



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

Fax (905) 546-4202

E-mail: [morgan.evans@hamilton.ca](mailto:morgan.evans@hamilton.ca)

## **CORRECTED NOTICE OF PUBLIC HEARING** **Minor Variance**

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**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
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**APPLICATION NO.:** AN/A-20:48

**APPLICANTS:** Urban Solutions on behalf of the owner 1932376 Ontario Inc.

**SUBJECT PROPERTY:** Municipal address **610 Tradewind Dr., (Ancaster) City of Hamilton**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended by By-law 18-219

**ZONING:** "M2 and Exception 678" (General Business Park) district

**PROPOSAL:** To permit the construction of a new planned business centre comprising 2,495m<sup>2</sup> of gross floor area with the potential for nine (9) units, notwithstanding that:

1. The minimum width of a landscaped area abutting parking spaces, aisles and driveways shall be 5.5m instead of the required minimum landscaped area width of 6.0m.
2. The minimum number of parking spaces for the planned business centre shall be based on 1 parking space per 55 square metres of gross floor area for the provision of 45 parking spaces instead of the required 1 parking space per 50 square metres of gross floor area for the provision of 49 parking spaces.

**NOTES:**

1. The variances have been written as requested by the applicant. The lands are subject to DA-19-149 which received conditional approval on December 20, 2019.

2. The Zoning By-law defines Planned Business Centre as:

Planned Business Centre shall mean a group of business establishments within an Industrial Zone which is planned, developed, managed and operated as a unit with shared on-site parking, and containing four or more separated spaces for lease or occupancy, but shall not be considered as a Shopping Centre.

3. The Zoning By-law requires the landscaped area to include a minimum 3.0m wide planting strip. It is noted that the landscaped area to be addressed in Variance #1 would contain the required 3.0m planting strip.

4. Although dimensions were not identified for the proposed parallel parking spaces which abut the rear wall of the building, the applicant has advised that they would have dimensions of 3.0m x 6.7m which comply with the requirements of the Zoning By-law.

5. Special Exception 678, applicable to the subject property allows for the development of additional permitted uses in the M2 Zone which include a children's play gym and a gymnastics studio.

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

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**DATE:** Thursday, July 9th, 2020  
**TIME:** 1:40 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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## **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, including deadlines for submitting to be seen by the Committee.

**Orally:** If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

## **MORE INFORMATION**

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: June 23rd, 2020.

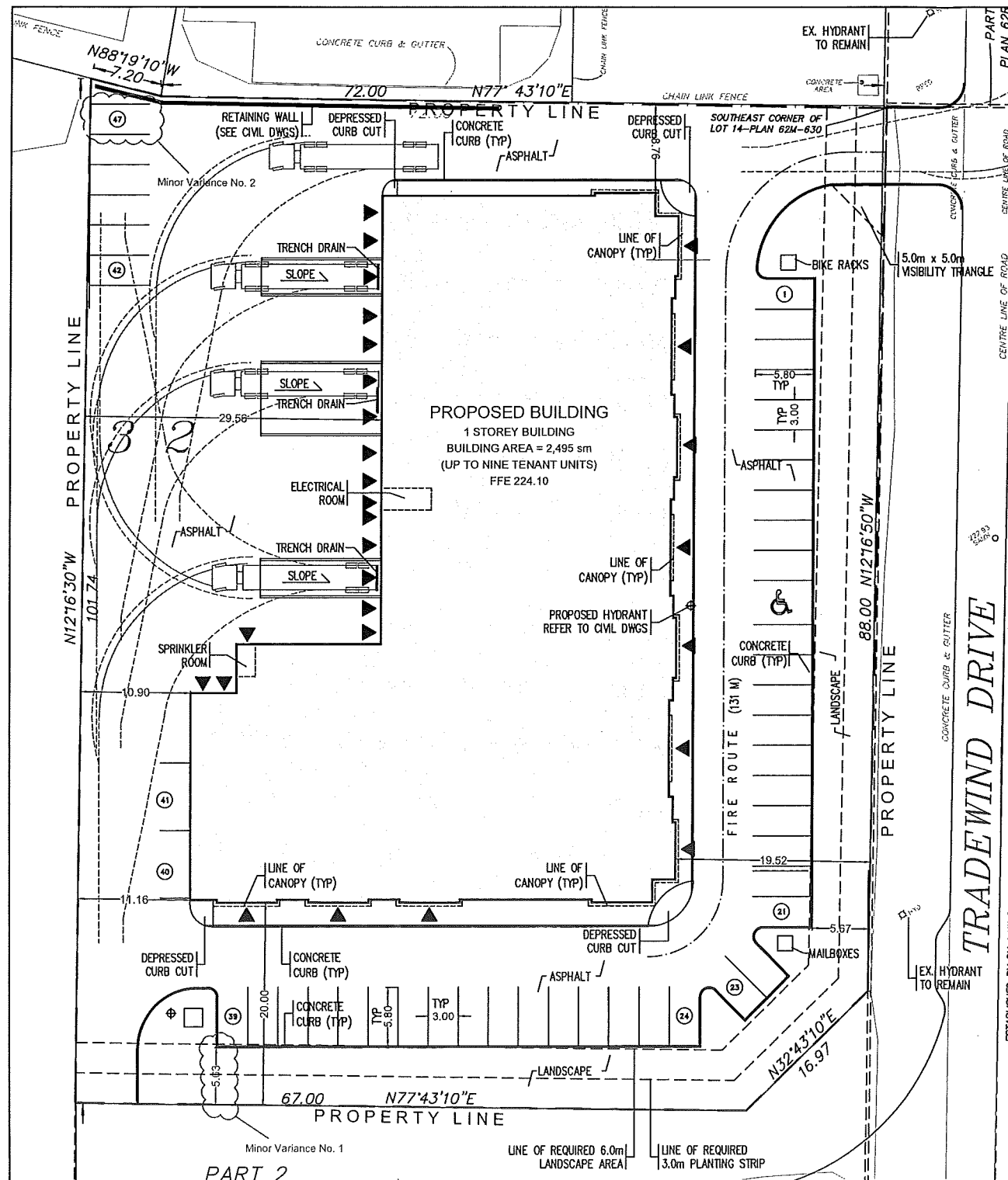
*Original Signed*

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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.***

Sketch  
AN/A 20:48



### VARIANCES TO ZONING BY-LAW NO. 05-200 "M2" ZONE

VARIANCE #1 - TO DECREASE THE MINIMUM LANDSCAPED AREA ABUTTING PARKING/AISLE/DRIVEWAY AND A STREET FROM 6.0 METRES TO 5.50 METRES.

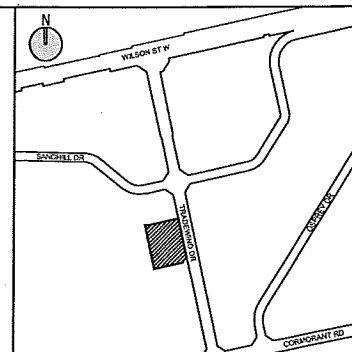
VARIANCE #2 - TO REDUCE THE PARKING RATIO FOR A PLANNED BUSINESS CENTER FROM 1 PER 50 SQUARE METRES OF GROSS FLOOR AREA TO 1 PER 55 SQUARE METRES OF GROSS FLOOR AREA.

#### Site Statistics

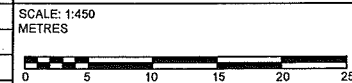
Zoning: General Business Park (M2) Zone

Zone Provisions:

Item	Required	Proposed
Min. Lot Area	4000 m <sup>2</sup>	7833.3 m <sup>2</sup>
Min. Yard Abutting a Street	3.0 m	19.0 m
Landscaped Area and Planting Strips		
Abutting a Street	3.0 m Landscaped Area	6.0 m Landscaped Area (MVR)
Parking/Aisle/Driveway Abutting a Street	6.0 m Landscaped Area	6.0 m Landscaped Area (MVR)
Planting Strip	3.0 m	3.0 m
Gross Floor Area	N/A	2,495 m <sup>2</sup>
Building Height	N/A	1 Storey
Parking Spaces		
Planned Business Centre	1 per/50 m <sup>2</sup> = 49 spaces	47 spaces (MVR)
Total	49 spaces	47 spaces
Barrier Free Parking (Included in Total)	1 space	1 spaces
Bicycle Parking (Short Term)	6 spaces	6 spaces



KEY MAP - N.T.S.



LEGEND:  
----- SUBJECT LANDS  
[ ] PROPOSED BUILDING

NOT FOR CONSTRUCTION  
ISSUED FOR REVIEW & COMMENTS ONLY

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

DESIGN BY: LINTACK  
CHECKED BY: M. JOHNSTON  
DRAWN BY: L. DRENNAN  
DATE: JANUARY 23, 2020

### LINTACK ARCHITECTS

INCORPORATED

244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3  
T: 905.522.6165 • F: 905.522.2209 • E: info@lintack.com  
www.lintack.com



URBANSOLUTIONS  
PLANNING & LAND DEVELOPMENT

105 MAIN STREET EAST, SUITE 501  
HAMILTON, ON L8N 1G6  
905-546-1087 - urbansolutions.info

PROJECT:  
610 TRADEWIND DRIVE  
CITY OF HAMILTON

CLIENT:  
1932376 Ontario Inc.

TITLE:  
MINOR VARIANCE SKETCH

U/S FILE NUMBER: 178-16  
SHEET NUMBER: 1

20.150499



Hamilton

Planning and Economic Development Department  
Planning Division

**Committee of Adjustment**  
City Hall  
5<sup>th</sup> floor 71 Main Street West  
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221  
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND  
RETURN TO THE CITY OF HAMILTON PLANNING  
DEPARTMENT.**

<b>FOR OFFICE USE ONLY.</b>	
APPLICATION NO. <u>AN/A-20-48</u>	DATE APPLICATION RECEIVED <u>Feb. 4/20</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON  
COMMITTEE OF ADJUSTMENT  
HAMILTON, ONTARIO**

***The Planning Act***

**Application for Minor Variance or for Permission**

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner 1932376 Ontario Inc. Telephone No. \_\_\_\_\_

2. \_\_\_\_\_ Postal Code \_\_\_\_\_

3. Name of Agent UrbanSolutions Telephone No. \_\_\_\_\_

4. \_\_\_\_\_ Postal Code \_\_\_\_\_

**Note:** Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

N/A

\_\_\_\_\_  
Postal Code \_\_\_\_\_

\_\_\_\_\_  
Postal Code \_\_\_\_\_

6. Nature and extent of relief applied for:

Please refer to cover letter.

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

Please refer to cover letter.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

Part of lot 32, Concession 4, Former Township of Ancaster

610 Tradewind Dr.

9. PREVIOUS USE OF PROPERTY

Residential \_\_\_\_\_ Industrial \_\_\_\_\_ Commercial \_\_\_\_\_

Agricultural \_\_\_\_\_ Vacant ☒

Other \_\_\_\_\_

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes \_\_\_\_\_ No ☒ Unknown \_\_\_\_\_

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes \_\_\_\_\_ No ☒ Unknown \_\_\_\_\_

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes \_\_\_\_\_ No ☒ Unknown \_\_\_\_\_

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes \_\_\_\_\_ No ☒ Unknown \_\_\_\_\_

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes \_\_\_\_\_ No ☒ Unknown \_\_\_\_\_

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes \_\_\_\_\_ No ☒ Unknown \_\_\_\_\_

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes \_\_\_\_\_ No ☒ Unknown \_\_\_\_\_

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes \_\_\_\_\_ No ☒ Unknown \_\_\_\_\_

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes \_\_\_\_\_ No ☒ Unknown \_\_\_\_\_

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Consultation with the owner.

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed. N/A

Is the previous use inventory attached? Yes \_\_\_\_\_ No \_\_\_\_\_

#### ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Date Jan 31/20

Signature Property Owner

1932376 Ontario Inc.

Print Name of Owner

10. Dimensions of lands affected:

Frontage +/- 88.00 metres  
Depth +/- 67.00 metres  
Area +/- 7,842.3 square metres  
Width of street +/- 26.0 metres

11. Particulars of all buildings and structures on or proposed for the subject lands:  
(Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Existing site is vacant.

Proposed: Proposed one storey business center with the potential of 9 separate units.

A total gross floor area is 2,495 square metres is proposed with 47 parking spaces including a barrier free space.

12. Location of all buildings and structures on or proposed for the subject lands;  
(Specify distance from side, rear and front lot lines)

Existing: Existing site is vacant.

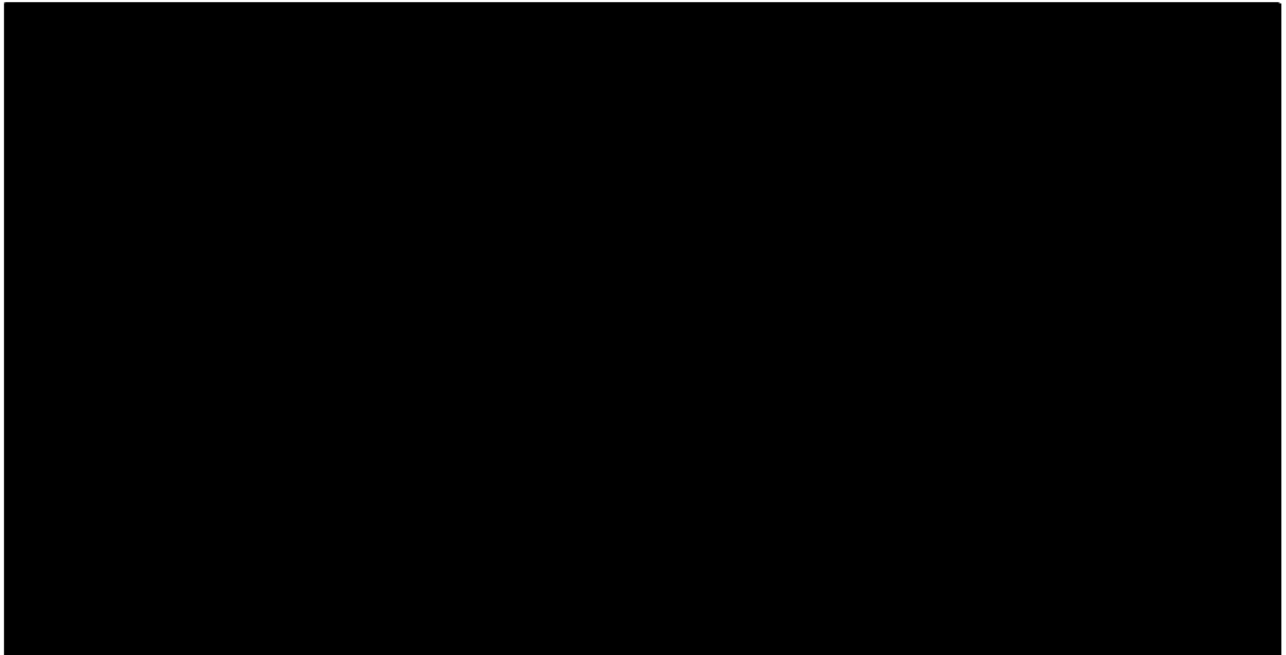
Proposed: Please refer to enclosed Minor Variance sketch for location of building on subject lands.

13. Date of acquisition of subject lands:  
Unknown.
14. Date of construction of all buildings and structures on subject lands:  
Subject lands is currently vacant
15. Existing uses of the subject property: Subject lands is currently vacant.
16. Existing uses of abutting properties: Surrounding lands industrial business park.
17. Length of time the existing uses of the subject property have continued:  
Unknown.
18. Municipal services available: (check the appropriate space or spaces)  
Water ☒ Connected ☐  
Sanitary Sewer ☒ Connected ☐  
Storm Sewers ☒
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Business Park, Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
General Business Park (M2,678) Zone, City of Hamilton Zoning By-law No. 05-200.
21. Has the owner previously applied for relief in respect of the subject property?  
Yes ☐ No ☒  
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
Yes ☐ No ☒
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

**NOTE:** It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

**PART 24 AFFIDAVIT OR SWORN DECLARATION**

This declaration to be sworn by a Commissioner of Oaths.



**PART 25 OWNERS AUTHORIZATION**

As of the date of this application, I (NAME) 1932376 Ontario Inc. am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

Sergio Marchia of UrbanSolutions

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE Jan 31/20 SIGNED 

**PART 26 CONSENT OF THE OWNER**

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, 1932376 Ontario Inc., the Owner, hereby agree and acknowledge  
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Date Jan 31/20   
Signature of Owner



**PART 27 PERMISSION TO ENTER**

Date: \_\_\_\_\_

Secretary/Treasurer  
Committee of Adjustment  
City of Hamilton,  
City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: \_\_\_\_\_ 610 Tradewind Drive  
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized agent

Sergio Manchia

Please print name

**Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.**

**PART 28 COLLECTION OF INFORMATION**

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1<sup>st</sup> floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.

February 4, 2020

178-16

**Via Delivered**

Scott Baldry  
Secretary-Treasurer

City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON  
L8P 4Y5

Dear Mr. Baldry,

**RE:           610 Tradewind Drive, Ancaster**  
**Minor Variance Application Submission**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of 1932376 Ontario Inc., the registered owners of the lands municipally known as 610 Tradewind Drive, Ancaster (subject property). We are pleased to submit the enclosed Minor Variance application to facilitate this development.

The enclosed Minor Variance application implements Site Plan Amendment Application, SPA-19-149 that was submitted on August 29, 2019 that proposes minor changes to the previous Final Site Plan approval, DA-17-036 in 2017 for the subject lands.

The subject lands are currently vacant and is located on the west side of Tradewind Drive, south of Wilson Street and municipally known as 610 Tradewind Drive. The subject lands are designated "Business Park" in an Employment Area of the Urban Hamilton Official Plan and are zoned General Business Park (M2,678) in the City of Hamilton Zoning By-law No. 05-200.

**Purpose of the Application**

The purpose of this Minor Variance application is to facilitate the development to establish a one (1) storey, 2,495 m<sup>2</sup> business center with the potential for 9 separate units including 47 parking spaces (SPA-19-149) on the subject lands. The variances required to facilitate this development are described as follows:

- Variance No. 1 – To decrease the minimum landscaped area abutting parking/aisle/driveway and a street from 6.0 metres to 5.50 metres.

- Variance No. 2 – To reduce the parking ratio for a planned business center from 1 per 50 m<sup>2</sup> of gross floor area to 1 per 55 m<sup>2</sup> of gross floor area.

To assist in the evaluation of the Minor Variance application, please refer to the enclosed Minor Variance Plan prepared by UrbanSolutions dated January 22, 2020.

## **Analysis**

Section 45(1) of the *Planning Act*, R.S.O., 1990, as amended, requires Minor Variances to satisfy four (4) tests. Justification for the proposed variances in keeping with these tests is provided below.

### ***Test #1 – Is the proposed minor variance in keeping with the general purpose and intent of the Official Plan?***

The subject property is designated *Business Park* in the Urban Hamilton Official which permits the proposed business center use of the lands. As outlined in Chapter E, Section 5.4.7 of the Official Plan, developments and redevelopment of existing sites shall contribute to a quality image for the business park by incorporating quality building and landscaping designs in those adjacent to and visible from public roads, and by complementing the landscape qualities of adjacent sites. The proposed development is in keeping with this policy as the requested minor variances will result in a built form that is consistent with the surrounding built form. The reduced landscape strip is generally maintained with the exception of two pinch points where the landscape is reduced from 6.0 metres to 5.63 metres.

The proposed Minor Variances do not seek to change the principle use of the subject property and in our opinion meets the general intent of the Official Plan.

### ***Test #2 – Does the application conform to the general intent of the Zoning By-law?***

The subject property is zoned General Business Park (M2,678) in the City of Hamilton Zoning By-law No. 05-200. The general intent of the (M2) Zone is to regulate development within the business park. The proposed Variance No. 1 is to decrease the minimum landscaped area abutting the parking/aisle/driveway and a street from 6.0 metres to 5.50 metres. The proposed landscape area is generally maintained with the exception of 2 pinch points. The requested Variance No. 1 fulfills the intent of the Zoning By-law as the 6.0 metre landscaped area will be maintained for the greater part of the site and provides adequate separation to the abutting property. The proposed Variance No. 2 is required to reduce the parking ratio for a planned business center from 1 per 50 m<sup>2</sup> of gross floor area to 1 per 55 m<sup>2</sup> of gross floor area. The intent of the parking requirement is to provide sufficient parking for the employees and visitors of the site. Due to the configuration of the building and required turning radii, it is not possible to include more parking than what is proposed.

It is our opinion the proposed development meets the general intent of the Zoning By-law.

***Test #3 – Is the minor variance desirable for the appropriate development or use of the land, building or structure?***

The requested Minor Variances are required in order to facilitate the development of the proposed one-storey business center which has been designed to be in keeping and compatible with the existing and planned character of the surrounding neighbourhood. It is our opinion the Minor Variance application facilitate a development that is desirable and appropriate for the subject property.

***Test #4 – Is the proposed minor variance minor in nature?***

The requested Minor Variances are minor in nature as the proposed development is in keeping with the existing and planned character of the neighbourhood. Subject to the required Minor Variance application, the proposed business center meets zoning regulations for the General Business Park (M2,678) Zone through City of Hamilton Zoning By-law 05-200.

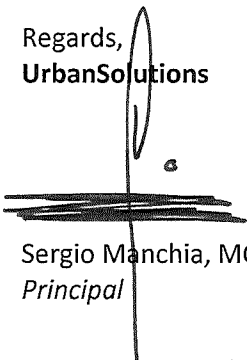
The proposed variances satisfy the four (4) tests outlined in Section 45(1) of the *Planning Act* as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the UHOP and Zoning By-law.

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


- Two (2) copies of the completed Minor Variance Application form;
- Two (2) copies of the Minor Variance plan prepared by UrbanSolutions, dated January 22, 2019;
- One (1) cheque payable to the City of Hamilton in the amount of **\$3,302.00** representing the fees for the Minor Variance application.

We trust the enclosed is in order; however, please feel free to contact the undersigned if you have any questions or require additional information.

Regards,  
**UrbanSolutions**



Sergio Manchia, MCIP, RPP  
Principal



Spencer McKay, CPT  
Project Manager

cc. Mr. Ted Valeri, 1932376 Ontario Inc.  
Councillor Lloyd Ferguson, Ward 12, City of Hamilton (Cover Letter and Sketch only)  
Mr. Matt Johnston, MCIP, RPP, UrbanSolutions