

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-20:286

APPLICANTS: Urban Solutions c/o S. Manchia on behalf of the owner Garner Investments Inc.

SUBJECT PROPERTY: Municipal address **1040 Garner Rd. W., Ancaster**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-laws 10-128 & 18-219

ZONING: "M3, Exception 376 and 678" (Prestige Business Park (M3) Zone

PROPOSAL: To permit a Restaurant use within the Planned Business Centre currently under construction, notwithstanding,

1. A Restaurant use shall be permitted at this location whereas the Zoning By-law does not permit a Restaurant as a principal use at this location.

NOTES:

1. A Restaurant use is listed as a permitted use in the M3 Zone; however, pursuant to Section 9.3.3 r) of the Zoning By-law, the use of a Restaurant is restricted to specific locations and is limited by a maximum gross floor area.

2. The Planned Business Centre currently under construction was approved by site plan application DA-18-027.

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

DATE: Thursday, February 4th, 2021
TIME: 1:55 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

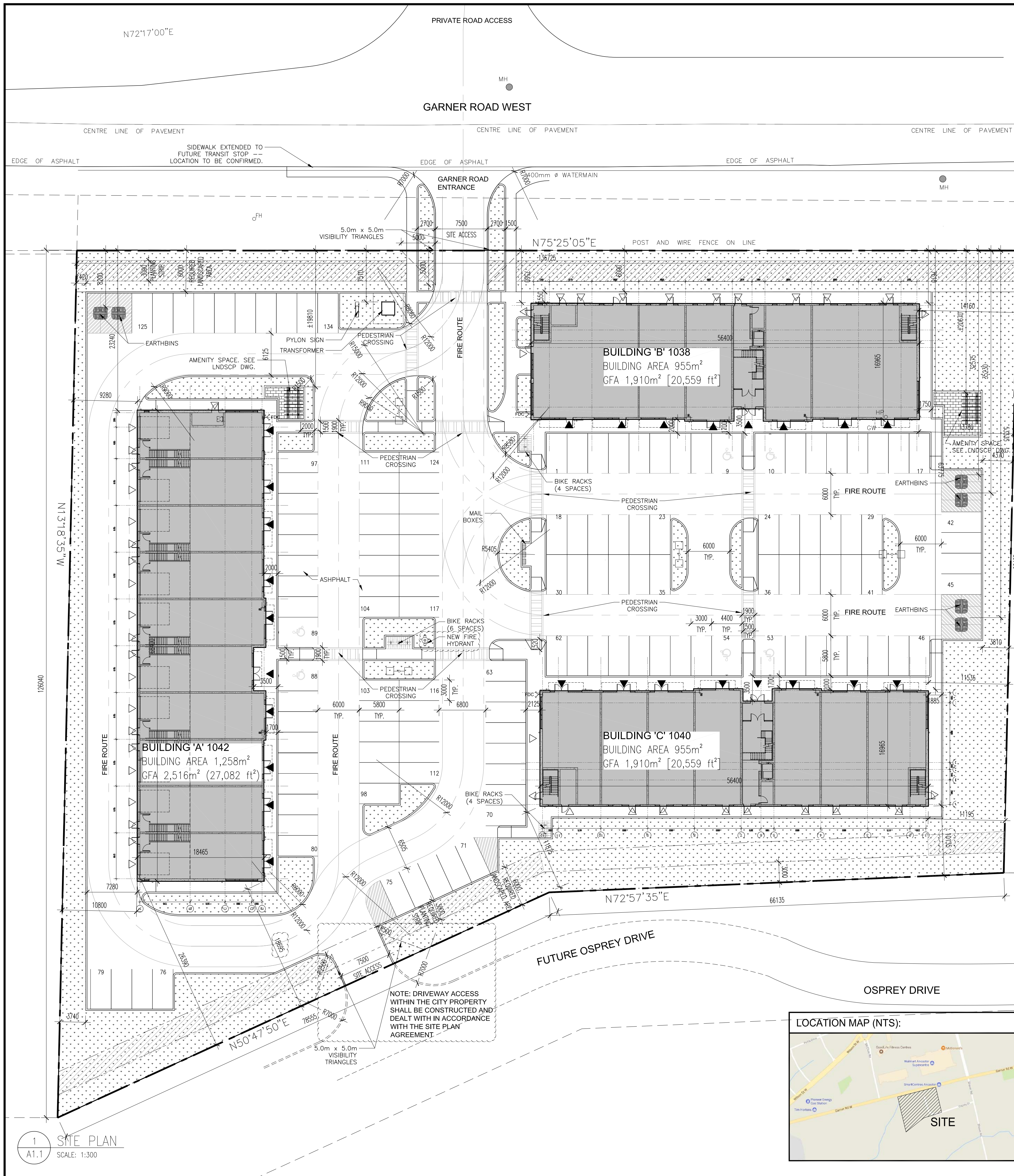
For more information on this matter, including access to drawings illustrating this request:

- 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: January 19th, 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.



GENERAL NOTES CONT:

13. "CAUTION": NOTWITHSTANDING CURRENT SURFACE CONDITIONS, THE PROPERTY HAS BEEN DETERMINED TO BE AN AREA OF ARCHAEOLOGICAL POTENTIAL. ALTHOUGH AN ARCHAEOLOGICAL ASSESSMENT IS NOT REQUIRED BY THE CITY OF HAMILTON, THE PROPONENT IS CAUTIONED THAT DURING DEVELOPMENT ACTIVITIES, SHOULD DEEPLY BURIED ARCHAEOLOGICAL MATERIALS BE FOUND ON THE PROPERTY THE ONTARIO MINISTRY OF TOURISM, CULTURE AND SPORT (MTC) SHOULD BE NOTIFIED IMMEDIATELY (416.314.7143). IN THE EVENT THAT HUMAN REMAINS ARE ENCOUNTERED DURING CONSTRUCTION, THE PROPONENT SHOULD IMMEDIATELY CONTACT BOTH MTC AND THE REGISTRAR OR DEPUTY REGISTRAR OF THE CEMETERIES REGULATION UNIT OF THE MINISTRY OF SMALL BUSINESS AND CONSUMER SERVICES (416.326.6392).

14. ANY POTENTIAL/FUTURE OUTDOOR DISPLAY, ALCOHOL PRODUCTION FACILITY, MOTOR VEHICLE SERVICE SHALL BE IN ACCORDANCE WITH THE CITY OF HAMILTON BY LAW.

15. ANY POTENTIAL/ FUTURE ACCESSORY RETAIL, SHOWROOM AREA OR TASTING ROOM SHALL BE IN ACCORDANCE WITH THE CITY HAMILTON BY LAW.

16. AIR CONDITIONER DETAILS SHALL BE IN ACCORDANCE WITH THE CITY OF HAMILTON BY LAW.

LETTER OF UNDERTAKING

UNDERTAKING FILE NO. DA-18-027
RE: 1038, 1040, 1042 GARNER RD. W. ANCASTER

I, (We) Garner Investments Inc. c/o Hamid Hakimi, the owner of the land, hereby undertake and agree without reservation,

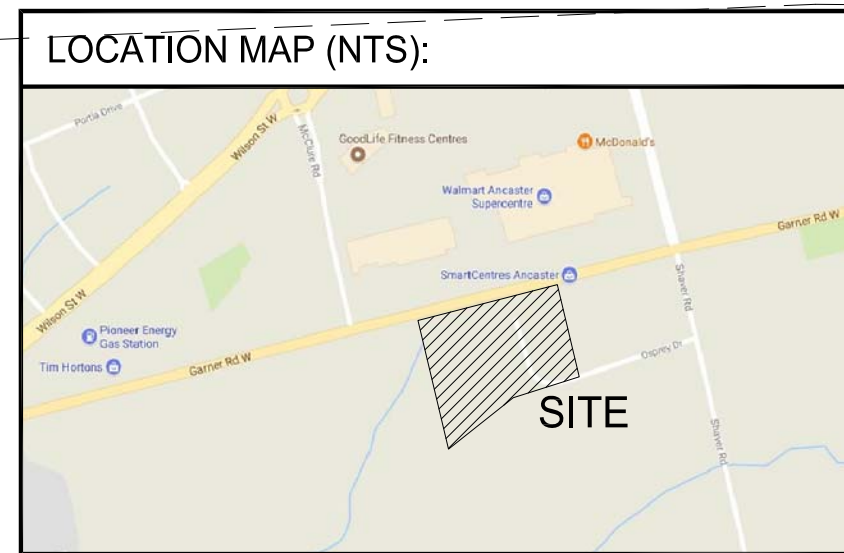
(a) To comply with all the content of this plan and drawing and not to vary therefrom;
(b) To perform the facilities, works or matters mentioned in Section 41(7)(a) of the Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of approval dated;
(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 2020.01.28, 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) That the owner agrees to affix the physical municipal numbers to each building and a sign near the driveway at the road with either the municipal numbers or full addresses indicated;
(f) To contact Corridor Management in the Public Works Department should the applicant require information regarding Commercial and High-density Residential Driveway Access Permits. Any construction related activity that negatively impacts the City's Right of Way that requires a Construction Management Plan, and/or Temporary Lane and Sidewalk Occupancy Permit;
(g) To complete to the satisfaction of the Director of Engineering of the City of Hamilton and Canada Post:

6. **Driveway** 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 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 effect for buildings and complexes with a common lobby.

Dated this 28th day of JANUARY 2020.

Witness (signature) _____ Owner(s) (signature) _____
Sam Esposito _____ Hamid Hakimi _____
Witness (print) _____ Hamid Hakimi _____
548 Upper James St. Hamilton ON L9C 2Y4
Address of Witness



SITE LEGEND:	
SYMBOL	DESCRIPTION
	PROPERTY LINE
	REQUIRED LANDSCAPED AREA SETBACK
	REQUIRED YARD SETBACK
	NEW BUILDING FOOTPRINT
	MAIN BUILDING ENTRANCE / EXITS
	SECONDARY BUILDING ENTRANCE / EXITS
	DIRECTION OF TRAFFIC
	CURB CUT C/W DEPRESSIONED CURB
	CONTINUOUS CONCRETE CURB
	NEW LANDSCAPED AREA
	NO PARKING PAINT
	BARRIER-FREE PARKING STALL (4.4m x 5.8m) c/w ACCESSIBILITY SIGNAGE
	TYPICAL PARKING STALL (3.0m x 5.8m)
	FIRE DEPARTMENT CONNECTION
	SURFACE COMPOSITION OF PARKING AREA - ASPHALT
	NEW FIRE HYDRANT

SITE STATISTICS:		
	REQUIREMENTS	PROPOSED
ZONING DESIGNATION	PRESTIGE BUSINESS PARK ZONE (M3-376)	PRESTIGE BUSINESS PARK ZONE (M3-376)
LOT FRONTAGE (MIN)	- (GARNER)	136.7 m
LOT AREA (MIN)	4,000 m²	13,817.44 m²
LOT COVERAGE (MAX)	N/A	23%
BUILDING HT (MAX)	N/A	2 STOREY (10m)
MIN YARD	FRONT YARD (NORTH) 6.0m MIN (GARNER) 25m MAX REAR YARD (MIN) 3m (OSPREY) WEST YARD (MIN) 0m EAST YARD (MIN) 0m	BLDG 'A': N = 23.3 m, E = 109 m, S = 18.7 m, W = 9.3 m BLDG 'B': N = 7.5 m, E = 138 m, S = 66 m, W = 66.1 m BLDG 'C': N = 63.8 m, E = 11.2 m, S = 10.1 m, W = 68.7 m
GFA (MAX)	-	PROPOSED BUILDING 'A' = 2,516m² PROPOSED BUILDING 'B' = 1,910m² PROPOSED BUILDING 'C' = 1,910m² TOTAL GFA = 6,336 sqm
PARKING (MIN)	PLANNED BUSINESS CENTRE WITHIN AN INDUSTRIAL ZONE: FOR EACH 50m² GFA = 6,336 m² / 50 = 126.72 THEREFORE, 127 PARKING SPACES ARE REQUIRED.	128 Regular Sized 6 Barrier Free
BF PARKING (MIN)	1 SPACE + 3% OF TOTAL REQUIRED SPACES FROM 101-200 REQUIRED SPACES = (1)+(127x3%)=4.51 THEREFORE, 5 BF PARKING SPACES ARE REQUIRED.	6 PROVIDED
LOADING SPACE (MIN)	N/A	0
LANDSCAPE AREA (MIN)	6m COMBINED LANDSCAPE AND PLANTING STRIP ABUTTING A STREET, WITHIN 6m LANDSCAPED AREA, 3m PLANTING STRIP BETWEEN PARKING SPACES, ASILES OR DRIVEWAYS AND A STREET.	6m COMBINED LANDSCAPE AND PLANTING STRIP ABUTTING A STREET, WITHIN 6m LANDSCAPED AREA, 3m PLANTING STRIP BETWEEN PARKING SPACES, ASILES OR DRIVEWAYS AND A STREET.
EXT STORAGE/DISPLAY	N/A	0

- GENERAL NOTES:**
- 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.
 - 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.
 - MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5 m UNLESS OTHERWISE STATED.
 - ALL DRIVEWAYS FROM THE PROPERTY LINES FOR THE FIRST 7.5 m SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
 - 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: BUILDING PERMIT, SEWER AND WATER PERMITS, ROAD CUT PERMITS, RELOCATION OF SERVICES, APPROACH APPROVAL PERMITS, ENCROACHMENT AGREEMENTS (IF REQUIRED), COMMITTEE OF ADJUSTMENT.
 - ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC AND ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
 - FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE TO BE PROVIDED: "5 METRE BY 5 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 CENTERLINE ELEVATION OF THE ADJACENT STREET."
 - ALL SIGNS SHALL COMPLY TO SIGN BY-LAW No. 10-197
 - THIS DEVELOPMENT IS INELIGIBLE FOR MUNICIPAL WASTE COLLECTION SERVICE. THE COLLECTION OF WASTE MATERIAL IS REQUIRED THROUGH A PRIVATE WASTE HAULER.
 - BOTH BUILDING A AND B SHALL BE CONSTRUCTED FIRST, BUILDING C SHALL BE CONSTRUCTED SECOND. EARTHINGS AND TRELISES WILL BE CONSTRUCTED IN TANGEM WITH THE CONSTRUCTION OF BUILDINGS A AND B.
 - FENCING SHALL BE IN ACCORDANCE WITH THE CITY OF HAMILTON FENCE BY LAW No. 10-142.
 - A MINIMUM OF 1.2m SEPARATION MUST BE PROVIDED WITHIN THE CITY'S ROAD ALLOWANCE AREA BETWEEN DRIVEWAYS, A FENCE AND ANY POLE, UTILITY, FIRE HYDRANT, TREE, SIGN ETC. ANY COSTS FOR TRAFFIC SIGN OR UTILITY RELOCATION ARE THE SOLE RESPONSIBILITY OF THE APPLICANT/OWNER. IT IS THE APPLICANT'S RESPONSIBILITY TO COORDINATE WITH THE APPROPRIATE.

NO DRAWING DIVISION SHALL BE VIEWED INDEPENDENTLY. CONTRACTOR AND ALL SUB CONTRACTORS TO REVIEW AND BE FAMILIAR WITH ENTIRE DRAWING SET.

CITY	SITE PLAN SUBMISSION	DATE
CITY (5)	SITE PLAN SUBMISSION 5	2020.01.28
CITY (4)	SITE PLAN SUBMISSION 4	2019.11.18
CITY (3)	SITE PLAN SUBMISSION 3	2019.07.25
CITY (2)	SITE PLAN SUBMISSION 2	2019.04.22
H	AERONAUTICAL FOR REVIEW	2019.03.04
G	CONSULTANTS- FOR REVIEW	2019.01.24
F	CONSULTANTS- FOR REVIEW	2018.11.06
E	CLIENT- FOR REVIEW	2018.10.26
D	CONSULTANTS- FOR REVIEW	2018.10.11
C	CONSULTANTS- FOR REVIEW	2018.10.04
B	CLIENT- FOR REVIEW	2018.09.21
A	CONSULTANTS- FOR REVIEW	2018.09.20
CITY (1)	SITE PLAN SUBMISSION 1	2018.10.22
CITY (0)	FC SUBMISSION 1	2017.12.08
To: (version) For: Date:		

Issue Table

Note:
CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONTRACTOR SHALL REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH WORK. DO NOT SCALE DRAWINGS.

CONTRACTORS AND SUBCONTRACTORS SHALL USE THIS DRAWING IN CONJUNCTION WITH OTHER DISCIPLINARY ENGINEER DRAWINGS AND TENANT FIT-UP DRAWINGS.

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL ISSUED FOR CONSTRUCTION BY DESIGN PROFESSIONAL UNDER ISSUE COLUMN.

CONTRACT DOCUMENTS ARE THE COPYRIGHT OF THE CONSULTANTS AND SHALL NOT BE USED OR REPRODUCED WITHOUT AUTHORIZATION BY THE CONSULTANTS.

ALL DRAWINGS ARE TO BE REVIEWED AS A FULL PACKAGE SET.

Seal:

North Arrow:

Architect:

548 UPPER JAMES ST. HAMILTON, ON. L9C 2Y4
T. 905.383.7500 F. 905.383.5700

Project:
GARNER ROAD BUSINESS PARK
1038, 1040, 1042 GARNER ROAD W, ANCASTER ON
FILE NO. DA-18-027

Drawing Title:

SITE PLAN

Drawn By:	JAM	Scale:	As Noted
Checked By:	SE	Plot Date:	2020.01.28
Project Date:	November 2017		
Project No.	17-127		
Drawing No.	Sheet version.		



December 17, 2020

376-20

Via Email

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield:

**RE: 1040 Garner Road West, Ancaster
Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of Garner Investments Inc., who are the registered owner of the lands municipally known as 1040 Garner Road West, Ancaster. On behalf of the owners, UrbanSolutions has prepared the enclosed Minor Variance Application to the City of Hamilton.

The subject lands are designated Business Park in the Urban Hamilton Official Plan (UHOP) and are located in the Prestige Business Park (M3) Zone of the City of Hamilton Zoning By-law No. 05-200. The subject lands are currently under construction in accordance with the approved Site Plan DA-18-027.

The owner obtained the enclosed Certificate of Zoning Verification and Property Report from the City of Hamilton on September 17, 2019. The Certificate confirmed that, "The use of a restaurant is permitted within the current zone". Upon receiving confirmation from the City that restaurants were permitted under the current Zoning By-law, Garner Investments began preparing and finalizing lease agreements to three different restaurants that are to be housed within the planned business centre.

The Certificate of Zoning Verification and Property Report did not make reference to Section 9.3.3 (r) that states, restaurants are only permitted as a primary use within lands described in subsection r), a), b), and c). These lands include:

- a) South Service Road located between Lake Avenue and Winona Road, but shall not be located on any property with frontage on Fruitland Road;
- b) Barton Street located between Lake Avenue and Winona Road, but shall not be located on any property with frontage on Fruitland Road; and
- c) The north side of Highway #5, west of Highway # 6.

As 1040 Garner road is not identified within the lands outlined in subsection r), it was determined that, per the Prestige Business Park (M3) Zone of the City of Hamilton Zoning By-law No. 05-200, a restaurant within these lands are only permitted accessory to the primary use.

Requested Variance

Therefore, the purpose of the Minor Variance application is to vary Section 9.3.3 to include the subject lands.

As proposed and considered via Site Plan Application No. DA-18-027, the restaurants would serve the established business park and broader community without causing adverse impacts.

Based on this, it is our opinion that the application of the above minor variance satisfies the four 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 Official Plan and Zoning By-law.

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

- One (1) copy of a completed Minor Variance application form;
- One (1) copy of the Approved Site Plan DA-18-027;
- One (1) copy of the Certificate of Zoning Verification and Property Report; and,
- One (1) cheque in the amount of \$3,302.00 made payable to the City of Hamilton for the Minor Variance application.

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



Brandon Petter, MPlan
Planner

Cc: Mr. Sergio Manchia, MCIP, RPP, UrbanSolutions
Garner Investments Inc.
Councillor Lloyd Ferguson, Ward 12 (via cover letter only)



Hamilton

PROPERTY ADDRESS: 1040 Garner Rd. W., Ancaster

SECTION No.:

PROPOSED USE: Medical Center, Pharmacy, Restaurants,
Dental Clinic, Optical

ATTENTION OF: Ilija Stipic
TELEPHONE: 905.546.2424 ext. 4027

A. ZONING VERIFICATION

AS OF THIS DATE, Building Division records indicate the property is subject to:

ZONING DISTRICT: M3, 375

SECTION 9.3 OF HAMILTON ZONING BY-LAW 05-200 AS AMENDED BY BY-LAW 10-128

SITE PLAN CONTROL: FOR FUTURE DEVELOPMENT OR REDEVELOPMENT

THE PROPOSED USE IS: SEE COMMENTS

COMMENTS:

There is insufficient information in Building Division records to determine the last recognized use.

The proposed use of a medical center would be considered a medical clinic, which is not permitted. A successful application for a rezoning is a course of action you might take to permit the intended use. For further information, please contact the Development Planning Division at (905) 546-2424 extension 2799 or 1355.

The use of a restaurant is permitted within the current zone.

The use and operation of a restaurant business is subject to the issuance and maintenance of a municipal licence from the Municipal Law Enforcement section of the Parking & By-law Services Division.

The lands are subject to Site Plan Control. As such, development or redevelopment may require application to the Development Planning Division. For further information, please contact (905) 546-2424 extension 2799 or 1355.

Subject to the issuance of a building permit in the normal manner for tenant improvements, change of use, conversions, renovations, alterations, additions or new buildings.

No survey submitted showing actual conditions.

IMPORTANT:

THIS CERTIFICATE DOES NOT INDICATE THAT AN EXISTING BUILDING OR ITS USE CONFORMS TO THE REQUIREMENTS OF APPLICABLE BY-LAWS, AND REGULATIONS, NOR THAT A LICENCE WILL BE ISSUED IF REQUIRED, OR THAT THE ZONING WILL NOT BE CHANGED AFTER THE DATE OF ISSUANCE. (COPIES OF THE CITY BY-LAWS MAY BE OBTAINED FROM THE CITY CLERK)

B. PROPERTY REPORT

AS OF THIS DATE, Building Division records indicate the following:

No outstanding work orders.

NOTE:

PROPERTY REPORTS PERTAIN TO BUILDING DIVISION FILES ONLY AND RELATE TO ENFORCEMENT PROCEEDINGS COMMENCED BY THIS DIVISION. OTHER DIVISIONS/DEPARTMENTS, INCLUDING BUT NOT LIMITED TO THE PARKING AND BY-LAW ENFORCEMENT DIVISION, FIRE DEPARTMENT, PUBLIC HEALTH SERVICES DEPARTMENT AND PUBLIC WORKS DEPARTMENT MAY HAVE COMMENCED ENFORCEMENT PROCEEDINGS. TO OBTAIN INFORMATION CONCERNING ANY SUCH ENFORCEMENT PROCEEDINGS, YOU MUST CONTACT THOSE DIVISIONS/DEPARTMENTS YOURSELF. ALSO NOTE THAT THIS DOES NOT IMPLY THAT A FIELD INSPECTION HAS BEEN CARRIED OUT.

NOTE: THE PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT IS CURRENTLY DRAFTING A NEW COMPREHENSIVE ZONING BY-LAW 05-200 FOR THE ENTIRE CITY OF HAMILTON. HAMILTON ZONING BY-LAW 05-200 WILL BE INTRODUCED IN VARIOUS STAGES FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND RURAL ZONES. AS A RESULT, THE ZONING OF PROPERTIES THROUGHOUT THE CITY MAY BE AFFECTED.

*** THIS CERTIFICATE IS ISSUED WITHOUT LIABILITY ON THE PART OF THE CITY OF HAMILTON OR ITS OFFICIALS ***


FOR DIRECTOR OF BUILDING DIVISION

CERT. NO. [19-144973 00 ZE2]

DATE ISSUED: September 17, 2019

MAIL TO: HAMID HAKIMI, 70 DONNICI DR. , HAMILTON, Ontario, L9B 2K3



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 Garner Investments Inc. Telephone No. [REDACTED]
FAX NO. _____ E-mail address. _____
2. Address [REDACTED]
_____ Postal Code [REDACTED]
3. Name of Agent UrbanSolutions Telephone No. [REDACTED]
FAX NO. _____ E-mail address. [REDACTED]
4. Address [REDACTED]
_____ Postal Code [REDACTED]

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):

1040 Garner Road East, Ancaster, ON L9G 3K9

9. PREVIOUS USE OF PROPERTY

Residential _____ Industrial _____ Commercial _____

Agricultural _____ Vacant _____

Other The site is under construction in accordance of the approved Site Plan DA-18-027.

- 9.1 If Industrial or Commercial, specify use

N/A

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

Yes X No _____ Unknown _____

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

Yes _____ No X Unknown _____

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

Yes _____ No X 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 X 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 X Unknown _____

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

Yes _____ No X 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 X 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?
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.

12/03/2020
Date

Signature of Property Owner

HAMID HAKIMI
Print Name of Owner

10. Dimensions of lands affected:
Frontage Please refer to DA-18-027.
Depth _____
Area _____
Width of street _____
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: The site is under construction.

Proposed: To construct three prestige industrial buildings as a planned business centre.
The site is under construction in accordance of the approved Site Plan.

12. Location of all buildings and structures on or proposed for the subject lands;
(Specify distance from side, rear and front lot lines)
Existing: The site is under construction.

Proposed: To construct three prestige industrial buildings as a planned business centre.
The site is under construction in accordance of the approved Site Plan.

13. Date of acquisition of subject lands:
Please refer to DA-18-027.
14. Date of construction of all buildings and structures on subject lands:

15. Existing uses of the subject property: The site is under construction.
16. Existing uses of abutting properties: Prestige Business Park (East & West), General Business Park (South)
17. Length of time the existing uses of the subject property have continued:
N/A
18. Municipal services available: (check the appropriate space or spaces)
Water _____ Connected _____
Sanitary Sewer _____ Connected _____
Storm Sewers _____ Please refer to DA-18-027.
19. Present Official Plan/Secondary Plan provisions applying to the land:
Please refer to DA-18-027.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Prestige Business Park, M3, Zoning By-law 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