

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.:	SC/A-24:48	SUBJECT PROPERTY:	343 McNeilly Road, Stoney Creek
ZONE:	Prestige Business Park (M3) zone	ZONING BY-LAW:	Zoning By-law 05-200, as Amended by By-law 10-128

APPLICANTS: Owner: Harjit Sindhi
 Agent: Arcadis c/o Mike Crough

The following variances are requested:

1. No visual barrier shall be required for the proposed outdoor storage area instead of the requirement that Outdoor Storage and Outdoor Assembly shall be screened from view from any abutting street by a Visual Barrier in accordance with Section 4.19 of this By-law.
2. No Landscaped Area or Planting Strip shall be required whereas the by-law requires a minimum 6.0 metre wide landscaped area, inclusive of a 3.0 metre wide planting strip to be provided abutting a street.
3. A parking area shall be permitted to be located 0.0 metres from a street line instead of the minimum required 3.0 metre setback from a street line.
4. No Planting Strip shall be required between the parking area and a street line whereas the by-law requires a minimum 3.0 metre wide planting strip to be provided.
5. A minimum 3.0 metre aisle width shall be provided for parking spaces designed at a 90 degree parking angle instead of the minimum 6.0 metre aisle width required for a 90 degree parking aisle.
6. A minimum of three (3) parking spaces shall be provided on-site instead of the minimum required one (1) space for every 30.0 square metres of Gross Floor Area which accommodates such use.

PURPOSE & EFFECT To facilitate the conversion of an existing single detached dwelling to an office use and provide twelve (12) truck parking spaces in the rear yard

Notes:

- i. These variances are necessary to facilitate Site Plan Application No. DA-23-053

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:	1:40 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 SC/A-24:48, 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: 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

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 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.

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

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

Date: December 17th, 2024

Subject: Resubmission of SC/A-24:48 - Minor Variance Application 343 McNeilly Road, Stoney Creek

Dear Committee Clerk and Committee Members,

Arcadis Professional Services Canada Inc. (Arcadis) has been engaged by G Nanak Investments Inc. the owner of 343 McNeilly Road in the City of Hamilton (the “subject lands”) to advance the required (4) Minor Variances as will be described. Note that this is a resubmission under File SC/A-24:48. In the previous iteration, staff supported some variances but not others. As the applicant, we tabled the file at the Committee hearing on April 9, 2024, and after some discussion with the Owner are providing this revised application submission.

Presently the subject lands contain a one-storey single detached residential dwelling and are located within a designated Employment area. The Owner seeks to convert the existing dwelling into an Industrial Administrative Office which would accompany the conversion of the property's backyard into a truck parking lot containing 12 spaces. No exterior changes are proposed to the building and no new structure are to be built. As such, the requested variances are representative of minor changes needed in order to progress the conversion of the subject lands to support the proposed use.

Site Location and Context

The subject lands are municipally known as 343 McNeilly Road and are located at the southwest corner of the intersection at McNeilly Road and Arvin Avenue. The subject lands are legally described as: PT LT 9, CON 1 SALTFLIGHT, AS IN SA59474; STONEY CREEK CITY OF HAMILTON. The subject lands have a total area of approximately 0.40 hectares an approximate frontage of 38.14 m on McNeilly Road and 106.07 m on Arvin Avenue, with an approximate lot depth of 106.07 m.

As mentioned, presently the subject lands contain a one-storey single detached residential dwelling located in an Employment area fronting McNeilly Rd. Neighbouring land uses are characteristic of an area transitioning to full scale employment uses as planned.

The subject lands are zoned M3 Prestige Business Park and further designated Employment Area under Schedule E – Urban Structure of the Urban Hamilton Official Plan.



Figure 1 Ariel View of Subject Lands



Figure 2 View of Subject Lands from McNeilly Road



Figure 3 Side View of Subject Lands from McNeilly Road



Figure 4 Rear View of Subject Lands from McNeilly Road



Figure 5 View Looking Down McNeilly Road

Project Application Background

Arcadis is representing the client in the accompanying Site Plan Application. On August 14th 2023, the subject lands received conditional Site Plan Approval (File DA-23-053). The subject lands have also previously been presented to the committee (SC/A-24:48) on April 9, 2024. At that time the discussion was tabled to a later date. After a pause to bring a new consulting engineer into the project team, the applicant wishes to advance the project and work to clear site plan conditions remains ongoing.

The proposed development as described in further detail below remains similar to the previous application. The last application requested (5) five variances, we now require (4) four. The difference being there is no longer a need to request a variance to the required number of barrier free parking spaces. Previously zero barrier free parking spaces were proposed, we have since included one. It is noted that there are minimal to no design changes from the previous submission, the vehicular parking spaces/area is existing on site and the focus of development is to the truck parking spaces at the rear of the site. The vehicular parking is being formalized to support the office use of a building that already exists.

Proposed Development

The proposal seeks to convert the existing dwelling into an Industrial Administrative Office which would accompany the conversion of the property’s backyard into a truck parking lot containing 12 spaces. No exterior changes are proposed to the building and no new structure are to be built. Vehicular (truck) access to the site will be provided from Arvin Ave. 3 spaces for parking for non-trucks will be provided to support the office use, one of which is barrier free. Please refer to the supporting Site Plan for further information.

Requested Variances

The Powers of the Committee of Adjustment with respect to minor variances are provided by subsection 45 (1) of the Planning Act, which states the following:

(1) Powers of committee – The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

The above excerpt permits the Committee of Adjustment to grant Minor Variances from the Zoning By-law provided they meet what is known as the four (4) tests. The four tests being:

- 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?

Variance	Required - Zoning By-law	Proposed
Visual Barrier	1.8 m	0 m
Parking Location	3.0 m	0 m
Planting Strip	3.0 m	0 m
Minimum Parking Spaces	5 Spaces	3 spaces

Table 1 Requested Variances

Variance	Rational
Visual Barrier	The zoning bylaw requires a minimum 1.8m height visual barrier. The proposed development seeks to provide an enhanced visual screen/buffer through the use of landscaping. This would include trees and a dense planting strip. A variance to permit the 0 m is needed to do so. It is our opinion that this is a technical variance, since screening will be provided through landscape means in lieu of fencing.

	Through this approach the Official Plan and Zoning By-law intent is met as a visual barrier is provided in a form that enhances the visual appeal from the street. It is our opinion that the general intent of the Official Plan and Zoning By-Law are met through this variance and that the variance requested is both minor in nature and an appropriate relief to facilitate the development.
Parking Location	The variance seeks to formalize the existing paved area abutting the property line for the purposes of parking in support of the Office use. The current Zoning By-law requires a minimum distance of 3.0 m between the lot line and the parking space. Further, Arvin Ave provides a wide boulevard which separates the parking space from the paved edge of the road with grassed area. With this understanding it can be said there will be no impacts to surrounding properties and as such the variance is supportive of the Official Plan and Zoning By-law and is appropriate and desirable in addition to being minor as it is technically an existing condition.
Planting Strip	In the area where a parking space is abutting the property line, the proposed development does not provide an abutting landscape buffer to screen the space from the street. The length of this area is 13m in total, being the parking length plus an existing asphalt area shown in the Site Plan and Landscape drawing. As this is an existing condition, not having any landscape or planting strip in this area of the development will result in no impact on the site or to adjacent properties. Further, Arvin Ave provides a wide boulevard which separates the parking space from the paved edge of the road with a grassed area. It is our opinion that the general intent of the Official Plan and Zoning By-Law are met through this variance and that the variance requested is both minor in nature and an appropriate relief to facilitate the development.
Minimum Parking Spaces	The submitted site plan identifies a total of 3 parking spaces dedicated to the office use, the Zoning By-law requires 1 space for each 30 m ² of gross floor area. As the total gross floor area of the Industrial Administrative Office is 155 m ² , a total of 5 spaces is required under the current bylaw. Based on existing site constraints there is not enough space between the main building and garage to include the total required number of parking spaces. The proposed minor reduction of parking spaces to 3 will result in no impacts to the surrounding properties. The proposed variance is supportive of the Official Plan and Zoning By-law as the land are designated as employment areas respectively. The proposal seeks to work within the existing limits of the site in order to repurpose the subject lands to suit employment usage. Further, the location of the subject lands within an Employment area makes the request desirable and appropriate.

Table 2 Application of the Four (4) Tests

Conclusion

The Owner seeks to convert the existing residential dwelling located within an Employment area into an Industrial Administrative Office which would accompany the conversion of the property's backyard into a truck parking lot containing 12 spaces. No exterior changes are proposed to the building and no new structure are to be built. As

part of the application to committee, a total of (4) minor variances are being requested. Visual Barrier, Planting Strip, Parking Location, and Minimum Parking Spaces.

It is our opinion that the proposed development conforms to all of the following requirements and the applications should be approved. The proposed development conforms to, is consistent with, and/or maintains the intent and purpose of the applicable planning policy and legislative documents and is compatible with the existing neighbourhood. Under subsection 45(1) the Committee of Adjustment has the powers to make decisions with respect to minor variances to the Zoning By-law. In doing so, the Committee must find the proposed development represents good planning principles and does not introduce any adverse impacts, through the application of the four tests.

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

- One (1) copy of the revised Site Plan prepared by Arcadis Professional Services (Canada) Inc.

We trust the enclosed is in order, however, should you have any questions or require any additional information, please do not hesitate to contact the undersigned at mike.crough@arcadis.com or 905-546-1010 ext. 63114.

Sincerely,

Arcadis Professional Services (Canada) Inc.



Mike Crough MCIP RPP
Principal - Planning
mike.crough@arcadis.com

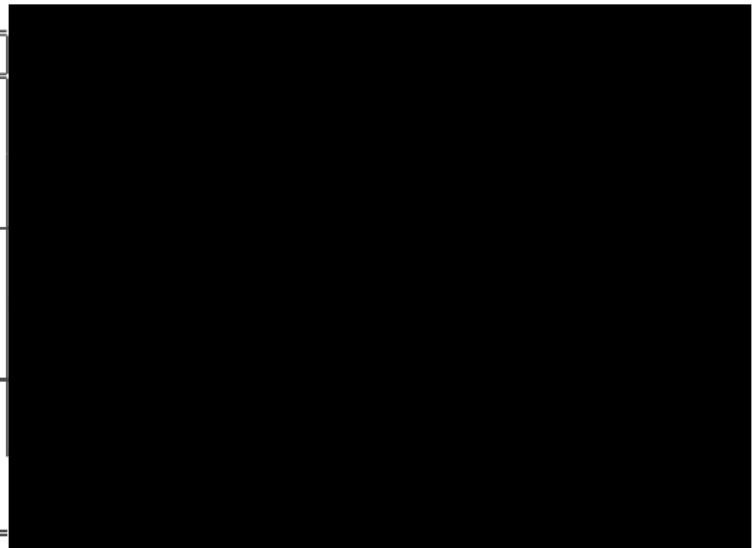


Carson Parks
Planner
carson.parks@arcadis.com

APPLICATION FOR A MINOR VARIANCE/PERMISSION
 UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	Harjit Sindhi
Applicant(s)	
Agent or Solicitor	Arcadis c/o Mike Crough



1.2 All correspondence should be sent to ☐ Purchaser ☐ Owner
☐ Applicant ☒ Agent/Solicitor

1.3 Sign should be sent to ☐ Purchaser ☐ Owner
☐ Applicant ☒ AgentSolicitor

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.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	343 McNeilly Road		
Assessment Roll Number			
Former Municipality	Stoney Creek, City of Hamilton		
Lot	PT LT 9	Concession	1
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:

This application is to seek relief on the number of parking spaces and parking standards, size and location

Please see the attached Cover Letter with details on the Minor Variances requested.

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

The proposed development does not comply with the minimum number of parking spaces, location, and size.

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
38.14m	106.05m	4,044m ²	20.14m

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 Residential Dwelling	13.72m	79.05m	2.91m	Unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling converted to office	13.72m	79.05m	2.91m	Existing-Unknown

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 Residential Dwelling	155.00m ²	155.00m ²	1	1 STOREY

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling converted to office	155.00m ²	155.00m ²	1	1 STOREY

- 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.):

Industrial administrative office

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

Industrial

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

May 28, 2020

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

Residential

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

Residential

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): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Business Park

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

Please see attached Cover Letter

7.6 What is the existing zoning of the subject land? Prestige Business Park (M3) Zone

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: Prestige Business Park (M3) Zone

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: _____

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

☐ Yes

☒ No

7.11 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

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

The proposed development is to convert an existing single detached dwelling to an industrial office, to create 12 tractor trailer parking spaces at the rear of the building and to create an access to the site from Arvin Avenue.

This application is seeking relief on the standards and number of parking spaces to be used by the office.

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
