



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

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>GL/A-22:142</b>	<b>SUBJECT PROPERTY:</b>	41 AEROPARK BLVD GLANBOOK
<b>ZONE:</b>	"M11" (Airport Prestige Business Park)	<b>ZONING BY-LAW:</b>	Zoning By-law 05-200, as Amended 16:165

**APPLICANTS:** Agent WEBB Planning Consultants  
**Owner 11035380 Canada Inc. & GreyCan 8 Properties**

The following variances are requested:

1. A maximum yard of 38.0 metres shall be permitted abutting a street line, instead of the maximum permitted yard abutting a street line of 27.0 metres.
2. Loading spaces shall be permitted within the front yard and in a yard abutting a street, instead of the requirement that a loading space shall not be permitted within a front yard or in any yard abutting a street.

**PURPOSE & EFFECT:** To facilitate the construction of a warehouse building with a gross floor area of 4331 square metre.

**Notes:**

1. The proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
2. The requested variances are required to facilitate Site Plan Application No. DA-21-047. Please note that a full zoning compliance review has not been completed as part of the submitted minor variance application; as such, the variances have been written as requested by applicant.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

<b>DATE:</b>	<b>Thursday, June 9, 2022</b>
<b>TIME:</b>	<b>1:40 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

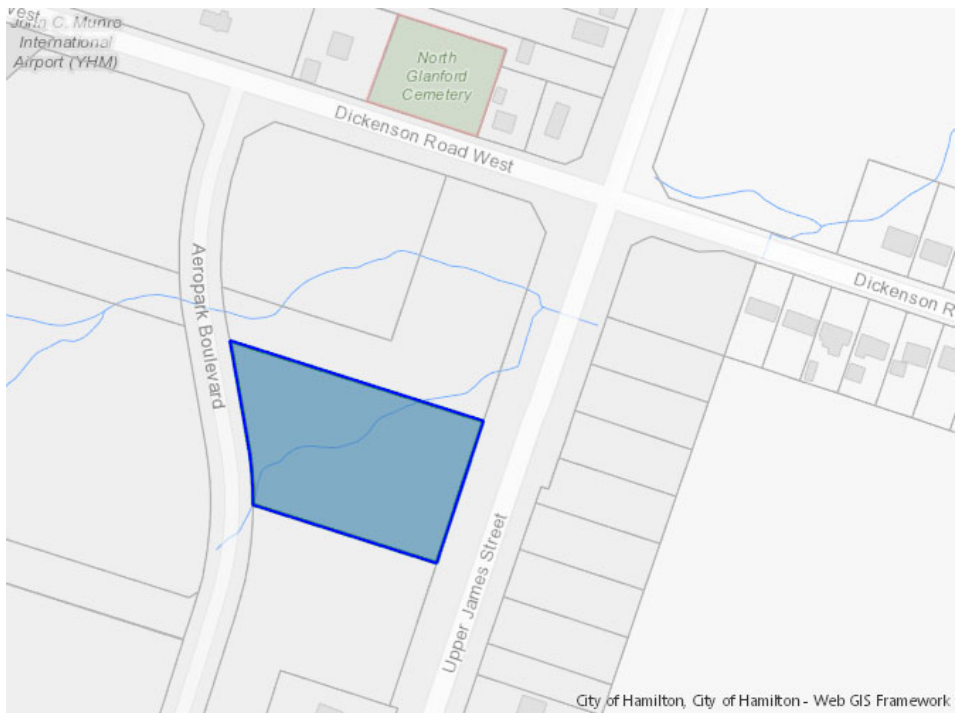
For more information on this matter, including access to drawings illustrating this request and other information submitted:

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

**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.



DATED: May 24, 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, and may include posting electronic versions.



Hamilton

## COMMITTEE OF ADJUSTMENT

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E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions During the Virtual Meeting

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

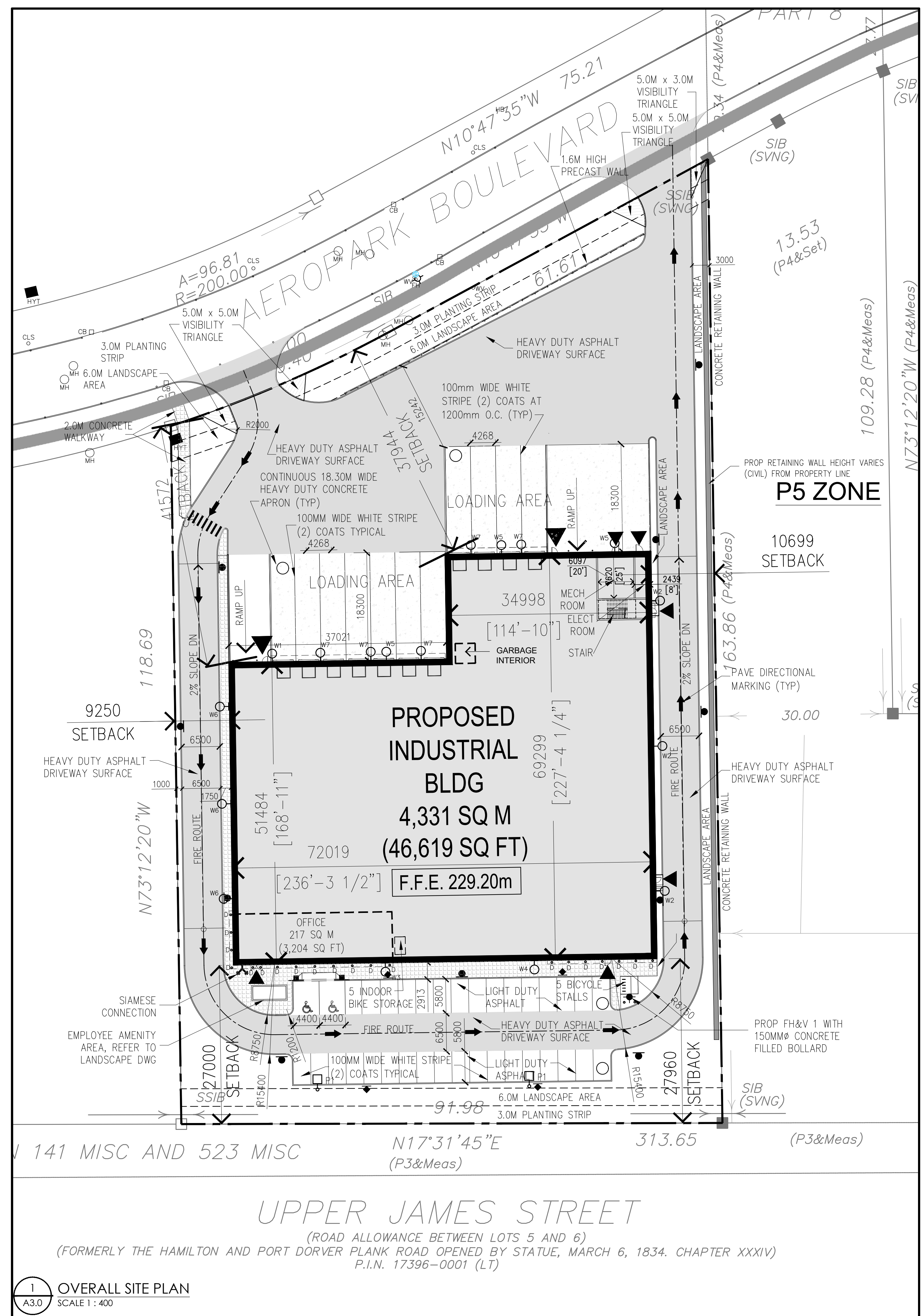
To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.





1 OVERALL SITE PLAN  
A3.0 SCALE 1:400

- LANDSCAPE/DESIGN NOTES:**
- CONSULT ECO-INDUSTRIAL GUIDELINES FOR THE AEGD SECONDARY PLAN.
  - PROVIDE GROUND-RELATED WAYFINDING SIGNAGE AT EACH BLOCK ENTRANCE TO PROVIDE ORIENTATION ON ALL BLOCKS OF SIGNAGE SHOULD BE COORDINATED AND CONSISTENT THROUGHOUT ALL BLOCKS, TO PROVIDE A UNIFIED IMAGE TO THIS BUSINESS PARK.
  - PERMEABLE PAVING IS RECOMMENDED, WHEREVER FEASIBLE.
  - PROVIDE 3.0m WIDE PLANTING STRIP BETWEEN STREET LINES AND PARKING AREAS; SHOULD BE RELATIVELY FLAT INCLUDING LANDSCAPE BUFFERS ALONG THE ENTIRE PERIMETER OF PARKING LOTS.
  - INCORPORATE LID SOLUTIONS FOR ON-SITE STORMWATER MANAGEMENT WHERE FEASIBLE.
  - INCORPORATE SUSTAINABLE AND ENERGY-EFFICIENT BUILDING DESIGN WHERE FEASIBLE (I.E. ROOFS SURFACE COULD ACCOMMODATE VEGETATED SURFACES AND SOLAR PANELS).

- LEGEND**
- ONE WAY SIGNAGE
  - FIRE ROUTE SIGNAGE
  - HANDICAP SIGNAGE
- D RECESSED IN CANOPY SOFFIT (APPROXIMATELY 3.7m ABOVE FINISHED GROUND FLOOR) REFER TO ELECTRICAL DWGS ON 6" SQUARE X 25'-0" STRAIGHT STEEL POLE ON 3'-0" CONCRETE BASE (TOTAL LUMINAIRE HEIGHT = 28' (8.5m)); REFER TO ELECTRICAL DWGS
- W1 EXTERIOR WALL LIGHT MOUNTED AT 23' (7m) ABOVE FINISHED GROUND FLOOR TO BOTTOM OF FIXTURE; REFER TO ELECTRICAL DWGS
- W2 EXTERIOR WALL LIGHT MOUNTED AT 20' (6m) ABOVE FINISHED GROUND FLOOR TO BOTTOM OF FIXTURE; REFER TO ELECTRICAL DWGS
- W3 EXTERIOR WALL LIGHT MOUNTED AT 23' (7m) ABOVE FINISHED GROUND FLOOR TO BOTTOM OF FIXTURE; REFER TO ELECTRICAL DWGS
- W4 EXTERIOR WALL LIGHT MOUNTED AT 23' (7m) ABOVE FINISHED GROUND FLOOR TO BOTTOM OF FIXTURE; REFER TO ELECTRICAL DWGS
- W5 EXTERIOR WALL LIGHT MOUNTED AT 23' (7m) ABOVE FINISHED GROUND FLOOR TO BOTTOM OF FIXTURE; REFER TO ELECTRICAL DWGS
- W6 EXTERIOR WALL LIGHT MOUNTED AT 13' (4m) ABOVE FINISHED GROUND FLOOR TO BOTTOM OF FIXTURE; REFER TO ELECTRICAL DWGS
- W7 EXTERIOR WALL LIGHT MOUNTED AT 10'8" (3.3m) ABOVE FINISHED GROUND FLOOR TO BOTTOM OF FIXTURE; REFER TO ELECTRICAL DWGS

- NOTES ON SITE PLAN:**
- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF DEVELOPMENT AND REAL ESTATE APPROACH APPROVAL PERMITS ENCROACHMENT AGREEMENTS DIVISION, 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 DRIVEWAYS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
  - ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m 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 COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
    - BUILDING PERMITS
    - SEWER PERMITS
    - ROAD CUT PERMITS
    - APPROACH APPROVAL PERMIT
    - ENCROACHMENT AGREEMENTS
    - RELOCATION OF SERVICES
    - COMMITTEE OF ADJUSTMENT (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: 5.0 METRE BY 5.0 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.60 METRES ABOVE, THE CORRESPONDING PERPENDICULAR TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED CENTRE LINE ELEVATION OF THE ADJACENT STREET.
  - SIGNAGE SHALL BE IN ACCORDANCE WITH THE CITY OF HAMILTON SIGN BY-LAW, NO. 10-197
  - FENCING SHALL BE IN ACCORDANCE WITH THE CITY OF HAMILTON FENCE BY-LAW, NO. 10-124
  - 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 SPORT (MTC) SHOULD BE NOTIFIED IMMEDIATELY (416.314.7143).
  - IN THE EVENT THAT HUMAN REMAINS ARE ENCOUNTERED DURING CONSTRUCTION, THE PROPONENT SHOULD IMMEDIATELY CONTACT BOTH MTC AND THE REGISTRAR OR DEPUTY REGISTRAR OF THE CEMETERIES REGULATION UNIT OF THE MINISTRY OF SMALL BUSINESS AND CONSUMER SERVICES (416.326.8392).
  - STREET TREE PROVISIONS FOR THIS AREA REQUIRES A DOUBLE ROW OF TREES, ONE ROW ON PRIVATE PROPERTY AND ONE ROW WITHIN THE PUBLIC BOULEVARD.
  - DEVELOPMENT IS UNDESIRABLE FOR MUNICIPAL WASTE COLLECTION SERVICE.
  - A MINIMUM OF 1.2M SEPARATION MUST BE PROVIDED WITHIN THE CITY'S ROAD ALLOWANCE AREA BETWEEN DRIVEWAYS, A FENCE AND ANY POLE, UTILITY, FIRE HYDRANT, TREE, SIGN, ETC. ANY COSTS FOR TRAFFIC SIGN OR UTILITY RELOCATION ARE THE SOLE RESPONSIBILITY OF THE APPLICANT/OWNER. IT IS THE APPLICANT'S RESPONSIBILITY TO COORDINATE WITH THE APPROPRIATE DEPARTMENTS AHEAD OF TIME.

**UNDERTAKING**

RE: 41 AEROPARK BOULEVARD

I, (We) Hamilton Airport Lands Limited Partnership by its General Partner 11035380 Canada Inc. & GreyCan 8 Properties Limited Partnership by its General Partner GreyCan 8 Properties 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 drawing(s) in accordance with the conditions of approval as set out in the conditional 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(s) (41) or full address (41 Aeropark Boulevard) to either the building or a sign along the road that is clearly visible from the road.

(f) That the applicant contract Corridor Management in the Public Works Department should the applicant require information regarding Commercial and High-density Residential Driveway Access Permits; Any construction related activity that negatively impacts the City's Right of Way that requires a Construction Management Plan; and/or Temporary Lane & Sidewalk Occupancy Permit.

(g) The owner shall complete to the satisfaction of the Director of Engineering of the City of Hamilton and Canada Post:

- include on all offers of purchase and sale, a statement that advises the prospective purchaser:
  - that the business mail delivery will be from a designated Centralized Mail Box.
  - that the developers/owners are responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- The owner further agrees to:
  - work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
  - install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
  - Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
  - determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
  - Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

(h) The owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the owner shall be responsible for the relocation of any such facilities or easements at their own cost.

(i) should the proposed site plan impact enbridge gas inc. (Union Gas) services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any service relocation required would be at the cost of the property owner.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Witness (signature) Owner(s) (signature) \_\_\_\_\_ (seal)

Witness (print) Owner (print) \_\_\_\_\_

Address of Witness \_\_\_\_\_

**SITE STATISTICS**  
41 AEROPARK BOULEVARD, HAMILTON ON

ZONE LABEL		M11	
LOT AREA	COVERAGE	SQ FT	SQ M
100.00%	100.00%	138,397.0	12,857.5
LOT FRONTAGE (AT AEROPARK BLVD.)		102.10 m	
LOT FRONTAGE (AT UPPER JAMES ST)		91.98 m	
TOTAL GROSS FLOOR AREA	COVERAGE		
OFFICE (INCLUDED IN BUILDING GFA)	33.88%	46,618.5	4,331.0
		2,233.9	218.6
PAVED AREA	48.94%	67,735.7	6,292.9
LANDSCAPED AREA	17.37%	24,042.8	2,233.7
PARKING	REQUIRED	PROVIDED	
CAR PARKING (INC. BARRIER FREE; 1/30 SQM OF OFFICE SPACE)	10	35	
BARRIER FREE (10-50 SPACES)	1	2	
BIKE PARKING (5% OF CAR PARKING)	2	5	
LOADING SPACES		PROVIDED	
LOADING DOCK		11	
TRAILER PARKING		0	
DRIVE-IN		2	
CAR DRIVE AISLES	MIN. (m)	PROPOSED (m)	
	6.5	6.5	
PARKING STALLS	MIN. (m)	PROPOSED (m)	
	3.0 x 5.8	3.0 x 5.8	
FIRE TRUCK ROUTE BUILDING HEIGHT ABOVE GRADE		HD ASPHALT	13.7 m
PROPOSED YARD SETBACKS	MIN. (m)	PROPOSED (m)	
NORTH (SIDE YARD)	6.0	10.70	
EAST (REAR YARD)	6.0	27.00	
SOUTH (SIDE YARD)	6.0	9.50	
WEST (FRONT YARD)	6.0	41.57	

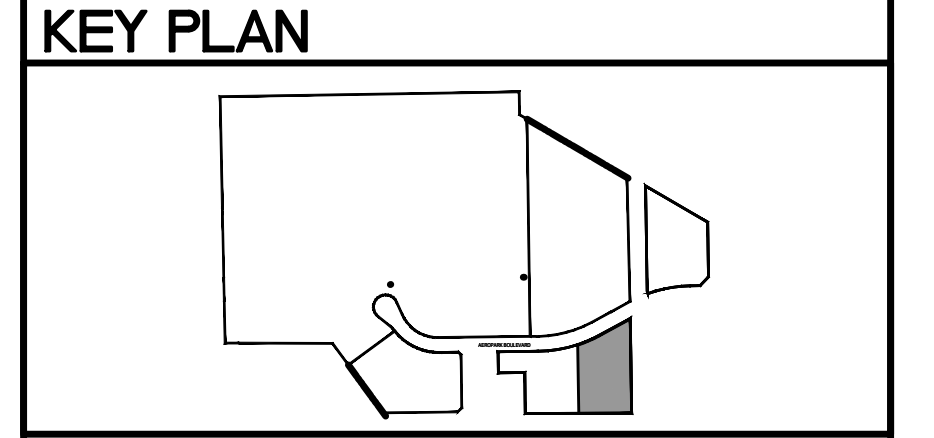
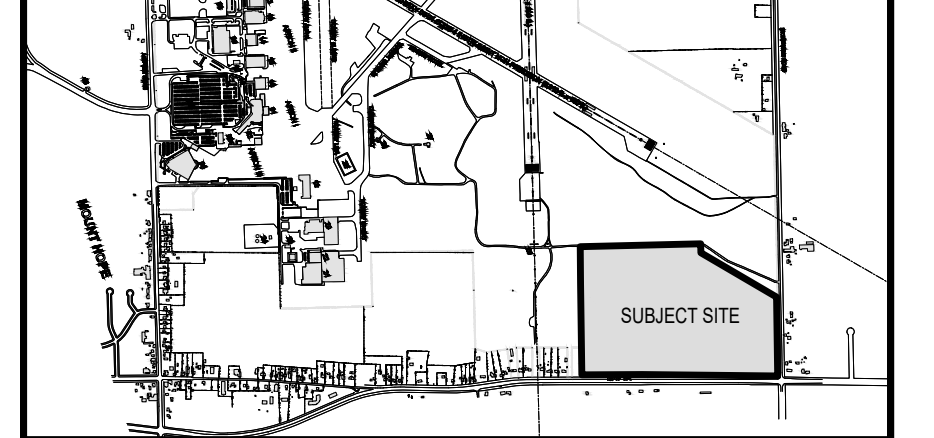
**ZONING NOTES**

- THERE IS NO OUTDOOR DISPLAY WITHIN 41 AEROPARK
- THERE IS NO ACCESSORY RETAIL AND/OR SHOWROOM AREA WITHIN 41 AEROPARK BOULEVARD.

1. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.  
2. DO NOT SCALE DRAWINGS.  
3. REPORT ALL DISCOVERIES OF ERRORS, OMISSIONS OR DISCREPANCIES TO THE ARCHITECT OR DESIGN ENGINEER AS APPLICABLE.  
4. USE ONLY LATEST REVISED DRAWINGS OR THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION".  
5. THE DRAWINGS ARE THE PROPERTY OF JRI ARCHITECTS INC. AND MUST BE RETURNED ON COMPLETION OF THE PROJECT. ANY UNAUTHORIZED USE IS PROHIBITED.

**NORTH**

NOTE: SURVEY INFORMATION ILLUSTRATED ON THIS DRAWING WAS TAKEN FROM SURVEY FILE NO. R0710197, PREPARED BY SPEIGHT VAN NOSTRAND & GIBSON LTD.



**LOCATION PLAN**

NO.	DATE	REVISIONS	APVD BY
7.			
6.	FEB 15/22	ISSUED FOR SITE PLAN RE-SUBMISSION	
5.	JAN 18/22	OWNER REVISION	
4.	SEPT 17/21	ISSUED FOR SITE PLAN APPROVAL	
3.	SEPT 10/21	ISSUED TO CONSULTANTS	
2.	JUN 07/21	ISSUED FOR NAVCAN	
1.	MAR 30/21	ISSUED FOR SITE PLAN APPROVAL	

**JRI ARCHITECTS**

4 PRINCE GEORGE DRIVE ETOBICOKE, ONTARIO M9A1X8

**PANATTONI**

185 The West Mall, Suite 860  
Toronto, ON M5C 5L

**CLIENT**

**PROJECT**

NEW WAREHOUSE BUILDING  
DA-21-047

DICKENSON & UPPER JAMES STREET  
41 Aeropark Boulevard  
Hamilton, Ontario

**DRAWING TITLE**

OVERALL SITE PLAN

**DRAWN** RA

**CHECKED** JR

**SCALE** 1:400

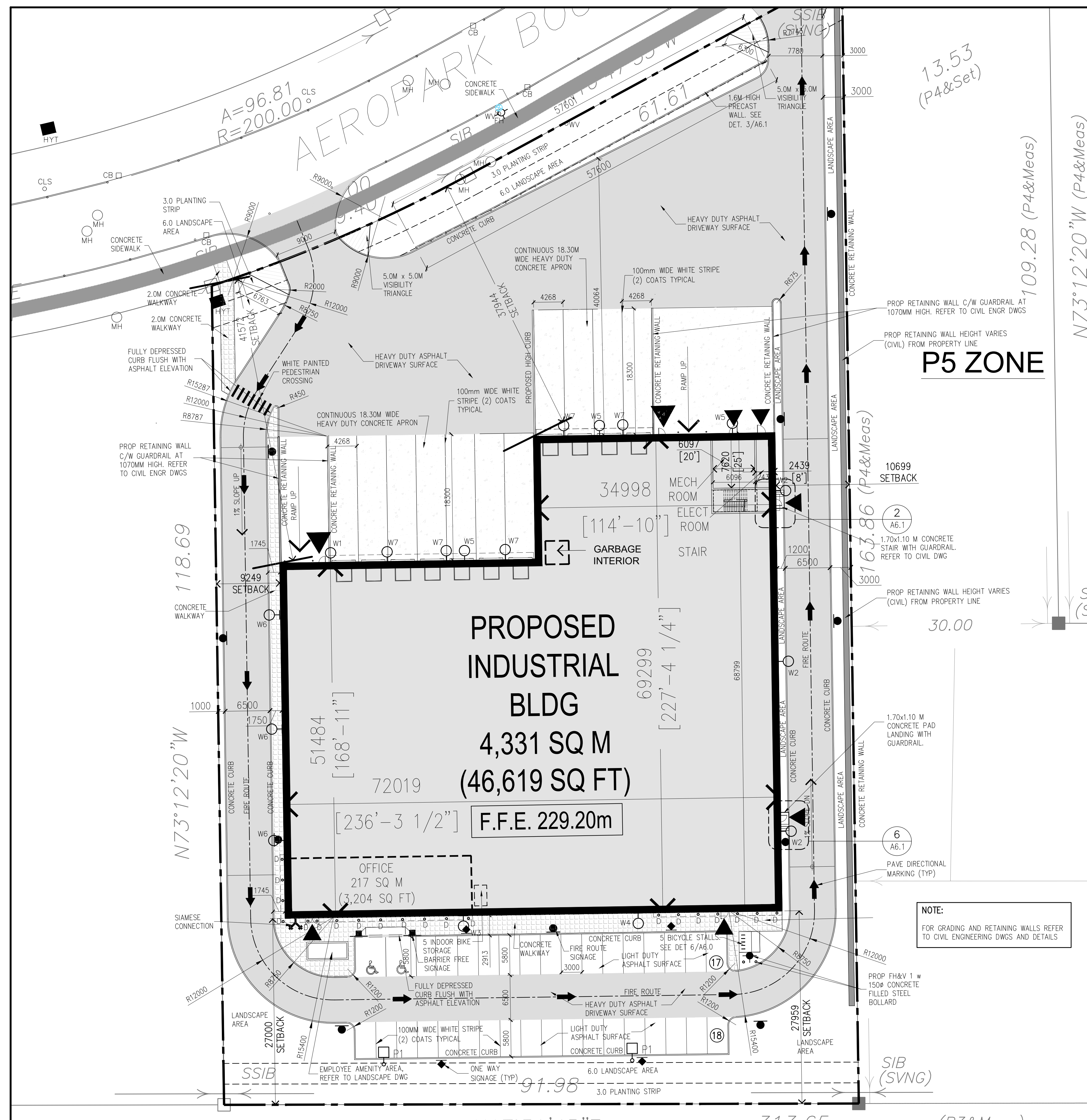
**DATE** JANUARY 2021

**PROJECT NUMBER** 2020-21

**DRAWING NUMBER**

A3.0





NOTE:  
 FOR GRADING AND RETAINING WALLS REFER TO CIVIL ENGINEERING DWGS AND DETAILS

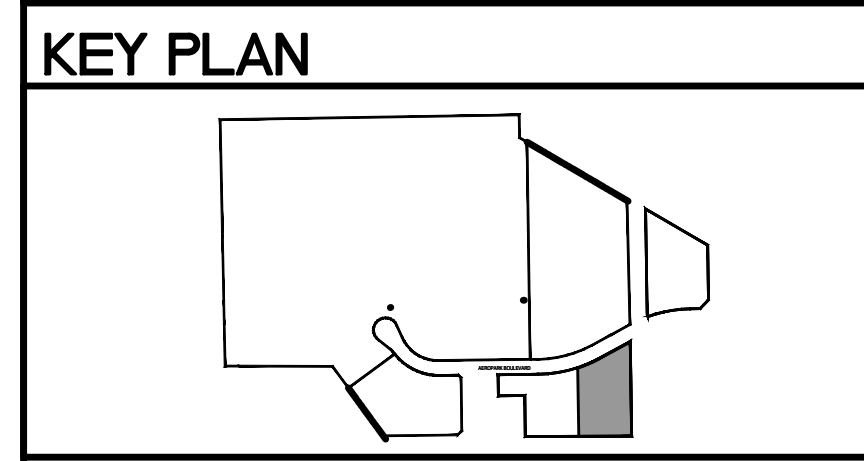
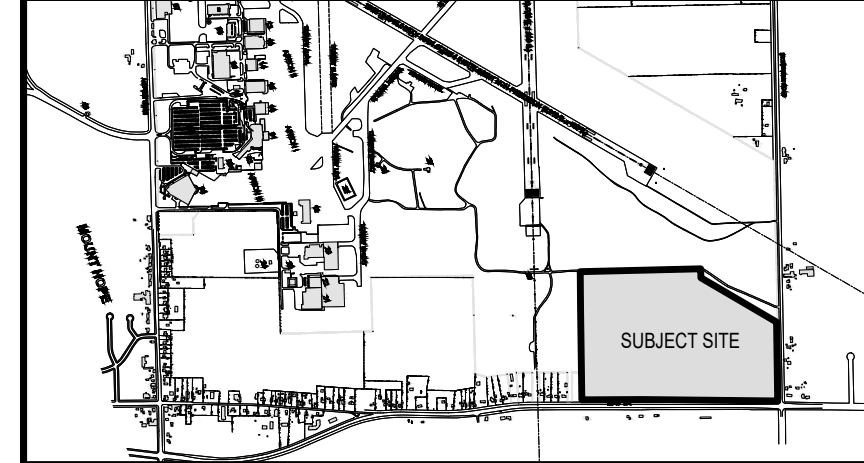
13.53  
 (P4&Set)

**P5 ZONE**

109.28 (P4&Meas)  
 N73°12'20"W (P4&Meas)

1. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
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NOTE:  
 SURVEY INFORMATION ILLUSTRATED ON THIS DRAWING WAS TAKEN FROM SURVEY FILE NO. R0710197. PREPARED BY SPEIGHT VAN NOSTRAND & GIBSON LTD.



NO.	DATE	REVISIONS	APVD BY
7.			
6.			
5.	FEB 15/22	ISSUED FOR SITE PLAN RE-SUBMISSION	
4.	JAN 18/22	OWNER REVISION	
3.	SEPT 17/21	ISSUED FOR SITE PLAN APPROVAL	
2.	SEPT 10/21	ISSUED TO CONSULTANTS	
1.	MAR 30/21	ISSUED FOR SITE PLAN APPROVAL	



**JRI**  
 ARCHITECTS

4 PRINCE GEORGE DRIVE ETOBICOKE, ONTARIO M9A1X8

**PANATTONI**  
 185 The West Mall, Suite 860  
 Toronto, ON M5C 5L

**PROJECT**  
 NEW WAREHOUSE BUILDING  
 DA-21-047  
 DICKENSON & UPPER JAMES STREET  
 41 Aeropark Boulevard  
 Hamilton, Ontario

**DRAWING TITLE**  
 SITE PLAN

**DRAWN** RA  
**CHECKED** JR  
**SCALE** 1:300  
**DATE** JANUARY 2021

**PROJECT NUMBER** 2020-21  
**DRAWING NUMBER**

A3.1



April 21, 2022

City of Hamilton  
Planning & Economic Development Department  
Committee of Adjustment  
71 Main Street West  
Hamilton ON L8P 4Y5

Attention: Ms. Jamila Sheffield  
Secretary Treasurer

Dear Ms. Sheffield,

**Re:** Application for Minor Variance  
41 Aeropark Boulevard, Glanbrook, City of Hamilton

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WEBB Planning Consultants are retained by the owners of 41 Aeropark Boulevard – 11035380 Canada Inc. and Greycan 8 Properties Inc., to co-ordinate the municipal planning approvals necessary to implement the proposed development of the subject lands for employment uses.

The subject property is located within the Orlick Aeropark Plan of Subdivision, a 40 hectare subdivision that is being developed in phases for employment uses. The initial phases of development at 50 and 110 Aeropark Boulevard have resulted in the construction of 1,150,000 square feet of employment floor area, primarily warehousing and logistics uses. The planned development of the remaining development parcels - 10, 41 and 95 Aeropark Boulevard, will result in an additional 185,000 square feet of employment uses.

An Application for Site Plan Approval for 41 Aeropark Blvd. was submitted to the City in March 2021 with Conditional Site Plan Approval granted on May 31, 2021 under City File No. DA-21-047. As illustrated by the accompanying plans, the 1.28 hectare parcel of land is intended to be developed for warehousing and logistics uses with a single storey building having a total GFA of approximately 47,700 square feet. The Conditionally approved Site Plan orients the building and primary façade towards the Upper James Street frontage with site access from the interior frontage along Aeropark Boulevard.

Through the review of the Site Plan, it has been determined that implementation will require Variances to implement the development as proposed. The Variances arise due to the configuration of the development parcel as a through lot with frontages on both Upper James and Aeropark Blvd.

## **PLANNING FRAMEWORK**

The Planning Policy framework guiding the development of the lands is provided by the Urban Hamilton Official Plan, the Airport Employment Growth District Secondary Plan, and Zoning By-law No. 05-200.

The Airport Employment Growth District (AEGD) Secondary Plan was adopted by City Council in 2010 and subsequently approved by the OMB in February 2015. Comprising some 1200 hectares, the AEGD Secondary Plan establishes the planning framework to guide the development of a major business park which effectively integrates with and complements the John C. Monroe Hamilton International Airport.

According to the Land Use Plan for the AEGD, Map B.8-1 of the Secondary Plan, the subject lands are shown as being part of the Employment Area with the specific land use designation of Airport Prestige Industrial. These areas are to be planned to accommodate employment uses that will benefit from frontage on the existing and future roads within the AEGD and incorporate urban design treatments because of their visibility from major roads.

The proposed use of the lands for warehousing with accessory administrative offices conforms with the permitted uses for the Airport Prestige Industrial designation. Development shall also be subject to urban design standards such as high quality and attractive materials and landscaping, and a high level of sustainable design.

The location of the subject lands benefits from an evolving multi-modal transportation network which provides a high level of service for goods movement, automobiles, active transportation and transit. The AEGD is well connected to the City and broader areas enabling the efficient movement of goods and people to, from and within the employment lands.

The lands are presently Zoned as “M-11” – Airport Prestige Business Zone, according to Zoning By-law No. 05-200. The proposed warehouse and accessory industrial administrative offices are included as permitted uses.

The Site Plan and Elevations drawings has been prepared having regard for the applicable Regulations of the “M-11” Zone and General Provisions of the By-law including setbacks, building height and landscaping. The scale of the accessory office use complies with the permitted maximums and parking is provided in keeping with the applicable Regulations of the By-law.

## **SCOPE OF VARIANCES**

Through the processing of the Application for Site Plan Approval, it has been determined that variances from the applicable Regulations of Zoning Bylaw 05-200 will be necessary, summarized as follows:



**Yard Abutting a Street:** Regulation 9.11.3(c) states a maximum building setback of 27.0 metres. The development is not able to comply with this Regulation based on the configuration of the site as a through lot and size of the building and associated areas for parking, truck loading and unloading. While the building will comply with the maximum setback from Upper James it is not possible to comply with the setback from the internal street (Aeropark Blvd.) based on demands for truck staging and maneuvering for the intended warehouse and logistics use, a Variance is therefore necessary for the setback from the internal street.

**Location of Loading Facilities:** Regulation 5.2.1 (a) & (b) - Location of Loading Facilities, states that loading doors and associated loading facilities shall not be permitted within a Front Yard and shall not be permitted in any Yard abutting a street except where screened from view by a visual barrier in accordance with Section 4.19 of the Zoning By-law.

Similar to the above commentary regarding building setbacks, it is impractical for the proposed site development to meet the intent of this Regulation based on the site configuration. While the loading facilities are not located in the Front Yard (Upper James Street) they will be oriented to the internal public street and potentially visible notwithstanding the intent to provide landscaping along the Aeropark Blvd. street frontage.

The Variance will seek a notwithstanding provision from Regulation 5.2.1 (b) to permit loading doors and associated facilities within the west façade of the building oriented to Aeropark Boulevard.

## **ANALYSIS**

The following discussion summarizes the applicable Planning Policy framework applicable to the subject lands and provides an evaluation of the proposed Variances having regard for the Four Tests outlined by Section 45 (1) of the Planning Act.

**The Variances have been considered in the context of the Official Plan and in our opinion maintain the general purpose and intent.**

The subject lands are designated by the AEGD Secondary Plan as Airport Prestige Industrial and subject to the Urban Design Policies of Section B.3.3 of the UHOP and the area specific design policies of the Secondary Plan.

The form and scale of the proposed warehouse development is permitted by the land use Policies for the Airport Prestige Industrial designation. The designation is intended for uses that will benefit from frontage on existing and future major roads with direction to incorporate urban design treatments to reflect their visibility.

With respect to design, Policies direct that development shall be subject to minimum standards of urban design such as high quality and attractive materials and landscaping, and a high level of sustainable design. The intent of the design Policies is being met through

the Site Plan Approvals process wherein the project designers are incorporating appropriate considerations for materiality and functional design to support sustainable development. Additional matters including pedestrian circulation, bicycle parking, and recreation space for employees are being implemented through the Conditions of Site Plan Approval, including the preparation of detailed landscape plans.

**The Variances have been considered in the context of the Zoning By-law and in our opinion maintain the general purpose and intent.**

The proposed Variances seek modifications to Regulations that guide the placement of the proposed building from the street edge and the provision of buffering and landscaping. The intent of the regulations is to achieve appropriate built form and urban design where development is highly visible from adjoining major roads such as Upper James.

With regard to the building setback, the site design emphasizes the relationship with Upper James and locates the building so as to comply with the intent of the By-law with regard to the setback to Upper James Street. It is not possible for site development to meet the setback requirement for both Upper James and Aeropark Boulevard, the consequence is to obtain relief for the internal secondary road.

With respect to the loading facilities, the location meets the intent of the By-law by not locating within the front yard and orienting to the rear of the building. However, the location is visible from Aeropark Blvd. and can't be fully screened by a combination of a wall or continuous landscaping. The site design does meet with the general intent of the By-law with regard to meeting the landscape requirements of the By-law through the provision of a 6.0 metres wide landscaped area and a 3.0 metre wide planting strip along the Aeropark Blvd. frontage.

It is our opinion that the proposal maintains the general purpose and intent of the By-law.

**The Variances are Minor.**

The appropriate test to establish that the Variances are minor is to consider if any adverse or negative impacts arise from the development. It is our opinion that the Variances do not permit an over-intensification of the site or reduction in the performance criteria that are otherwise intended to achieve a high standard of architecture and urban design where buildings are oriented to major roads. The development complies with the balance of the Zone Regulations with regard to building height, lot coverage, and overall site landscaping.

In our opinion, the Variances will not result in any adverse impacts and are considered minor.

**The proposed development is desirable for the appropriate development of the lands.**

It is our opinion that the Variances will provide for the desirable and appropriate development of the lands for a use that has long been sought by the City to foster the development of the Airport Employment Growth District. The proposed warehouse continues the planned development of the Aeropark Plan of Subdivision, implementing the intended form and scale of development for the visually prominent parcels located on Upper James.

Through the Site Plan Approvals process, the proponents will be satisfying the various Conditions of approval which will include the submission of detailed landscape plans that will demonstrate compliance with the applicable standards and design guidelines. The implementation of these plans will ensure the building achieves the objectives for a high standard of design, including incorporation of attractive materials and landscaping, and sustainable design practices.

In our opinion, the proposed development is desirable and appropriate for the lands.

In summary, it is our opinion that the Variances required to implement the proposal meet the four tests of the Planning Act and will provide the appropriate and planned development of the site to accommodate employment uses.

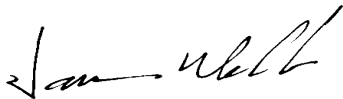
In keeping with the City's requirements for the submission of an Application for Minor Variance, the following materials are enclosed:

- Application for Minor Variance;
- Application Fee of \$3,465.00.00 payable to the City of Hamilton;
- Site Plan drawings A3.0 & A3.1, prepared by JRI Architects;

We trust that you will find the enclosed materials complete and suitable for the purpose of processing this Application for Minor Variance. Please contact our office immediately should you have any questions or require additional information in support of this submission.

Yours truly,

**WEBB Planning Consultants Inc.**



James Webb, MCIP, RPP

cc: 11035380 Canada Inc. and Greycan 8 Properties Inc.





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
<b>Registered Owners(s)</b>	11035380 Canada Inc and Greycan 8 Properties Inc	
<b>Applicant(s)*</b>	11035380 Canada Inc and Greycan 8 Properties Inc	
<b>Agent or Solicitor</b>	WEBB Planning Consultants	

**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:

None
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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:

To permit a maximum yard abutting a street of 38.0 metres to Aeropark Blvd, whereas 27.0 metres is permitted, to permit the location of loading facilities in a yard abutting a street where not fully screened from view by a visual barrier per Section 4.19 of By-law

Second Dwelling Unit                       Reconstruction of Existing Dwelling

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

Property has dual frontage (Aeropark & Upper James), site layout requires only one frontage to be designed as primary frontage for urban design objectives

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**):

41 Aeropark Boulevard, Lot 5 of Registered Plan 62M-1229

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?

Site inspection, review of available documents, discussion with owner

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

Is the previous use inventory attached? Yes  No

**9. ACKNOWLEDGEMENT CLAUSE**

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

4/19/2022  
Date

  
Signature Property Owner(s)  
Wade Dobbin  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 91.9 (Upper James)  
Depth 118.7 (irregular)  
Area 1.28 ha  
Width of street 36.0 m (Upper James)

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: \_

none - lands are vacant

Proposed

single storey industrial building with a measured height of 13.7 metres. Building has a total GFA of 4,331 sq. m. and dimensions of 72.0 by 69.2 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:

None - lands are vacant

Proposed:

FY (Upper James): 27.0m, RY (Glenair): 37.9m, SY (South): 9.5m, SY (North): 10.7m



13. Date of acquisition of subject lands:  
2019
14. Date of construction of all buildings and structures on subject lands:  
N/A - lands are vacant
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Vacant
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
South: pending industrial, North: SWM, East: Upper James, West: industrial
17. Length of time the existing uses of the subject property have continued:  
IN excess of 10 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:  
AEGD Secondary Plan - Airport Prestige Business
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Zoning By-law 05-200, M11 Zone
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?  
N/A  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)  
Variances are required to implement Conditionally Approved Site Plan, City File No DA-21-047. Refer to cover letter for further information on development proposal.
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.