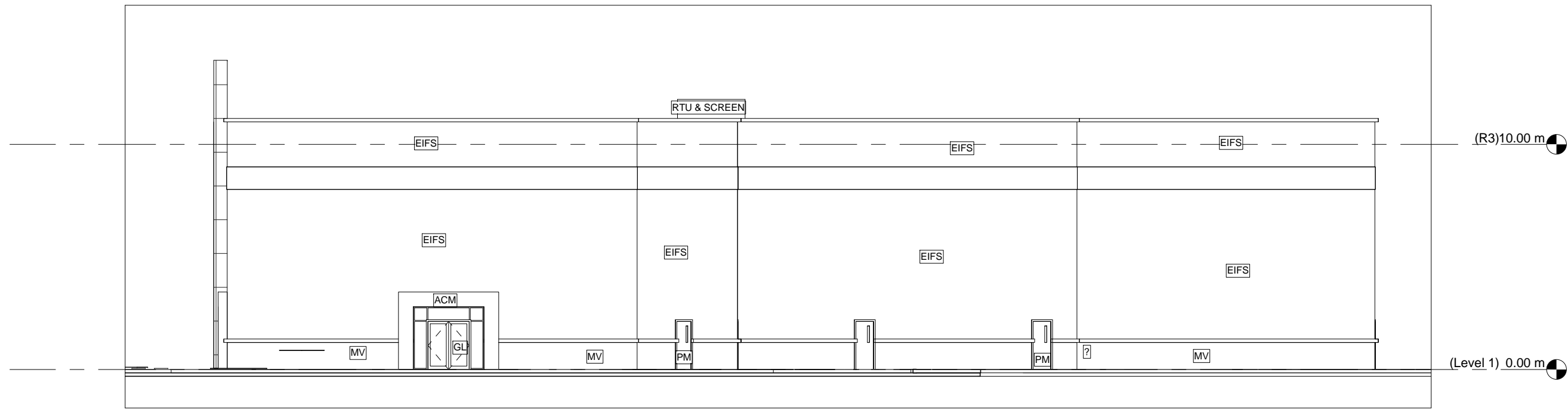
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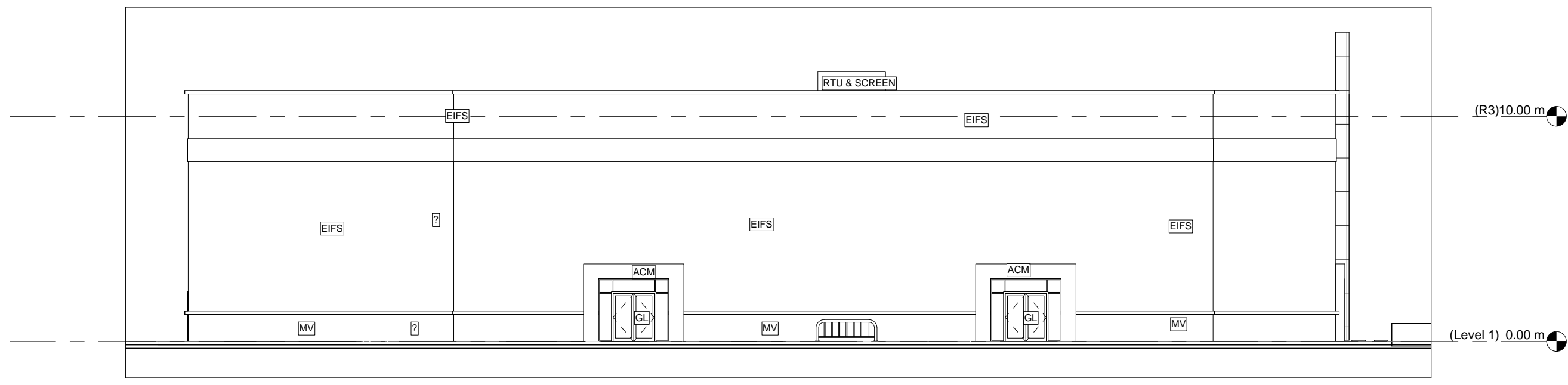
BUILDING ELEVATIONS

File No.
 Issue Date 2024 08 01
 Drawn by S. F.
 Checked by S. F.
 Scale As indicated

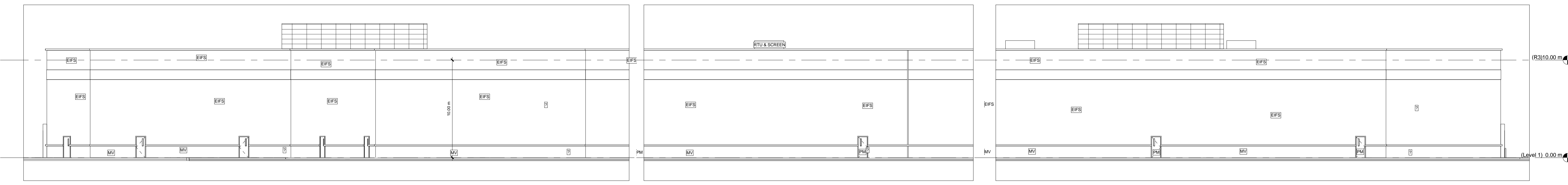
ELEVATIONS EXTERIOR FINISH
 EIFS: EXT. INSULATED FINISH SYSTEM (MEDIUM GREY)
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 PREFINISHED METAL FLASHING



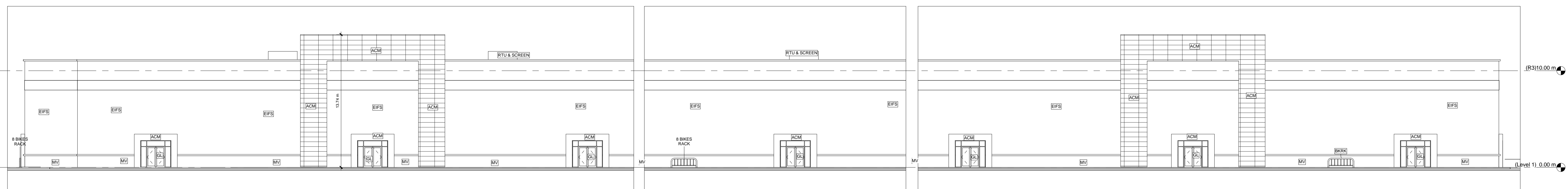
1 BUILDING B WEST ELEVATION
1 : 200



3 BUILDING B EAST ELEVATION
1 : 200



2 BUILDING B SOUTH ELEVATION
1 : 200



5 BUILDING B NORTH ELEVATION
1 : 200



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BUILDING ELEVATIONS
 File No.
 Issue Date 2024 08 01
 Drawn by S. F.
 Checked by S. F.
 Scale As indicated

FPD

F O T H E R G I L L P L A N N I N G & D E V E L O P M E N T I N C .

62 DAFFODIL CRES • HAMILTON, ON L9K 1E1 • PHONE 905.577.1077 • EMAIL ed@fothergillplanning.ca

Planning Report
Application for Minor Variance
1280 Rymal Road East and 385 Nebo Road

INTRODUCTION

This report provides planning support for an application for minor variance at the above property to reduce the required rear yard setback from 6.0 metres to 1.5 metres. The commercial plaza development was subject to the approval of an earlier application for site plan approval under File DA-17-187. Approximately 4800 sq. m. of development has already been constructed out of a total 15,000 sq. m. to be ultimately accommodated on the site. The property is now subject to an application for a site plan amendment under SPA-24-003, which received conditional site plan approval on February 13, 2024.

The applicant proposed to extend a driveway along the eastern boundary to provide an additional access to Rymal Road. That change was not supported by staff. As a result, the plan has been amended to locate the revised building location within 1.5 metres of the east property line. The proposed 1.5 metre setback is adjacent to an existing rail trail pathway and an existing large industrial operation to the east.

Through the circulation of the site plan amendment, zoning comments were received from Mr. Ross McIntosh September 26, 2024. Those comments confirm that the proposed site plan complies with all of the existing zoning provisions with the exception of the rear yard setback of buildings along the eastern property line. The proposed plan provides a setback of 1.5 metres, whereas the existing by-law requires 6.0 metres.

The front exposure of the plaza is oriented toward north towards Rymal Road, which would normally be considered the front lot line. However, in this case given the property is a corner lot and Nebo Road has the shortest frontage, Nebo Road is considered the front lot line.

PLANNING OPINION

The proposal maintains to the general intent and purpose of the Urban Hamilton Official Plan.

The lands are designated as Arterial Commercial in the Urban Hamilton Official Plan. The approval for this variance will assist in satisfying conditions of site plan approval to implement a development which conforms to the uses which are permitted in the Arterial Commercial designation. As a result, the proposed variance implements a use which conforms to the Urban Hamilton Official Plan.

In addition, the proposal helps to facilitate the efficient use of urban land which is currently provided with full urban services. This conforms to general development policies found throughout the Official Plan.

The variance conforms to Zoning By-law 05-200

The variance maintains the general intent and purpose of the Zoning By-law. With the main exposure and access oriented toward Rymal Road East, the eastern property line appears and functions as a side yard. The proposed variance to recognize a 1.5 rear yard setback is the same as the minimum interior side yard in the "C7" zone (Policy 10.7.3(c)).

The application is desirable for the appropriate development of the land.

As noted, the eastern property lot line functions as a side lot line, and therefore the setback being proposed is the same as that required for a side yard setback. By reducing the rear yard setback, the application allows for a more full and complete development of the site than would otherwise be available with a 6.0 metre setback.

Once the site is fully developed, the setback reduction permitted by the application will allow for an attractive, efficient and appropriate use of land.

The variance is minor in nature.

The approval of the variance will implement a plan that allows for the efficient development of land in a manner which is consistent with a side yard setback requirement as would be expected with a development fronting onto a major roadway such as Rymal Road East.

The application is also minor in nature in that there will be no adverse impact on the abutting properties.

SUMMARY

It is my opinion that the proposed variance request can be supported from a planning perspective as it allows the development to proceed in an efficient manner which most effectively utilizes the property for its intended purpose. The variance is consistent with the requirements for a side yard setback which is appropriate for the location of the building along the easterly boundary. The proposal conforms to the Urban Hamilton Official Plan and is consistent with the zoning provisions of By-law 05-200. It is desirable for the appropriate development of the land and is minor in nature.

Respectfully submitted,

FOTHERGILL PLANNING & DEVELOPMENT

E.J. Fothergill, MCIP, RPP
President

October 9, 2024

**Ross McIntosh
 Zoning**

September 26, 2024

COMMENTS:

1. This application proposes alterations to the planned business centre in development on the subject site and would amend Site Plan Control application DA-17-187. Alterations are proposed to the arrangement of buildings and parking areas in the southerly and easterly areas of the site and includes:
 - A new Building G in the northeast corner of the site containing a restaurant use and served by a drive through facility;
 - A new Building H in the southwest corner of the site containing a retail use and served by a drive through facility;
 - Altering the footprint of Building C; and
 - Reconfiguring parking areas throughout the site.
2. The subject lot is a corner lot. The westerly lot line abutting Nebo Road is the front lot line, since it is the shorter of the lot lines abutting a street.
3. The proposed development has been reviewed based on the standards of the “C7” Zone, as indicated in the following chart:

| | By-Law Requirement | Provided | Conforming/ Non-Conforming |
|--|---|---|-------------------------------|
| SECTION 10.7 – C7 ARTERIAL COMMERCIAL ZONE | | | |
| Permitted Uses [Section 10.7.1 of Hamilton Zoning By-law 05-200] | As listed in Section 10.7.1 <u>SPECIAL EXEMPTION 878</u> Permitted Uses: Financial Establishment Medical Clinic Office Personal Service Retail & Maximum Gross Floor Area for Retail = 11,000 square metres | A variety of commercial uses are proposed. | Conforms |
| Building Setback from a Street Line [Section 10.7.3(a) of Hamilton Zoning By-law 05-200] | 18.0 m <u>SPECIAL EXEMPTION 878</u> Minimum Building Setback to a Street line = 8.0 metres | 8.0m | Conforms |
| Minimum Rear Yard [Section 10.7.3(b) of Hamilton Zoning By-law 05-200] | 6.0 m | 1.5m | Non-Conforming |
| Minimum Interior Side Yard [Section 10.7.3(c) of Hamilton Zoning By-law 05-200] | 1.5 m | A minimum interior side (south) yard of 1.5 m is provided | Conforms |

**Ross McIntosh
 Zoning**

September 26, 2024

| | | | |
|--|--|---|-----------------|
| Building Height [Section 10.7.3(d) of Hamilton Zoning By-law 05-200] | 14.0 m | Based on the proposed site plan and the site plan finally approved under DA-17-187, no building exceeds 14m in height | Conforms |
| Visual Barrier Requirements [Section 10.7.3(e) of Hamilton Zoning By-law 05-200] | A visual barrier shall be required along any lot line abutting a Residential Zone or Institutional Zone property line in accordance with the requirements of Section 4.19 of this By-law. | The property does not abut a Residential or Institutional Zone | N/A |
| Planting Strip Requirements [Section 10.7.3(f) of Hamilton Zoning By-law 05-200] | Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained. | The property does not abut a Residential or Institutional Zone | N/A |
| Outdoor Storage [Section 10.7.3(g) of Hamilton Zoning By-law 05-200] | In accordance with Section 10.7.3(g) | Not Proposed | N/A |
| Section 10.7.4 – C7 ZONE - MOTOR VEHICLE GAS BAR AND MOTOR VEHICLE SERVICE STATION REGULATIONS | | | |
| Minimum Yard Abutting a Street [Section 10.7.4(a) of Hamilton Zoning By-law 05-200] | Notwithstanding Section 10.7.3a), Minimum 4.5 metres | 23.0m | Conforms |
| Minimum Yard for Fuel Pump Islands, Fuel Pumps and Canopies [Section 10.7.4(b) of Hamilton Zoning By-law 05-200] | 4.5 metres from any lot line | 23.0m | Conforms |
| Minimum Planting Strip Requirements [Section 10.7.4(c) of Hamilton Zoning By-law 05-200] | Notwithstanding Section 10.7.3f), a minimum 3.0 metre planting strip shall be required abutting any street line, or Residential Zone or Institutional Zone lot line, except for points for ingress and egress. <u>SPECIAL EXEMPTION 878</u> Landscaped Area and Planting Strip Requirements: | A 3.0m planting strip is noted along the street, except for points of ingress and egress. | Conforms |

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|---|---|--|-----------------|
| | <p>1. Minimum 6.0 metre wide Landscaped Area shall be provided and maintained abutting a street, except for points of ingress and egress;</p> <p>2. In addition to i) above, within the 6.0 metre Landscaped Area, a minimum 3.0 metre wide Planting Strip shall be required and maintained between parking spaces, aisles or driveways and a street, except for points of ingress and egress;</p> <p>3. Where a property lot line abuts a property lot line within a Residential Zone, a minimum 3.0 metre wide Planting Strip shall be provided and maintained.</p> | | |
| <p>Maximum Gross Floor Area for Accessory Retail Uses to a Motor Vehicle Gas Bar [Section 10.7.4(d) of Hamilton Zoning By-law 05-200]</p> | <p>175.0 square metres.</p> <p><u>SPECIAL EXEMPTION 878</u></p> <p>Maximum Gross Floor Area for Accessory Retail uses to a Motor Vehicle Gas Bar = 250.0 square metres</p> | 233.5 square metres | Conforms |
| SECTION 4.25 – DRIVE THROUGH REGULATIONS | | | |
| <p>Drive Through – Minimum Number of Stacking Spaces [Section 4.25(a) of Hamilton Zoning By-law 05-200]</p> | <p>Notwithstanding any other provisions in this By-law, every drive through shall provide the following minimum number of stacking spaces from the service window:</p> <p>i) Restaurant - 12 spaces ii) All other uses - 3 spaces</p> | Provided | Conforms |
| | | 12 Stacking spaces provided per driveway | Conforms |
| <p>Drive Through – Minimum Stacking Space Dimensions [Section 4.25(b) of Hamilton Zoning By-law 05-200]</p> | No stacking spaces shall be less than 2.6 metres in width by 6.0 metres in length, unless otherwise provided for in this By-law. | 2.6m x 6.0m | Conforms |
| <p>Drive Through – Location [Section 4.25(c) of Hamilton Zoning By-law 05-200]</p> | i) No Drive-Through Facility shall be permitted to locate between any required parking area and the main entrance for the use; | Provided | Conforms |

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| | <p>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;</p> <p>Minor Variance Decision HM/A-19:368 granted variances to permit the drive through stacking lanes serving Buildings D and E to be located between the street and each building.</p> <p><u>SPECIAL EXEMPTION 878</u></p> <p>Notwithstanding Section 4.25 c) ii), a Drive Through stacking lane may be permitted between buildings and the Rymal Road East street line and the Nebo Road street line.</p> | <p>Provided in accordance with Minor Variance HM/A-19-368 and Special Exemption 878.</p> | <p>Conforms</p> |
| | <p>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</p> | <p>Provided</p> | <p>Conforms</p> |
| <p>Drive Through – Landscaping and Visual Barrier</p> <p>[Section 4.25(d) of Hamilton Zoning By-law 05-200]</p> | <p>In accordance with Section 4.25 (d), and applicable when abutting s Residential or Institutional Zone</p> | <p>The property does not abut a Residential or Institutional Zone</p> | <p>N/A</p> |
| <p>SECTION 5 – PARKING</p> | | | |
| <p>Parking – Location</p> <p>Section 5.1 a) i) of Hamilton Zoning By-law 05-200</p> | <p>Required parking facilities shall be located on the same lot as the use requiring the parking.</p> | <p>The required parking is provided on the same lot</p> | <p>Conforms</p> |
| <p>Parking – Location</p> <p>Section 5.1 a) v) of Hamilton Zoning By-law 05-200</p> | <p>Unless otherwise regulated in this By-law, parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be subject to the following:</p> <p>a) Shall not be located within 3.0 metres of a street line,</p> | <p>a) No parking spaces or aisles are proposed within 3.0 metres of a street line.</p> | <p>Conforms</p> |

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| | <p>b) Shall provide a 3.0 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle, except for that portion of a lot line abutting the Red Hill Valley Parkway and the Lincoln Alexander Parkway; and,</p> | <p>b) A 3 m wide planting strip is provided.</p> | <p>Conforms</p> |
| <p>Parking – Design Standards Section 5.2 a) of Hamilton Zoning By-law 05-200</p> | <p>Where a parking lot is situated on a lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown D5 or Downtown D6 Zone, a visual barrier 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 in accordance with Section 4.19 of this By-law;</p> | <p>The property does not abut any of the applicable zones</p> | <p>N/A</p> |
| <p>Parking – Design Standards Section 5.2 b) of Hamilton Zoning By-law 05-200</p> | <p>Unless permitted by another regulation in this By-law, parking space sizes shall be:</p> <p>i) 2.8m wide x 5.8m long</p> <p><i>Minor Variance Decision HM/A-19:368 granted variances to reduce the minimum required dimensions to 2.6 m in width by 5.5 m in length</i></p> | <p>The statistics note all parking spaces having minimum dimensions of 2.6 m in width by 5.5 m in length</p> | <p>Conforms Pursuant to Minor Variance Decision HM/A-19:368</p> |
| <p>Parking – Design Standards Section 5.2 c) of Hamilton Zoning By-law 05-200</p> <p>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>Ingress and egress of vehicles is provided without necessity of moving any other motor vehicle</p> | <p>Conforms</p> |
| | <p>ii) Shall be arranged so as to not interfere with normal public use of the street or laneway;</p> | <p>The parking arrangement does not interfere with normal public use of the street</p> | <p>Conforms</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>The lot is accessed via access driveways located on the lot.</p> | <p>Conforms</p> |
| | <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>Ingress and egress of vehicles to and from the street is in a forward motion.</p> | <p>Conforms</p> |

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| <p>Parking – Design Standards Section 5.2 e) ii) of Hamilton Zoning By-law 05-200</p> | <p>Parking Lots in All Zones, except the Rural Classification Zones a) Shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material;</p> | <p>Asphalt</p> | <p>Conforms</p> |
| <p>Parking – Design Standards Section 5.2 f) of Hamilton Zoning By-law 05-200</p> | <p>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. <i>Minor Variance Decision HM/A-19:368 granted variances to reduce the minimum required barrier free parking space length to 5.5 m</i></p> | <p>4.4m X 5.5m</p> | <p>Conforms pursuant to Minor Variance Decision HM/A-19:368</p> |
| <p>Parking – Design Standards Section 5.2 h) of Hamilton Zoning By-law 05-200 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:</p> | <p>i) Landscaped Area(s) and Landscaped Parking Island(s) with a minimum combined area of 10% of the area of the parking lot and associated access driveway and manoeuvring areas shall be provided and maintained; <u>SPECIAL EXEMPTION 878</u> Landscaped Area(s) and Landscaped Parking Island(s) with a minimum combined area of 3% of the area of the parking lot and associated access driveway and manoeuvring areas shall be provided and maintained.</p> | <p>> 3.0%</p> | <p>Conforms</p> |
| <p>ii) Each Landscaped Area and Landscaped Parking Island shall have a minimum area of 10.0 square metres; and, <u>SPECIAL EXEMPTION 878</u> Each Landscaped Area and Landscaped Parking Island shall have a minimum area of 8 square metres.</p> | <p>ii) Each Landscaped Area and Landscaped Parking Island shall have a minimum area of 10.0 square metres; and, <u>SPECIAL EXEMPTION 878</u> Each Landscaped Area and Landscaped Parking Island shall have a minimum area of 8 square metres.</p> | <p>> 8.0 sq. m</p> | <p>Conforms</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 5.2 h) i), up to a maximum of 10% of the required parking spaces.</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 5.2 h) i), up to a maximum of 10% of the required parking spaces.</p> | <p>The provision of parking spaces is compliant, so this need not be applied</p> | <p>N/A</p> |
| <p>Parking – Design Standards</p> | <p>For 90° parking, a minimum aisle width of 6.0 metres is required to be provided</p> | <p>A minimum aisle width of 6.0 metre is provided.</p> | <p>Conforms</p> |

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|--|--|---|-----------------|
| Section 5.2 i) of Hamilton Zoning By-law 05-200 | | | |
| Parking – Loading Section 5.2.1 of Hamilton Zoning By-law 05-200 | The location of loading doors and associated loading facilities shall be subject to the following: a) Shall not be permitted within a Front Yard; 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 By-law; and, 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. | a) No loading doors or loading facilities are located within the front yard b) No loading doors or loading facilities are located within a yard abutting a street c) The property does not abut a Residential or Institutional Zone | Conforms |
| Parking – Required Barrier Free Parking Section 5.5 a) of Hamilton Zoning By-law 05-200 | Required Parking Spaces - Designated Barrier Free Parking Spaces: 201-1000 spaces: Minimum 2 spaces + 2% of the total number of required parking spaces <u>Determination:</u> <i>11 barrier free parking spaces required</i> | 22 barrier free parking spaces are provided | Conforms |
| Parking – Required Parking Section 5.6 c) of Hamilton Zoning By-law 05-200 | <u>Shopping Centre (within a Commercial Mixed-Use Zone)</u> Minimum Parking Requirement for Shopping Centre within a CMU Zone: i) 0 for less than 450.0 square metres of gross floor area; ii) 1 for each 17.0 square metres of gross floor area between 450.0 square metres and 4,000.0 square metres; and, iii) 1 for each 50.0 square metres of gross floor area greater than 4,000.0 square metres <u>Determination:</u> <i>573 parking spaces required</i> | A total of 609 parking spaces are proposed | Conforms |
| Bicycle Parking – Short Term Requirement [Section 4.3 a) of Hamilton Zoning By-law 05-200] | A minimum of five (5) short term bicycle parking spaces are required for each building, except where a building consists of an Office, Personal Services, Restaurant or Retail use less than 450 sq m in area | 8 Spaces Provided | Conforms |

4. All signage shall conform to Hamilton Sign By-law 06-243. A building permit is required for all signage.

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5. All new fences proposed for this development must comply with the regulations contained within the Fence By-law 10-142.
6. The designer shall ensure that the fire access route conforms to the Ontario Building Code.

Best Regards,



for the Manager of Zoning and Committee of Adjustment

FPD

F O T H E R G I L L P L A N N I N G & D E V E L O P M E N T I N C .

62 DAFFODIL CRES • HAMILTON, ON L9K 1E1 • PHONE 905.577.1077 • EMAIL: ed@fothergillplanning.ca

October 11, 2024

Jamila Sheffield
Secretary Treasurer Committee of Adjustment
City of Hamilton
71 Main St. W.
Hamilton, ON L8P 4Y5

Dear Jamila:

Re: Application for Minor Variance – Ghaddar
1280 Rymal Road East and 385 Nebo Road

Please find enclosed material required to support an application for minor variance to permit a reduction in rear yard setback of the property from 6.0 to 1.5 metres.

The approval of the minor variance will help to implement an application for site plan approval which is made under File SPA-24-003.

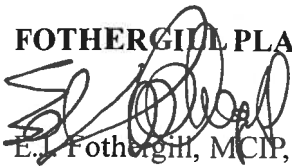
The submission package includes the following:

1. Completed application form signed by the owner and myself.
2. Cheque made payable to the City of Hamilton in the amount of **\$3900.**
3. Copy of development plan being considered under File SP-24-003.
4. Planning Report dated October 9, 2024 prepared by Fothergill Planning & Development Inc.
5. Zoning Review by Ross McIntosh dated September 26, 2024.

We look forward to the application being brought forward to the first available meeting of the Committee of Adjustment.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

cc. Mohammed Ghaddar, Hussein Ghaddar, Saad Faraj



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) | 2531083 Ontario Inc. | |
| Applicant(s) | Same | |
| Agent or Solicitor | Ed Fothergill Fothergill Planning & Dev. Inc. | |

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 | 1280 Rymal Road East and 385 Nebo Road | | |
| Assessment Roll Number | | | |
| Former Municipality | | | |
| Lot | | Concession | |
| Registered Plan Number | | Lot(s) | |
| Reference Plan Number (s) | 62R-21790 | Part(s) | 1-12 |

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:

Reduction of rear yard setback from 7.5 metres to 1.5 metres.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Rear yard in this case appears and functions as a side yard.

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 |
|---------------------|-----------|----------|-----------------|
| 174 Nebo, 300 Rymal | 190 +/- | 5.32 | 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 |
|-------------------|--------------------|-------------------|--------------------|----------------------|
| See Plans | | | | |
| | | | | |
| | | | | |
| | | | | |

Proposed:

| Type of Structure | Front Yard Setback | Rear Yard Setback | Side Yard Setbacks | Date of Construction |
|-------------------|--------------------|-------------------|--------------------|----------------------|
| See Plans | | | | |
| | | | | |
| | | | | |
| | | | | |

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 |
|-------------------|-------------------|------------------|-------------------|----------------|
| Commercial | 4767 | 5331 | 1 + 2 | 1 and 2 storey |
| | | | | |
| | | | | |
| | | | | |

Proposed:

| Type of Structure | Ground Floor Area | Gross Floor Area | Number of Storeys | Height |
|-------------------|-------------------|------------------|-------------------|--------|
| Commercial | 10,223 | 12,136 | 1 | 1 |
| | | | | |
| | | | | |
| | | | | |

- 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

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
November 2015

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

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
Commercial - Gas Bar, Car Wash, Restaurants

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

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) Arterial Commercial - UNC-11

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 (C7,878)

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 City initiated Zoning. By-law 23-209, Variance HM/A-19:368

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):

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
-
-