



Hamilton

COMMITTEE OF ADJUSTMENT

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

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.:	A-24:61	SUBJECT PROPERTY:	215-225 Dartnall Road, Hamilton
ZONE:	"M3" (Suburban Agriculture and Residential, etc.)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: Hamilton/Burlington Society for the Protection of Cruelty to Animals
Agent: GSP Group Inc. (c/o Elizabeth Farrugia)

The following variances are requested:

1. To permit the expansion of the existing legal non-conforming 150 square metres animal shelter and veterinary clinic to 5,000 square metres.
2. To provide 70 parking spaces for the proposed expanded animal shelter and veterinary clinic uses on Site.

PURPOSE & EFFECT: So as to permit the enlargement of the existing non-conforming animal shelter and veterinary clinic.

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, May 7, 2024
TIME:	2:50 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

A-24:61

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

PUBLIC INPUT

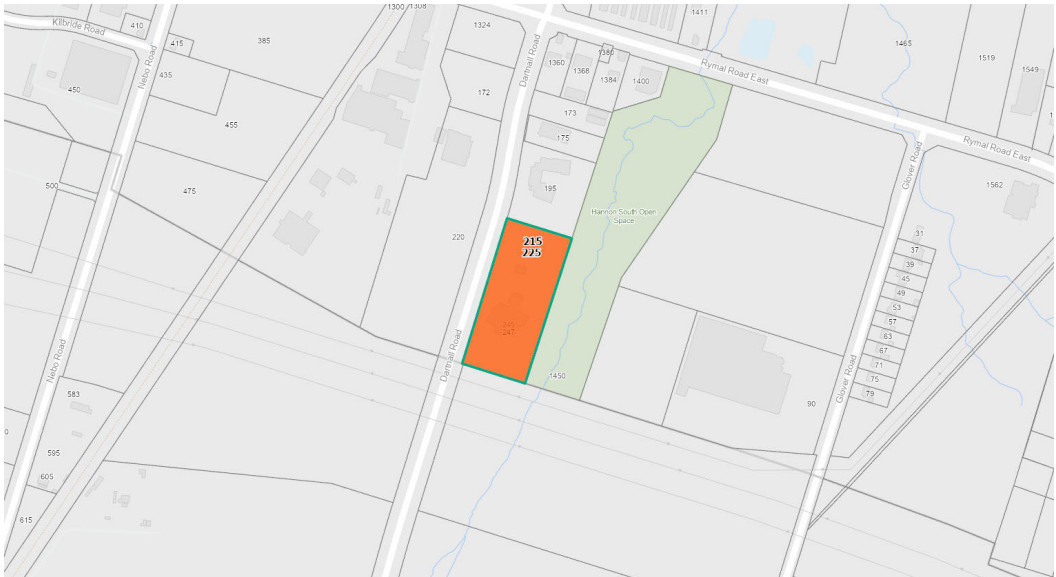
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon May 3, 2024

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, registration to participate virtually must be received no later than noon May 6, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:61, 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: April 18, 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.



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

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 advance of the meeting. 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. **Comments must be received by noon on the date listed on the Notice of Public Hearing.**

Comments are available the Friday 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 **must register by noon on the day listed on the Notice of Public Hearing** to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. 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.

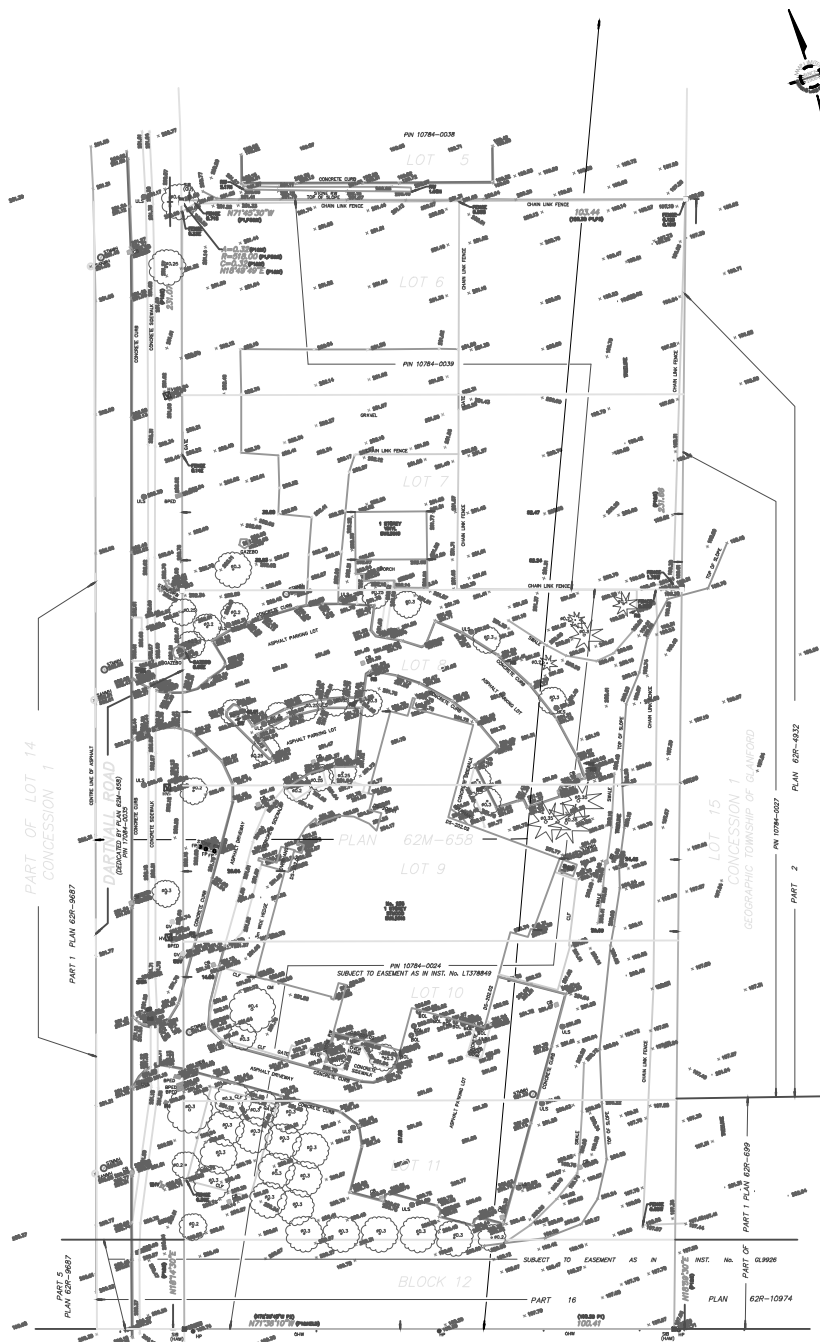
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

2. In person Oral Submissions

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 on the Notice of Public Hearing.

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



PART OF LOT 14
CONCESSION 1

PART OF LOT 15
CONCESSION 1

PIN 10784-0038

LOT 5

$N71^{\circ}45'30''W$
(P1,P3&M)

$A=0.32$ (P1&M)
 $R=518.00$ (P1,P3&S)
 $C=0.32$ (P1&M)
 $N18^{\circ}49'49''E$ (P1&M)

103.44
(103.38 P1,P3)

LOT 6

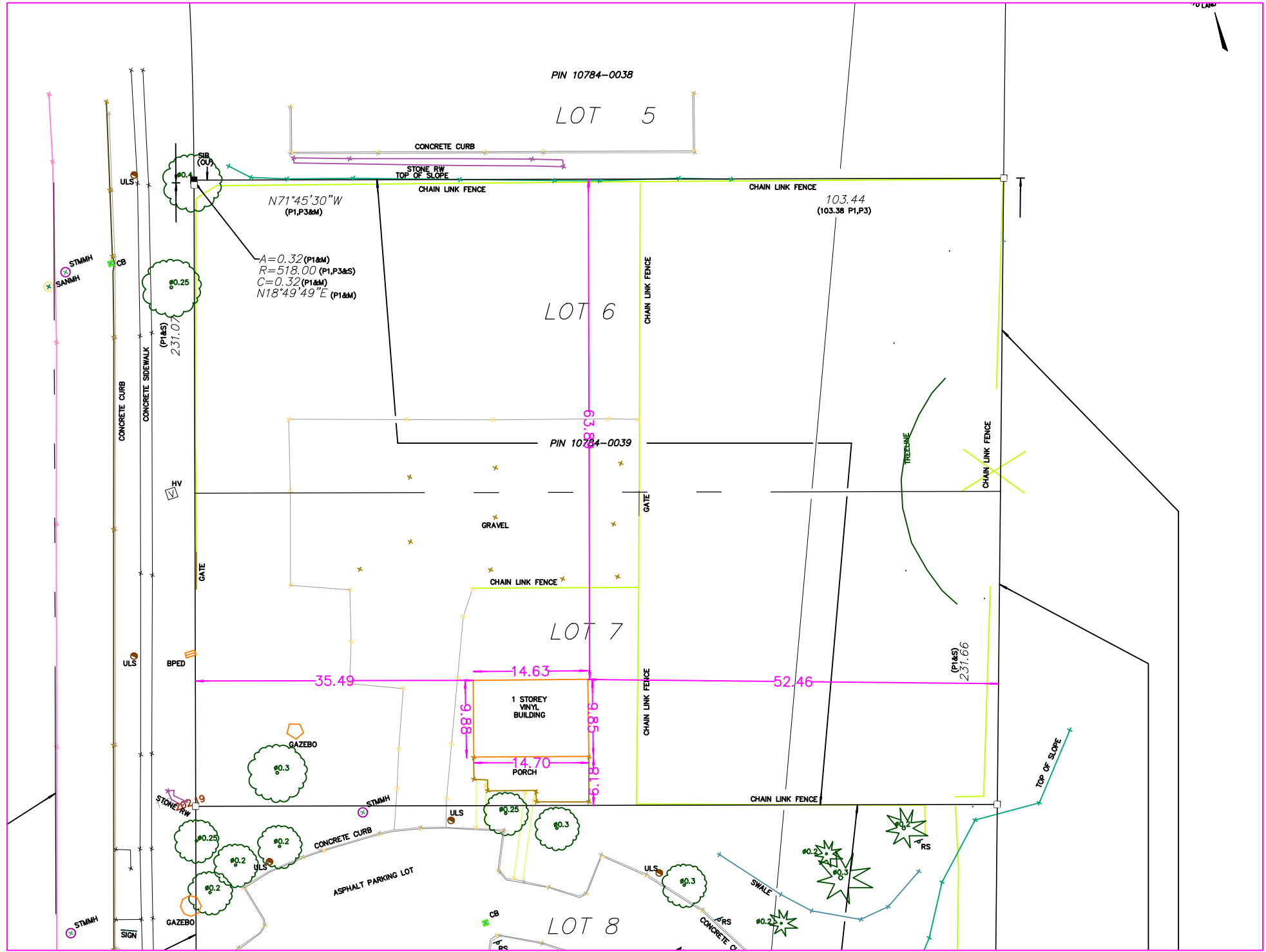
PIN 10784-0039

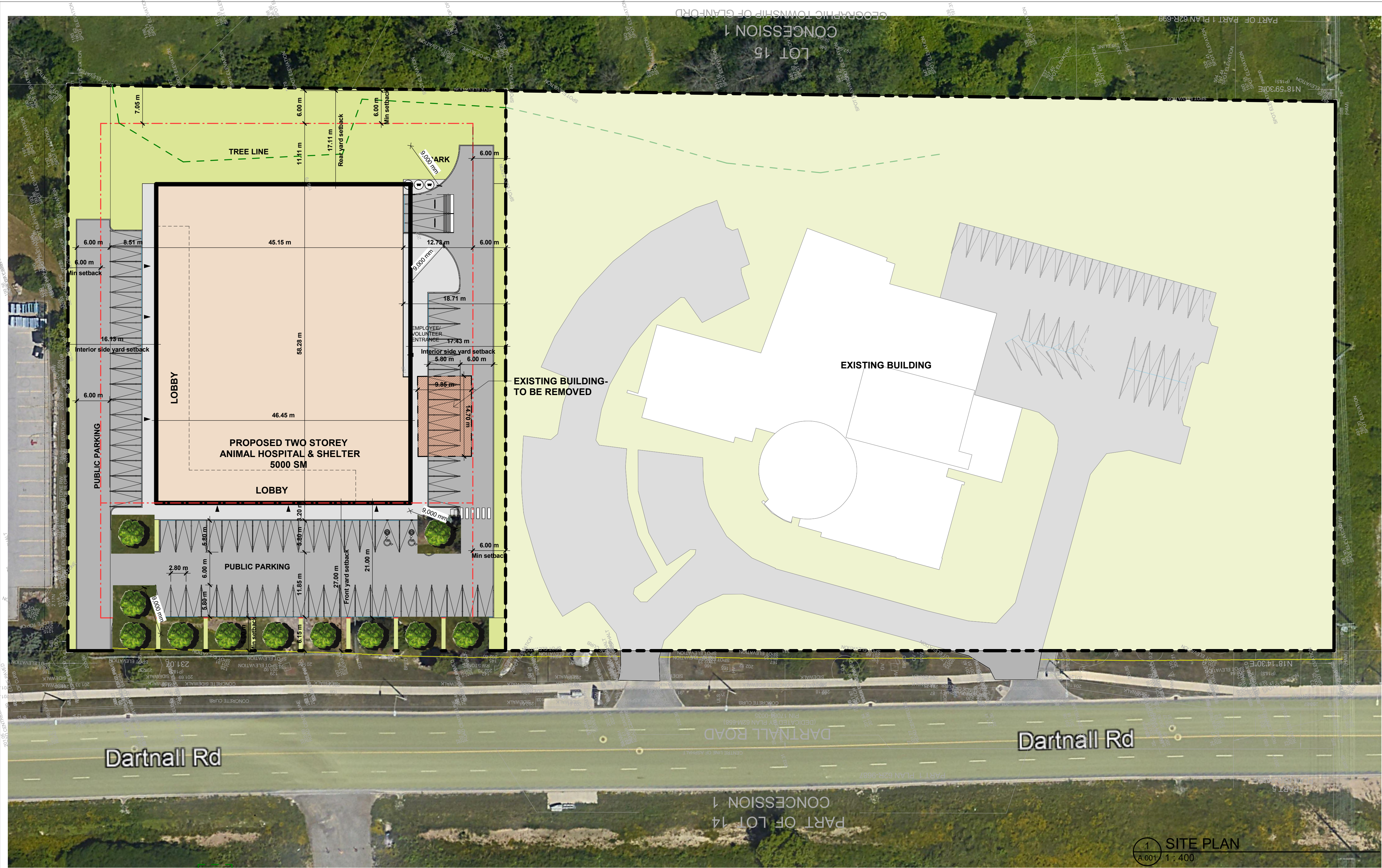
LOT 7

1 STOREY
VINYL
BUILDING

PORCH

LOT 8





Chamberlain Architects Constructors Managers

Chamberlain Architect Services Limited
 4671 Palladium Way (Unit 1)
 Burlington, Ontario, L7M 0W9
 CANADA
 Phone: 905.631.7777
 www.chamberlainIPD.com

KEY PLAN

ZONING INFORMATION

ZONING DESCRIPTION: PRESTIGE BUSINESS PARK
 ZONING CODE: M3
 MINIMUM LOT AREA: 4000.0 SM

SETBACKS
 YARD ABUTTING A STREET MIN 6.0 METRES
 YARD ABUTTING A STREET MAX 27.0 METRES

NOTE: Where a building(s) exists on a lot in conformity with i) and ii) above, with a ground floor façade being equal to 25% or more of the measurement of any street line, section ii) above shall not apply to any additional building(s).

Maximum Building Height Abutting a Residential Zone or an Institutional Zone
 i) 11.0 metres

LANDSCAPE REQUIREMENTS
 i) MINIMUM 6.0 METRE WIDE LANDSCAPED AREA SHALL BE PROVIDED AND MAINTAINED ABUTTING A STREET, EXCEPT FOR POINTS OF INGRESS AND EGRESS;
 ii) IN ADDITION TO i) ABOVE, WITHIN THE 6.0 METRE LANDSCAPED AREA, A MINIMUM 3.0 METRE WIDE PLANTING STRIP SHALL BE REQUIRED AND MAINTAINED BETWEEN PARKING SPACES, AISLES OR DRIVEWAYS AND A STREET, EXCEPT FOR POINTS OF INGRESS AND EGRESS;

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.

GROSS FLOOR AREA: SHALL NOT INCLUDE ANY AREA DEVOTED TO MECHANICAL EQUIPMENT (By-law. No. 11-276. November 16, 2011)

GFA PER USE:

USE	GROUND	SECOND	TOTAL
SHELTER	789 sm	736 sm	1543 sm
OFFICE	0 sm	1438 sm	1438 sm
HOSPITAL	2019 sm	0 sm	2019 sm
TOTAL	2808 sm	2192 sm	5000 sm

PARKING SCHEDULE

TYPE	DESCRIPTION	COUNT
ACCESSIBLE PARKING	5.6m X 3.9m	2
TYPICAL PARKING	5.8x2.7m	68
		70

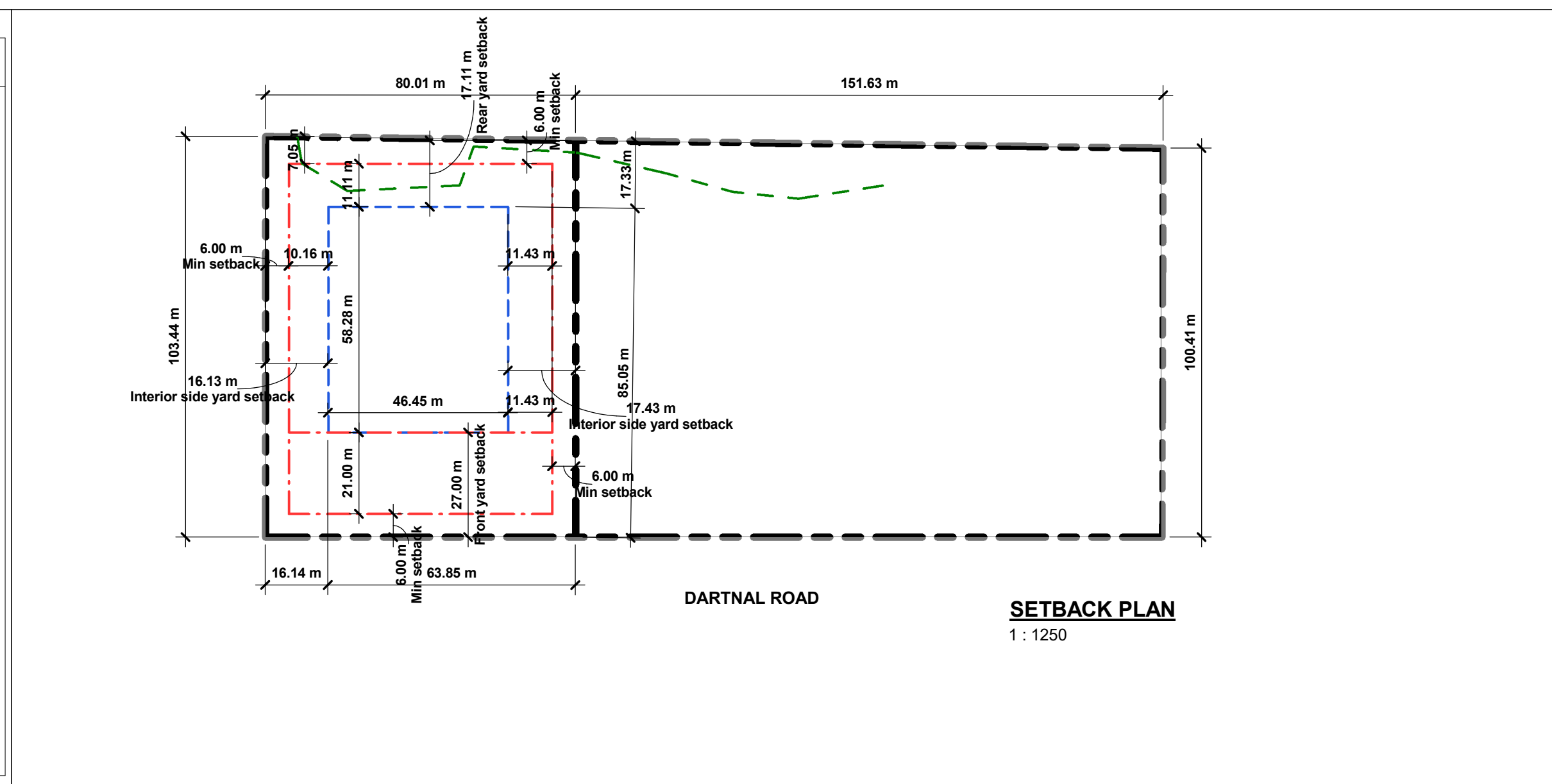
CONSTRUCTION NORTH TRUE NORTH

SITE STATISTICS

DESCRIPTION	AREA (SM)	AREA (SF)	PERCENTAGE
BUILDINGS			
PROPOSED BUILDING	2,659.67 m ²	28,628 ft ²	32.27%
HARD LANDSCAPE			
ASPHALT	2,653.48 m ²	28,562 ft ²	32.19%
CURB	73.53 m ²	791 ft ²	0.89%
SIDEWALK	587.68 m ²	6,326 ft ²	7.13%
SOFT LANDSCAPE	3,314.69 m ²	35,679 ft ²	40.21%
LANDSCAPE			
LANDSCAPE	2,268.12 m ²	24,414 ft ²	27.52%
LANDSCAPE	2,268.12 m ²	24,414 ft ²	27.52%
LANDSCAPE	8,242.48 m ²	88,721 ft ²	100%
OVERALL SITE	8,236.14 m ²	88,653 ft ²	100%

SITE PLAN LEGEND

▲	ENTRANCE / EXIT	MH	MANHOLE
---	PROPERTY LINE	CB	CATCHBASIN
- - -	ZONING SETBACKS	♿	DESIGNATED BARRIER-FREE PARKING SPACE
- · - · -	LANDSCAPE SETBACK LINE	⚡	6m WIDE FIRE ROUTE WITH HEAVY DUTY ASPHALT
---	BUILDING OUTLINE	⚡	SIAMESE CONNECTION
▨	EASEMENT AREA	⚡	PROPOSED FIRE HYDRANT
▨	PROPOSED BUILDING	⚡	LIGHT STANDARD
▨	EXISTING BUILDING	⚡	PROPOSED PAD MOUNTED TRANSFORMER (REFER TO ELECTRICAL DRAWINGS)
▨	ASPHALT	⚡	DEPRESSED CURB
▨	LANDSCAPE / SOD AREA	⚡	PARKING COUNT
▨	CONCRETE SIDEWALK c/w SIDEWALK		
▨	PEDESTRIAN CROSSWALK		



Zoning Stats – 215-225 Dartnall Road
 Zoning By-law 05-200

Zoning Regulation	Prestige Business Park (M3) Zone Permitted/Required	Provided	Compliance X / ✓
M3 ZONE			
9.3.1 Permitted Uses	Office Animal Shelter and Veterinary Service (legal non-conforming) Zoning Verification Certificate No: 23-315197-01-ZEZ	Office Animal Shelter and Veterinary Service (legal non-conforming)	✓
9.3.3 Regulations			
(a) Minimum Lot Area	4,000 m ²	8,232 m ²	✓
(b) Yard Abutting a Street	6.0m (min.) 27.0m (max.)	27.0m	✓
(c) Gross Floor Area for Office Use	3,000 m ²	< 3,000 m ²	✓
(i) Landscaped Area and Planting Strip Requirements	(i) Min. 6.0m abutting a street, except for points of ingress and egress (ii) Within the Landscape Area, a min. 3.0m metre wide Planting Strip is Required between parking spaces/drive aisles and a street except for points of ingress and egress	(i) 6.0m provided (ii) 3.0m provided	✓
PARKING & LOADING			
5.2 Design Standards			
(i) Parking design angle of 90°	Aisle width of 6.0m	6.0m	✓
5.6 Parking Schedules			
Zoning research parking observations and discussions with SPCA regarding expected parking use: 1 per 70 m ² GFA on 215 Dartnall is provided, and rate is adjusted to 1 per 53 m ² when considering spaced parking potential on 245 Dartnall Road		70 Spaces	✓
5.5 Barrier Free Parking			
(i) Barrier free parking shall be designated and provided as part of the required parking spaces	Required Parking Spaces 50-100 Spaces: Min. 4% of Required Parking Spaces 4% of 70 = 2 Spaces	2 Provided	✓

SPCA HAMILTON HOSPITAL

245 Dartnall Rd, Hamilton, ON L8W 3V9

SHEET NAME

SITE PLAN A

START DATE Issue Date
 DRAWN BY Author
 CHECKED BY Checker
 SCALE As indicated
 PROJECT NO. Project Number
 DRAWING

A.001

3/12/2024 10:17:16 AM C:\Users\chamberlain\Documents\154025-SPCA-Hamilton site for variance.mxd\A001.rvt

Tuesday, February 27th, 2024

GSP File No. 24005

City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Attn: Ms. Jamila Sheffield
Secretary-Treasurer, Committee of Adjustment

**RE: MINOR VARIANCE APPLICATION
215 – 225 Dartnall Road, City of Hamilton**

On behalf of the Hamilton Burlington SPCA (“SPCA”), GSP Group is pleased to submit a Minor Variance application to enlarge the existing legal non-conforming use at 215/225 Dartnall Road (Figure 1). The existing animal shelter and veterinary clinic has been established on the Subject Lands since 2009 and continues to be used today. Due to expanded operations, this proposal is seeking to expand the existing approximately 150 sq.m. structure to an approximately 5,000 sq.m while continuing the same legal non-conforming uses.

On December 20th, 2023, a verification letter was obtained from the City of Hamilton to permit the legal non-conforming use to continue in the M3 Zone. As further background, the SPCA currently occupies part of the existing building at 245 Dartnall Road (i.e. next door) with the City of Hamilton. In 2011, Exception No.395 to the M3 Zone was granted for 245 Dartnall Road. Although 215/225 Dartnall Road also existed as an animal shelter and veterinary clinic at that time, it was not also captured under Exception No.395. It is unclear whether this was an administrative error. Nevertheless, the recent verification letter on December 20th, 2023, rectifies this by permitting the animal shelter and veterinary clinic as a legal non-conforming use. The next step is this Minor Variance application to expand the use from 150 sq.m. to 5,000 sq.m and with 70 surface parking spaces.



Figure 1 - 215/225 Dartnall Road ("Site")

The proposed development consists of a 2-storey commercial building located on a 0.8 ha site with one proposed access off of Dartnall Road. A copy of the Conceptual Site Plan has been provided with this application showing the proposed site layout and building footprint.

To facilitate this proposal, the requested variances to the City of Hamilton Zoning By-law 05-200 is as follows:

1. To expand the existing 150 sq.m. of legal non-conforming animal shelter and veterinary clinic uses to 5,000 sq.m; and,
2. To provide 70 parking spaces for the proposed expanded animal shelter and veterinary clinic uses on Site.

In support of this application, one (1) copy of the Conceptual Site Plan and one (1) copy of the Application Form will be provided to the Committee of Adjustment. Additionally, a cheque in the amount of **\$3,900.00** will be delivered to City Hall. A review fee for the Hamilton Conservation Authority (HCA) will be forthcoming once the application is circulated to HCA.

To support these variances, rationale based on the four tests of a Minor Variance are provided below:

(1) Does the requested variances maintain the general intent and purpose of the City of Hamilton's Urban Hamilton Official Plan (UHOP)?

Yes, the requested variances maintain the general intent and purpose of the City's Urban Hamilton Official Plan.

Business Park Official Plan Designation

The Site is currently designated as a Business Park. The vision and intent behind the Business Park designation is for prestige employment uses and a prestige, quality, and well-presenting employment area. This can be seen through the:

- Types of permitted uses ("...the range of employment uses allow for a variety of industrial activity and accommodated employment support uses, such as offices, that will foster the development of a prestige employment area");
- Preferred siting of building locations on lots (front-facing and with attractive building facades); and,
- Scale and designs that are encouraged (e.g. Policy E.5.4.7 that outlines new development and redevelopment shall contribute to a quality image for the business park, have high design standards, and incorporate quality building and landscaping designs in areas adjacent to and visible from public roads).

The animal shelter and veterinary clinic lends itself to this kind of vision and design for prestige employment uses within the Business Park designation.

Supporting and Promoting Employment Growth and Economic Development

Recently, one of the many priorities of the City of Hamilton and Province of Ontario is to foster economic development and employment growth. In Chapter E, Section 5.4.2 of the UHOP, it states “Lands designated Employment Area – Business Park which are undeveloped, underutilized... are planned for major employment growth in accordance with the employment and density targets in Section A.2.3.2 – Employment Forecasts and Policy A.2.3.3.5 Employment Area Density Targets.” As such, the proposed development will help the City meet its density targets in relation of the number of jobs per hectare. It will not only help create jobs associated with the animal hospital, veterinary clinic, and supporting office uses, but support existing jobs within this industry, and as part of the existing SPCA operations next door, to stay.

Parking

In terms of parking, it should be noted that the City of Hamilton’s UHOP and Zoning By-law currently do not provide specific parking categories for animal shelter and veterinary clinic uses outside of the Downtown area. Instead, the Site may fall under a much broader category known as “Other Commercial Uses”. Without a specific land use category to determine parking, general UHOP policies were referred to in order to inform an approach to parking for the Site.

As can be seen in UHOP Policies B.3.3.10, shared parking facilities are encouraged where appropriate. Considering the SPCA also operates and has dedicated parking spaces next door, this is an appropriate case where shared parking can be considered between the Site and 245 Dartnall Road. It has been learned that currently of the 44 spaces dedicated to the SPCA at 245 Dartnall Road, the most that is ever used is 70% (approximately 30 spaces) during peak times. This leaves about 14 spaces available for overflow parking from the Site should it be needed. What should also be considered in the realm of shared parking is that it is anticipated some staff, patients, and clients will shuffle between the Site and 245 Dartnall Road, hence still requiring one (1) parking space between the two facilities. This offers more fluidity for users of both Sites to park. Finally, in considering an approach to parking, urban design and climate change best practices were considered. It is understood that the City is moving in the direction of reducing paved and impervious surfaces on properties as a way to manage stormwater and improve drainage conditions. By employing shared parking principles, it has the ability to reduce asphalt and surface parking area on the Site, leaving more room for landscaping, shelter, and veterinary clinic initiatives. This approach to parking for the Site meets the intent of the UHOP.

Specific zoning details are addressed in the next section and demonstrate the research that was undertaken to inform the most appropriate parking provision given the gap of information on how to apply parking rates for animal shelter and veterinary uses the City’s Zoning By-law.

(2) Does the requested variance maintain the general intent and purpose of the City of Hamilton’s Zoning By-law?

Yes, the requested variance maintains the general intent and purpose of the City of Hamilton’s Zoning By-law.

Animal Shelter and Veterinary Clinic Uses as Prestige Employment Uses

The Prestige Business Park – M3 Zone intends to permit prestige employment uses as directed in the UHOP while also limiting the amount of non-employment uses on the Site. This can be seen through its prohibition of highly industrial land uses such as the processing of several raw materials, Salvage Yards, Smelting of Ore and Metal and more. This Site and development proposal for expanded animal shelter and veterinary clinic uses are far from these types of

prohibited uses and will continue to portray the prestige, high-quality design, and low noise, pollutant, and industrial impact business park and employment uses intended in the Zoning By-law.

The M3 Zone also consists of several regulations that direct the scale, form, and massing of developments within this Zone. For example, the setback, landscaping, and screening requirements all work towards creating employment uses and development proposals that have a street presence, orient utility, loading, and waste areas towards the rear and away from the property frontage, and encourage landscaping. This all feeds into promoting the vision for a prestige employment and business park. The Site Plan accompanying this submission demonstrates that all of the required setback, landscaping regulations, frontage, and utility area requirements are met, further adding to the vision for the prestige employment and business park. Detailed design for the landscaping details and screening will follow in the appropriate Site Plan stage.

Parking

As described earlier, the City's Zoning By-law does not provide direction on the parking requirements for animal shelter and veterinary clinic uses. Section 5.1 a) of the Zoning By-law does allow for off-site parking on a separate lot as long as it is within 300m of the Site. Therefore, the existing parking dedicated to the SPCA on 245 Dartnall Road can be considered. This speaks to the shared parking sentiments of the UHOP policies as spoken about in the earlier section.

After referring to directions in the UHOP on how to approach parking, GSP also undertook the following research:

- Reviewed parking rates of City of Hamilton categories and uses that resemble these kinds of uses. A rate of 1 parking space per 30m² of Gross Floor Area (GFA) for Office, broad category, "Other Commercial Uses," and retail uses was found. A rate of 1 space per 50m² for Office and Veterinary Service uses in the Downtown was also found. If the rates were applied to this Site and enlargement of the animal shelter and veterinary clinic uses, this would be an approximate range of 70 to 175 spaces required;
- Reviewed parking rates in the Zoning By-laws of Burlington, Oakville, London, and Mississauga for office, pet care, kennel, and veterinary/animal hospital and clinic uses. Applying their rates to the size of the enlargement that we are seeking, the parking requirement ranged from 65 to 202 spaces;
- Considered the high potential to share parking with the SPCA facilities next door and therefore including the existing 44 spaces in meeting the parking needs of the Site in some capacity; and,
- Discussions with SPCA on the peak usage of their existing 44 spaces and nature of parking activity. It was learned that at most 70% of their existing spaces are occupied, staff are more likely to park and stay within business hours, there is rarely overnight parking use (e.g. 1 or 2 staff members conduct an overnight shift but this occurs very minimally), and there is more drop-off activity or short visits with clients and patients throughout the day.

Therefore, after considering the zoning research conducted, applying the UHOP principles of shared parking and reducing impervious surfaces, and the SPCA's ongoing parking activities, the Site Plan consists of 70 parking spaces for the 5,000 sq.m. expanded animal shelter and veterinary clinic.

When further factoring in the possibility of sharing parking with the 44 spaces next door, this is a total parking provision of 114 parking spaces and rate of 1 space per 53m² (5,000 sq.m. expanded use on 215 Dartnall Road + 1,100 sq.m. SPCA occupied portion on 245 Dartnall Road / 70 spaces proposed on 215 Dartnall Road + 44 existing spaces on 245 Dartnall Road). Without explicit policy and regulatory guidance, this parking provision and rate benchmarks well against the planning and zoning research undertaken, and meets the intent of the City of Hamilton Zoning By-law.

(3) Is the requested variance desirable for the appropriate development or use of the land, building or structure?

Yes, the requested variance is desirable for the appropriate development or use of the land, building, or structure.

On June 28th, 2011, Exception No. 395 to the M3 Zone was granted for the animal shelter and veterinary clinic uses for 245 Dartnall Road next door to the Site. Therefore, it established that animal shelter and veterinary clinic uses are appropriate and desirable within this Business Park designation, and no issues have risen in the past 14 years that the building has existed, or the 23 years that the dog park has existed. The desirability of these uses within this area was further established in recent efforts through the verification letter on December 30th, 2023 which allows these uses to continue as legal non-conforming uses.

Returning to the Business Park designation of this area, it is evident there is a scale, form, massing, and design being exemplified through the existing buildings. These buildings typically have a large footprint, a frontage presence with high quality designs and materials, and incorporate landscaping. Examples include the existing SPCA and City facility at 245 Dartnall Road, Walters Inc. head office (1318 Rymal Road E), United Association of Journeyman & Apprentices Local 67 Office (95 Dartnall Road), TD Insurance Auto Centre Office (115 Dartnall Road), and Fortino's Head Office (1257 Rymal Road East) which are within 500m to the Site (Appendix 1). The enlargement of the animal shelter and veterinary clinic will compliment these existing buildings and therefore is desirable. In contrast, the existing building is very small in size (150 sq.m.), made from temporary and lower quality (e.g. cladding) materials, is farther back from Dartnall Road, and has no street presence. This makes it appear out of place and ultimately not desirable for a prestige employment area.

In terms of the parking, it is desirable to have 70 parking spaces for the enlargement because efficiencies can be achieved with sharing parking with the existing SPCA operations next door, impervious surfaces are reduced on the Site and from a bigger picture perspective within the business park context, and more room is left on the Site to support animal shelter and veterinary clinic activities.

Finally, expanding the existing animal shelter and veterinary clinic uses on the Site will maximize the employment opportunities within the business park, thereby helping meet employment growth targets, and contribute to a positive economic impact of the City.

Is the requested variance minor in nature?

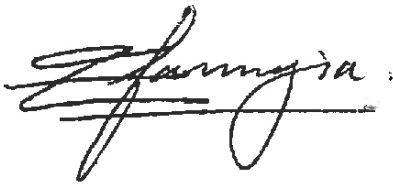
Yes, the requested variance is minor in nature because it:

- Seeks to permit the expansion of a use that currently exists on the Site and support the same uses next door;
- Exemplifies the kind of building and product that the Business Park designation and Prestige Business Park – M3 Zone intends and will not contribute to adverse impacts or major noise and air pollutants, for example, in this employment area;
- Portrays similar building forms, footprints, mass, scale, and designs as existing businesses in the surrounding area; and,
- Implements a parking provision that is aligned with the zoning research as well as balances parking needs with shared parking and climate change initiatives.

Should you have any questions, or require any additional information, please do not hesitate to contact Elizabeth Farrugia, Senior Planner at GSP and planning agent of this file, at 289-814-3085 or by email at efarrugia@gspgroup.ca.

Yours truly,

GSP Group Inc.



Elizabeth Farrugia, MCIP, RPP
Senior Planner



Adam Nanji, B.ES
Planner

cc: Hamilton Burlington SPCA



Fortinos Head Office (1275 Rymal Road E)
Apx Building Footprint : 4,500m² (2 Storeys)

TD Insurance Auto Centre Office (115 Dartnall Road)
Apx Building Footprint : 2,200m² (2 Storeys)

Walters Inc. Head Office (1318 Rymal Road E)
Apx Building Footprint : 1,800m² (2 Storeys)

United Association of Journeyman & Apprentices Local 67 Office (195 Dartnall Road)
Apx Building Footprint : 2,000m²

Proposed SPCA Facility
Apx Building Footprint : 2,500m²

Existing SPCA and City facility at 245 Dartnall Road
Apx Building Footprint : 2,300m²



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)	
Applicant(s)	
Agent or Solicitor	

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	215 - 225 Dartnall Road		
Assessment Roll Number			
Former Municipality	Glanbrook		
Lot	Part of Lots 6 - 11	Concession	1
Registered Plan Number	62M - 658	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:

LT378849, Unknown

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:

Expanding the legal non-conforming use of the existing structure

Second Dwelling Unit Reconstruction of Existing Dwelling

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

See Cover/Justification Letter

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

Yes No

If yes, please provide an explanation:

The subject property has been used as a veterinary service (animal shelter) prior to the passing of Hamilton's Zoning By-law 05-200. A new building with the same use is now required to help expand operations.

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
79.9m	103.4m	0.83 ha	36m

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
Animal Hospital and Shelter	35.49m	52.46m	63.89m, 6.18m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Animal Hospital and Shelter	27m	17.11m	17.43m, 16.13m	

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
Animal Hospital and Shelter	144.6m ²	144.6m ²	1 Storey	3.6m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Animal Hospital and Shelter	2,660m ²	5,000m ²	2 Storeys	2 Storeys*

- 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)

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

- ditches
 other means (specify)

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) _____

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year _____

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
Animal Hospital and Shelter

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
Animal Hospital and Shelter (south), Park (east), Office (north), Industrial (west)

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

March 16, 1999

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Vacant

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Animal Hospital and Shelter

7.4 Length of time the existing uses of the subject property have continued:

Dog Park - July 1, 1999 / Shelter/Animal Hospital - April 1, 2009

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Employment - Business Park

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

See Cover and Justification Letter

7.6 What is the existing zoning of the subject land? _____

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: _____

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: 0

8.2 Number of Dwelling Units Proposed: 0

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

Please See Cover/Justification Letter

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
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