

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire

23-071-OLT Attachment "A"



ISSUE DATE: April 19, 2023

CASE NO.: OLT-22-004119

PROCEEDING COMMENCED UNDER section 34(11) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended*.

Applicant/Appellant	1019 Wilson Storage GP Corporation
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit a 5-storey mixed-use building containing self-storage, retail and third-party commercial uses
Reference Number:	ZAC-22-025
Property Address:	1019 Wilson Street W
Municipality/UT:	Hamilton/Hamilton
OLT Case No:	OLT-22-004119
OLT Lead Case No:	OLT-22-004119
OLT Case Name:	1019 Wilson GP Storage Corp. v. Hamilton (City)

BEFORE:

SHARYN VINCENT)	Wednesday, the 19 th
)	
VICE-CHAIR)	day of April, 2023

THIS MATTER having come on for public hearing, and the Tribunal in its Decision issued on February 9, 2023, having withheld its Order pending confirmation that the form of the amending By-law has been finalized, and the Tribunal having received that confirmation;

THE TRIBUNAL ORDERS that Zoning By-law 05-200, as amended, for the City of Hamilton is further amended in the manner set in Attachment "A" to this Order. The

Tribunal authorizes the municipal clerk to assign a number to this by-law for record keeping purposes.

“Euken Lui”

ACTING REGISTRAR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT “A”

CITY OF HAMILTON

BY-LAW NO. 23-071-OLT

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 1019 Wilson Street West, Ancaster

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting date held on _____;

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Schedule “A” – Zoning Maps, Map Nos. 1383 and 1434 are amended by changing the zoning from the Arterial Commercial (C7,650) Zone to the Arterial Commercial (C7, 650, 707) Zone, for the lands known as 1019 Wilson Street West, the extent and boundaries of which are shown on Schedule “A” to this By-law.
2. That Schedule “C” - Special Exceptions is amended by adding the following new Special Exception:

“707. Within the lands zoned Arterial Commercial (C7, 650, 707) Zone, identified on Map Nos. 1383 and 1434 of Schedule “A” – Zoning Maps and described as 1019 Wilson Street West, Ancaster, the following special provisions shall apply to a Self-Storage Facility with Accessory Retail and Ground Floor Commercial:

- a) In addition to Section 3: Definitions, the following definition shall apply:

Self-Storage Facility	Shall mean the use of a building or structure, or part thereof, for the storage of items that are enclosed in
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individual storage units for a fee.

- b) Notwithstanding Subsection 5.5 a), the following regulation shall apply:
 - i) A minimum of 3 barrier free parking spaces shall be designated and provided as part of the required parking spaces of Section c) below, one of which may be internal to the building.
- c) Notwithstanding Subsection 5.6 c), the following regulation shall apply:
 - i) A minimum of 34 parking spaces shall be provided, 4 of which may be internal to the building.
- d) In addition to Subsection 10.7.1, the following use shall also be permitted in accordance with the regulations of Subsection 10.7.3 and Section f) below:
 - i) Self-Storage Facility
- e) In addition to Subsection 10.7.1, the following use shall be permitted in accordance with the following restrictions:
 - i) Retail accessory to a Self-Storage Facility
 - 1. Shall only be permitted on the ground floor of the portion of the building that is greater than 14.0 metres in height.
 - 2. Shall not exceed 5 percent of the total gross floor area of the building.
- f) Notwithstanding Subsection 10.7.3 a) and d), the following regulations shall apply:
 - i) Minimum Building Setback to a Street Line
 - 1) 16.0 metres from the Wilson Street West Street Line.
 - 2) 3.5 metres from the Shaver Road Street Line.

3) 4.5 metres from the
hypotenuse of the daylight
triangle.

- ii) Minimum Height 14.0 metres
- iii) Maximum Height 24.0 metres”

3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this ____ day of _____, 20__.

A. Horwath
Mayor

A. Holland
City Clerk