

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.: SC/A-21:47

APPLICANTS: Urban Solutions c/o M. Johnston on behalf of the owner
1201068 Ontario Ltd.

SUBJECT PROPERTY: Municipal address **901, 911, 925, 967 Arvin Ave.,
Stoney Creek**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 18-266

ZONING: "M2" (General Industrial) district

PROPOSAL: To permit building additions comprising 14,712 square metres of gross floor area for warehousing and 1,670 square metres of gross floor area for manufacturing and offices for a manufacturing operation (Janco Steel), notwithstanding that:

1. A 3.0m wide landscaped area shall be provided for 71 metres of the frontage along the proposed parking area of the existing and proposed manufacturing building (Plant No. 2) instead of a 6.0m wide landscaped area that includes a 3.0m wide planting strip to be provided and maintained between the said parking space, aisle, or driveway and a street, except for points of ingress and egress.

NOTES:

1. The variance is written as requested by the applicant. The lands are subject to Site Plan Application SPA-20-112 which is under review and received conditional approval on January 21, 2021.

2. The Zoning By-law defines Planting strip as:

Planting Strip shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include walkways, sidewalks, and charging stations.

3. The Zoning By-law defines Landscaped Area as:

Landscaped Area shall mean any portion of a lot which:

- a) Contains no building thereon;
- b) Is not used for parking, access to parking, driveways or loading space;

c) Is used for the purpose of landscaping; and,

d) Landscaped areas may include bell pedestals and light standards but shall not include courier or mail boxes.

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

DATE:	Thursday, March 4th, 2021
TIME:	3:05 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.

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: February 16th, 2021.

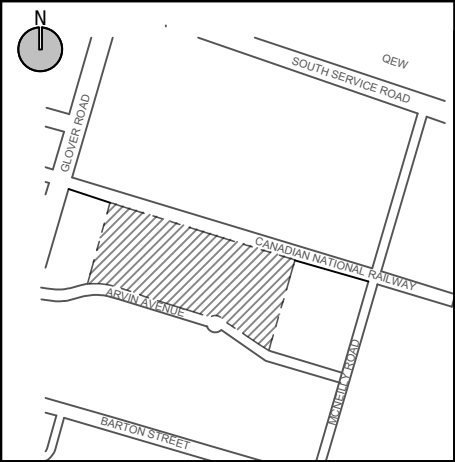
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

DEVELOPMENT STATISTICS		
ZONING: General Business Park (M2) Zone		
PROPOSED USE: Industrial Warehouse Addition on 901 & 911 Arvin Avenue		
ITEM	REQUIRED	PROPOSED
Min. Lot Area	4,000.0 m ²	98,604.9 m ²
Max GFA for Industrial Admin. Office	10,000.0 m ²	1,759.2 m ²
Landscape Area		
Abutting a street	3.0 m	3.0 m
Abutting a street and where a parking space is located in a yard	6.0 m	3.0 m
Parking	88	220
Accessible Parking	5	5
ITEM	EXISTING	PROPOSED
GFA	22,873.4 m ²	36,837.3 m ²
Lot Coverage	22%	36%

VARIANCE TO ZONING BY-LAW NO. 05-200
GENERAL BUSINESS PARK (M2) ZONE

VARIANCE # 1: A 3.0 m LANDSCAPE AREA BE PROVIDED FOR 71 m OF FRONTAGE LOCATED ALONG THE PROPOSED PARKING AREA OF THE EXISTING AND PROPOSED MANUFACTURING BUILDING (Plant No. 2) WHEREAS A 6.0 m LANDSCAPE AREA IS REQUIRED.



KEY MAP - N.T.S.

SCALE: 1:1,500

LEGEND:

- SUBJECT LANDS
- PROPOSED BUILDINGS
- EXISTING BUILDINGS

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

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

DESIGN BY: A. BARNETT
CHECKED BY: M. JOHNSTON
DRAWN BY: A. BARNETT
DATE: JANUARY 18, 2021



URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

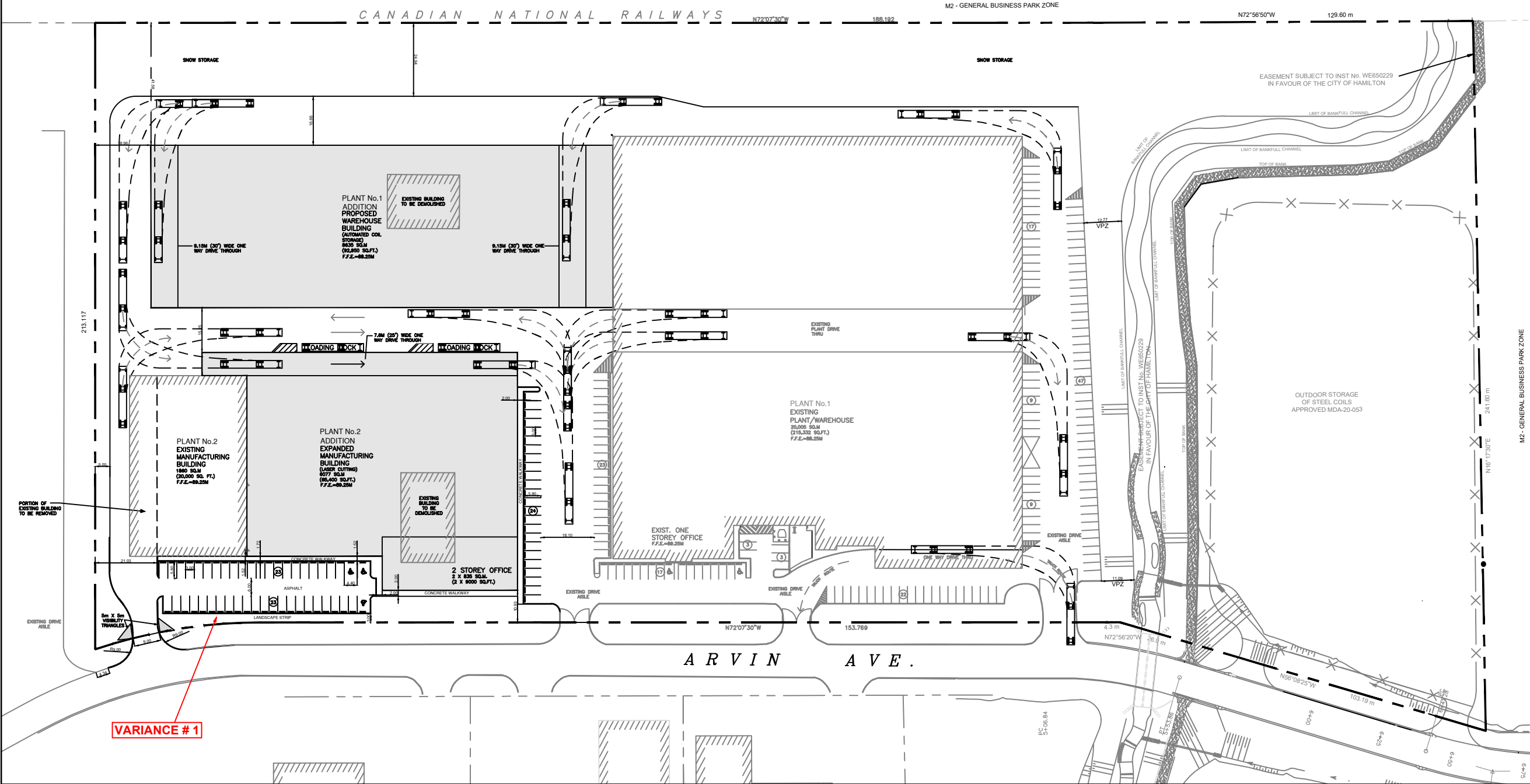
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 – urbansolutions.info

PROJECT:
901, 911, 925 & 967 Arvin Ave.
CITY OF HAMILTON

CLIENT:
Janco Steel Ltd.

TITLE:
COMMITTEE OF
ADJUSTMENT SKETCH

U/S FILE NUMBER:
307-18
SHEET NUMBER:
1



APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

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, 2	NAME	ADDRESS	
Registered Owners(s)	1201068 Ontario Ltd.	[REDACTED]	Phone: [REDACTED] E-mail: [REDACTED]
Applicant(s)*	Janco Steel c/o Al Schutten	[REDACTED]	Phone: [REDACTED] E-mail: [REDACTED]
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston	[REDACTED]	Phone: [REDACTED] E-mail: [REDACTED]

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

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
 N/A

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

Please see cover letter.

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

Please see cover letter.

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

62M-640, Lots 3,4,5&6, R-Plan No. 62R-17861, 62R-19402 Parts 1,2,3&4

7. PREVIOUS USE OF PROPERTY

Residential ☐ Industrial ☒ Commercial ☐

Agricultural ☐ Vacant ☐

Other _____

- 8.1 If Industrial or Commercial, specify use Steel processing

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

Yes ☒ No ☐ Unknown ☐

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

Yes ☐ No ☒ Unknown ☐

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

Yes ☐ No ☒ Unknown ☐

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

Yes ☐ No ☒ Unknown ☐

- 8.6 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 ☐

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

Yes ☐ No ☒ Unknown ☐

- 8.8 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 ☐

- 8.9 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 ☐

8.10 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 ☐

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

Discussion with owner.

8.12 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 ☒

9. 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.

JAN 15, 2021

Date


Signature of Property Owner

1201068 Ontario Ltd.

Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>480m along 901, 911, 925 & 967 Arvin Avenue</u>
Depth	<u>203.9m</u>
Area	<u>98,604.9sq m</u>
Width of street	<u>Collector Road +/- 26m ROW</u>

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: _

Please see Sketch

Proposed

Please see Sketch

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

Existing:

Please see Sketch

Proposed:

Please see Sketch

13. Date of acquisition of subject lands:
1999
14. Date of construction of all buildings and structures on subject lands:
Various buildings on several addresses. Dates unknown.
15. Existing uses of the subject property:
Steel processing
16. Existing uses of abutting properties:
Steel manufacturing
17. Length of time the existing uses of the subject property have continued:
20 + years
18. Municipal services available: (check the appropriate space or spaces)
Water Yes Connected Yes
Sanitary Sewer Yes Connected Yes
Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
"Employment Areas" & "Business Park" (UHOP).
Not located within a Secondary Plan.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
697 Arvin Ave. subject to Exception 405 & Holding 26. MDA-20-053 is approved and ZAH-20-023 Holding Removal B-law is being brought forward to Council.
21. Has the owner previously applied for relief in respect of the subject property?
☐ Yes ☒ No
If the answer is yes, describe briefly.
N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
☐ Yes ☒ No
23. Additional Information
Please see cover letter and accompanying Sketch.
24. 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.



January 21, 2021

307-18

Via Email and Delivered

Ms. Jamila Sheffield
Secretary-Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield,

**RE: 901, 911, 925 & 967 Arvin Avenue, Hamilton
Minor Variance Application
(SPA-20-053)**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions), has been retained to act as the authorized planning consultant for 1201068 Ontario Ltd., c/o Janco Steel Ltd., owner of the lands known municipally as 901, 911, 925 & 967 Arvin Avenue, in the City of Hamilton. We are pleased to submit this Minor Variance application on their behalf.

The subject lands are located in Stoney Creek and span four contiguous parcels of land in the General Business Park (M2) Zone in the City of Hamilton Zoning By-law No. 05-200. The lands municipally addressed 967 Arvin Avenue are additionally subject to a Holding provision and Site-Specific Exception No. 405. A development application for this address (MDA-20-053) was approved on January 7, 2021 and Staff are working to bring the Holding Removal By-law forward to Council. This application was to accommodate the open storage of steel coils as an accessory use to the balance of the operation on the subject lands.

Site Plan Control application SPA-20-112 was deemed complete on October 21, 2020. The lands are proposed to be developed with 14,712 square metres of new warehouse space and 1,670 square metres of new office space. A portion of the existing building located at 901 Arvin Avenue will be demolished, and both buildings located at 911 Arvin Avenue will be demolished. This application received conditional SPA approval on January 21, 2021.

As noted in Special Condition No. 2, this Minor Variance application is required to facilitate the proposed industrial expansion of steel processing activities. The requested variance will bring the Site Plan into conformity with the site-specific zoning applicable to the subject lands.

This Minor Variance application is intended to achieve relief from the City of Hamilton Zoning By-law No. 05-200 with respect to the Business Park (M2) Zone as follows:

- *“That a 3.0 m Landscape Area be provided for 71 metres of frontage located along the proposed parking area of the existing and proposed manufacturing building (Plant No. 2) whereas a 6.0 m Landscape Area is required.”*

To assist in the evaluation of this application, please refer to the enclosed Committee of Adjustment Sketch. Justification for the proposed variance has been provided below in accordance with Section 45 of the *Planning Act*:

1. Is the proposed minor variance in keeping with the general purpose and intent of the Urban Hamilton Official Plan?

As identified on Schedule E – Urban Structures, the subject property is designated Employment Areas, and on Schedule E-1 – Urban Land Use Designations, the subject property is designated Business Park in the Urban Hamilton Official Plan. As outlined in Section E.2.7 of the UHOP, Employment Areas are the primary employment generators in the City and shall be retained (E.2.7.4). Furthermore, Section E.5.4.3 notes that the current use is permitted within lands designated Employment Area – Business Park, and Section E.5.4.7 directs that new development and redevelopment of existing sites shall contribute to a quality image in those areas adjacent to public roads.

The intent of these policies is to encourage and accommodate compatible forms of development which is exemplified in the subject application. The requested variance will facilitate the Site Plan, which represents a permitted use, and the proposed industrial expansion is in keeping with the existing and planned land uses in the surrounding area. Therefore, the requested variance meets the general purpose and intent of the Official Plan.

2. Is the proposed minor variance in keeping with the general purpose and intent of the Zoning By-law?

The subject properties are located in the “General Business Park” (M2) Zone, with 967 Arvin Avenue furthermore subject to Exception 405 and Holding 26, in Zoning By-law No. 05-200.

The By-law provision regarding Landscape Area is intended to ensure there is a sufficient buffer between the property line and parking spaces in this case. The requested reduction applies only to the far south western portion of the property for a short row of parking spaces. A 3 metre Landscape Area will be provided, inclusive of adequate buffering plantings, along with wrought iron fencing across the frontage of the entirety of the subject lands to the satisfaction of the City. This landscaped buffer planting and fencing is secured through the concurrent process.

The proposal conforms to all other zoning provisions and therefore the overall intent of the Zoning By-law is maintained.

3. Is the proposed minor variance minor in nature?

The proposed variance is minor in nature and necessary to facilitate Site Plan approval. The intent of this application is to request a reduction to a small section of Landscape Area, and will allow a permitted use. Given that all other regulations of the By-law remain, the request is generally consistent with the Zoning By-law and is considered to be minor in nature.

4. Is the proposed minor variance desirable for the appropriate development or use of the land, building or structure?

The requested variance will facilitate Site Plan approval, which will result in a form of development that is in keeping with the character of the surrounding area, and represents a use of land that is permitted in the Urban Hamilton Official Plan and Zoning By-law 05-200. Therefore, the application is desirable and appropriate for the development of the lands.

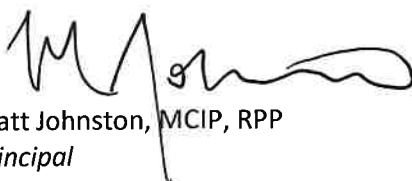
As such, the proposed variances satisfy the four tests outlined in Section 45(1) of the *Planning Act* as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

In support of our Minor Variance application, please find enclosed the following:

- Two (2) copies of the completed Minor Variance application form;
- Two (2) copies of the Minor Variance Sketch completed by UrbanSolutions;
- One (1) cheque in the amount of \$3,320.00 made payable to the City of Hamilton; and
- One (1) cheque in the amount of \$505.00 made payable to the Hamilton Conservation Authority.

We look forward to working with City staff in the review of this application. Should you have any questions or require anything further, please do not hesitate to contact the undersigned.

Kind Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Ava Barnett, BA (Hons)
Planning Technician

cc: Mr. Carl Evink and Mr. Kevin Bos, Janco Steel Ltd.
Cllr. Maria Pearson