



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.:	A-24:184	SUBJECT PROPERTY:	2187 Regional Road 56, Glanbrook
ZONE:	E1, A1, P6 (Existing Rural Commercial, Agriculture, Conservation/Hazard Lands Rural)	ZONING BY-LAW:	Zoning By-law 05-200, as Amended by By-law 15-173

APPLICANTS: Owner: Wayne Marshall
Agent: Acradis Professional Services (Canada) Inc. c/o Jared Marcus

The following variances are requested:

1. Accessory buildings shall be permitted to be located within the front yard instead of the requirement no accessory buildings or structures shall be located within a front yard.
2. Storage for recreational motor vehicles, non-motorized recreational vehicles, household goods and materials, a trade person’s vehicle, equipment, and accessory material shall be permitted in addition to the permitted use of motor vehicle storage.

PURPOSE & EFFECT: To facilitate the construction of six (6) buildings accessory to an existing rural commercial use and permit additional storage uses.

Notes:

1. A portion of the property falls under conservation management. Please contact the Niagara Peninsula Conservation Authority prior to any development.
2. Please be advised insufficient information was provided regarding accessory buildings eave and gutter projections. Additional variances may be required in conformity cannot be achieved.

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.

A-24:184

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

DATE:	Tuesday, September 10, 2024
TIME:	2:25 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/committeefadjustment

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

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

PUBLIC INPUT

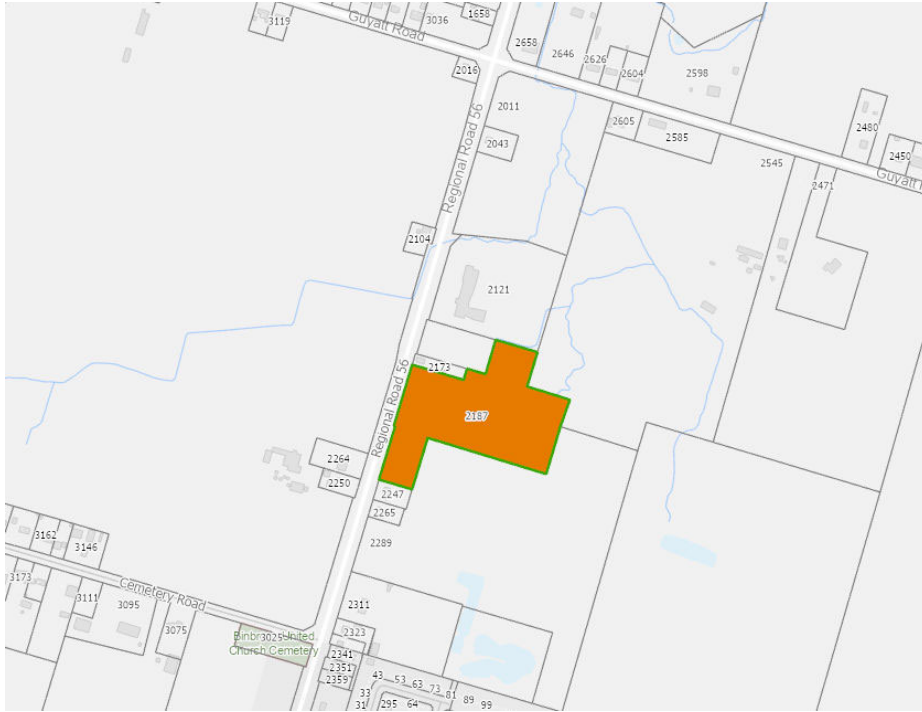
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon September 6, 2024

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 September 9, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:184, 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: August 22, 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.

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.

LEGEND

▲	PERSON DOOR ENTRANCE	CONC	CONCRETE
▲	OVERHEAD DOOR ENTRANCE	EB	ELECTRICAL BOX
⬢	PARKING SPACE COUNTER	EX	EXISTING
⬢	FIRE ROUTE SIGN	FH	FIRE HYDRANT
■	LEASE LINE	HH	HAND HOLE
APPROX.	APPROXIMATE	HP	HYDRO POLE
BMH	BELL MANHOLE	LA	LANDSCAPING
BOL	BOLLARD	LS	LIGHT STANDARD
CB	CATCH BASIN	MH	MANHOLE
		PROP.	PROPOSED
		VPIPE	VERTICAL PIPE

SITE PLAN NOTES:

- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING AND CHIEF PLANNER, PLANNING AND 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 DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
- ALL DRIVEWAY DIMENSIONS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE. THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADE.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - SEWER AND WATER PERMIT
 - BUILDING PERMIT
 - ROAD CUT PERMITS
 - APPROACH APPROVAL PERMITS
 - COMMITTEE OF ADJUSTMENT
 - RELOCATION OF SERVICES
 - ENCROACHMENT AGREEMENTS (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.
- 5 METER BY 5 METER VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY PROPOSED OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METERS ABOVE THE CORRESPONDING PERPENDICULAR CENTERLINE ELEVATION OF THE ADJACENT STREET.
- PROPOSED SIGNAGE SHALL CONFORM TO THE CITY'S SIGN AND OTHER DEVICES BY-LAW No. 10-197.
- LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS.
- ALL FENCES MUST COMPLY WITH HAMILTON FENCE BY-LAW No. 10-142.
- THE POSITION OF THE POLE LINES, CONDUITS, WATERMANS, SEWERS, AND OTHER UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.

BEFORE STARTING WORK

- THE CONTRACTOR SHALL NOTIFY THE CITY OF HAMILTON AND LANHACK CONSULTANTS INC. AT LEAST 48 HOURS PRIOR TO COMMENCING CONSTRUCTION.
- THE POSITION OF THE POLE LINES, CONDUITS, WATERMANS, SEWERS, AND OTHER UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.
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- ALL EXISTING UNDERGROUND UTILITIES WITHIN THE LIMITS OF CONSTRUCTION SHALL BE LOCATED, MARKED AND PROTECTED. ANY UTILITIES DAMAGED OR DISTURBED DURING CONSTRUCTION SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE ENGINEER, AT THE CONTRACTOR'S EXPENSE.
- AT LEAST TWO DIFFERENT BENCHMARKS MUST BE REFERRED TO AT ALL TIMES.

Development Details

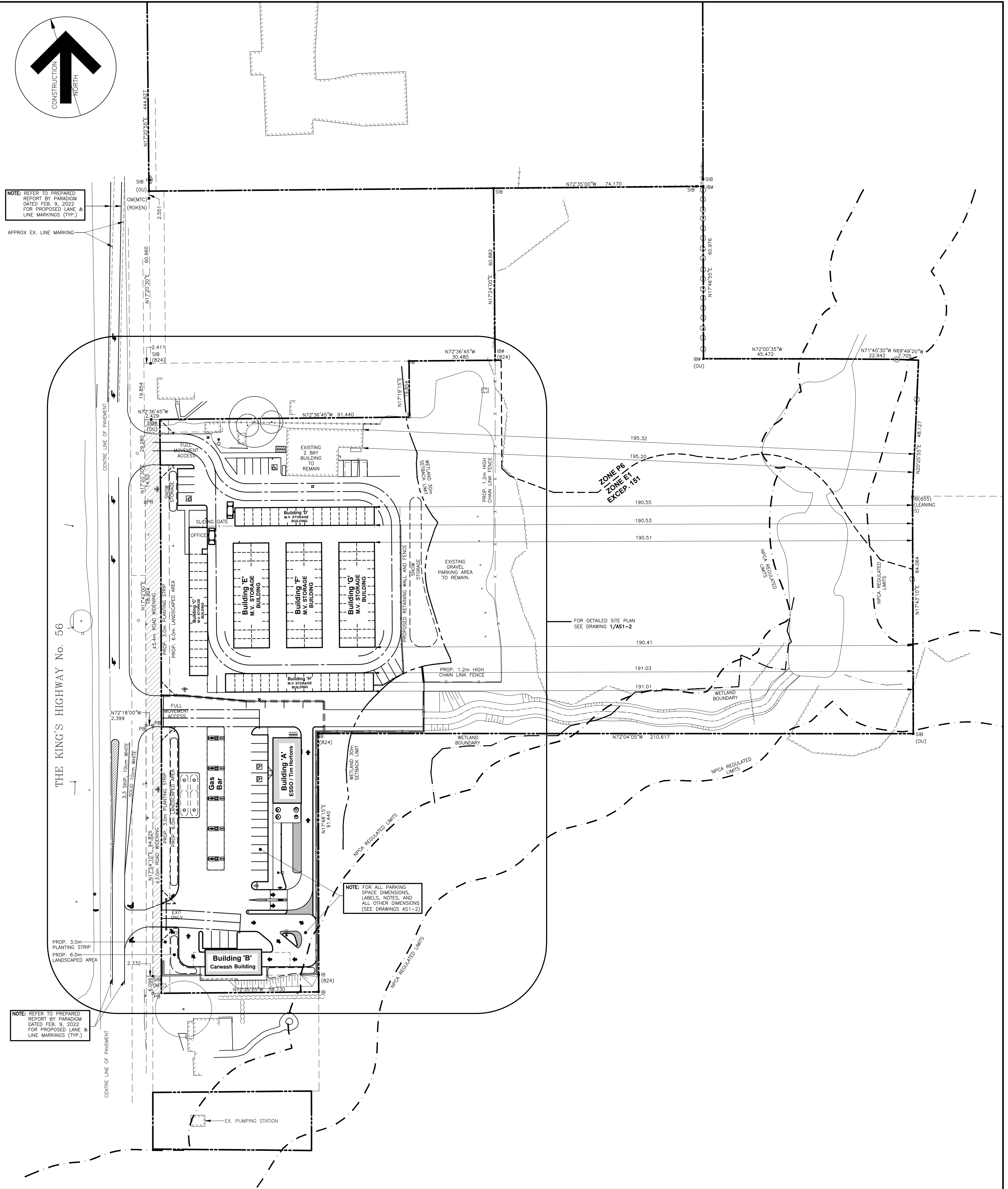
Project Number	18027-ZV	
Address	2187 Regional Road #56 Glanbrook (Hamilton), ON	
Zone	E1, Exemption 151	
Use	Esso On-The-Run, Carwash, Ex. Repair Garage and Ex. Detail Bldg. Special Exemption 161	
	Required	Provided
Max. Lot Coverage	30.00 %	7.21 %
Max. Building Height	11.00 m	11.0m Max.
Planting Strip	3.0m Planting Strip	6.0m Landscape Including 3.0m Planting Strip
Min. Landscaped Open Space	10.00 %	63.26 %*
Site Restrictions		
Min. Front Yard	10.00 m	10.05 m (Storage Unit)
Min. Side Yard (North)	6.00 m	3.49 m (Existing Detail Building)
Min. Side Yard (South)	6.00 m	6.14 m (Carwash)
Min. Side Yard (East)	6.00 m	6.00 m (ESSO On-The-Run)
Min. Flankage Yard	N/A	N/A
Min. Rear Yard	7.50 m	(+190m provided)
Loading Spaces		
Proposed	N/A	1.0 Space

Site Statistics

Address	2187 Regional Road, Glanbrook ON	
Site Area	473,394 s.f.	43,979.72 s.m.
Building Coverage	30,236 s.f.	2,809.01 s.m.
Gross Floor Area		
Existing Detail Building	3,907 s.f.	363.00 s.m.
Building A - Esso on the Run with Drive Thru	2,498 s.f.	232.05 s.m.
Building B - Car Wash	1,959 s.f.	182.00 s.m.
Building C - Motor Vehicle Storage	3,602 s.f.	334.62 s.m.
Building D - Motor Vehicle Storage	3,423 s.f.	317.99 s.m.
Building E - Motor Vehicle Storage	5,032 s.f.	467.46 s.m.
Building F - Motor Vehicle Storage	5,032 s.f.	467.46 s.m.
Building G - Motor Vehicle Storage	5,032 s.f.	467.46 s.m.
Building H - Motor Vehicle Storage	3,953 s.f.	340.27 s.m.
Total	34,146 s.f.	3,172.31 s.m.

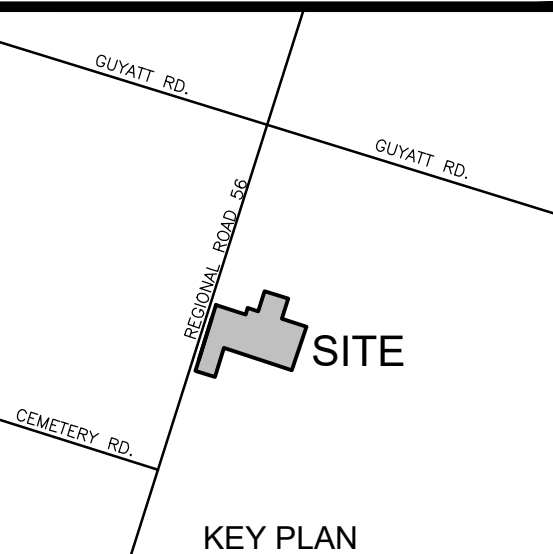
**Parking Requirements
(Zoning By-Law 2020)**

	Area	Required	Provided
On the Run (1 Space/30s.m.)	166.75 s.m.	4.56 Spaces	12.0 Spaces
Restaurant (No Seating - 3 Spaces)	65.30 s.m.	3.00 Spaces	5.0 Spaces
Car Wash (1 Space/30s.m.)	182.00 s.m.	6.07 Spaces	6.0 Spaces
Existing Detail (4 Spaces/Service Bay)	2.00 Bays	8.00 Spaces	8.0 Spaces
Proposed Motor Vehicle Storage Bldgs. (0 required)	2,365.26 s.m.	0.00 Spaces	9.0 Spaces
Total Parking Spaces (Inc. Barrier Free)		22.63 Spaces	40.0 Spaces
Barrier Free Spaces (4% of Total Req'd)		2.00 Spaces	4.0 Spaces



1 Overall Site Plan

AS1-1



Contractor must verify all dimensions on the Project Site and report any discrepancies before proceeding with the Work.

This drawing is a part of the Contract Documents and is to be read in conjunction with all other Contract Documents.

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SOURCE
- EXISTING BOUNDARY SURVEY A.T. MCCLAREN LIMITED, PROJECT No. 35316, DATED MAY 31, 2019 AND APRIL 20, 2023
- EXISTING INFORMATION WAS ALSO GATHERED FROM GOOGLE MAPS.

BENCHMARKS
MONUMENT 0019751910, IRON PIPE WITH BRASS CAP ALONG WHITE CHURCH ROAD AT INTERSECTION OF FLETCHER ROAD, 2.1 KM WEST OF INTERSECTION WITH HIGHWAY NO. 56, 27.4 M EAST OF CENTRE LINE OF FLETCHER ROAD, 8.83 M NORTH OF CENTRE LINE OF WHITE CHURCH ROAD, 1.2 M NORTH OF HYDRO POLE NO. 3-42, AT ROAD LEVEL, ELEV.=219.038 METRES.

Revision Record

No.	Description	Date (m/d/y)
C	ISSUED FOR MINOR VARIANCE	08/07/24
B	REVISED FOR ZONING VERIFICATION	12/12/23
A	FOR ZONING VERIFICATION	10/27/23

Issue Record

No.	Description	Date (m/d/y)
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NOT FOR CONSTRUCTION

LANHACK CONSULTANTS INC.
Consulting Engineers
1709 Upper James Street
Hamilton, ON L9B 1K7
Tel: (905) 777-1454
Fax: (905) 336-8142

Development Concept

2187 REGIONAL ROAD #56
BINBROOK (HAMILTON), ON

Date:	MARCH 2019
Drawn By:	GRW
Chkd By:	SMP
Scale:	1 : 750

Overall Site Plan

Project No.:	18027-ZV	Drawing No.:	AS1-1	Rev.:	C
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Plot Date: 08/07/24
#2019(18027) - SPA 2187 Regional Road, Glanbrook ESso On-The-Run
18027_2019-07_Site Plan with vehicle storage, 12-15-23.dwg

LEGEND

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⊕	FRS	FH	FIRE HYDRANT
+	DO NOT ENTER SIGN	HH	HAND HOLE
+	FRS	HP	HYDRO POLE
+	FRS	LA	LANDSCAPING
+	FRS	LS	LIGHT STANDARD
+	FRS	MH	MANHOLE
○	PROPOSED WALL MOUNTED LIGHTS	PROP.	PROPOSED
■	LEASE LINE	VPIPE	VERTICAL PIPE
APPROX.	APPROXIMATE		
BMH	BELL MANHOLE		
BOL	BOLLARD		
CB	CATCH BASIN		

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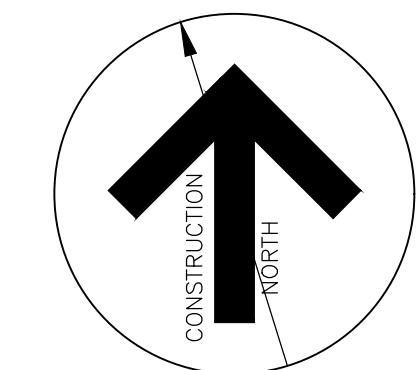
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Development Details

Project Number	18027-ZV	
Address	2187 Regional Road #56 Glanbrook (Hamilton), ON	
Zone	E1, Exception 151	
Use	Esso On-The-Run, Carwash, Ex. Repair Garage and Ex. Detail Bldg. Special Exemption 151	
	Required	Provided
Max. Lot Coverage	30.00 %	7.21 %
Max. Building Height	11.00 m	11.0m Max.
Planting Strip	3.0m Planting Strip	6.0m Landscape Including 3.0m Planting Strip
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Min. Rear Yard	7.50 m	(+190m provided)
Loading Spaces		
Proposed	N/A	1.0 Space

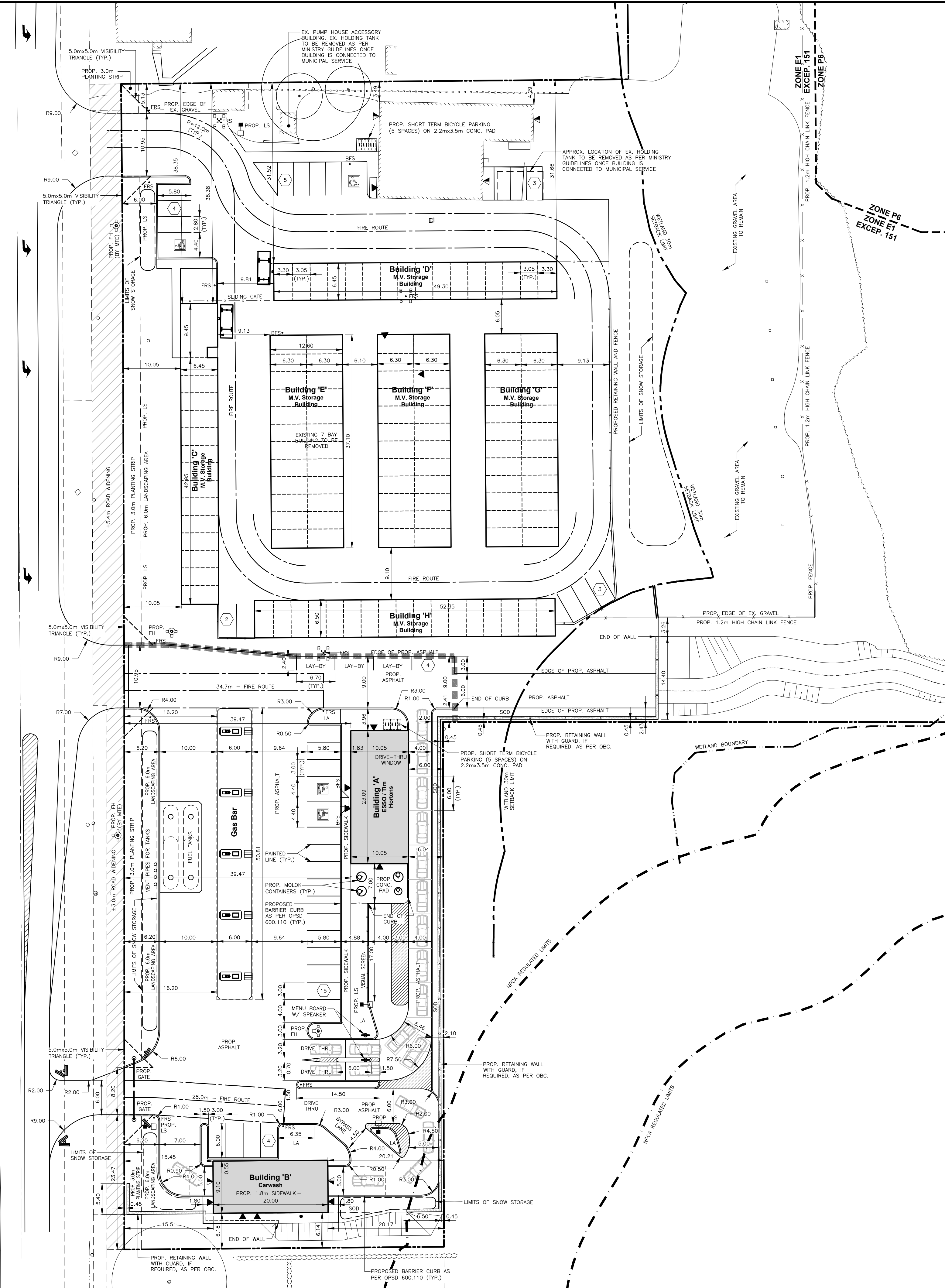
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On the Run (1 Space/30m ²)	Area	Required
Restaurant (No Seating - 3 Spaces)	166.75 s.m.	5.00 Spaces
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Total		12.00 Spaces
Total Parking Spaces (No Barrier Free)		22.63 Spaces
Barrier Free Spaces (4% of Total Req'd)		2.00 Spaces
Provided		40.00 Spaces

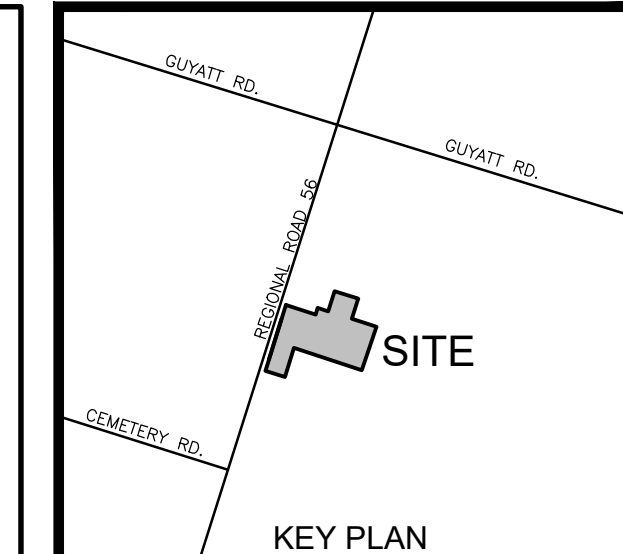


THE KING'S HIGHWAY No. 56

NOTE: REFER TO COMMENT LETTER PREPARED BY BY PARADIGM DATED MARCH 09, 2023 FOR PROPOSED SIGNS (TYP.)



1 Detailed Site Plan



Contractor must verify all dimensions on the Project Site and report any discrepancies before proceeding with the Work.
This drawing is a part of the Contract Documents and is to be read in conjunction with all other Contract Documents.
© COPYRIGHT - LANHACK Consultants Inc. All rights reserved.

Revision Record

No.	Description	Date (m/d/y)
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Issue Record

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NOT FOR CONSTRUCTION



Development Concept

2187 REGIONAL ROAD #56
BINBROOK (HAMILTON), ON

Date: MARCH 2019
Drawn By: GRW
Chkd By: SMP
Scale: 1 : 400

Detailed Site Plan

Project No.: 18027-ZV
Drawing No.: ASI-2
Rev.: C
Plot Date: 08/07/24

Arcadis Inc.
360 James Street North – Suite 200
Hamilton
Ontario L8L 1H5
Canada
Phone: 905-546-1010 ext. 63139
www.arcadis.com



Ms. Jamila Sheffield, ACST
Secretary Treasurer, Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Subject: 2187 Regional Road 56, Hamilton (Binbrook) – Minor Variance Application
Date: July 29, 2024

Dear Ms. Sheffield,

On behalf of our client, we are pleased to submit a Minor Variance application for the above noted property. The property has been subject to numerous applications including a Rural Hamilton Official Plan Amendment to allow these lands outside of a Settlement to access municipal sewers and water and a Site Plan Approval (SPA19-080) to add a convenience goods sales store (Esso on the Run) and accessory drive through coffee service and accessory car wash on the subject lands. These buildings added per SPA19-080, identified as Building A and B respectively, are not included in this variance application.

If approved, the Minor Variance application would allow six (6) proposed storage buildings on the subject lands, which would be in addition to the existing two bay building containing motor vehicle storage and sales and repair operation. A large building in the center of the property between the repair garage and the proposed gar bar will be removed.

This minor variance application is made under Section 45(2)(b) of the *Planning Act* which allows the Committee to grant the use of land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law, where the uses of land, buildings or structures permitted in the by-law are defined in general terms. Currently under the City of Hamilton's Zoning By-law, the E1 portions of the subject lands permit the uses of motor vehicle storage, sales and repair operation, Motor Vehicle Service Station, and an office for a travel agency. This minor variance application is to permit similar or like uses to motor vehicle storage, such as recreational motor vehicle and non-motorized recreational vehicle storage, household good and material storage, and storage for a trade person's vehicle, equipment, and accessory material.

In support of the Minor Variance application please find enclosed the following information:

- A digital copy of the completed Minor Variance application form and authorization letter;
- A digital copy of the Preliminary Site Plan drawing; and,
- A digital copy of the Planning Opinion memo.

Mr. Michael Fiorino
City of Hamilton
May 24, 2023

Please note that the required application review fee will be delivered under separate cover with a copy of this cover letter.

Should you require any additional information please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read 'Jared Marcus', with a stylized flourish at the end.

Jared Marcus, CPT
Associate – Manager, Planning

Cc: Mr. John Ariens, Arcadis
Mr. Wayne Marshall

Marshall Real Estate Holdings Ltd.

Thursday July 4, 2024

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

To Whom It May Concern,

I, Wayne Marshall, is the owner of Marshall Real Estate Holdings Ltd. I authorize Arcadis to prepare and submit a minor variance application for our lands at 2187 Regional Rd 56 in former Glanbrook Twp.

Sincerely,



Wayne Marshall
President

Chair and Members of Committee of Adjustment c/o Ms. Jamila Sheffield
Secretary – Treasurer, Committee of Adjustment
City of Hamilton
71 Main Street West – 5th Floor
Hamilton, Ontario L8P 4Y5
Canada

Arcadis Professional Services (Canada) Inc.
360 James Street North – Suite 200
Hamilton, Ontario L8L 1H5
Canada
Phone: 905-546-1010
www.arcadis.com

Date: July 5, 2024

Our Ref: 144972

Subject: 2187 REGIONAL ROAD 56, HAMILTON- MINOR VARIANCE APPLICATION

Dear Ms. Jamila Sheffield

Arcadis Professional Services (Canada) Inc. (“Arcadis”) is the authorized planning agent for Wayne Marshall (the “Client” or “Owner”), the Owner of land municipally known as 2187 Regional Road 56 in the City of Hamilton (the “subject lands”). Arcadis has been the lead planning consultant for this development and has successfully delivered a Rural Hamilton Official Plan Amendment (RHOPA) to allow these lands outside of a Settlement to access municipal sewers and water. Conditional Site Plan Approval (SPA19-080) was obtained to add a convenience goods sales store (Esso on the Run) and accessory drive through coffee service and accessory car wash on the subject lands. These buildings added per SPA19-080, identified as Building A and B respectively, are not included in this variance application. Currently, Site Plan Approval for the subject lands are being finalized by the Owner.

An amendment to the existing SPA will be undergone to accommodate the six (6) proposed storage buildings on the subject lands. The proposed storage buildings are to be constructed in relation to the existing two bay building containing motor vehicle storage and sales and repair operation, which is proposed to remain. In order to build the proposed storage facilities, the large building in the center of the property between the repair garage and the proposed gar bar will be removed.

This minor variance application is made under Section 45 of the *Planning Act* which allows variances in respect of the land, building or structure or the use thereof. This minor variance application looks to expand the uses on the E1 portions of the subject lands. Currently under the City of Hamilton’s Zoning By-law, the E1 portions of the subject lands permit the uses of motor vehicle storage, sales and repair operation, Motor Vehicle Service Station, and an office for a travel agency. This minor variance application is to permit similar or like uses to motor vehicle storage, such as recreational motor vehicle and non-motorized recreational vehicle storage, household good and material storage, and storage for a trade person’s vehicle, equipment, and accessory material.

1.0 SITE LOCATION AND CONTEXT

The subject lands are municipally known as 2187 Highway 56, Hamilton and are located south of Guyatt Road and north of Cemetery Road. The subject lands are legally described as: PT LT 5, BLK 3, CON 3 BINBROOK; GLANBROOK CITY OF HAMILTON. The site has a total area of approximately 4.4 hectares, approximate frontage of 203.51 metres on Book Road, and an approximate lot depth of 269.99 metres. Currently on the subject lands is two main building structures used for automotive purposes. The subject lands are accessed from Highway 56 to the west of the site. Please refer to **Figure 1** for an aerial image of the site and **Figures 2** and **3** for a view of the site from Highway 56 Road.

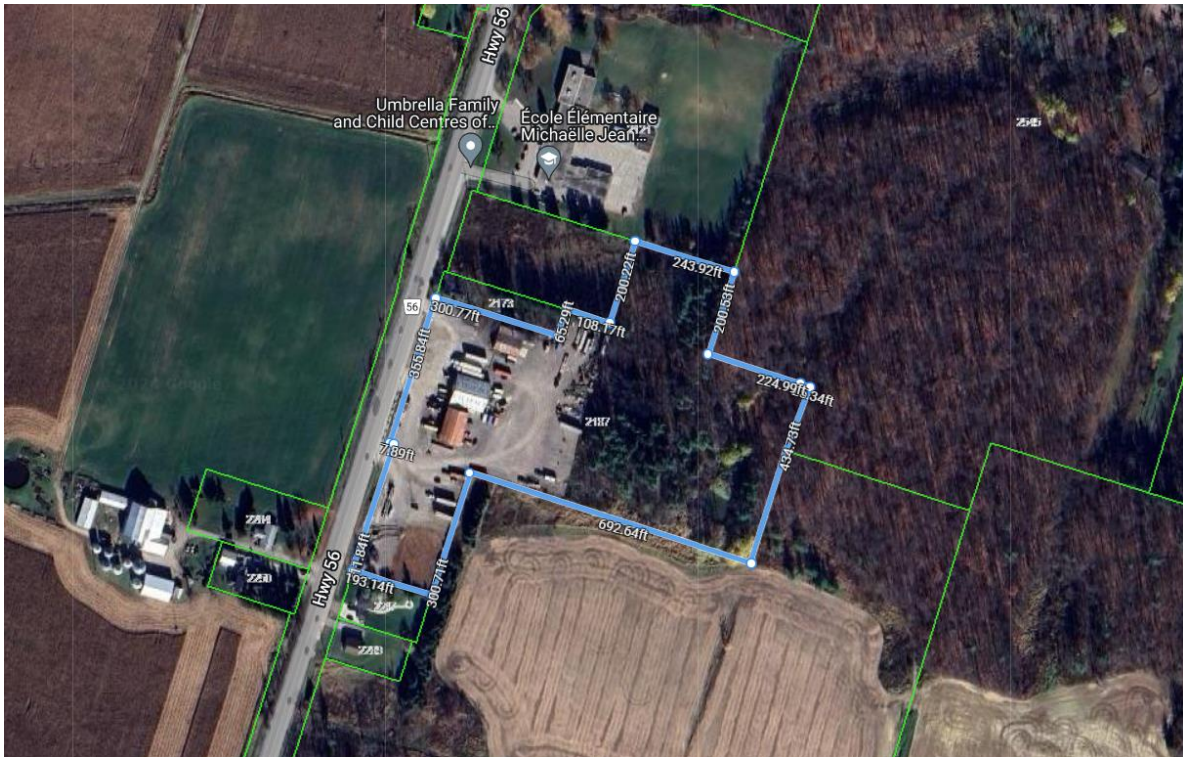


Figure 1: Aerial image of subject lands retrieved from GeoWarehouse.



Figure 2: View of the southern portion of the subject lands from Highway 56.



Figure 3: View of subject lands from Highway 56.

2.0 PROPOSED MINOR VARIANCE

The subject lands are divided into three (3) different zones, including Existing Rural Commercial (E1) with Special Exception 151, Agriculture (A1), and Conservation/Hazard Land Rural (P6), as shown in **Figure 4**. The proposed development of six (6) new buildings for storage purposes occurs on portions of the subject lands zoned E1. The subject lands are designated as Agriculture within Schedule D: Rural Land Use Designations. These variances being applied for, made under Section 45 (1) and 45 (2) of the *Planning Act*, are as follows:

1. To permit similar or like storage uses to motor vehicles, such as
 - To allow recreational motor vehicles and non-motorized recreational vehicles to be stored both within a building and outside.
 - To allow indoor storage of household goods and materials.
 - To allow a trade person's vehicles, equipment, and accessory material to be stored both within a building and outside.

Planning Act Sections 45 (1) and 45 (2) Compliance

Section 45 (1) of the *Planning Act* permits the Committee of Adjustment to grant Minor Variances from the Zoning By-law provided that they meet what is known as the four (4) tests. The four tests are:

1. Is the variance minor in nature?
2. Is the variance desirable and appropriate?
3. Does the variance maintain the general intent and purpose of the Official Plan? And,
4. Does the variance maintain the general intent and purpose of the Zoning By-law?

Section 45 (2) b of the *Planning Act* permits the Committee of Adjustment to grant the use of land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law, where the uses of land, buildings or structures permitted in the by-law are defined in general terms.

The following will provide an analysis of the proposed variance against the four tests, while considering Section 45 (2) of the *Planning Act*.



Figure 4: Zoning Mapping, retrieved from the City of Hamilton

2.1 Variance 1: Additional Storage Permissions

On the E1 lands in the subject property, the Zoning By-law permits agriculture, an agricultural processing establishment (standalone), an agricultural storage establishment, a farm product supply dealer, a kennel, and uses existing at the date of passing of the By-law. Special Exemption 151 permits the uses of motor vehicle storage, sales and repair operation, Motor Vehicle Service Station, and an office for a travel agency on these E1 lands. This minor variance application is to permit similar or like uses to motor vehicle storage, such as recreational motor vehicle and non-motorized recreational vehicle storage, household good and material storage, and storage for a trade person's vehicle, equipment, and accessory material.

1. Is the variance minor in nature?

The determination of minor is not a matter of a mathematical or percentage calculation, but rather a consideration of the overall impact of the proposed variance. The requested minor variance looks to simply expand the existing storage permissions on the subject lands. It is our opinion that the minor variance is minor in nature, as it does not change the land use or create any additional adverse impacts on the surrounding areas. The storage of items

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inside the proposed storage buildings cannot be seen from Regional Road 56. Thus, whether the building is storing a motorized vehicle, household goods, or industrial equipment, there is no difference or impacts to the community as these contents are not visible. Similarly, storing motorized and non-motorized vehicles behind the proposed buildings is minor, as school buses have been stored on the property for a long time. Furthermore, it is our opinion that the storage non-motorized recreational vehicles, household goods, and industrial / commercial equipment are less substantive than motorized vehicles, which are permitted on the subject lands. Given the above, it is our opinion that the variance is minor in nature.

2. Is the variance desirable and appropriate?

The requested variance is desirable and appropriate as it offers a larger range of services and storage options available to the community. The proposed expansion of storage uses, specifically for industrial and commercial equipment, serves local businesses and homeowners who are in need of 'mini' storage services. The storage of additional contents in relation to the six proposed buildings creates a multi-purposed facility that benefits the surrounding neighbourhood and rural households. The concentration of more storage uses on the subject lands creates a more viable service for the community. These additional storage uses pose no health of safety concerns to the community and there will be safe access onto the subject property from Regional Road 56.

3. Does the variance maintain the general intent and purpose of the Official Plan?

The requested variance maintains general intent and purpose of the RHOP for existing land uses that have been established before the implementation of the Official Plan. As described in Section 1.12: Non-Conforming and Non-Complying Uses, *"The expansion or enlargement or change in non-complying uses shall be permitted provided they maintain the intent and purpose of this Plan, in particular Sections C.5.1, Sustainable Private Water and Wastewater Services and C.2.0, Natural Heritage System and any other requirements of the Planning Act"*. This minor variance looks to simply expand the storage uses on the subject lands, which have been permitted for motorized vehicle storage before the RHOP came into effect. It is our opinion that the subject lands are not harmful to the surrounding 'Agricultural' lands and conforms to the RHOP.

4. Does the variance maintain the general intent and purpose of the Zoning By-law?

The general purpose and intent of the Zoning By-law, specifically Special Exemption 151, is for permitting the subject lands to continue operating under the existing automotive and storage uses. As described under Section 45 (2) b of the *Planning Act*, the committee can permit uses of land similar to those defined in the by-law, if it is of the opinion of the committee that these uses conform with the by-law. It is our opinion that based on Section 45 (2) b of the *Planning Act*, the requested variance permitting additional storage uses should be approved based on the similar and less substantive nature of these contents, which comply with the general intent of the subject lands under the Zoning By-law for storage purposes.

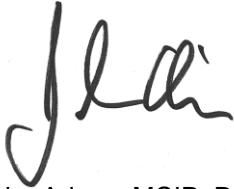
3.0 CONCLUSION

Based on our review of the proposed variance and the planning justifications provided for each in the foregoing sections, it is our opinion that the proposed variance should be approved. The proposed variance has regard for both the policies of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200. As previously analyzed, the impact of the requested variance would be minor. The requested variance outlined in this letter meets the four tests for a minor variance as prescribed under Section 45 (1) of the *Planning Act*. The requested variance also complies with the *Planning Act* under Section 45 (2) b for permitting uses conforming with the intent of the by-law.

Should you have any questions, or wish to discuss further, please do not hesitate to contact the undersigned.

Ms. Jamila Sheffield
City of Hamilton
July 5, 2024

Sincerely,
Arcadis Professional Services (Canada) Inc.



John Ariens, MCIP, RPP
Senior Planner, Management



Jason Weisbrot
Co-op Student, Planning



Hamilton

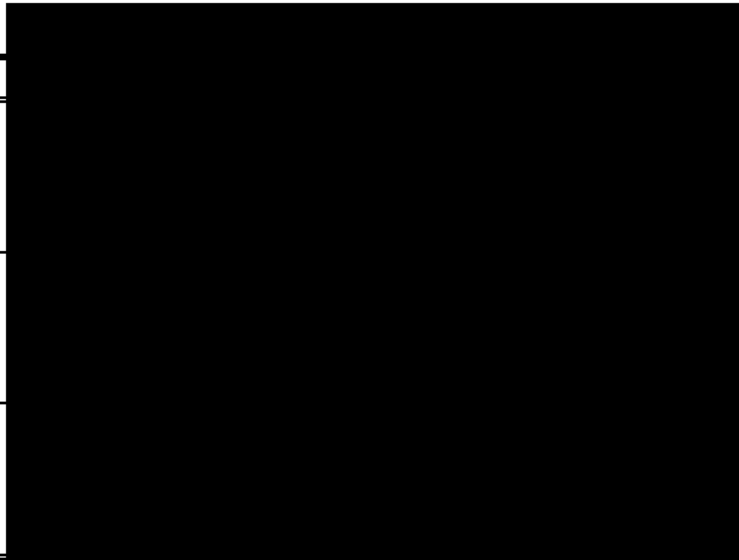
Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

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	2187 Regional Road 56		
Assessment Roll Number			
Former Municipality	Binbrook		
Lot	5, Block 3	Concession	3
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:

Access easement Inst. CD304708, Part 1, Plan 62R-7329

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:

The requested variance is to permit similar or like uses to motor vehicle storage inside and outside of the proposed buildings, including storage of non-motorized vehicles, household goods and materials, and commercial / industrial materials.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The Zoning By-law, per Special Exemption 151, permits motor vehicle storage and related automotive uses. However, the By-law does not permit the storage of the requested storage uses.

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

Yes No

If yes, please provide an explanation:

The variance application is under 45 (2) b, as the Committee of Adjustment can permit uses of land similar to those defined in the by-law, if it is of the opinion of the Committee that these uses conform with the by-law.

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
203.04m	269.33 m	43,979.7 sqm	Unknown

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
1 Storey Building - 1	10.47m	214.85m	12.84m	
1 Storey Building - 2	50.46m	195.53m	3.49m	
Accessory buildings	21.37m	151.69m	1.11m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
See attached Concept Plan				

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
1 Storey Building - 1	1,665.7sq.m	1,665.7sq.m	1 Storey	
1 Storey Building - 2	362.9sq.m	362.9sq.m	1 Storey	
Accessory Buildings	20.8sq.m / 10.8sq.m / 4.sq.m	20.8sq.m / 10.8sq.m / 4.2sq.m	1 Storey	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Building C,D,H	334.6 sq.m, 317.9 sq.m, 340.2 sq.m	334.6 sq.m, 317.9 sq.m, 340.2 sq.m	1	4.06 m
Building E,F,G	each building is 467.4 sq.m	each building is 467.4 sq.m	1	4.77 m

- 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.):

Commercial

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Agricultural, Institutional (Elementary school), Residential

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Unknown

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

Automotive Uses, Repair and Bus Storage

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

Automotive Uses (Ex. Storage, Repair)

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

Unknown

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

Rural Hamilton Official Plan designation (if applicable): Agriculture

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) N/A

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

Please refer to the Minor Variance Letter included as a part of this submission.

7.6 What is the existing zoning of the subject land? E1(151), P6

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):

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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