



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

**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.:** SC/A-21:225

**APPLICANTS:** Agent Urban Solutions  
Owner 34 West Ave. N (Hamilton)

**SUBJECT PROPERTY:** Municipal address **1047-1049 Barton St., Stoney Creek**

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

**ZONING:** "M3 and M3, Exception 440" (Prestige Business Park) district

**PROPOSAL:** To facilitate the construction of a six (6) unit, 2,067 square metre industrial building and the establishment of eighty-four (84) surface parking spaces, notwithstanding:

1. A minimum 4.25 metre yard abutting a street shall be permitted instead of the minimum required 6.0 metre yard abutting a street.
2. A maximum building height of 13.0 metres shall be permitted, instead of the maximum permitted building height of 11.0 metres.
3. A minimum 1.2 metre landscaped area shall be provided where the parking area for more than four vehicles abuts a street, instead of the minimum 6.0 metre wide landscaped area required.
4. A minimum 1.2 metre wide planting strip shall be provided within the landscaped area, instead of the minimum 3.0 metre wide planting strip required.
5. A visual barrier shall be permitted to extend along a portion of the eastern lot line(s) of the abutting residential lots to the west, instead of the requirement that a visual barrier shall be provided along the entire extent of the eastern lot line(s) of the abutting residential lots to the west.
6. Parking spaces and aisles giving direct access to abutting parking spaces shall be permitted to be located 1.25 metres from the street line, instead of the requirement that parking spaces and aisles giving direct access to abutting parking spaces, shall not be located within 3.0 metres of a street line.
7. Loading facilities shall be permitted along the west elevation of the building, and face the eastern lot line of the abutting residential properties to the west, instead of the requirement that a loading space shall not be permitted on any west of elevation of the building that faces the eastern lot line of the abutting residential properties to the west, except where separated by another building.

8. A maximum loading space length of 23.0 metres shall be permitted, instead of the maximum permitted loading space length of 10.0 metres, where located within 40.0 metres of the eastern lot line of the abutting residential properties to the west.
9. A noise attenuation wall shall be permitted that is not attached to the wall of the building, instead of the requirement that a loading space located within 40.0 metres of the eastern lot line of the abutting residential properties to the west, shall be screened by a noise attenuation wall attached to the building.
10. Three (3) barrier free parking space shall be permitted, instead of the minimum required ten (10) barrier free parking spaces.
11. Eighty-four (84) parking spaces shall be permitted, instead of the minimum required four-hundred and thirteen (413) parking spaces.
12. Access to the proposed parking and loading area shall be provided on an adjacent property, instead of the requirement that required parking facilities shall be located on the same lot as the use requiring the parking.

NOTE:

1. Please note that specific details have not been provided to determine if the proposed "Staging Area", as identified on the submitted site plan, is deemed to be Outdoor Storage or Outdoor Assembly. Additional variances may be required if compliance with Section 9.3.3(k) cannot be achieved.
2. Please note that the specific proposed use for the individual industrial units has not been provided to determine zoning compliance. The proposed development is considered a Planned Business Centre and has been reviewed as such. Should the intent of the proposed development be not to function as a Planned Business Centre, additional variances may be required.
3. A temporary access driveway to McNeilly Road is proposed to be provided on an adjacent property to the west, municipally known as 346 McNeilly Road. Appropriate approvals will be required to permit vehicular access across the adjacent property located within a Residential Zone which does not permit industrial uses. Additionally, legally established rights of ways shall be required to be registered on title for both properties.
4. The proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

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

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<b>DATE:</b>	<b>Thursday, July 22nd, 2021</b>
<b>TIME:</b>	<b>2:30 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b> <b>To be streamed at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b> <b>for viewing purposes only</b>

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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:

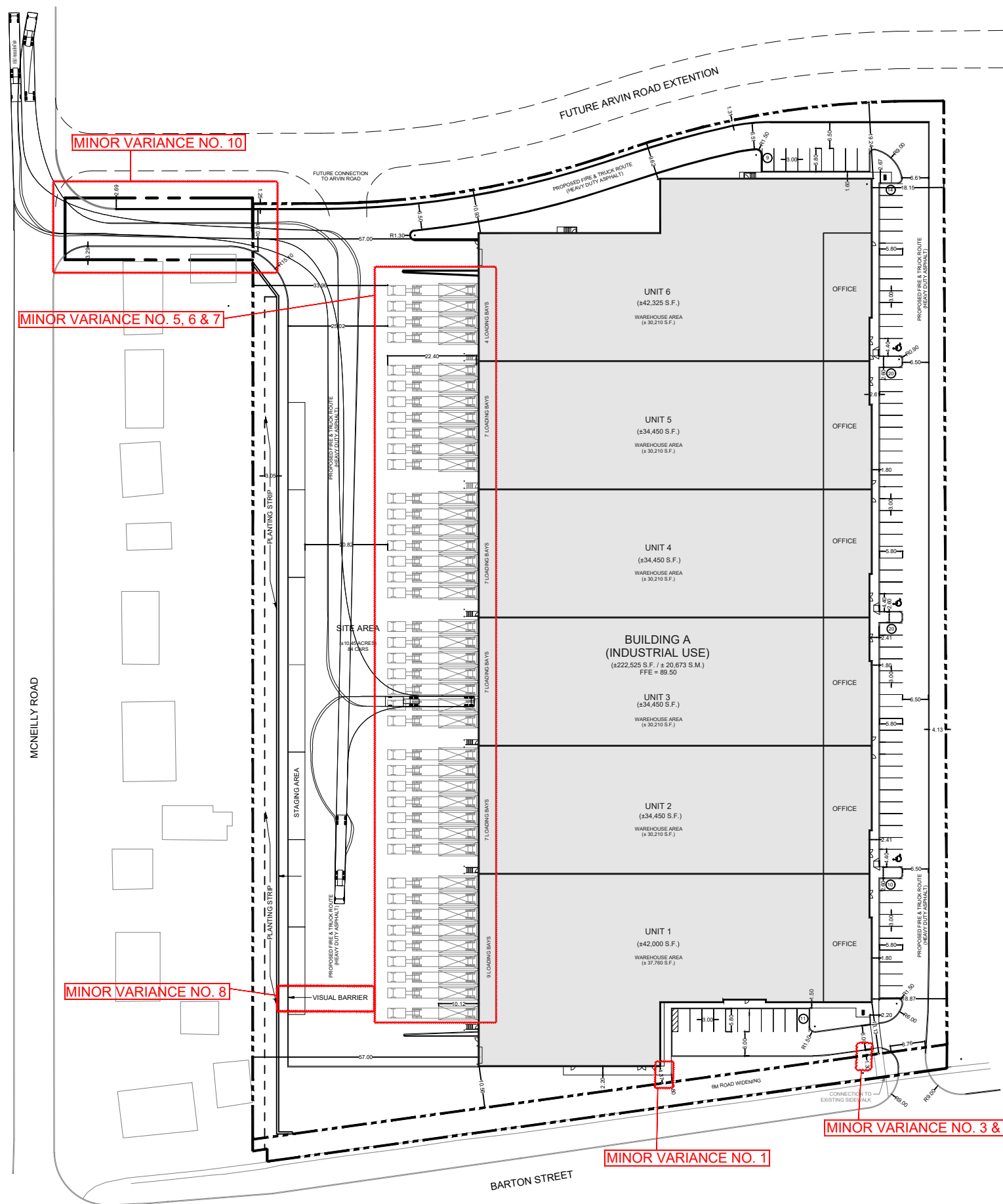
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: July 6th, 2021.

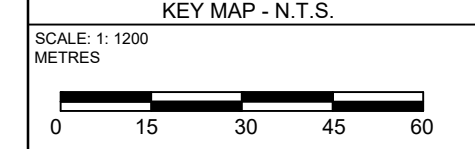
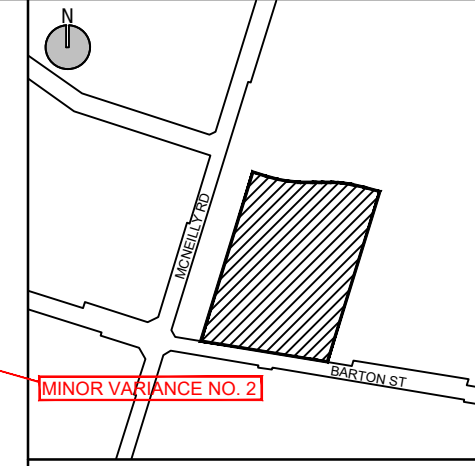
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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***



DEVELOPMENT STATISTICS		
Zone: Prestige Business Park (M3, 440) Zone		
Item	Required	Proposed
Units	N/A	6 units
Min. Lot Area	4,000.00 m <sup>2</sup>	41,223.53 m <sup>2</sup>
Min. Lot Frontage	N/A	131.41 metres
Yard Abutting a Street	Min. 6.0 metres Max. 27.0 metres	Min. 4.37 metres (MVR) Max. 19.24 metres
Min. Yard Abutting a Residential or Institutional Zone	6.0 metres	57.00 metres
Max. Building Height	11.0 metres	12.78 metres (MVR)
Min. Landscaped Area	6.0 metres	1.25 metres (MVR)
Min. Planting Strip	3.0 metres	1.25 metres (MVR)
Max. Office GFA	3,000 m <sup>2</sup>	2,323.31 m <sup>2</sup>
Min. Parking Dims.	2.8 metres by 5.8 metres	3.0 metres by 5.8 metres
Min. Barrier Free Parking Dims.	4.4 metres by 5.8 metres	4.4 metres by 5.8 metres
Loading Parking Location	Not Abutting Residential Zone	Abutting Residential Zone (MVR)
Min. Barrier Free Parking	2 + 2 % of required spaces = 10 spaces	3 spaces
Min. Parking (Planned Business Center within an Industrial Zone except M4 Zone)	1/50 m <sup>2</sup> of GFA =413 spaces	84 spaces (MVR)
Total Parking	413 spaces	84 spaces
Bicycle Parking	N/A	16 short term spaces



**REQUIRED MINOR VARIANCES**

**VARIANCE NO. 1:** TO PERMIT A MINIMUM YARD ABUTTING A STREET TO BE 4.25 METRES WHEREAS THE REQUIRED MINIMUM IS 6.0 METRES

**VARIANCE NO. 2:** TO PERMIT A MAXIMUM BUILDING HEIGHT OF 13.0 METRES WHEREAS THE REQUIRED MAXIMUM IS 11.0 METRES.

**VARIANCE NO. 3:** TO PERMIT A MINIMUM LANDSCAPED AREA STRIP OF 1.2 METRES WHEREAS THE REQUIRED MINIMUM LANDSCAPED STRIP IS 6.0 METRES.

**VARIANCE NO. 4:** TO PERMIT A MINIMUM PLANTING STRIP OF 1.2 METRES WHEREAS THE REQUIRED MINIMUM IS 3.0 METRES.

**VARIANCE NO. 5:** TO PERMIT LOADING PARKING ABUTTING A RESIDENTIAL ZONE.

**VARIANCE NO. 6:** TO PERMIT LOADING SPACES ON THE WEST ELEVATION FACING THE EASTERN LOT LINE OF 1023 BARTON STREET, 320 ,324, 328, 332, 336, 340 AND 344 MCNEILLY ROAD.

**VARIANCE NO. 7:** TO PERMIT A MAXIMUM LOADING SPACE PARKING LENGTH TO BE 23 METRES WHEREAS 10 METRES IS THE REQUIRED MAXIMUM.

**VARIANCE NO. 8:** TO PERMIT A NOISE ATTENUATION WALL TO SCREEN THE LOADING SPACES NOT ATTACHED TO THE BUILDING WHEREAS THE WALL IS REQUIRED TO BE ATTACHED TO THE BUILDING.

**VARIANCE NO. 9:** TO PERMIT PARKING SPACES AND DRIVE AISLES A MINIMUM 1.25 METRES FROM A STREET LINE WHEREAS THE REQUIRED MINIMUM IS 3.0 METRES.

**VARIANCE NO. 10:** TO PERMIT VEHICULAR ACCESS ACROSS ADJACENT PROPERTY (346 MCNEILLY ROAD) LOCATED WITHIN A RESIDENTIAL ZONE WHICH DOES NOT PERMIT INDUSTRIAL USES.

**VARIANCE NO. 11:** TO PERMIT A PARKING RATIO OF 1 SPACE PER 250 SQUARED METRES OF GROSS FLOOR AREA FOR A PLANNED BUSINESS CENTER IN AN INDUSTRIAL ZONE EXCEPT M4 ZONE WHEREAS THE REQUIRED PARKING RATIO IS 1 SPACE PER 50 SQUARED METRES OF GROSS FLOOR AREA.

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: L. DRENNAN      CHECKED BY: M. JOHNSTON  
DRAWN BY: L. DRENNAN      DATE: MAY 18, 2021

**URBAN SOLUTIONS**  
PLANNING & LAND DEVELOPMENT

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

PROJECT:  
1047 - 1048 Barton Street  
CITY OF HAMILTON

CLIENT:  
34 West Avenue North  
(Hamilton) Inc.

TITLE:  
MINOR VARIANCE SKETCH

U/S FILE NUMBER: 228-18      SHEET NUMBER: 1



**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**

<b>FOR OFFICE USE ONLY.</b>	
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
<b>Registered Owners(s)</b>	34 West Avenue North (Hamilton) Inc. c/o Riccardo Persi	
<b>Applicant(s)*</b> Same as Owner		
<b>Agent or Solicitor</b>	UrbanSolutions & Land Development Consultants	

**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 refer to attached cover Letter.

5. Why it is not possible to comply with the provisions of the By-law?  
Please refer to attached 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**):  
Part of Lot 8, Concession 1 of Saltfleet in the City of Hamilton. 1047-1049 Barton Street Stoney Creek

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?

Consultation with the 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.

Apr. 9. 2021  
Date

Sig

Riccardo Versi  
Print Name of Owner

10. Dimensions of lands affected: Please refer to conditionally approved DA-18-154.

Frontage \_\_\_\_\_  
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: \_

Please refer to conditionally approved DA-18-154.

Proposed

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 refer to conditionally approved DA-18-154.

Proposed:

13. Date of acquisition of subject lands:  
N/A please refer to conditionally approved DA-18-154.
14. Date of construction of all buildings and structures on subject lands:  
Yet to be constructed.
15. Existing uses of the subject property:
16. Existing uses of abutting properties:
17. Length of time the existing uses of the subject property have continued:
18. Municipal services available: (check the appropriate space or spaces) *Please refer to conditionally approved DA-18-154.*  
 Water \_\_\_\_\_ Connected \_\_\_\_\_  
 Sanitary Sewer \_\_\_\_\_ Connected \_\_\_\_\_  
 Storm Sewers \_\_\_\_\_
19. Present Official Plan/Secondary Plan provisions applying to the land:  
*Please refer to the cover letter.*
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
*Please refer to the cover letter.*
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
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.  
*Please see attached.*





May 25, 2021

228-17

**Via Email**

Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment

City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**RE: 1047-1049 Barton Street (Stoney Creek), Hamilton  
Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of 34 West Avenue North (Hamilton) Inc., the registered owner of the lands municipally known as 1047-1049 Barton Street (subject lands), in the City of Hamilton.

Since obtaining the initial Conditional Site Plan approval for Site Plan Application DA-18-154 the proposed built form of the development has been altered to accommodate shifting market demands.

Upon reviewal of comments prepared by the City of Hamilton in response to the revised Site Plan, the following Minor Variances being requested:

1. To permit a minimum yard abutting a street to be 4.25 metres whereas the required minimum is 6.0 metres;
2. To permit a maximum building height of 13.0 metres whereas the required maximum is 11.0 metres;
3. To permit a minimum landscaped area strip of 1.2 metres whereas the required minimum landscaped strip is 6.0 metres;
4. To permit a minimum planting strip of 1.2 metres whereas the required minimum is 3.0 metres;
5. To permit loading parking abutting a residential zone;
6. To permit loading spaces on the west elevation facing the eastern lot line of 1023 Barton Street, 320, 324, 328, 332, 336, 340 and 344 McNeily Road;
7. To permit a maximum loading space parking length to be 23 metres whereas 10 metres is the required maximum;
8. To permit a noise attenuation wall to screen the loading spaces not attached to the building whereas the wall is required to be attached to the building;
9. To permit parking spaces and drive aisles a minimum 1.25 metres from a street line whereas the required minimum is 3.0 metres;
10. To permit vehicular access across adjacent property (346 McNeily Road) located within a residential zone which does not permit industrial uses; and,

11. To permit a parking ratio of 1 space per 250 squared metres of gross floor area for a planned business center in an industrial zone except m4 zone whereas the required parking ratio is 1 space per 50 squared metres of gross floor area.

Section 45(1) of the *Planning Act*, R.S.O., 1990, as amended, requires a Minor Variance to satisfy four tests. As the proposed development has received conditional site plan approval, the minor variances satisfy the four test contained Section 45(1) of the Planning Act and represent good land use planning.

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

- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Minor Variance Sketch prepared by UrbanSolutions; and,
- One (1) cheque in the amount of **\$3,320.00** payable to the City of Hamilton for the Minor Variance Application fee.

We trust this is satisfactory and thank you in advance for your co-operation. If you need additional information or clarification regarding the above, please do not hesitate to contact the undersigned.

Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Brandon Petter, MPlan  
*Planner*

Cc: Councillor Maria Pearson, City of Hamilton  
Mr. Tony Sergi, City of Hamilton  
Mr. Steve Robichaud, City of Hamilton  
Mr. Ricardo Persi, 34 West Avenue North (Hamilton) Inc.  
Mr. Andrew Salomon, Hi-Rise Group  
Mr. Sergio Manchia, MCIP, RPP, UrbanSolutions