

## **NOTICE OF PUBLIC HEARING** **Minor Variance**

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**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
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**APPLICATION NO.:** HM/A-21:110

**APPLICANTS:** Agent GSP Group c/o J. Liberatore  
Owner 389 Avondale Inc.

**SUBJECT PROPERTY:** Municipal address **389-391 Avondale St., Hamilton**

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

**ZONING:** "M6,375" (Light Industrial) district

**PROPOSAL:** To permit the construction of a new one storey, 202.2m<sup>2</sup> industrial building notwithstanding that:

1. A lot area of 513.0m<sup>2</sup> shall be provided instead of the minimum required lot area of 4000.0m<sup>2</sup>.
2. A lot width of 16.0m shall be provided instead of the minimum required lot width of 45.0m.
3. No landscaped area shall be provided instead of the minimum 3.0m wide landscaped area required abutting a street line.
4. The parking area shall be 0.0m from a street line whereas the by-law requires a parking area to be at least 3.0m from a street line.
5. No planting strip shall be provided instead of the minimum 3.0m wide planting strip required between a parking area and the street line.

**NOTES:**

These variances are necessary to facilitate Site Plan Control Application No. DA-20-021.

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

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**DATE:** Thursday, May 27th, 2021  
**TIME:** 3:50 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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## **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](http://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](mailto:cofa@hamilton.ca)

DATED: May 11th, 2021.

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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.***

DETAILS OF DEVELOPMENT

DATA	REQUIRED	PROVIDED
ZONING	M6 (LIGHT INDUSTRIAL)	
GROSS LOT AREA (m²)		513.2
BUILDING AREA (m²)		202.2
BUILDING COVERAGE(%)		39.3
SETBACKS	FY (m)	N/A
	RY (m)	N/A
	N. SY (m)	N/A
	S. SY (m)	N/A
MIN. FRONTAGE (m)	45.0	16.7
MIN. YR ABUT. STREET(m)	3.0	13.3
NUMBER OF STOREYS	N/A	1
BUILDING HEIGHT (m)	N/A	6.9
LANDSCAPE AREA (m²)	N/A	13.3
LANDSCAPE AREA (%)	N/A	3.3
IMPERVIOUS AREA (m²)	N/A	499.9
PARKING REQUIRED 1 SPACE / 30 m²	6.7	7
RECOMMENDED No. OF BARRIER FREE SPACES 5% OF TOTAL	0.4	1

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND DISCREPANCIES TO THE CONSULTANT.

THESE DOCUMENTS ARE COPYRIGHTED INSTRUMENTS OF SERVICE AND PROPERTY OF THE ARCHITECT.

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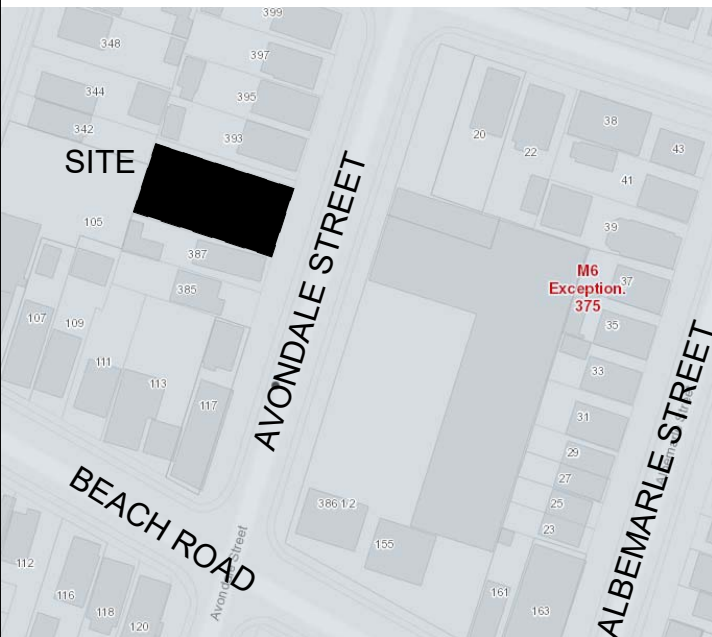
DO NOT SCALE THESE DRAWINGS.

REVISIONS:

NO.: DATE: ISSUED:

011 29.11.2019 SPA PRE-CONSULTATION

02 18.12.2020 SITE PLAN



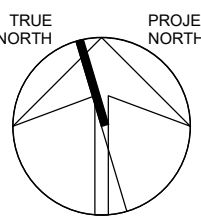
KEY PLAN

LEGAL DESCRIPTION:

PART 2 OF LOT 25, 26 & 27 REGISTERED PLAN 481  
LEGAL INFORMATION PROVIDED BY A.T. MCLAREN LTD.  
LIMITED DATED MARCH, 08, 2018.

SITE PLAN LEGEND

- ENTRANCE
- EXIT
- OVERHEAD DOOR



PROJECT:

INDUSTRIAL BUILDING

389-391 AVONDALE STREET,  
HAMILTON

MARANT ESTATE HOLDINGS INC.

DRAWING TITLE:

SITE PLAN

DATE: 2020.08.13

SCALE: As indicated

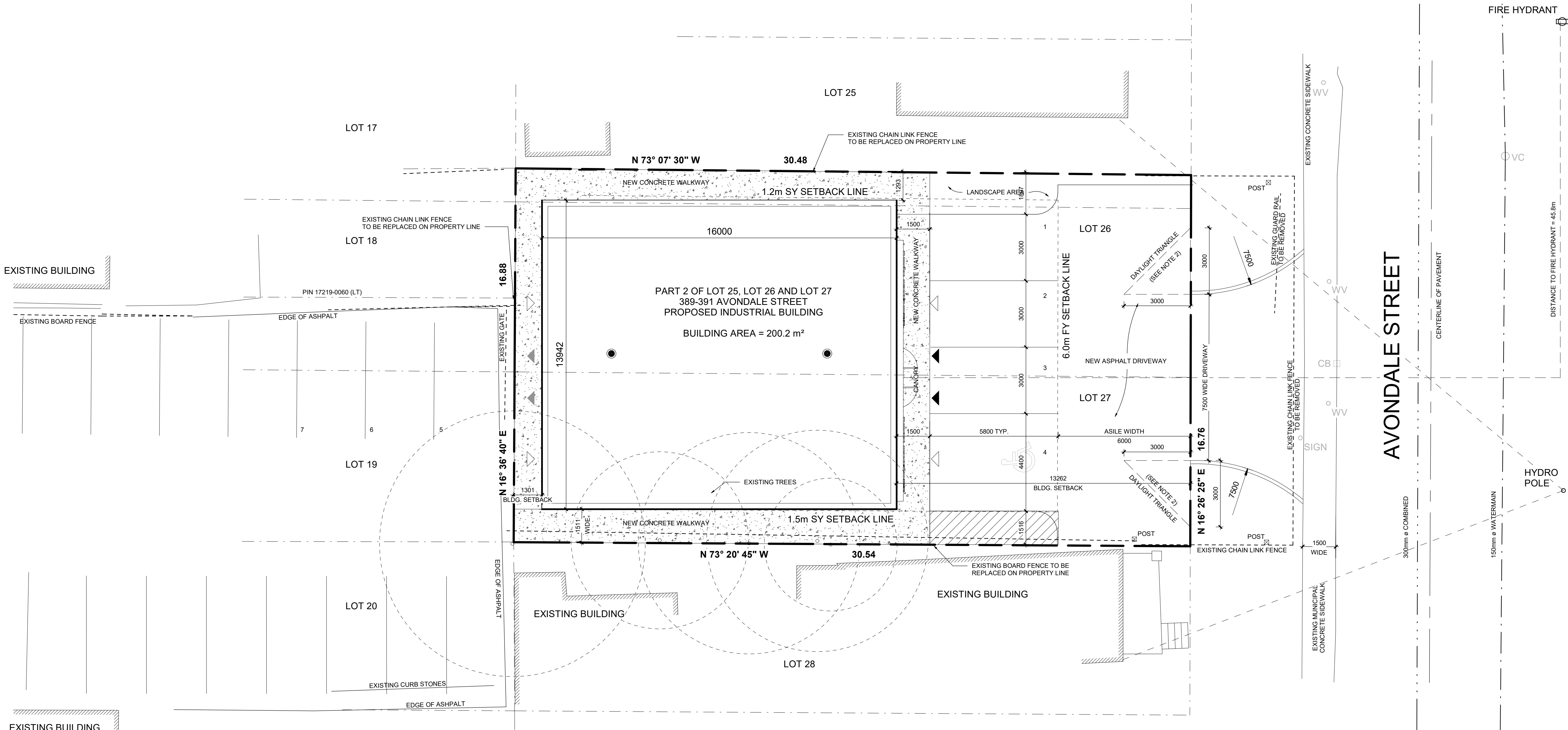
DRAWN: SM

STATUS: PERMIT

JOB NO.: 1919

DRAWING NO.:

.A1.1



NOTES:

- 3 PARKING SPACES TO BE PROVIDED THROUGH EXISTING PARKING AT REAR
- 3 METRE BY 3 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.60 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTERLINE ELEVATION OF THE ADJACENT STREET
- SNOW WILL BE HAULED AWAY FROM SITE.
- GARBAGE WILL BE STORED INDOORS.

1 SITE PLAN  
A1.1 SCALE: 1:100



GENERAL LANDSCAPE SPECIFICATIONS:

General Instructions:

- Contractor is responsible for locating all underground services prior to any excavation,
- The landscape contractor is advised that no tree/shrub planting is to occur during the months of December, January, February, March, and July.

Topsoil for Sodded Areas:

Mixture of mineral particulates, micro-organisms and organic matter which provides suitable medium for supporting intended plant growth.

- soil texture based on the Canadian System of Soil Classification, to consist of 20-70% sand and contain 5-10% organic matter by weight
- Fertility: major soil nutrients present in the following ratios,
  - Nitrogen (N) 20-40 micrograms of available N per gram of topsoil,
  - Phosphorus (P) 10-20 micrograms of phosphate per gram of topsoil,
  - Potassium (K) 80-120 micrograms of potash per gram of topsoil,
  - Calcium, magnesium, sulphur, and micro-nutrients present in balanced ratios to support germination and/or establishment of intended vegetation,
- Ph value: 5.5 to 7.5,
- Contain no toxic elements or growth inhibiting materials,
- Free from:
  - Debris and stones over 25mm diameter,
  - Course vegetative material, 10mm diameter and 100mm length, occupying more than 2% of soil volume,
- Consistence: friable when moist,

Spreading of Topsoil:

Scarify the subsoil prior to the spreading the topsoil. Remove all debris and leave a fine-textured even surface, all topsoil to be imparted unless previously approved by the landscape architect. Obtain approval for the quality of any imported topsoil before delivery to the site.

Sod:

Any areas specified to be sodded, install sod which conforms with the specifications of the Nursery Sod Growers Association of Ontario. All lawn areas shall receive a minimum of 100mm of topsoil and shall be sodded with #1 Bluegrass-Fescue sod.

Mineral Fertilizer:

Apply the following mineral fertilizer unless soils tests show other requirements;

- Sodded areas – 11% nitrogen, 8% phosphorus and 4% potash (11-8-4) at a rate of 4.5 kg. per square metre. (10 lbs per 1000 sq. ft.)
- Planting beds - 7% nitrogen, 7% phosphorus, and 7% potash (7-7-7) at the rate of 40 grams (4 oz) per bushel of topsoil,

Preparation of Planting Beds:

All planting beds to be continuous. Excavate all planting beds to the depth as indicated on the drawings and details, min 300mm (1.0'), backfill all planting beds with a soil mixture consisting of six (6) parts of sandy loam, one (1) part of finely pulverized peat moss, two (2) parts of well-rotted manure and the mineral fertilizer as specified above. Also add .58 kilos bonemeal/cubic metre of planting soil (1lb/cu yd.).

Note: if the existing soil conditions are clay or wet in nature, contact the landscape architect for instructions for a suitable soil mixture or drainage detail.

Mulch:

All planting beds and tree pits to be treated with shredded pine bark mulch, to a depth of 75mm minimum.

Plant Material:

All plant material shall conform to the standards of the Canadian Nursery Trades Association for size and species. All shrubs and tree material shall be container grown, potted, W/B or B/B, unless otherwise noted. Contractor shall make requests for root condition substitution in writing to the landscape architect prior to commencement of planting operations.

Plant Material Installation:

All trees, shrubs, and ground covers shall be planted as detailed and as shown on the planting plan. All beds to receive a cover of clean mulch to a depth of 75mm. For guying and staking trees, refer to the planting details.

The individual plant grouping total as illustrated on the planting plan supersedes the estimated quantity on the master plant list. Contractor must report any discrepancies to the landscape architect in writing before commencing any work. Contractor will assume full responsibility if landscape architect is not notified on discrepancies.

Ensure that top two rows of wire basket are removed from root ball after installation in planting pit, for all trees planted with wire basket.

General Maintenance:

Proper maintenance procedures are to be fully administered for all newly constructed landscape work on accordance with Landscape Ontario specifications. This shall apply during the construction and maintenance and warranty period. Contractor is responsible for maintenance of sod and plantings until final acceptance by landscape architect.

Rodent protection: the contractor shall be responsible for the protection of all trees and shrubs for winter protection and from rodent injury for the duration of the warranty period. Protective guards shall be employed around all deciduous trees.

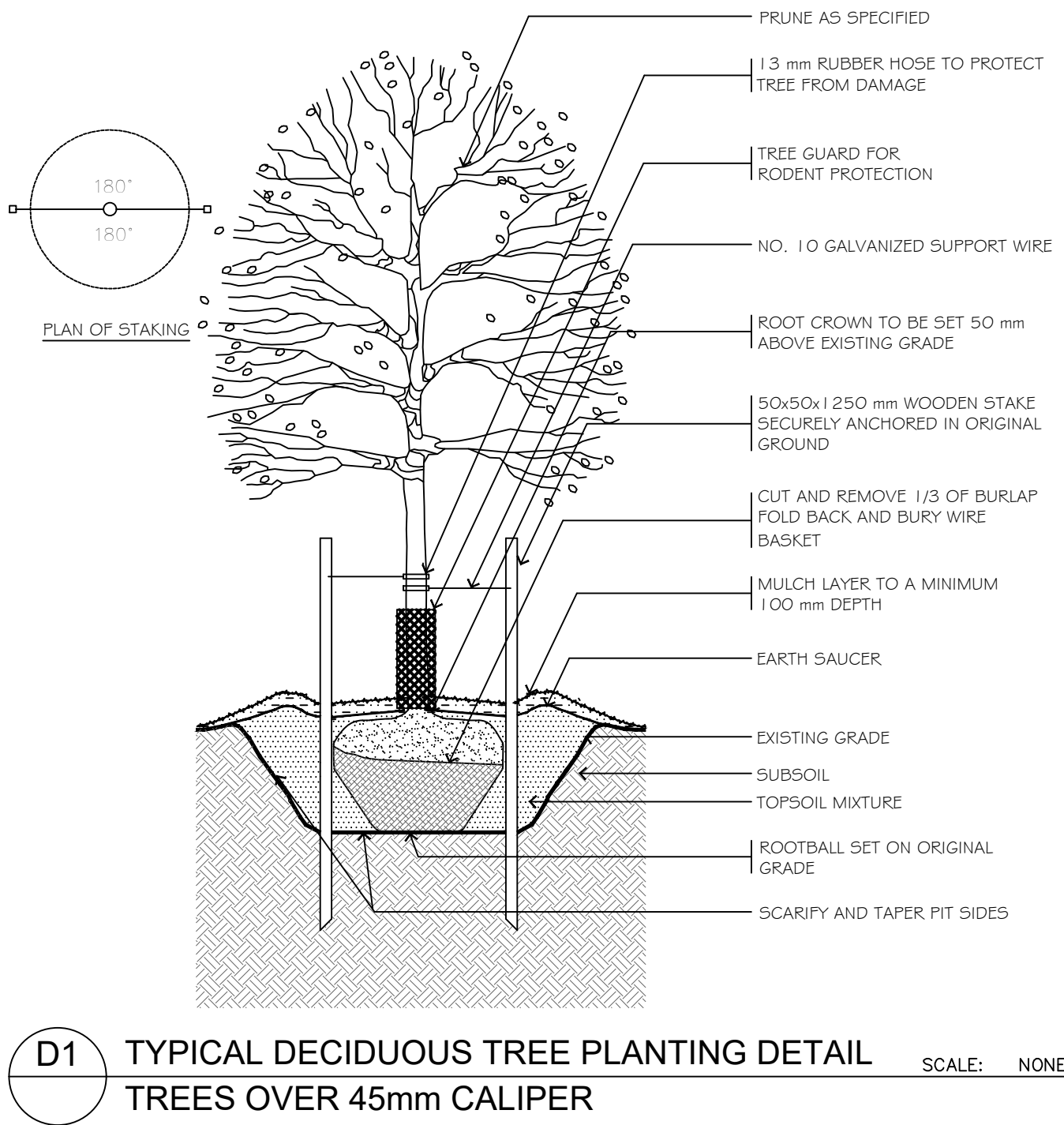
General Requirements:

Use above specifications in conjunction with the general landscape specifications of the Ontario Landscape Contractors Association, The Nursery Sod Growers Association of Ontario and with the Guide Specifications for Nursery Stock of the Canadian Nursery Trades Association. Use only plant material true to name, size and grade as specified on planting plan: provide sufficient labels or markings to indicate clearly the variety, size and grade of each specimen or bundle.

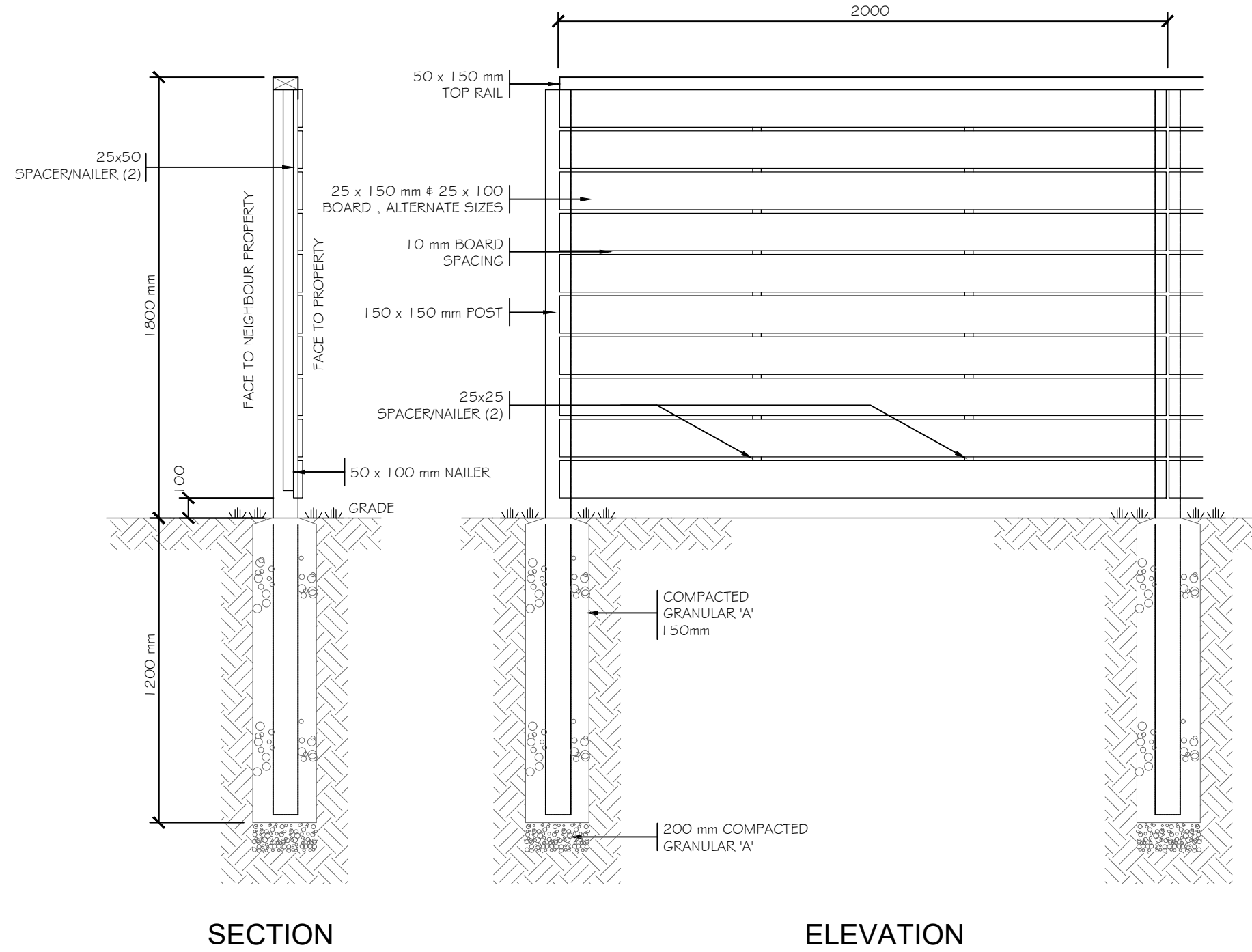
Obtain approvals for substitutions as to variety, size or grade from the landscape architect. Use only nursery stock, grown under proper horticultural practices, viable, free from pest and disease and undamaged. Obtain all necessary permits before commencement of construction. Report in writing any discrepancies in the drawings, specifications and contract documents to the landscape architect before the end of the bidding process and commencement of construction. These specifications may be superseded by additional specifications set out in the tender documents. Contractor to review all documents.

Warranty:

The contractor will warranty all plant material with a one year (unless advised otherwise by owners representative) labour and material warranty, commencing final acceptance by the landscape architect.

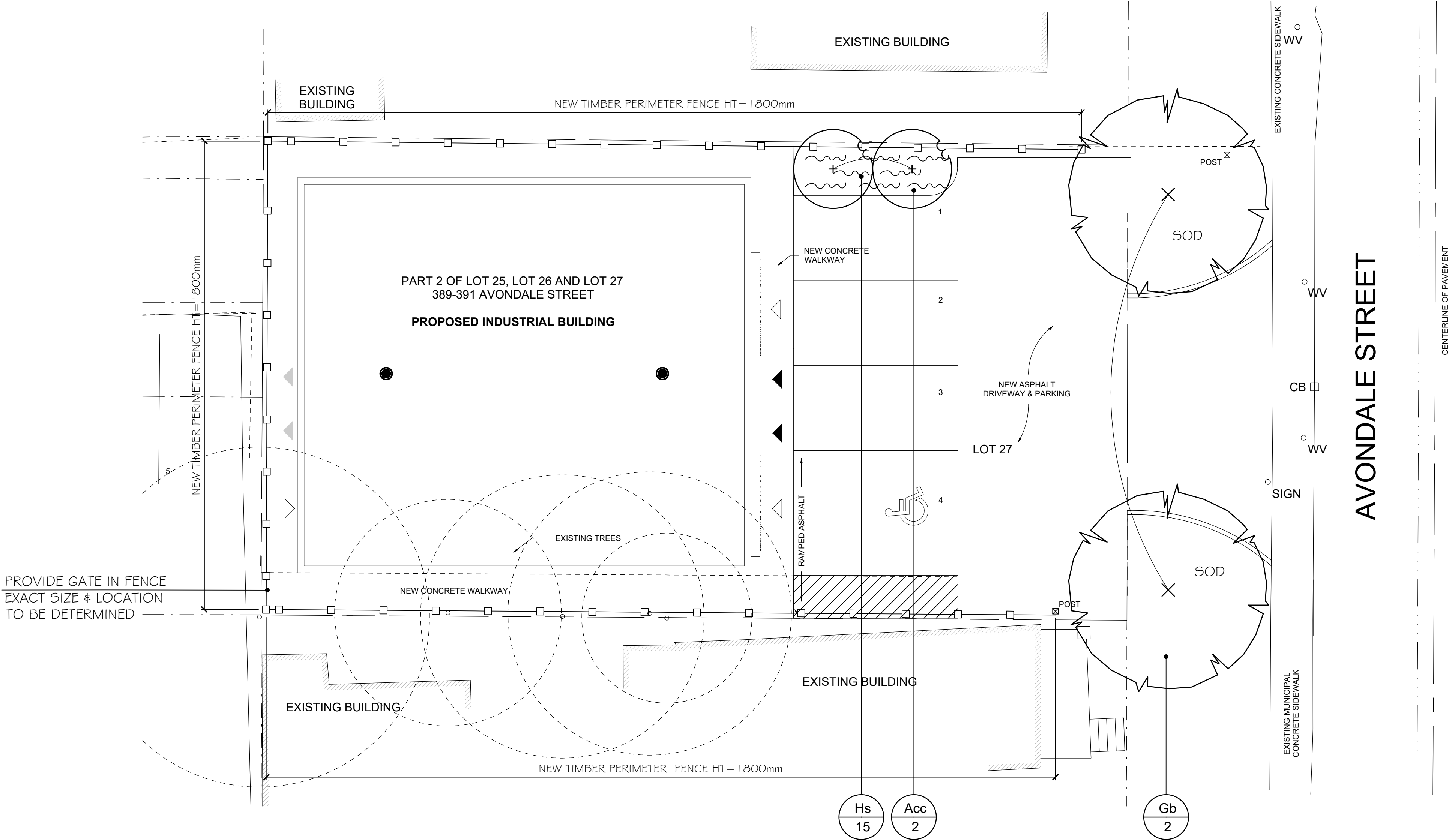


D1 TYPICAL DECIDUOUS TREE PLANTING DETAIL TREES OVER 45mm CALIPER SCALE: NONE



D2 TIMBER (CEDAR) PERIMETER FENCE DETAIL (TIMBER POSTS TO BE PRESSURE TREATED) SCALE: NONE

389 Avondale - PLANT LIST						
W.B.= Wire Basket, B&B = Balled and Burlapped, CT = Container Grown						
Code	BOTANICAL NAME	COMMON NAME	SIZE	#	ROOT CONDITIO	REMARKS
Deciduous Trees						
Acc	Amelanchier canadensis	Serviceberry (multi-stem)	200cm ht.	2	W.B.	Multi-stem
Gb	Ginkgo biloba 'Magyar'	Maidenhair Tree	60mm cal.	2	W.B.	Full & equal form
Perennials						
Hs	Hemerocallis 'Stella D'Oro'	Daylily 'Stella D'Oro' (yellow)	1 gal pot	15	CT	Well Branched



NO.	DESCRIPTION	DATE
 <b>JAMES MCWILLIAM</b> LANDSCAPE ARCHITECT jmcwilliam@jmladesign.com		
PROJECT	<b>389-391 AVONDALE STREET HAMILTON, ON.</b>	
DRAWING	<b>PLANTING PLAN</b>	
		
SCALE:		1:100
DATE:		OCTOBER 2020
DESIGN BY:		J.S.M.
DRAWN BY:		T.F.G.
SHEET:		<b>L1</b>



March 16, 2021

File No: 19206

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

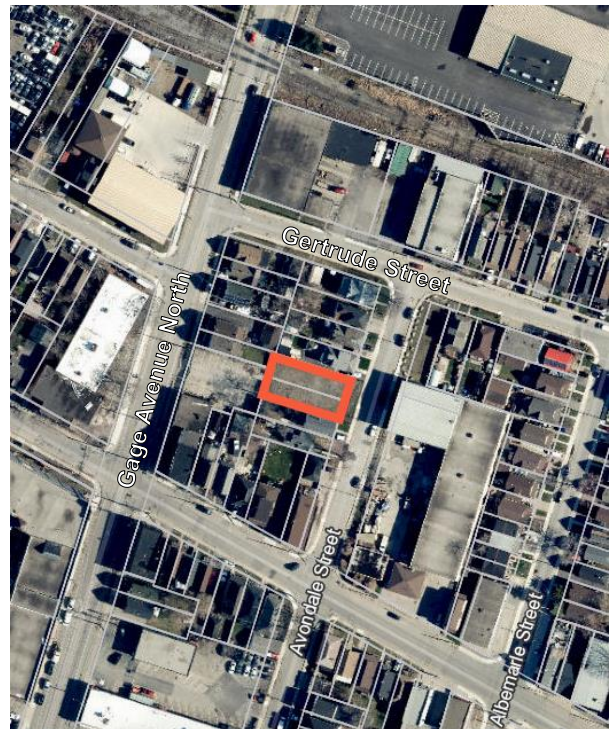
Dear Ms. Sheffield:

**RE: 389 – 391 Avondale Street  
MINOR VARIANCE APPLICATION**

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On behalf of 389 Avondale Inc., GSP Group is pleased to submit the enclosed Minor Variance Application on lands municipally known as 389 – 391 Avondale Street in the City of Hamilton.

The Site is located on the west side of Avondale Street, bounded by Gertrude Street to the north and Beach Road to the south. The Site is 513.2m<sup>2</sup> in area with a frontage of 16.7 m along Avondale Street. The Site is permitted for light industrial uses as intended by the M6 Zone under Zoning By-law No. 05-200, similarly to all adjacent properties including the existing light industrial facility on the opposite side of Avondale Street and the legal non-conforming residential dwellings to the north and south of the Site.



**Figure 1: Location Map** Source: Hamilton IMapper, 2021



**Figure 2:** East Site Elevation Source: Google Earth Imagery, 2015

It is noted that the Site previously had residential uses located on it, similar to adjacent properties to the north and south, dating back to approximately 1919 (as per Air Photo Records) and had been removed at an indetermined point of time between 1967 and 1998. The site was subsequently used as an extension to a parking area that connected to Gage Avenue North.

## **Proposed Development**

The purpose of this Minor Variance application is to implement approved Site Plan Application DA-20-021 in order to facilitate the construction of a permitted 1-storey 202.2m<sup>2</sup> Light Industrial Building. Please refer to attached Site Plan drawing prepared by Masri O Inc. Architects and Landscape Plan drawing prepared by James McWilliam Landscape Architect.

Through the City's internal circulation of the approved Site Plan, parking and requisite drive aisle widths were required to facilitate the light industrial uses proposed. To accommodate the required parking and drive aisle, a reduction from the landscaped area, planting strip and aisle setback from the front lot line have been requested. In addition to recognize the existing legal non-conforming lot size, variances to permit reductions in minimum lot area and lot width have also been requested.

## Policy Overview

The Site is within the “Industrial Land” designation in accordance with *Schedule E-2 -Urban Land Use Designations* of the Urban Hamilton Official Plan (UHOP) and is currently zoned in the Light Industrial (M6) Zone” pursuant to Zoning By-law No. 05-200. This land use designation general permits a range of industrial uses, including the light industrial uses proposed herein as part of the Approved Site Plan application and this Minor Variance application. It is noted that UHOP Policy 5.2.6 b) prohibits residential uses within any Employment Area designation, including the “Industrial Land” Designation.

Accordingly, to permit the permitted Light Industrial uses on the Site and conform with the UHOP, relief is required from the M6 Zone requirements, particularly with respect to the minimum lot area of 4,000.0m<sup>2</sup>, the minimum lot width of 45.0m, the landscaped area of 3.0m, the 3.0m planting strip, and the aisle setback of 3.0m of by-law No. 05-200. It is noted that this relief has been identified during City Zoning staff’s review of the Approved Site Plan application and is required in order to satisfy a Condition of Approval.

## Requested Minor Variances

As noted above, the Site is zone Light Industrial (M6) Zone under City Zoning By-law No. 05-200. Accordingly, to implement the Approved Site Plan, the following variances are required:

1. A 3,486.8m<sup>2</sup> reduction to allow a 513.2m<sup>2</sup> minimum lot area, whereas a 4,000.0m<sup>2</sup> minimum lot area is required (Section 9.6.3.a);
2. A 28.24m reduction to allow a 16.76m minimum lot width, whereas a 45.0m minimum lot width is required (Section 9.6.3.b);
3. A 3.0m reduction to allow a 0m minimum landscaped area abutting a street, whereas a 3.0m minimum landscaped area is required (Section 9.6.3.k)i);
4. A 3.0m reduction to allow a 0m planting strip between the streetline and parking spaces, whereas a 3.0m minimum planting strip is required (Section 5.1.a)v)b); and,
5. A 3.0m reduction to allow a 0m minimum aisle setback of a streetline, whereas a 3.0m minimum aisle setback of a streetline is required (Section 5.1.a)v)a).

## Requested Minor Variances

Section 45(1) of the *Planning Act* states that the Committee of Adjustment “*may authorize such minor variances from the provisions of the by-law, in respect of the land, building or structure or the use thereof*” provided the following four tests are met:

- a) Does the minor variance maintain the general intent and purpose of the Official Plan?
- b) Does the minor variance maintain the general intent and purpose of the Zoning By-law?
- c) Is the minor variance desirable for the appropriate development or use of the land, building, or structure?
- d) Is the requested variance minor in nature?

The analysis that follows demonstrates how the requested variances satisfy the four tests of a minor variance.

### **a) Does the requested variance maintain the general intent and purpose of the Official Plan?**

The subject lands are identified within the “Employment Areas” urban structure element on “Schedule E – Urban Structure” and designated “Industrial Lands” on “Schedule E-1 – Urban Land Use Designations” of the Urban Hamilton Official Plan (“UHOP”).

#### ***Variance 1 – Reduction in Minimum Lot Area***

The proposed reduction in minimum lot area is required in order to recognize a legally non-confirming lot size configuration that was established through the merging of multiple adjacent properties that were historically used for residential purposes. Consequently, these lands presently are and have been vacant for a minimum of 20-30 years. As such, the reduction in lot area is solely to recognize the existing condition of the lands and will have no material physical change to the property.

**Therefore, the requested minimum lot area is compatible with the existing character and function of the neighbourhood and therefore the requested variance meets the general intent and purpose of the Official Plan.**

#### ***Variance 2 – Reduction in Minimum Lot Width***

Similarly to Variance 1 noted above, the proposed reduction in minimum lot width is required in order to recognize a legally non-confirming lot size configuration that was established through the merging of multiple adjacent properties that were historically used for residential purposes. Consequently, these lands presently are



and have been vacant for a minimum of 20-30 years. As such, the reduction in lot width is solely to recognize the existing condition of the lands and will have no material physical change to the property.

**Therefore, the requested minimum lot width is compatible with the existing character and function of the neighbourhood and therefore the requested variance meets the general intent and purpose of the Official Plan.**

***Variance 3 – Reduction in Minimum Landscaped Area Abutting a Streetline***

The proposed reduction in minimum landscaped area is required in order to allow for the required parking and aisle to be accommodated with the new light industrial building to be constructed as part of the Approved Site Plan. It is noted that the streetline presently has a chain link fence, which is to be removed, that encroaches within the municipal right-of-way and a hardscaped surface previously used for overflow parking. As such, the construction of the Approved Site Plan in tandem with the requested variance reduction in minimum landscaped area will result in a street interface along Avondale Street that is an improvement from the existing vacant hardscaped interface with one that is an improvement on the public realm with the addition of a higher quality design light industrial building and inclusion of trees within the boulevard as noted in the Approved Site Plan.

**Therefore, the requested minimum landscaped area abutting a streetline is compatible with the existing character and function of the neighbourhood and therefore the requested variance meets the general intent and purpose of the Official Plan.**

***Variance 4 – Reduction in planting strip between the streetline and parking spaces***

Similarly to Variance 3 noted above, the proposed reduction in planting strip between the streetline and parking spaces is required in order to allow for the required parking and aisle to be accommodated with the new light industrial building to be constructed as part of the Approved Site Plan. It is noted that the streetline presently has a chain link fence, which is to be removed, that encroaches within the municipal right-of-way and a hardscaped surface previously used for overflow parking. As such, the construction of the Approved Site Plan in tandem with the requested variance reduction of the planting strip between the streetline and parking spaces will result in a street interface along Avondale Street that is an improvement from the existing vacant hardscaped interface with one that is an improvement on the public realm with the addition of a higher quality design light industrial building and inclusion of trees within the boulevard as noted in the Approved Site Plan.

**Therefore, the requested planting strip between the streetline and parking spaces is compatible with the existing character and function of the neighbourhood and therefore the requested variance meets the general intent and purpose of the Official Plan.**

***Variance 5 – Reduction in minimum aisle setback of a streetline***

Similarly to Variances 3 and 4 noted above, the proposed reduction in minimum aisle setback of a streetline between the streetline and parking aisle is required in order to allow for the required parking and aisle to be accommodated with the new light industrial building to be constructed as part of the Approved Site Plan. It is noted that the streetline presently has a chain link fence, which is to be removed, that encroaches within the municipal right-of-way and a hardscaped surface previously used for overflow parking. As such, the construction of the Approved Site Plan in tandem with the requested variance reduction of the planting strip between the streetline and parking spaces will result in a street interface along Avondale Street that is an improvement from the existing vacant hardscaped interface with one that is an improvement on the public realm with the addition of a higher quality design light industrial building and inclusion of trees within the boulevard as noted in the Approved Site Plan.

**Therefore, the requested reduction in minimum aisle setback of a streetline is compatible with the existing character and function of the neighbourhood and therefore the requested variance meets the general intent and purpose of the Official Plan.**

**b) Does the requested variance maintain the general intent and purpose of the Zoning By-law?**

As noted previously, the subject lands are currently zoned in the Light Industrial (M6) Zone” pursuant to Zoning By-law No. 05-200.

***Variance 1 – Reduction in Minimum Lot Area***

The purpose of a minimum lot area is to ensure that there is sufficient space to accommodate a building, parking area and drive aisle, access driveway, and pedestrian access.

As noted previously, the proposed reduction in minimum lot area is required in order to recognize a legally non-confirming lot size configuration that was established through the merging of multiple adjacent properties that were historically used for residential purposes. Consequently, these lands presently are and have been vacant for a minimum of 20-30 years. As such, the reduction in lot area is solely to



recognize the existing condition of the lands and will have no material physical change to the property.

**Therefore, the requested variance for reduction in minimum lot area maintains the general intent and purpose of the Zoning By-law.**

***Variance 2 – Reduction in Minimum Lot Width***

The purpose of a minimum lot width is to ensure that there is sufficient space to accommodate a building, parking, vehicular and pedestrian access and adequate side yards.

As noted previously, the proposed reduction in minimum lot width is required in order to recognize a legally non-confirming lot size configuration that was established through the merging of multiple adjacent properties that were historically used for residential purposes. Consequently, these lands presently are and have been vacant for a minimum of 20-30 years. As such, the reduction in lot width is solely to recognize the existing condition of the lands and will have no material physical change to the property.

**Therefore, the requested variance for reduction in minimum lot width maintains the general intent and purpose of the Zoning By-law.**

***Variance 3 – Reduction in Minimum Landscaped Area Abutting a Streetline***

The purpose of a minimum landscaped area abutting a streetline is to ensure that there is buffering between the parking area and the street, creating visual separation from the hardscaped parking to the public realm.

This by-law requirement is applicable to all developments within the M6 Zone; however, its applicability on our site, based on the Site's existing configuration would render the entire front portion of the Site unusable and not able to accommodate the parking area and drive aisle required to accompany a light industrial development as Site Plan approved.

It is important to note that the intent of the by-law for screening is still achieved as the limit of the parking aisle will have a 5m separation distance from the closest west extent of the sidewalk along Avondale Street which is to have sod and inclusion of trees within the boulevard as noted in the Approved Site Plan.

**Therefore, the requested variance for reduction in minimum landscaped area abutting a streetline maintains the general intent and purpose of the Zoning By-law.**

#### ***Variance 4 – Reduction in Planting Strip between the Streetline and Parking***

Similarly to Variance 3 noted above, the purpose of a planting strip between the streetline and parking is to ensure that there is buffering between the parking area and the street, creating visual separation from the hardscaped parking to the public realm.

This by-law requirement is applicable to all developments within the M6 Zone; however, its applicability on our site, based on the Site's existing configuration would render the entire front portion of the Site unusable and not able to accommodate the parking area and drive aisle required to accompany a light industrial development as Site Plan approved.

It is important to note that the intent of the by-law for screening is still achieved as the limit of the parking aisle will have a 5m separation distance from the closest west extent of the sidewalk along Avondale Street which is to have sod and inclusion of trees within the boulevard as noted in the Approved Site Plan.

**Therefore, the requested variance for reduction in planting strip between the streetline and parking maintains the general intent and purpose of the Zoning By-law.**

#### ***Variance 5 – Reduction in minimum aisle setback of a streetline***

The purpose of a minimum aisle setback of a streetline is to ensure that there is buffering between the parking area aisles and the street, creating visual separation from the hardscaped parking area aisles to the public realm.

This by-law requirement is applicable to all developments within the M6 Zone; however, its applicability on our site, based on the Site's existing configuration would render the entire front portion of the Site unusable and not able to accommodate the parking area and drive aisle required to accompany a light industrial development as Site Plan approved.

It is important to note that the intent of the by-law for screening is still achieved as the limit of the parking aisle will have a 5m separation distance from the closest west extent of the sidewalk along Avondale Street which is to have sod and inclusion of trees within the boulevard as noted in the Approved Site Plan.

**Therefore, the requested variance for reduction in minimum aisle setback of a streetline abutting a streetline maintains the general intent and purpose of the Zoning By-law.**



**c) Is the minor variance desirable for the appropriate development or use of the land, building, or structure?**

What is key in the review of this criterion is whether the minor variance is desirable from a planning and public interest perspective. The test of desirability includes consideration of many factors that can affect the broad public interest as it relates to the subject lands, accepted planning principles and existing pattern of development.

***Variance 1 – Reduction in Minimum Lot Area***

As previously indicated, the proposed reduction in minimum lot area is required in order to recognize a legally non-confirming lot size configuration that was established through the merging of multiple adjacent properties that were historically used for residential purposes. Consequently, these lands presently are and have been vacant for a minimum of 20-30 years. As such, the reduction in lot area is solely to recognize the existing condition of the lands and will have no material physical change to the property that would have any undesirable impacts.

**Therefore, the requested variance for reduction in minimum lot area is considered desirable and appropriate.**

***Variance 2 – Reduction in Minimum Lot Width***

As noted previously, the proposed reduction in minimum lot width is required in order to recognize a legally non-confirming lot size configuration that was established through the merging of multiple adjacent properties that were historically used for residential purposes. Consequently, these lands presently are and have been vacant for a minimum of 20-30 years. As such, the reduction in lot area is solely to recognize the existing condition of the lands and will have no material physical change to the property that would have any undesirable impacts.

**Therefore, the requested variance for reduction in minimum lot width is considered desirable and appropriate.**

***Variance 3 – Reduction in Minimum Landscaped Area Abutting a Streetline***

As noted above, the purpose of a minimum landscaped area abutting a streetline is to ensure that there is buffering between the parking area and the street, creating visual separation from the hardscaped parking to the public realm. Based on the Site's existing configuration, a minimum landscaped area abutting a streetline would render the entire front portion of the Site unusable and not able to

accommodate the parking area and drive aisle required to accompany a light industrial development as Site Plan approved. Accordingly, a 5m separation distance from the east extent of the parking aisle on the Site to the closest west extent of the sidewalk along Avondale Street will be sodded and include trees within the boulevard as noted in the Approved Site Plan.

**Therefore, the requested variance for reduction in minimum landscaped area abutting a streetline is considered desirable and appropriate.**

***Variance 4 – Reduction in Planting Strip between the Streetline and Parking***

Similarly to Variance 3 noted above, the purpose of a planting strip between the streetline and parking is to ensure that there is buffering between the parking area and the street, creating visual separation from the hardscaped parking to the public realm. Based on the Site's existing configuration, a planting strip abutting the streetline would render the entire front portion of the Site unusable and not able to accommodate the parking area and drive aisle required to accompany a light industrial development as Site Plan approved. Accordingly, a 5m separation distance from the east extent of the parking aisle on the Site to the closest west extent of the sidewalk along Avondale Street will be sodded and include trees within the boulevard as noted in the Approved Site Plan.

**Therefore, the requested variance for reduction in planting strip between the Streetline and Parking is considered desirable and appropriate.**

***Variance 5 – Reduction in minimum aisle setback of a streetline***

Similarly to Variances 3 and 4 noted above, the purpose of a minimum aisle setback of a streetline is to ensure that there is buffering between the parking area aisles and the street, creating visual separation from the hardscaped parking area to the public realm. Based on the Site's existing configuration, a minimum aisle setback abutting the streetline would render the entire front portion of the Site unusable and not able to accommodate the parking area and drive aisle required to accompany a light industrial development as Site Plan approved. Accordingly, a 5m separation distance from the east extent of the parking aisle on the Site to the closest west extent of the sidewalk along Avondale Street will be sodded and include trees within the boulevard as noted in the Approved Site Plan.

**Therefore, the requested variance for reduction in minimum aisle setback of a streetline is considered desirable and appropriate.**



**d) Are the requested variances minor in nature?**

In the determination of whether a variance is minor, consideration of more than solely the numerical difference between the requested standard and the zoning by-law requirement is necessary. Consideration of how the variance impacts the overall area, as well as the Site must be evaluated.

***Variance 1 – Reduction in Minimum Lot Area***

As previously indicated, the proposed reduction in minimum lot area is required in order to recognize a legally non-confirming lot size configuration that was established through the merging of multiple adjacent properties that were historically used for residential purposes. Consequently, these lands presently are and have been vacant for a minimum of 20-30 years. As such, the reduction in lot area is solely to recognize the existing condition of the lands and will have no material physical change to the property that would have any undesirable impacts.

**Therefore, the requested variance for reduction in minimum lot area is considered minor in nature.**

***Variance 2 – Reduction in Minimum Lot Width***

As noted previously, the proposed reduction in minimum lot width is required in order to recognize a legally non-confirming lot size configuration that was established through the merging of multiple adjacent properties that were historically used for residential purposes. Consequently, these lands presently are and have been vacant for a minimum of 20-30 years. As such, the reduction in lot area is solely to recognize the existing condition of the lands and will have no material physical change to the property that would have any undesirable impacts.

**Therefore, the requested variance for reduction in minimum lot width is considered minor in nature.**

***Variance 3 – Reduction in Minimum Landscaped Area Abutting a Streetline***

As noted above, the purpose of a minimum landscaped area abutting a streetline is to ensure that there is buffering between the parking area and the street, creating visual separation from the hardscaped parking to the public realm. Based on the Site's existing configuration, a minimum landscaped area abutting a streetline would render the entire front portion of the Site unusable and not able to accommodate the parking area and drive aisle required to accompany a light industrial development as Site Plan approved. Accordingly, a 5m separation distance from the east extent of the parking aisle on the Site to the closest west extent of the sidewalk along Avondale Street will be sodded and include trees within

the boulevard as noted in the Approved Site Plan. The reduction will have minimal impact on the streetscape and will allow a functional Site Plan to coincide with boulevard improvements that mitigate any potential impact from a reduction in minimum landscaped area abutting a streetline.

**Therefore, the requested variance for reduction in minimum landscaped area abutting a streetline is considered minor in nature.**

***Variance 4 – Reduction in Planting Strip between the Streetline and Parking***

Similarly to Variance 3 noted above, the purpose of a planting strip between the streetline and parking is to ensure that there is buffering between the parking area and the street, creating visual separation from the hardscaped parking to the public realm. Based on the Site's existing configuration, a planting strip abutting the streetline would render the entire front portion of the Site unusable and not able to accommodate the parking area and drive aisle required to accompany a light industrial development as Site Plan approved. Accordingly, a 5m separation distance from the east extent of the parking aisle on the Site to the closest west extent of the sidewalk along Avondale Street will be sodded and include trees within the boulevard as noted in the Approved Site Plan. The reduction will have minimal impact on the streetscape and will allow a functional Site Plan to coincide with boulevard improvements that mitigate any potential impact from a reduction in a planting strip between the Streetline and Parking.

**Therefore, the requested variance for reduction in planting strip between the Streetline and Parking is considered minor in nature.**

***Variance 5 – Reduction in minimum aisle setback of a streetline***

Similarly to Variances 3 and 4 noted above, the purpose of a minimum aisle setback of a streetline is to ensure that there is buffering between the parking area aisles and the street, creating visual separation from the hardscaped parking area to the public realm. Based on the Site's existing configuration, a minimum aisle setback abutting the streetline would render the entire front portion of the Site unusable and not able to accommodate the parking area and drive aisle required to accompany a light industrial development as Site Plan approved. Accordingly, a 5m separation distance from the east extent of the parking aisle on the Site to the closest west extent of the sidewalk along Avondale Street will be sodded and include trees within the boulevard as noted in the Approved Site Plan. The reduction will have minimal impact on the streetscape and will allow a functional Site Plan to coincide with boulevard improvements that mitigate any potential impact from a reduction in a minimum aisle setback of a streetline.

**Therefore, the requested variance for reduction in minimum aisle setback of a streetline is considered minor in nature.**

## **Summary and Recommendations**

The requested variances represent good land use planning as it satisfies the four tests of Section 45(1) of the Planning Act. Approval of the requested variances will continue to maintain the general intent and purpose of the Official Plan and Zoning By-law, are desirable for the appropriate use of the land, and are considered minor in nature. Because of this, my recommendation is that the variances be approved.

The Site has been approved to facilitate the proposed development contemplated as part of the application submitted for 389-391 Avondale Street (City File: DA-20-021). This Minor Variance application will not affect the clearing of conditions related to SPA. The Application fee payment noted below has been delivered via mailbox drop-off to the attention of City of Hamilton – Committee of Adjustment.

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

- One (1) original of the completed application form with signatures;
- One (1) copy of the Site Plan;
- One (1) copy of the Landscape Plan; and,
- One (1) cheque made payable to the “City of Hamilton” for \$3,320.00.

Should you have any questions or require any additional information, please do not hesitate to contact me at 226-243-7433 or via email at [jliberatore@gspgroup.ca](mailto:jliberatore@gspgroup.ca).

Yours truly

**GSP Group Inc.**



Joseph M. Liberatore, B.U.R.Pl., Dip. GIS & Pl.  
Planner

cc. Client

P:\19206-Olech Real Estate-Avondale Rd, Hamilton\documents\Minor Variance Submission 2021\Cover Letter.docx





Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## 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)	389 Avondale Inc. c/o <i>BRUNO ARDENSI</i>	[REDACTED]	Phone: [REDACTED] E-mail: [REDACTED]
Applicant(s)*	GSP Group Inc. c/o Joseph Liberatore	[REDACTED]	Phone: [REDACTED] E-mail: [REDACTED]
Agent or Solicitor			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:

**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:

- a) To permit a minimum lot area of 513.2m<sup>2</sup>, whereas a minimum lot area of 4000.0m<sup>2</sup> is required;
- b) To permit a minimum lot width of 16.76m, whereas a minimum lot width of 45.0m is required;
- c) To permit a 0.0m landscaped area, whereas 3.0m is required;
- d) To permit a 0.0m planting strip between the street line and parking spaces, whereas a 3.0m planting strip is required;
- and,
- e) To permit an aisle less than 3.0m of a street, where 3.0m is required.

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

Refer to Planning Justification Brief.

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**):

Lots 26 & 27, Plan 481  
389 & 391 Avondale Street

7. PREVIOUS USE OF PROPERTY

Residential ☐ Industrial ☐ Commercial ☐  
Agricultural ☐ Vacant ☒

Other \_\_\_\_\_

- 8.1 If Industrial or Commercial, specify use \_\_\_\_\_
- 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?

Owner's Knowledge

- 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.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature Property Owner

389 Avondale Inc.

c/o Tom Olech

\_\_\_\_\_  
Print Name of Owner

10. Dimensions of lands affected:

Frontage	16.7m
Depth	30.54m
Area	513.2m <sup>2</sup>
Width of street	20.1m

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: \_

No Buildings Existing on Site.

Proposed

A 1-storey 202.2m<sup>2</sup> Light Industrial Building.

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

Existing:

No Buildings Existing on Site.

Proposed:

Front Yard Setback:	13.26m
Side Yard Setback (South):	1.5m
Side Yard Setback (North):	1.29m
Rear Yard Setback:	3.1m



13. Date of acquisition of subject lands:  
\_\_\_\_\_
14. Date of construction of all buildings and structures on subject lands:  
No Buildings Existing on Site.  
\_\_\_\_\_
15. Existing uses of the subject property:  
No Buildings Existing on Site.
16. Existing uses of abutting properties:  
Residential, Parking, and Industrial Uses
17. Length of time the existing uses of the subject property have continued:  
No Buildings Existing on Site.
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:  
Industrial Land
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
M6 - Exception 375 (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. Additional Information  
Purpose of Minor Variance Application is to implement Approved Site Plan Application DA-20-021.
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.