

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-25:108 | SUBJECT PROPERTY: | 180 Nebo Road, Hamilton |
| ZONE: | M3 (Prestige Business Park) | ZONING BY-LAW: | Hamilton Zoning By-law 05-200 , as Amended by By-law 10-128 |

APPLICANTS: Owner: Nebe Management Corp c/o Mario Nesci
Agent: Bousfields Inc. c/o David Falletta

The following variances are requested:

1. A Commercial Recreation use shall be permitted whereas the use is not permitted in the current zoning designation.
2. The use of Commercial Recreation shall have a maximum gross floor area of 1,423.0 square metres.

PURPOSE & EFFECT: To permit the use of Commercial Recreation on the subject lands.

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: | Thursday, July 17, 2025 |
| TIME: | 2:10 p.m. |
| PLACE: | Via video link or call in (see attached sheet for details) |
| | City Hall Council Chambers (71 Main St. W., Hamilton) |
| | To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment |

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

A-25:108

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

PUBLIC INPUT

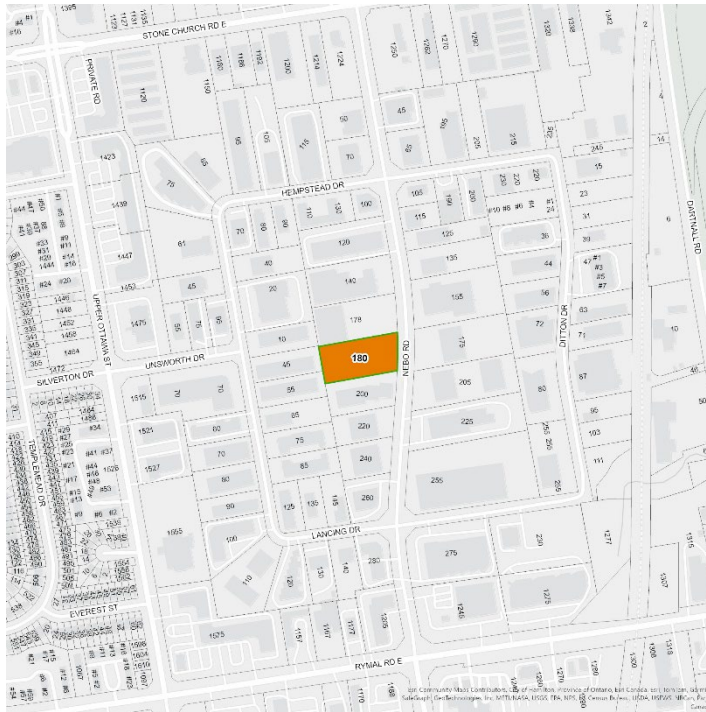
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon July 15, 2025

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-25:108, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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



DATED: June 30, 2025

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, 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 Tuesday 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.

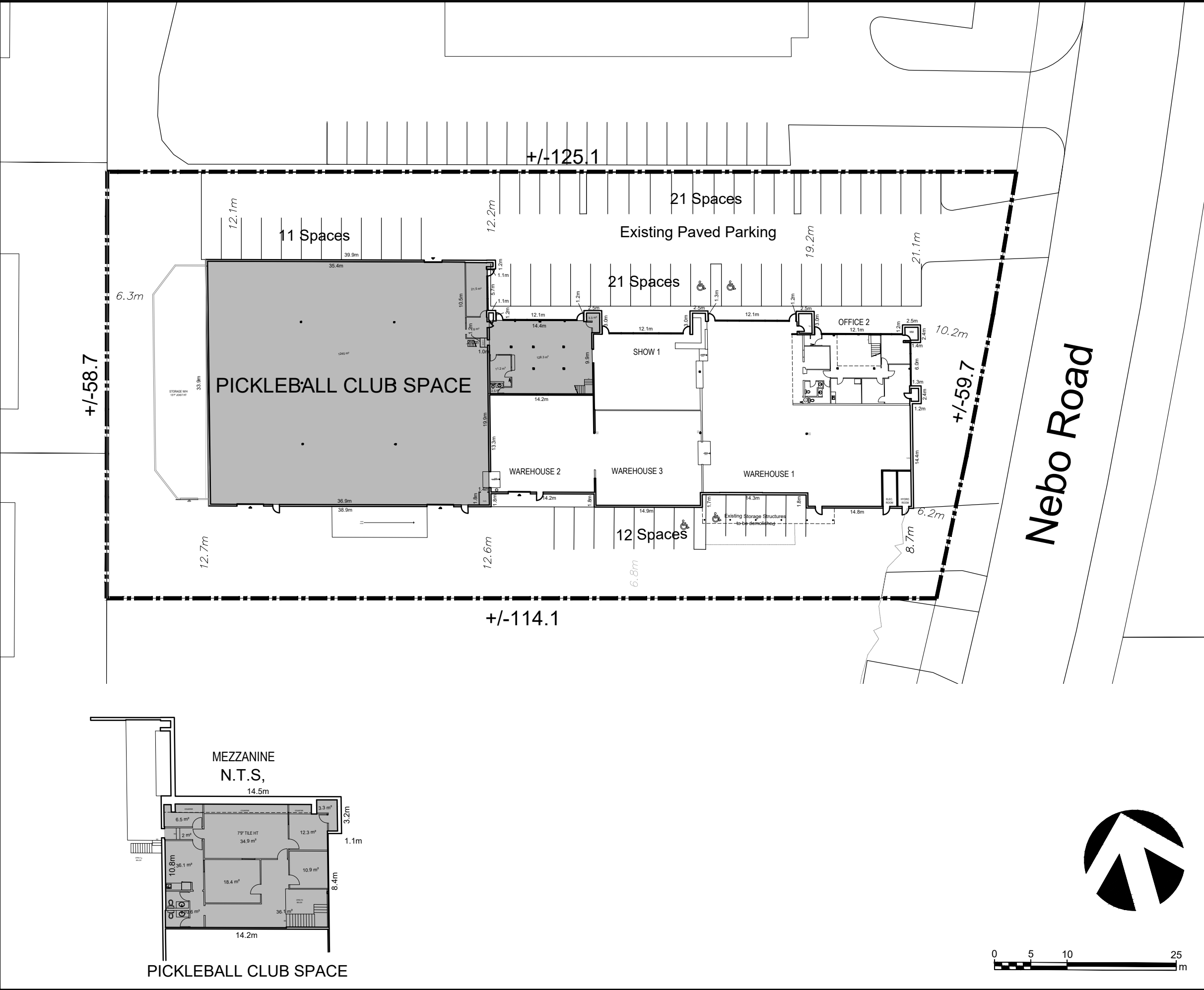
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

CONCEPTUAL SITE PLAN

LEGEND

----- Subject Property

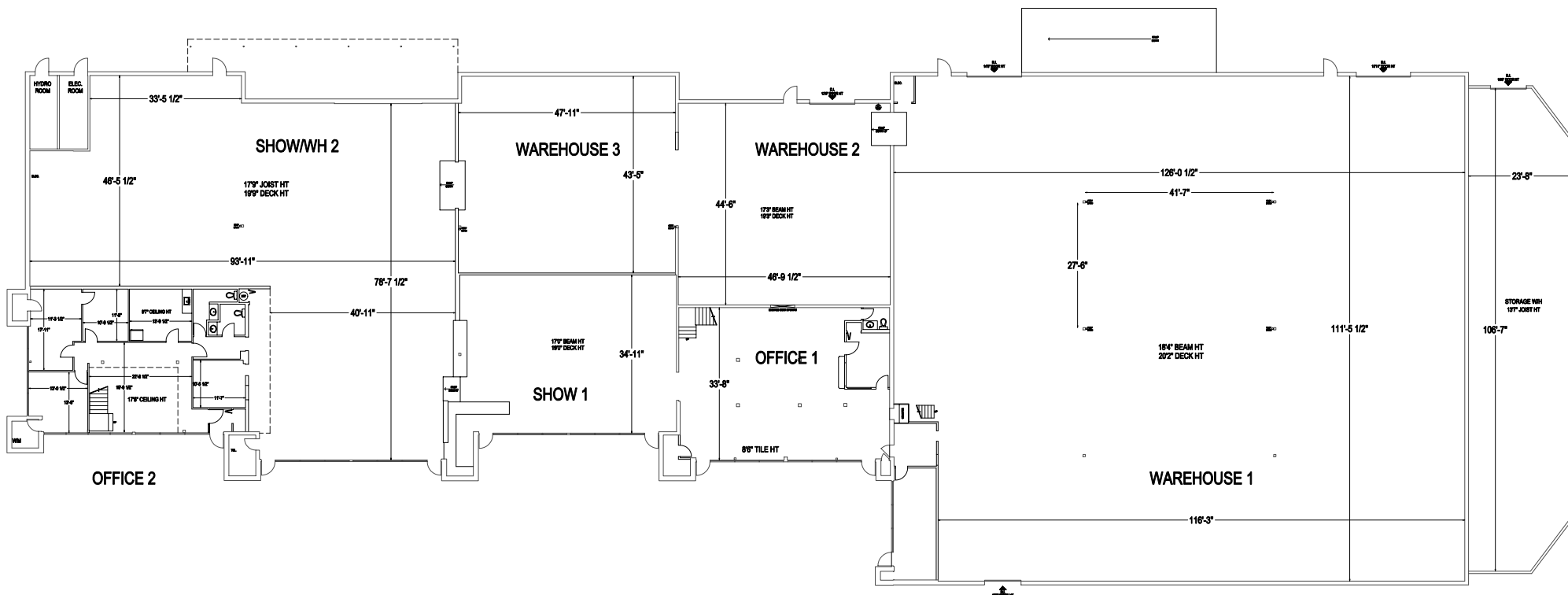
| | |
|--------------------------|----------------------|
| Site Area | 7032.8m ² |
| Building Area | 3005.6m ² |
| Proposed Pickleball Club | 1586.4m ² |
| Existing Parking | 52 spaces |
| Additional Parking | 13 spaces |
| Total Parking | 65 spaces |





| | |
|--------------|-----------|
| OFFICE 1: | 1,698 SF |
| OFFICE 2: | 1,923 SF |
| OFFICE 3: | 2,173 SF |
| WAREHOUSE 1: | 14,414 SF |
| WAREHOUSE 2: | 2,157 SF |
| WAREHOUSE 3: | 2,168 SF |
| SHOW 1 | 1,825 SF |
| SHOW /WH 2 | 5,805 SF |
| MEZZANINE: | 2,362 SF |

RENTABLE AREA: 34,525 SF
+ SHED: 2,470 SF





May 30, 2025

Sent via e-mail to: cofa@hamilton.ca

Committee of Adjustment
City of Hamilton
71 Main St W
Hamilton, ON
L8P 4Z6

Dear Secretary Treasurer;

Re: *Minor Variance Application*
180 Nebo Road, Hamilton

Bousfields Inc. is the planning consultant to Gretzky Pickleball Club (the “**Owner**”) with respect to their proposed use within the building located at 180 Nebo Road (the “Site” or “**subject site**” or “**site**”). On behalf of Gretzky Pickleball Club, we are pleased to submit this application for a minor variance application to add a ‘commercial recreation’ as an additional permitted use to the subject site for the establishment of a pickleball club. The following materials are provided as a complete application package:

1. Completed and Signed Minor Variance Application Form;
2. Site Plan, prepared by Bousfields Inc;
3. Floor Plans, prepared by MeasureX;
4. Copy of required Minor Variance fee of \$4,015.00 to be submitted under separate cover.

1.0 SITE AND SURROUNDINGS

The subject site is located on the west side of Nebo Road, between Stone Church Road East and Rymal Road East (see **Figure 1**). The subject site has an area of 7,032.8 square metres, and a frontage of approximately 60 metres along Nebo Road. The site is generally rectangular in shape, and contains a large rectangular building, with an approximate area of 3,005.6 square metres, and 53 associated parking spaces between the building and the north property line, and 12 spaces spaces to be built along the south side of the

building. The building currently contains a flooring business, which includes a showroom, retail space and warehouse space.



Figure 1 – Aerial Photo

The subject site is located within the Redhill Business Park, which is a large industrial business park generally located south of the Lincoln Alexander Parkway, east of Upper Ottawa Street, west of the Upper Red Hill Valley Parkway and north of Dickenson Road. The subject site is located in the north-west quadrant of the Business Park, which is a prestige industrial area with a variety of light industrial and supporting uses and limited areas of outdoor storage. The properties within the north-west quadrant are smaller than other areas of the Business Park, which are utilized for higher intensity industrial uses with outdoor storage. The range of uses throughout the Business Park varies significantly from supporting commercial retail, restaurant and service commercial uses to prestige industrial warehouse, showrooms, trade schools, construction suppliers, etc. to heavy industrial manufacturing uses. The north-west quadrant of the Business Park includes a range of prestige industrial and supporting uses including construction material suppliers (with

showrooms), trade schools, construction companies, catering companies, food production, automotive uses, medical labs and offices, etc. (prestige industrial), commercial retail, restaurant and personal services, commercial recreation uses including gyms, martial arts, boxing, fitness facilities, etc. (supporting uses).

The following is a summary of immediate surroundings. North of the subject site is a similarly size building containing a food market. Further north is a tile store. East of the site, directly across Nebo Road is a plaza style building containing a specialty food store and a home interior store. South of the site is a granite wholesaler, with other similar uses further afield. West of the site, fronting on the Lancing Drive is an industrial plaza building with several uses, mostly renovation supplies. Nebo Road and the surrounding area is largely construction wholesale and retail, with several other business types interspersed throughout, including the adjacent food market building. All buildings in the area are 1-2 storeys in height, all of similar industrial style.

2.0 PROPOSAL

The proposal is to maintain the existing flooring supply warehouse and showroom as the principal use on site and add a new pickleball club with associated café within the vacant portion of the existing building at 180 Nebo Road. No new exterior construction is proposed as a result of the proposal. The pickleball court is proposed to be 1,204 square metres, while the entire club would occupy 1,586.4 square metres. The pickleball club use takes up approximately 52.8% of the 3,005.6 square metres of floor space as shown in **Figure 2** below. Although the overall gross floor area of the pickleball club is slightly greater than that of the flooring supply use, it is our opinion that flooring supply use continues to be the principal use, since it is a longstanding business with employees and loading areas that occupy the largest portion of the site.

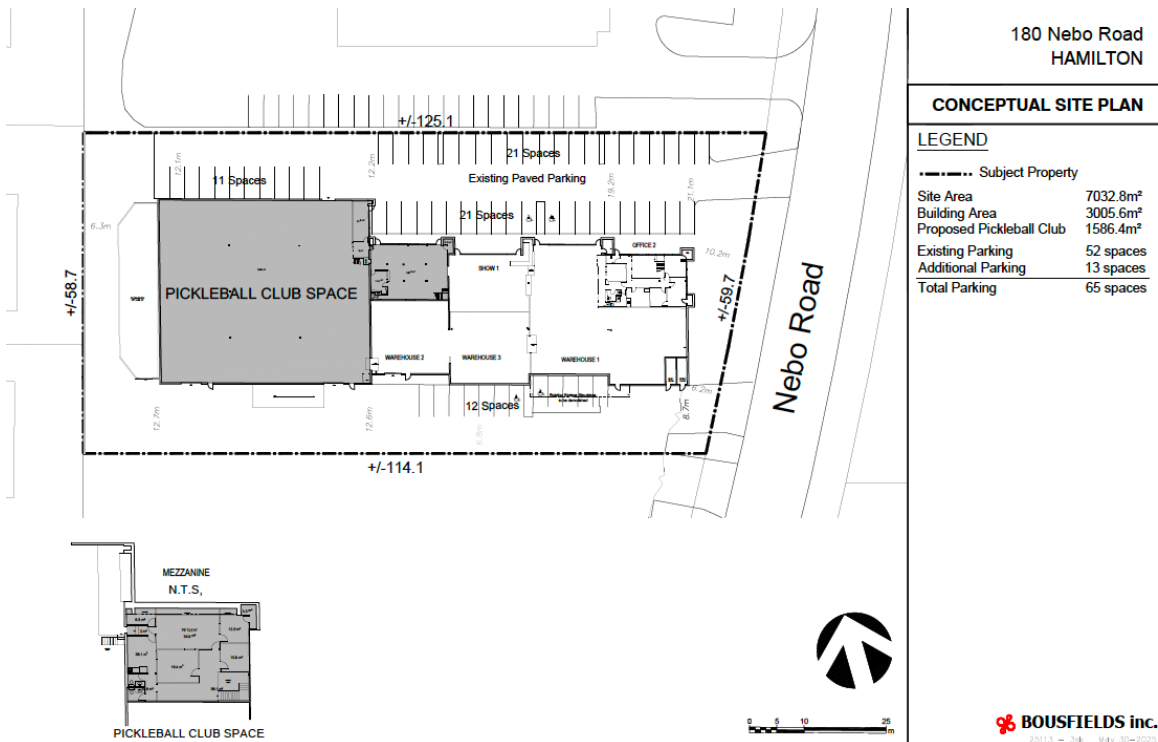


Figure 2 – Site Plan

The north side of the site, between the building and north lot line is utilized for vehicular surface parking, which accommodates 53 existing vehicular parking spaces. The south side of the building is used for the loading area and docks, and is intended to also supply 12 employee parking spots upon approval of this variance. The front and rear yards are landscaped.

3.0 REQUESTED MINOR VARIANCES

The variances from Zoning By-law 05-200 being sought in support of the proposal are as follows:

Variance 1 Notwithstanding Section 9.3.1, a “Commercial Recreation” use with a maximum gross floor area of 1,423 square metres and a 250 square metre accessory cafe are also permitted.

4.0 RATIONALE FOR THE PROPOSED MINOR VARIANCE

As set out below, it is our opinion the requested variances both individually and cumulatively satisfy the four tests for a minor variance set out in Section 45(1) of the Planning Act, as follows:

1. Do the variances maintain the general intent and purpose of the Official Plan?

Variance 1 – New Use

The subject site is designated Employment Area - Business Park. Section 5.4.3c) states that ancillary uses are permitted “which primarily support businesses and employees within business parks, including hotels, health and recreational facilities...”. The proposed pickleball club falls under a health or recreational facility and therefore is permitted in the Official Plan. Section 5.4.4 goes on to state that ancillary uses are permitted through the Zoning By-law. As discussed in the Official Plan, the proposed use supports businesses and employees within the business park and therefore maintains the general intent and purposed of the Official Plan. Furthermore, the proposed minor variance will modify the Zoning By-law to permit the proposed use.

For these reasons it is our opinion the general intent and purpose of the Official Plan is maintained.

2. Do the variances maintain the general intent and purpose of the Zoning By-law?

Variance 1 - New use

The general intent and purpose of the Zoning By-law is to accommodate employment and supporting uses in the Prestige Business Park (M3) Zone, while specifically identifying where and how recreational facilities are established to maintain employment uses as the primary land use in employment areas. The proposed fitness use provides a service to all those working in the employment area, while still maintaining the principal employment use on the subject site. Businesses and employees from the Employment Area, and the site itself are able to use the proposed use, without losing the integrity of the employment area. Therefore, it is our opinion that the general intent and purposed of the Zoning By-law is maintained.

3. Are the variances desirable and appropriate for the development of the land?

Variance 1 - New use

This area of Nebo Road is characterized by uses that are similar in nature and include prestige industrial and accessory uses including recreation facilities. In our opinion, the proposed variance will establish a use that is permitted in the Official Plan and, as such, planned for the area. The proposal will also maintain the principal use of the subject site as an employment use, while occupying a currently vacant portion of the building for a use that wants to locate on the subject site. The proposed pickleball club use is consistent with what already exists in the area and will not have any negative impacts on the use of the remainder of the building for ongoing employment uses, nor will there be any negative impacts to the neighbouring uses. The proposed use is desirable and appropriate for the development of the land as it allows for a use that will integrate well into the surrounding neighbourhood without any new construction and utilize a portion of the building outside of normal employment area peak hours.

4. Are the variances minor in nature?

The test of “minor” is not intended as a numerical assessment but rather an assessment of impact. In our opinion, the impacts associated with the requested variances are minor in nature and will not result in any undue impacts on the subject site or surrounding neighbourhood.

Variance 1 - New use

The proposed use will be within an existing building that is visually consistent with the remainder of the employment area. The proposed pickleball club use is similar in use and scope to other permitted ancillary uses, in that it provides a use that supports the people who work in the employment area.

The use is proposed to take up 52.8% of the floor area of the existing building. This means that the remainder of the building will continue to operate with uses that are permitted in the zoning as of right. The small footprint of the proposed additional use further confirms the minor variance is minor in nature.

5.0 CONCLUSION

For all of the reasons outlined herein, it is our opinion that the requested variances satisfy the four tests as set out in the Planning Act and we respectfully request that the Committee of Adjustment approve the application.

We trust the foregoing is satisfactory. However, should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Respectfully Submitted,

Bousfields Inc.

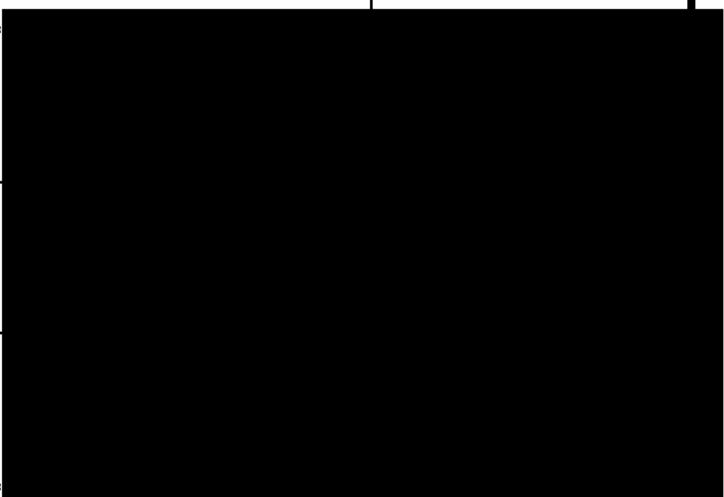


David Falletta, MCIP, RPP
BO/df:jobs

cc. Client

APPLICATION FOR A MINOR VARIANCE/PERMISSION
 UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

| | NAME | |
|-----------------------------|---|---|
| Registered Owners(s) | Nebe Management Corp c/o Mario Nesci |  |
| Applicant(s) | Gretzky Pickleball Club c/o Chris McCullough | |
| Agent or Solicitor | Bousfields Inc. c/o David Falletta | |

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 | 180 Nebo Road, Hamilton, L8W 2E4 | | |
| Assessment Roll Number | | | |
| Former Municipality | Hamilton | | |
| Lot | | Concession | |
| Registered Plan Number | | Lot(s) | |
| Reference Plan Number (s) | | Part(s) | |

2.2 Are there any easements or restrictive covenants affecting the subject land?

☐ Yes ☒ No

If YES, describe the easement or covenant and its effect:

3. PURPOSE OF THE APPLICATION

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Amend Zoning By-law 05-200 Section 9.3.1 "Permitted Uses" to add "Commercial Recreation" as a permitted use for the subject property.

☐ 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 accompanying Planning 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 |
| 60m | 114m | 7000sq.m | 26m |

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 |
|-----------------------------|--------------------|-------------------|--------------------|----------------------|
| 2 storey warehouse building | 6m | 5.5m | 12m | 1970s |
| | | | | |
| | | | | |
| | | | | |

Proposed:

| Type of Structure | Front Yard Setback | Rear Yard Setback | Side Yard Setbacks | Date of Construction |
|------------------------------|--------------------|-------------------|--------------------|----------------------|
| No new construction proposed | | | | |
| | | | | |
| | | | | |
| | | | | |

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 |
|-----------------------------|---------------------|---------------------|-------------------|--------|
| 2 storey warehouse building | 2,786 square metres | 3,207 square metres | 2 | ~10m |
| | | | | |
| | | | | |
| | | | | |

Proposed:

| Type of Structure | Ground Floor Area | Gross Floor Area | Number of Storeys | Height |
|------------------------------|-------------------|------------------|-------------------|--------|
| no new construction proposed | | | | |
| | | | | |
| | | | | |
| | | | | |

- 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.):
Warehouse, Building or Contracting Supply Establishment, Fitness Centre, Restaurant (Cafe)

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
Warehouse, Building or Contracting Supply Establishment, Restaurant

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
1998

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

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

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

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) Employment Area - Business Park

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

Section 5.3.4c) of the Official Plan permits ancillary uses including health and recreational facilities

7.6 What is the existing zoning of the subject land? Prestige Business Park (M3) Zone

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: Prestige Business Park (M3) Zone

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