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	A-24:265	SUBJECT	63 Leavitt Boulevard,
NO.:		PROPERTY:	Flamborough
ZONE:	M3 (Prestige Business Park)	ZONING BY-	Zoning By-law City of Hamilton 05-
		LAW:	200, as Amended by 10-128

APPLICANTS:

Owner: Waterdown Mini Storage Inc.

Agent: Urban Solutions Planning & Land Development Consultants Inc. c/o Matt Johnston

The following variances are requested:

- 1. A minimum 1.3 metre setback to a street line shall be permitted instead of the minimum 6.0 metre setback for a yard abutting a street.
- 2. A minimum 1.3 metre wide landscaping area abutting a street shall be permitted instead of the minimum required 6.0 metre wide landscaped area abutting a street.
- 3. A minimum of 1.25 parking spaces for each 100.0m2 of gross floor area shall be permitted instead of the minimum required 2.0 parking spaces for each 100m2 of gross floor area for a Planned Business Centre.
- 4. A minimum Electric Vehicle Parking rate of 9% of all parking spaces shall be permitted instead of the minimum required Electric Vehicle Parking rate of 50% of all parking spaces.

PURPOSE & EFFECT: To facilitate the construction of a multi-tenanted industrial building.

Notes:

- 1. These variances are required to facilitate conditionally approved Site Plan application SPA-21-094.
- 2.Please be advised that the Electric Vehicle Parking requirements under By-law 24-052, remain under appeal and are not covered under Section 1.12 of the "Transitional Provisions" of the Hamilton Zoning By-law 05-200. At present, a review of the Electric Parking requirements has

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not been included in the following zoning chart. If the remaining portions of By-law 24-052 become final before issuance of a building permit, the Electric Vehicle Parking requirements will be applicable upon review for such building permit.

Note Variance four has been provided as requested. However, at this time Electric Vehicle parking is not applicable to the proposed development until such a time where the appeal to the Ontario Land Tribunal has been resolved or through the approval of this minor variance or similar Planning Act applications.

3.Please note, it appears that only 5 accessible parking spaces have been provided as per the submitted drawings. A minimum of 6 accessible parking spaces is required as per Section 5.7.3 b) of Hamilton Zoning By-law 05-200.

Should the proposed parking not comply with Section 5.7.3.b) additional variances may be required.

4.It is noted that there may be a loading space located within the drive aisle of the indoor parking spaces. All parking spaces shall have adequate means of ingress and egress to the street without the necessity of moving any other motor vehicle. Should any loading space block the access of a parking space, as required under Section 5.2.4.c) additional variances may be required.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Tuesday, January 21, 2025
TIME:	2:35 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

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

- Visit <u>www.hamilton.ca/committeeofadjustment</u>
- 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 January 17, 2025

Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or

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attending in person. Please see attached page for complete instructions, registration to participate virtually must be received **no** later than noon January 20, 2025

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:265, 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.



DATED: January 2, 2025

Jamila Sheffield, Secretary-Treasurer Committee of Adjustment Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public, and may include posting electronic versions.



COMMITTEE OF ADJUSTMENT

City Hall, 5^{th} 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.

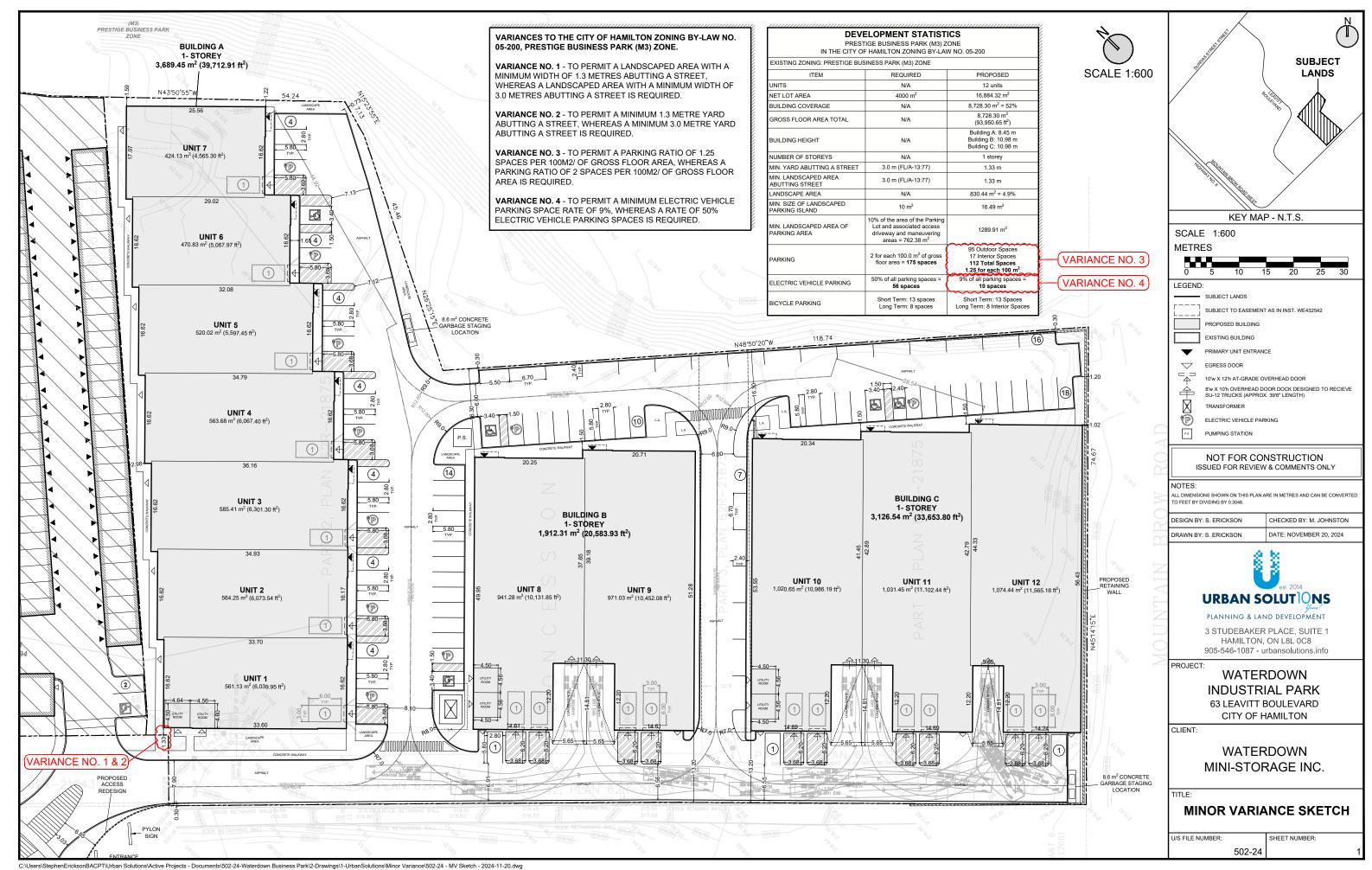
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

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.





November 20, 2024 502-24

Via Email & Delivered

Ms. Jamila Sheffield Secretary Treasurer Committee of Adjustment

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

Dear Ms. Sheffield,

RE: 63 LEAVITT BOULEVARD, FLAMBOROUGH

Application for Minor Variance to the City of Hamilton Zoning By-law No. 05-200

Site Plan File No. SPA-21-094

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) have been retained by Waterdown Mini Storage Inc., the registered owners of 63 Leavitt Boulevard, in the former Township of Flamborough. On their behalf, UrbanSolutions is pleased to submit this application for Minor Variance to the City of Hamilton Zoning By-law No. 05-200.

The subject lands are comprised of an "L"-shaped, 1.69-hectare parcel with 4.1 metres of frontage along Leavitt Boulevard. The lands are currently vacant and are surrounded by various industrial and commercial uses such as research and development, professional engineering services, self-storage facilities, and retail stores. The subject lands are designated as *'Employment Areas'* on Schedule E - *Urban Structure* and as *'Business Park'* on Schedule E-1 - *Urban Land Use* within the Urban Hamilton Official Plan (UHOP). Further, the lands are subject to the regulations of the *'Prestige Business Park (M3) Zone'* in the City of Hamilton Zoning By-law No. 05-200.

The subject lands comprise Phase 2 of the conditionally-approved Site Plan (File: SPA-21-094), issued on October 5, 2021. The purpose of this Minor Variance Application is to facilitate the development of three (3), 1-storey buildings, constituting a 12-unit Planned Business Centre with 112 parking spaces.

The required variances are as follows:

Variance No. 1 – To permit a landscaped area with a minimum width of 1.3 metres abutting a street, whereas a landscaped area with a minimum width of 3.0 metres abutting a street is required.

Variance No. 2 — To permit a minimum 1.3 metre yard abutting a street, whereas a minimum 3.0 metre yard abutting a street is required.

Variance No. 3 – To permit a parking ratio of 1.25 spaces per 100m² of Gross Floor Area, whereas a parking ratio of 2 spaces per 100m² of Gross Floor Area is required.

Variance No. 4 – To permit a minimum Electric Vehicle parking space rate of 9%, whereas a rate of 50% Electric Vehicle parking spaces is required.

As per Section 45(1) of the *Planning Act*, R.S.O, 1990, as amended, applications to the Committee to vary from the Zoning By-law must meet 4 tests as outlined below:

- The proposal meets the general intent and purpose of the Official Plan;
- The proposal meets the general intent and purpose of the Zoning By-Law;
- The variance is minor in nature; and,
- The proposal is desirable for the appropriate development or use of the land.

1. Meets the General Intent and Purpose of the Official Plan

The proposed use of a Planned Business Centre is permitted within the 'Business Park' designation. In keeping with the applicable land use policies of the 'Business Park' designation, the development will introduce a range of employment uses and facilitate the protection of and the investment into the City's delineated employment areas. The required variances will maximize the efficiency of the site layout and support the achievement of greater employment densities on the subject lands, while expanding upon an existing and newly developing business park. As such, the requested variances are in keeping with the general intent and purpose of the Urban Hamilton Official Plan.

2. Meets the General Intent and Purpose of the Zoning By-law

The proposed Planned Business Centre will contain a range of industrial/employment uses permitted within the Prestige Business Park (M3) Zone, and the requested variances will support the introduction of new employment opportunities within the delineated boundary of the Flamborough Business Park as established in Figure 4 of Schedule F – Special Figures of Zoning By-law No. 05-200. The proposed built form is generally compliant with the regulations of the M3 Zone and will not negatively affect surrounding properties.

The intent of the front yard and landscape strip regulations are to provide a visual, spatial, and landscaped buffer between the public streetscape and the proposed development as well as for assisting with grading and stormwater management. Given the unique lot geometry, public realm interface and site layout, the reduced street yard setback and landscaped area does not cause an undue negative impact on the streetscape. Appropriate grading and stormwater management will be achieved through detailed engineering design in accordance with the Site Plan Amendment approval. The reduced parking ratio will meet the anticipated off-street demand and improve the economic feasibility of the industrial development. The zoning relief will ensure an appropriate market supply is provided on site and not undermine public transit objectives by providing an oversupply of parking. The reduced rate allows for all parking areas on site to be set back from the street, generally screened from view, and facilitates the more productive use of these lands for industrial buildings.

Although the electric vehicle parking space definition and a portion of supplementary regulations are currently under appeal at the Ontario Land Tribunal (OLT) [Case No. OLT-24-000544], the proposal contemplates 10 electric vehicle parking spaces on the lands and has regard for the proposed requirement within Zoning By-law No. 05-200 for electric vehicle parking on site. As such, the requested variances are in keeping with the general intent and purpose of the Zoning By-law.

3. Minor in Nature

A small 0.88-metre portion of the proposed 'Building A' is located 1.33 metres from the front lot line, necessitating variance of the minimum required front yard setback and landscape strip abutting a street. The remaining frontage excluding this 0.88-metre portion complies with the developable envelope established by the M3 Zone regulations.

Furthermore, the proposed reduction in parking spaces is minor as a parking rate of 1.25 spaces per 100 m² is expected to accommodate an appropriate market supply. The subject lands also have access to the Aldershot GO Transit Station via HSR route 18 allowing commuters to rely on existing transit infrastructure and planned future routes along Highway 6. The subject lands are in close proximity to the proposed Dundas Street Bus Rapid Transit (BRT) Corridor study area which, when implemented, would connect people along Dundas Street from Toronto to Hamilton, providing greater access to employment opportunities on the site via public transit. The City's *Transportation Master Plan* and *Accelerated Active Transportation Implementation Plan* propose a separated facility along Dundas Street which will improve the safety, comfort, and viability of walking & cycling along this corridor.

Although the electric vehicle parking space definition and a portion of supplementary regulations are currently under appeal at the OLT [Case No. OLT-24-000544], the proposal contemplates 10 electric vehicle parking spaces on the lands and has regard for the proposed requirement within Zoning By-law No. 05-200 for electric vehicle parking on site. As such, the requested variances are minor in nature.

4. Desirable for the Appropriate Development or Use of the Lands

The requested variances will allow for a more economically productive & efficient use of the employment lands for industrial purposes while maintaining an appropriate parking ratio capable of accommodating a range of industrial uses. This balance will support greater employment densities on the lands and create more job opportunities within the Flamborough Business Park. Furthermore, the site layout provides for functional manoeuverability of large articulated commercial vehicles, waste collection and fire safety vehicles, as well as for pedestrians with those walking. Accordingly, the requested variances are desirable and appropriate for the orderly development of the lands.

As the subject application satisfies the four tests of Section 45(1) of the *Planning Act* and implements the conditionally-approved Site Plan (SPA-21-094), the requested variances represent good land use planning.

In support of this application, please find enclosed the following:

- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Minor Variance sketch prepared by UrbanSolutions; and,
- One (1) cheque in the amount of \$3,900.00 made payable to the City of Hamilton.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,

UrbanSolutions

Matt Johnston, MCIP, RPP

Principal

Stefano Rosatone, BES

Planner

cc: Waterdown Mini Storage Inc. (via email)



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

		f		
	NAME			
Registered Owners(s)	Waterdown Mini Storage Inc.			
Applicant(s)	Same as owner			
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston (UrbanSolutions)			
1.2 Primary contact		☐ Applica	ant	☐ Owner☑ Agent/Solicitor
1.3 Sign should be se	ent to	☐ Applica	ant	☐ Owner☑ AgentSolicitor
1.4 Request for digita	ll copy of sign	☐ Yes*	☑ No	
If YES, provide e	mail address where sig	n is to be s	ent	
.5 All correspondence	ce may be sent by emai	I	☐ Yes*	☑ No
(if applicable). Or	ail must be included for ally one email address s s not guarantee all corre	ubmitted w	ill result in the	AND the Applicant/Agent voiding of this service.
.6 Payment type		☐ In pers ☑ Chequ	e	☐ Credit over phone*
			*Must or	ovide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	63 Leavitt Boule	vard	
Assessment Roll Number			
Former Municipality	Flamborough		
Lot	,	Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	
2.2 Are there any easements	or restrictive covenant	s affecting the subject la	nd?
☑ Yes ☐ No If YES, describe the ease	ment or covenant and	its effect:	
Easement for entry as in WE49	99110; Easement for s	torm sewer as in WE432	542; WE1568319; WE43259
3. PURPOSE OF THE APPI	LICATION		
Additional sheets can be sub questions. Additional sheets			er the following
All dimensions in the application etc.)	n form are to be provide	ed in metric units (millime	tres, metres, hectares,
3.1 Nature and extent of reli	ef applied for:		
Please refer to enclosed Co	ver Letter.		
☐ Second Dwelling Uni	t □ Reconstr	ruction of Existing Dwellin	a
	_	· ·	5
3.2 Why it is not possible to	comply with the provisi	ons of the By-law?	
Please refer to enclosed Cov	er Letter.		
3.3 Is this an application 45(2) of the Planning Act. ☐ Yes	☑ No	

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands: Please refer to enclosed Minor Variance Sketch.

Lot Frontage	Lot Depth	Lot Area	Width of Street

If yes, please provide an explanation:

	buildings and structur nce from side, rear and		r the subject lands:	
Existing: Subject lar	nds are currently vaca	ant.		
Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Proposed: Please refer	to enclosed Minor Variance	Sketch		
Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
sheets if neces	all buildings and struct ssary): nds are currently vaca		for the subject lands (attach additional
Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
		<u> </u>		
торооба.	to enclosed Minor Variance			
Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
□ publicly ow	supply: (check approp ned and operated pip wned and operated in	oed water system	☐ lake or other ☐ other means	_
3.	drainage: (check app ned and operated sto		☐ ditches☐ other means	s (specify)

4.0	□ 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 ☐ 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 dwel	ling duplex, retail, factory etc.):
Ind	dustrial	
4.9 Se 7	Existing uses of abutting properties (single detached dwelling elf-Storage, Research & Development, Retail HISTORY OF THE SUBJECT LAND	duplex, retail, factory etc.):
7.1		
	Unknown	
7.2		ling duplex, retail, factory etc)
7.3		ing duplex, retail, factory etc)
7.4		ontinued:
7.5	n/a 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	7
		poss Park (Schodula F. 1)
	Urban Hamilton Official Plan designation (if applicable) Busin	less Park (Schedule E-1)
	Please provide an explanation of how the application conforms	s with the Official Plan.
	Please refer to enclosed Cover Letter.	iness Park (M3) Zone (Zoning
7.6		
7.8	Has the owner previously applied for relief in respect of the sub (Zoning By-lawAmendment or Minor Variance) ☐ Yes ☐ No	ject property?
	If yes, please provide the file number: Previous applications	s: FL/A-07:340; FL/A-13:77

Planning Act?	le subject of a current ☐ Yes	application for consent under ☐ No	Section 55 6
If yes, please provide the	e file number:		
ADDITIONAL INFORM	ATION		
ADDITIONAL INFORMATION Number of Dwelling Unit			
	ts Existing: 0		

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

11 COMPLETE APPLICATION REQUIREMENTS