



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.: DN/A-22:83

APPLICANTS: Agent Vicano Development – Y. Yawson
Owner BMAN Holdings Inc.

SUBJECT PROPERTY: Municipal address **44 Head St., Dundas**

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

ZONING: M6 Light Industrial district

PROPOSAL: To permit the construction of a one storey westerly addition to the existing industrial building as per Site Plan Application SPA-21-060 and to recognize existing parking conditions notwithstanding that;

1. A minimum landscaping area of 0.0m shall be permitted abutting the existing eight (8) parking located along the Head Street lot line instead of the minimum required 6.0m wide landscaped area abutting a street.
2. The existing eight (8) parking spaces located along the Head Street lot line shall be permitted to maintain a minimum setback of 0.0m from the street line instead of the minimum 3.0m setback required.
3. No planting strip shall be required between a street line and the proposed seventeen (17) parking spaces and no planting strip shall be required between the existing eight (8) parking spaces along the Head Street lot line whereas the zoning By-law requires that a minimum 3.0m wide planting strip is maintained between parking spaces and a street line.

Note: This development is subject to Site Plan Application SPA-21-060.

The proposal is to establish a warehouse facility. The zoning By-law requires a minimum of eight (8) parking spaces to be maintained on-site for the proposed warehouse facility. The proposal will also create an additional seventeen (17) parking spaces for a total of twenty-five (25) on-site parking spaces.

The applicant requested variances to recognize the eight (8) off-site parking spaces located on the MacNab Street Road allowance. However, please note that parking spaces located on the Road Allowance cannot be recognized for zoning compliance purposes. Therefore, the requested variances are not applicable.

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

DATE: Thursday, April 28th, 2022
TIME: 3:35 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:

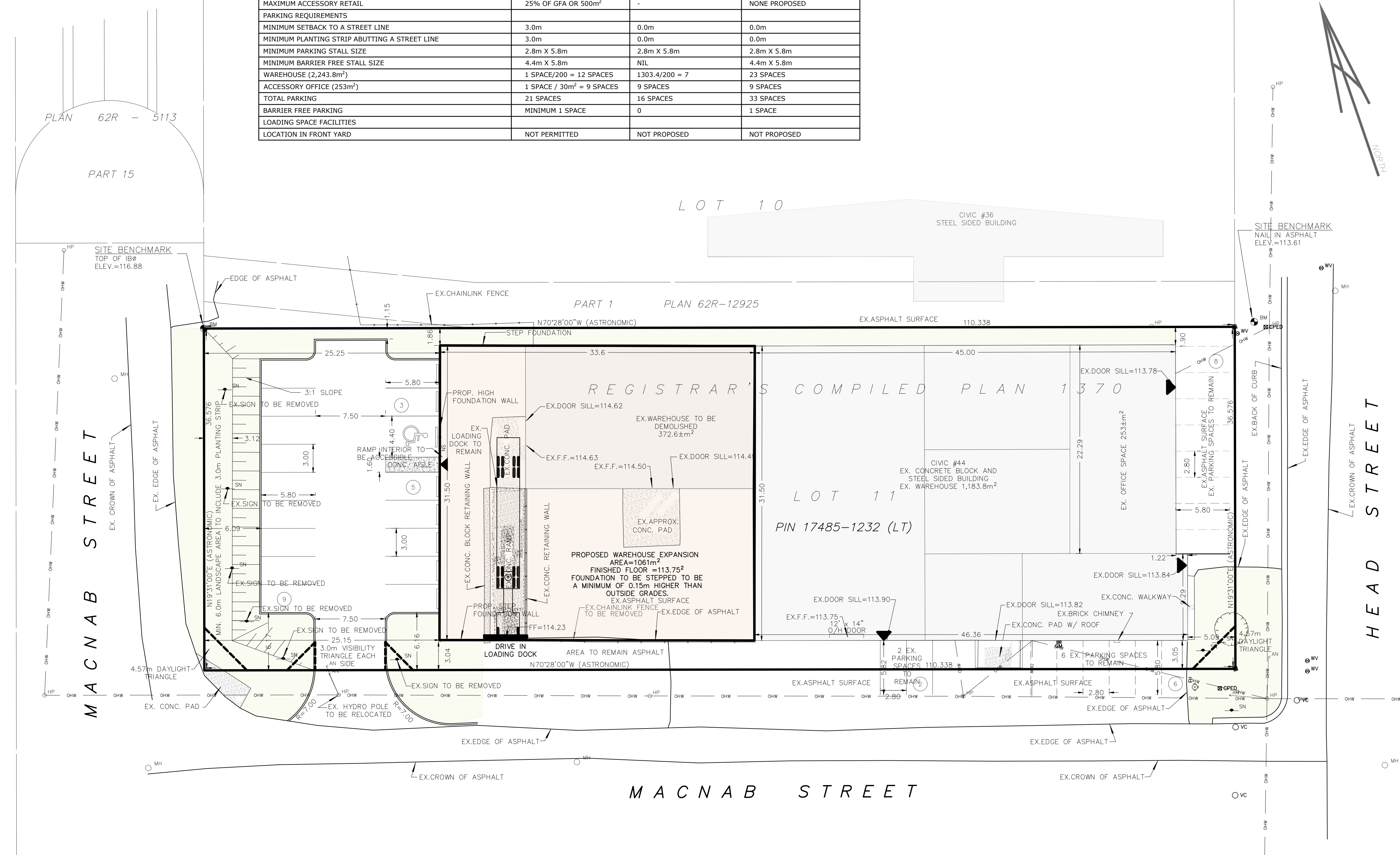
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

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.

	SITE STATISTICS		
	REQUIRED	EXISTING	PROPOSED
DEVELOPMENT DETAILS	LIGHT INDUSTRIAL (M6) ZONE	LIGHT INDUSTRIAL (M6) ZONE	LIGHT INDUSTRIAL (M6) ZONE
MINIMUM LOT AREA	4000m ²	4032.9m ²	4033m ²
MINIMUM YARD ABUTTING A STREET	3.0m	3.0m	3.04m
MAXIMUM LOT WIDTH	45.0m	36.6m	36.6m
MAXIMUM BUILDING HEIGHT	N/A	10.0m	11.0m
GROSS FLOOR AREA FOR OFFICE USE	MAX. 3000m ²	N/A	N/A
GROSS FLOOR AREA FOR INDUSTRIAL ADMINISTRATIVE OFFICE	10,000m ²	253.0m ²	253.0m ²
MINIMUM LANDSCAPED AREA ABUTTING A STREET	3.0m	-	3.0m
MINIMUM PLANTING AREA STRIP ABUTTING A STREET	3.0m	-	3.0m
OUTDOOR STORAGE SHALL NOT BE PERMITTED IN A FRONT YARD	NOT PERMITTED	NOT PERMITTED	NONE PROPOSED
MAXIMUM OUTDOOR STORAGE	85% OF LOT AREA 23,318m ²	-	NONE PROPOSED
MAXIMUM ACCESSORY RETAIL	25% OF GFA OR 500m ²	-	NONE PROPOSED
PARKING REQUIREMENTS			
MINIMUM SETBACK TO A STREET LINE	3.0m	0.0m	0.0m
MINIMUM PLANTING STRIP ABUTTING A STREET LINE	3.0m	0.0m	0.0m
MINIMUM PARKING STALL SIZE	2.8m X 5.8m	2.8m X 5.8m	2.8m X 5.8m
MINIMUM BARRIER FREE STALL SIZE	4.4m X 5.8m	NIL	4.4m X 5.8m
WAREHOUSE (2,243.8m ²)	1 SPACE/200 = 12 SPACES	1303.4/200 = 7	23 SPACES
ACCESSORY OFFICE (253m ²)	1 SPACE / 30m ² = 9 SPACES	9 SPACES	9 SPACES
TOTAL PARKING	21 SPACES	16 SPACES	33 SPACES
BARRIER FREE PARKING	MINIMUM 1 SPACE	0	1 SPACE
LOADING SPACE FACILITIES			
LOCATION IN FRONT YARD	NOT PERMITTED	NOT PROPOSED	NOT PROPOSED



NOTES

- ALL WORKS INVOLVED IN THE CONSTRUCTION, RELOCATION AND 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 7.5m UNLESS OTHERWISE STATED.
- ALL DRIVEWAYS FROM THE PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MINIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADE.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNERS 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: ROAD CUT PERMITS, SEWER PERMITS, APPROACH APPROVAL PERMITS, RELOCATION OF SERVICES, COMMITTEE OF ADJUSTMENT, ENCROACHMENT AGREEMENTS (IF REQUIRED), BUILDING PERMITS
- ABANDONED ACCESSORIES MUST BE REMOVED AND THE CURB AND BOLLARD 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 NOT TO BE PROVIDED "5.0 METERS BY 5.0 METER VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METERS ABOVE THE CORRESPONDING PERPENDICULAR CENTERLINE ELEVATION OF THE ADJACENT STREET
- THIS PROPERTY IS INELIGIBLE FOR MUNICIPAL COLLECTION OF GARBAGE RECYCLABLE MATERIAL AND LEAF AND YARD WASTE THROUGH THE CITY OF HAMILTON. WASTE WILL BE MANAGED THROUGH A PRIVATE COMPLY.
- PROPOSED SIGNAGE SHALL BE CONFIRMED TO THE CITY'S SIGN AND OTHER DEVICES BY-LAW NO. 10-197.
- ALL FENCES MUST COMPLY WITH THE CITY OF HAMILTON FENCE BY-LAW NO 10-142
- LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS.
- ALL TOPOGRAPHIC & SERVICE INFORMATION COMPILED FROM SURVEY DATA COMPLETED BY SANDS SURVEYING AND DRAFTING
- THE POSITION & SIZE OF POLE LINES, CONDUITS, WATERMANS, SEWERS & OTHER UNDERGROUND & ABOVE GROUND UTILITIES & STRUCTURES ARE NOT NECESSARILY SHOWN ON THE DRAWINGS, AND WHERE SHOWN, THE ACCURACY OF THE POSITION & SIZE OF SUCH UTILITIES & STRUCTURES IS NOT GUARANTEED. BEFORE COMMENCING WORK, THE CONTRACTOR SHALL FAMILIARIZE HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES & STRUCTURES & SHALL ASSUME ALL LIABILITY FROM DAMAGE TO SAME.
- GARBAGE TO BE STORED INTERNALLY.

UNDERTAKING

I, (WE) _____, 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 DRAWING(S) IN ACCORDANCE WITH THE CONDITION OF APPROVAL AS SET OUT IN THE LETTER OF APPROVAL DATED _____, 2021.

(C) TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT MY (OUR) SOLE RISK AND EXPENSE, ALL OF THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(B) OF THE SAID ACT, SHOWN IN THIS PLAN AND DRAWING INCLUDING REMOVAL 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 _____, 2021, 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) THE OWNER AGREES TO AFFIX THE PHYSICAL MUNICIPAL NUMBER TO THE BUILDING IN A MANNER THAT IS VISIBLE FROM THE STREET

DATES THIS _____ DAY OF _____ 2021

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

WITNESS (PRINT) _____ OWNER (PRINT)

ADDRESS OF WITNESS _____



KEY PLAN

REV.	DESCRIPTION	DATE	APPROV BY
2	REVISED FOR CITY COMMENTS	2021.08.03	OWNER
1	REVISED FOR COMMENTS	2021.07.29	CM
0	INITIAL RELEASE	2021.03.29	---

PROJECT

PROJECT TITLE
 LOT 11
 REGISTRAR'S COMPILED PLAN 1370
 CITY OF HAMILTON
 PIN 17485-1232 (LT)

44 HEAD STREET DUNDAS ONTARIO

CITY FILE NO. SPA-21-060



UNITS & CONVERSION

ALL DIMENSIONS IN METRES.
 (CONVERT TO FEET: DIVIDE BY 0.3048)

BEARING NOTE

BEARINGS ARE GRID, DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B", BY REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (2010.0). DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999603.

ANTECH DESIGN & ENGINEERING GROUP

Engineers and Urban Planners
 25 King Street, Brantford, ON. N3T 3C4
www.antechedesign.com

PROPRIETARY AND CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF ANTECH DESIGN AND ENGINEERING GROUP. ANY REPRODUCTION OR DISTRIBUTION, IN WHOLE OR IN PART, WITHOUT THE EXPRESSED WRITTEN PERMISSION OF ANTECH DESIGN AND ENGINEERING GROUP IS PROHIBITED.

CLIENT

VICANO DEVELOPMENTS LIMITED

SURVEY SYMBOLS	STORM, SANITARY, WATER SERVICE SYMBOLS	FIRE HYDRANT	UTILITY SERVICES SYMBOLS	GRADING SYMBOLS	OTHER SYMBOLS	UNDERGROUND SERVICES	PROPERTY LINES
<ul style="list-style-type: none"> FOUND MONUMENTS SET MONUMENTS IRON BAR STD. IRON BAR SHORT STD. IRON BAR CUT CROSS NAIL & WASHER 	<ul style="list-style-type: none"> REGISTERED PLAN ORIGIN UNKNOWN MEASURED PROPORTIONED WITNESS BENCHMARK IRON PIPE 	<ul style="list-style-type: none"> HYD SPRINKLER HEAD TEST HOLE BOREHOLE MONITORING WELL CULVERT CATCH BASIN DOUBLE CATCH BASIN DITCH INLET CATCH BASIN 	<ul style="list-style-type: none"> MANHOLE - SANITARY MANHOLE - STORM CATCH BASIN MANHOLE DBL. CATCH BASIN MANHOLE MANHOLE - HYDRO MANHOLE - TRAFFIC MANHOLE - BELL MANHOLE - FIBER OPTIC MANHOLE - UNSPECIFIED GAS VALVE HYDRO POLE UTILITY POLE HYDRO POLE BELL POLE LIGHT STD. HYDRO LIGHT STD. GAS MARKER HYDRO TRANSFORMER BELL MARKER BELL PEDESTAL CABLE TV MARKER CABLE PEDESTAL HYDRO GUIDE WIRE BELL GUIDE WIRE HYDRO TRANSFORMER BELL MARKER BELL PEDESTAL CABLE TV MARKER CABLE PEDESTAL 	<ul style="list-style-type: none"> EXISTING GRADE (m) PROPOSED GRADE (m) SEDIMENT TRAP DIRECTION OF SURFACE WATER 	<ul style="list-style-type: none"> TREELINE TRAFFIC SIGN RAILWAY SIGN SIGN (OTHER) TRAFFIC LIGHT TRAFFIC CONTROL BOX RAILWAY SIGNAL CTRL BOX FLAG POLE DECORATIVE POLE BOLLARD PILLAR GUARD POST MAIL BOX PARKING METER FLOOD LIGHT AIR CONDITIONER 	<ul style="list-style-type: none"> STORM SANITARY BELL / PHONE / CABLE HYDRO GAS WATER PROPERTY LINES OVER-HEAD WIRES SILT FENCING - LIGHT DUTY SILT FENCING - HEAVY DUTY SWALE / DIRECTION GRADE SLOPE INDICATOR OVERALL DISTANCE (BELOW) 	

DRAWN: CHM
 CHECKED: JAB
 DATE: 2021.03.29
 SHEET: SITE PLAN
 DRAWING NO. 210502 - V101
 REV. 0

March 14, 2022

VIA ELECTRONIC DELIVERY

Ms. Jamila Sheffield, ACST
Secretary Treasurer-Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Re: 44 Head Street, Dundas (SPA-21-060) Minor Variance Application

Dear Ms. Sheffield:

On behalf of our Client Bman Holdings Inc., we are pleased to submit a Minor Variance application for the above noted development.

This application seeks permission for the following variances:

1. To permit a minimum Landscaped Area of 0.0m abutting the existing parking areas, whereas the bylaw requires 6.0m of landscaped area be maintained abutting a street [Section 9.6.3 (k)];
2. Remove the requirement that parking spaces shall be located on the same lot as the use requiring the parking [Section 5.1 (a)(i)];
3. To permit a setback of 0.0m for the existing parking spaces, whereas the zoning by-law requires that parking spaces and aisles shall not be located within 3.0m of a street line [Section 5.1 (a)(v)(a)];
4. Remove the requirement that a 3.0m wide planting strip be provided and permanently maintained between the street line and any parking spaces and drive aisles [Section 5.1 (a)(v)(b)];
5. To permit a minimum parking space size of 2.80m x 3.0m, whereas the by-law requires a minimum parking space size 2.8m x 5.8m requirement for the existing spaces [Section 5.2(b)(i)];
6. Remove the requirement for an adequate means of ingress and egress for existing parking spaces. [Section 5.2(c)]

As part of the ongoing site plan review process, it has been identified that there are several zoning deficiencies relating to the existing parking spaces located along the south and east properties lines of the subject lands. City staff have requested that the applicant submit this minor variance application to address these concerns. The existing spaces are partially within the right-of-way and do not meet the city's landscape area and planting strip requirements. These spaces have existed for over 30 years and were installed at a time when the current regulations were not in effect. All other aspects of the proposed building expansion included in the current site plan application

(SPA-21-060) comply with Zoning By-law 05-200 and the City of Hamilton's current site plan regulations.

In support of the application please find enclosed the following information:

- One (1) copy of the Minor Variance application form;
- One (1) copy of the Landscape Plan and Site Plan drawings; ; and,
- One (1) cheque in the amount of \$3,465.

Should you require any additional information please do not hesitate to contact the undersigned.

Yours truly,



Yaw Yawson
Development Planning Technician

cc: Tom Vejvalka, Bman Holdings Inc.
Peter Vicano, Vicano Construction Limited



MINOR VARIANCE APPLICATION SUBMISSION REQUIREMENTS AND INFORMATION

1.0 GENERAL NOTES

- 1.1 Prior to submitting an application, it is strongly recommended that you contact the planner responsible for your particular area in order to determine the feasibility of your proposal. Please contact the Planning office for further information (pd.generalinquiry@hamilton.ca).
- 1.2 It is the applicant's responsibility to determine if section 45(1.3) of the Planning Act applies to the Minor Variance application. (Two year period between passing of site specific zoning by-law amendment and application for Minor Variance)
- 1.3 The application fee is non-refundable whether the application is approved or denied.
- 1.4 Submission of this application constitutes tacit consent for authorized municipal staff to inspect the subject lands or premises.
- 1.5 All information submitted in support of this application will be considered public information, including any reports, studies, drawings or other documentation. The City of Hamilton is permitted to make the application and any associated supporting information available to the general public, including posting electronic versions of the application form and associated studies and reports online. The City of Hamilton is also permitted to provide copies of the application and any supporting information to any member of the public or other third party that requests the information.
- 1.6 The application form is formatted to be printed on paper sized 8.5" by 14" (legal).

2.0 FEES

The application fee is payable at the time of submission of the completed application and is **non-refundable** whether the application is approved or denied.

2.1 PAYMENT TYPES

- 1) Cheque and Credit (via phone call)

Please make cheques payable to "The City of Hamilton."

2.2 APPLICATION FEE:

- 1) **Routine - \$625.00** (applies to Second Dwelling Units, pools, decks, sheds, accessory buildings, porches, eave projections and recognizing legal non-complying situations)
- 2) **Standard - \$3,465.00**
- 3) **After the Fact* - \$4,325.00** (Applicable fee if construction has taken place.)

Recirculation Fee - \$285.00

2.3 CONSERVATION AUTHORITY PLAN REVIEW FEES

Conservation Authority	Minor (a)	Minor (b)	Intermediate	Major
Hamilton Conservation Authority	\$520 ¹	n/a	n/a	\$1040 ⁵
Conservation Halton	\$153 ²	\$270 ³	\$667 ⁴	\$1,997 ⁵
Niagara Peninsula Conservation Authority	\$410 ¹	n/a	n/a	TBD*
Grand River Conservation Authority	\$290 ⁶	n/a	n/a	\$650 ⁷

During the current closure of offices to the public, please contact the Conservation Authorities directly to arrange payment of Conservation Authority Plan Review Fees.

Contacts are:

Hamilton Conservation Authority: 905.525.2181
Halton Conservation Authority: 289-230-0104
Grand River Conservation Authority: (519) 621-2763 x2324
Niagara Peninsula Conservation Authority: 905 788 3135

Note: For lands located within the watershed boundaries of the Conservation Authority, combined applications will only be processed at the highest rate.

- 1 In the area of interest
- 2 No site visit or technical review
- 3 Visual inspection
- 4 Staking, visual assessment or one technical review
- 5 More than one technical study is required for review
- 6 Low risk of impact on natural hazard or natural features no technical reports required.
- 7 A hazard risk and/or potential impact to natural hazards or natural features and requires the review of one or more technical reports/studies.

* Addition fee for the review of a technical report, if required.

3.0 SITE SKETCH

3.1 REQUIRED INFORMATION

The application must be accompanied by a sketch or survey plan (in metric) containing the following information (you may submit additional sketches if all information is not able to be provided on one plan):

- 1) the true dimensions and boundaries of the property for which the application is being made (note: a sidewalk is not usually a lot line);
- 2) the location, size and type (e.g. deck, single family dwelling etc.) of all existing buildings, structures or uses on the subject property, including setbacks measured from the front, rear and side lot lines;
- 3) the location, size and type (e.g. covered porch, 2-unit dwelling, parking spaces, etc.) of all proposed buildings, structures or uses on the subject property, including setbacks measured from the front, rear and side lot lines;
- 4) all projections from buildings and structures, including but not limited to eaves and gutters, steps, fire escapes/exterior staircases etc.;
- 5) location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that may affect the application (e.g. railways, trees, wells and septic tanks);
- 6) location, width and name of any roads within or abutting the subject land;
- 7) location and nature of any easement affecting the subject land;

- 8) the information provided must be legible and drawn with good drafting techniques;
- 9) sketch paper size is a minimum of Letter (A4, 8.5x11.5) and at least one copy a maximum of Ledger (A3, 11.5x17).

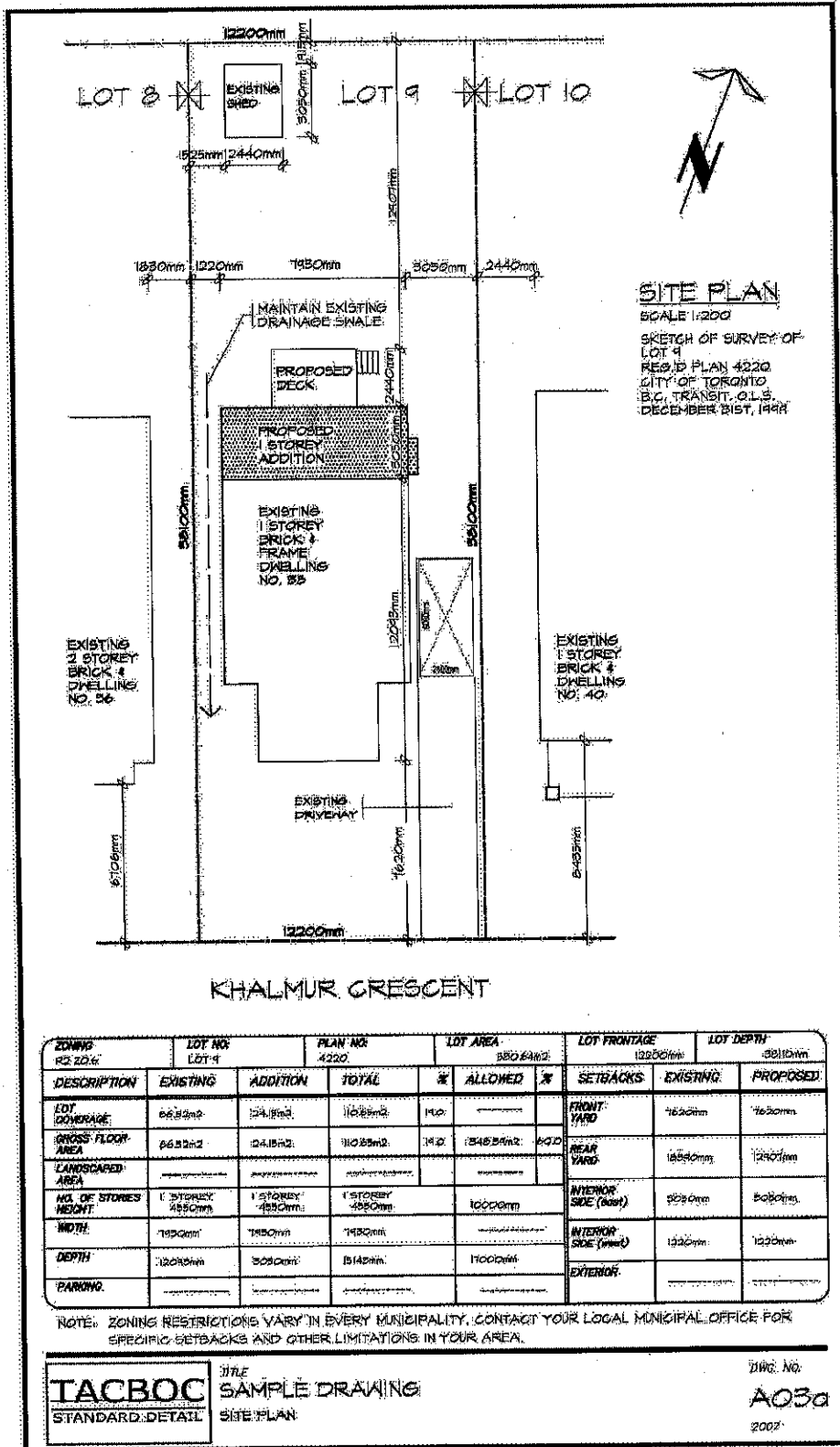
3.2 ADDITIONAL INFORMATION REQUIRED

The following information may be required depending on the nature of variances sought, please contact the Planning Division for what information may be required for your application;

- 1) lot coverage for all buildings, structures and uses;
- 2) dimensions and floor plans;
- 3) elevation plans showing height of building/structure;
- 4) percentage and dimensions of front yard landscaping, planting strips and additional landscaping as required;
- 5) percentage of front yard driveway;
- 6) access driveway width;
- 7) size and location of loading spaces; and
- 8) large (full sized) drawing for large-scale developments.

Please note failure to provide this information as required could result in the delay of your application.

3.3 EXAMPLE SKETCH



4.0 COMPLETENESS OF THE APPLICATION

4.1 REQUIRED ITEMS (see Section 5 for complete details)

- 1) Application Form – Fully completed, with all sections filled out, signed by the owner (and agent if applicable). See Application form attached.
- 2) Sworn Affidavit – Must be signed by the applicant before a Commissioner of Oaths. Part 24 of the application form.
- 3) Prescribed Fee – See Section 2
- 4) Site Sketch – See Section 3

4.2 The information in this application form that must be provided by the applicant is prescribed in Ontario Regulation 200/96 made under the *Planning Act*. This mandatory information must be provided along with the appropriate fee. If the mandatory information and fee are not provided, the City will return the application or refuse to further consider the application until the prescribed information and the fee are provided.

4.3 Item 4

- 1) This item is extremely important as this is the reason for the application. The Notice of Hearing for the application and the Decision are both formulated from this item. It is imperative that the applicant clearly indicate all of the variances being applied for in exact mathematical terms with proposed figures. If the applicant has any doubt as to why a variance application is necessary or as to the detail of the nature of the variances, then the applicant should contact the Building or Development Planning.
- 2) The staff processing the minor variance application cannot look beyond the information provided in Item 4 and must process your application on the basis of information in Item 4. **This Is Your Application. Make Sure You Know The Details Of Exactly Why You Have To Apply To The Committee Of Adjustment.**
- 3) Any errors or omissions in Item 4 could result in discovery at the hearing that there is need for additional variances or a change requiring recirculation of your application resulting in further delay and in some cases the need for submission of an additional application with a further application fee.
- 4) If the application is being made for a Second Dwelling Unit it must be clearly noted, specific policies apply.
- 5) If the scope of work involves a reconstruction of an existing dwelling (building being all or partially demolished) it must be clearly noted, specific policies apply.

5.0 SUBMISSION OF THE APPLICATION

A separate application form is required for each property, along with the applicable fee as indicated above. Please note the nature of the information/reports varies with the type of land uses proposed, the existing land use and topographic features.

Applications may be submitted via Electronic Submission or Hardcopy submission. Electronic submissions must be sent to cofa@hamilton.ca. Hardcopy Submissions must be mailed to Committee of Adjustment, 5th floor, 71 Main Street West Hamilton, Ontario L8P 4Y5 or submitted on the 1st Floor of City Hall, 71 Main Street West. Hardcopy submissions (including envelopes containing cheques) must be clearly addressed to Committee of Adjustment.

5.1 ELECTRONIC SUBMISSION

- 1) Acceptable file formats are .pdf, .jpeg, or .doc. All other formats will be returned as we are unable to process them.
- 2) Naming convention for files is: MV_Address_Document Type (eg. MV_71 Main St. W._Application Form)
- 3) Electronic Submission:
 - a) One (1) copy of the completed application form (all applicable sections filled out and commissioned); and
 - b) One (1) copy of the Survey or Site Sketch, including all required information per Section 3;
 - c) One (1) of any additional information, including studies; and
 - d) Payment information, either credit card payment (name and phone number of the person paying, they will be contacted by staff) or scan/picture of cheque(s). All physical cheques must be mailed or dropped off at City all as per instructions above.

5.2 HARDCOPY SUBMISSION ONLY

- 1) All information noted below is required for a Hardcopy Only Submission.
- 2) Hardcopy Submission:
 - a) Two (2) copies of the completed application form;
 - b) Two (2) copies of the Survey or Site Sketch, including all required information per Section 5 (one (1) full scale size and one (1) no larger than ledger size paper 11" x 17");
 - c) Five (5) copies of the information/reports if indicated as needed when completing the sections of the application form; and
 - d) Payment, either credit card payment form or cheque(s).



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	MAILING ADDRESS	
Registered Owners(s)	BMAN HOLDINGS INC. (1136148 ONTARIO LTD.)	44 HEAD STREET, DUNDAS, ON, L9H 3H3	Phone: (905) 627-6910
			E-mail: tom@coasterfactory.com
Applicant(s)*	VICANO DEVELOPMENTS LIMITED c/o YAW YAWSON	225 PARIS ROAD, BRANTFORD ON, N3R 1J2	Phone: yaw.yawson@vicano.ca
			E-mail:
Agent or Solicitor	Same as applicant		Phone:
			E-mail:

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:

Please see attached Cover Letter for all of the required variances.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The variances required for the parking spaces and landscape area & planting strip along the street frontages are required due to existing conditions. Without these existing parking spaces the proposed building expansion can not proceed.

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, REGISTRAR'S COMPILED PLAN 1370, CITY OF HAMILTON

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use Warehouse

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?

Conversations with current owner

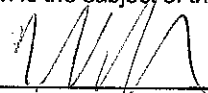
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

_____ Date



Signature Property Owner(s)

Bman Holdings Inc. c/o Tom Vejvalka

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	36.6m
Depth	110.4m
Area	4,033sq.m.
Width of street	20.1m Macnab Street/ 20.1m Head 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: _____

Existing 1-storey 1,806.2 sq.m. Industrial warehouse building. The dimensions of the building are approximately 78.7m x31.50m.

Proposed

The proposal includes a +/-1,060.9sq.m (11,423) sq.ft. addition to the rear of the existing warehouse facility. See enclosed site plan drawing.

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: 5.09m
Side: 1.90m/ 3.05m
Rear: 58.93m

Proposed:

Front: 5.09m
Side: 1.86m/ 3.05m
Rear: 25.15m

13. Date of acquisition of subject lands:
2012
14. Date of construction of all buildings and structures on subject lands:
approx. 1960's
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Warehouse
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:
approx. 50-60 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:
Industrial Land
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Light Industrial Zone (M6)
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)
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.

PART 25 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

I, Yaw Yawson of the City of Hamilton
in the Province of Ontario solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the
at the City of Brantford)
in the Province)
of Ontario)
this 9th day of March A.D. 2022)

[Signature]
Applicant

A Commissioner, etc.

PART 26 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) Bman Holdings Inc. c/o Tom Vejvalka am the registered Owner(s) of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

Vicano Developments Limited of Brantford

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE _____ SIGNED [Signature]

PART 27 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.
Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, Bman Holdings Inc. c/o Tom Vejvalka, the Owner(s), hereby agree and acknowledge
(*Print name of Owner(s)*)
that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Date Signature of Owner(s) [Signature]

PART 28 PERMISSION TO ENTER

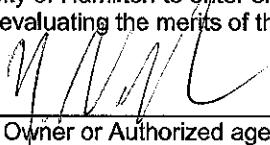
Date: _____

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment
Location of Land: 44 Head Street, Dundas
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized agent

Bman Holdings Inc. c/o Tom Vejvalka

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 29 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.



Committee of Adjustment

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

Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

**CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT**

This Agreement made this _____ day of _____, 20 _____.

BETWEEN:

Bman Holdings Inc. c/o Tom Vejvalka
Applicant's name(s)

hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Ontario Land Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:

- (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated _____ with respect to the lands described in Schedule "A" hereto.
- (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Ontario Land Tribunal by a party other than the developer; and (c) the City appears before the Ontario Land Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses

2. The City agrees to process the application and, where the application is approved by the City but appealed to the Ontario Land Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.

3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Ontario Land Tribunal.
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.
5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Ontario Land Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendered in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.

17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at _____ this _____ day of _____, 20 ____.

WITNESS



Per:
I have authority to bind the corporation.

WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this _____ day of _____, 20 ____.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk