



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-22:45

**APPLICANTS:** Agent Arnold Foster LLP  
Owner 713758 Ontario Inc.

**SUBJECT PROPERTY:** Municipal address **54 Upper Centennial Pkwy, Stoney Creek**

**ZONING BY-LAW:** Zoning By-law 12.1.1 & Schedule "C" (Hamilton 05-200); 5.2.2 (Stoney Creek 3692-92) , as Amended

**ZONING:** A1, 93 and A Agriculture and Agricultural district

**PROPOSAL:**

**Stoney Creek Zoning By-Law No. 3692-92:**

To permit the use of a warehouse (i.e. shipping containers of various sizes for the storage of household goods, equipment, personal and commercial goods) notwithstanding that the use is not permitted in the current zoning designation; and

**Hamilton Zoning By-Law No. 05-200:**

To permit the use of a warehouse (i.e. shipping containers of various sizes for the storage of household goods, equipment, personal and commercial goods) notwithstanding that the use is not permitted in the current zoning designation.

Note:

*Stoney Creek Zoning By-Law No. 3692-92:*

Please note that there are no regulations for a warehouse use in the current zoning designation.

*Hamilton Zoning By-Law No. 05-200:*

Please note that there are no regulations for a warehouse use in the current zoning designation

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

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**DATE:** Thursday, March 17th, 2022  
**TIME:** 3:20 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:

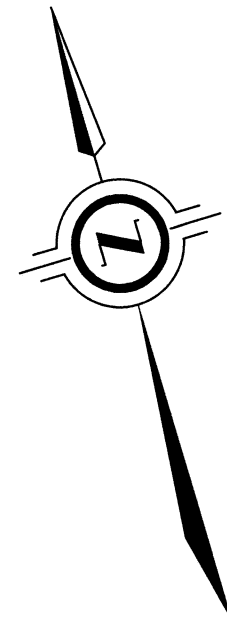
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: March 1st, 2022.

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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.***



PLAN OF SURVEY OF  
PART OF LOT 24  
CONCESSION 8  
(GEOGRAPHIC TOWNSHIP OF SALT FLEET)  
CITY OF HAMILTON

SCALE 1 : 750

J.D. BARNES LIMITED  
© COPYRIGHT

METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

PART 1, PLAN 62R-1954

PART 3, PLAN 62R-1954

PART 2, PLAN 62R-1954

PIN 17376 - 0111 (LT)

PIN 17376 - 0026 (LT)

PIN 17376 - 0027 (LT)

PIN 17376-0028 (LT)

PIN 17376-0142 (LT)

PIN 17376 - 0146 (LT)

PART 1, PLAN 62R-19389

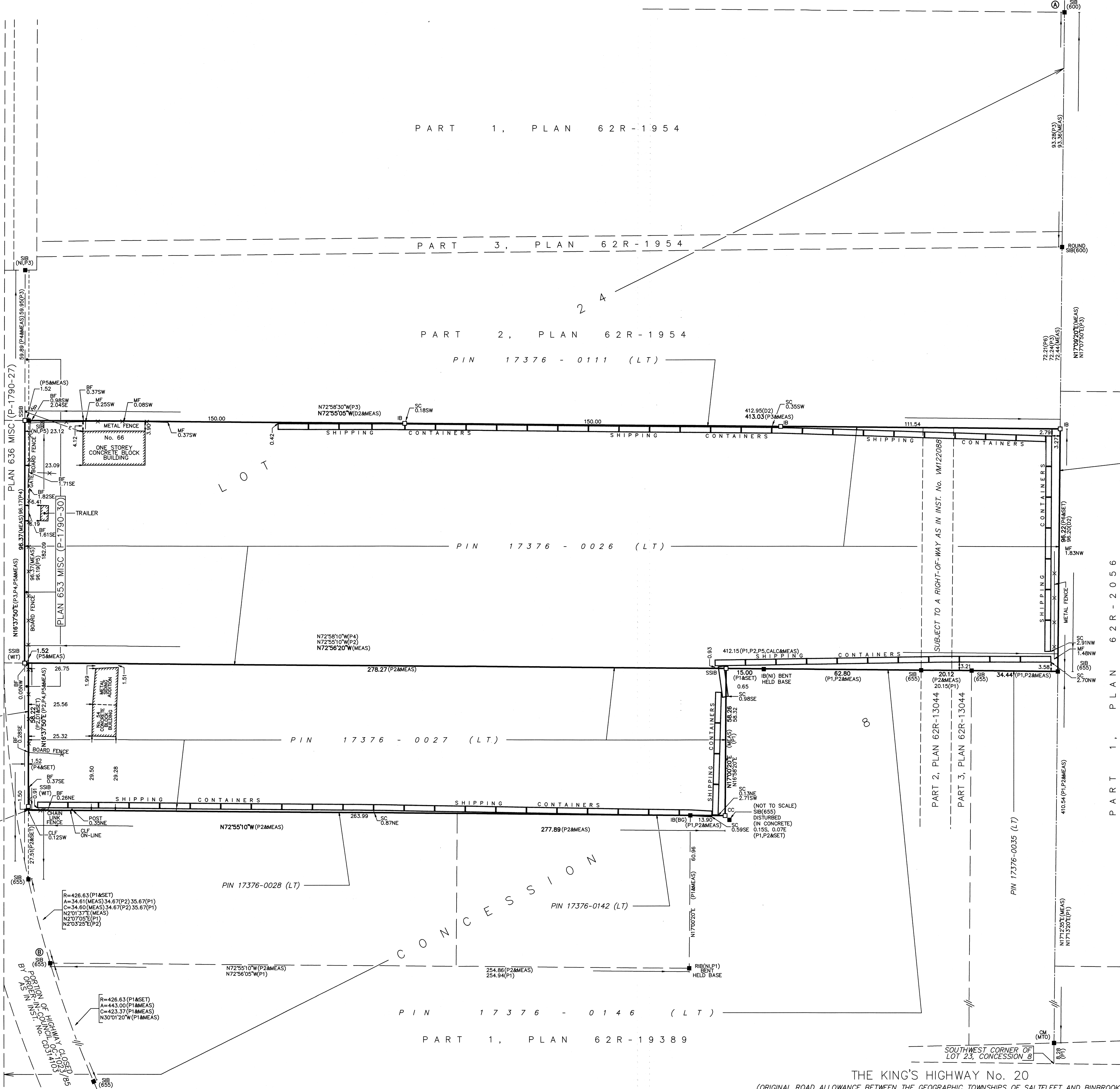
KNOWN AS UPPER CENTENNIAL PARKWAY (THE KING'S HIGHWAY No. 20)  
(ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 24 AND 25)  
DESIGNATED BY ORDER-IN-COUNCIL OC-2801/64 AS PLAN 1480 MISC (P-174-1790-58)  
PIN 17376-0001 (LT)

PLAN 636 MISC (P-1790-27)  
PLAN 653 MISC (P-1790-30)  
PLAN 636 MISC (P-1790-27)  
PLAN 653 MISC (P-1790-30)

PLAN 636 MISC (P-1790-27)  
PLAN 653 MISC (P-1790-30)

PLAN 636 MISC (P-1790-27)  
PLAN 653 MISC (P-1790-30)

PLAN 636 MISC (P-1790-27)  
PLAN 653 MISC (P-1790-30)



NOTES

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999693.

FOR BEARING COMPARISONS, A ROTATION OF 0°47'05" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P2.

FOR BEARING COMPARISONS, A ROTATION OF 0°52'40" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P3.

FOR BEARING COMPARISONS, A ROTATION OF 0°54'40" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P4 AND P5.

FOR BEARING COMPARISONS, A ROTATION OF 0°5'50" CLOCKWISE WAS APPLIED TO BEARINGS ON D1.

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (CSRS) (2010.0).

COORDINATES TO AN URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.

POINT ID	EASTING	NORTHING
ORP (A)	600 051.81	4 781 325.70
ORP (B)	599 556.35	4 781 079.18

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

THE RESULTANT TIE BETWEEN ORP (A) AND ORP (B) IS 553.57 N63°32'47"E

LEGEND

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- ▣ DENOTES STANDARD IRON BAR
- ▤ DENOTES SHORT STANDARD IRON BAR
- ▥ DENOTES ROUND IRON BAR
- ▦ DENOTES IRON BAR
- ▧ DENOTES CUT CROSS
- ▨ DENOTES CONCRETE MONUMENT
- ▩ DENOTES WITNESS
- MT DENOTES PLAN 62R-19389
- P1 DENOTES PLAN 62R-13044
- P2 DENOTES PLAN 62R-1954
- P3 DENOTES EXPROPRIATION PLAN 636
- P4 DENOTES EXPROPRIATION PLAN 653
- P5 DENOTES PLAN 62R-2056
- D1 DENOTES INSTRUMENT No. A831950
- D2 DENOTES INSTRUMENT No. W122088
- MEAS DENOTES MEASURED
- BG DENOTES BARICH GRENKIE SURVEYING LTD.
- MITO DENOTES MINISTRY OF TRANSPORTATION ONTARIO
- 600 DENOTES WINEY W. WOODS INC., O.L.S.
- 655 DENOTES MACKAY, MACKAY & PETERS LTD.
- NF DENOTES NOT IDENTIFIABLE
- CU DENOTES ORIGIN UNKNOWN
- BF DENOTES BOARD FENCE
- CLF DENOTES CHAIN LINK FENCE
- MF DENOTES METAL FENCE
- SC DENOTES SHIPPING CONTAINER

ALL SET SSIB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 27th DAY OF OCTOBER, 2021.

Oct. 29<sup>th</sup> 2021  
DATE

SUNIL PERERA  
ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2159831

THIS PLAN IS NOT VALID UNLESS IT IS AN ENCLOSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1028, Section 29(3).

J.D. BARNES LIMITED  
LAND INFORMATION SPECIALISTS  
401 WHEELABRATOR WAY, SUITE A, MILTON, ON L9T 3C1  
T: (905) 875-9955 F: (905) 875-9956 www.jdbarnes.com

DRAWN BY: MB CHECKED BY: SJP REFERENCE NO.: 21-30-768-00-A  
FILE: G:\21-30-768\00\Drawings\21-30-768-00-A.dgn DATED: 10/29/2021  
PLOTTED: 10/29/2021

THE KING'S HIGHWAY No. 20  
(ORIGINAL ROAD ALLOWANCE BETWEEN THE GEOGRAPHIC TOWNSHIPS OF SALT FLEET AND BINBROOK)



Hamilton

**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	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:

PIN 17376-0026 -Charge registered as Instrument Number VM122089 in favor of Famara Establishment dated June 5, 1992.
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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:

Permission under Section 45(2)(a)(ii) of the Planning Act, R.S.O. 1990,c. P.13 to permit commercial storage as being similar to the permitted Salvage Yard use under the Zoning By-Law or more compatible with the uses permitted under the Zoning By-Law.

Second Dwelling Unit       Reconstruction of Existing Dwelling

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

N/A

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):

PIN NUMBER: 17376-0026- PT LT 24, CON 8 SALTFLEET, AS IN VM122088, EXCEPT CM636, S/T VM122088, EXCEPT T/W THEREIN, 54 Upper Centennial Parkway, Stoney Creek.

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial

Agricultural       Vacant

Other Salvage Yard

8.1 If Industrial or Commercial, specify use Salvage Yard

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?

The principal of 713758 Ontario Limited is Barry Humphrey and he has been involved in operations of the property continuously since 1873.

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 this 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

January 29, 2022

Signature Property Owner(s)

Barry Humphrey

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 154.59  
Depth 413.03  
Area 58,003 sq. ft.  
Width of street Unknown

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:

1. Concrete block building with new siding addition;
2. One story concrete block building;
3. Trailer
4. Storage containers acting as fence around perimeter.

Proposed:

none

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

Existing:

1. Side yard 3.9 m, rear yard approx. 360 m, front yard 23.12 m;
2. Side yard 29.28 m, rear yard approx. 240 m, front yard 25.32 m;
3. Side yard 23.09 m, rear yard approx. 400 m, front yard 8.19 m;
4. On the property line.

Proposed:

None

13. Date of acquisition of subject lands:  
June 5, 1992
- 
14. Date of construction of all buildings and structures on subject lands:  
Approximately 1940s or 1950s, except shipping containers are 2017.
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Salvage Yard
- 
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Agricultural
- 
17. Length of time the existing uses of the subject property have continued:  
Approximately 1940s or 1950s
- 
18. Municipal services available: (check the appropriate space or spaces)
- Water \_\_\_\_\_ Connected \_\_\_\_\_
- Sanitary Sewer \_\_\_\_\_ Connected \_\_\_\_\_
- Storm Sewers \_\_\_\_\_
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Rural Hamilton Official Plan
- 
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
A1, 93 Zone pursuant to Exception 93, Zoning By-Law 05-200
- 
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
- Yes  No
- If yes, please provide the file number:  
\_\_\_\_\_
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
- Yes  No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
- The applicant is seeking to apply for a Building Permit for the containers on the property and first requires zoning compliance and the relief requested would achieve this. A commercial storage use for the property is less then intensive then the permitted Salvage Yard use and more compatible with the surrounding land uses.
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.