



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.: HM/A-22:95

APPLICANTS: Agent IBI Group - J. Marcus
Owner American Iron & Metal (AIM) Company Inc.

SUBJECT PROPERTY: Municipal address **275-319 Sherman Ave. N., Hamilton**

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

ZONING: "M5" and "M6" (General Industrial and Light Industrial) district

PROPOSAL: To permit the establishment of a salvage yard notwithstanding that;

1. The access driveway entrance for the salvage yard shall be permitted to be located on the M6 zoned lands notwithstanding that the use is not permitted in the M6 zone.

Notes: Variances have been written exactly as requested by the applicant. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.

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

DATE: Thursday, April 28th, 2022
TIME: 3:30 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

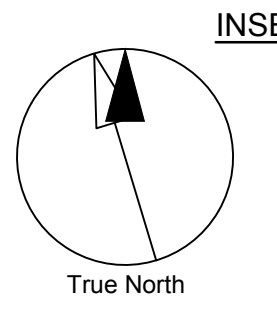
For more information on this matter, including access to drawings illustrating this request:

- 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

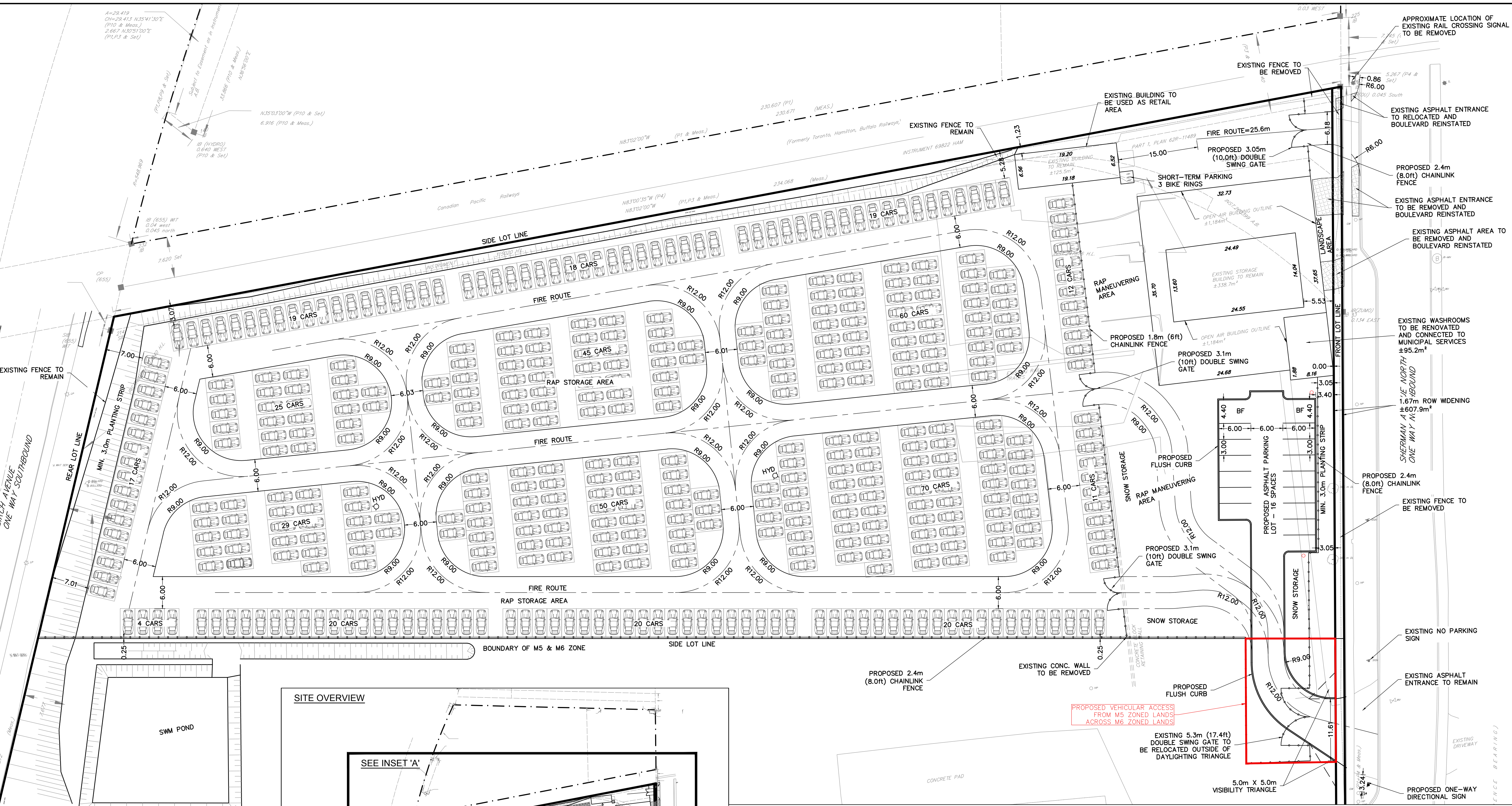
DATED: April 12th, 2022.

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.



INSET 'A'



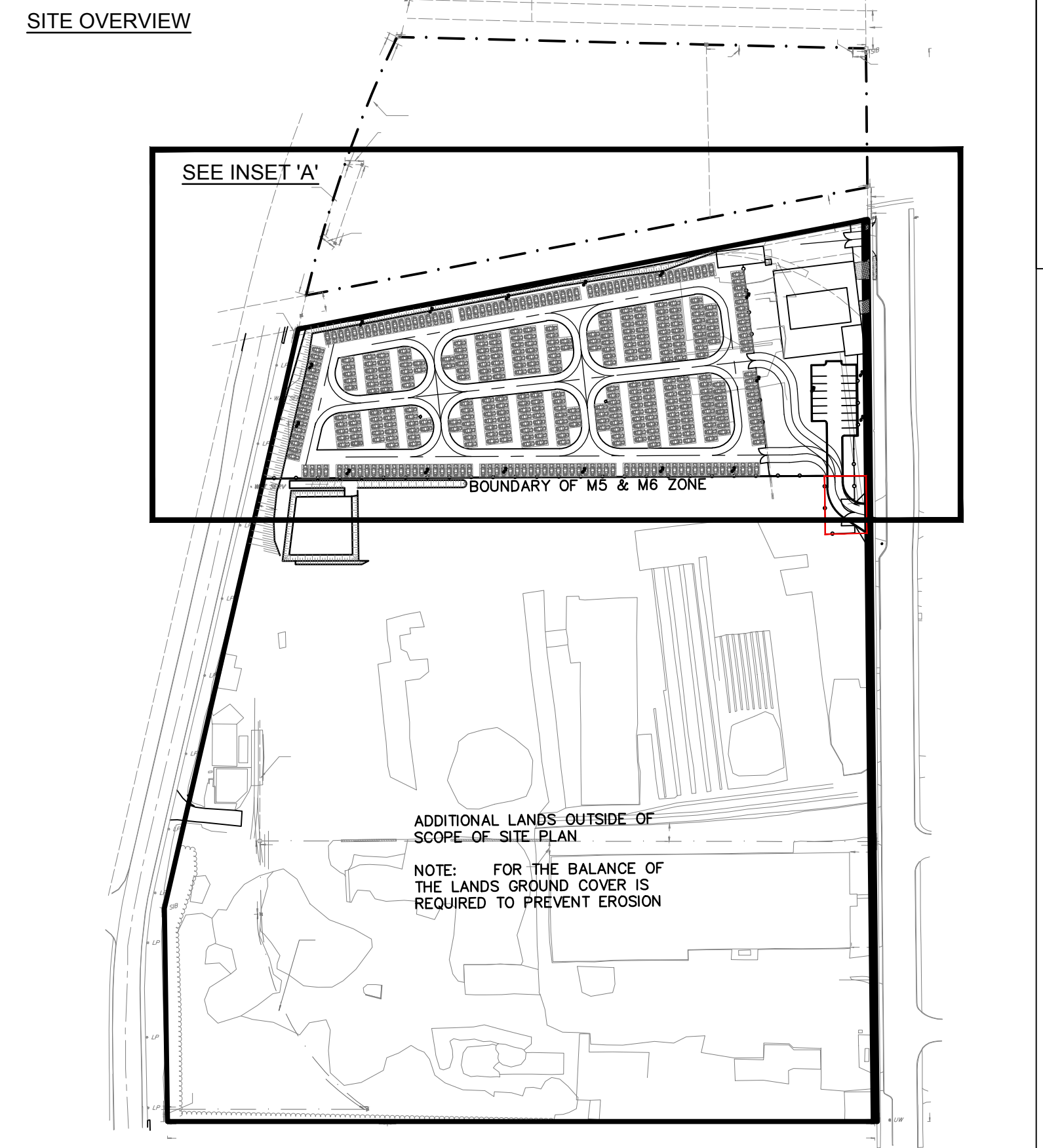
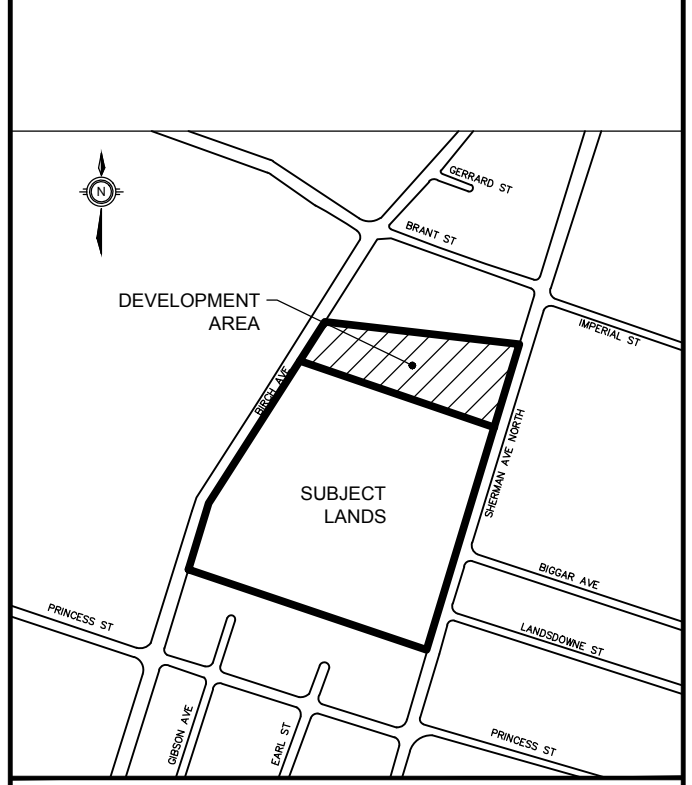
CLIENT
AMERICAN IRON & METAL COMPANY INC.
9100, BOUL. HENRI-BOURASSA EST
MONTREAL, QC

COPYRIGHT
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IBI Group Professional Services (Canada) Inc.
is a member of the IBI Group of companies

ISSUES	No.	DESCRIPTION	DATE
	1	FIRST SITE PLAN SUBMISSION	2019-12-20
	2	FIRST SITE PLAN RESUBMISSION	2021-04-06
	3	MINOR VARIANCE SUBMISSION	2022-03-18
####	####		####

DRAFT



**CITY OF HAMILTON ZONING BY-LAW 05-200
GENERAL INDUSTRIAL (M5) ZONE**

	REQUIRED	PROVIDED
PERMITTED USES	SALVAGE YARD	SALVAGE YARD
MIN. LOT AREA	4,000m ²	±19,135m ² (M5 ZONED LANDS ONLY)
MIN. YARD ABUTTING A STREET	3.0m	0m (EX. BUILDING)
PLANTING STRIP ABUTTING BURLINGTON STREET AND STEEL CITY COURT	3.0m	3.0m
OUTDOOR STORAGE	MAX 85% OF TOTAL LOT AREA = ±16,264.75m ² (M5 ZONED LANDS ONLY)	71.5% ±13,672.1m ²
GROSS FLOOR AREA OFFICE USE	MAX. 3,000m ²	NONE PROPOSED
MAX. GROSS FLOOR AREA FOR RETAIL	25% OR 500m ² , WHICHEVER IS LESSER SALVAGE YARD GFA = ±1,522.7m ² x 25% = 380.6m ²	RETAIL USE = ±125.5m ² (8.2%)
PARKING		
MIN. STALL SIZE	2.8m X 5.8m	3.0m X 6.0m
MIN. ACCESSIBLE STALL SIZE	4.4m X 5.8m	4.4m X 6.0m
MIN. DRIVE AISLE WIDTH	6.0m	6.0m
MIN. PARKING SPACES	1 SPACE / 30m ² GROSS FLOOR AREA WHICH ACCOMMODATES THE OFFICE AND RETAIL USE. 125.5m ² = 4 SPACES	16 SPACES
MIN. ACCESSIBLE PARKING	0-49 SPACES = 1 SPACE	2 SPACES

GENERAL 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 AND CHIEF PLANNER, 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
 - SEWER AND WATER PERMITS
 - ACCESS PERMITS
 - RELOCATION OF SERVICES
 - APPROACH APPROVAL PERMITS
 - ENCROACHMENT AGREEMENTS (IF REQUIRED)
 - COMMITTEE OF ADJUSTMENT
 - SEWER AND WATER PERMITS
 - ENCROACHMENT AGREEMENTS (IF REQUIRED)
- ABANDONED ACCESSWAYS 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 A MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.7 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET."
- PROPOSED FENCING SHALL CONFORM TO THE CITY'S FENCE BY-LAW No. 10-142.
- PROPOSED SIGNAGE SHALL CONFORM TO THE CITY'S SIGN AND OTHER DEVICES BY-LAW No. 10-187.
- THIS PROPERTY IS INELIGIBLE FOR MUNICIPAL WASTE COLLECTION, AS MUNICIPAL FORCES DO NOT SERVICE INDUSTRIAL DEVELOPMENTS. A PRIVATE HAULER MUST BE ARRANGED FOR THE REMOVAL OF ALL WASTE MATERIALS.
- LIGHTING MUST BE DIRECTED ON-SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS. MUST PROVIDE HOUSE SHIELDS WHERE NEEDED, TO COMPLETELY ELIMINATE GLARE TO ADJACENT PROPERTIES.
- UNION GAS 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.

UNDERTAKING

I, (WE), **AMERICAN IRON AND METAL COMPANY INC.**, THE OWNER(S) OF THE LAND, HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION,

(A) TO COMPLY WITH ALL THE CONTENT OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM;

(B) TO PERFORM THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(a) OF THE PLANNING ACT SHOWN ON THIS PLAN AND DRAWINGS IN ACCORDANCE WITH THE CONDITIONS AS SET OUT IN THE LETTER OF APPROVAL DATED JULY 14, 2021;

(C) TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT MY (OUR) SOLE RISK AND EXPENSE, ALL FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(b) OF THE SAID ACT, SHOWN IN THIS PLAN AND DRAWINGS, INCLUDING REMOVALS OF SNOW FROM ACCESS RAMPS AND DRIVEWAYS, PARKING AND LOADING AREAS AND WALKWAYS; AND,

(D) IN THE EVENT THAT THE OWNER DOES NOT COMPLY WITH THE PLAN DATED _____ 2022, THE OWNER AGREES THAT THE CITY MAY ENTER THE LAND AND DO THE REQUIRED WORKS, AND FURTHER THE OWNER AUTHORIZES THE CITY TO USE THE SECURITY FILED TO OBTAIN COMPLIANCE WITH THIS PLAN.

(E) CAUTION: NOTWITHSTANDING CURRENT SURFACE CONDITIONS, THE PROPERTY HAS BEEN DETERMINED TO BE OF 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 HERITAGE, SPORT, TOURISM AND CULTURE INDUSTRIES (MHSCTI) SHOULD BE NOTIFIED IMMEDIATELY (416-314-7434). IN THE EVENT THAT HUMAN REMAINS ARE ENCOUNTERED DURING CONSTRUCTION, THE PROPONENT SHOULD IMMEDIATELY CONTACT BOTH MHSCTI AND THE REGISTRAR OR DEPUTY REGISTRAR OF THE METEORITES REGULATION UNIT OF THE MINISTRY OF SMALL BUSINESS AND CONSUMER SERVICES (416-326-8392).

(F) THAT THE OWNER AGREES TO PHYSICALLY AFFIX THE MUNICIPAL NUMBER (319) OR FULL ADDRESS (319 SHERMAN AVENUE NORTH) TO THE BUILDING OR ON A SIGN IN ACCORDANCE WITH THE CITY'S SIGN BY-LAW, IN A MANNER THAT IS VISIBLE FROM THE STREET.

(G) THAT THE OWNER AGREES TO ESTABLISH ANY NOISE MITIGATION MEASURES AND NOISE WARNING CLAUSES IDENTIFIED IN THE REQUIRED ENVIRONMENTAL NOISE STUDY.

(H) THAT THE OWNER AGREES THAT NO VEHICLE CRUSHER OR SHREDDER WILL BE ESTABLISHED ON THE SUBJECT LANDS.

DATED THIS _____ DAY OF _____, 2022

WITNESS SIGNATURE _____ OWNER(S) SIGNATURE (SEAL) _____

WITNESS (PRINT) _____ OWNER (PRINT) _____

ADDRESS OF WITNESS _____



PROJECT
KENNY U-PULL
SHERMAN AVE. HAMILTON
319 SHERMAN AVENUE NORTH

PROJECT NO: 117175
SCALE: 1:400
DRAWN BY: J.MARCUS
CHECKED BY: T.WHITHALL
PROJECT MGR: J.MARCUS
APPROVED BY: S. ARBUCKLE

SHEET TITLE
SITE PLAN
DA-20-022

SHEET NUMBER
SP 1.0
ISSUE
2

SCALE: 1:2000



Hamilton

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:

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:

Second Dwelling Unit Reconstruction of Existing Dwelling

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

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**):

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 8.1 to 8.10 above?

Consultation with Owner and Phase 1 & 2 ESA


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.

23-2-2022
Date


Signature Property Owner(s)
American Iron & Metal inc.
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage +/-363.8m (Sherman)
Depth +/-286.4m
Area +/-89,600sq.m
Width of street Sherman - 20m; Birch - 23m

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:

Storage building - +/-338.7sq.m, 1 storey, 32.7m x 37.6m
Retail building - +/-125.5sq.m, 1 storey, 19.2m x 6.5m

Proposed

No buildings 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:

Storage building - FY: 0m; North SY: 13.1m; South SY: 307.9m; RY: 193.1m
Retail building - FY: 37.1m; North SY: 1.2m; South SY: 344.5m; RY: 171.5m

Proposed:

No buildings proposed

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):

16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):

17. Length of time the existing uses of the subject property have continued:

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:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
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)
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.