



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.:	HM/A-24:36	SUBJECT PROPERTY:	354 NASH ROAD N, HAMILTON
ZONE:	"M5" (General Industrial)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: D. MCMASTER INVESTMENTS INC
Applicant: RE-SOURCE DISPOSAL INC

The following variances are requested:

1. A Waste Processing Facility shall be located on a lot being 249.0 metres from Residential and Institutional zoned lands whereas the by-law requires such use to be a minimum of 300.0 metres from a Residential and Institutional zone.

PURPOSE & EFFECT: To establish the use of a Waste Processing Facility on the subject lands.

Notes: N/A

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:	Tuesday, April 9, 2024
TIME:	3:00 p.m.
PLACE:	City Hall Council Chambers (71 Main St. W., Hamilton)

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

HM/A-24:36

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. Written comments must be received no later than noon, **April 5, 2024**

Comments are available the Friday prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

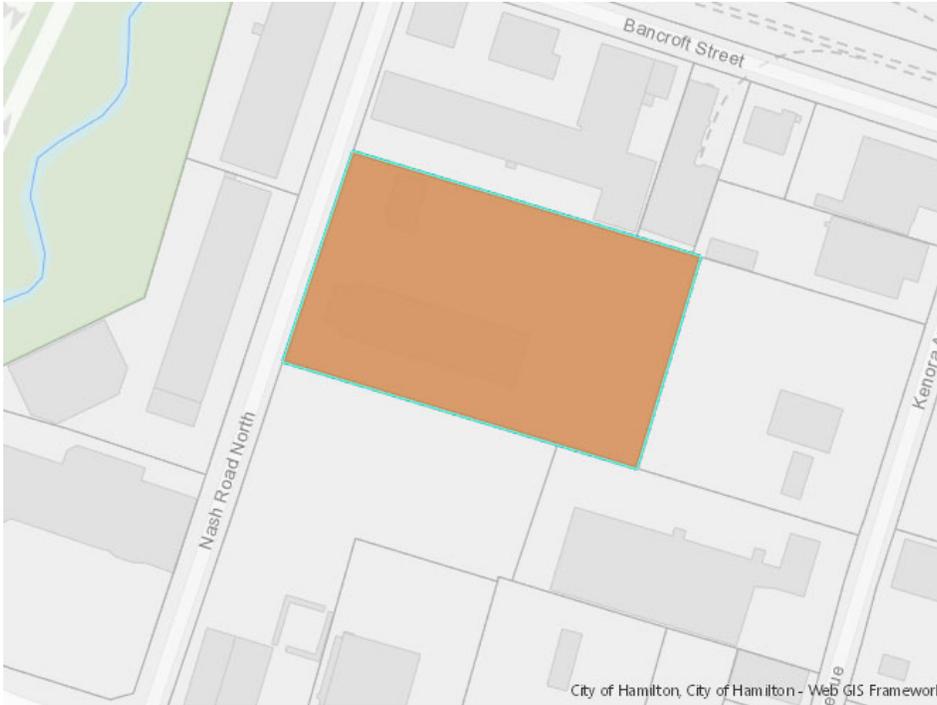
Orally: If you would like to speak to this item at the hearing you may do so by attending in person. Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive no less than 10 minutes before the time of the Public Hearing, as noted above.

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

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-24:36, you must submit a written request to cofa@hamilton.ca 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 cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

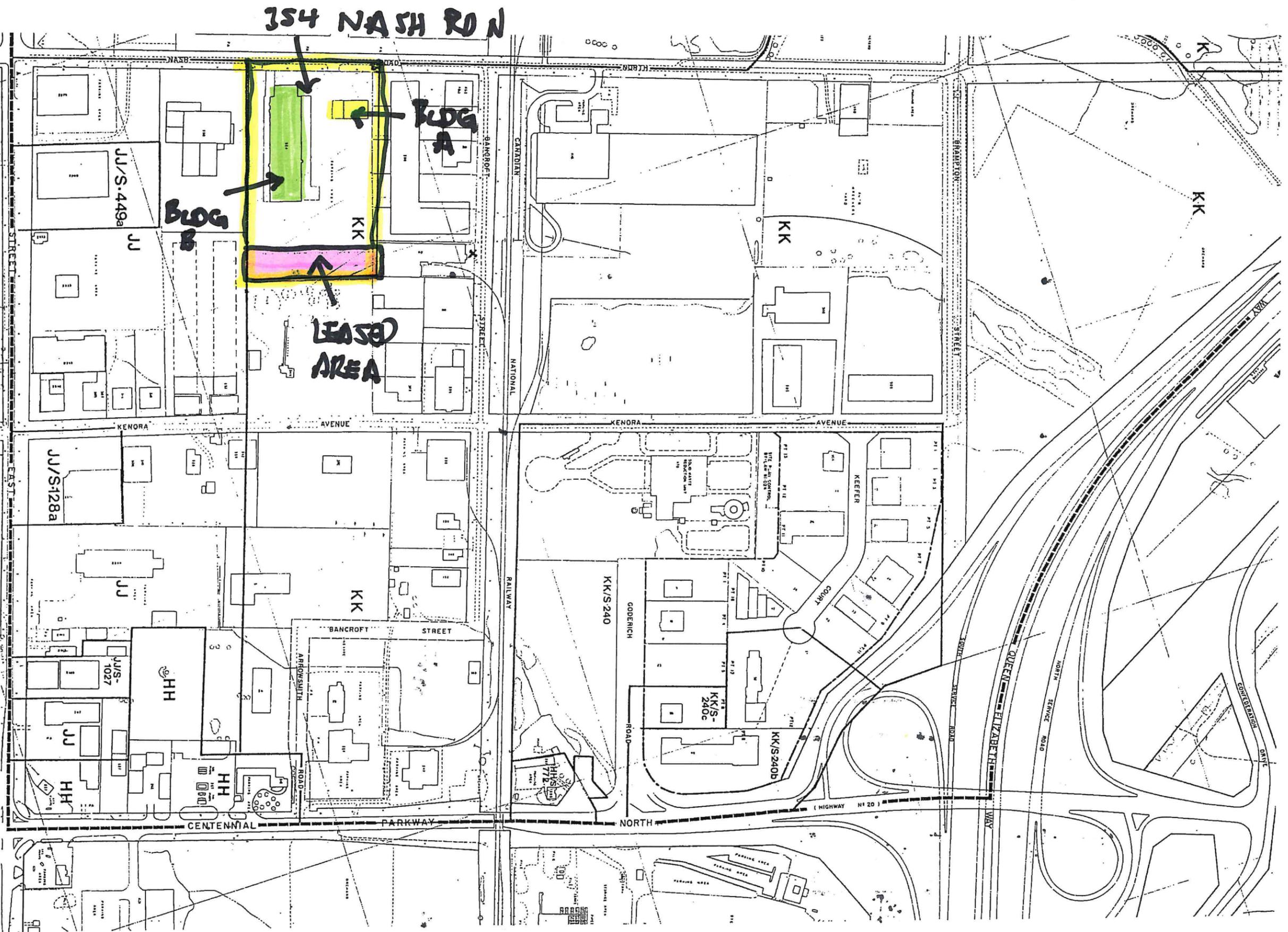


 Subject Lands

DATED: March 21, 2024

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.



27	28
108	104
99	85
115	94

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department

Neighbourhood Boundary
Zoning Boundary

CITY OF HAMILTON
NASHDALE
ZONING

Prepared for The City of Hamilton
by the Planning and Development Department
of The Regional Municipality of Hamilton Wentworth

PLANNING
UNIT NO.

6411

104

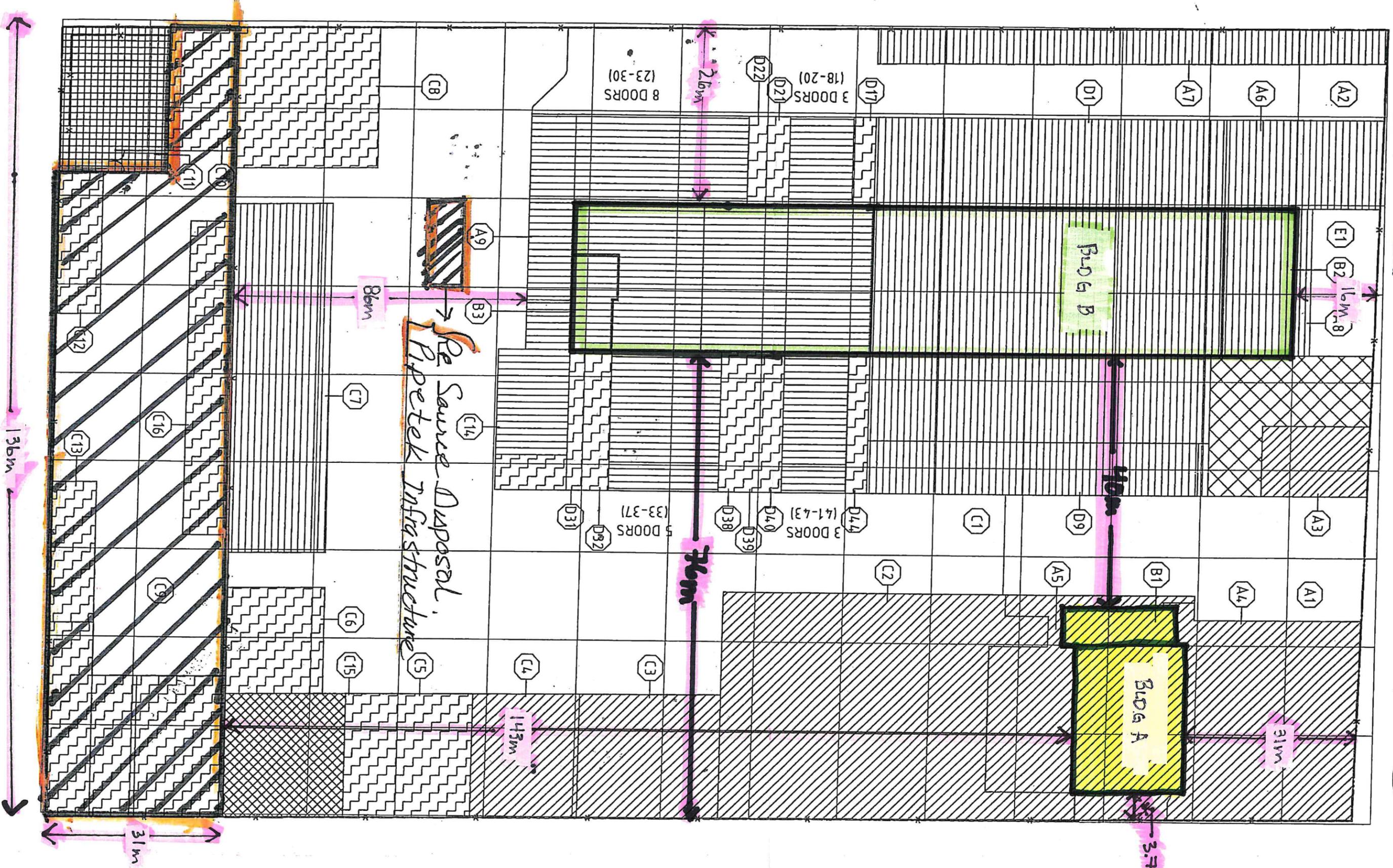
JUNE 1988

PAGE NO.



D. MCMASTER INVESTMENTS INC
 354 NASH ROAD NORTH
 LAND USE PLAN (1=750)
 JUL-2016

- COMMON
- HOUSE
- VACANT
- RYDER
- APEX
- SNOWBIRD
- TELUS
- PARKING

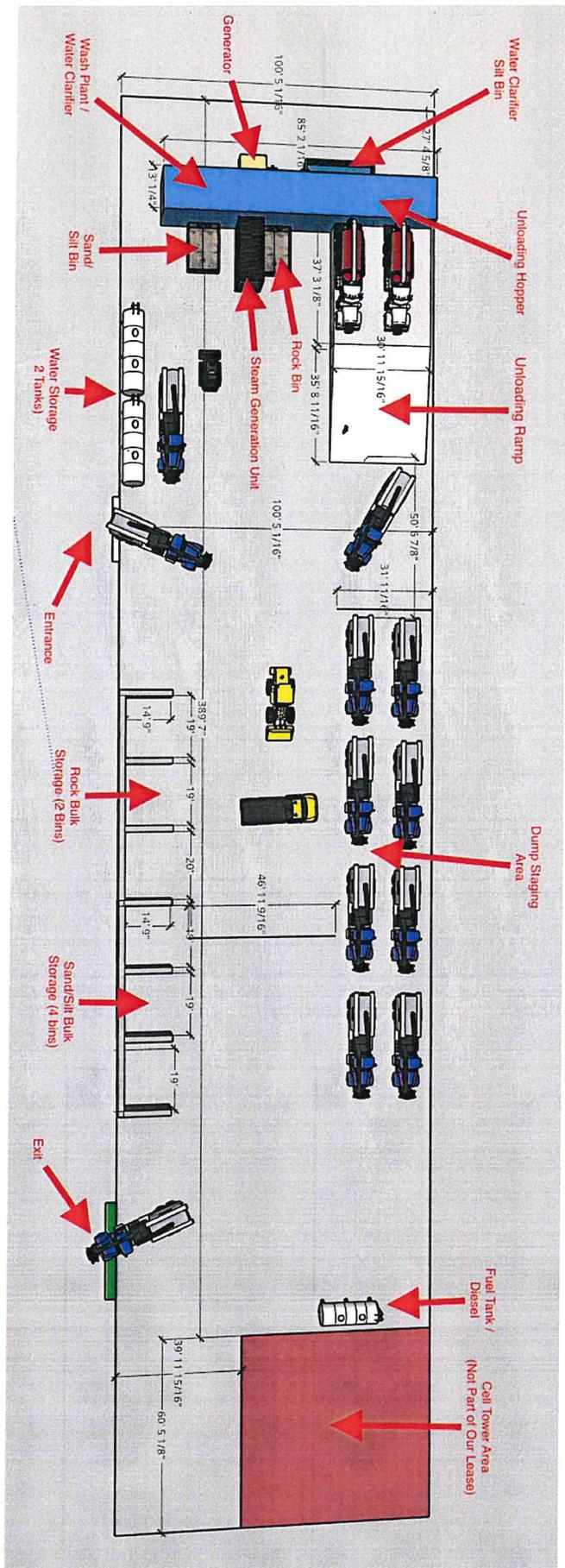


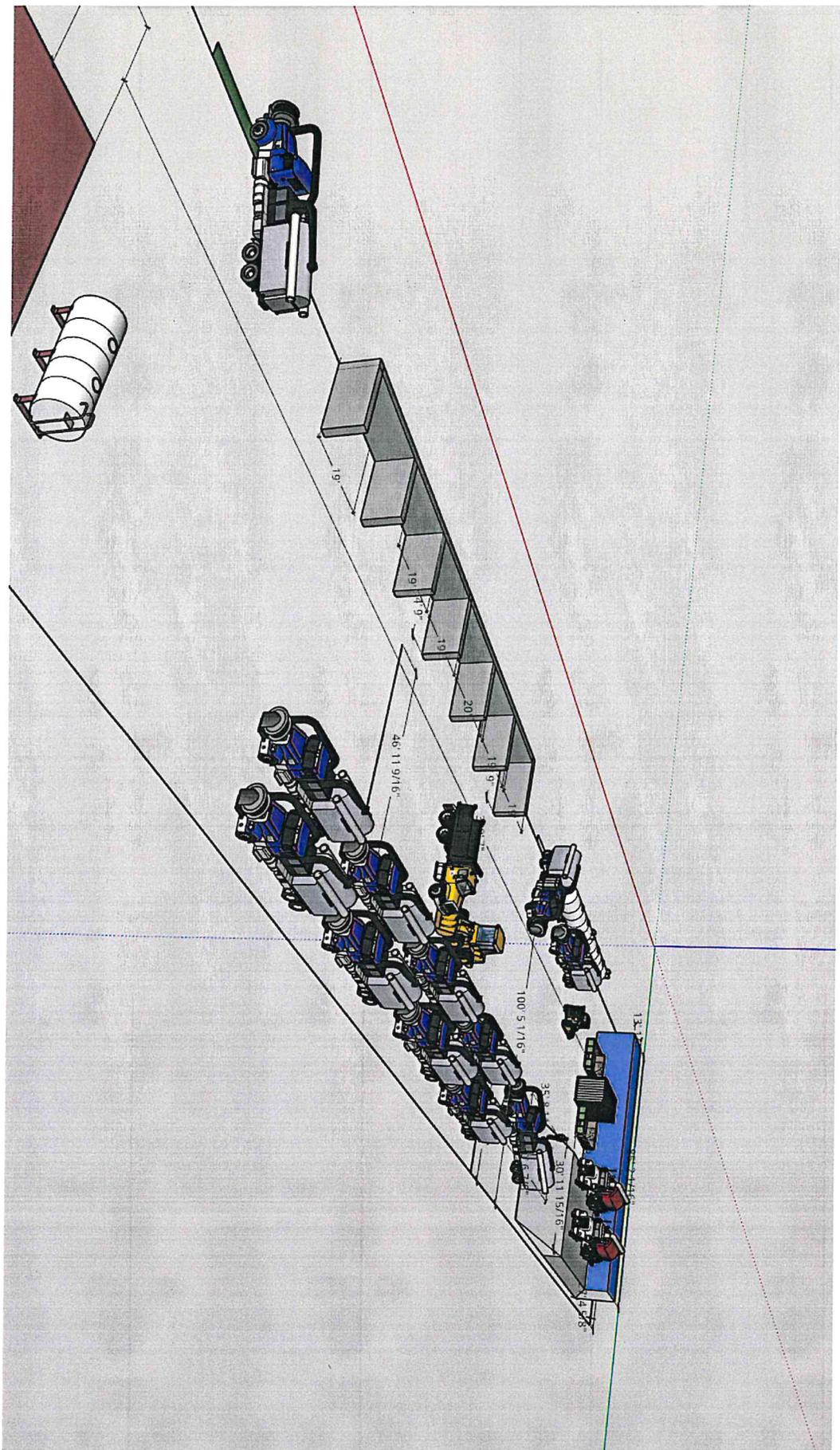
D17 3 DOORS (18-20)
 D21 3 DOORS (18-20)
 D22 8 DOORS (23-30)

D44 3 DOORS (41-43)
 D38 5 DOORS (33-37)
 D39 5 DOORS (33-37)

Bldg B

Bldg A



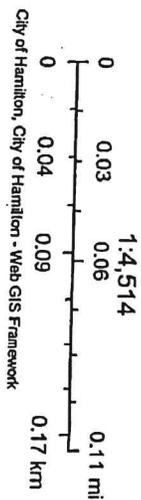


Interactive Zoning



23/2021, 4:49:05 PM

- Ward Boundary
- Community Boundary
- City Boundary
- Urban Boundary
- Property Parcels
- Zoning Boundaries
- Council Approved - Zoning Boundaries



City of Hamilton, City of Hamilton - Web GIS Framework

9.5 GENERAL INDUSTRIAL (M5) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within an Industrial (M5) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

9.5.1 PERMITTED USES

- Alcohol Production Facility (By-law No. 18-219, August 17, 2018)
- Aquaponics (By-law No. 14-163, June 25, 2014)
- Artist Studio (By-law No. 17-220, October 25, 2017)
- Building and Lumber Supply Establishment
- Building or Contracting Supply Establishment
- Bulk Fuel and Oil Storage Establishment
- Cannabis Growing and Harvesting Facility (By-law No. 14-163, June 25, 2014)
(By-law No. 18-266, September 12, 2018)
- Commercial Motor Vehicle Sales, Rental and Service Establishment
- Commercial Motor Vehicle Washing Establishment
- Commercial Parking Facility
- Communications Establishment
- Contractor's Establishment (By-law No. 18-219, August 17, 2018)
- Courier Establishment
- Craftsperson Shop (By-law No. 17-220, October 25, 2017)
- Dry Cleaning Plant (By-law No. 15-072, March 11, 2015)
- Equipment and Machinery Sales, Rental and Service Establishment
- Financial Establishment
- Greenhouse (By-law No. 14-163, June 25, 2014)
- Industrial Administrative Office
- Laboratory
- Labour Association Hall
- Landscape Contracting Establishment
- Manufacturing
- Motor Vehicle Collision Repair

SECTION 9: INDUSTRIAL ZONES

THE CITY OF HAMILTON

ZONING BY-LAW

Establishment
Motor Vehicle Service Station
Motor Vehicle Washing Establishment
Office
Private Power Generation Facility
Production Studio (By-law No. 17-220, October 25, 2017)
Repair Service
Research and Development
Establishment
Restaurant
Salvage Yard
Surveying, Engineering, Planning or Design Business
Towing Establishment
Trade School
Tradesperson's Shop
Transport Terminal
Warehouse
Waste Processing Facility
Waste Transfer Facility
(By-law No. 11-276, November 16, 2011)
(By-law No. 17-220, October 25, 2017)
(By-law No. 18-219, August 17, 2018)
(By-law No. 18-266, September 12, 2018)

9.5.2 PROHIBITED USES

Notwithstanding Section 9.5.1, the following uses are prohibited, even as accessory uses:

Day Nursery
Dwelling Unit

9.5.3 REGULATIONS

- | | |
|--|---|
| a) Minimum Lot Area | 4000.0 square metres |
| b) Minimum Yard Abutting a Street | 3.0 metres |
| c) Planting Strip Abutting a Street | Minimum 3.0 metre wide Planting Strip shall be provided and maintained abutting Burlington Street and Steel City Court, except for points of ingress and egress, and shall not include outdoor display. |
| d) Limitation on Outdoor
May 10, 2019 | Outdoor Storage and Outdoor Assembly
9.5-2 |

SECTION 9: INDUSTRIAL ZONES

THE CITY OF HAMILTON

ZONING BY-LAW

- Storage and Outdoor Assembly shall not exceed 85% of the total lot area.
- e) Gross Floor Area for Office Use Maximum gross floor area for Office use within an individual building, excluding accessory office, shall be limited to 3,000 square metres.
- f) Maximum Gross Floor Area for Industrial Administrative Office or Surveying, Engineering, Planning or Design Business An Industrial Administrative Office or a Surveying, Engineering, Planning or Design Business shall be limited to a gross floor area of less than 10,000 square metres on a lot.
- g) Location Restriction of Waste Processing Facility and Waste Transfer Facility In addition to the regulations of Section 9.5.3, any building, structure or land used for a Waste Processing Facility or a Waste Transfer Facility, shall be located a minimum of 300.0 metres from a Residentially Zoned or Institutionally Zoned property lot line.
- h) Maximum Combined Gross Floor Area for Accessory Retail, Showroom Area and Tasting Room
- i) 25% of the gross floor area of the principal use or 500.0 square metres gross floor area, whichever is the lesser.
- ii) Notwithstanding i) above, retail or accessory retail associated with a motor vehicle service station shall be limited to a maximum gross floor area of 280 square metres.
(By-law No. 11-276, November 16, 2011)
(By-law No. 18-219, August 17, 2018)
- i) Parking In accordance with the requirements of Section 5 of this By-law.
- j) Accessory Buildings
- i) In accordance with the requirements of Section 9.5.3;
- ii) In addition to i) above, no accessory building shall be permitted within a front yard or a flankage yard.
(By-law No. 12-132, June 13, 2012)

k) Additional Regulations for Cannabis Growing and Harvesting Facility

In addition to the regulations of Section 9.5.3, the following additional regulations shall apply:

- i) Notwithstanding Section 9.5.3 d), no outdoor storage or outdoor assembly shall be permitted.
- ii) Notwithstanding Subsection 9.5.3 h), no retail sales shall be permitted.
(By-law No. 14-163, June 25, 2014)
- iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone.
(By-law No. 18-266, September 12, 2018)

(By-law No. 10-128, May 26, 2010),
(By-law No. 11-276, November 16, 2011)
(By-law No. 12-132, June 13, 2012)
(By-law No. 14-163, June 25, 2014)
(By-law No. 18-219, August 17, 2018)
(By-law No. 18-266, September 12, 2018)



Hamilton

December 18, 2023

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division
71 Main Street West
Hamilton, Ontario, Canada, L8P 4Y5
Phone: 905.546.2720 Fax: 905.546.2764
www.hamilton.ca

FILE: ALR
FOLDER: 23-315042-00 ALR
ATTENTION OF: William Campbell
TELEPHONE NO: (905) 546-2424
EXTENSION: 6754-

Michael Cowan
389 KENORA AVE
HAMILTON, ON L8E 2W3

Attention:

Re: **APPLICABLE LAW REVIEW – ZONING BYLAW**
Present Zoning: M5
Address: 354 NASH RD N HAMILTON, ON

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

COMMENTS:

1. This applicant is proposing to establish a waste processing facility, specifically for liquid soil. The proposed facility would process liquid soil from multiple sites within Ontario and generate solid soil by physical water separation
2. The subject lands are zoned "M5" (General Industrial) within the Hamilton Zoning By-law 05- 200. The current zone permits a "Waste Processing Facility" provided it is in line with the following:

Waste Processing Facility: *Shall mean the use of land, building or structure, or part thereof, for the sorting and processing of waste and recyclable materials an for which a Environmental Compliance Approval for such purpose under Part V of the Environmental Protection Act is required. Waste Processing Facilities shall include but not be limited to: thermal treatment, blue box recyclable recovery facilities, open-air or in-vessel organics processing, wood waste recycling and/or a co-generation energy facility, but shall not include a Motor Vehicle Wrecking Establishment or a Salvage Yard*

3. It is noted that the new use is proposed in what appears to be the north east corner of the lands known as 354 Nash Road North.
4. The lands may be subject to site plan control. The applicant may wish to take the appropriate steps to confirm if a site plan control application will be required for the proposed development. Development planning can be reach at 905-546-2424 ext 1355

5. It is noted that the proposed use is not subject to a minimum parking requirement pursuant to section 5 of Hamilton Zoning By-law 05-200. Parking does not appear to be proposed
6. The proposed development has been reviewed and compared to the regulations of the M5 Zoning district In the following chart;

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 9.5 – M5 Requirements			
Minimum Lot Area [as per section 9.5.3(a) of Hamilton Zoning By-law 05-200]	4000.0 square metres	It would appear the lot area of the entire site exceeds the 4000 square metre requirement	Appears to conform
Minimum Yard Abutting a Street [as per section 9.5.3(b) of Hamilton Zoning By-law 05-200]	3.0 metres	It appears that the proposed development is at the rear of an existing property, the existing yard abutting a street condition is to continue	Existing conditions conform
Planting Strip Abutting a Street [as per section 9.5.3(c) of Hamilton Zoning By-law 05-200]	Minimum 3.0 metre wide Planting Strip shall be provided and maintained abutting Burlington Street and Steel City Court, except for points of ingress and egress, and shall not include outdoor display.	Existing conditions to remain	Existing conditions conform
Limitation on Outdoor Storage and Outdoor Assembly [as per section 9.5.3(d) of Hamilton Zoning By-law 05-200]	Outdoor Storage and Outdoor Assembly shall not exceed 85% of the total lot area.	Outdoor storage appears to be provided, it does not appear that the outdoor storage will exceed 85% of the total lot area	Appears to conform
Gross Floor Area for Office Use [as per section 9.5.3(e) of Hamilton Zoning By-law 05-200]	Maximum gross floor area for Office use within an individual building, excluding accessory office, shall be limited to 3,000 square metres.	Office use not provided	N/A
Maximum Gross Floor Area for Industrial Administrative Office or Surveying, Engineering, Planning or Design Business [as per section 9.5.3(f)]	An Industrial Administrative Office or a Surveying, Engineering, Planning or Design Business shall be limited to a gross floor area of less than 10,000 square metres on a lot.	Use does not appear to be provided	N/A

	Required By By-Law	Provided	Conforming/ Non-Conforming
of Hamilton Zoning By-law 05-200]			
Location Restriction of Waste Processing Facility and Waste Transfer Facility [as per section 9.5.3(g) of Hamilton Zoning By-law 05-200]	In addition to the regulations of Section 9.5.3, any building, structure or land used for a Waste Processing Facility or a Waste Transfer Facility, shall be located a minimum of 300.0 metres from a Residentially Zoned or Institutionally Zoned property lot line.	Insufficient information has been provided to determine if the waste transfer facility is located within 300.0m of a residentially zoned property.	Unable to determine compliance
Maximum Combined Gross Floor Area for Accessory Retail, Showroom Area and Tasting Room [as per section 9.5.3(h) of Hamilton Zoning By-law 05-200]	i) 25% of the gross floor area of the principal use or 500.0 square metres gross floor area, whichever is the lesser. ii) Notwithstanding i) above, retail or accessory retail associated with a motor vehicle service station shall be limited to a maximum gross floor area of 280 square metres.	Use does not appear to be provided	N/A
Additional Regulations for Cannabis Growing and Harvesting Facility [as per section 9.5.3(k) of Hamilton Zoning By-law 05-200]	In addition to the regulations of Section 9.5.3, the following additional regulations shall apply: i) Notwithstanding Section 9.5.3 d), no outdoor storage or outdoor assembly shall be permitted. ii) Notwithstanding Subsection 9.5.3 h), no retail sales shall be permitted. iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed-Use Zone.	Use not proposed	N/A

7. Sign details have not been provided; all signage shall conform to Hamilton Sign By-law 10-197. A building permit(s) is required for all signage.
8. Fencing details have not been provided; all fencing shall conform to Hamilton Fence By-law 10-142.

9. The designer shall ensure the fire access route conforms to the Ontario Building Code

Yours truly

William Campbell

for the Manager of Zoning & Committee of Adjustment



389 Kenora Avenue
Hamilton, ON L8E 2W3
289-260-5247

To Whom it May Concern,

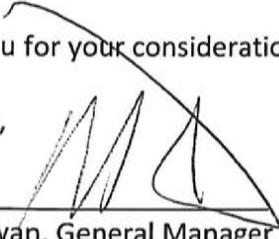
I am writing to formally submit this application for Minor Variance on behalf of our proposed liquid soil transfer/processing facility situated at 354 Nash Rd N in Hamilton. The facility is positioned within 300 meters of two significant areas: zoned residential sites (160-187 Barton St E, Hamilton, ON L8E 3G6) and a zoned institutional site (Incarnation of Our Blessed Lord Parish, 400 Pottruff Rd N, Hamilton, ON L8H 2M4).

We are seeking a variance under Section 9.5.3, specifically under subsection "g," which pertains to the Location Restriction of Waste Processing Facility and Waste Transfer Facility. The current restriction stipulates a distance of 300 meters from both a zoned residential and institutional property line however; our subject site is approximately 260 meters from both residential and institutional locations. Therefore, we kindly request approval for this variance of 260 meters to accommodate our facility's proposed location.

Your prompt attention to this matter is greatly appreciated. Should you require any additional information or clarification, please do not hesitate to contact me.

Thank you for your consideration.

Sincerely,



Mike Cowan, General Manager
Re-Source Disposal Inc.



Hamilton

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

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

APPLICATION FOR A MINOR VARIANCE/PERMISSION
UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME	
Registered Owners(s)	D. McMaster Investments Inc.	
Applicant(s)	Re-Source Disposal Inc.	
Agent or Solicitor		
		Phone:
		E-mail:

1.2 Primary contact Applicant Owner Agent/Solicitor

1.3 Sign should be sent to Applicant Owner Agent/Solicitor

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type In person Credit over phone* Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	East Lot at 354 Nash Road North Hamilton, ON L8H7P5		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes No

If YES, describe the easement or covenant and its effect:

3. PURPOSE OF THE APPLICATION

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Subject property zoned for waste transfer/processing is within 300m of zoned residential/institutional area. Would like variance to allow for 260m between subject property and zoned residential at Barton St E and institutional at Nash Rd / Barton St E.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Subject property that zoned for waster transfer/processing is within 300 meters of zoned residential area.

3.3 Is this an application 45(2) of the Planning Act.

Yes No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
137 meters	220 meters	30,140 sq meters	8 meters

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
BLDG A	31 meters	174 meters	3.75m & 100m	1965 & 2005
BLDG B	16 meters	117 meters	26m & 76m	1966

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
NONE				

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
BLDG A	640 sq meters	1280 sq meters	2	8 meters
BLDG B	3988 sq meters	3988 sq meters	1	7 meters

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
NONE				

- 4.4 Type of water supply: (check appropriate box)
- publicly owned and operated piped water system
 - privately owned and operated individual well

- lake or other water body
- other means (specify)

NONE _____

- 4.5 Type of storm drainage: (check appropriate boxes)
- publicly owned and operated storm sewers
 - swales

- ditches
- other means (specify)

NONE _____

- 4.6 Type of sewage disposal proposed: (check appropriate box)
- publicly owned and operated sanitary sewage
 - system privately owned and operated individual
 - septic system other means (specify) NONE
- 4.7 Type of access: (check appropriate box)
- provincial highway
 - municipal road, seasonally maintained
 - municipal road, maintained all year
 - right of way
 - other public road
- 4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
Liquid soil transfer and process station

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
Retail, light industrial, truck stop, public storage

7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
Leased started October 1, 2023
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
truck parking
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
truck parking
- 7.4 Length of time the existing uses of the subject property have continued:
Up to October 1, 2023
- 7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) _____

Please provide an explanation of how the application conforms with the Official Plan.

7.6 What is the existing zoning of the subject land? General Industrial - M5

7.8 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: General Industrial - M5

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes

No

If yes, please provide the file number: _____

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: NONE

8.2 Number of Dwelling Units Proposed: NONE

8.3 Additional Information (please include separate sheet if needed):

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
