



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.:** HM/A-22:85

**APPLICANTS:** Agent Zoltan Engineering – C. Arias  
Owner Canway Equipment Inc. – L. Verhey

**SUBJECT PROPERTY:** Municipal address **399 Kenora Ave., Hamilton**

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

**ZONING:** M5 General Industrial district

**PROPOSAL:** To permit the construction of a proposed one storey building addition to the existing manufacturing operation notwithstanding that:

1. To permit the parking spaces fronting onto Bancroft Street to be located 0.0 m from the street line; and
2. No planting strip shall be provided on the northerly lot line abutting Bancroft Street instead of the minimum required 3.0 m wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle; and
3. To permit a total of 21 parking spaces to be provided on site instead of the minimum required 29 parking spaces.

Notes:

Variations have been written exactly as requested by the applicant.

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

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**DATE:** Thursday, April 28<sup>th</sup>, 2022  
**TIME:** 2:55 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)

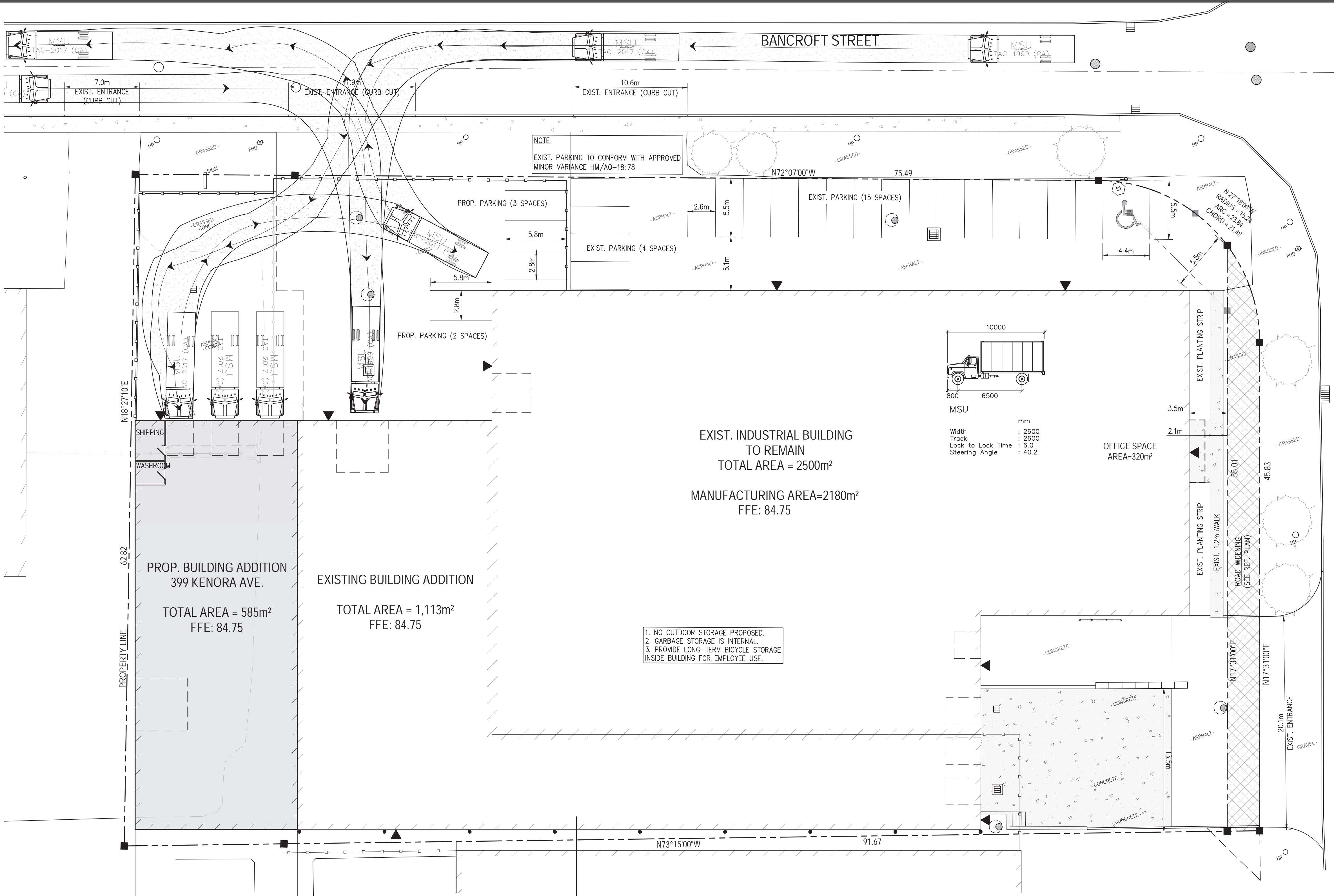
DATED: April 12<sup>th</sup>, 2022.

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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.***





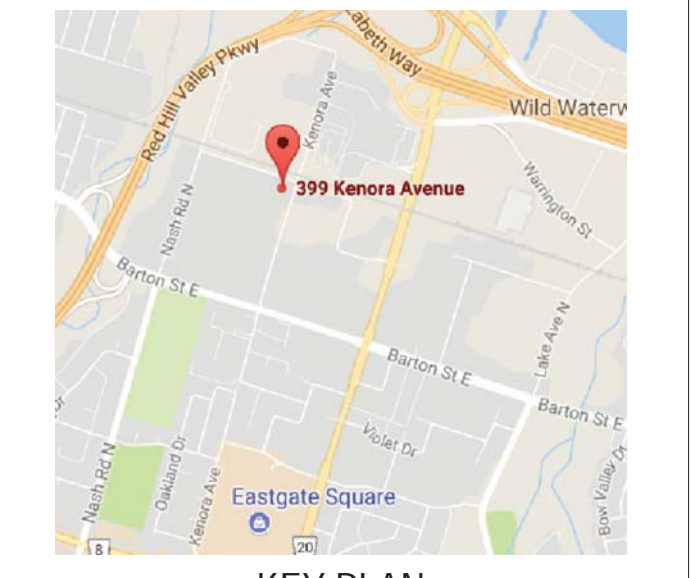
**CITY OF HAMILTON SITE PLAN NOTES:**

- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
- FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
- MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5 M UNLESS OTHERWISE STATED.
- ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5 M SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
  - BUILDING PERMIT
  - ROAD CUT PERMITS
  - APPROACH APPROVAL PERMITS
  - COMMITTEE OF ADJUSTMENT (IF REQUIRED)
  - SEWER AND WATER PERMITS
  - RELOCATION OF SERVICES
  - ENCROACHMENT AGREEMENTS (IF REQUIRED)
- ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
- FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE TO BE PROVIDED:
 

"5 METRE BY 5 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET."
- CAUTION: NOTWITHSTANDING CURRENT SURFACE CONDITIONS, THE PROPERTY HAS BEEN DETERMINED TO BE AN AREA OF ARCHAEOLOGICAL POTENTIAL. ALTHOUGH AN ARCHAEOLOGICAL ASSESSMENT IS NOT REQUIRED BY THE CITY OF HAMILTON, THE PROPONENT IS CAUTIONED THAT DURING DEVELOPMENT ACTIVITIES, SHOULD DEEPLY BURIED ARCHAEOLOGICAL MATERIALS BE FOUND ON THE PROPERTY THE ONTARIO MINISTRY OF TOURISM, CULTURE AND SPORTS (MTCOS) SHOULD BE NOTIFIED IMMEDIATELY (416-314-7143). IN THE EVENT THAT HUMAN REMAINS ARE ENCOUNTERED DURING CONSTRUCTION, THE PROPONENT SHOULD IMMEDIATELY CONTACT BOTH MTCOS AND THE REGISTRAR OR DEPUTY REGISTRAR OF THE CEMETERIES REGULATION UNIT OF THE MINISTRY OF SMALL BUSINESS AND CONSUMER SERVICES (416-326-8392).
- ALL FENCES MUST COMPLY WITH HAMILTON FENCE BY-LAW NO. 10-142
- ALL SIGNS MUST COMPLY WITH HAMILTON SIGN BY-LAW NO. 10-197
- THIS PROPERTY IS INELIGIBLE FOR MUNICIPAL COLLECTION OF GARBAGE, RECYCLING, ORGANICS, AS WELL AS LEAF AND YARD WASTE AS INDICATED BY THE CITY'S SOLID WASTE MANAGEMENT BY-LAW 09-067, AS AMENDED. COLLECTION OF GARBAGE, RECYCLING, ORGANICS, AND LEAF AND YARD WASTE MUST BE PROVIDED THROUGH A PRIVATE WASTE HAULER(S). RECYCLING IS STRONGLY ENCOURAGED.
- ALECTRA UTILITIES
  - RELOCATION, MODIFICATION, OR REMOVAL OF ANY EXISTING HYDRO FACILITIES, SHALL BE AT THE OWNER'S EXPENSE.
  - DO NOT EXCAVATE WITHIN 2m OF HYDRO POLE OR ANCHORS
  - EXCAVATION WITHIN 1m OF UNDERGROUND HYDRO PLAN IS NOT PERMITTED UNLESS APPROVAL IS GRANTED BY A HORIZON UTILITIES REPRESENTATIVE IS PRESENT TO PROVIDE DIRECT SUPERVISION. COST ASSOCIATED WITH THIS TASK SHALL BE AT THE OWNER'S EXPENSE.
  - ALECTRA UTILITIES MUST BE CONTACTED IF REMOVAL, ISOLATION, OR RELOCATION OF EXISTING PLANT IS REQUIRED. ALL COST ASSOCIATED WITH THIS WORK WILL BE AT THE OWNER'S EXPENSE.
- UNION GASS HAS SERVICE LINES RUNNING WITHIN THE AREA WHICH MAY OR MAY NOT BE AFFECTED BY THE DEVELOPMENT. SHOULD THE SITE PLAN IMPACT THE SERVICES, IT MAY BE NECESSARY TO RELOCATE THE LINES, ANY SERVICE RELOCATION WOULD BE AT THE COST OF THE PROPERTY OWNER.

These design documents are prepared solely for the use by the party with whom the design professional has entered into a contract and there are no representations of any kind made by the design professional to any party with whom the design professional has not entered into a contract.

Do not scale drawings. The contractor shall check and verify all dimensions and report any errors and omissions to the engineer. This drawing is not to be used for construction unless marked as "issued for construction", certified and dated.



**KEY PLAN**  
NOT TO SCALE

PT LOTS 8, 9 & 10  
NASHDALE INDUSTRIAL ESTATE  
PL 1299, ABSTRACTED AS BLK 13

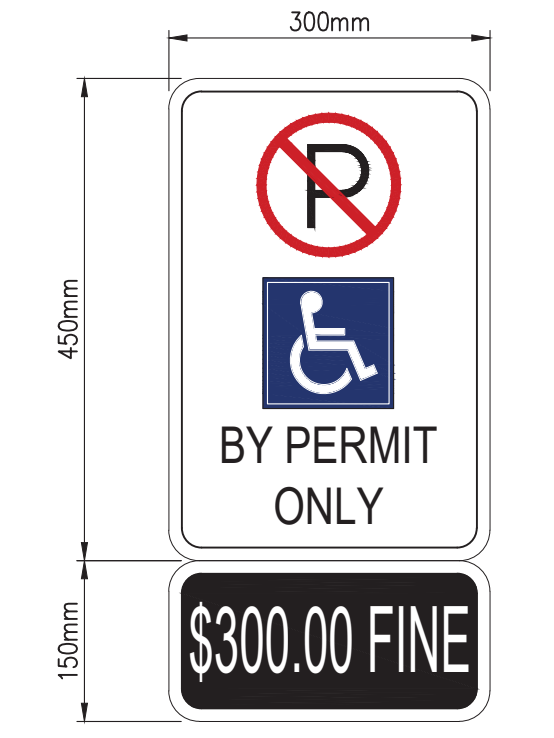
CITY OF HAMILTON

Site Statistics - 399 Kenora Avenue		
Zoning	M5 (General Industrial)	
Use of Property	Manufacturing Office Accessory Use	
	<b>Zoning By Law</b>	<b>Required</b> / <b>Provided</b>
Minimum Lot Area	4,000 sq.m	6,538 sq.m
Minimum Yard Abutting a Street	3m	3.5m & 10.6m
Minimum parking required		
<b>Existing</b>		
Manufacturing Use (Area = 2180 sq.m + 1113sq.m = 3293sq.m)	1 per 200 sq.m = 17 spaces	
Office Use (Area = 320 sq.m)	1 per 30 sq.m = 11 spaces	
<b>Total Parking Spaces</b>	28 spaces	20 spaces
<b>Proposed</b>		
Manufacturing Use (Area = 585 sq.m)	1 per 200 sq.m = 3 spaces	4 Spaces
Barrier Free Spaces	0-49 Spaces Minimum 1 Space	1 Space (entire site)

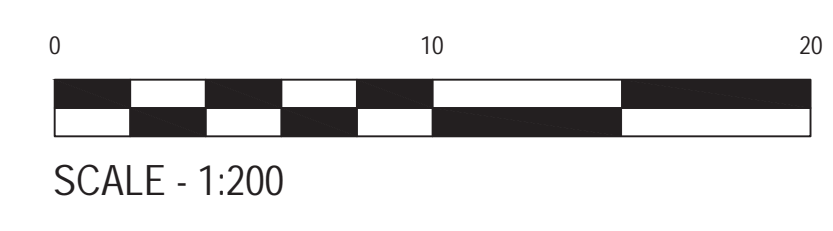
REFER TO COMMITTEE OF ADJUSTMENT FILE: HM/A-18:78 FOR MINOR VARIANCE INFORMATION.

**DRAWING LEGEND**

---	PROPERTY LINE
- GRASSED -	SURFACE COVER (EXISTING)
- GRASSED -	SURFACE COVER (PROPOSED)
HP	HYDRO POLE / LIGHT POLE
FHD	FIRE HYDRANT
---	CHAIN LINK FENCE (EXISTING)
---	CHAIN LINK FENCE (PROPOSED)
⊙	MANHOLE/CATCH BASIN MANHOLE
⊞	EX./PROP. CATCH BASIN
83.95	EXISTING ELEVATION
83.95	PROPOSED ELEVATION
→	DRAINAGE DIRECTION
▼	BUILDING ENTRANCE
SF	SILT FENCE



ACCESSIBLE PARKING SIGN



REV.	DATE	REMARKS
4	16FEB22	ISSUED FOR MINOR VARIANCE
3	27SEP21	ISSUED FOR CONDITIONAL REQUIREMENTS
2	20APR21	ISSUED FOR SITE PLAN APPLICATION
1	17MAR21	ISSUED FOR DISCUSSION
0	JAN21	ISSUED FOR REVIEW

**ZOLTAN ENGINEERING**  
4380 S Service Road, Suite #25  
Burlington, ON L7L 5Y6  
Tel: 905.331.8307 • Fax: 905.331.6840

PROJECT TITLE  
**BUILDING ADDITION  
399 KENORA AVENUE  
SPA-21-074**

HAMILTON ONTARIO

DRAWING TITLE  
**SITE PLAN**

SCALE	AS NOTED
DATE	16FEB22
DRAWN	JA
DESIGNED	ZL
CHECKED	ZL



PROJECT No. **21-004** SHEET No. **SP-1**





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:

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:

1) To allow parking spaces along Bancroft Street to not have a 3.0 m landscape strip and allow for a 0m setback from the property line. 2) Permit a total of 21 parking spaces

Second Dwelling Unit                       Reconstruction of Existing Dwelling

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

Proposed development is limited to the existing conditions and boundaries of the site. The existing parking is oriented such that it is already not conforming with the provisions of the By-law with limited space available for relocation

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: Nashdale Industrial Estate 2, Reistered Plan No.: 1299, Lot(s): 8, 9 & 10

7. PREVIOUS USE OF PROPERTY

Residential                       Industrial                       Commercial

Agricultural                       Vacant

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use manufacturing

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?

Information provided by the owner

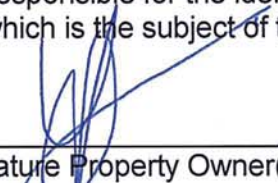
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

FEB. 16/22  
Date

  
Signature Property Owner(s)

Len Verhey  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 61.07m  
Depth 104.32 m  
Area 6370 sq.m  
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:\_\_\_

Ex. Industrial Building composed of 2180 sq. m of manufacturing space (approx. 41.5m x 65.5 m) and 1113 sq. m of manufacturing space and 320 sq.m (approx. 10.5 m x 30.5 m) of office space. Ex. building is a one storey building approx. 6m height. Ex. Manufacturing Space contains two loading dock spaces.

Proposed

Proposed one storey building addition (585 sq m) to match height of existing building approx. 6 m.

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

Existing:

front lot line (Kenora) : 3.5m  
side lot line (Bancroft): 10.6m  
rear lot line : 1.2m  
side lot line: 15.6m \* see plan for details \*

Proposed:

front lot line (Kenora) : 3.5m  
side lot line (Bancroft): 10.6m  
rear lot line : 1.0m  
side lot line: 15.6m \* see plan for details \*

13. Date of acquisition of subject lands:  
November 1, 2001
- 
14. Date of construction of all buildings and structures on subject lands:  
Original Structure - 1968, Building Additions - 1974,1996,1998, Coverall Structure
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Office use and manufacturing of material handling equipment
- 
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:  
26 years
- 
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:  
District Commercial
- 
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
M5 (General Industrial)
- 
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)  
Project has already received a minor variance for parking, see file number HM/A-18:78 (attached)
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.