

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.: AN/A-20:272

APPLICANTS: Owner: Alpha Group
Agent: Harry Aasman

SUBJECT PROPERTY: Municipal address **414 Glancaster Rd., Ancaster**

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

ZONING: M11, H37 and P5 district Airport Prestige Business (M11)
zone and Conservation/Hazard Land (P5) zone

PROPOSAL: To permit the construction of 4,756.02m² warehouse (Temporary Fabric Storage Building) on a lot containing an existing single detached dwelling notwithstanding that:

1. Site alteration shall be permitted without the “H37” (Holding) zone being removed in order to allow construction of the 4,756.02m² temporary fabric storage building (warehouse) notwithstanding that that lands do not have access to servicing, the provision of adequate municipal water, municipal wastewater, and transportation infrastructure in accordance with the respective master plans for the Airport Employment Growth District to the Satisfaction of the Director of Development Engineering as required for removal of the “H37” zone.

NOTE:

- i) The applicant has requested a variance for a Temporary Use By-law in order to allow a temporary fabric structure to be built and store COVID-19 supplies for a period of two (2) years. This requested variance is incorrect as the proposed temporary fabric storage building for warehousing of COVID-19 supplies is within the portion of the lot zoned “M11, H37” and the “M11” zone permits a “warehouse” use. Variance 1 is intended to allow site alteration to the portion of the lot zoned “M11, H37” for the temporary fabric structure without requiring a Zoning By-law Amendment to remove the “H37” (Holding) zone.
- ii) The lands are subject to Site Plan Control. To date, a Site Plan Control Application has not been submitted by the Applicant. As such, a full zoning review has not been conducted. Further variances may be required at such time that a full zoning review is conducted on the proposal.
- iii) A 6.0m wide landscaped area is required along then entire Glancaster Rd street line, except for points of ingress and egress. As such, if the required 6.0m wide landscaped area cannot be provided, a further variance will be necessary.

- iv) Details have not been provided respecting the surface composition of the driveway to the proposed 4,756.02m² temporary fabric storage building. If compliance with the zone regulations cannot be achieved, a further variance will be necessary.
- v) All development in the City of Hamilton shall comply with the Hamilton Airport Zoning (Height) Regulations established by Transport Canada, which are registered at the local Land Titles Office and which may be amended from time to time.

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

DATE: Thursday, January 21st, 2021
TIME: 2:05 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.

Important note: *If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal (LPAT) may dismiss the appeal.*

MORE INFORMATION

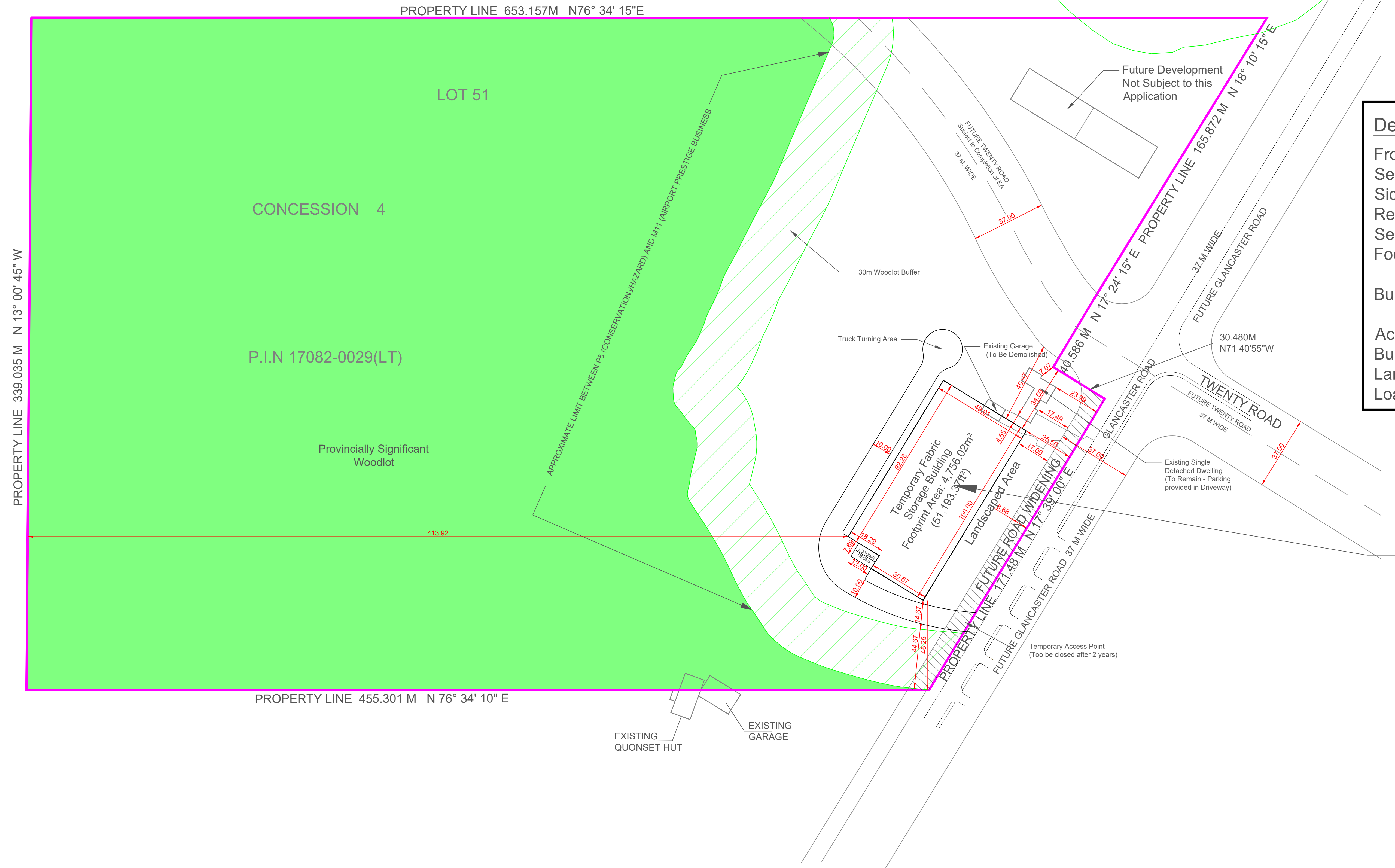
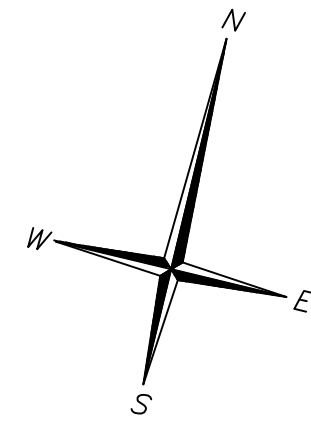
For more information on this matter, including access to drawings illustrating this request:

- 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: January 5th, 2021.

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.



<u>Development Standards for Proposed Building:</u>	
Front Yard Setback:	25.50 m
Setback from Road Widening:	40.97 m
Side Yard Setback:	45.25 m
Rear Yard Setback:	413.92 m
Setback from Existing House:	4.55 m
Footprint Area:	4,756.02m ² (51,193.37ft ²)
Building Area for Office Space:	0.00m ² (0.00ft ²)
Access Width:	10.0 m
Building Height:	15.0 m
Landscaped Buffer:	25.50 m
Loading Spaces:	2 spaces

1. A variance is proposed to allow a temporary fabric structure to be built and store COVID-19 supplies for a period of two (2) years.

Minor Variance Drawing

414 Glancaster Road, Ancaster

Scale: NTS





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 Alpha Group _____ Telephone No. _____

FAX NO. _____ E-mail address. _____

2. Address _____
_____ Postal Code _____

3. Name of Agent Harry Aasman _____ Telephone No. _____

FAX NO. _____ E-mail address. _____

4. Address _____
_____ 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:

_____ Postal Code _____

_____ Postal Code _____

6. Nature and extent of relief applied for:
Seeking permission to construct and use a temporary structure for a period of 2 years
to store and distribute COVID-19 relief products on the property.
7. Why it is not possible to comply with the provisions of the By-law?
Due to a holding provision on the site, no development is allowed on site until the services
along Glancaster Road are upgraded. This use will not increase the needs for
services.
8. Legal description of subject lands (registered plan number and lot number or other
legal description and where applicable, street and street number):
Lot 51, Concession 4
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 X 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 X Unknown _____
- 9.11 What information did you use to determine the answers to 9.1 to 9.10 above?
A Phase 1 ESA was completed for the site by Pinchin Ltd. in August of 2018. The results of which were used to answer the above questions.

- 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.

11-25-20
 Date

 Signature Property Owner

UZMA AISHA
 Print Name of Owner

10. Dimensions of lands affected:
 Frontage 562.16m
 Depth _____
 Area 18.2 ha
 Width of street 26.213 m
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: One storey single detached dwelling with a footprint area of 416 sq. m.
A single storey detached garage with a footprint area of 81 sq. m.

 Proposed: The single detached dwelling will remain.
Proposed single storey temporary storage building with a footprint area of 5,132.92 m²
(55,250.29 ft²)

12. Location of all buildings and structures on or proposed for the subject lands:
 (Specify distance from side, rear and front lot lines)
 Existing: Front: 23.99 m, Side: 7.07 m, Rear: 500.86 m

Proposed: Front: 39.81 m, Side: 50.15 m, Rear: 401.61 m

13. Date of acquisition of subject lands:
Currently Unknown
14. Date of construction of all buildings and structures on subject lands:
1967
15. Existing uses of the subject property: Single detached residential dwelling
16. Existing uses of abutting properties: Residential across Glancaster Road to the east.
Industrial zoned lands are located to the immediate north, south and west
17. Length of time the existing uses of the subject property have continued:
Since construction in the 1960s.
18. Municipal services available: (check the appropriate space or spaces)
Water 200 mm ductile and 600 mm concrete watermain Connected Yes
Sanitary Sewer N/A Connected No
Storm Sewers N/A
19. Present Official Plan/Secondary Plan provisions applying to the land:
Lands are located within the Airport Employment Growth District
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
There is a holding provision on site which requires services.
21. Has the owner previously applied for relief in respect of the subject property?
☒ Yes ☐ No
If the answer is yes, describe briefly.
We had a formal consultation with the City of Hamilton, but they refused to entertain the idea of a temporary storage facility on the site without upgrading the services despite the fact that no workers will be present on site on a daily basis.
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

Tuesday, December 16th, 2020

JUSTIFICATION BRIEF

RE:	APPLICATION FOR MINOR VARIANCE Minor Variance File No(s): Address: 414 Glancaster Road Owner: Alpha Group Applicant: Corbett Land Strategies Inc.
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On behalf of our client, Alpha Group (Owner), Corbett Land Strategies Inc. (CLS) is pleased to submit the enclosed materials in support of the above applications for Minor Variance. The application is seeking to permit the temporary use of the subject lands for the construction of a single storey 4,756.02 m² (51,193.37 ft²) fabric storage building to be used for COVID-19 relief materials for a period of two (2) years while maintaining the H37 holding provision.

PROPOSAL

The owner is proposing to construct a temporary storage building on the property to the southwest of the existing single detached dwelling. The temporary fabric building will be one storey in height, with a footprint area of 4,756.02 m² (51,193.37 ft²). The existing garage to the rear of the dwelling will be demolished to accommodate the construction of the temporary fabric storage building. Access is proposed to arrive from Glancaster Road to the south of the new building.

REQUESTED RELIEF

Description	Temporary Use By-law
Hamilton Zoning By-law 05-200	
1.	A variance is proposed to allow a temporary fabric structure to be built and store COVID-19 supplies for a period of two (2) years.

PLANNING POLICY

The subject lands are located directly west of the Glancaster Road and Twenty Road W intersection in Ward 12 - Ancaster. In the Urban Hamilton Official Plan, the subject lands are designated *Airport Employment Growth District (OPA 35)*, which permits warehousing and transportation terminals, and *Open Space* which allows for parks, recreation/community centres, amongst other things. The property is subject to the Hamilton Zoning By-law 05-200, which zones it as "M11 Holding H37" (Airport Prestige Business, Holding Provision 37) which also allows for warehousing as a use.

HISTORY

The subject lands have been used as single detached dwelling since its construction in the late 1960s. The client is seeking permission to construct a temporary fabric storage facility to store COVID-19 relief materials as well as maintain the single detached dwelling on site as legal non-conforming. The client is also seeking relief from the applicable holding provision as the temporary storage building will not require servicing for its operations, including water, wastewater, lighting, or other utilities. As the proposed building will not require the presence of any workers on site, which therefore will not require bathrooms.

On November 7th, 2018, Jawed Syed of Millennium Food Products had a formal consultation with the City of Hamilton regarding a different site plan for the site. This plan sought to construct a permanent warehousing facility of the site, which was denied due to the need for the expansion of services along Glancaster Road.

On November 10th, 2020, CLS presented to Hamilton City staff the development proposal during a formal consultation.

MINOR VARIANCE TESTS

In accordance with Section 45(1) of the Planning Act, the requested relief is required to meet the four tests of a Minor Variance. The tests are as follows:

1. The variance maintains the intent and purpose of the Official Plan;
2. The variance maintains the intent and purpose of the Zoning By-law;
3. The variance is desirable and appropriate for the development of the lands;
4. The variance is minor in nature.

1. The variance maintains the intent and purpose of the Official Plan.

The subject lands are designated *Airport Employment Growth District (OPA 35)*, which permits warehousing and transportation terminals, amongst other uses under the Urban Hamilton Official Plan. In accordance with policy 5.5.1.c) of the Urban Hamilton Official Plan, lands within this designation are to be used for airport-related business uses. The intent of this designation is to fill the area surrounding the airport with uses which will be directly tied to the airport. The proposed use is currently permitted under the Official Plan as 'warehousing'. The portions of the subject land that are designated as *Open Space* will not be developed upon and will remain untouched.

In chapter F of the Urban Hamilton Official Plan, Section 1.11 covers Temporary Use By-laws. In this section, policies (1.11.1) state that Council may adopt temporary use by-laws provided the use complies with the permitted uses in Section E (i.e. warehousing), to permit the temporary use of land, buildings or structures for a purpose that is prohibited by the Zoning By-law. The proposed use of warehousing is a permitted use within the Employment Area – Airport Employment Growth District Designation. Policy 1.11.2 states that the by-law may allow for "a use that is temporary in nature. Any new buildings or structures associated with the proposed temporary use shall be constructed so that it can be easily removed after the expiry date of the temporary use by-law." The proposed building will be entirely temporary in nature. It is proposed to be built out of fabric with a temporary access driveway, both the building and the access will be

removed entirely at the owner's expense following the expiry date of the temporary use by-law. Policy 1.11.3 breaks down how a temporary use should fit into an area. Subsection a) states that the proposed temporary use shall "be compatible with uses of adjacent and nearby properties." Our use will work with the existing uses in the area because this building will be set far from the road and will only not be light up, in order to reduce the amount of impact it has on the existing residents across the road. Subsection b) goes on to state that the use shall "have no adverse impact on the traffic, transportation or parking facilities in the area." Which is true for this because there will not be any employees located at the building on a permanent basis and will not cause a massive increase in traffic for the area.

The variances therefore maintain the intent and purpose of the Official plan.

2. The variance maintains the intent and purpose of the Zoning By-law.

The property is subject to the Hamilton Zoning By-law 05-200, which zones it as "M11 Holding H37" (Airport Prestige Business, Holding Provision 37) which also allows for warehousing. Storage facilities (warehouses) are permitted in the zone which satisfies the above test of a Minor Variance. Please note, the existing dwelling would be considered legal non-conforming due to its existence prior to issuance of the Zoning By-law. .

The intent of the Zoning By-law is to allow employment uses in the area. This proposed use is permitted and would be further controlled as it is proposed to only last for a period of two (2) years. This proposal will allow the subject lands to be used for employment purposes on an interim basis which provides for the immediate storage of medical supplies. The variance is needed to allow the client to storage medical supplies prior to their distribution to business and neighbourhoods in Hamilton, where there is a desperate need for these materials to respond to the COVID-19 pandemic.

The temporary building will not have any office space, and therefore no employees on site. Since the site will mostly be empty, the site will not require any type of services. The holding provision requires that servicing be provided prior to development. We request relief from this requirement since the building itself will not require any services.

Please note, the zoning by-law provides direction for temporary uses (Sec. 4.18), however, the proposed development does not fall within any of the existing city-wide temporary uses.

All other development standards within the zone have been met and will not require variances.

3. The variance is desirable and appropriate for the development of the lands.

The proposed variance is necessary to permit the construction of a temporary fabric storage facility on site on an expediated basis. The proposal is desirable because it will allow for valuable and needed medical supplies to be distributed to Hamilton and the surrounding area during the COVID-19 pandemic. The temporary nature of the proposal will allow for the proper and full development of the site following the completion of the two (2) year time frame. Following the lapsing of the temporary arrangement, the closure of any accesses onto Glancaster Road will be undertaken by the owner at their own expense.

The variance is appropriate for the lands as this area is intended to be used for industrial operations, included the warehousing, in accordance with existing official plan and zoning by-law policies. The proposed development will allow the site to be used for employment purposes on an interim basis. As well, the property owner envisions these lands for employment uses in the long term, once servicing is available.

This development has also been prepared to accommodate a future extension of Twenty Road West, in accordance with AEGD Secondary Plan. Please note, the final alignment will be subject to the completion of an environmental assessment, however, the proposed temporary facility has been set far away from any possible alignment of Twenty Road West.

To prevent the proposed building from interfering with the existing residential dwellings across Glancaster Road, the building itself will be set back approximately 40 m from the existing front lot line. In addition, it is proposed that no lighting will be installed on the site. This will ensure no light pollution will spill over into the residential lands.

The proposed variances are desirable and appropriate for the development of the subject lands.

4. The variance is minor in nature.

The proposed variance is minor in nature as the request is seeking only the immediate construction of a permitted use in a temporary fashion. As well, it will not contravene the intention of the applicable holding provision (H37) as the proposed building will not require any servicing. The proposed temporary fabric building will simply be used to store medical supplies which will assist in fighting the COVID-19 pandemic. The proposed building will not include washrooms, kitchens, or offices and there will no employees on site.

Upon the completion of the two (2) year period, the owner of the subject lands will close off the temporary access point from Glancaster Road and remove the temporary building at their own expense

The proposed variance is minor in nature.

Conclusion

In accordance with the above, it is the opinion of CLS that the proposed variances meet the intent of the City of Hamilton Official Plan, and Hamilton Zoning By-law 05-200. It is also the opinion of CLS that the variances are desirable and appropriate for the development of the subject lands and are minor in nature. CLS believes that the requested variances are in the public interest and represent good planning.

Harry Aasman

Harry Aasman, BA
Planning Technician
Corbett Land Strategies Inc.

Tuesday, December 16th, 2020

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, Ontario,
L8P 4Y5
Attention: Committee of Adjustment Secretary-Treasurer

RE:	APPLICATION FOR MINOR VARIANCE Minor Variance File No(s): Address: 414 Glancaster Road Owner: Alpha Group Applicant: Corbett Land Strategies Inc.
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On behalf of our client, Alpha Group (Owner), Corbett Land Strategies Inc. (CLS) is pleased to submit the enclosed materials in support of the above applications for minor variance. The application is seeking to permit the temporary use of the subject lands for the construction of a single storey 4,756.02 m² (51,193.37 ft²) storage building to be used for COVID-19 relief materials for a period of two (2) years while maintaining the H37 holding provision.

PROPOSAL

The owner is proposing to construct a temporary storage building on the property to the southwest of the existing single detached dwelling on the property. The temporary building will be one storey in height, with a footprint area of 4,756.02 m² (51,193.37 ft²). The existing garage to the rear of the dwelling will be demolished to accommodate the construction of the temporary storage building. A single access location will be created from Glancaster Road to the south of the new building.

REQUESTED RELIEF

The property is subject to the Hamilton Zoning By-law 05-200, which zones it as "M11 Holding H37" (Airport Prestige Business, Holding Provision 37). The variances that are required to facilitate the proposal are outlined in the enclosed justification brief.

In support of the applications, the following materials have been enclosed for both applications:

- Completed application forms
- Justification Brief, prepared by Corbett Land Strategies Inc.
- Variance Plan;
- Survey;
- Architectural Materials;
 - Site Plan prepared by Corbett Land Strategies.

Thank you and we look forward to the scheduling of our hearing. If there are any questions or concerns as they relate to this application, please do not hesitate to contact either of the undersigned.

Prepared by:

Harry Aasman

Harry Aasman, BA
Planning Technician
Corbett Land Strategies Inc.
harry@corbettlandstrategies.ca