



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-21:447

APPLICANTS: Agent Urban Solutions M. Johnston
Owner 2790097 Ontario Inc. D. Tome

SUBJECT PROPERTY: Municipal address **10 Community Ave, Stoney Creek**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law No. 18-266

ZONING: M2district (General Business Park)

PROPOSAL: To permit the development of a two storey multi-tenant industrial building which is a planned business centre comprising approximately 1,147.6 square metres of gross floor area, notwithstanding that:

1. A minimum 3.0 metre wide landscaped area shall be permitted for a yard abutting a street in which parking spaces or a driving aisle are provided instead of the minimum required 6.0m wide landscape area.
2. A parking area consisting of 14 parking spaces shall be permitted instead of the minimum required 22 parking spaces

NOTES:

1. The variances are written as requested by the applicant.
2. The variances are being requested to address zoning issues that were identified for the review of Site Plan Application DA-21-149. The site plan was submitted to the City of Hamilton on September 29, 2021 and remains under review.
3. With respect to Variance #2, the proposed use is considered to be a planned business centre within an industrial zone and is subject to the requirement of 1 parking space per 50 square metres of gross floor area. Zoning By-law 05-200 defines a Planned Business Centre as:

Planned Business Centre shall mean a group of business establishments within an Industrial Zone which is planned, developed, managed and operated as a unit with shared on-site parking, and containing four or more separated spaces for lease or occupancy, but shall not be considered as a Shopping Centre

4. The proposed floor area includes a mezzanine comprising 326.8 square metres of gross floor area.
5. The intended use for the propose planned business centre is for the development of four (4) separate contracting establishments.

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

DATE: Thursday, February 24th, 2022
TIME: 1:55 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

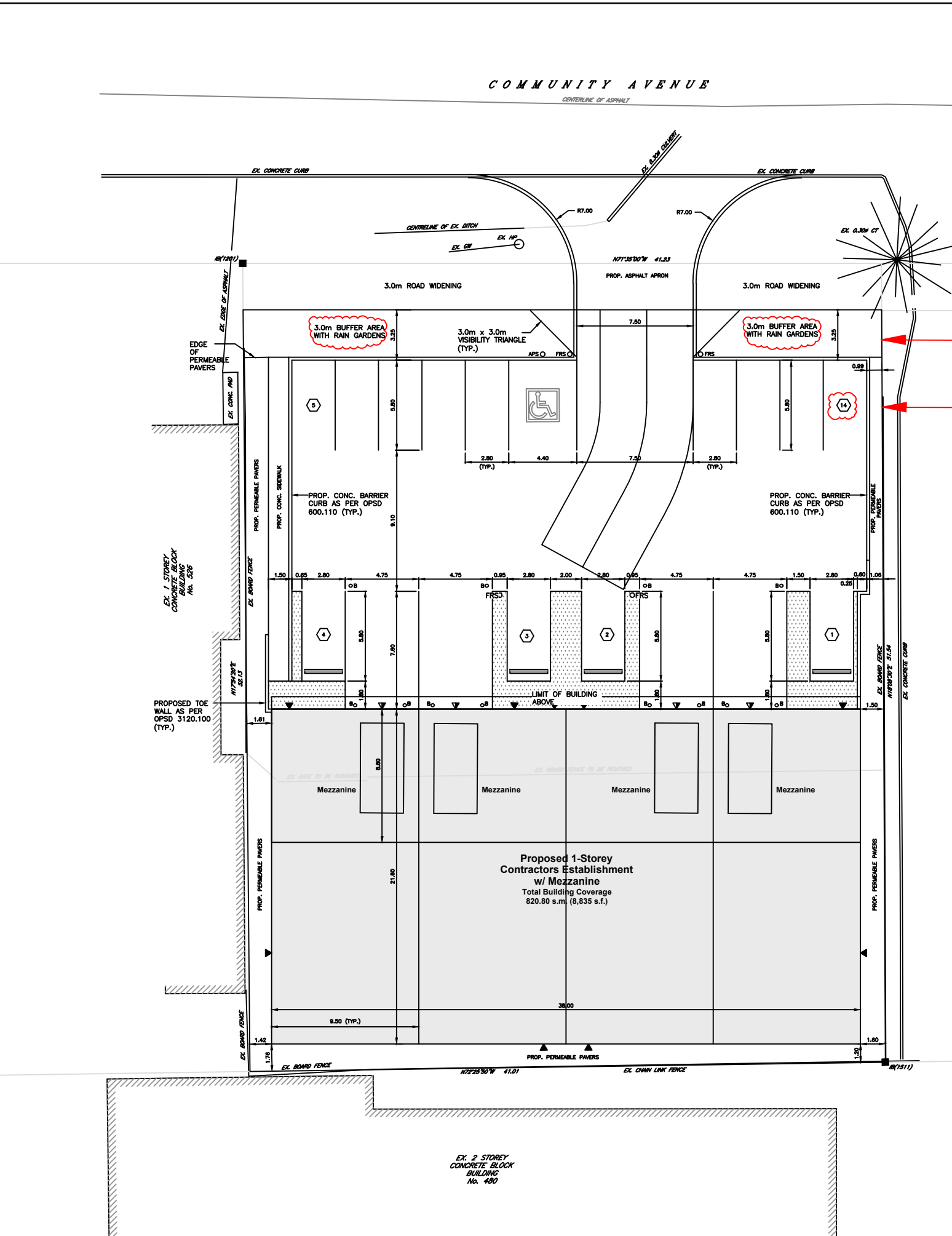
For more information on this matter, including access to drawings illustrating this request:

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

DATED: February 8th, 2022.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

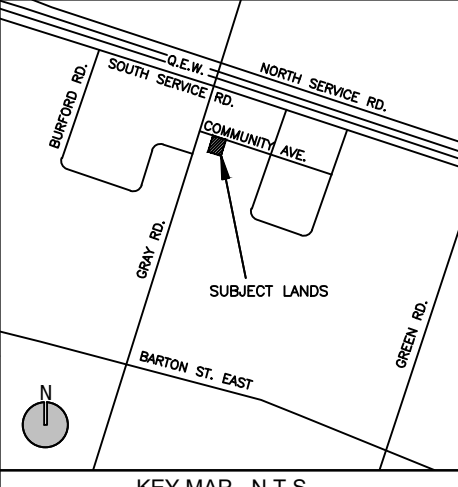
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



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

VARIANCE #1: A 3.0m BUFFER AREA WITH RAIN GARDENS SHALL BE PROVIDED WHEREAS A 6.0m LANDSCAPE AREA INCLUDING A 3.0 m PLANTING STRIP IS REQUIRED WHERE A PARKING SPACE, AISLE OR DRIVEWAY IS LOCATED IN A YARD ABUTTING A STREET.

VARIANCE #2: 14 PARKING SPACES SHALL BE PROVIDED WHEREAS 22 PARKING SPACES ARE REQUIRED WITHIN A PLANNED BUSINESS CENTRE IN AN INDUSTRIAL ZONE.



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: NOVEMBER 26, 2021

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

PROJECT:
10 Community Avenue
CITY OF HAMILTON

CLIENT:
Tome Roofing Ltd.

TITLE:
COMMITTEE OF
ADJUSTMENT SKETCH

US FILE NUMBER: 404-21 SHEET NUMBER: 1

Site Statistics			
Address	10 Community Avenue		
Site Area (Lot Area)	21,608 s.f.	2,007.45 s.m.	
Total Building Coverage	Prop. 1 Storey Contractors Establishment		
	8,835 s.f.	820.80 s.m.	
Total Gross Floor Area	Ground Floor		
	8,835 s.f.	820.80 s.m.	
	3,518 s.f.	326.80 s.m.	
	12,353 s.f.	1,147.60 s.m.	
Parking Requirements (Zoning By-Law 2020)			
Planned Business Centre	1 Space/50.0m ²	Area 1,147.60 s.m.	Required 22.00 Spaces
Total Parking Spaces (Inc. Barrier Free)			Provided 14.0 Spaces
Barrier Free Spaces			1.0 Spaces



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	MAILING ADDRESS
Registered Owners(s)	
Applicant(s)*	
Agent or Solicitor	

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:

- a) That a Landscape Area with Planting Strip not be required, whereas a 6.0m Landscape Area is required including a 3.0m Planting Strip where a parking space, aisle or driveway is located in a Yard abutting a Street.
- b) To permit 14 parking spaces including 1 barrier free space, whereas 22 parking spaces including 1 barrier free space is required within a Planned Business Centre within an Industrial Zone.

Secondary Dwelling Unit Reconstruction of Existing Dwelling N/A

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

Please refer to 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 103, Registered Plan 647A, City of Hamilton.
Municipal address: 10 Community Avenue.

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant Other

Other N/A

8.1 If Industrial or Commercial, specify use N/A

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 8.1 to 8.10 above?

Consultation with owner.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

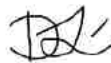
~~Is the previous use inventory attached?~~ Yes No

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.

12/8/21

Date



Signature Property Owner(s)

2790097 Ontario Inc. c/o Danny Tome

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	41.23 metres
Depth	51.54 metres
Area	0.2 ha
Width of street	Currently 20m (road widening of +/- 3m required)

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: _

Vacant lands with no standing structures.

Proposed

Four 1-storey Contractors Establishments with mezzanine, and 14 parking stalls.
This is in keeping with DA-21-149.

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

Existing:

N/A

Proposed:

Please refer to cover letter.

13. Date of acquisition of subject lands:
June 1, 2021
14. Date of construction of all buildings and structures on subject lands:
N/A
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
 Vacant Lands
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
 Industrial
17. Length of time the existing uses of the subject property have continued:

18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|-------------------------------------|-----------|--------------------------|
| Water | <input checked="" type="checkbox"/> | Connected | <input type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input type="checkbox"/> |
| Storm Sewers | <input checked="" type="checkbox"/> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
 Employment Lands designation on Schedule E - Urban Structure.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 General Business Park "M2" Zoning in 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.
 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
 N/A
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 refer to accompanying Sketch.



December 15, 2021

404-21

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: 10 Community Avenue, Stoney Creek
Minor Variance Application
(DA-21-149)**

UrbanSolutions Planning & Land Development Consultants (UrbanSolutions) has been retained to act as the authorized planning consultant for 2790097 Ontario Ltd., owner, of the lands known municipally as 10 Community Avenue in the City of Hamilton. We are pleased to submit this Minor Variance application on their behalf.

The subject lands are designated "Employment Areas" on Schedule "E"- Urban Structure, and "Business Park" on Schedule "E-1" Urban Land Use Designations in the Urban Hamilton Official Plan. In addition to the land use designation, the subject lands are located in the General Business Park "M2" Zone in City of Hamilton Zoning By-law 05-200.

Site Plan Control application DA-21-149 was deemed complete on November 19, 2021. The lands are proposed to be developed with one 2-storey industrial building with a total of four (4) units. Total gross floor area proposed is 1,147.60 sq m (12,353 sq ft) along with 14 parking spaces, including 1 barrier free.

As noted in Special Condition No. 2, this Minor Variance application is required to facilitate the proposed industrial development and 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 Landscape Area with Planting Strip not be required, whereas a 6.0 m Landscape Area is required including a 3.0 m Planting Strip where a parking space, aisle or driveway is located in a Yard abutting a Street”.*
- *“To permit 14 parking spaces including 1 barrier free space, whereas 22 parking spaces including 1 barrier free space is required within a Planned Business Centre within an Industrial Zone”.*

To assist in the evaluation of this application, please refer to the enclosed Committee of Adjustment Sketch. Justification for the proposed variances 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 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 variances will facilitate Site Plan approval, which represents a permitted use, and the proposed industrial development is in keeping with the existing and planned land uses in the surrounding area. Therefore, the requested variances meet 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 lands are located in the General Business Park “M2” Zone in City of Hamilton Zoning By-law 05-200.

The zoning provision regarding Landscape Area is intended to ensure there is a sufficient buffer between the property line and parking spaces. The City of Hamilton has requested a road widening along Community Avenue thereby reducing the proposed front yard from 6.0 metres to 3.0 metres. The Site Plan currently proposes a 3.0 metre buffer between the revised property line and proposed parking spaces. In order to reduce irrigation and encourage ground water recharging on site, Rain Gardens and Infiltration Galleries are proposed within this 3.0 metre buffer area. As this space is still proposed to be landscaped, the effect of adequate buffering between the property line and parking spaces is still achieved. This proposed landscaping is secured through the concurrent Site Plan process and will ensure a 3.0 metre buffer between the property line and proposed parking.

The zoning provision regarding required parking applies to a **Planned Business Centre**, which means a group of business establishments within an Industrial Zone which is planned, developed, managed and operated as a unit with shared on-site parking, and containing four or more separated spaces for lease or occupancy. The proposed industrial development is considered a **Contractor's Establishment** within a Planned Business Centre, which means the use of land, building, structure or part thereof, by a contractor, for the storage and maintenance of equipment used by the contractor. The required number of parking spaces for a Contractor's Establishment with the gross floor area proposed is 9, whereas the parking layout illustrates 14 spaces. For the proposed Contractor's Establishment use the proposed parking space count is considered to be in excess of what will actually be required.

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 variances are minor in nature and necessary to facilitate Site Plan approval. The intent of this application is to request reductions to two zoning provisions, and will allow a permitted use. Given that all other regulations of the By-law remain, the request is 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 variances 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.

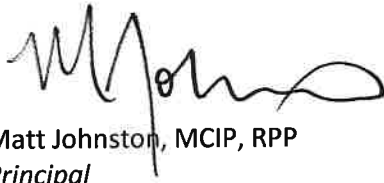
As such, the proposed variances satisfy the four tests outlined in Section 45(1) of the *Planning Act* as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

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; and
- One (1) cheque in the amount of \$3,320.00 made payable to the City of Hamilton.

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), CPT
Planning Technician

cc: 2790097 Ontario Ltd. c/o Danny Tome, Owner
Cllr Pearson, Ward 10