

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.: GL/A-20:97

APPLICANTS: Owner: Mulas Construction Ltd.
Agent: Urban Solutions

SUBJECT PROPERTY: Municipal address **1800 Upper James St., Glanbrook**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: C7 district (Arterial Commercial)

PROPOSAL: To permit the construction of a food production manufacturing facility, notwithstanding that;

1. The use a manufacturing facility for food production is not permitted in the C7 zone.

Notes:

This variance is necessary to facilitate Site Plan Application DA-19-155.

The Zoning By-law permits a maximum height of 14.0m. The site statistics indicate a height of 12.85m; however, no elevation plans were submitted to confirm compliance. Therefore, further variances may be required.

The zoning By-law requires a minimum 3.0m wide planting strip along the street line. No details were shown on the site from which to confirm compliance. Therefore, further variances may be required.

The zoning By-law requires minimum planting strip requirements consisting of landscaped areas or landscaped parking islands for a parking lot containing 50 or more parking spaces in a Commercial and Mixed Use zone. It does not appear that compliance has been achieved based on the submitted site plan. Therefore, the applicant shall ensure that the required plantings are provided; otherwise, further variances shall be required.

Based on the proposed 51 parking spaces shown on the submitted site plan, it appears that the site will contain surplus parking. However, the applicant shall confirm the total gross floor area intended for the office component within the proposed manufacturing facility in order to confirm the minimum number of parking spaces required for the development.

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

DATE: Thursday, July 23rd, 2020

TIME: 1:20 p.m.

PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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

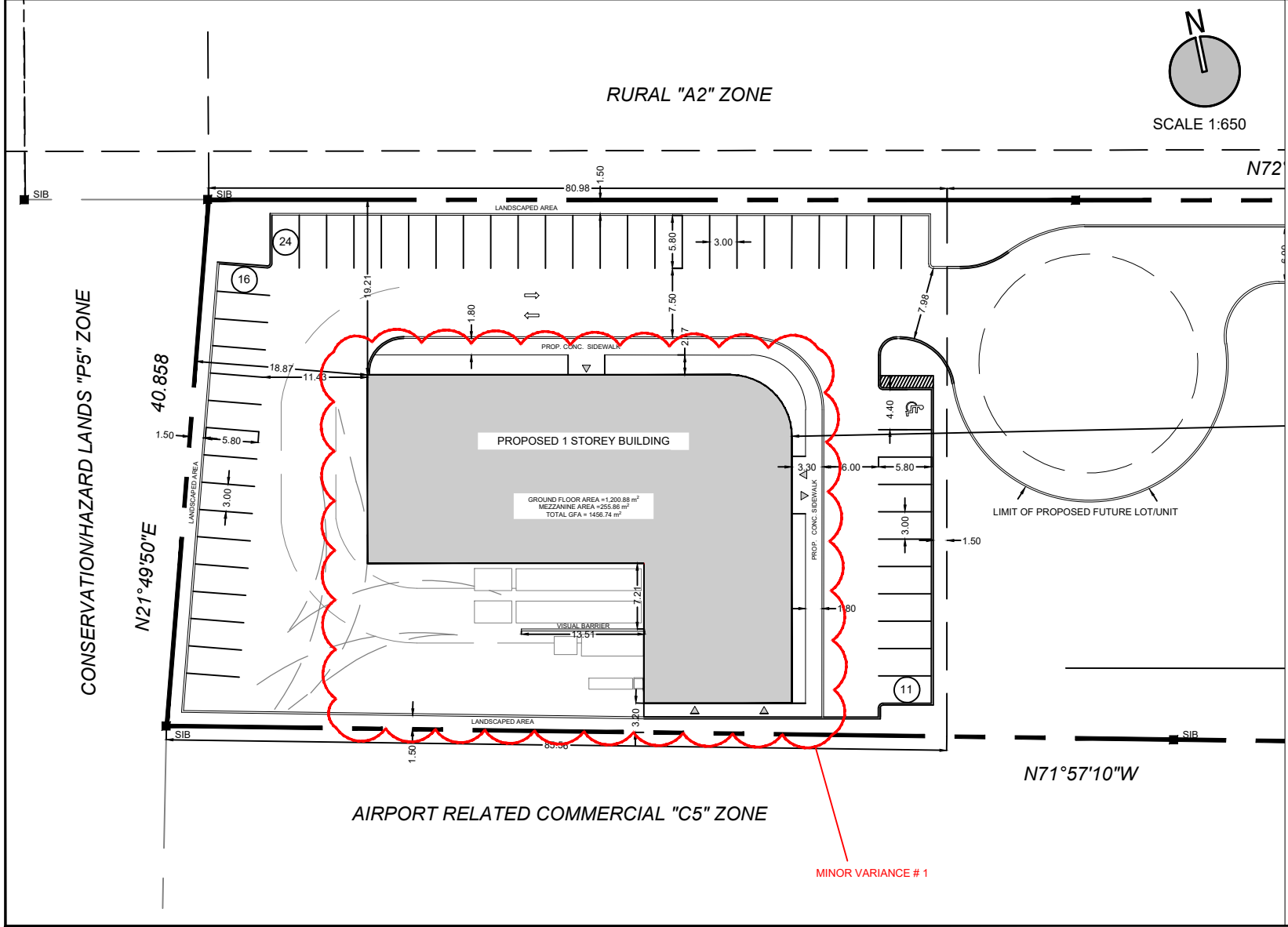
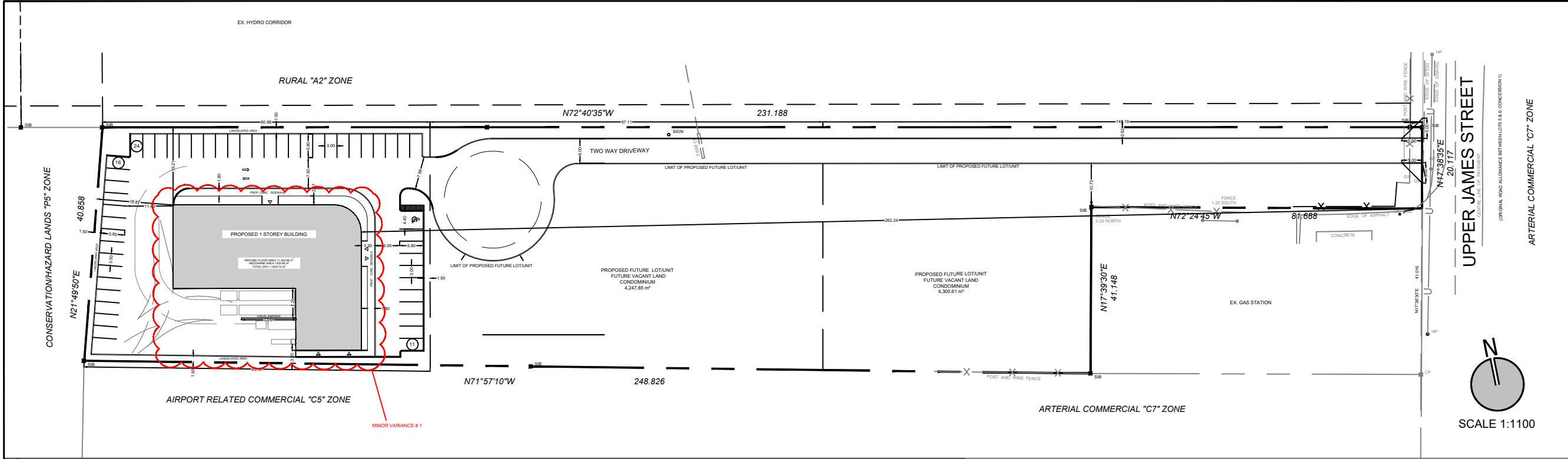
For more information on this matter, including access to drawings illustrating this request:

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

DATED: July 7th, 2020.

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.



VARIANCES REQUIRED:

VARIANCE #1: TO PERMIT A MANUFACTURING FACILITY (FOOD PRODUCTION) FOR THE PURPOSE OF A FOOD PRODUCTION FACILITY AS A PERMITTED USE ON THE SUBJECT LANDS.

Development Statistics
Hamilton Zoning By-law 05-200
Arterial Commercial "C7" Zone

Item	Required	Proposed
Lot Area (m²)	n/a	16259.03 m²
Min. Setback to Street Line	18.00 m	262.24 m
Min. Rear Yard	6.00 m	18.87 m
Min. Interior Side Yard	1.50 m	3.20 m
Max. Building Height	14.00 m	12.85 m
Parking		
Office	0 if less than 450 m² = 0 spaces	0 spaces
Restaurant	3 if 0 seats = 3 spaces	3 spaces
Other (Production Area)	1 per 30 m² = 28 spaces	47 spaces
Total Barrier-free Count	1 space	1 space
Total Parking Count (Including Barrier-free)	32 spaces	51 spaces

KEY MAP - N.T.S.

PART OF LOT 5 CONCESSION 1
GEOGRAPHIC TOWNSHIP OF
GLANFORD
IN THE CITY OF HAMILTON

SCALE 1:1100
METRES

0 15 30 45 60

LEGEND:

- SUBJECT LANDS
- EXISTING PROPERTY LINES
- PROPOSED BUILDING
- EXISTING BUILDINGS
- PROPOSED ENTRANCE
- EXISTING FENCE

DESIGN BY: Romanov Romanov Architects

CHECKED BY: M. Johnston

DRAWN BY: L. Drennan

DATE: September 19, 2019

NOT FOR CONSTRUCTION

PREPARED BY:

Romanov romanov
ARCHITECTS INCORPORATED
DESIGNERS, URBANISTS, FUTURISTS

375 PARKSIDE DRIVE, TORONTO, ONTARIO, CANADA
M6R 2Z6, Tel: (416) 766-8750; Fax: (416) 766-8760

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

105 Main Street East, Suite 501
Hamilton, ON L8N 1G6
905-546-1087 - UrbanSolutions.info

PROJECT:

MINOR VARIANCE
SKETCH

PROJECT:

1800 UPPER JAMES STREET
City of Hamilton

CLIENT:

Mulas Construction Ltd.

UIS FILE NUMBER:

092-15

SHEET NUMBER:

1



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th 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.**

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

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 Mulas Construction Ltd.
c/o Peter Mercanti & Chip Mulas T

2.

3. Name of Agent UrbanSolutions Planning & Land Development
Consultants Inc. c/o Matt Johnston T

4.

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:

To permit a manufacturing facility for the purpose of food production facility to be a permitted use on the subject lands.
Please refer to enclosed Minor Variance Sketch and cover letter for additional information.

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

Please refer to enclosed cover letter for details.

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 5 Concession 1 in the Former Township of Glanford.

Municipal address: 1800 Upper James Street

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 _____

1822 Upper James Street-
Pioneer Gas Station

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

Yes ☒ No _____ Unknown _____

1822 Upper James Street-
Pioneer Gas Station

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 _____

1822 Upper James Street-
Pioneer Gas Station

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 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.

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.

April 14, 2020
Date


Signature Property Owner

Mulas Construction Ltd. c/o Peter Mercanti & Chip Mulas

Print Name of Owner

10. Dimensions of lands affected:

Frontage +/- 20.11 metres

Depth +/- 326.28 metres

Area +/-16,259.03 square metres

Width of street +/-33.2 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: Vacant

Proposed: Please refer to enclosed Minor Variance Sketch for proposed building.

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

Existing: Vacant

Proposed: Please refer to enclosed Minor Variance Sketch for proposed building.

13. Date of acquisition of subject lands:
Unknown.
14. Date of construction of all buildings and structures on subject lands:
N/A
15. Existing uses of the subject property: Vacant
16. Existing uses of abutting properties: North- Vacant/ Residential, South - Vacant/ Commercial (Pioneer Gas Station)
East- Industrial/Commercial/ Residential, West- Vacant
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:
Arterial Commercial in the Urban Hamilton Official Plan.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Arterial Commercial (C7) Zone in the 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.
Please refer to GL/B-17:40 & GL/A-17:170 (approved).
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.



April 15, 2020

092-15

Via Courier

Mr. Jamila Sheffield
Secretary-Treasurer
Committee of Adjustment

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON, L8P 4Y5

Dear Ms. Sheffield,

**Re: 1800 Upper James Street, Hamilton
Minor Variance Application Submission**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Mulas Construction Ltd. c/o Peter Mercanti & Chip Mulas (Owner), for the lands municipally known as 1800 Upper James Street, Glanbrook, in the City of Hamilton.

The subject lands are designated Arterial Commercial in the Urban Hamilton Official Plan and Zoned Arterial Commercial (C7) in the City of Hamilton Zoning By-law No. 05-200.

On November 4, 2019, the Development Review Team meeting considered Site Plan Application No. DA-19-155 proposing a Mama Yolanda's Lasanga production facility on the subject lands as the first phase of a site plan development. The facility will include a restaurant and sales component in conjunction with the food production area and administrative offices. The comments received from the City of Hamilton zoning staff identified the proposed use as a Manufacturing Facility. Accordingly, the purpose of this application is to accommodate a Manufacturing Facility for the purpose of food production as permitted use.

Section 45(2)(b) of the *Planning Act* states "where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the Committee, conforms with the uses permitted in the by-law."

While considered a Manufacturing Facility by zoning staff, the various components of the use operate in a manner much the balance of the Arterial Commercial permitted uses. With direct sales to the public, the restaurant component of the use is permitted. The commercial kitchen where the food production occurs is in keeping with Conference and Convention Centre while the distribution is no different than the operational shipping and receiving practices of a Building or Contracting Supply Establishment, Building

and Lumber Supply Establishet, Home Improvement Supply Establisheent, Transportation Deport or Warehouse, all of which are permitted uses within the Arterial Commercial "C7" Zone.

Based on the above, UrbanSolutions holds the opinion the subject minor variance application statisfies Section 42 of the *Planning Act* and represents good land use planning.

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 Sketch; and,
- One (1) cheque payable to the City of Hamilton in the amount of **\$3,302.00**.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,

UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Laura Drennan
Planning Technician

cc: Councillor Brenda Johnson, Ward 11 (via cover letter and sketch only)
Mr. Steve Robichaud, City of Hamilton (via cover letter and sketch only)
Ms. Anita Fabac, City of Hamilton (via cover letter and sketch only)
Mr. Peter Mercanti, Owner
Mr. Chip Mulas, Owner