



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-25:031	SUBJECT PROPERTY:	97 Dartnall Road, Hamilton
ZONE:	M3 (Prestige Business Park)	ZONING BY-LAW:	Hamilton Zoning By-law 05-200, as Amended by By-law 10-128

APPLICANTS: Owner: 1376412 Ontario Limited
 Agent: A.J. Clarke and Associates Ltd. c/o Liam Doherty

The following variances are requested:

1. Accessory buildings shall be permitted to be located within the front yard instead of the requirement that no accessory buildings or structures shall be located within a front yard.
2. Parking spaces and aisles, giving direct access to abutting parking spaces extending directly from the street shall be permitted to be located within 1.0 metre of the street line Instead of the requirement that they shall not be located within 3.0 metres of a street line.
3. A minimum 1.0 metre wide planting strip shall be required and permanently maintained between the street line and the said parking spaces or aisle instead of the minimum required 3.0 metre wide planting strip.

PURPOSE & EFFECT: To facilitate the construction of a Planned Business Centre.

Notes:

- i. Please be advised Minor Variance Application HM/A-23:328 and Site Plan Application DA-19-130 are associated with the subject lands.
- ii. Please be advised that a small portion of the property falls under the Hamilton Conservation Authority.

A-25:031

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:	Thursday, March 27, 2025
TIME:	1:50 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

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

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 March 25, 2025

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 March 26, 2025

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-25:031, 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.

A-25:031



 **Subject Lands**

DATED: March 10, 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.



Hamilton

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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 Tuesday 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.

UNDERTAKING:

RE: 97 DARTNALL ROAD, HAMILTON FILE NO. DA-19-130

- I, (WE) _____, THE OWNER(S) OF THE LAND, HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION,
- (A) TO COMPLY WITH ALL THE CONTENT OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM;
- (B) TO PERFORM THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(A) OF THE PLANNING ACT SHOWN ON THIS PLAN AND DRAWING(S) IN ACCORDANCE WITH THE CONDITIONS OF APPROVAL AS SET OUT IN THE LETTER OF APPROVAL DATED _____;
- (C) TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT MY (OUR) SOLE RISK AND EXPENSE, ALL OF THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(B) OF THE SAID ACT, SHOWN IN THIS PLAN AND DRAWING, INCLUDING REMOVAL OF SNOW FROM ACCESS RAMPS AND DRIVEWAYS, PARKING AND LOADING AREAS AND WALKWAYS;
- (D) IN THE EVENT THAT THE OWNER DOES NOT COMPLY WITH THE PLAN DATED _____ THE OWNER AGREES THAT THE CITY MAY ENTER THE LAND AND DO THE REQUIRED WORKS, AND FURTHER THE OWNER AUTHORIZES THE CITY TO USE THE SECURITY FILED TO OBTAIN COMPLIANCE WITH THIS PLAN.
- (E) THAT THE OWNER AGREES TO PHYSICALLY AFFIX THE MUNICIPAL NUMBER(97) OR FULL ADDRESS (97 DARTNALL ROAD) TO THE BUILDING OR ON A SIGN IN ACCORDANCE WITH THE CITY'S SIGN BY-LAW, NEAR THE ENTRANCE IN A MANNER THAT IS VISIBLE FROM THE STREET.
- (F) THAT THE OWNER SHALL INDICATE IN THE AGREEMENT, IN WORDS SATISFACTORY TO BELL CANADA, THAT IT WILL GRANT TO BELL CANADA ANY EASEMENTS THAT MAY BE REQUIRED, WHICH MAY INCLUDE A BLANKET EASEMENT FOR COMMUNICATION/TELECOMMUNICATION INFRASTRUCTURE IN THE EVENT OF ANY CONFLICT WITH EXISTING BELL CANADA FACILITIES OR EASEMENTS, THE OWNER SHALL BE RESPONSIBLE FOR THE RELOCATION OF SUCH FACILITIES OR EASEMENTS.
- (G) THIS DEVELOPMENT IS INELIGIBLE FOR MUNICIPAL WASTE COLLECTION SERVICE. THE COLLECTION OF WASTE MATERIALS IS REQUIRED THROUGH A PRIVATE WASTE HAULER. PARTICIPATION IN WASTE DIVERSION PROGRAMS INCLUDING RECYCLING COLLECTION AND ORGANIC WASTE COLLECTION IS ENCOURAGED.

Dated this _____ day of _____ 20____

Witness (signature) _____ Owner (signature) _____

Witness (print) _____ Owner(s) _____

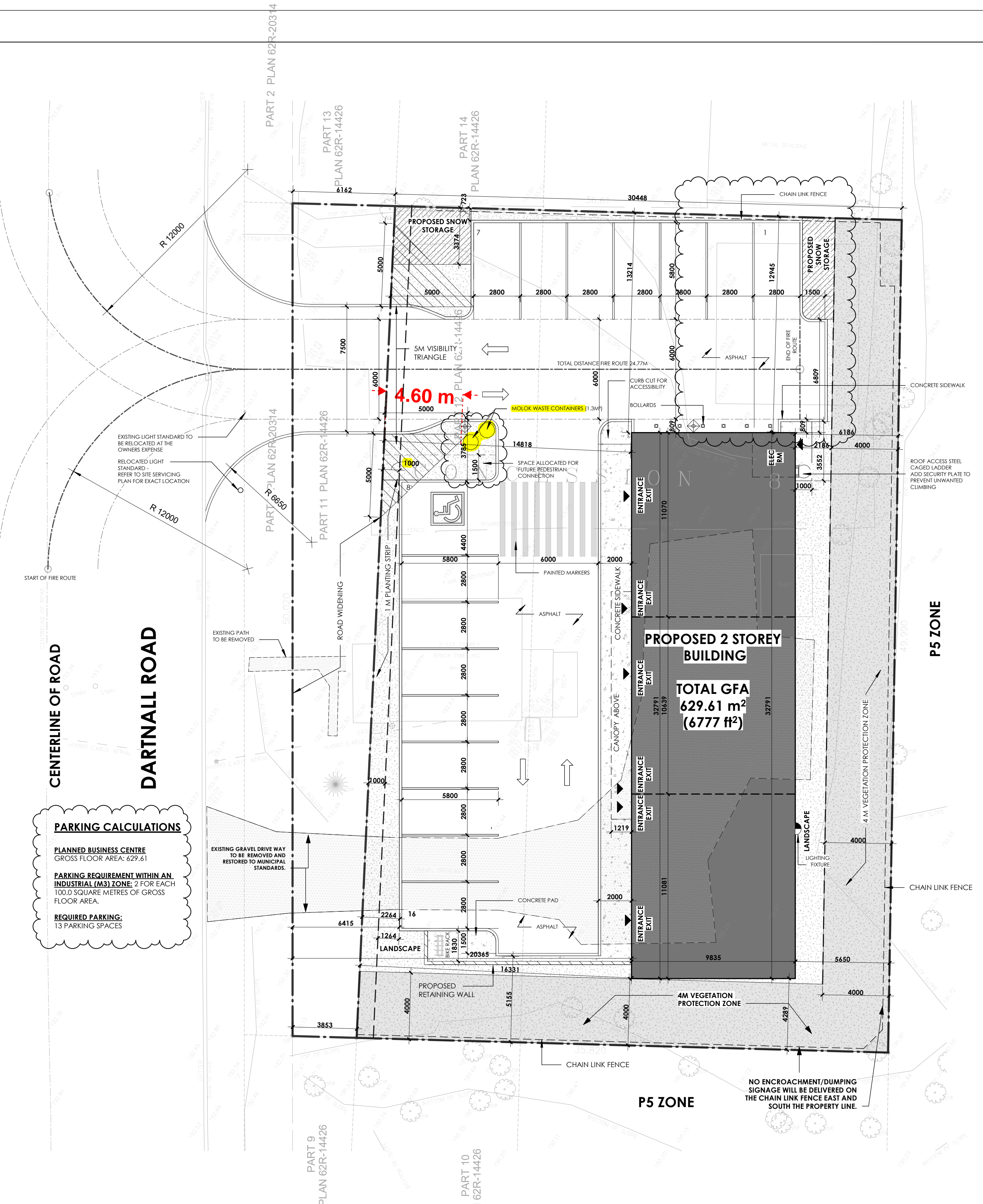
Address of Witness _____

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 ECONOMIC 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 7.5 M UNLESS OTHERWISE STATED.
- ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5 M SHALL BE WITHIN 5% MAXIMUM GRADE. THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
- 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:
 - BUILDING PERMIT
 - SEWER AND WATER PERMIT
 - ROAD CUT PERMITS
 - RELOCATION OF SERVICES
 - APPROACH APPROVAL PERMITS
 - ENCROACHMENT AGREEMENTS (IF REQUIRED)
 - COMMITTEE OF ADJUSTMENT
- 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.
- FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE TO BE PROVIDED:

"5.0 METRE BY 5.0 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE 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.

DARTNALL ROAD

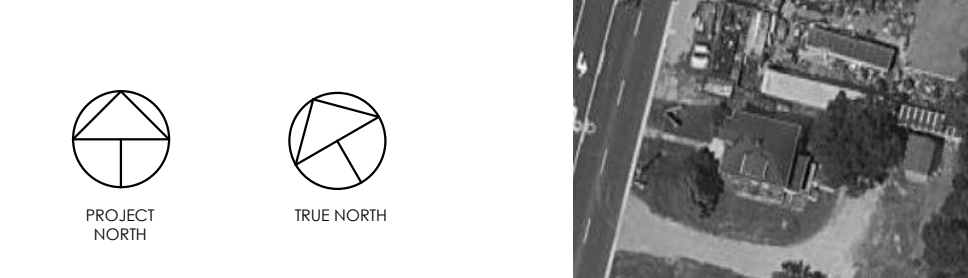


PARKING CALCULATIONS

PLANNED BUSINESS CENTRE
GROSS FLOOR AREA: 629.61

PARKING REQUIREMENT WITHIN AN INDUSTRIAL (M3) ZONE: 2 FOR EACH 100.0 SQUARE METRES OF GROSS FLOOR AREA.

REQUIRED PARKING:
13 PARKING SPACES



97 DARTNALL HAMILTON
SITE STATISTICS - ZONING
PRESTIGE BUSINESS PARK (M3) ZONE
LOT AREA : 1559.93 m²

	REQUIRED	PROPOSED
LOT AREA (M2) - M3, 328	MIN. 1,550 m ²	1559.93 m ² AFTER RD WIDENING DEDUCTION
LOT FRONTAGE (M)	N/A	50.02 M
MAX. HEIGHT (M) (TOP OF PARAPET)	N/A	9.87 M
FOOTPRINT	324.10 m ²	
OFFICE FLOOR AREA:		MAX. 629.61m ²
GROUND FLOOR =		324.10 m ²
SECOND FLOOR =		305.51 m ²
GROSS FLOOR AREA =		629.61m ²
LOT COVERAGE:	N/A	20.78%
LANDSCAPING PERCENTAGE		32.72% (510.4 m ²)
LANDSCAPED AREA AND PLANTING STRIP REQUIREMENTS		MINIMUM 1.0M WIDE LANDSCAPED AREA ABUTTING A STREET MINIMUM 1.0-METRE-WIDE PLANTING STRIP ABUTTING A STREET
MIN. FRONT YARD (M)	6.00 M MIN. 27.00M MAX.	14.81 M
MIN. INTERIOR SIDE YARD (M)	N/A	12.95 M
MIN. INTERIOR SIDE YARD (M)	N/A	4.00 M
MIN. REAR YARD (M)	N/A	5.65 M
PARKING SPACE	2.8M X 5.8M	2.8M X 5.8M
TOTAL PARKING REQ	13	16
ACCESSIBLE PARKING SPACE		4.4 M X 5.8M
ACCESSIBLE PARKING	1	1
MAX. DRIVEWAY AISLE (M)	6M	6M
BIKE RACK	N/A	1
MINIMUM YARD ABUTTING A RESIDENTIAL ZONE OR AN INSTITUTIONAL ZONE	N/A	
MAXIMUM BUILDING HEIGHT ABUTTING A RESIDENTIAL ZONE OR AN INSTITUTIONAL ZONE	N/A	
LOCATION RESTRICTION OF MANUFACTURING USES AND ALCOHOL PRODUCTION FACILITIES	N/A	NONE
RESTRICTION OF OUTDOOR TRAINING FACILITIES ASSOCIATED WITH A TRADE SCHOOL	N/A	NONE
GROSS FLOOR AREA FOR OFFICE USE	MAX. 3,000 M ² EXCLUDING ACCESSORY OFFICE	MAX. 629.61 M ²
MAXIMUM GROSS FLOOR AREA FOR INDUSTRIAL ADMINISTRATIVE OFFICE OR SURVEYING, ENGINEERING, PLANNING OR DESIGN BUSINESS	N/A	MAX. 305.51M ²
VISUAL BARRIER	N/A	
LOCATION AND SCREENING OF OUTDOOR STORAGE AND OUTDOOR ASSEMBLY	N/A	NONE
LOCATION AND SIZE OF OUTDOOR DISPLAY	N/A	NONE
MAXIMUM GROSS FLOOR AREA FOR AN ALCOHOL PRODUCTION FACILITY	N/A	NONE
MAXIMUM COMBINED GROSS FLOOR AREA FOR ACCESSORY RETAIL, SHOWROOM AREA AND TASTING ROOM	N/A	NONE
ACCESSORY BUILDINGS	N/A	NONE
RESTAURANT REQUIREMENTS	LESS THAN 30% OF GFA	NONE

ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH THE LATEST ONTARIO BUILDING CODE.

USE ONLY LATEST REVISED DRAWINGS MARKED AS "ISSUED FOR CONSTRUCTION"

CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK. DRAWINGS ARE NOT TO BE SCALED.

CONTRACT DOCUMENTS ARE THE COPYRIGHT OF THE CONSULTANTS AND SHALL NOT BE USED OR REPRODUCED WITHOUT AUTHORIZATION. DOCUMENTS ARE TO BE RETURNED UPON COMPLETION OF THE PROJECT.

OWNERS INFORMATION:

LEGEND:

REVISIONS

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01	2021 03 24	ISSUED FOR SITE PLAN SUBMISSION
02	2022 03 02	ISSUED FOR SITE PLAN SUBMISSION
03	2022 03 14	ISSUED FOR SITE PLAN SUBMISSION
04	2022 11 01	ISSUED FOR SITE PLAN SUBMISSION
05	2022 11 21	ISSUED FOR SITE PLAN SUBMISSION
06	2023 08 09	ISSUED FOR SITE PLAN SUBMISSION
07	2023 08 22	ISSUED FOR SITE PLAN SUBMISSION
08	2024 05 22	ISSUED FOR SITE PLAN SUBMISSION
09	2024 06 13	ISSUED FOR BUILDING PERMIT

ARCHITECT:



www.limaarchitectinc.com
E: info@limaarchitectinc.com
T: 289-337-8887

SEALS:

PROJECT TITLE

BUSINESS PARK COMMERCIAL BUILDING

97 DARTNALL ROAD, HAMILTON, ON DA- 19-130

DRAWING TITLE

SITE PLAN

DRAWN BY

MB/RA/SM/TM

SCALE

As indicated

DATE

DECEMBER 2021

CHECKED BY

FL

PROJECT NUMBER

20-423

DRAWING NUMBER

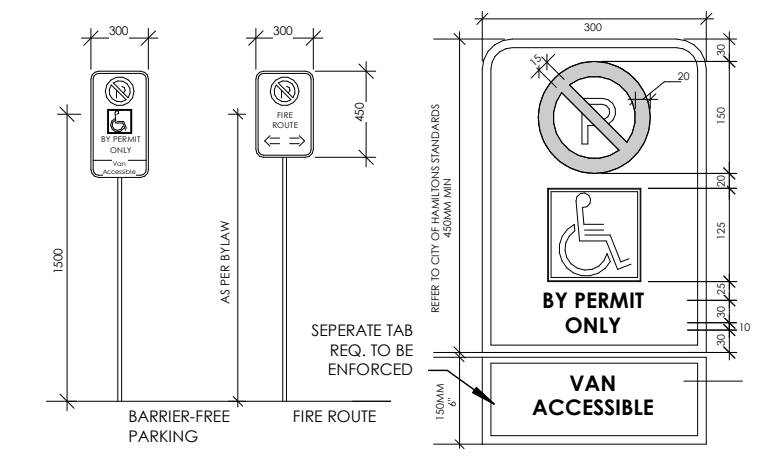
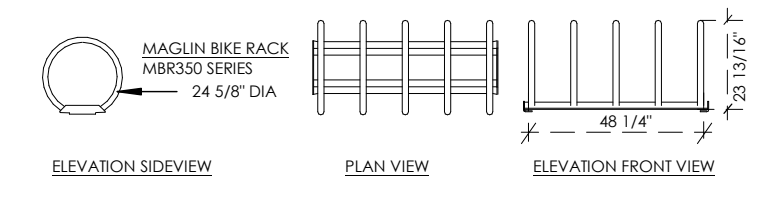
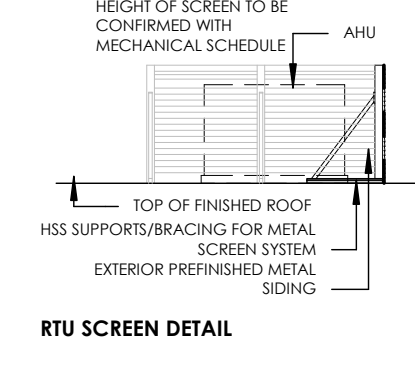
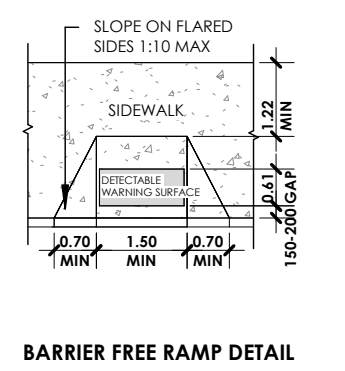
A-1.1

1 SITE PLAN
A-1.1 1:150

1 SITE STATISTICS
A-1.1 1/100

SITE LEGEND

	ENTRANCE/EXIT
	PROPERTY LINE
	SETBACK
	FIRE ROUTE
	FIRE HYDRANT
	FIRE ROUTE NO PARKING SIGNS

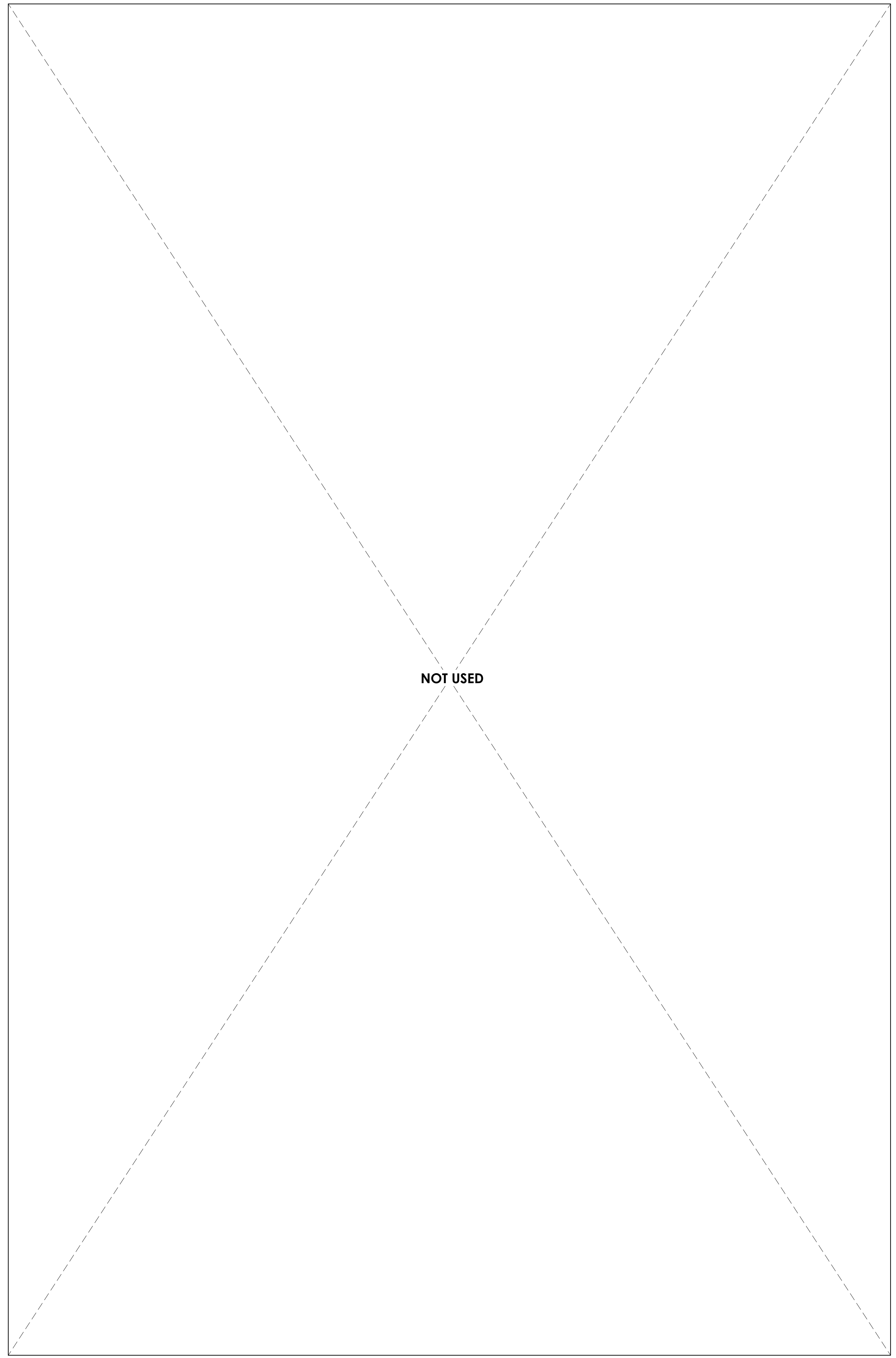
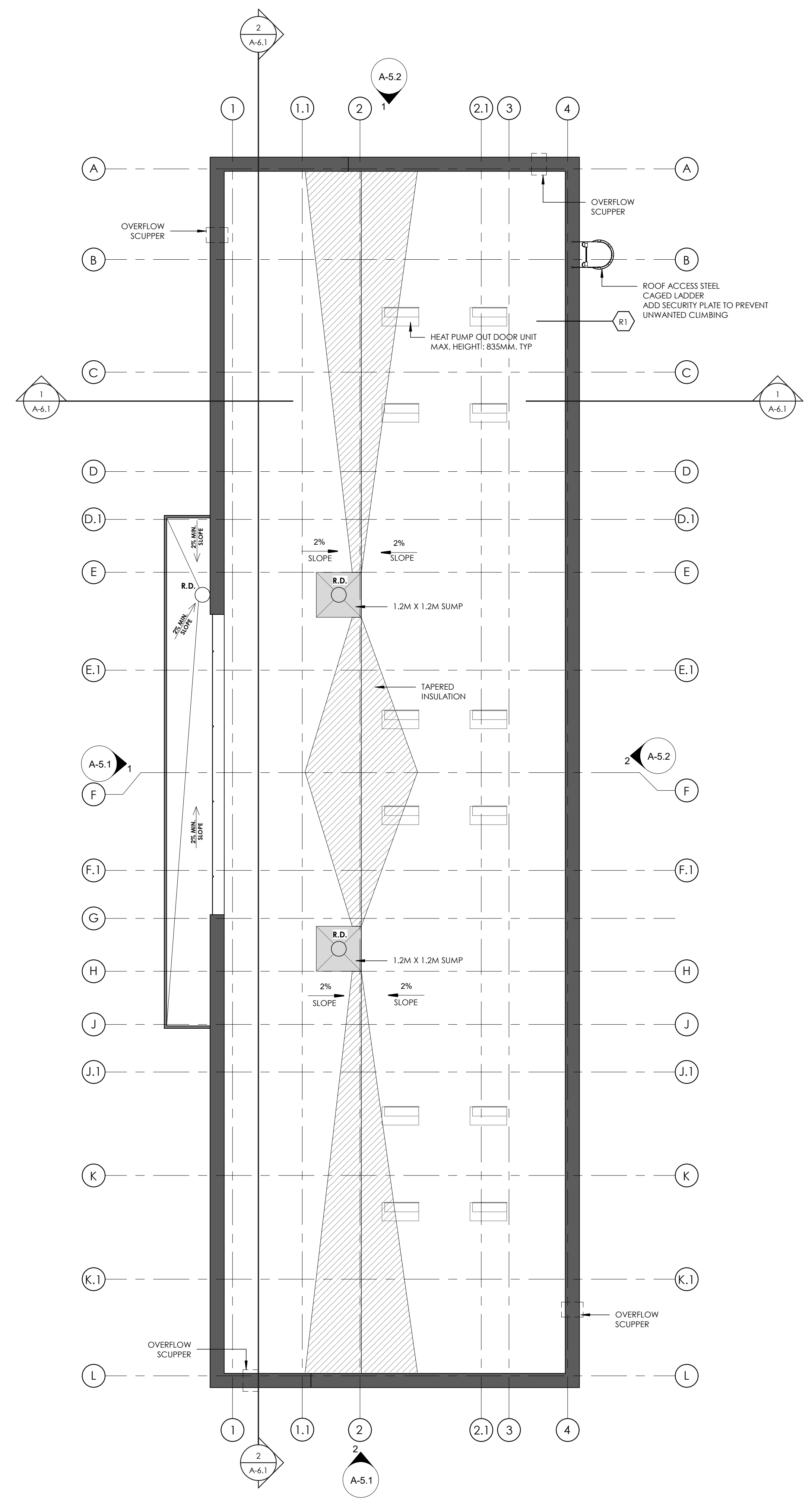


2 BARRIER FREE RAMP DETAIL
A-1.1 1/100

3 RTU SCREENING DETAIL
A-1.1 1/100

4 BIKE RACK DETAILS
A-1.1 1/100

5 BARRIER FREE PARKING SIGN
A-1.1 1/100



ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH THE LATEST ONTARIO BUILDING CODE.
 USE ONLY LATEST REVISED DRAWINGS MARKED AS "ISSUED FOR CONSTRUCTION".
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ARCHITECT:



www.limaarchitectinc.com
 E: info@limaarchitectinc.com
 T: 289-337-8887

SEALS:

PROJECT TITLE

BUSINESS PARK COMMERCIAL BUILDING

97 DARTNALL ROAD, HAMILTON, ON DA- 19-130

DRAWING TITLE

ROOF PLAN

DRAWN BY

MB/SM/TM

SCALE

1 : 75

DATE

DECEMBER 2021

CHECKED BY

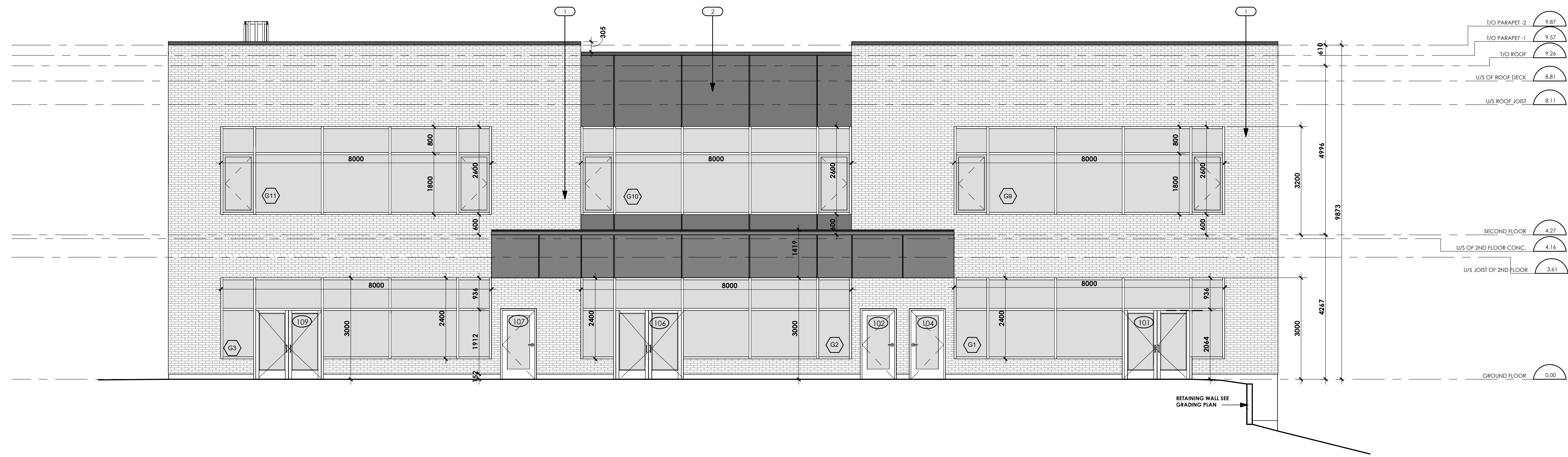
FL

PROJECT NUMBER

20-423

DRAWING NUMBER

A-2.2



MATERIAL LEGEND:
 1 - BRICK VENEER
 2 - ACM PANEL

NOTE:
 ALL WINDOW GLASS TO BE BIRD FRIENDLY GLASS.

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ARCHITECT:



SEALS:

PROJECT TITLE

**BUSINESS PARK
 COMMERCIAL
 BUILDING**
 97 DARTNALL ROAD, HAMILTON, ON
 DA- 19-130

DRAWING TITLE

ELEVATIONS

DRAWN BY

MB-TM

SCALE

As indicated

DATE

DECEMBER 2021

CHECKED BY

FL

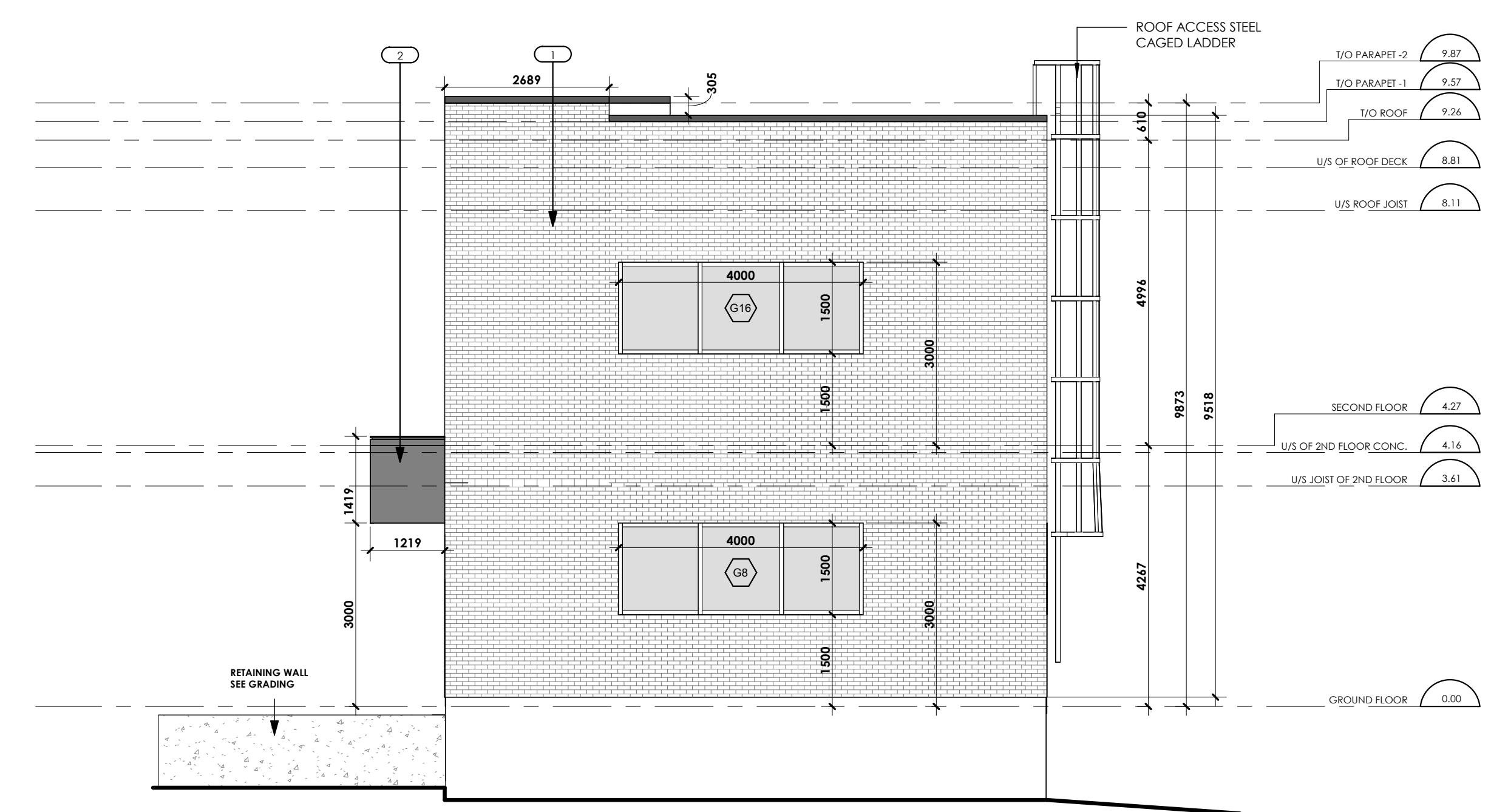
PROJECT NUMBER

20-423

DRAWING NUMBER

A-5.1

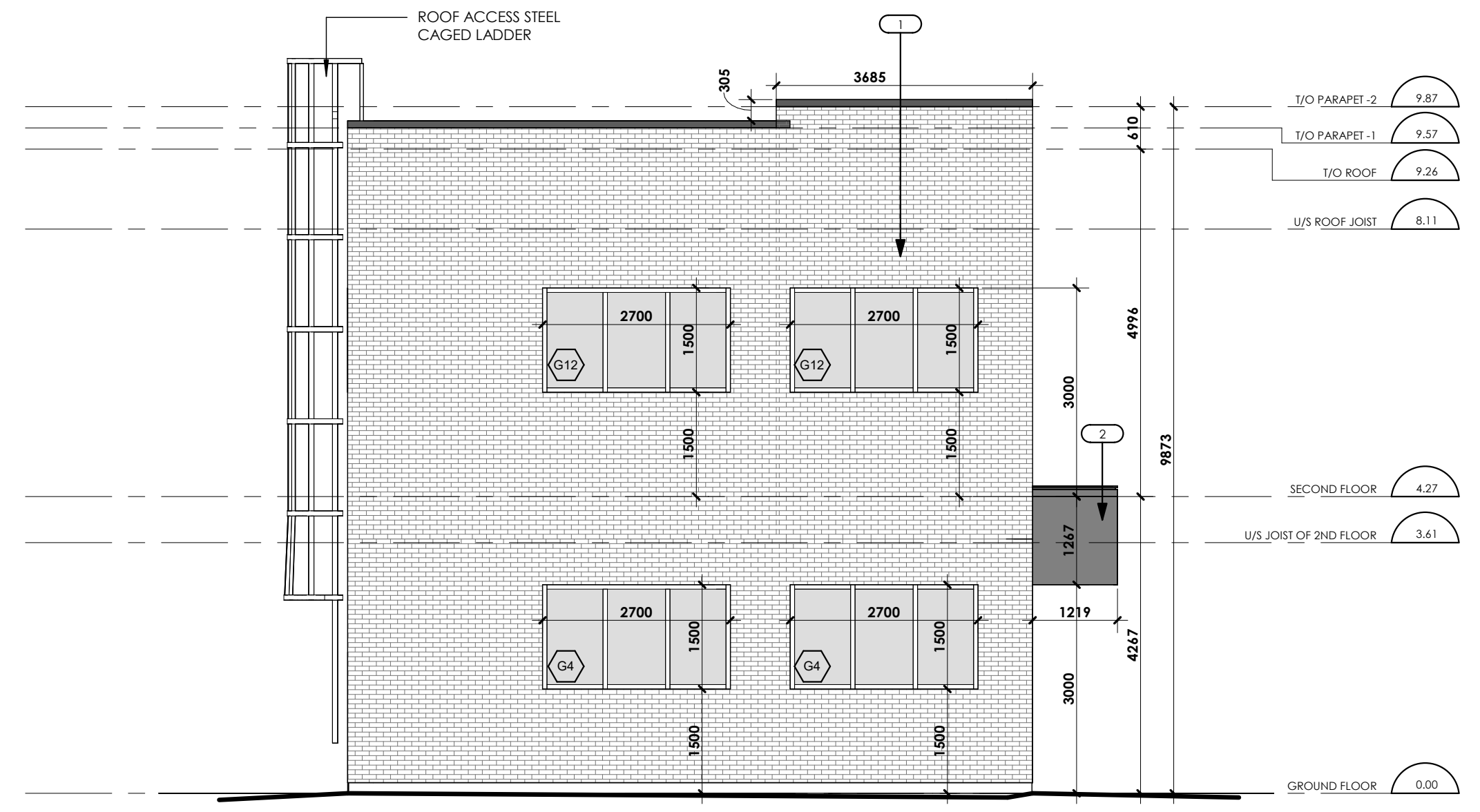
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 A-5.1
PROPOSED WEST ELEVATION
 1:75



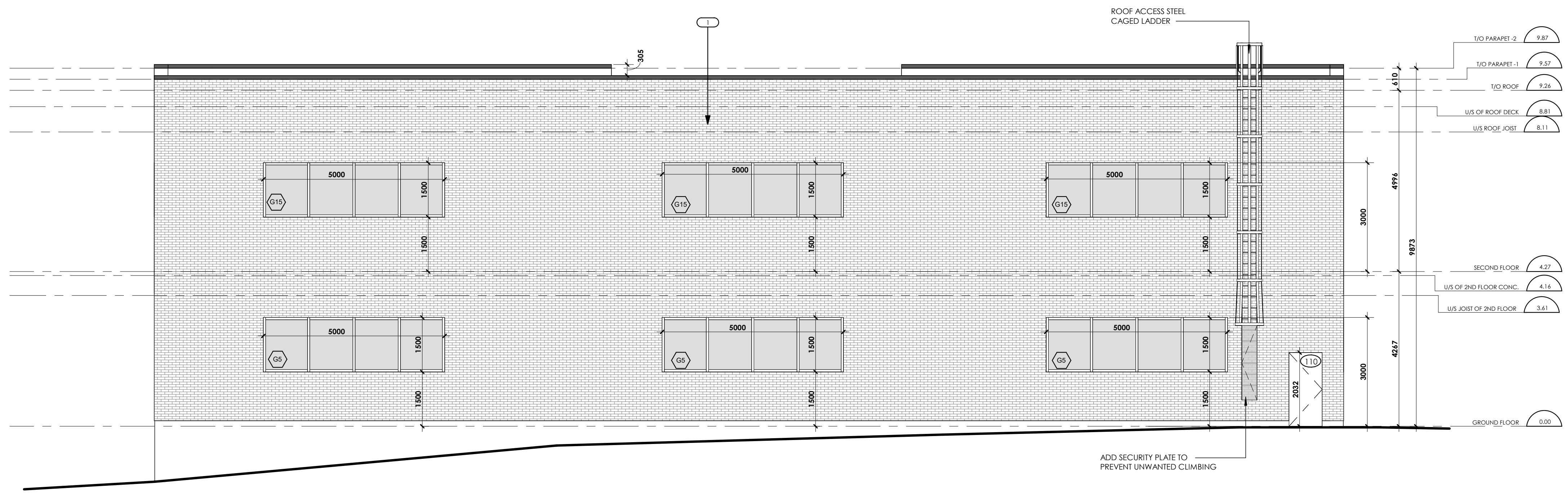
2
 A-5.1
SOUTH ELEVATION
 1:75

MATERIAL LEGEND:
 1 - BRICK VENEER
 2 - ACM PANEL

NOTE:
 ALL WINDOW GLASS TO BE BIRD FRIENDLY GLASS.



1 NORTH ELEVATION
 A-5.2 1:75



2 EAST ELEVATION
 A-5.2 1:75

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ARCHITECT:



SEALS:

PROJECT TITLE

BUSINESS PARK COMMERCIAL BUILDING
 97 DARTNALL ROAD, HAMILTON, ON DA- 19-130

DRAWING TITLE

ELEVATIONS

DRAWN BY

MB/TM

SCALE

As indicated

DATE

DECEMBER 2021

CHECKED BY

FL

PROJECT NUMBER

20-423

DRAWING NUMBER

A-5.2



City of Hamilton Planning and Development
City Hall 5th Floor
71 Main St W, Hamilton, ON L8P 4Y5

February 3, 2025

Attn: Jamila Sheffield
Secretary-Treasurer, Committee of Adjustment

Re: 97 Dartnall Road, Hamilton – Minor Variance Application Submission

Dear Madam:

A.J. Clarke and Associates Ltd. has been retained by 1376412 Ontario Ltd. (Zeina Homes), for the purposes of submitting the enclosed Minor Variance Application for the subject lands, municipally known as 97 Dartnall Road, in the City of Hamilton. The purpose of this analysis is in support of the Minor Variance Application for the subject lands, which has Conditional Site Plan Approval, City file DA-19-130.

The Conditional Site Plan Approval, issued March 16, 2023, included a requirement to obtain 4 Minor Variances. These were applied for and approved on January 18, 2024, under file number HM/A-23:328.

This submission is for two additional variances. The first, a need for an additional variance for a reduced setback to a parking space was missed in the site plan review and not included in the conditions. This was noticed later as part of staff comments on a submission package. The omission for this variance is noted by staff and they acknowledge that it should have been and would have received the same assessment as the previous variances. Staff have waived a fee requirement for this specific variance.

The second variance is to permit an accessory building, molok waste containers, within the front yard. These round units are mostly underground and are designed to be wheelchair accessible. The moloks are 1.1 metres high above ground and have a diameter of 0.9m – 1.3m depending on the model.

This solution was added to the site plan through the review process, after which the applicant was informed that they were deemed 'accessory buildings' and thus not permitted in the front yard.



The Submission Package

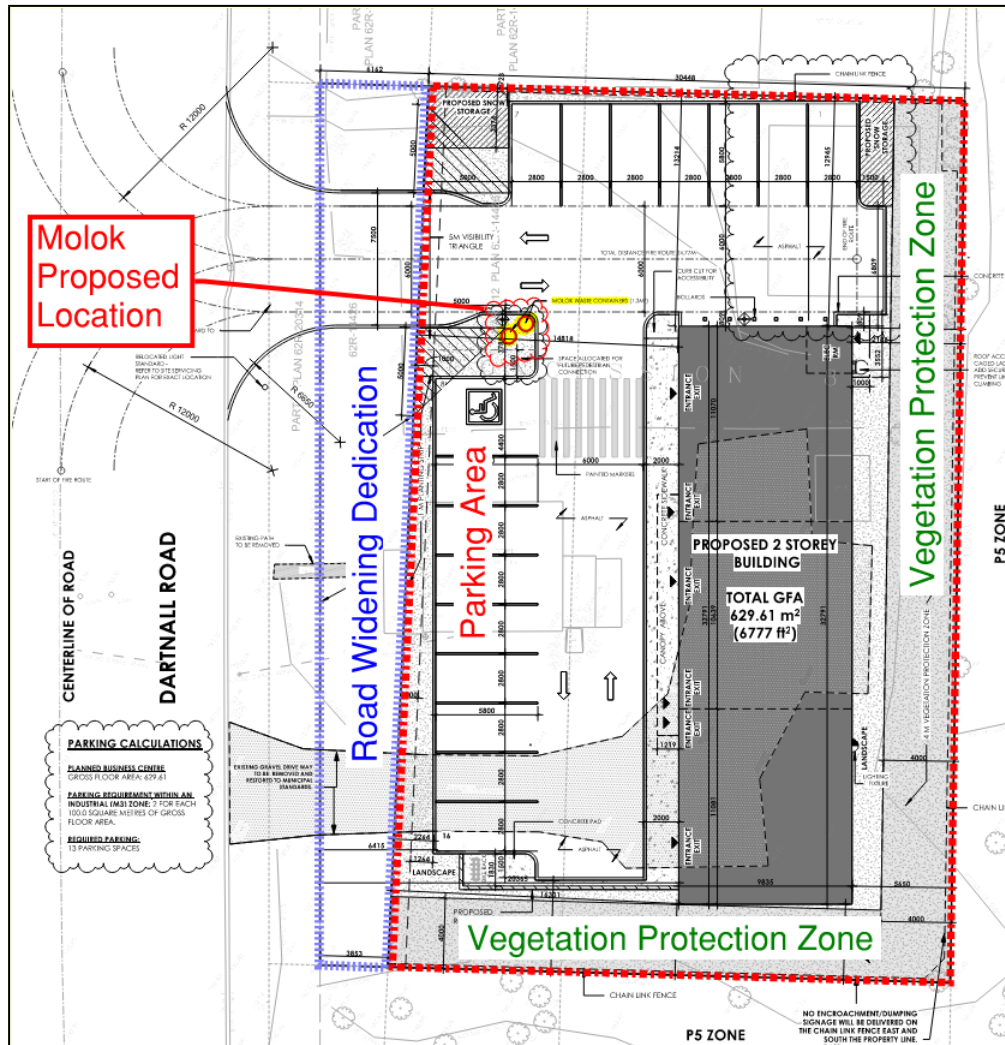
The following materials are submitted to your attention, in support of the subject application:

- One (1) electronic copy of the required filled and signed Minor Variance Application Form;
- Architectural Drawings prepared by Lima Architects Inc.;
- Site plan drawing prepared by Lima Architects Inc.;
- One (1) electronic copy of the proposed Site Plan;
- One (1) electronic copy of Minor Variance Decision HM/A-23:328; and
- One (1) electronic copy of Conditional Site Plan Approval Letter DA-19-130.



The Lands

The subject lands are located within the Urban Hamilton Official Plan and are designated “Business Park” as per Schedule E1: Urban Land Use Designations. Further the subject lands are adjacent to the Natural Heritage System (Linkage) which is to the east and south. The subject lands are not located within a secondary plan area. A large road widening dedication was required by the City.



The proposed development includes a two-storey commercial building which will be used for a planned business centre with 6 units. The proposed development provides 15 parking spaces (1 barrier free). To permit the proposed development, the existing detached dwelling will be demolished, and the existing salvage yard will be removed.

Planning Policy Overview

Urban Hamilton Official Plan (UHOP)

The Urban Hamilton Official Plan is the guiding document for where and how the City of Hamilton will grow until 2031 and beyond.



The subject lands are designated “Business Park” as per schedule E-1 Urban Land Use Designations, which is one of the four Employment Area designations. The business parks are planned for a broad range of employment uses compatible with the design and policies for business parks, and are well served by roadway infrastructure and are generally able to accommodate buffering from sensitive land uses. The range of employment uses allow for a wide variety of industrial activities such as manufacturing, building or contractor supply establishments and employment support uses such as offices.

New development and redevelopment of existing sites shall contribute to a quality image for the business park by incorporating quality building and landscaping designs in those areas adjacent to and visible from public roads, and by complementing the landscape qualities of adjacent sites.

Offices within these business park areas shall generally be located along the exterior of employment areas, at intersections of arterial or collector roads, and are limited in size and scale through the Zoning By-law.

City of Hamilton Zoning By-law 05-200

The subject lands are currently zoned “Prestige Business Park (M3) Zone” which permits a wide variety of employment uses including the proposed contractor’s establishment and office uses.

The Zoning provisions within Section 9.3 Prestige Business Park (M3) Zone shall apply to this development.

Minor Variance

Minor variances are required to facilitate the proposed development. Four were approved, two of which related to setback of the Site Plan Approved parking location from the street-line.

- a) To permit a reduced landscape width of 1.0 metres abutting a street, whereas 6.0 metres is required.
- b) To permit a reduced planting strip width of 1.0 metres abutting a street, whereas 3.0 metres is required.

To fully permit the Site Plan Approved parking location, the additional variance required is as follows:

1. To permit a reduced setback to a parking space of 1.0 metres abutting a street, whereas 3.0 metres is required.

To permit the moloks within the front yard, the following variance is required:

2. To permit an accessory building for containing waste within the front yard, having a maximum above-ground height of 1.4 metres and a minimum of 50% of its volume below ground level, whereas an accessory building is not permitted within a front yard.

Four Test Review

This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Planning Act. The tests and professional opinion are outlined below:



1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan (UHOP)?

The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan as the subject site is designated “Business Park” as per Schedule E-1 Urban Land Use Designations, which permits a wide variety of industrial activity and accommodates employment support uses, such as offices. Further, the proposed uses conform to those within Section E.5.4.3 of the UHOP.

Further the design of the maintains the intent and purpose of the Official Plan as the proposed redevelopment incorporates a quality building design, materials and landscaping design.

The setbacks proposed maintain the intent and purpose of the Official Plan as the setbacks and planting plan ensure that proposed development does not have any negative impacts to the adjacent Open Space / Conservation Hazard Lands. The Environmental Impact Statement (EIS) completed remarked that protection and enhancement of this linkage will be accomplished through setbacks and enhancement plantings. Additionally, the enhancements and mitigation measures include a 4m wide vegetation protection zone which will result in no long-term negative impacts to the natural feature from the proposed development. The EIS has been approved by the Hamilton Conservation Authority and the City’s Natural Heritage Planning Staff.

It is my professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

2. Do the proposed variances maintain the intent and purpose of the City of Hamilton Zoning By-law 05-200?

The proposed variances maintain the intent and purpose of the City of Hamilton Zoning By-law 05-200. The proposed variances seek relief with respect to the setback to a parking space abutting a street and to the prohibition of all accessory structures in the front yard.

The proposed landscape design includes a 1.0m landscaped area which abuts the street line the length of the property except for the point of ingress and egress. Further, the planting strip proposed is 1.0 metres wide and follows along the street line along the length of the property except for the point of ingress and egress. The provided landscape design and planting strip maintain the intent and purpose of the Zoning By-law as it will still screen the proposed development and maintain a high-quality streetscape design. The reduced setback to a parking space of 1.0 metres will allow the development to benefit from the reduced landscaped area and planting strip.

The proposed location of the molok waste containers serves several purposes. The location does not interfere with efficient snow removal and allows collection trucks unimpeded access. The intent of the prohibition on accessory buildings in the front yard is to prevent large sheds and parking structures locating along the street frontage, creating hidden spaces and blank walls. The proposed structures are ground oriented, small, and have a streetscape impact more akin to street furniture than storage sheds and garages.



The proposal represents a commercial redevelopment that is a more intensified, appropriate and is an efficient use of land and municipal services. It is my professional opinion that the proposed development maintains the intent and purpose of the City of Hamilton 05-200 Zoning By-law.

3. Are the proposed variances appropriate for the development of the subject lands?

As noted above the proposed variances are intended to facilitate the development of a two-storey building for a Planned Business Centre with 6 units. The variances allow for an efficient use and redevelopment of the subject lands, which is permitted through the Zoning By-law. Furthermore, the variances will implement the corresponding site plan approval.

It is my professional opinions that the proposed variances are appropriate for the development of the subject lands.

4. Are the proposed variances minor in nature?

The proposed variances are minor in nature and represent good planning. The proposed variances maintain the intent of the Urban Hamilton Official Plan, and do not negatively impact the adjacent Open Space (Natural Heritage features). The variances will also enable the final approval of the corresponding site plan approval and will have no negative impact on the adjacent lands.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Liam Doherty, MCIP, RPP
Senior Planner,
A.J. Clarke and Associates Ltd.



Copy via email: 1376412 Ontario Ltd. (Zeina Homes)



Hamilton

Planning and Economic Development Department
Heritage and Urban Design
71 Main Street West, 4th Floor, Hamilton ON L8P 4Y5
Phone: 905-546-2424 Fax: 905-546-5611

March 16, 2023

File: DA-19-130

A.J. Clarke and Associates Ltd.
c/o Stephen Fraser
300-25 Main Street West
Hamilton, ON L8P 1H1

Dear Stephen Fraser:

**Re: Concurrent Site Plan / Building Plan Review Process
Site Plan Control Application by Stephen Fraser, on behalf of Zeina Homes,
for Lands Located at 97 Dartnall Road, Hamilton (Ward 6)**

The above noted Site Plan Application has been considered by the Development Review Team. Your application to construct a three storey building (contractor's establishment) with a GFA of 747.56 sq. m and 19 surface parking spaces was conditionally approved by the Manager of Heritage and Urban Design on March 16, 2023, subject to an Undertaking pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13 being entered into. The City's conditional approval relates to the attached revised site plan dated November 21, 2022 and the comments received as a result of circulation of the application as well as any changes / modifications or revisions required to the plans to implement its conditions of approval.

The City's conditional approval has been structured to allow the Applicant to participate in the Concurrent Site Plan / Building Plan Review Process subject to the Applicant entering into the Acknowledgement with the Building Division.

Upon clearance of the Section 2 conditions below, and subject to receiving a clearance letter from Development Planning, the Applicant may submit building plans for Building Plan Review under the Concurrent Site Plan process. Upon clearance of the conditions in Section 2 and Section 3, and subject to receiving a clearance letter from Development Planning, a building permit application may be submitted to the Building Division and, subject to the satisfaction of the Building Division, a building permit may be issued.

The City's approval requires satisfactory completion of all the following conditions:

1. SITE PLAN

1. (a) To develop and maintain the site in compliance with the Site Plan, dated November 21, 2022 attached hereto and hereinafter referred to as the "Site Plan". Minor changes to the Site Plan or condition(s) shall be permitted only upon written approval from the City's Manager of Heritage and Urban Design.

Approval Limitation

1. (c) That, in the event a building permit for the proposed development has not been issued within one (1) year from the date of conditional site plan approval, the approval shall lapse. Prior to the approval lapsing, a request for an extension for a period up to, but not exceeding a one (1) year period, may be made directly to the City's Manager of Heritage and Urban Design, with written justification and the required fee. The applicant is responsible for making this request and ensuring the conditional site plan approval does not lapse. The Manager of Heritage and Urban Design will consider the request in light of current requirements and:
 - i) May deny the request;
 - ii) May grant the request; or
 - iii) May grant the request with revisions or additional conditions.

Ground Cover to Prevent Soil Erosion

1. (d) Where the construction or demolition of a building, or buildings, or site development works are, in the opinion of the City's Director of the Building Division, substantially suspended or discontinued for more than 45 days the Owner shall forthwith provide suitable ground cover to prevent soil erosion by wind, rain and snow for the protection of adjoining lands to the satisfaction of the said Director.

Garbage Collection

1. (e) The Owner acknowledges that garbage collection for the proposed development shall be in accordance with the applicable Municipal By-Law.

2. PRIOR TO THE SUBMISSION FOR BUILDING PLAN REVIEW

Erosion and Siltation Control

2. (a) To show all erosion and siltation control features in detail on a Grading and Drainage Control Plan hereinafter described in Section 3(b); to the satisfaction of the City's Manager of Development Engineering Approvals and Hamilton Conservation Authority and to implement all such erosion and siltation control measures. The Owner further agrees to maintain all such measures to the satisfaction of the City's Manager of Development Engineering Approvals until the site has been fully developed as determined by the City's Manager of Heritage and Urban Design.

Tree Management

2. (b) To prepare a Tree Preservation/Enhancement Plan as part of the required Landscape Plan hereinafter described in Section 3(e), showing the location of drip lines, edges and existing plantings, the location of all existing trees and the

method to be employed in retaining trees required to be protected; to obtain approval thereof from the City's Manager of Heritage and Urban Design; and to implement all approved tree savings measures. Prior to the implementation of the Plan or any site alteration, the applicant shall provide the associated securities and a Verification of Tree Protection Letter, prepared by a qualified professional and approved to the satisfaction of the Director of Planning and Chief Planner.

Building Elevations

2. (d) To submit a digital copy of final building elevations to the satisfaction of the City's Manager of Heritage and Urban Design. Minor changes to the Building Elevations or condition(s) shall be permitted only upon written approval from the City's Manager of Heritage and Urban Design.

Interior Garbage Storage/Outdoor Garbage Containers

2. (f) To show the following on the required Site Plan:
 - i) The location of any vaults, central storage and collection areas, or other facilities for the storage of garbage and recyclable material, including those which may be internal to a proposed or existing building; or
 - ii) The location of any outdoor garbage and recycling containers and details for a supporting concrete pad and, if required by the City's Manager of Heritage and Urban Design, a roofed enclosure having a height sufficient to conceal the containers.

Cost Estimate and Letter of Credit

2. (g)
 - i) To provide cost estimates for 100% of the total cost of all exterior on-site works to be done by the Owner. Such cost estimates shall be in a form satisfactory to the City's Manager of Heritage and Urban Design; or be prepared in accordance with the Guides for estimating security requirements for landscaping and engineering.
 - ii) Calculate the lump sum payment for exterior works using the City's Letter of Credit Policy or Surety Bond Policy to the satisfaction of the City's Manager of Heritage and Urban Design.
 - iii) To provide an irrevocable Letter of Credit or Surety Bond to the City's Manager of Heritage and Urban Design for 75% of the total cost of all on-site development works in a form satisfactory to Finance (Development Officer, Budget, Taxation and Policy) to be held by the City as security for the completion of the on-site development works required in this Agreement.

Alternatively, the owner may choose to provide a lump sum payment for on-site works in accordance with 2. (g) ii). above.

- iv) The Letter of Credit or Surety Bond shall be kept in force until the completion of the required site development works in conformity with the approved design and requirements, securities may be reduced in accordance with the City's Letter of Credit Policy or Surety Bond Policy. If the Letter of Credit or Surety Bond is about to expire without renewal thereof and the works have not been completed in conformity with their approved designs, the City may draw all of the funds so secured and hold them as security to guarantee completion unless the City Solicitor is provided with a renewal of the Letter of Credit or Surety Bond forthwith.
- v) In the event that the Owner fails to complete, to the satisfaction of the City's Manager of Heritage and Urban Design, the required site development works in conformity with its approved design within the time required, then it is agreed by the Owner that the City, its employees, agents or contractors may, at the City's sole option and in addition to any other remedies that the City may have, enter on the lands and so complete the required site development works to the extent of monies received under the Letter of Credit or Surety Bond. The cost of completion of such works shall be deducted from the monies obtained from the Letter of Credit or Surety Bond. In the event that there is a surplus, the City shall pay it forthwith to the Owner. In the event that there are required site development works remaining to be completed, the City may exercise its authority under (Section 446 of the Municipal Act) to have such works completed and to recover the expense incurred in doing so in like manner as municipal taxes.

1. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS

- 3. (a) Satisfy all pre-grading conditions set out in Section 2 above.

Grading and Drainage Control

- 3. (b) i) To prepare a detailed Grading and Drainage Control Plan showing drainage details for the subject property, abutting properties and public rights-of-way so as to ensure compatible drainage, and to show thereon all existing and proposed connections to the municipal storm sewer to provide for that drainage i.e. catch basins/leads etc. to the satisfaction of the City's Manager of Development Engineering Approvals and Hamilton Conservation Authority.
- ii) To pay a fee (current rate at time of payment) for the final inspection all aboveground features, such as but not limited to, landscaping, drainage, roads, driveways, noise barriers/fencing, lighting, etc., to the satisfaction of the City's Manager of Development Engineering Approvals.

Storm Water Management Design

- 3. (c) To submit to the satisfaction of the City's Manager of Development Engineering Approvals and Hamilton Conservation Authority detailed engineering design for

storm water management or to receive from the said Manager an exemption from this requirement.

Road Widening

3. (d) To convey to the City, without cost and free of encumbrance, the road widening and/or daylighting triangles as indicated on the Site Plan to the satisfaction of the City's Manager of Development Engineering Approvals.

Landscape Plan

3. (e) To prepare a Landscape Plan showing planting and surfacing details for all areas not covered by buildings, structures, loading areas or parking areas; and to obtain approval thereof from the City's Manager of Heritage and Urban Design.

Fencing/Visual Barriers

3. (f) To obtain approval of the details of all fencing and visual barriers as indicated on the Site Plan, from the City's Manager of Heritage and Urban Design, as part of the approval of the Landscape Plan.

Boulevard Sodding

3. (g) To show on the required Landscape Plan, planting and surfacing details for the portion of all adjacent public property located between the sidewalks, curbs or streets and the Owner's property line so as to ensure a contiguous landscaped area between the public streets and the Owner's proposed development to the satisfaction of the City's Manager of Heritage and Urban Design.

Site Lighting-Design

3. (i) To prepare a Site Lighting Plan, including lighting for any underground parking facilities, and to submit said plan with a signed certification from an Electrical Engineer stating that said plan complies with Section 3.9 "Lighting" of the City of Hamilton Site Plan Guidelines to the satisfaction of the City's Manager of Heritage and Urban Design.

Site Servicing Plan

3. (k)
 - i) To submit to the City's Manager of Development Engineering Approvals a satisfactory Site Servicing Plan and pay the applicable drawing review fee based on the approved User Fees Schedule for the year that the Servicing Plans are submitted for review.
 - ii) To pay for and obtain the required Site Servicing Permits, the cost of which will be calculated based on the approved servicing design.

Cash-in-Lieu of Parkland

3. (n) To pay to the City of Hamilton Park Trust Fund Account the required cash-in-lieu of parkland contribution based on the value of the lands the day before the issuance of a Building Permit.

Development Charges

3. (o) To pay to the City of Hamilton all applicable Development Charges in accordance with the Development Charges By-law, as amended, to the satisfaction of the City's Director of the Building Division.

Site Plan Drawing

3. (p) To submit a digital copy of the final site plan drawing to the satisfaction of the City's Manager of Heritage and Urban Design.

Taxes

3. (q) To submit proof from the Taxation Division that the Municipal Taxes are current on the subject lands to the satisfaction of the City's Manager of Heritage and Urban Design.

Tariff of Fees

3. (r) To pay to the City of Hamilton the applicable additional charges as per the Tariff of Fees By-law for the proposed development type as follows:
 - i) Commercial – current rate at time of payment per m² of new gross floor area to a maximum of 50,000m² to the satisfaction of the City's Manager of Heritage and Urban Design.

Wastewater Assessment

3. (s) To submit a wastewater generation assessment using Part 8 of the latest edition of the Code and Guide for Sewage Systems to establish an updated equivalent population density, to the satisfaction of the City of Hamilton Public Works Department.

Water Service Assessment

3. (t) To submit a water service assessment which tabularizes the expected occupancy and provides a water demand estimation and needed fire flow calculation based on City of Hamilton Policy PW19096, to the satisfaction of the City Public Works Department.

Storm Drainage Area Plan

3. (u) To submit a storm drainage area plan that clearly illustrates the extent of the property which will contribute surface water and ground water by direct

connection to the existing systems. The plan must also illustrate where runoff from the remainder of the subject property if applicable, will be directed and/or collected. Appropriate runoff coefficients are to be assigned for the consideration and records of the Public Works Department.

4. PRIOR TO OCCUPANCY

Prior to occupancy of the proposed development the Owner agrees to fulfill each of the conditions which follow:

Driveway Closure

4. (a) To complete the closure of all redundant driveways to the City's or Ministry of Transportation's standards.

Driveway Installation

4. (b) To install, at the Owner's cost and to the City's or Ministry of Transportation's standards, new driveway ramps at grade with the (existing, proposed or future) sidewalk. That the Owner must apply for and receive an Access Permit from the Public Works Department or the Ministry of Transportation.

Relocation of Municipal and/or Public Utilities

4. (c) That the relocation of any Municipal and/or Public Utilities, such as but not limited to, street furniture, transit shelters, signs, hydrants, utility poles, transformers, communication pedestals, wires or lines, required due to the location of buildings, structures, walkways, boulevards, driveways, curbing or parking, be arranged and carried out at the Owner's cost, to the satisfaction of the appropriate City Department or Public Utilities.

Emergency/Fire Routes

4. (d) That any required "Emergency/Fire Routes" shall be established by the City's Director of the Building Division and that such signage shall be installed at the Owner's cost and to the satisfaction of the City's Director of the Building Division.

Traffic Control Signs

4. (e) To install, at the Owner's cost, all required traffic signs, including directional, visitor parking and barrier-free parking signs, to the satisfaction of the City's Senior Project Manager, Corridor Management, Public Works.

Fire Hydrant

4. (g) To install at the Owner's cost, any fire hydrant required by the Ontario Building Code as directed by the City's Director of the Building Division.

Site Servicing

4. (h) To complete site servicing to the satisfaction of the City's Manager of Development Engineering Approvals.

5. WITHIN ONE YEAR OF OCCUPANCY (PRIOR TO RELEASE OF CREDIT)

Grading and Drainage Completion

5. (a) To complete the site grading and drainage scheme in accordance with the Grading and Drainage Control Plan approval.

Storm Water Management Implementation

5. (b) To complete any storm water management scheme and all related drainage control facilities in accordance with the approval Plan.

Tree Management

5. (c) To complete the tree management requirements for the lands in accordance with the approved Tree Preservation/Enhancement Plan.

Landscape Completion

5. (d) To complete the landscaping in accordance with the approved Landscape Plan.

Interior Garbage Storage/Outdoor Garbage Container Installation

5. (e) To install or demarcate on-site any vaults, central storage and collection areas, or other facilities for the storage of garbage and recyclable material, in accordance with the approved Landscape Plan.

Fencing/Visual Barriers Installation

5. (f) To install all fencing and visual barriers as indicated on the Site Plan in accordance with the approved Landscape Plan.

Boulevard Sodding

5. (g) To complete, at the Owner's cost, the landscaping on all adjacent public property in accordance with the approved Landscape Plan.

Curb Installation

5. (h) To install 0.15 metre raised curbing in the locations shown on the Site Plan.

Site Lighting Installation

5. (i) To implement the approved Site Lighting Plan.

Paving

5. (j) To pave all areas intended to facilitate on-site vehicular movement, parking and loading, as shown on the Site Plan with hot-mixed asphalt or equivalent and to demarcate the parking on said surface.

Certification of Site Development Works

5. (k) To submit to the City's Director of Growth Management, Site Development Works Certification Forms prepared by the appropriate consultants, certifying that the site development works required under this approval have been completed in accordance with the respective plans prepared by such consultant and accepted by the City.

In addition to the foregoing conditions, the following **special conditions** are also part of this approval:

PRIOR TO ISSUANCE OF ANY BUILDING PERMITS

1. That the Applicant / Owner apply for and receive final approval of a Minor Variance application from the Committee of Adjustment to the satisfaction of the Director of Heritage and Design for the following minor variances:
 - a) To permit a reduction in lot area of 1,811 square metres, whereas 4,000 square metres is required;
 - b) To permit a reduced landscaped width of 1.0 metre whereas 6.0 metres is required;
 - c) To permit a reduced planting strip width of 1.0 metre whereas 3.0 metres is required;
 - d) To permit a minimum setback southerly side lot line of 4.0 metres and a 6.0 metres easterly rear yard setback to the Conservation/Hazard Land (P5) Zone, whereas a 7.5 metre setback is required to a Conservation/Hazard Land (P5) Zone.
2. The Applicant / Owner shall prepare a "P5" Setback Planting Plan, ensuring all plantings within this area are to be non-invasive native plant species, to the satisfaction of the Director of Heritage and Urban Design and the Hamilton conservation Authority.
3. The Applicant / Owner shall prepare and implement an Invasive Species Management Plan to the satisfaction of the Manager of Heritage and Urban Design. This Plan will include a Clean Equipment Protocol".

4. The Applicant / Owner shall prepare and implement a Monitoring Plan to the satisfaction of the Manager of Heritage and Urban Design.
5. The Applicant / Owner shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Citizenship and Multiculturalism (MCM) confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Citizenship and Multiculturalism.
6. That the Applicant / Owner provide payment of \$695.79 plus HST for all trees to be planted by the City of Hamilton, as identified on the Landscape Plan approved through Standard Condition 3(e), to the satisfaction of the Manager of Forestry and Horticulture.
7. The Applicant / Owner is required to provide a cash payment for a future concrete sidewalk along the entire frontage of these lands on Dartnall Road, to the satisfaction of the Manager of Development Engineering Approvals.

If you are agreeable to the conditions of approval, please sign and date in the space provided below and **return a copy to Michael Fiorino within 5 days**. Please note that by signing, you are also acknowledging that in the event a building permit for the proposed development has not been issued within one (1) year from the date of conditional site plan approval, the approval shall lapse. Prior to the approval lapsing, a request for an extension for a period up to, but not exceeding a one (1) year period, may be made directly to the Manager of Heritage and Urban Design, with written justification and the required fee. The applicant is responsible for making this request and ensuring the conditional site plan approval does not lapse.

If you have any questions or concerns with the conditions of this Site Plan Approval, please contact Michael Fiorino at 905.546.2424 ext. 4424 or by e-mail at Michael.Fiorino@hamilton.ca immediately.

Owner's Signature

Date

Once the applicable conditions have been satisfied, a Building Permit may be issued.

Notes:

- 1. The City of Hamilton is in the process of creating a new comprehensive Zoning By-law for the entire City. The new Zoning By-law is being prepared in phases by Land Use topic. New zoning may be implemented which could be different than the current zoning. Accordingly, if a Building Permit has not been issued by the City prior to the new zoning coming into effect, the approved site plan may be affected, related to zoning compliance, which may require further planning approvals (i.e. Minor Variance, Zoning Amendment, etc.).**
- 2. The above conditions of site plan approval are separate and independent of any review under the Ontario Building Code (OBC) as part of the Building Permit review process. In the event that a building permit application does not comply with the OBC, a letter outlining the deficiencies or areas of non-compliance will be issued to the owner and/or agent. Site plan review and building permit review are separate and independent processes.**
- 3. Please note that the Development Charge rates change on July 5, 2023.**

Yours truly,

Ken Coit, OAA
Director, Heritage and Urban Design
Planning Division

KC:mf
Attachment(s)

cc:

Councillor Tom Jackson, Ward 6
S. Robichaud, Director of Planning and Chief Planner
A. Fabac, Director, Development Planning
E. Tim Vrooman Area Planning Manager, Development Planning
Attn: Michael Fiorino
J. Beckett, Manager, Building Engineering

B. Korah, Director, Development Engineering
Zivko Panovski, Senior Project Manager, Development Engineering
Attn: Peter Dimitroulias
Hamilton Conservation Authority,
Attn: Cathy Plosz
H. Travis, Manager, Legislative Approvals/Staging of
Development

Tom.jackson@hamilton.ca;
steve.robichaud@hamilton.ca;
anita.fabac@hamilton.ca;
Tim.vrooman@hamilton.ca;
joyanne.beckett@hamilton.ca;
rosie.hagerty@hamilton.ca;
binu.korah@hamilton.ca;
zivko.panovski@hamilton.ca;
devengapprovals@hamilton.ca;
cathy.plosz@conservationhamilton.ca
heather.travis@hamilton.ca;

A. Amir, Planning Technician II, Growth Planning
P. MacDonald, Solicitor, Legal Services
GIS Planning & Analysis
Development Officer, Budgets & Finance
Hamilton Water Approvals, Water & Wastewater Systems Planning

amna.amir@hamilton.ca;
patrick.macdonald@hamilton.ca;
dlgisplanninganalysis@hamilton.ca;
developmentofficer@hamilton.ca;
hwapprovals@hamilton.ca;
420108-
water.review@gmblueplan.ca;
tplanning@hamilton.ca;
emily.coe@hamilton.ca
zoningrequest@hamilton.ca;
maria.viveiros@hamilton.ca

Transportation Planning
E. Coe, Supervisor of Zoning

M. Viveiros, Development Application Intake Coordinator
Zeina Homes
c/o Ali Alaichi
27 Legend Crt, Unit 10087
Ancaster, ON L9K 1P2



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	MAILING ADDRESS
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			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes No

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

3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

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

Yes

No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street

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

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

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

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

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

7 HISTORY OF THE SUBJECT LAND

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

Rural Hamilton Official Plan designation (if applicable):

Rural Settlement Area:

Urban Hamilton Official Plan designation (if applicable)

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

7.6 What is the existing zoning of the subject land? M3 - Prestige Business Park

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:	HM/A-23:328 - Approved

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:

8.2 Number of Dwelling Units Proposed:

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