



Hamilton

STAFF COMMENTS

HEARING DATE: April 9, 2024

HM/A-24:36 – 354 Nash Road North, Hamilton

Recommendation:

Table

Proposed Conditions:

1. The applicant must receive approval for an ECA permit, to the satisfaction of the Director of Development Planning.
2. The applicant must submit a Land Use Compatibility Study demonstrating conformity with the Urban Hamilton Official Plan, including Policy E.5.3.7.1, to the satisfaction of the Director of Development Planning.

Proposed Notes:



Hamilton

Development Planning:

Background

This application is to establish the use of a Waste Processing Facility on the subject lands.

The following variance is 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.

Urban Hamilton Official Plan

The subject lands are identified as “Employment Areas” on Schedule E – Urban Structure and designated “Industrial Land” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The following policies apply:

- E.5.2.7.1 “d) Industrial uses, including expansions, shall comply with all provincial standards respecting noise, vibration, air contaminants, water, wastewater, storm water and other environmental issues.
- e) Waste management facilities shall include the following uses: waste processing facilities, waste transfer facilities, hazardous waste management facilities, and waste disposal facilities.
- E.5.3.7 Waste processing facilities and waste transfer facilities, including expansions, shall be located a minimum of 300 metres from a sensitive land use within the Neighbourhoods, Institutional or Commercial and Mixed Use designations.
- E.5.3.7.1 Notwithstanding Policy E.5.3.7 above, waste processing facilities and waste transfer facilities, including expansions, may be permitted within 70 metres to 300 metres of a sensitive land use within the Neighbourhoods, Institutional or Commercial and Mixed Use designations, subject to amendment to the Zoning By-law. In addition to the requirements of Section F.1.19 – Complete Application Requirements and Formal Consultation, the applicant shall demonstrate, through a planning justification report or any other study as may be required by the City, an analysis of the following:
- a) the appropriateness of the proposed land use in relation to surrounding land uses;



Hamilton

- b) mitigation of potential impacts to sensitive land uses, the natural environment or cultural heritage resources located within 300 metres of the proposed waste management facility, which shall include noise, odour, vibration, dust, traffic, air quality, litter, and vermin and pest control measures; and,
- c) on-site wastewater and storm water management measures.”

City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned General Industrial (M5) Zone, which permits the use of a waste processing facility and be located a minimum of 300.0 metres from a Residential and Institutional zone.

Analysis

The applicant is requesting to have a waste processing facility located a minimum of 249.0 metres from Residential and Institutional zoned lands whereas the by-law requires such use be a minimum of 300.0 metres from a Residential and Institutional zone. The proposed waste processing facility will be located in the rear of subject property. The subject property is surrounded by other industrial uses in a predominantly industrial area. The applicant has applied for an Environmental Compliance Approval (ECA) permit through the Ministry of the Environment, Conservation and Parks, which will assess the potential impacts of the waste processing facility to the public or natural environment. The applicant has also submitted an application to the City for City staff to review the submitted ECA permit and provide comments to the Ministry. Staff have not had the opportunity to review the compatibility of the proposed use with surrounding sensitive land uses. Staff may be able to review and provide comment on land use compatibility through the ongoing ECA permit review process. Until such time as the appropriate material is submitted to staff for review, staff are unable to determine conformity with Policy E.5.3.7.1 of the Urban Hamilton Official Plan. Staff recommend **tabling** this application until such time as staff has received and reviewed the required materials to satisfy Policy E.5.3.7.1. Once the materials are received and reviewed, staff will be able to comment on the appropriate *Planning Act* mechanism to reduce the required setback, where appropriate. If approved, staff recommend including the below conditions:

- 1. The applicant must receive approval for an ECA permit, to the satisfaction of the Director of Development Planning.
- 2. The applicant must submit a Land Compatibility Study, to the satisfaction of the Director of Development Planning.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	1. Please note that these lands may be:



Hamilton

	<ul style="list-style-type: none"> - Regulated by a Conservation Authority; - Located within or adjacent to an Environmentally Sensitive Area (ESA); - Designated under the Ontario Heritage Act; - Listed in the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest; and/or, - Included in the City of Hamilton’s Register of Property of Cultural Heritage Value or Interest. <p>Staff cannot confirm this information at this time and the applicant should make the appropriate inquiries in order to determine what other regulations may be applicable to the subject property.</p> <p>2. The lands are subject to Site Plan Control.</p>
--	---

Development Engineering:

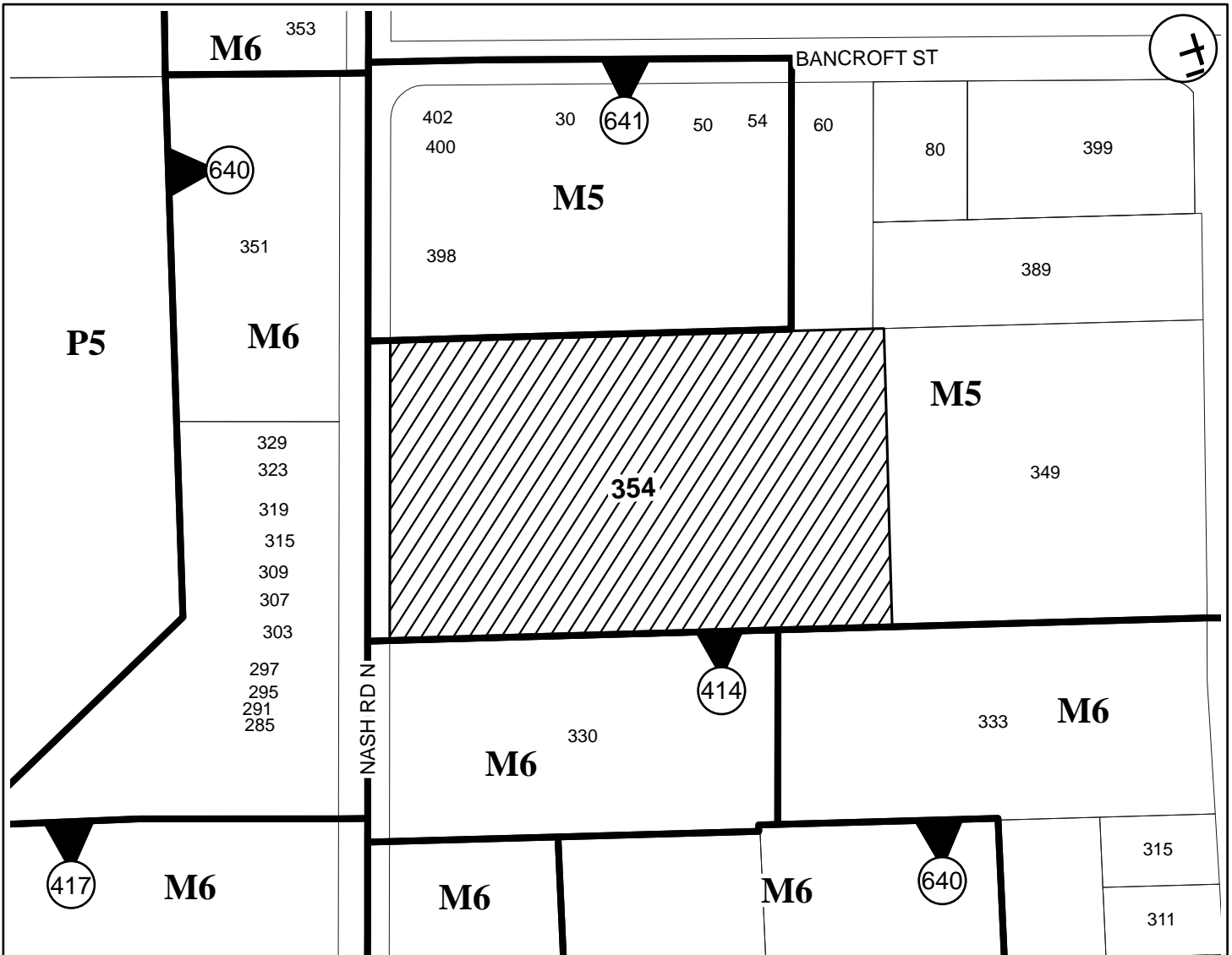
Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	

Building Engineering:

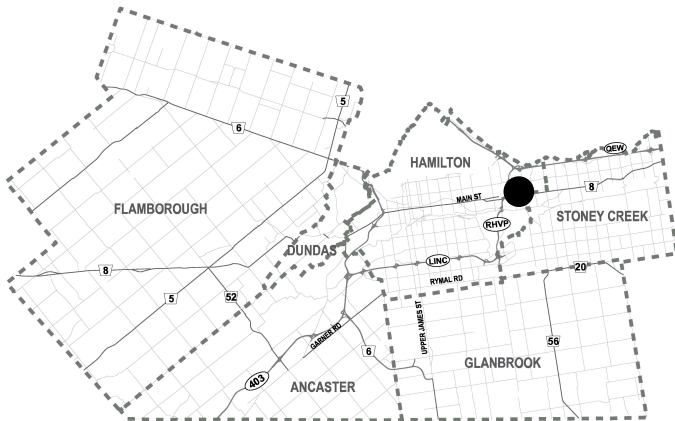
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	<p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p> <p>A building permit is required to establish the use of a Waste Processing Facility.</p>

Transportation Planning:

Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



354 Nash Road North, Hamilton (Ward 5)

File Name/Number:

HM/A-24:36

Date:

March 27, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department