

**NOTICE OF PUBLIC HEARING**  
**Minor Variance**

**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

<b>APPLICATION NO.:</b>	<b>A-25:103</b>	<b>SUBJECT PROPERTY:</b>	178 & 188 Barton Street, Stoney Creek
<b>ZONE:</b>	C3, 579 (Community Commercial)	<b>ZONING BY-LAW:</b>	Hamilton Zoning By-law 05-200, as Amended 22-084

**APPLICANTS:** Owner: Multi-Area Developments INC c/o Aldo De Santis and/or David De Santis  
Agent: A.J Clarke and Associates Ltd. c/o Stephen Fraser

The following variances are requested:

1. A Commercial Recreation use shall be permitted whereas it is not a permitted use within the current zoning designation.

**PURPOSE & EFFECT:** To permit the use of commercial recreation on the subject lands.

**Notes:**

- i. Hamilton Zoning By-law 05-200 defines Commercial Recreation as follows:  
*"Shall mean the use of an establishment, for a fee, for the provision of athletic and amusement facilities involving the active participation of the user-public in a sportsrelated activity and shall include but not be limited to such facilities as indoor and outdoor racquet courts, fitness clubs, billiard parlour, bowling alley, golf course, driving range, skating or curling surfaces, riding stables, water sports, go-kart track or amusement parks, but shall not include an amusement arcade."*

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

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

<b>DATE:</b>	<b>Thursday, July 17, 2025</b>
<b>TIME:</b>	<b>1:50 p.m.</b>

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 <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton

## PUBLIC INPUT

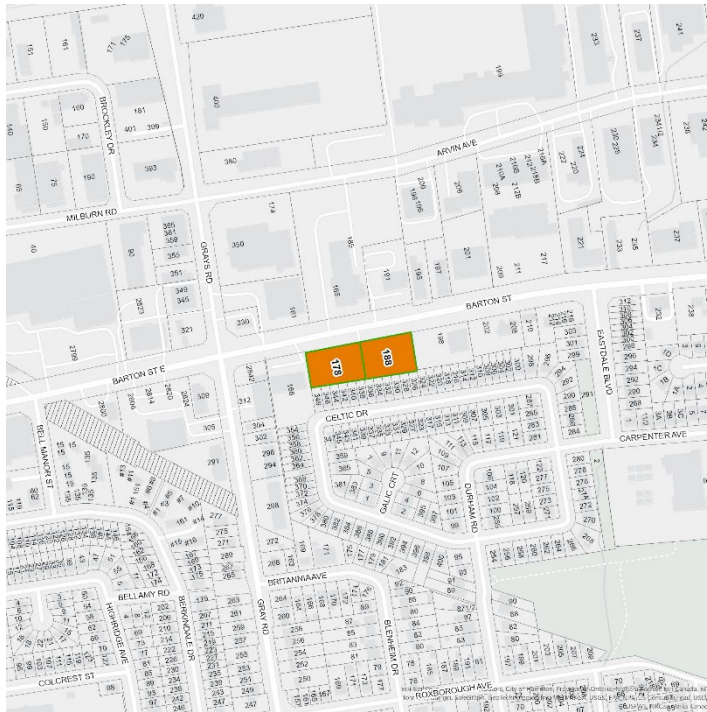
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon July 15, 2025

**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 July 16, 2025

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-25:103, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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



**Subject Lands**

DATED: June 30, 2025

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Justin Leung,  
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, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon on the date listed on the Notice of Public Hearing.**

Comments are available the Tuesday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

Interested members of the public, agents, and owners **must register by noon 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](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

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

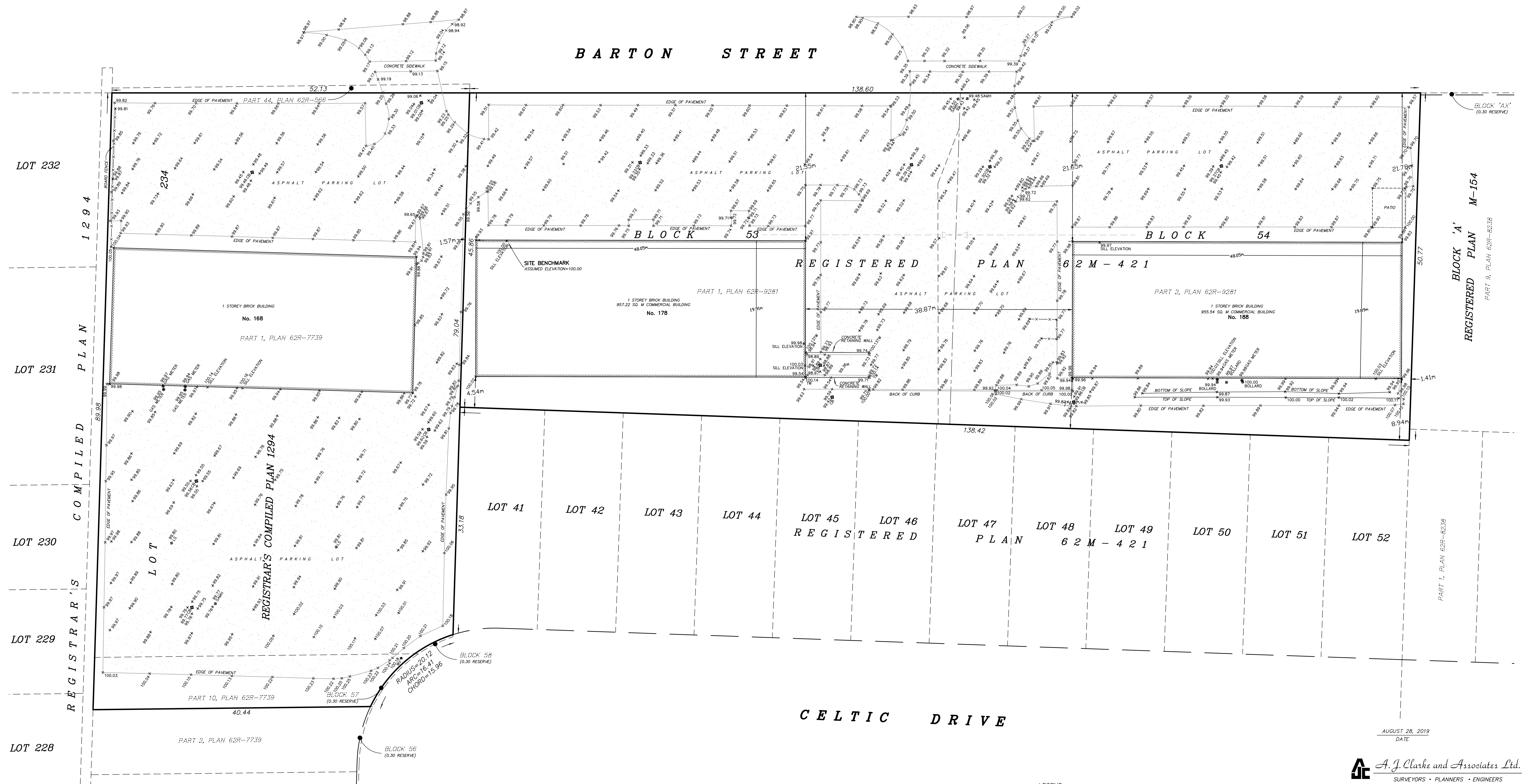
#### 2. In person Oral Submissions

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.

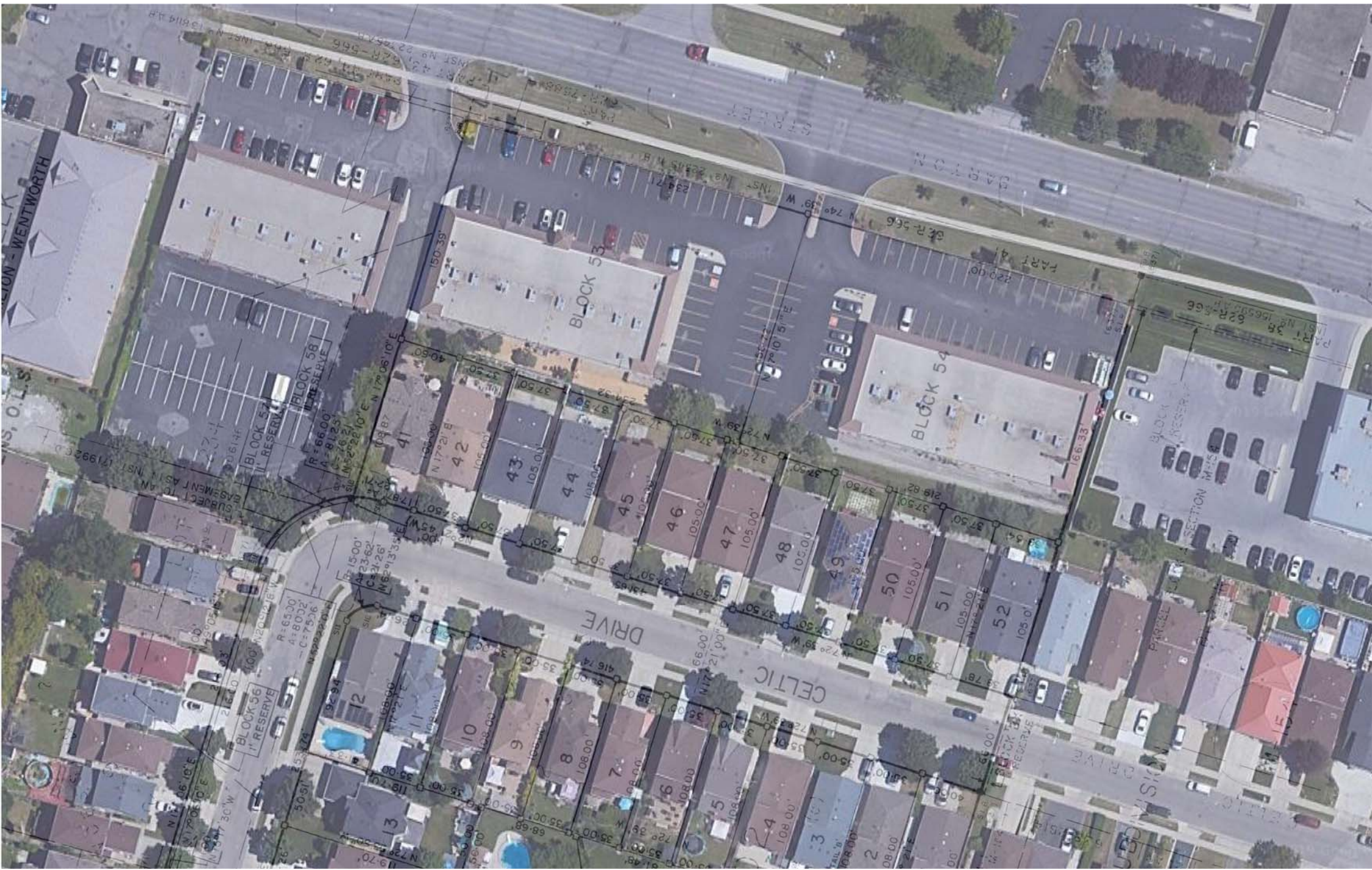
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca).

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.

Caution:  
This is not a plan of survey and  
shall not be used except for the  
purpose indicated in the title block.









*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

May 26, 2025

The City of Hamilton  
Committee of Adjustment  
Planning and Economic Development Department  
71 Main Street West, 5th Floor  
Hamilton, Ontario  
L8P 4Y5

***hand delivered***

Attn: Mr. Justin Leung  
Secretary-Treasurer

**Re: Minor Variance Application  
178 & 188 Barton Street, Stoney Creek, Hamilton**

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Dear Sir,

On behalf of our client, Multi-Area Developments Inc., we are pleased to provide you with the enclosed submission in support of an application for minor variance for the subject lands. Please find the following enclosed materials:

1. A cheque in the amount of \$4,015.00 made payable to the City of Hamilton, in payment of the requisite application fee;
2. One (1) digital copy of the required filled and executed Application for Minor Variance Application Form;
3. One (1) electronic copy of the Site Conditions Survey, prepared by A.J. Clarke and Associates, dated August 28, 2019;
4. One (1) electronic copy of an aerial image of the existing commercial plaza illustrating the existing conditions, parking, etc.

## **1.0 Proposal**

The owner of the subject lands, Multi-Area Developments Inc., is submitting this application to be granted relief from the Zoning By-law No. 05-200 under Section 45(1) of the *Planning Act* on the subject lands, municipally known as 178 & 188 Barton Street, in the City of Hamilton. The subject lands are designated Neighborhoods on Schedule E-1 of the Urban Hamilton Official Plan.

In November 2018, the subject lands were rezoned as a result of a city-initiated Zoning By-law Amendment. The Zoning By-law Amendment rezoned the subject lands from the General Commercial (GC) Zone in the former City of Stoney Creek Zoning By-law 3692-92, to the Community Commercial Exception 579 (C3-579) Zone in the City of Hamilton Comprehensive Zoning By-law 05-200. The former GC Zone included a list of 44 permitted uses. Through the rezoning process, the list of permitted uses was reduced from 44 to 25 uses. Accordingly, 19





uses, which were previously permitted under the GC Zone, were not carried forward into the new C3-579 Zone, including “Commercial Recreation” among many others.

The purpose of the subject minor variance application is to restore one (1) of the previously permitted uses which were removed through the City-initiated Zoning By-law Amendment in 2018. More specifically, it is proposed to reinstate “Commercial Recreation” as a permitted use on the subject lands to enable a willing tenant to occupy an unused unit. The “Commercial Recreation” use reflects the updated definitions of Zoning By-law 05-200; however, the same use is captured under the “Places of Entertainment or Recreation” use, which is not defined in the former Stoney Creek By-law 3692-92 or an “Amusement Centre”, which is defined in the former Stoney Creek By-law and each of these uses were permitted in the GC Zone, please refer to Appendix B.

No physical changes to the subject lands are proposed through this application. Any physical changes resulting from the additional use will be limited to the interior of the existing commercial building and will have no impact on the functionality of the plaza that has existed for over 40 years.

## **2.0 Subject Lands & Surrounding Neighbourhood**

The subject lands are located on the south side of Barton Street, identified as Blocks 53 & 54 on Plan 62M-421, having an area of approximately 6,710 square metres (0.67 ha), as well as approximately 138 metres of frontage along Barton Street. The subject lands contain an existing one-storey commercial building with six units which this application pertains to, but there is another commercial building on the site (refer to attached aerial). The subject lands are accessible by all standard modes of transportation. Barton Street is identified as a Minor Arterial Road on Schedule C of the UHOP.

The surrounding area consists of a mix of commercial and residential uses. To the south of the subject lands is a residential neighbourhood, consisting of predominantly single-detached residential dwellings. Along Barton Street there are a wide variety of commercial uses. Towards the north, land uses transition from commercial to industrial. A variety of commercial recreational uses are located within one (1) kilometre of the subject lands along, or in proximity to, Barton Street, including: Perrins Martial Arts, and Lee Sukhi Success Martial Arts.

## **3.0 Planning Policy Framework**

The following land use planning policy and zoning instruments are considered in this Section:

- Provincial Planning Statement (2024)
- Urban Hamilton Official Plan
- City of Hamilton Comprehensive Zoning By-law 05-200





### 3.1 Provincial Planning Statement (2024)

The current Provincial Planning Statement (PPS) came into effect on October 20th, 2024. The principles of the PPS are about managing change and promoting efficient, cost-effective development and land use patterns, which encourage strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.

The PPS supports the creation of strong, healthy, and sustainable communities. These are supported, in part, by promoting an appropriate range and mix of uses. The proposal would result in a broader range of permitted commercial uses on the subject lands. The proposed commercial recreation use is highly compatible within the context of the surrounding area and will promote healthy and active lifestyles for local residents.

### 3.2 Urban Hamilton Official Plan

The Urban Hamilton Official Plan (UHOP), as amended in December 2018, is the guiding document for where and how the City of Hamilton will grow until 2051 and beyond. The subject lands are designated “Neighbourhoods” on Schedule E – Urban Structure and Schedule E-1 – Urban Land Use Designations of the Official Plan.

Section E.3.0 of Volume 1 of the UHOP provides policy direction for lands designated Neighbourhoods on Schedule E-1. The Neighbourhoods designation is intended to form a key component of Hamilton’s urban structure, functioning as complete communities. In general, permitted uses within Neighbourhoods include residential dwellings including second dwelling units and housing supports, open space and parks, local community facilities/services, and local commercial uses. The following policies pertain to the proposed redevelopment:

- Pol. E.3.1.2 Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.*
- Pol. E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.*
- Pol. E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:*
  - a) residential dwellings, including second dwelling units and housing with supports;*
  - b) open space and parks;*
  - c) local community facilities/services; and,*
  - d) local commercial uses.*



*Pol. E.3.8.1 Local commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood may be permitted within the Neighbourhoods designation.*

*Pol. E.3.8.2 The following uses shall be permitted:*

- a) retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, office, motor vehicle service station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service; (OPA 64)*
- b) medical offices or clinic, provided it has direct access to an arterial road and is adjacent to other local commercial uses; and,*
- c) residential uses, in accordance with Policy E.3.8.10*

*Pol. E.3.8.4 Local commercial uses may be permitted in the following built forms:*

- a) small single-use buildings such as those occupied by a convenience store or a medical office;*
- b) a plaza form at varying scales containing multiple commercial uses;*
- c) a main street configuration with multiple commercial uses; or,*
- d) multiple storey buildings with the local commercial uses on the ground floor and residential units above.*

*Pol. E.3.8.9 Development and redevelopment of local commercial uses shall:*

- a) front and have access to a major arterial, minor arterial, or collector road;*
- b) provide safe and convenient access for pedestrians and cyclists; and,*
- c) be compatible with the surrounding area in terms of design, massing, height, setbacks, on-site parking, noise impact, landscaping, and lighting.*

The proposed commercial recreation use is consistent with the policies of Section E.3.0, in that it will contribute a greater diversity of commercial uses and strengthen the function of the area as a complete community. The subject lands are located adjacent to a residential neighbourhood and the proposed commercial recreation use will primarily serve local residents. Although not specifically noted, it is clear that the Official Plan permits a wide range of commercial uses that serve the surrounding neighbourhood, including Commercial Recreation. Additional recreational opportunities are critical to ensure that the daily and weekly active living needs of residents are met.

### **3.3 City of Hamilton Comprehensive Zoning By-law 05-200**

The subject lands are zoned Community Commercial Exception 579 (C3-579) Zone in the City of Hamilton Comprehensive Zoning By-law 05-200. The parent C3 Zone is intended to be located along collector or arterial roads within close proximity to residential neighbourhoods. The C3 Zone permits local commercial uses which service residents within the surrounding neighbourhoods. Permitted uses within the C3-579 Zone include the following:

- Artist Studio
- Motor Vehicle Gas Bar



- Catering Service
- Commercial School
- Communications Establishment
- Community Garden
- Craftsperson Shop
- Day Nursery
- Emergency Shelter
- Financial Establishment
- Laboratory
- Medical Clinic
- Microbrewery
- Dwelling Units in conjunction with a Commercial Use
- Motor Vehicle Service Station
- Office
- Personal Services
- Repair Service
- Restaurant
- Retail
- Social Services Establishment
- Tradesperson's Shop
- Urban Farm
- Urban Farmers Market
- Veterinary Service

As the C3-579 does not include commercial recreation as a permitted use, a variance to the Zoning By-law is required to permit the proposed use on the subject lands.

#### 4.0 Section 45 – Minor Variance

The following Minor Variance is required to permit the proposed use change within the existing commercial building:

1. To permit Commercial Recreation as a use within the “C3-579” Community Commercial Zone for lands municipally known as 168 & 188 Barton Street (Stoney Creek); whereas Section 10.3.1. Permitted Uses, does not currently permit a Commercial Recreation use.

Under Section 45(1) of the *Planning Act* (the Act), the Committee of Adjustment may authorize a minor variance from the provisions of any by-law passed under Section 34 or 38 of the Act.

*Section 45(1) The committee of adjustment, upon the application of the owner of any **land, building or structure** (emphasis added) affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the **land, building or structure or the use thereof** (emphasis added), as in its opinion is desirable for the appropriate development or **use of the land, building or structure** (emphasis added), if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.*

Section 45(1) of the Act states that minor variances from the provision of any By-law may be authorized for matters pertaining to the land, buildings or structures, or use thereof. The purpose of the subject minor variance application is to grant relief from the current By-law to permit a use that was permitted in the former Stoney Creek By-law 3692-92 prior to City-initiated Zoning By-law Amendment in 2018. It is therefore appropriate and within the authority of the Committee of





Adjustment to consider and authorize the proposed variance to the permitted uses on the subject lands.

A minor variance may be granted if, in the opinion of the Committee, the proposed variance:

- 1) Is minor in nature;
- 2) Is desirable for the appropriate development or use of the subject land, building or structure;
- 3) Is in keeping with the general intent and purpose of the Zoning By-law; and,
- 4) Is in keeping with the general intent and purpose of the Official Plan.

Each of the four “tests” of a minor variance, as described above, will be addressed in detail below.

#### **4.1 Test #1 – Is it minor in nature?**

The proposed variance is minor in nature as it represents a technical variance to permit an additional use on the subject lands which was previously permitted prior to the passing of a city-initiated Zoning By-law Amendment in 2018 that encompassed multiple commercial properties across the entire city. Given that the proposed use was permitted under the former GC Zone in the Stoney Creek Zoning By-law 3692-92, it is evident that the proposed use is compatible with other local commercial uses located on the subject lands and in the surrounding area. This is evidenced by the presence of other established commercial recreational uses along, and in proximity to, Barton Street.

No physical changes will result to the site and/or the existing buildings to which the proposed use will occupy and therefore no adverse impact will result from the additional use. The proposed commercial recreation use will be wholly contained within the existing commercial building and will function, from a planning perspective, in a similar manner to other local commercial uses in terms of traffic generation, type of use, and neighbourhood-oriented services.

#### **4.2 Test #2 – Is it desirable?**

The proposed variance is desirable and considered an appropriate use of the existing commercial building. A commercial recreation use will allow for a greater range of commercial uses on the subject lands, providing a valuable service to residents of the abutting residential neighbourhood. By permitting a greater diversity of commercial uses within the existing commercial plaza, it will allow for greater flexibility for businesses to respond to local market demands and to meet the needs of current or future residents. A commercial recreation use has similar characteristics in terms of clientele, traffic generation, and hours of operation to other businesses within the building. Again, by virtue of the use previously existing within the zoning, this proves it has been and remains a desirable land use for the subject property and overall neighbourhood.



#### **4.3 Test #3 – Does it maintain the intent and purpose of the Zoning By-law?**

The intent of the parent C3 Zone, which is now in force and effect, is to permit local commercial uses that serve residents within the surrounding neighbourhoods. The C3 Zone is intended to be located primarily along collector or arterial roads within close proximity to residential neighbourhoods. It should be noted that other commercial zones such as Mixed-Use Medium Density (C5) and District Commercial (C6) are extremely similar regarding their intent, both to be placed along arterial roads, meant predominantly for commercial uses, and will serve the surrounding community. Both of these zones permit the Commercial Recreation use and share much of the same intent as the Community Commercial (C3) zone.

The subject lands are located along Barton Street, a minor arterial road which is predominantly defined by a wide variety of local commercial uses. In addition, the subject lands abut a residential neighbourhood to the south. The proposed commercial recreation use, which was permitted within this existing plaza prior to 2018, will primarily serve the nearby residential neighbourhoods. As such, the proposed variance maintains the intent and purpose of the Zoning By-law.

#### **4.4 Test #4 – Does it maintain the intent and purpose of the Official Plan?**

The Official Plan states that lands located within the Neighbourhoods designation are intended to accommodate not only residential, but also local commercial uses. The proposed variance maintains the intent and purpose of the Official Plan in so far as it represents an appropriately located local commercial use within an existing commercial plaza. The proposed variance will not establish a new commercial site but rather expand the full potential of the subject lands as an existing local commercial site.

The subject lands are located adjacent to a residential neighbourhood and will provide service to those same residents. Furthermore, the proposed commercial recreation use within the existing plaza will diversify the array of businesses found along Barton Street, contributing towards a more complete community. Commercial recreational uses provide a valuable service to residents, promoting healthy and active lifestyles.

Generally, local commercial uses within the Neighbourhoods designation are intended to be located along arterial or collector roads. The subject lands are located along Barton Street, a minor arterial road as per Schedule C of the Official Plan.



## 5.0 Conclusion

The proposed minor variance is to permit commercial recreation as a permitted use on the subject lands, located at 168 & 188 Barton Street within an existing commercial plaza. Commercial recreational uses are a form of local commercial development which contribute to the creation of complete communities, providing local residents with increased opportunities to lead healthy and active lifestyles.

The proposed variance is a technical requirement, as the proposed use was previously permitted in the former GC Zone in the Stoney Creek Zoning By-law 3692-92; however, the use, among others, was removed through a city-initiated Zoning By-law Amendment in 2018. The variance is minor in nature and desirable for the appropriate development of the subject lands. Furthermore, the proposed variance is consistent with the general intent and purpose of the Zoning By-law and the Official Plan. Accordingly, the proposed variance passes each of the four tests of a minor variance, as prescribed under Section 45(1) of the *Planning Act*.

It is my opinion that the proposed variance represents good land use planning. We trust this information is sufficient for the submission of an application for Minor Variance approval.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'Stephen Fraser'.

Stephen Fraser, MCIP, RPP  
**A. J. Clarke and Associates Ltd.**

Encl.

Copy via email:      Client - Multi-Area Developments Inc.  
                                 Ms. Anita Fabac  
                                 Mr. Rino Dal Bello





*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

## APPENDIX A

### GENERAL COMMERCIAL “GC” ZONE – PERMITTED USES



**PART 8 COMMERCIAL ZONES**

**SECTION 8.3 GENERAL COMMERCIAL "GC" ZONE**

**8.3.1 Scope**

No person shall within any General Commercial "GC" Zone use any land or erect, alter or use any building or structure, except in accordance with the following provisions:

**8.3.2 Permitted Uses For Each Lot**

- (a) Amusement Centres
- (b) Animal Hospitals only if wholly enclosed within a building
- (c) Arenas
- (d) Art Galleries
- (e) Athletic Clubs
- (f) Auditoriums
- (g) Bakeries
- (h) Banks or Financial Institutions
- (i) Banquet Halls
- (j) Bus Depots
- (k) Business or Commercial Schools
- (l) Car Washing Establishments
- (m) Convenience Food Stores
- (n) Day Nurseries
- (o) Dry Cleaning Depots
- (p) Equipment Rental, Sales or Repairs
- (q) Food Stores
- (r) Funeral Homes
- (s) Gasoline Bars
- (t) Hotels
- (u) Libraries
- (v) Medical Laboratories
- (w) Medical Clinics
- (x) Motels

**PART 8 COMMERCIAL ZONES**

- (y) Motor Vehicle Parts and Accessories Retail Stores

- (z) Motor Vehicle Service Stations

- (aa) Motor Vehicle Dealerships

- (ab) Museums

- (ac) Parking Garages or Parking Lots

- (ad) Personal Service Shops

- (ae) Pharmacies

- (af) Places of Entertainment or Recreation

By-law 3863-93

- (ag) Places of Worship

- (ah) Private or Commercial Clubs

- (ai) Professional or Business Offices

- (aj) Restaurants - Convenience

- (ak) Restaurants - Fast Food

- (al) Restaurants - Outdoor Patio

- (am) Restaurants - Standard

- (an) Retail Stores

- (ao) Taverns

- (ap) Theatres

By-law 4200-95

- (aq) One accessory dwelling unit and a home occupation provided such unit is located together with a permitted commercial use within the same building and is not located on the ground floor, or in the cellar or basement.

- (ar) Uses, buildings or structures accessory to a permitted use

**8.3.3**

**Zone Regulations For All Uses Other Than Those Uses Specified In Sections 8.3.4, 8.3.5, 8.3.6 and 8.3.7**

- (a) Minimum Lot Frontage - 45 metres

- (b) Maximum Lot Coverage - 50 percent

- (c) Minimum Front Yard - 7.5 metres

- (d) Minimum Side Yard - 1.5 metres, except 6 metres for a flankage yard



## **APPENDIX B**

### **GENERAL COMMERCIAL “GC” ZONE – DEFINITIONS**





**PART 2**

**DEFINITIONS**

**Amusement Centre**

Means a commercial establishment or part thereof where indoor facilities are provided for participatory entertainment or where exhibits are displayed and includes a bowling alley, pool hall, billiards parlour, place of amusement or wax museum.

**Animal Hospital or Shelter**

Means a building or part thereof, where domestic animals or households pets are given temporary indoor shelter, accommodation and treatment and includes, without limiting the generality of the foregoing, a veterinary facility, a public pound, but does not include any establishment engaged primarily in the retail sale of animals or in breeding or training animals for gain or profit.

**Assembly Hall**

Means a building or part thereof used for the gathering together of groups of persons for a specific function, including public meetings, but shall not include a banquet hall or commercial or private club, as defined by this By-law.

**Arena**

Means a building or structure, or part thereof, owned or operated by a private club, by a non-profit or charitable institution or by a public agency, where facilities are provided primarily for athletic or recreational activities, entertainment or events.

**Attic**

Means the portion of a building situated wholly, or in part, within the gables of the roof and which is less than one-half storey in height.

**Auditorium**

Means a building or structure, or part thereof, where facilities are provided for civic, educational, musical, recreational, theatrical, political, religious or social events, and includes an assembly hall, arena, cinema, theatre, playhouse, opera house, concert hall, public museum, exhibition hall, convention centre or community social centre, but does not include an amusement centre, commercial recreation centre, stadium or drive-in theatre as defined herein, or any retail store or restaurant unless such store or restaurant is an accessory use.



## **APPENDIX C**

### **ZONING BY-LAW 3692-92 – MAPPING**



Hamilton

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto: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)	Multi-Area Developments Inc c/o Aldo De Santis and/ or David De Santis	
Applicant(s)		
Agent or Solicitor	A.J. Clarke and Associates Ltd. c/o Stephen Fraser	

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 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	178 & 188 Barton Street, Stoney Creek, City of Hamilton		
Assessment Roll Number	251800328500900		
Former Municipality	Stoney Creek		
Lot	Blocks 53, 54	Concession	
Registered Plan Number	62M-421	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:

Variance to permit "Commercial Recreation" use on subject lands. See Cover Letter.

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

See Cover Letter.

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
138 metres	Irregular	6,710 square metres	37 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:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Commercial	21.66 metres	7.42 metres	1.50 metres	1988
Commercial	21.46 metres	4.58 metres	1.64 metres	1988

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
N/A				

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	1,020 square metres	955 square metres	1	4.50 metres
Commercial	1,020 square metres	957 square metres	1	4.50 metres

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
N/A				

- 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 Recreation"

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

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:  
2007

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

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

7.4 Length of time the existing uses of the subject property have continued:  
45+ 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) Neighbourhoods

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

See Cover Letter

7.6 What is the existing zoning of the subject land? Community Commercial (C3) Exception 579

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: SC/A-19:331

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

☐ Yes

☒ No

If yes, please provide the file number: \_\_\_\_\_

## 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

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