COMMITTEE OF ADJUSTMENT



City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5 Telephone (905) 546-2424, ext. 4221, 3935 E-mail: <u>cofa@hamilton.ca</u>

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-22:407	SUBJECT PROPERTY:	172 DARTNALL ROAD, HAMILTON
ZONE:	"C7, E605 & E648" (Arterial COmmercial)		Zoning By-law City of Hamilton 05- 200, as Amended

APPLICANTS: Owner: Walters Partners Inc. Agent: Mantecon Partners Inc.

The following variances are requested:

- 1. The use "Manufacturing" shall be permitted.
- 2. Minimum Building setback to a street line of 13.0m shall be permitted instead of the minimum required 18.0m setback.
- 3. No maximum setback shall be required abutting the northly and easterly lot lines, instead of the maximum 6.0m setback required within 30.0 metres of the intersection of the northerly and easterly lot lines.
- 4. No planting strip of not less than 1.5 metres in width shall be required along every rear and side lot lines not abutting a street.
- 5. Regulation vi) of Special exception 648 shall not apply to the proposed manufacturing building.

PURPOSE & EFFECT: To facilitate the construction of a new 5386.4m2 manufacturing building at municipal address 172 Dartnall Road Hamilton.

Notes:

1. Manufacturing, as per section 3.0 of Hamilton Zoning By-law 05-200 is defined as follows; Shall mean the production, fabrication, compounding, processing, packaging, crafting, bottling, packing, recycling or assembling of raw or semi-processed or fully-processed goods or materials and shall include but not be limited to a Biotechnological Establishment, Computer, Electronic and Data Processing Establishment, Dry Cleaning Plant, Pharmaceutical and Medical Establishment, Printing

Establishment and/or a Science and Technology Establishment. Manufacturing may also include a Private Power Generation Facility as an accessory use, but shall not include a Waste Management Facility or Alcohol Production Facility.

Should the proposed use not meet this definition further zoning review will be required.

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:

DATE:	Thursday, February 2, 2023
TIME:	3:10 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2 nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at <u>www.hamilton.ca/committeeofadjustment</u>

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- 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, <u>including deadlines</u> 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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-22:407, you must submit a written request to <u>cofa@hamilton.ca</u> or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing <u>cofa@hamilton.ca</u> or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



DATED: January 17, 2023

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.

COMMITTEE OF ADJUSTMENT



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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 <u>cofa@hamilton.ca</u> 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.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners <u>must register by noon the day</u> <u>before the hearing</u> to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email <u>cofa@hamilton.ca</u>. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

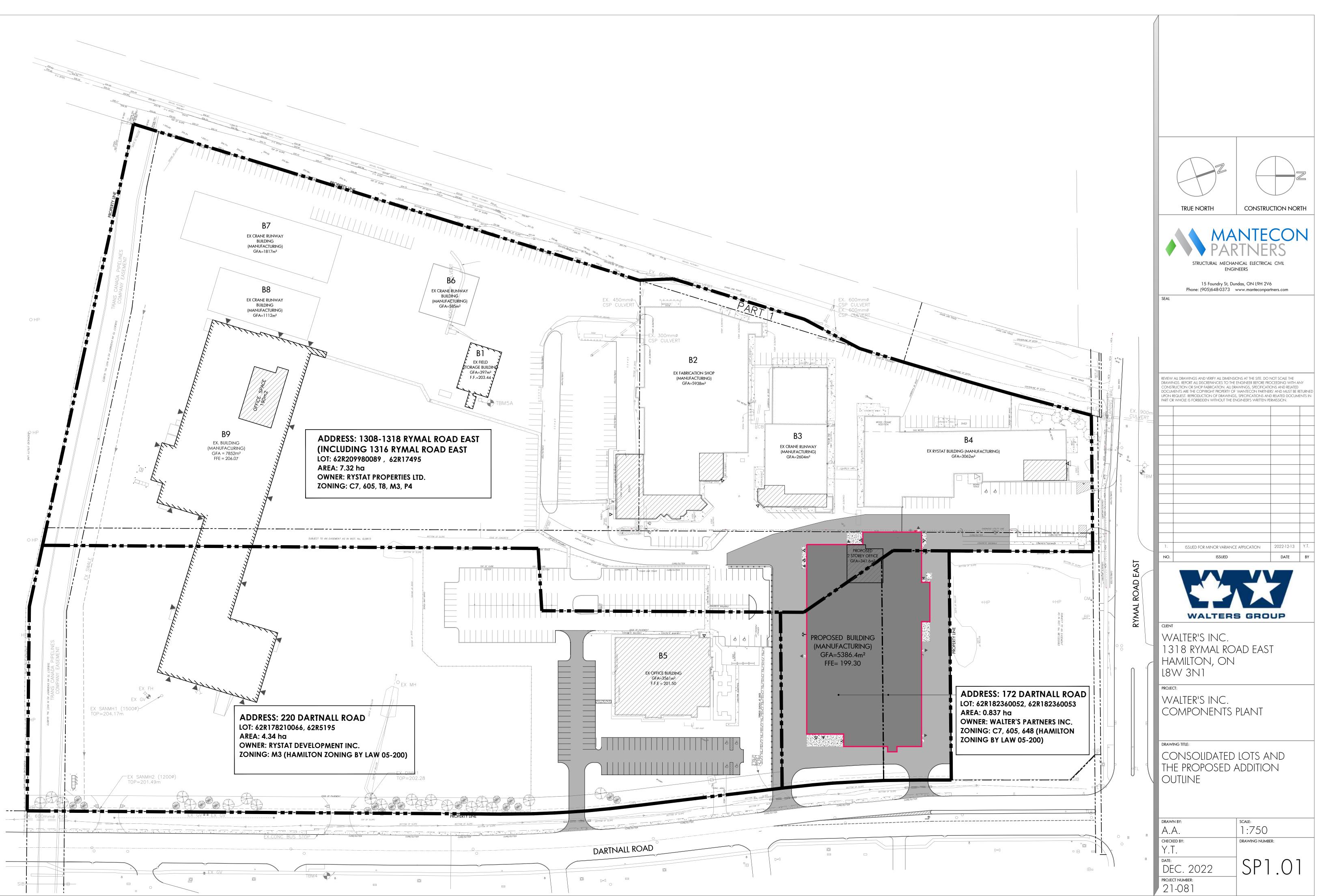
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

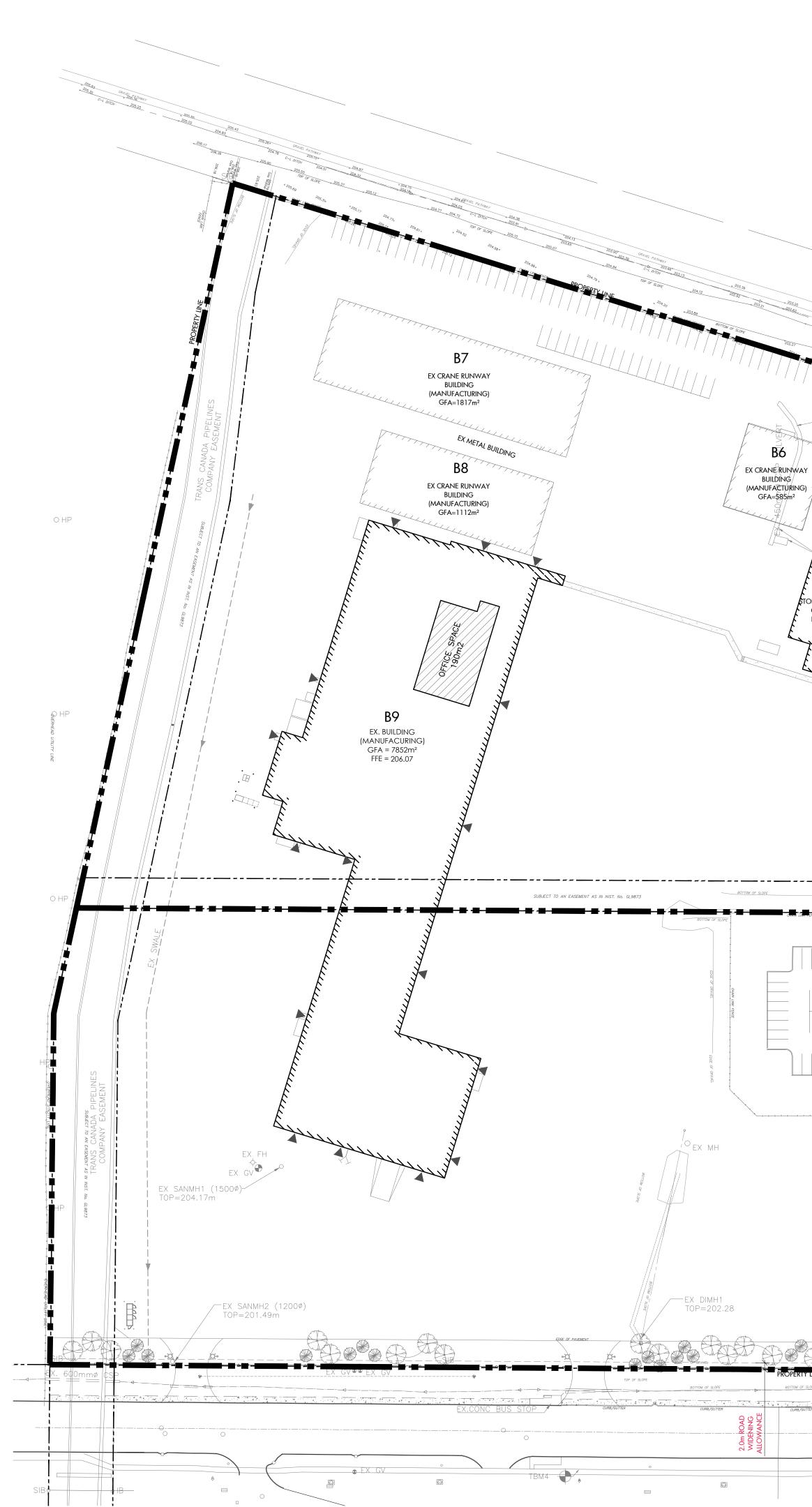
2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person <u>must sign in at City Hall room 222 (2nd floor)</u> no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email <u>cofa@hamilton.ca</u> 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.



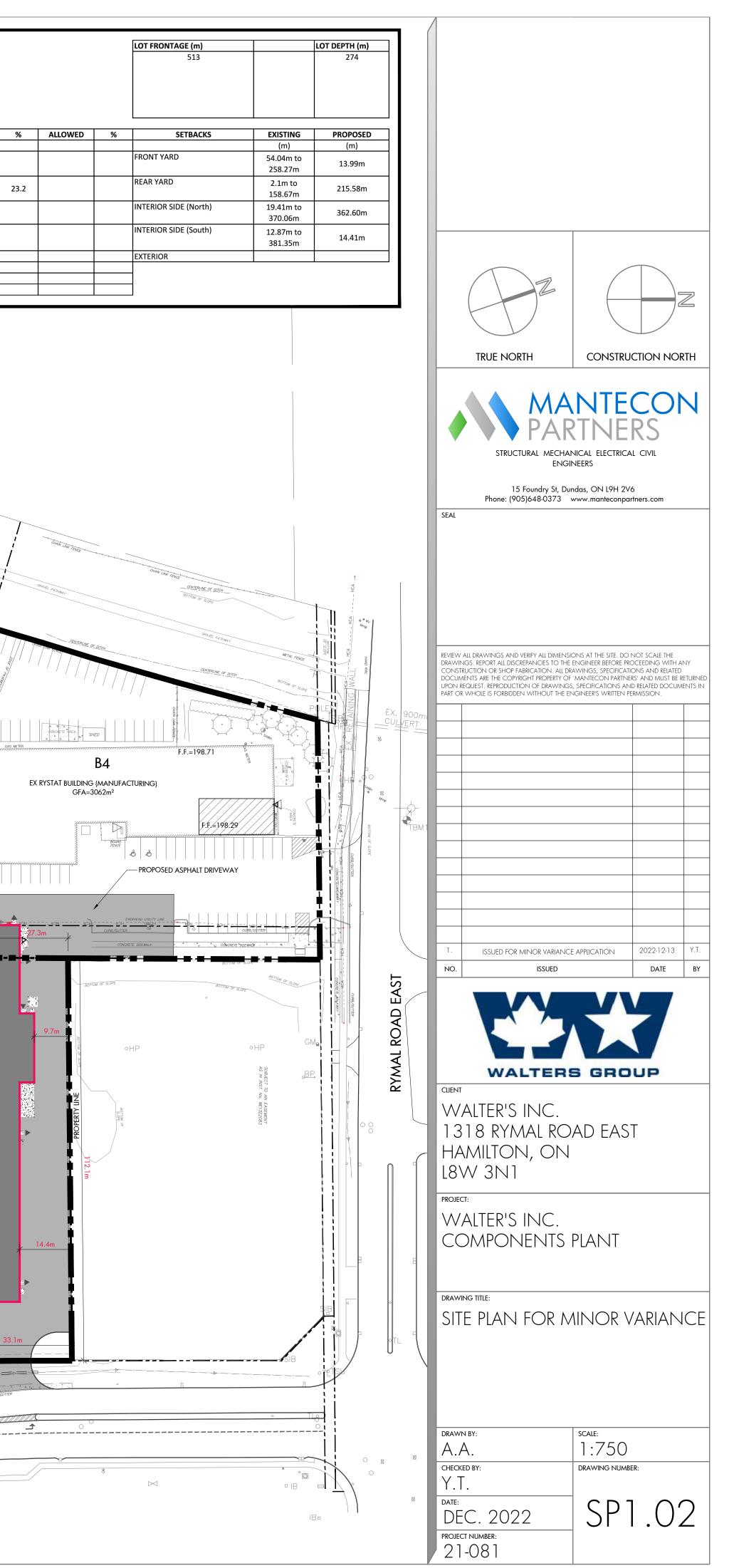


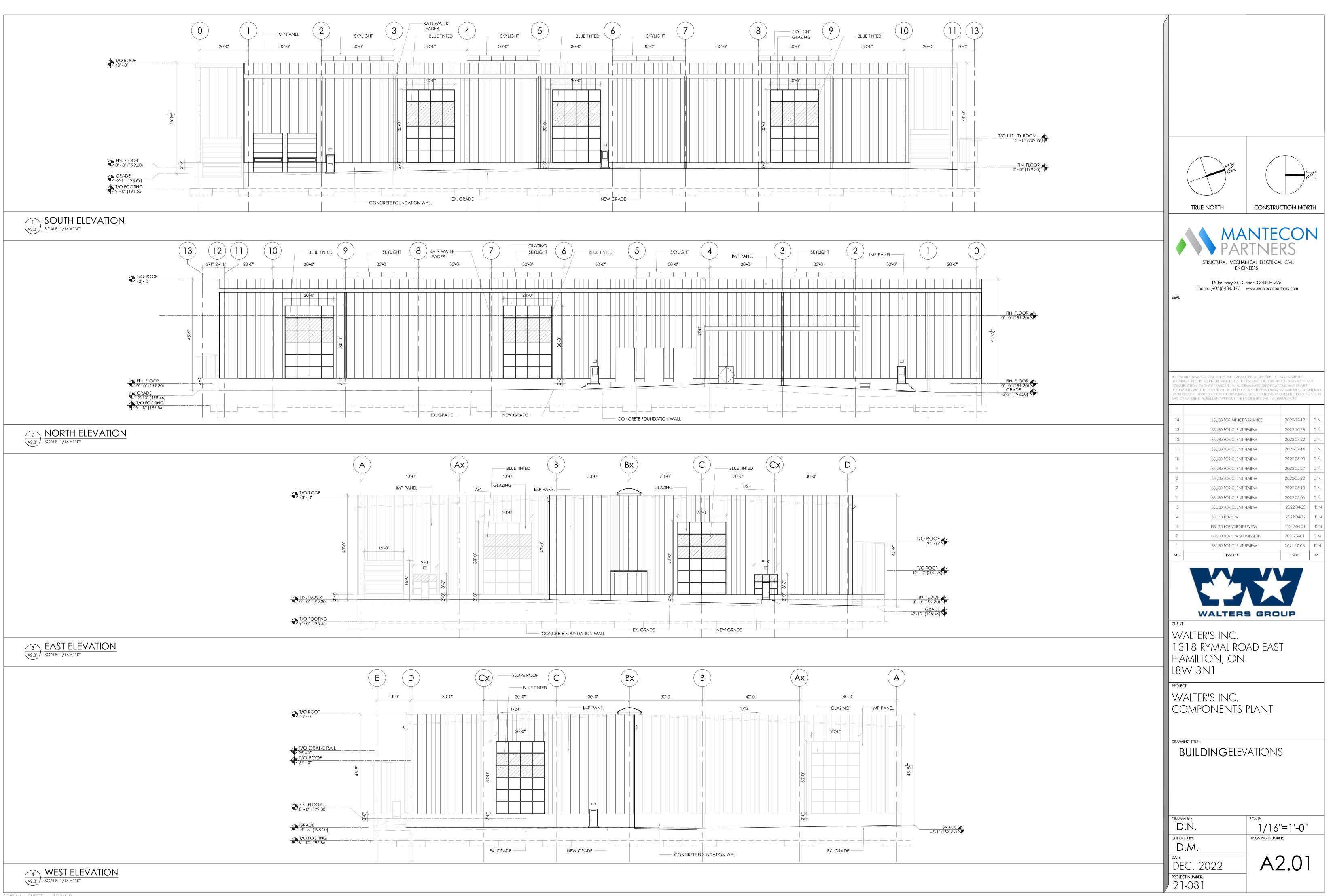
B6

DESCRIPTION	EXISTING (sq.m.) 23328.2 26948.0 16263.0 1 to 2 7.1m to 13.5m 513.00 274.00 417 et	ADDITION (sq.m.) 5701.5 5386.4 11055.0 3 13.8m 513.00 274.00 82	TOTAL (sq.m.) 29029.7 32334.4	2
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ORIGINAL SHEET - ARCH D



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

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

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)	Walters Partners Inc.		
Applicant(s)*	Walters Partners Inc.		
Agent or Solicitor	Mantecon Partners Inc.		

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:

APPLICATION FOR A MINOR VARIANCE (January 1, 2022)

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:				
	Manufacturing use to be added as an allowed use under the current C7 zoning. REFER TO APPENDIX A FOR ALL MV REQUESTS				
	Second Dwelling Unit Reconstruction of Existing Dwelling				
5.	Why it is not possible to comply with the provisions of the By-law?				
	The current C7 zoning does not allow for manufacturing. REFER TO APPENDIX A FOR MORE DETAILS				
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):				
	172 Dartnall Road, Hamilton, ON, L8W 3V9 Registered Plan No.: 62R-18236, Part 1, 62R-18236, Part 2				
7.	PREVIOUS USE OF PROPERTY				
	Residential 🗌 Industrial 🗌 Commercial 🔳				
	Agricultural Vacant In 2018, the City changed the zoning of this property from M3 to C7. The owner Other requires manufacturing to be an allowed use.				
8.1	If Industrial or Commercial, specify use Manufacturing /Fabrication				
8.2	Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?				
	Yes No I Unknown				
8.3	Has a gas station been located on the subject land or adjacent lands at any time? Yes No III 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 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 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 uses on the site or a	to believe the sul	oject land may have	been contaminat	ted by former
			nknown		
		_			
8.11	What information di	d you use to dete	rmine the answers to	o 8.1 to 8.10 abo	ve?
		s, soils quality rep	port, judgment, and	input provided fr	om the
	owners.				
8.12	If providence upper of pr		1		
0.12	previous use invent land adjacent to the	ory showing all fo	al or commercial or if rmer uses of the sub eeded.	pject land, or if ap	2 to 8.10, a propriate, the
	Is the previous use	inventory attache	d? Yes	No 🗌	
9.	ACKNOWLEDGEN	IENT CLAUSE			
	l acknowledge that remediation of conta reason of its approv	amination on the p	on is not responsible property which is the on.	e for the identifica subject of this A	tion and pplication – by
	July 25, 2022			Y	
	Date		Signature Prop	erty Owner(s)	
			Timothy Verhe	v	
			Print Name of C		
10.	Dimensions of lands	affected.			
	Frontage	82.7m			
	Depth	112.9m			
	Area	8390m2			
	Width of street	14.5m to 19m			
11.	Particulars of all buil ground floor area, g	dings and structu ross floor area, r	res on or proposed f umber of stories, w	for the subject lar idth, length, heig	nds: (Specify ht. etc.)
	Existing:				
	REFER TO APPE	NDIX A			
	Proposed				
	The new building w roof. Total gross flo overhead cranes wi	or area 5755m2.	Total height will be	12m in height to	allow for
	space with an appro	oximate gross flo	or area of 833m2.	viir include a 2 st	orey office
12.	Location of all buildir distance from side, r	ngs and structures ear and front lot li	s on or proposed for nes)	the subject lands	s; (Specify
	Existing:				
	REFER TO APPEN	NDIX A			
	Proposed:				

13m North side setback 12.5m South side setback 16.7m Front setback

APPLICATION FOR A MINOR VARIANCE (January 1, 2022)

13.	Date of acquisition of subject lands: Land was purchased from the neighbouring farmer Mr. Miles in the around 1990
14.	Date of construction of all buildings and structures on subject lands: No known buildings were located on this parcel. It's latest use was crop farming.
15.	Existing uses of the subject property (single family, duplex, retail, factory etc.): Manufacturing
16.	Existing uses of abutting properties (single family, duplex, retail, factory etc.): Manufacturing / Commercial
17.	Length of time the existing uses of the subject property have continued: Walters has used this parcel for storage for the last 3 years. Prior use vacant.
18.	Municipal services available: (check the appropriate space or spaces) Water Ex 300mm dia Waternain Connected
	Sanitary Sewer Ex 375mm dia san Connected Storm Sewers Ex 1050 storm
19.	Present Official Plan/Secondary Plan provisions applying to the land: Plan 62R- 18236 Part 1 , Plan 62R- 18236 Part 2
20.	Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
	C7
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:
	N/A
	 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 <i>Planning Act</i> ?
	🗌 Yes 🛛 Vo
23.	Additional Information (please include separate sheet if needed)
	This parcel of land was converted by the City of Hamilton Zoning Bylaw update from industrial to commercial several years ago while other parts of the Walters campus were being re-developed. This application is to revert it back to industrial use.
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.

Appendix - A Answers to questions of the Minor Variance Application for

172 Dartnall Rd, Hamilton, On.

Question 4. Nature and extent of relief applied for:

- 1. To permit manufacturing in the proposed building under C7 zoning for 172 Dartnall Rd.
- 2. To allow the setback from the street of 13 m instead of 18m.
- 3. To relieve from the site-specific requirements of 648 that state a maximum of 6m of setback to be provided and maintained within 30m of the intersection of the northerly and easterly lot lines.
- 4. To allow for the façade windows shown in the Building Elevation as the façade glazing is proposed in a larger size for aesthetics purposes as recommended by the city of Hamilton.
- 5. To relieve the proposed site from 1.5 planting strip on the sides and rear yard.

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

- The Lot at 172 Dartnall Rd (LOT 62R182360053) as a stand-alone lot is zoned C7 (Commercial) and therefore, it is not permitted to be used as a manufacturing zoned lot. This lot was previously zoned industrial. With the use of this lot with the other two lots which have the M3, and P4 zoning designations a unified manufacturing activity to be permitted to continue the manufacturing and client service activities. Sites 1308-1318 Rymal Road East (including 1316 Rymal Road East) and 220 Dartnall Road area already manufacturing facilities.
- 2. The proposed building will be located on Dartnall Rd. There is not sufficient space on the west side of the proposed building to comply with the 18m frontage setback as there is a crane runway building on the west side of the proposed development. Therefore, it is requested to allow the front setback of 13 m instead of 18m.
- 3. The proposed building is part of a larger manufacturing system. A setback of 13.9m is proposed for the purposes of maintaining the planting strip and truck maneuvering. The site-specific 648 requirements will not allow for the planting strip and truck maneuvering and therefore we are requesting to grant a relieve from the site-specific requirements.
- 4. The current zoning by-law limits the height of the exterior facade windows to 2.4m. For the purposes of the facility aesthetics, the proposed building has more than the 25% of the façade length and more than 2.4m of window height. The city of Hamilton in a meeting recommended to consider larger glazing for beautification. We, therefore, request to approve the change that is not possible under the current zoning by-law.
- 5. The current site is a manufacturing plant with more than five buildings on the site. There are numerous truck activities requiring maneuvering on the site. The introduction of a 1.5m planting strip will disrupt industrial activity. The proposed building will compensate for the planting strip in the front yard and near the parking spaces.

Question 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.)

Building Number	Ground Floor Area (m2)	Gross Floor Area (m2)	Number of Storeys	Width (m)	Length (m)	Height (m)
B1	397	397	1	15.95	30.66	8
B2	5058.8	5938	1	57.67	103.70	10.5
B3	2064	2604	1	34.17	68.44	7.8
B4	2852	3082	1	37.06	99.03	7.1
B5	1780.4	3561	2	39.49	47.85	10.8
B6	585	585	1	23.62	24.71	13
B7	1817	1817	1	23.36	75.12	13
B8	1112	1112	1	21.65	51.11	13
В9	7662	7852	2	80.99	17.38	13.5

Existing:

Proposed:

Building Number	Ground Floor Area (m2)	Gross Floor Area (m2)	Number of Storevs	Width	Length	Height
B10	5701.5	5386.4	3	56.1	104.9	13

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

Existing:

Building Number	Distance from Side-1	Distance from Side-2	Distance from Rear	Distance from Front Lot Lines
B1	163.34	293.05	53.48	198.12
B2	246.39	167.96	2.1	245.65
B3	317.56	126.07	13.72	136.05
B4	370.06	12.87	9.87	134.05
B5	267.97	116.30	158.67	14.05
B6	139.39	306.55	21.79	238.65

B7	19.41	376.70	22.45	259.27
B8	37.01	381.35	21.22	230.97
B9	26.68	375.06	80.13	54.04

Proposed:

Building	Distance from	Distance from	Distance from	Distance from Front
Number	Side-1	Side-2	Rear	Lot Lines
B10	362.60	14.41	215.58	

Question 23. Additional Information

LOTS ADDRESSES, OWNERS, AND ZONING INFORMATION

No.	Address	Lot	City Tax Roll Number	Owner	Zoning Designation
1	1308-1318 Rymal Road East (including 1316 Rymal Road East)	62R209980089 62R17495	2518-060- 716-00370- 0000	Rystat Properties Ltd.	C7, 605,T8,M3 and P4
2	172 Dartnall Road	62 R182360053	2518-060- 716-00350- 0000	Walters Partners Inc.	C7, 605, 648 (Hamilton Zoning BY Law 05-200)
3	220 Dartnall Road	62R178210066 62R5195	2518-060- 716-00340- 0000	Rystat Development Inc.	M3, (Hamilton Zoning BY Law 05-200)