



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th 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

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.: GL/A-21:164

APPLICANTS: Agent Urban Solutions
Owner 5025019 Ontario Inc.

SUBJECT PROPERTY: Municipal address **2411 Upper James St., Glanbrook**

ZONING BY-LAW: Zoning By-law 05-200, as Amended 10-288 & 15-173

ZONING: "M11, E74" (Airport Prestige Business (M11) Zone, Exception 74

PROPOSAL: To facilitate the construction of the proposed development consisting of a Motor Vehicle Dealership with a gross floor area of 2928.44 square metres, notwithstanding that:

1. A maximum 173 metre yard shall be permitted abutting Dickenson Road East instead of the maximum permitted 25.0 metre yard abutting a street.
2. A minimum 3.0 metre wide landscaped area shall be provided and maintained abutting Upper James Street North, instead of the requirement that a 6.0 metre wide landscaped area is to be provided abutting a street, except from point of ingress and egress.
3. No landscaped area shall be provided and maintained abutting Dickenson Road, instead of the requirement that a 6.0 metre wide landscaped area is to be provided abutting a street, except from point of ingress and egress.
4. A maximum gross floor area of 520 square metres shall be permitted for a showroom area instead of the maximum 500 square metres permitted.
5. No planting strip shall be provided and maintained between the Dickenson Road street line and the parking area, instead of the requirement a 3.0 metre wide planting strip is to be provided between the streetline and the parking area.
6. Loading facilities shall be permitted within a front yard, instead of the requirement that loading facilities are not permitted within a front yard.
7. Loading facilities shall be permitted in a yard which abuts a street, instead of the requirement that loading facilities are not permitted within any yard abutting a street.
8. Four (4) barrier free parking spaces shall be provided instead of the minimum required six (6) barrier free parking spaces [as per the one-hundred and ninety-five (195) parking spaces required by Glanbrook Zoning By-law No. 464]

9. Thirty-one (31) parking spaces shall be provided instead of the minimum required fifty-three (53) parking spaces required (as per Hamilton Zoning By-law No. 05-200. Note: By-law No. 17-240 not yet final and binding)
10. Thirty-one (31) parking spaces shall be provided instead of the minimum required one-hundred and ninety-five (195) parking spaces required (as per Glanbrook Zoning By-law No. 464).
11. No long-term bicycle parking spaces shall be provided, instead of the requirement that 5% of the required motor vehicle parking spaces shall be provided in the form of long-term bicycle parking spaces.

NOTES:

1. Section 4.17 of Hamilton Zoning By-law No. 05-200 requires all development in the City of Hamilton shall comply with the Hamilton Airport Zoning (Height) Regulations established by Transport Canada, which are registered at the local Land Titles Office and which may be amended from time to time.'
2. Elevation drawings were not provided for the proposed accessory structure ("prop roofed over waste enclosure") to confirm the height of the structure. Additional variances may be required if compliance with Section 4.8(g) cannot be achieved.
3. These variances are required to facilitate Site Plan Application No. DA-18-012.
4. By-law 17-240, which is not yet final and binding, contains amendments to Section 5 of the Zoning By-law as it relates to the minimum number of parking spaces required for a Motor Vehicle Dealership. Until such time By-law 17-240 is final and binding, the proposed development is subject to the requirements of the former Glanbrook Zoning By-law as well as the new requirement under By-law 17-240.

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

DATE: Thursday, February 17th, 2022
TIME: 2:15 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 1st, 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.

REQUIRED VARIANCES:

VARIANCE NO. 1: TO PERMIT A MAXIMUM 260 METRE YARD SHALL BE PERMITTED ABUTTING DICKENSON ROAD EAST AND 75 METRES SHALL BE PERMITTED ABUTTING UPPER JAMES STREET INSTEAD OF THE MAXIMUM PERMITTED 25.0 METRE YARD ABUTTING A STREET.

VARIANCE NO. 2: TO PERMIT A 3.0 METRE LANDSCAPED AREA STRIP TO BE PROVIDED WHEREAS 6.0 METRE LANDSCAPED AREA STRIP IS REQUIRED.

VARIANCE NO. 3: TO PERMIT A PARKING RATIO OF 1 SPACE PER 200 SQUARE METRES OF GROSS FLOOR AREA WHICH ACCOMMODATES SUCH USE AND 1 FOR EACH SERVICE BAY.

VARIANCE NO. 4: TO PERMIT 0 LONG TERM BICYCLE PARKING SPACES.

VARIANCE NO. 5: TO PERMIT A MAXIMUM GROSS FLOOR AREA FOR A SHOWROOM AREA OF 520 SQUARE METRES.

VARIANCE NO. 6: TO PERMIT LOADING DOORS AND ASSOCIATED LOADING FACILITIES WITHIN A FRONT YARD AND ABUTTING A STREET.

| M11 Zone - Development Statistics | | |
|--------------------------------------|--|--|
| Item | Required | Proposed |
| Min. Lot Area (m ²) | 4,000m ² | 20,664.32 m ² (After Daylight Triangle & R.O.W Widening) |
| Max. Height | TBD | 8.95 m |
| Yard Abutting a Street | | |
| Minimum | 6.0 m | 21.89 m |
| Maximum | 25.0 m | 172.11m |
| Setbacks (m) | | |
| Min. Side Yard | N/A | 10.51 m |
| Min. Rear Yard | N/A | 34.03 m |
| Gross Floor Area (Total) | N/A | 2,928.44 m ² |
| Max. Gross Floor Area (Showroom) | 500.00 m ² | 518.39 m ² |
| Min. Landscaped Area | | |
| % of Lot Area | 15% | 7,590.48 m ² (36.73%) |
| Landscaped Area abutting a street | 6.0 m | 3.00 m |
| Location and Size of Outdoor Display | | |
| Yard Abutting a Street | 3.0 m | 3.00 m |
| Max. % of Landscaped Area | 25% | 189.06 m ² (2.49%) |
| Parking | | |
| No. of Service Bays | N/A | 12 |
| Total Parking (including accessible) | 53 spaces (05-200) 196 spaces (464) | 184 total 15 Customer 153 Vehicle Inventory 16 Servicing Parking |
| Accessible Spaces | 2 (05-200) 4 (464) | 4 |
| Parking Stall Sizes | 5.5m x 2.6m | 5.8m x 3.0m |
| Parking Stall Sizes (accessible) | 5.5m x 4.4m | 5.8m x 4.4m |

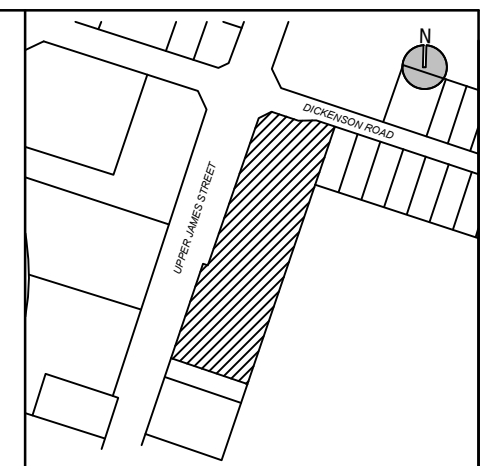
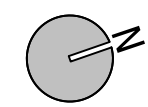
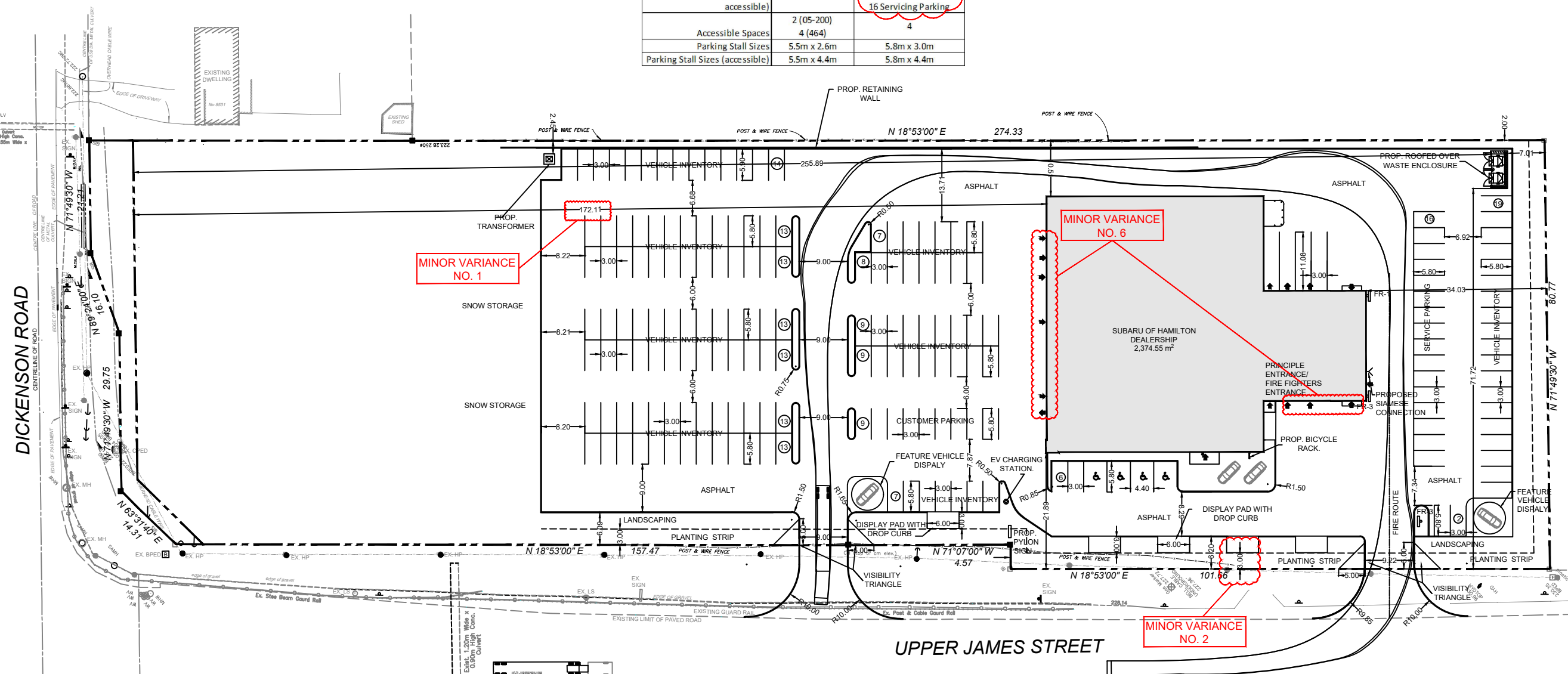
MINOR VARIANCE NO. 5

MINOR VARIANCE NO. 3

MINOR VARIANCE NO. 1

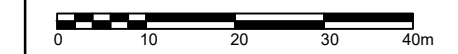
MINOR VARIANCE NO. 6

MINOR VARIANCE NO. 2



KEY MAP - N.T.S.

SCALE: 1:850 METRES



LEGEND:

- SUBJECT LANDS
- PROPERTY BOUNDARIES

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: MARCH 24, 2021

PLANNING & LAND DEVELOPMENT

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

PROJECT:
2411 & 2455 UPPER JAMES STREET
CITY OF HAMILTON

CLIENT:
PLAZA IMPORTS LIMITED

TITLE:
MINOR VARIANCE SKETCH

U/S FILE NUMBER: 162-16 SHEET NUMBER: 1



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

Phone: (905) 546-2424 ext. 4221
 Email: 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) | 5025019 Ontario Inc. | |
| Applicant(s)* Same as Owner | | |
| Agent or Solicitor | UrbanSolutions Planning & 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:

To permit access across the lands that are zoned Agriculture (A2) Zone for a non-agriculture use, and to permit a maximum setback abutting a street to 60 metres whereas a maximum setback to a street is 27 meters. The variances are required to execute conditionally approved Site Plan DA-18-012.

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

Please refer to the 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**):

Lot 11 to 18, Registrars Complied Plan No. 1485.
2411 Upper James Street, Hamilton

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.

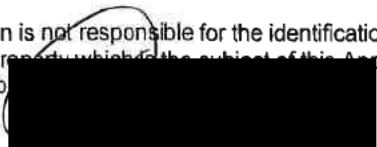
8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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

APRIL 12/21
Date


Signature Property Owner
P. C. JOHNSON
Print Name of Owner

10. Dimensions of lands affected: Please refer to DA-18-012 and the attached sketch.

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: _
The site is vacant.

Proposed
Please refer to DA-18-012.

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 vacant.

Proposed:
Please refer to DA-18-012.

13. Date of acquisition of subject lands:
Please refer to DA-18-012.
-
14. Date of construction of all buildings and structures on subject lands:
Awaiting final Site Plan Approval.
-
15. Existing uses of the subject property:
The site is vacant.
16. Existing uses of abutting properties:
Properties are vacant to the North, South, and West. Residential to East.
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) Please refer to DA-18-012.
 Water _____ Connected _____
 Sanitary Sewer _____ Connected _____
 Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
Please refer to DA-18-012.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Please refer to DA-18-012 & By-Law No. 17-145.
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
Please refer to conditionally approved DA-18-012.
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.