



Hamilton

COMMITTEE OF ADJUSTMENT

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING **Minor Variance**

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
 - Applicant/agent on file, or
 - Person likely to be interested in this application
-

APPLICATION NO.:	SC/A-24:48	SUBJECT PROPERTY:	343 McNeilly Rd., Stoney Creek
ZONE:	M3 (Prestige Business Park)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: H. 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 of 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 Bylaw
2. A 0.0 metres landscape area, including planting strip shall be provided instead of the minimum 6.0 metre wide landscaped area, inclusive of a 3.0 metre wide planting strip required abutting a street
3. Parking shall be permitted to be located 0.0 metres from a street line instead of the minimum 3.0 metre setback from a street line required for parking spaces
4. A 0.0 metre planting strip shall be provided instead of the 3.0 metre wide planting strip being required and permanently maintained between the street line required
5. A minimum 3.0 metre aisle width shall be provided for a 90 degree parking angle instead of the minimum 6.0 metre aisle width required for a 90 degree parking aisle
6. no barrier free parking shall be provided instead of the minimum 1 barrier free parking space required
7. A minimum of 3 parking spaces shall be provided on site instead of the minimum 1 space for every 30 square metres of space which accommodates an office use

PURPOSE & EFFECT: To facilitate site plan application DA-23-053

Notes:

1. Please note, specific variances relating to landscape area and parking aisle width have not been indicated within the application submitted. As such, variances for landscaped area and parking aisle width have been provided based on the review of materials submitted with the application. Should any variances not be desired, the applicant shall provide further documentation or materials to indicate as such.

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, April 9, 2024
TIME:	2:50 p.m.
PLACE:	City Hall Council Chambers (71 Main St. W., Hamilton)

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

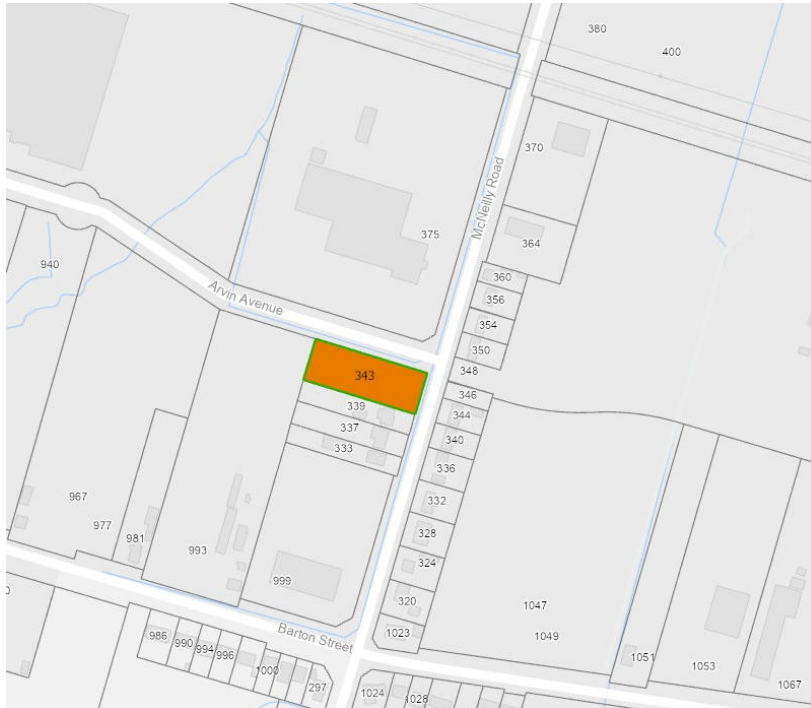
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. Written comments must be received no later than noon **April 5, 2024**

Orally: If you would like to speak to this item at the hearing you may do so by attending in person. 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.

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 21, 2024

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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

HAMILTON ZONING BY-LAW 05-200			
PRESTIGE BUSINESS PARK (M3) ZONE	REQUIRED	PROVIDED	MODIFICATION
PERMITTED USES	INDUSTRIAL ADMINISTRATIVE OFFICE	INDUSTRIAL ADMINISTRATIVE OFFICE	
MINIMUM LOT AREA	4,000m ² MINIMUM: 6.0m	4,044 m ²	
YARD ABUTTING A STREET	MAXIMUM 27.0m 4.12 (i) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS BY-LAW, ANY LOT WITHIN THE INDUSTRIAL ZONE OF THIS BY-LAW AND THE LOCATION THEREON OF ANY BUILDING OR STRUCTURE, EXISTING ON THE EFFECTIVE DATE OF THIS BY-LAW, SHALL BE DEEMED TO COMPLY WITH THE REGULATIONS FOR ANY REQUIRED SETBACKS, FRONT YARD, FLANKAGE YARD, REAR YARD, LOT WIDTH, LOT AREA AND BUILDING HEIGHT AND ARE PERMITTED BY THIS BY-LAW.	2.91m (EXISTING CONDITION)	
MINIMUM YARD ABUTTING A RESIDENTIAL ZONE OR AN INSTITUTIONAL ZONE	6.0m FROM ANY PORTION OF A PROPERTY LOT LINE ABUTTING A PROPERTY LOT LINE WITHIN A RESIDENTIAL ZONE OR AN INSTITUTIONAL ZONE 11.0m	NOT ABUTTING RESIDENTIAL OR INSTITUTIONAL USE	
MAXIMUM BUILDING HEIGHT ABUTTING A RESIDENTIAL ZONE OR AN INSTITUTIONAL ZONE	(i) IN ADDITION TO (i) ABOVE, MAXIMUM BUILDING HEIGHT MAY BE EQUIVALENTLY INCREASED AS YARD INCREASES BEYOND MINIMUM YARD REQUIREMENT ESTABLISHED IN 9.3.3 (i)	NOT ABUTTING RESIDENTIAL OR INSTITUTIONAL USE	
MAXIMUM GROSS FLOOR AREA FOR OFFICE USE	3,000 m ²	EXISTING SUNROOM +35m ² TOTAL GF+H=155m ² 2.91m CONCRETE PAD PROVIDED (EXISTING CONDITION) 2.91m CONCRETE PAD PROVIDED (EXISTING CONDITION)	
LANDSCAPING AREA AND PLANTING STRIP	(i) MINIMUM 6.0m WIDE LANDSCAPED AREA SHALL BE PROVIDED AND MAINTAINED ABUTTING A STREET, EXCEPT FOR POINTS OF INGRESS AND EGRESS. (ii) IN ADDITION TO (i) ABOVE, WITHIN THE 6.0m LANDSCAPED AREA, A MINIMUM 3.0m WIDE PLANTING STRIP SHALL BE REQUIRED AND MAINTAINED BETWEEN PARKING SPACES, AISLES OR DRIVEWAYS AND A STREET, EXCEPT FOR POINTS OF INGRESS AND EGRESS. (iv) WHERE A PROPERTY LOT LINE ABUTS A PROPERTY LOT LINE WITHIN A RESIDENTIAL ZONE OR AN INSTITUTIONAL ZONE, A MINIMUM 3.0m WIDE PLANTING STRIP SHALL BE PROVIDED AND MAINTAINED.	NOT ABUTTING RESIDENTIAL OR INSTITUTIONAL USE	
VISUAL BARRIER	SHALL BE PROVIDED ALONG THAT PORTION OF A PROPERTY LOT LINE ABUTTING A PROPERTY LOT LINE WITHIN A RESIDENTIAL ZONE OR AN INSTITUTIONAL ZONE	NOT ABUTTING RESIDENTIAL OR INSTITUTIONAL USE	
LOCATION AND SCREENING OF OUTDOOR STORAGE AND OUTDOOR ASSEMBLY	OUTDOOR STORAGE AND OUTDOOR ASSEMBLY OF GOODS, MATERIALS OR EQUIPMENT SHALL BE PERMITTED IN CONJUNCTION WITH A BUILDING AND THE FOLLOWING REGULATIONS SHALL APPLY: (i) OUTDOOR STORAGE AND OUTDOOR ASSEMBLY SHALL NOT BE PERMITTED IN A FRONT YARD OR A REQUIRED FLANKAGE YARD. (iii) OUTDOOR STORAGE AND OUTDOOR ASSEMBLY SHALL NOT EXCEED 85% OF THE TOTAL LOT AREA. (iv) OUTDOOR STORAGE AND OUTDOOR ASSEMBLY SHALL BE SET BACK A MINIMUM OF 20.0m FROM ANY PORTION OF A PROPERTY LOT LINE ABUTTING A PROPERTY LOT LINE WITHIN A RESIDENTIAL ZONE OR AN INSTITUTIONAL ZONE, AND SHALL BE SCREENED BY A VISUAL BARRIER IN ACCORDANCE WITH SECTION 4.19 OF THIS BY-LAW. (vi) 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.	OUTDOOR STORAGE/ TRUCK ASSEMBLY AREA WITHIN REAR YARD 47% NOT ABUTTING RESIDENTIAL OR INSTITUTIONAL USE	X
LOCATION AND SIZE OR OUTDOOR DISPLAY	OUTDOOR DISPLAY OF GOODS, MATERIALS OR EQUIPMENT SHALL BE PERMITTED ONLY AS AN ACCESSORY USE AND THE FOLLOWING REGULATIONS SHALL APPLY: (i) OUTDOOR DISPLAY SHALL BE PERMITTED IN A YARD ABUTTING A STREET, BUT SHALL BE NO CLOSER THAN 3.0m TO THE LOT LINE. (ii) IN ADDITION TO (i) ABOVE, THE AREA DEVOTED TO OUTDOOR DISPLAY SHALL BE LIMITED TO A COMBINED MAXIMUM OF 25% OF THE LANDSCAPED AREA REQUIRED BY SECTION 9.3.3 (i) (i) ABOVE	N/A N/A	

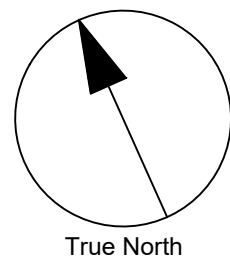
SECTION 4 - GENERAL PROVISIONS			
PERMITTED YARD ENCROACHMENTS	a) THE USUAL PROJECTIONS OF WINDOW SILLS, CHIMNEY BREASTS, BELT COURSES, CORNICES, EAVES, TROUGHS AND OTHER SIMILAR ARCHITECTURAL FEATURES, DUCTWORK, VENTING AND OTHER SIMILAR APPEARANCES MAY BE PERMITTED TO PROJECT MORE THAN 0.6m INTO THE REQUIRED YARD, OR TO A MAXIMUM OF HALF THE DISTANCE OF THE REQUIRED YARD, WHICHEVER IS THE LESSER.	EXISTING CONDITIONS	
ACCESSORY BUILDING	(i) IN ADDITION TO (i) ABOVE, NO ACCESSORY BUILDING SHALL BE PERMITTED WITHIN A FRONT YARD OR FLANKAGE YARD.	ONLY GARAGE FLOOR TO REMAIN	
BUILDINGS ACCESSORY TO INDUSTRIAL AND UTILITY USES IN ALL ZONES (AS PER SECTION 4.8.4 OF HAMILTON ZONING BY-LAW 05-200)		ONLY GARAGE FLOOR TO REMAIN	
MECHANICAL AND UTILITY EQUIPMENT (AS PER SECTION 4.9 OF HAMILTON ZONING BY-LAW 05-200)	HOT BOXES, AIR CONDITIONERS AND PUMPS (INCLUDING HEAT PUMPS AND SWIMMING POOL PUMPS) AND OTHER SIMILAR MECHANICAL EQUIPMENT SHALL BE LOCATED ONLY IN ACCORDANCE WITH THE FOLLOWING REGULATIONS: a) WITHIN A REQUIRED FRONT YARD, PROVIDED SUCH EQUIPMENT SHALL HAVE A MINIMUM SETBACK OF 3.0 m FROM THE STREET LINE, A MINIMUM SETBACK OF 0.6 m FROM A SIDE LOT LINE AND IS SCREENED FROM THE STREET BY AN ENCLOSURE OR LANDSCAPING; AND, b) WITHIN A REQUIRED SIDE YARD OR REQUIRED REAR YARD PROVIDED SUCH EQUIPMENT HAS A MINIMUM SETBACK OF 0.6 m FROM THE SIDE LOT LINE OR REAR LOT LINE.	N/A	
SECTION 5 - PARKING REQUIREMENTS			
LOCATION (AS PER SECTION 5.1 (A) OF HAMILTON ZONING BY-LAW 05-200)	(i) REQUIRED PARKING FACILITIES SHALL BE LOCATED ON THE SAME LOT AS THE USE REQUIRING THE PARKING.	LOCATED ON SAME LOT	
PARKING - LOCATION (SECTION 5.1 (V) (A) OF HAMILTON ZONING BY-LAW 05-200)	UNLESS OTHERWISE REGULATED IN THIS BY-LAW, PARKING SPACES AND AISLES, GIVING DIRECT ACCESS TO ABUTTING PARKING SPACES, EXCLUDING DRIVEWAYS EXTENDING DIRECTLY FROM THE STREET, SHALL BE SUBJECT TO THE FOLLOWING: a) SHALL NOT BE LOCATED WITHIN 3.0 M OF A STREET LINE. b) SHALL PROVIDE A 3.0 M WIDE PLANTING STRIP BEING REQUIRED AND PERMANENTLY MAINTAINED BETWEEN THE STREET LINE AND THE SAID PARKING SPACES OR AISLE, EXCEPT FOR THAT PORTION OF A LOT LINE ABUTTING THE RED HILL VALLEY PARKWAY AND THE LINCOLN ALEXANDER PARKWAY; AND, c) WHERE A PLANTING STRIP IS PROVIDED, AS PER (B) ABOVE, ANY ARCHITECTURAL WALL OR FEATURE WITHIN THE PLANTING STRIP SHALL BE LIMITED TO A MAXIMUM HEIGHT OF 0.6 M.	PARKING SPACE NO3 ABUTTING ARVIN AVE. NO PLANTING STRIP IS BEING PROVIDED BETWEEN PARKING SPACE 3 AND ARVIN AVE.	X X
PARKING SPACE SIZE	208 ± 5.8 M	2.8 x 5.8 M	
DESIGN STANDARDS	(i) ALL REQUIRED PARKING SHALL BE PROVIDED AS FOLLOWS: 1. LOCATED ON THE LOT OR; 2. LOCATED PARTLY ON THE LOT IN THE CASE OF A MUTUAL DRIVEWAY; OR, 3. BY MEANS OF A RIGHT-OF-WAY. (ii) SHALL BE ARRANGED SO AS TO NOT INTERFERE WITH NORMAL PUBLIC USE OF THE STREET OR LANEWAY; (iii) SHALL BE ACCESSED BY MEANS OF AN ACCESS DRIVEWAY: 1. LOCATED ON THE LOT OR; 2. LOCATED PARTLY ON THE LOT IN THE CASE OF A MUTUAL DRIVEWAY; OR, 3. BY MEANS OF A RIGHT-OF-WAY. (iv) ANY PARKING LOT SHALL PROVIDE FOR INGRESS AND EGRESS OF VEHICLES TO AND FROM A STREET IN A FORWARD MOTION ONLY.	INGRESS AND EGRESS PROVIDED 7.5M WIDE DOES NOT INTERFERE WITH PUBLIC USE OF STREET ACCESS DRIVEWAY ON LOT ONLY 3 OFFICE PARKING SPACES ARE BEING PROVIDED	

DESIGN STANDARDS	(i) PARKING SPACES, DRIVEWAYS AND WIDENINGS IN ALL ZONES a) SHALL BE PROVIDED AND MAINTAINED WITH STABLE SURFACES SUCH AS ASPHALT, CONCRETE OR OTHER HARD-SURFACED MATERIAL, CRUSHED STONE OR GRAVEL, AND SHALL BE MAINTAINED IN A DUST FREE NOTWITHSTANDING SUBSECTION (b) HEREIN, IN THE CASE OF A BARRIER FREE PARKING, EACH PARKING SPACE SHALL HAVE A MINIMUM WIDTH OF 4.4 M AND A MINIMUM LENGTH OF 5.8 M.	CONCRETE/ ASPHALT PROPOSED FOR OFFICE USE GRAVEL PROPOSED FOR TRUCK AREA IN REAR YARD N/A	
	(i) IN ADDITION TO SUBSECTION (c) HEREIN, THE MINIMUM AISLE WIDTH SHALL BE DESIGNED AND PROVIDED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS: PARKING ANGLE DEGREE 90: ONE-WAY AND TWO-WAY AISLE 6.0M	INGRESS AND EGRESS PROVIDED 7.5M WIDE	
	MINIMUM 1 SPACE BETWEEN 1-49 REQUIRED PARKING SPACES OFFICE 1 FOR EACH 30.0 M ² OF GROSS FLOOR AREA, WHICH ACCOMMODATES SUCH USE OFFICE AREA - 155 M ² / 30 M ² = 5.1 ± 5 SPACES	NO BARRIER FREE PARKING IS BEING PROVIDED 3 SPACES	X

THE CITY OF HAMILTON
Plans and drawings approved pursuant to
Section 41 of the Planning Act.

Date of Approval

Manager, Heritage and Urban design
Planning & Economic Development Department



CLIENT

HS Steelers Transport

343 McNeilly Rd., Stoney Creek, ON

COPYRIGHT

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Arcadis Professional Services (Canada) Inc.
a part of Arcadis

ISSUES

No.	DESCRIPTION	DATE
01	S.P. INITIAL APP SUBMISSION	2023-01-30
02	MINOR VARIANCE APP SUBMISSION	2021-01-24

KEY PLAN

SUBJECT PROPERTY

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).

BENCHMARK

No. 07720030007, having an elevation of 89.089m.

SOURCE

Surveyor Real Property Report, Part 1
PART OF LOT 9 CONCESSION 1,
Lejan Land Surveying Inc., Dated November 23, 2023.

ARCADIS

360 James Street North - Suite 200
Hamilton ON L8L 1H5 Canada
tel 905 546 1010
www.arcadis.com

PROJECT

INDUSTRIAL ADMINISTRATIVE OFFICE

343 McNeilly Rd. Stoney Creek, ON

SCALE

1:200 (m)

PROJECT NO:

141046

DRAWN BY:

M. ROJAS

CHECKED BY:

M. CROUGH

PROJECT MGR:

M. CROUGH

APPROVED BY:

M. CROUGH

SHEET TITLE

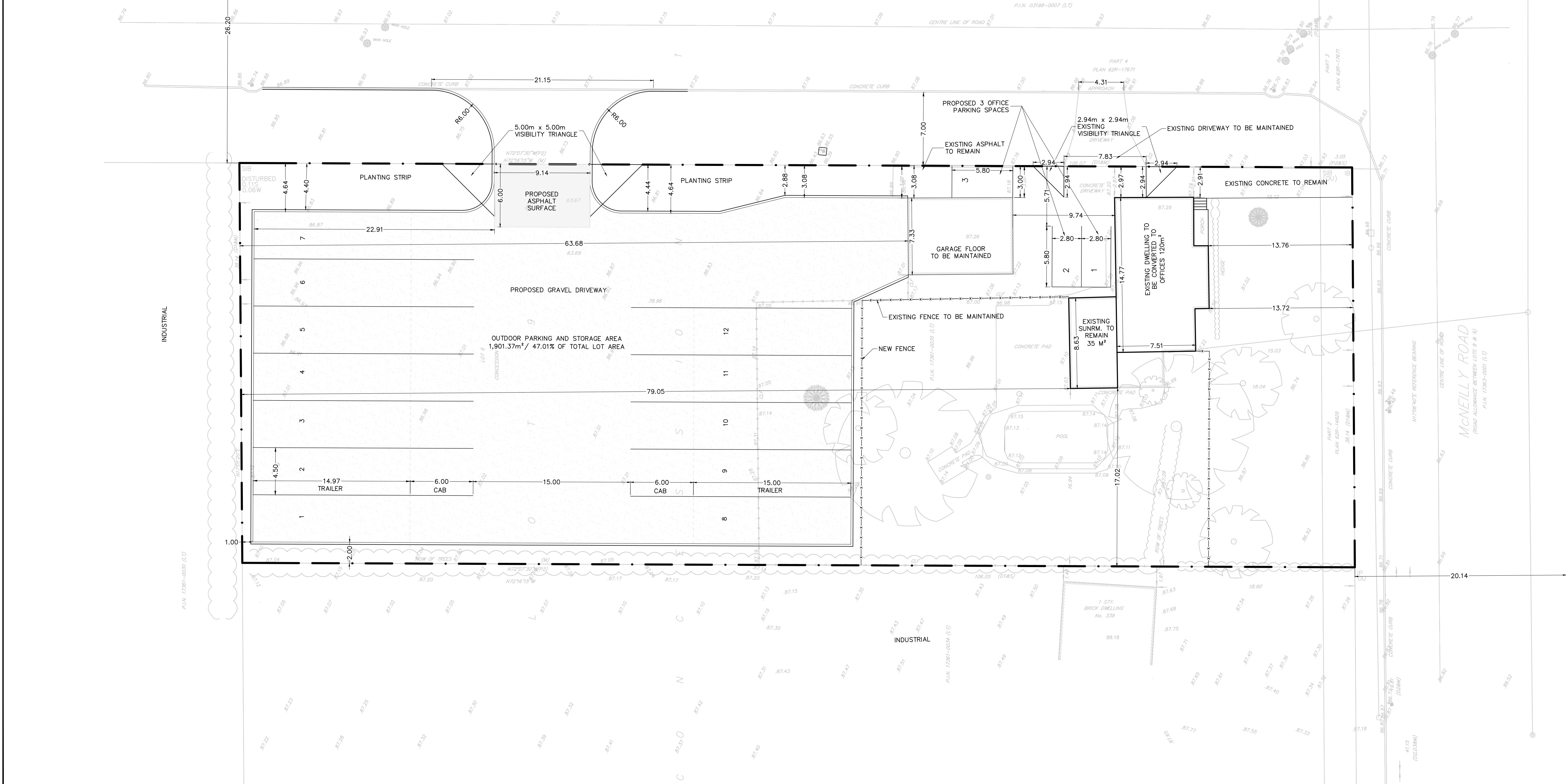
SITE PLAN

SHEET NUMBER

S.P. 01

ISSUE

1



Ms. Jamila Sheffield
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: January 25, 2024
Our Ref: 141046

Subject: New MV Application_ 343 McNeilly Road, Stoney Creek

Dear Ms. Sheffield,

1.0 Introduction

Arcadis Professional Services (Canada) Inc. ("Arcadis") is the authorized planning agent for G Nanak Investments Inc. NANAK INVESTMENTS INC. (the "Client" or "Owner"), the Owner of land municipally known as 343 McNeilly Road in the City of Hamilton (the "subject lands"). The Owner acquired the subject lands in May of 2020, which currently contain a one-storey single detached residential dwelling. Considering the subject lands are within a designated employment area and are zoned for employment uses, the Owner wishes to convert the existing dwelling into an Industrial Administrative Office while also converting the backyard into a 12-truck parking area. The Office will support the truck parking area. There is no exterior change for the building, and no new structures are being built. As this letter explains, while the proposed works are minor, the list of variances reflects existing conditions rather than a large site change.

2.0 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 SALT FLEET, AS IN SA59474; STONEY CREEK CITY OF HAMILTON.

Currently, the site has a total area of approximately 0.40 hectares, approximate frontages of 38.14 m on McNeilly Road and 106.07 m on Arvin Avenue, and an approximate lot depth of 106.07 m. There is one point of vehicular access at Arvin Avenue. The driveway currently operates as the access to three parking spaces that will be maintained and formalized through this application.

The uses surrounding the subject lands include:

- North: North of Arvin Ave there is an industrial use..
- East: East of McNeilly Road there are single-detached dwellings;
- South: Immediately south there are single-detached dwellings (fronting McNeilly); and
- West: Immediately west there is vacant land

Overall, the subject lands are located in a neighborhood that consists of a mix of residential and employment uses, not uncommon of areas of the lower City, and characteristic of an area transitioning to full-scale employment use as planned for. . Please refer to **Figures 1 & 2** for an aerial image of the site and **Figures 3 to 6** for images of the site.



Figure 1 - Aerial Image of the Subject Lands and Surrounding Context; Retrieved from City of Hamilton Online Mapping



Figure 2: Aerial image of subject lands and surrounding areas, retrieved from Google Earth.



Figure 3: View of dwelling unit from McNeilly Road, retrieved from Google Streetview



Figure 4: View of dwelling unit from Arvin Avenue, retrieved from Google Streetview



Figure 5: View of existing parking area at Arvin Avenue, retrieved from Google Streetview



Figure 6: View of backyard area from Arvin Avenue, retrieved from Google Streetview

2.0 Site Background and Approval History

The subject lands are an existing lot, with access to a public street that has been previously used for residential purposes. The proposed development is to convert the dwelling into an Industrial Administrative Office with the backyard converted into a truck storage/parking area.

The property is subject to active site plan application under File DA-23-053. At the time of this variance application, we have completed a Zoning Review and have received a conditional Site Plan Approval.

3.0 Proposed Development

The primary purpose of the application is to permit the conversion of the existing dwelling unit to an Industrial Administrative Office, with 12 tractor trailer parking spaces at the rear of the building. The new development also creates a new access to the site from Arvin Avenue to facilitate the access to the new parking area.

Table 1 provides a summary of site statistics.

SITE DETAILS	
Lot Area	4,044.00 m ²
Lot Coverage (m ²)	155.00 m ²
Total Lot Coverage (%)	3.8 %
Frontage (McNeilly Road)	38.14 m
Area dedicated to 12 tractor trailer parking spaces	1,901.37 m ²

4.0 Proposed Minor Variances

The variances being applied for, made under Section 45 (1) of the *Planning Act*, are as follows:

1. Visual Barrier: To permit no visual barrier for the outdoor storage/parking area, whereas the Zoning By-Law requires a minimum of 1.8m height visual barrier;
2. Parking Location: To permit the existing parking space (number 3 in the attached site plan) to abut the property line at Arvin Avenue, whereas the Zoning By-Law requires a 3.0m distance from property line to parking spaces;
3. Planting Strip: To permit a 0.0m of planting strip where the existing parking space is abutting the property line, whereas the Zoning By-Law requires 3.0m;
4. Barrier Free Parking: To permit 0 barrier free parking spaces, whereas the Zoning By-Law requires minimum 1 parking space;
5. Minimum Number of Required Parking Spaces: To permit 3 parking spaces for Industrial Administrative Office use, whereas the Zoning By-Law requires 5 parking spaces;

It is our opinion that the above variances are minor in nature and continue to maintain the general intent and purpose of the Zoning By-Law, the general intent of the Official Plan, and that the requested variances are desirable and

appropriate for the efficient use of the property. This position relates directly to the proposed minor scale of works, with the main objective being to convert the existing building into an Industrial Administrative Office adding a new access and creating the proposed storage/parking area in the rear yard.

Variance 1 – Visual Barrier

The proposed development does not provide a 1.8 m visual barrier along Arvin Avenue to cover the view of the proposed storage/parking area, as the landscape plan includes trees and a dense planting strip instead. These two elements would replace the visual barrier required in the Zoning By-Law and provide attractive screening. 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.

Variance 2 – Parking Location

The proposed development provides one office parking spaces (Space number 3 in the attached Site Plan) abutting the property line. This is technically an existing condition, as the paved area already exists. The variance seeks to formalize this paved area for the purposes of parking in support of Office use. The Zoning By-Law requires a minimum distance of 3.0 m between the lot line and the parking space. Having this space abutting the property line will result in no impact on the site or to adjacent properties as the requested relief is an existing condition. 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.

Variance 3 – Planting Strip

As per variance number 2, in the same 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.

Variance 4 – Barrier Free Parking

The proposed development does not include any Barrier Free parking space. Part of the rationale for not providing the space is that the Owner currently does not require said space. There is additional paved spaced adjacent to Space number 2 which will allow movement for accessible vehicles and passengers if needed. 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.

Variance 5 – Minimum Number of Required 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 m² of gross floor area, As the total gross floor area for the Industrial Administrative Office is proposed at 155 m², the total spaces required is 5.. There is insufficient space in the area between the main building and the garage area (floor to be retained) to provide the required spaces. It is our opinion the proposed minor reduction in the number of parking spaces will result in no impacts to the surrounding properties nor to the circulation of other vehicles in the area. The proposed parking is an appropriate reduction to facilitate the efficient site layout

Ms. Sheffield
City of Hamilton
January 25, 2024

and circulation. The variance is minor in nature, that it meets the intent of both the Official Plan and Zoning By-Law and in our opinion are appropriate for the property.

5.0 Conclusion and Recommendations

It is our opinion that the proposed Minor Variances maintain the general intent of the Official Plan and Zoning By-Law, are minor in nature, and are desirable and appropriate for the efficient use of the property. Further, some of the variances reflect the existing existing conditions.

We trust that an adequate explanation and justification have been provided for the relief being requested.

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

- One (1) completed and signed copy of the Minor Variance Application Form;
- One (1) copy of the Survey;
- One (1) copy of the Site Plan prepared by Arcadis;
- One (1) copy of Floor Plan Drawings;

Payment in the amount \$3,900 to the City of Hamilton will be provided via hand-delivered cheque.

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



Macarena Rojas CPT
Planning Technician

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

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
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
