



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
E-mail: cofa@hamilton.ca

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-20:216

APPLICANTS: IBI Group c/o Jared Marcus on behalf of the owner Vicano Developments Ltd.

SUBJECT PROPERTY: Municipal address **15 Ambitious Crt., Glanbrook**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 10-128

ZONING: "M3" (Prestige Business Park (M3) Zone)

PROPOSAL: To facilitate the development of a Planned Business Centre consisting of two separate buildings providing a combined total gross floor area of approximately 10,670 square metres, notwithstanding,

1. A warehouse use shall be permitted to provide an accessory retail area, to a maximum of 10% of the gross floor area of an individual tenant space, whereas a warehouse use, as defined within the Zoning By-law, does not permit the retailing of goods to the general public;
2. Parking at a rate of 1 space for each 60.6 square metres of gross floor area, requiring a total of 176 parking spaces, shall be permitted instead of the minimum required parking rate of 1 space for each 50 square metres of gross floor area, requiring a total of 213 parking spaces;
3. Mechanical and unitary equipment (hydro transformer) which is not screened from the street shall be permitted to be located 0.0 metres from the street line instead of providing a minimum setback of 3.0 metres from a street line to a hydro transformer which is screened from the street by an enclosure or landscaping; and,
4. A hydro transformer shall be permitted to be located within a required landscaped area and/or planting strip area abutting the street, whereas a landscaped area and a planting strip area, as defined within the Zoning By-law, does not permit the location of a hydro transformer there within.

NOTES:

1. These variances are necessary to facilitate Site Plan application DA-20-034. The applicant shall ensure all other zoning requirements, as outlined in Building Division comments dated August 24, 2020 can be complied with.

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

DATE: Thursday, November 19th, 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.

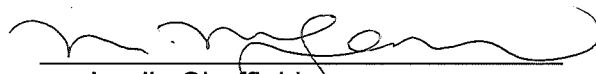
Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

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: November 3rd, 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.

UNDERTAKINGS

RE: 15 Ambitious Court, Hamilton
File No. DA-20-034

I, Vicano Developments Limited, the owner of the land, hereby undertake and agree without reservation,

(a) to comply with all the content of this plan and drawing and not to vary therefrom,

(b) to perform the facilities, works or matters mentioned in Section 41 (7)(a) of the Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated June 1, 2020,

(c) to maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways; and,

(d) in the event that the Owner does not comply with the plan dated July 16, 2020, the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.

(e) The owner shall complete to the satisfaction of the Director of Engineering of the City of Hamilton and Canada Post

a) include on all offers of purchase and sale, a statement that advises the prospective purchaser:

i) that the home/business mail delivery will be from a designated Centralized Mail Box location which will be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

ii) the owner further agrees to:

1) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

2) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.

3) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

4) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.

5) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

6) Canada Post's rules and policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

(f) The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

(g) That the Owner acknowledges that the required parking on site has been calculated for Warehouse use. Individual units will be subject to parking calculations at Building Permit stage when uses are determined. Should parking on site be deficient for the proposed uses, a Minor Variance will be required.

(i) That the Owner acknowledges that any development in conjunction with the site plan must not block vehicular access to any HOVH facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.

(j) That the Owner acknowledges that his transmission lines along the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500kV conductor. The distance for 230kV conductors is 4.5 metres (15 feet), and for 115kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

(k) The Owner acknowledges and agrees that the City will not issue a servicing permit or grant a building permit for this development until such time that the municipal mains within Ambitious Court are assumed by the City and all other services are completed to the satisfaction of the Manager of Development Approvals.

Dated this 16th day of July, 2020

DEVELOPMENT DETAILS PRESTIGE BUSINESS PARK (M3) ZONE			
	REQUIRED	PROPOSED	ADJUSTMENT NEEDED
MINIMUM LOT AREA	4,000m ²	2,17,433m ²	
MINIMUM YARD SETTING A STREET	4.0 m	30.48 m	
MINIMUM YARD SETTING B STREET	27.0 m	23.25 m	
MINIMUM BUILDING HEIGHT	N/A	5.5 m	
GROSS FLOOR AREA FOR OFFICE USE	MAX. 3,000m ²	N/A	
GROSS FLOOR AREA FOR INDUSTRIAL/ADMINISTRATIVE OFFICE	10,000m ²	76m ²	
MINIMUM LANDSCAPED AREA ADJACENT A STREET	6.0 m	6.0 m	
MINIMUM PLANTING STRIP ADJACENT A STREET	3.0 m	3.0 m	
OUTDOOR STORAGE SHALL NOT BE PERMITTED IN A FRONT YARD	NOT PERMITTED	NOT PROPOSED	
MAXIMUM OUTDOOR STORAGE	85% LOT AREA = 23,318m ²	184m ² ± 0.3%	
MAXIMUM ACCESSORY RETAIL	25% OF CPA OR 500m ²	NONE PROPOSED	
PAVEMENT REQUIREMENTS			
MINIMUM SEWER TO A STREET LINE	3.0 m	5.41 m	
MINIMUM PLANTING STRIP ADJACENT A STREET LINE	3.0 m	3.0 m	
MINIMUM PARKING STALL SIZE	3.0 m x 5.8 m	3.0 m x 5.8 m	
MINIMUM BARRIER FREE STALL SIZE	4.4 m x 5.8 m	4.4 m x 5.8 m	
PLANNED BUSINESS CENTER (10,869.5m ²)	1 SPACE/250m ² = 213 SPACES	1 SPACE/210m ² = 136 SPACES	
BARRIER FREE PARKING	2 SPACES / 1% OF FLOORING = 6 SPACES	6 SPACES	
LOADING FACILITIES			
LOCATION IN FRONT YARD	NOT PERMITTED	NOT PROPOSED	

GENERAL NOTES:

- ALL WORK PROVIDED IN THE CONSTRUCTION PERMITS, PER-PHASE, UNLESS SPECIFIED FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE CITY OF HAMILTON, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
- PIPE ROUTE (SIZE AND SHALL) AND MEASUREMENTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY OF HAMILTON AND AT THE EXPENSE OF THE OWNER.
- USING OVERHEAD EXISTING AT THE PROPERTY, THE BOUNDARIES ARE PLANNED TO BE 7.5M UNLESS OTHERWISE STATED.
- ALL EXISTING SPRAWL PROFILES LOCATED WITHIN THE FIRST 3.0M SHALL BE MAINTAINED UNLESS OTHERWISE STATED. ALL EXISTING SHALL BE WITHIN 15% UNLESS OTHERWISE STATED.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S OBLIGATION TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - ROAD CUT PERMITS
 - APPROVAL APPROVALS
 - SEWER PERMITS
 - APPROVAL APPROVALS
 - RELOCATION OF SERVICES
 - CONTRIBUTION OF ADJUSTMENT
 - EMPLOYMENT AGREEMENTS (IF APPLICABLE)
 - SEWER PERMITS

- ADJUSTED ACCESSORIES MUST BE PROVIDED AND THE CURB AND BOUNDARY CERTIFIED WITH 50% AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
- FOR VEHICULAR TRAVEL AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE TO BE PROVIDED: 150 METRE BY 3.0 METRE VEHICULAR TRAVEL AT WHICH THE MAXIMUM HEIGHT OF ANY OBJECT OF UNUSUAL PROPORTION IS NOT TO EXCEED A HEIGHT OF 2.70 METRES ABOVE THE CORRESPONDING REFERENTIAL CENTRE ELEVATION OF THE ADJACENT STREET.
- THIS PROPERTY IS INTENDED FOR INDUSTRIAL COLLECTION OF CUPBOARD, PER-CLEANSE MATERIAL AND LEAF AND WASTE THROUGH THE CITY OF HAMILTON, WHOSE WILL BE IMPROVED THROUGH A PRIVATE CONTRACTOR.
- PROPOSED STORAGE SHALL CONFORM TO THE CITY'S SIGN AND OTHER DEVICE BY-LAW 104-167.
- ALL PERMITS MUST OBTAIN WITH THE CITY OF HAMILTON, PER-CLEANSE MATERIAL AND LEAF AND WASTE THROUGH THE CITY OF HAMILTON, WHOSE WILL BE IMPROVED THROUGH A PRIVATE CONTRACTOR.

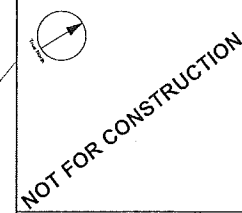
CLIENT
VICANO DEVELOPMENTS LIMITED

225 PARIS ROAD, BRANTFORD

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IBI Group Professional Services (Canada) Inc.
1500 Steeles Ave. East, Unit 100
Markham, Ontario L3R 9V7

ISSUES	DESCRIPTION	DATE
1	FIRST SITE PLAN SUBMISSION	2020-03-04
2	FIRST CLEARANCE SUBMISSION	2020-07-16
3	MINOR VARIANCE SUBMISSION	2020-10-17



KEY PLAN

CONSULTANTS

LEGEND
▶ PROPOSED LEADING DOOR
◻ PROPOSED MAIN DOOR

SEAL

SOURCE:
TOPOGRAPHIC SURVEY INFORMATION OBTAINED FROM WEST & RUMKA LTD., DWG. No. W19021, DATED NOVEMBER 26, 2019.

ELEVATION NOTE:
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE DERIVED FROM CANADA CANMET REAL TIME NETWORK OBSERVATION STATION 17, HAMILTON (ELEVATION 171.00).

PROJECT
15 AMBITIOUS COURT
BLOCK 6, 62M-1205

SCALE
1:400 (m)

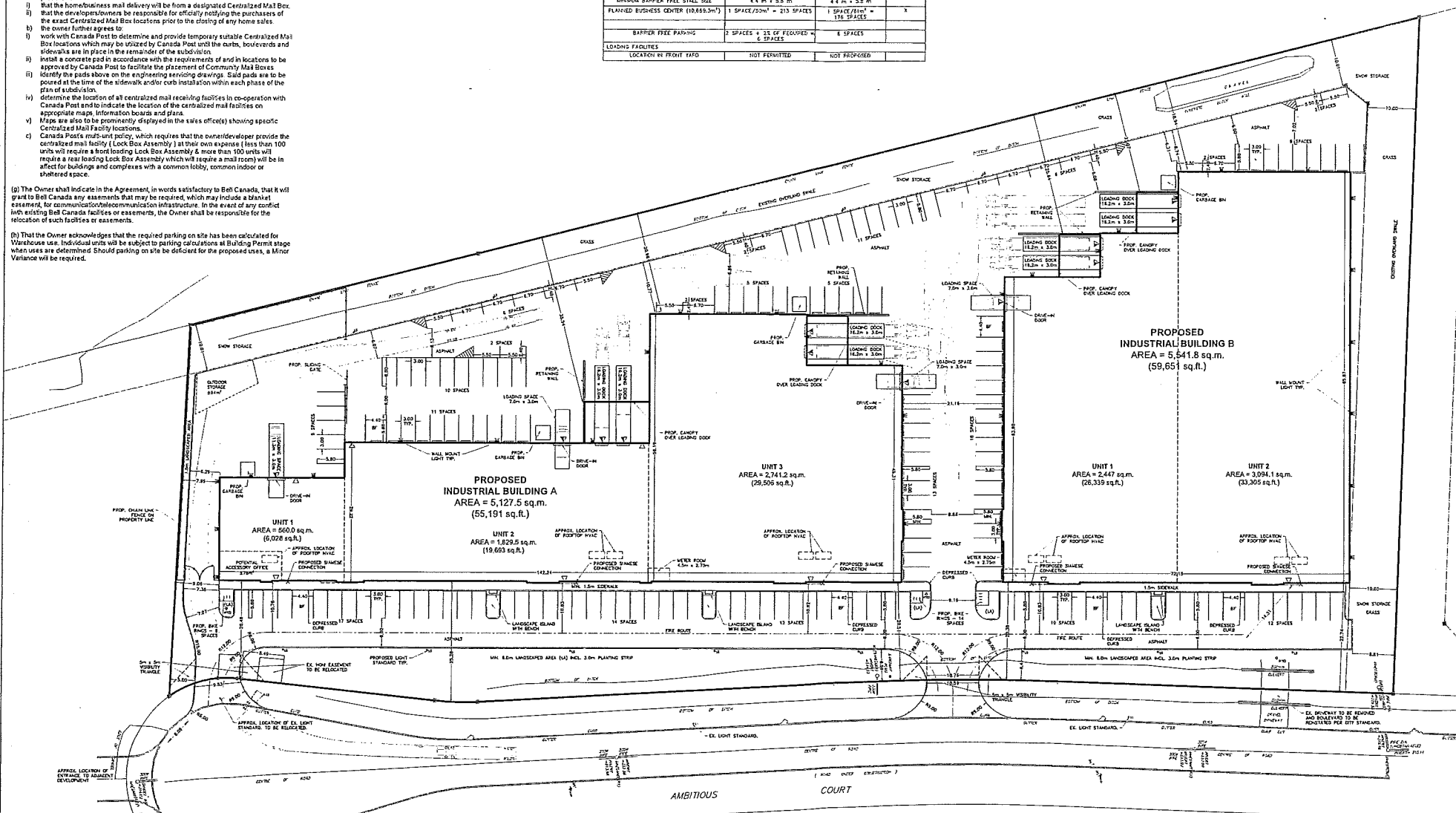
PROJECT NO: 123421

DRAWN BY: J.MARCUS
CHECKED BY: J.ARIENS

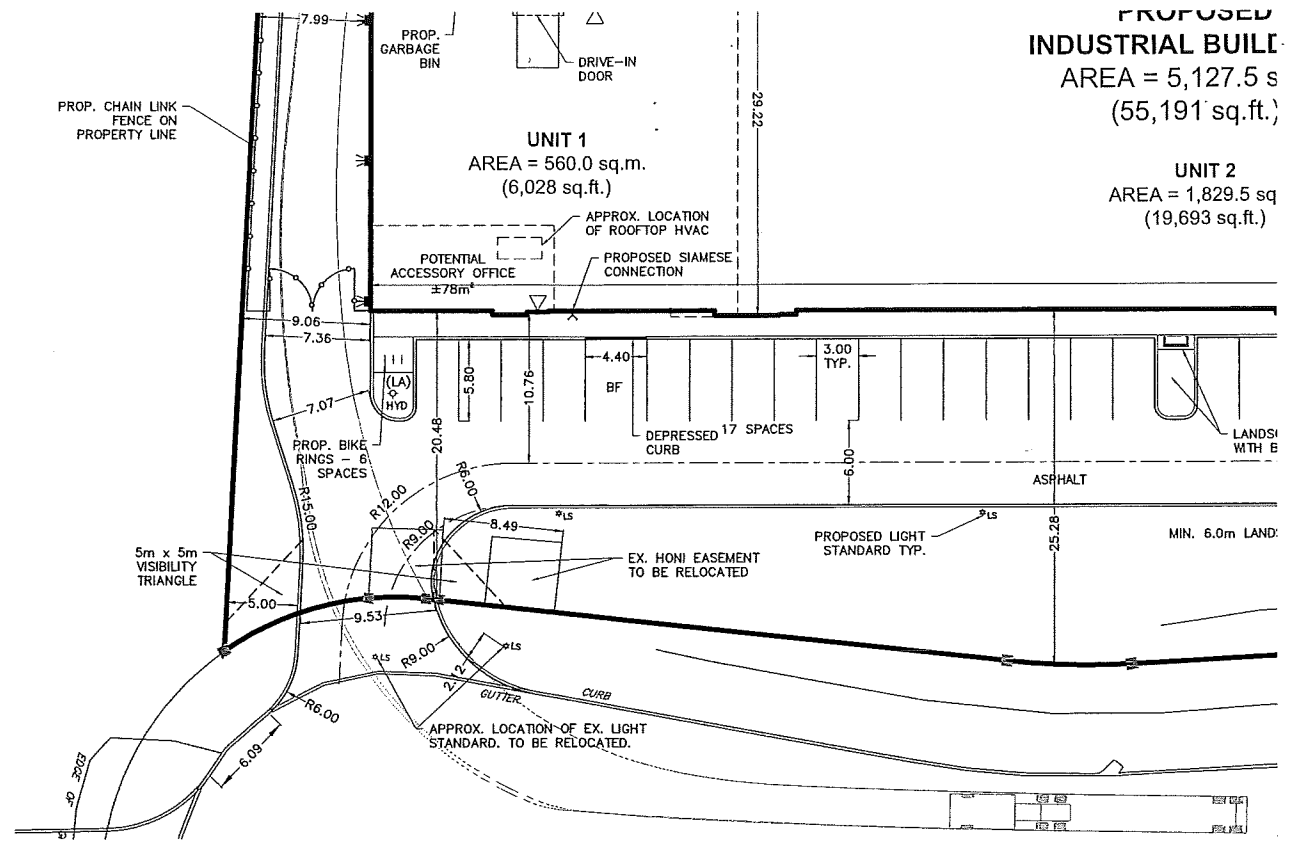
PROJECT MGR: J.MARCUS
APPROVED BY: J.ARIENS

SHEET TITLE
SITE PLAN
DA-20-034

SHEET NUMBER SP1 **ISSUE** 1



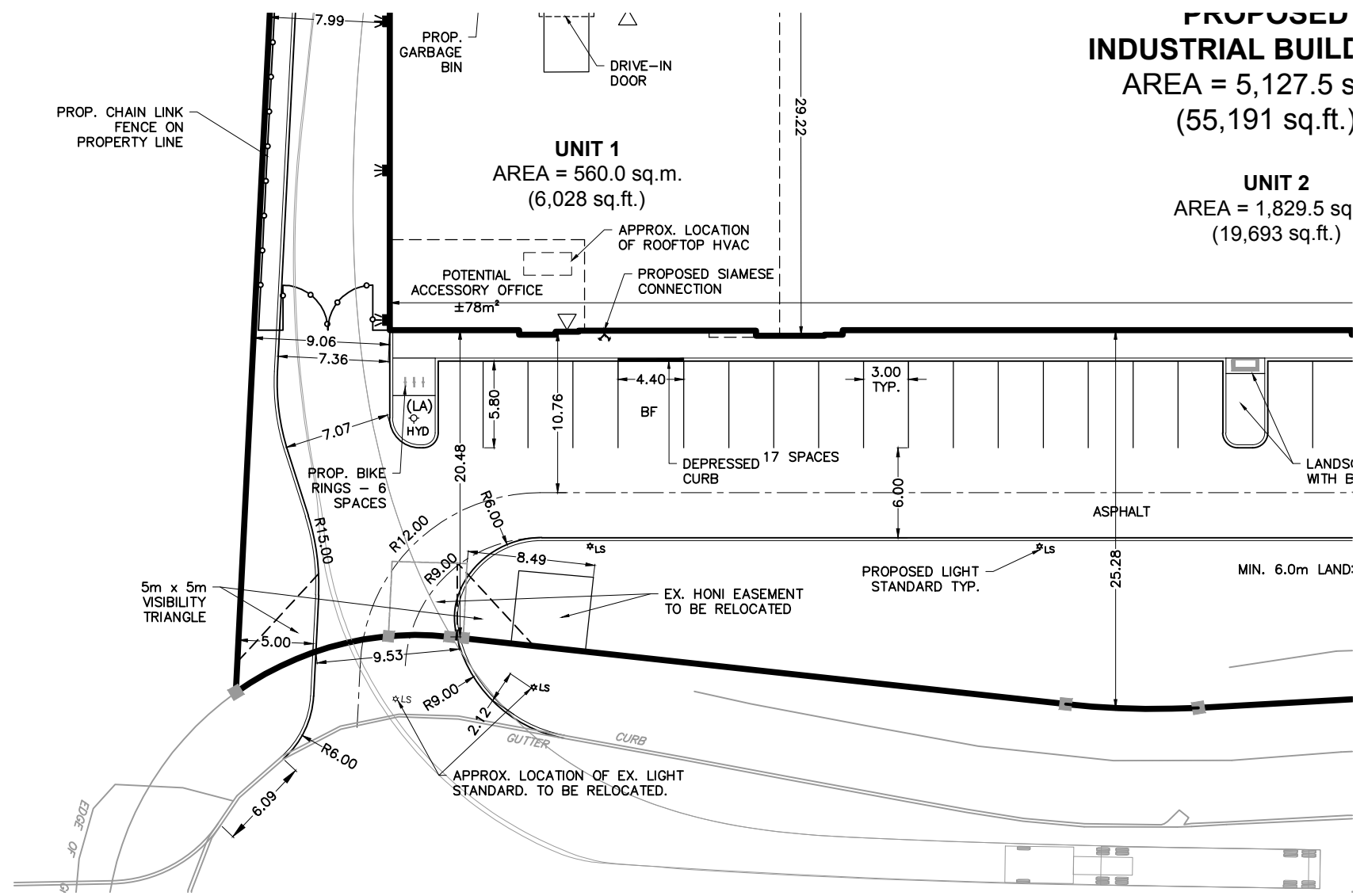
GL/A 20.2/6



PROPOSED INDUSTRIAL BUILDING
 AREA = 5,127.5 sq.m.
 (55,191 sq.ft.)

UNIT 2
 AREA = 1,829.5 sq.m.
 (19,693 sq.ft.)

GLIA
 20.2.16



UNDERTAKING

RE: 15 Ambitious Court, Hamilton
File No. DA-20-034

I, Vicano Developments Limited, the owner of the land, hereby undertake and agree without reservation,

- (a) to comply with all the content of this plan and drawing and not to vary therefrom;
- (b) to perform the facilities, works or matters mentioned in Section 41(7)(a) of The Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated June 1, 2020;
- (c) to maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways; and,
- (d) in the event that the Owner does not comply with the plan dated July 16, 2020, the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.

- (e) The owner shall complete to the satisfaction of the Director of Engineering of the City of Hamilton and Canada Post:
 - a) include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developer/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
 - b) the owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
 - v) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
 - c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in affect for buildings and complexes with a common lobby, common indoor or sheltered space.

(g) The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

(h) That the Owner acknowledges that the required parking on site has been calculated for Warehouse use. Individual units will be subject to parking calculations at Building Permit stage when uses are determined. Should parking on site be deficient for the proposed uses, a Minor Variance will be required.

(i) That the Owner acknowledges that any development in conjunction with the site plan must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.

(j) That the Owner acknowledges that the transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500kV conductor. The distance for 230kV conductors is 4.5 metres (15 feet), and for 115kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

(k) The Owner acknowledges and agrees that the City will not issue a servicing permit or grant a building permit for this development until such time that the municipal mains within Ambitious Court are assumed by the City and utilities are completed to the satisfaction of the Manager of Development Approvals.

Dated this 16th day of July, 2020

DEVELOPMENT DETAILS PRESTIGE BUSINESS PARK (M3) ZONE			
	REQUIRED	PROPOSED	AMENDMENT NEEDED
MINIMUM LOT AREA	4,000m ²	±27,433m ²	
MINIMUM YARD ABUTTING A STREET	6.0 m	20.46 m	
MAXIMUM YARD ABUTTING A STREET	27.0 m	25.26 m	
MAXIMUM BUILDING HEIGHT	N/A	9.98 m	
GROSS FLOOR AREA FOR OFFICE USE	MAX. 3,000m ²	N/A	
GROSS FLOOR AREA FOR INDUSTRIAL ADMINISTRATIVE OFFICE	10,000m ²	78m ²	
MINIMUM LANDSCAPED AREA ABUTTING A STREET	6.0 m	6.0 m	
MINIMUM PLANTING STRIP ABUTTING A STREET	3.0 m	3.0 m	
OUTDOOR STORAGE SHALL NOT BE PERMITTED IN A FRONT YARD	NOT PERMITTED	NOT PROPOSED	
MAXIMUM OUTDOOR STORAGE	85% LOT AREA = 23,318m ²	±84m ² =0.3%	
MAXIMUM ACCESSORY RETAIL	25% OF GFA OR 500m ²	NONE PROPOSED	
PARKING REQUIREMENTS			
MINIMUM SETBACK TO A STREET LINE	3.0 m	6.41 m	
MINIMUM PLANTING STRIP ABUTTING A STREET LINE	3.0 m	3.0 m	
MINIMUM PARKING STALL SIZE	3.0 m x 5.8 m	3.0 m x 5.8 m	
MINIMUM BARRIER FREE STALL SIZE	4.4 m x 5.8 m	4.4 m x 5.8 m	
PLANNED BUSINESS CENTER (10,669.3m ²)	1 SPACE/50m ² = 213 SPACES	1 SPACE/61m ² = 176 SPACES	X
BARRIER FREE PARKING	2 SPACES + 2% OF REQUIRED = 6 SPACES	6 SPACES	
LOADING FACILITIES			
LOCATION IN FRONT YARD	NOT PERMITTED	NOT PROPOSED	

GENERAL NOTES:

1. ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
2. FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
3. MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
4. ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADE.
5. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - ROAD CUT PERMITS
 - APPROACH APPROVAL PERMITS
 - COMMITTEE OF ADJUSTMENT
 - BUILDING PERMITS
 - SEWER PERMITS
 - RELOCATION OF SERVICES
 - ENCROACHMENT AGREEMENTS (IF REQUIRED)

6. ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
7. FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE TO BE PROVIDED: "5.0 METRE BY 5.0 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET."
8. THIS PROPERTY IS INELIGIBLE FOR MUNICIPAL COLLECTION OF GARBAGE, RECYCLABLE MATERIAL AND LEAF AND YARD WASTE THROUGH THE CITY OF HAMILTON. WASTE WILL BE MANAGED THROUGH A PRIVATE COMPANY.
9. PROPOSED SIGNAGE SHALL CONFORM TO THE CITY'S SIGN AND OTHER DEVICES BY-LAW No. 10-197.
10. ALL FENCES MUST COMPLY WITH THE CITY OF HAMILTON FENCE BY-LAW No. 10-142.
11. LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS.

CLIENT
VICANO DEVELOPMENTS LIMITED

225 PARIS ROAD, BRANTFORD

COPYRIGHT
This drawing has been prepared solely for the intended use, that any reproduction or distribution for any purpose other than authorized by IBI Group is prohibited. Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and IBI Group shall be relieved of any liability from the dimensions and conditions shown on this drawing. Shop drawings shall be submitted to IBI Group for general confirmation before proceeding with fabrication.

IBI Group Professional Services (Canada) Inc.
is a member of the IBI Group of companies.

ISSUES	DESCRIPTION	DATE
1	FIRST SITE PLAN SUBMISSION	2020-02-04
2	FIRST CLEARANCE SUBMISSION	2020-07-16
3	MINOR VARIANCE SUBMISSION	2020-10-13

KEY PLAN

CONSULTANTS

LEGEND

- ▶ PROPOSED LOADING DOOR
- ▷ PROPOSED MAN DOOR

SEAL

SOURCE:
TOPOGRAPHIC SURVEY INFORMATION OBTAINED FROM WEST & RULASKA LTD., DWG. No. V190217, DATED NOVEMBER 26, 2019.

ELEVATION NOTE:
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE DERIVED FROM CANSEL CAN-NET REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (2010)

PROJECT
15 AMBITIOUS COURT
BLOCK 5, 62M-1295

SCALE
1:400 (m)

PROJECT NO:
123421

DRAWN BY:
J.MARCUS

CHECKED BY:
J.ARIENS

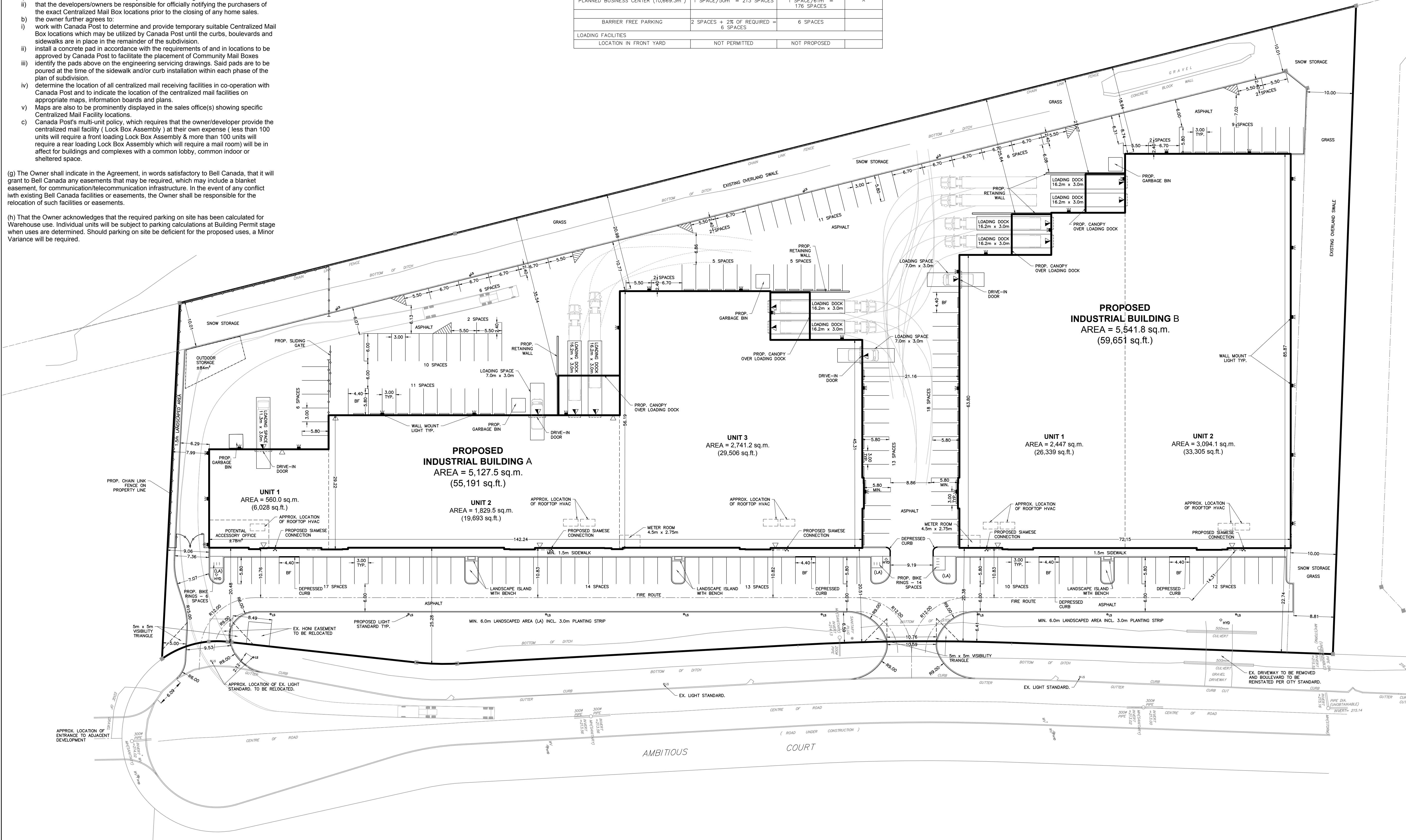
PROJECT MGR:
J.MARCUS

APPROVED BY:
J.ARIENS

SHEET TITLE
SITE PLAN
DA-20-034

SHEET NUMBER
SP1

ISSUE
1





IBI GROUP
200 East Wing – 360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010 fax 905 546 1011
ibigroup.com

October 13, 2020

Ms. Jamila Sheffield, ACST
Secretary Treasurer-Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**15 AMBITIOUS COURT, HAMILTON (DA-20-034)
MINOR VARIANCE APPLICATION**

On behalf of our client, Vicano Developments Limited, we are pleased to submit a Minor Variance application for the above noted development. The application seeks to recognize an existing hydro transformer located within a Landscape Area or Planting Strip adjacent to a street line, as well to seek relief from the required parking ratio for a Planned Business Centre. The proposed variances will implement the concurrent conditional Site Plan approval, DA-20-034.

Under this Site Plan approval, the project has been deemed to be a Warehouse use, however, the owner would like the flexibility to also include accessory Retail space of up to 10% of the GFA. City staff have advised that the inclusion of any non-Warehouse uses, regardless of size, automatically trigger a change in defined use to a Planned Business Centre, and with that a more restrictive parking ratio. The proposed development will still function as a Warehouse facility; however, individual businesses will have the flexibility to also provide limited accessory retail space.

In support of the application please find enclosed the following information:

- Two (2) copies of the Minor Variance application form;
- Two (2) copies of the Site Plan drawings;
- One (1) cheque in the amount of \$3,302.00; and,
- One (1) copy of the Articles of Incorporation for Vicano Developments Limited.

Should you require any additional information please do not hesitate to contact the undersigned.

Thanks,

Jared Marcus, CPT

Associate, Manager – Planning

Encl.

Cc: Vicano Developments Limited



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.

- Name of Owner Vicano Developments Limited Telephone No. ██████████
FAX NO. _____ E-mail address. _____
- Address ██████████
Postal Code ██████
- Name of Agent IBI Group c/o Jared Marcus Telephone No. ██████████
FAX NO. _____ E-mail address. ██████████
- Address ██████████
Postal Code ██████

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

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

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
To permit a hydro transformer to be located within a required Landscape Area or Planting Strip abutting a street. [Section 9.3.3i)]
To permit a hydro transformer to be located 0m from a street line (Section 4.9a)
To permit a Planned Business Centre parking ratio of 1 space/62 sq.m of GFA.
7. Why it is not possible to comply with the provisions of the By-law?
The location of the hydro transformer was approved as part of Draft Plan of Subdivision 25T201207 and created a non-conforming status.
The proposal envisions warehouse uses, however, a small retail component is desired which means that the development would be classified as a Planned Business Centre.
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
Block 5, 62M-1259
15 Ambitious Court, Hamilton
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?

Subject lands were reviewed under Draft Plan of Subdivision 25T201207.

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.

September 14, 2020
Date


Signature Property Owner

Vicano Developments Limited
Print Name of Owner

10. Dimensions of lands affected:

Frontage +/-256.1m
Depth +/-77.6m
Area +/-27,433sq.m
Width of street 26m

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: None

Proposed: See attached Site Plan drawing

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

Existing: None

Proposed: See attached Site Plan drawing

13. Date of acquisition of subject lands:
2019

14. Date of construction of all buildings and structures on subject lands:
2021

15. Existing uses of the subject property: Vacant

16. Existing uses of abutting properties: North: Vacant Industrial; East: Vacant Industrial; South: Vacant Industrial; West: Agricultural

17. Length of time the existing uses of the subject property have continued:
2 years

18. Municipal services available: (check the appropriate space or spaces)
Water X Connected X
Sanitary Sewer X Connected X
Storm Sewers No

19. Present Official Plan/Secondary Plan provisions applying to the land:
Business Park

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
City of Hamilton Zoning By-law No. 05-200
Prestige Business Park (M3) Zone

21. Has the owner previously applied for relief in respect of the subject property?
Yes No X

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 X

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