



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Minor Variance**

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**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.:** HM/A-20:242

**APPLICANTS:** Martin Quarcoopome on behalf of the owner 415 Main Inc.

**SUBJECT PROPERTY:** Municipal address **415 Main St. W., Hamilton**

**ZONING BY-LAW:** Zoning By-law 05-200 & 6593, as Amended by By-law 17-240

**ZONING:** "C5, E298 (05-200) & H (6593) (Mixed Use Medium Density (05-200) & Community Shopping and Commercial, etc. (6593) district

**PROPOSAL:** To permit the construction of a multiple dwelling, notwithstanding that:

**VARIANCES TO HAMILTON ZONING BY-LAW 6593**

1. A maximum building height of 25.35 metres shall be permitted, instead of a maximum permitted building height of 17.0 metres.

**VARIANCES TO HAMILTON ZONING BY-LAW 05-200**

1. The finished floor elevation of any dwelling unit shall be 0.0 metres above grade, instead of the minimum requirement of 0.9 metres above grade.
2. A minimum 2.0 metre setback to a street line for a building with residential units on the ground floor facing a street shall be permitted, instead of the minimum requirement of 3.0 metres.
3. A maximum building height of 25.35 metres shall be permitted, instead of a maximum permitted building height of 22.0 metres.
4. Where a wall, column or any other obstruction is located abutting or within any parking space, within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.0 metres, instead of the requirement that the minimum width of a parking space shall be increased by 0.3 metres.
5. Forty (40) parking spaces shall be provided instead of the minimum required seventy-six (76) parking spaces.
6. Forty (40) parking spaces shall be provided instead of the minimum required seventy-six (72) parking spaces.
7. Two (2) barrier free parking spaces shall be provided instead of the minimum required four (4) barrier parking spaces.
8. Two (2) barrier free parking spaces shall be provided instead of the minimum required three (3) barrier parking spaces.

NOTE:

1. Be advised that Amending By-law No. 17-240 was passed on November 8, 2017 which changed the zoning of this property from "H" (Community Shopping and Commercial) under Hamilton Zoning By-law No. 6593 to C5, E298 (Mixed Use Medium Density) under Hamilton Zoning By-law No. 05-200. However, there are portions of Amending By-law No. 17-240 which are still under appeal to the Local Appeal Planning Tribunal (LPAT); therefore, it is not yet final. As such, the proposed development is reviewed under the regulations contained within Hamilton Zoning By-law 05-200, except where portions of these regulations are still under appeal by By-law No. 17-240 both the existing and proposed Zoning By-law regulations will be examined with the more restrictive zoning regulation being applied. An exception to this policy is for Building Permits, which are reviewed under the former existing Zoning By-law regulation until such time that Amending By-law No. 17-240 comes fully into force. Once By-law No. 17-240 is approved in its entirety by the Local Appeal Planning Tribunal (LPAT), the zoning and regulations under this By-law will be applicable
2. The plans provided show a 1.8m high fence along the southerly lot line. However, no details have been provided to confirm that the fence will satisfy the requirement for a visual barrier. It should be noted that a chain link fence is not considered a visual barrier. Additional variances may be required if compliance with Section 4.19 is not possible.

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

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**DATE:** Thursday, December 3rd, 2020  
**TIME:** 3:35 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
**To be streamed at** [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
**for viewing purposes only**

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## 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, including deadlines for submitting to be seen by the Committee.

**Orally:** If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

## MORE INFORMATION

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: November 17th, 2020.

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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.***





Context Plan

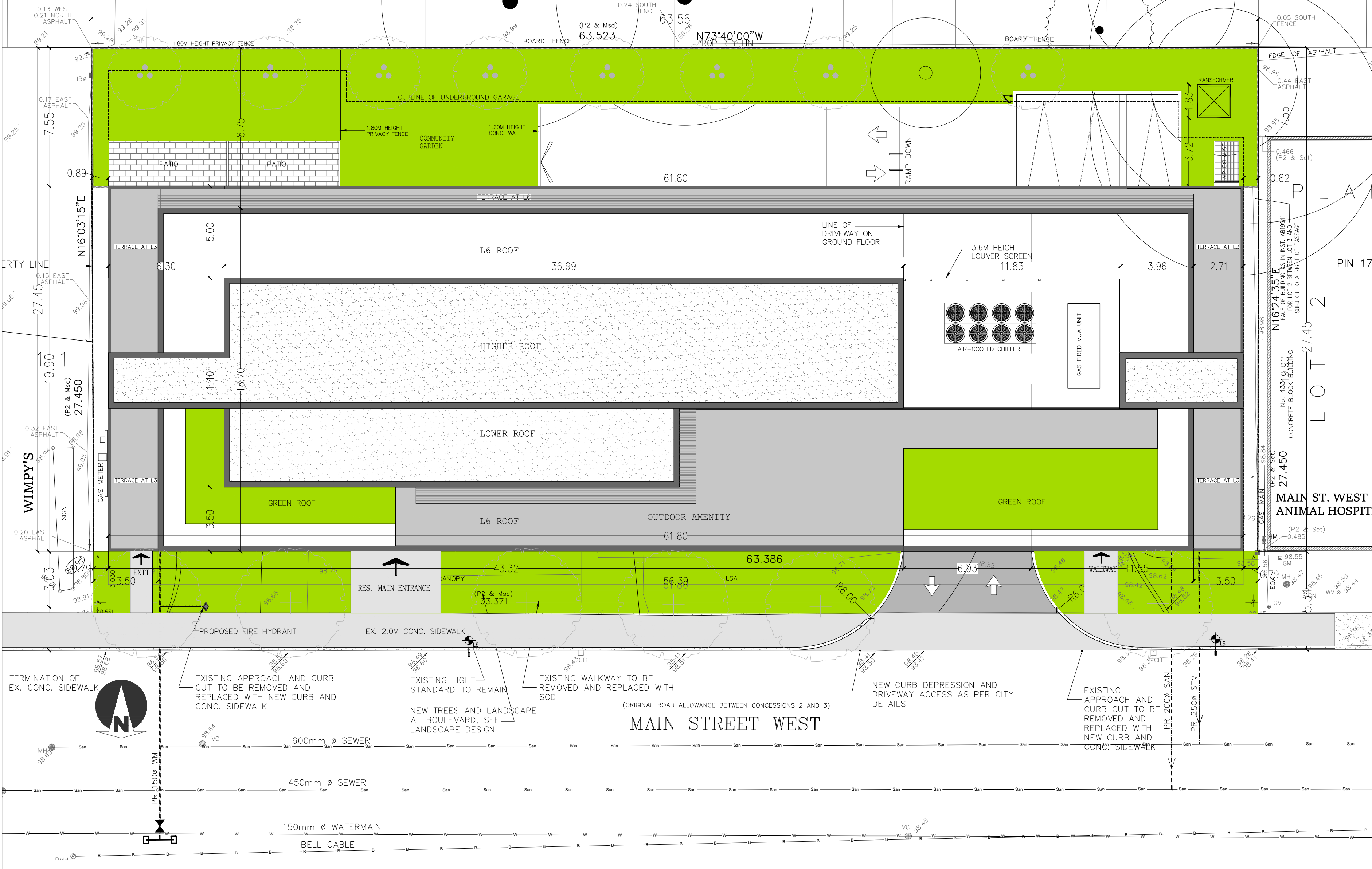
**Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

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Do not scale the drawings.  
This Drawing Is Not To Be Used For Construction Until Signed By The Architect.  
Date:

**K  
U  
A**

KIRSHENBLATT URBAN ARCHITECTURE  
20 De Beers Dr. Suite 516  
Toronto, ON M5J 0H1



No.:	Revision:	Date:
6	Issued for C.O.A	Oct 28, 20
5	Revised & Issued for SPA & Zoning	Oct 14, 20
4	Issued for discussion	July 1, 20
3	Issued for S.P.A	April 20, 20
2	Issued for DRP	Feb 10, 20
1	Issued for Coordination	Jan 30, 20

No.	Issued For:	Date:

**Site Plan**

**6 Storey Condominium  
415 Main St. West  
Hamilton**

Project: 6 Storey Condominium  
415 Main St. West  
Hamilton

Scale: 1:150

Drawn by: A.G

Checked by: S.K

Project No.: 20205

Date: Jan 2020

Drawing No.: **A101**



**SITE STATIC:**  
 LOT AREA: 1742.3M<sup>2</sup> (18,754 SQ.FT)  
 PROPOSED U.G GARAGE: 1530M<sup>2</sup>(16,468 SQ.FT)  
 PROPOSED G.F.A:  
 GROUND FLOOR: 637M<sup>2</sup> (6,857 SQ.FT)  
 MEZZANINE LEVEL: 670M<sup>2</sup> (7,212 SQ.FT)  
 LEVEL 2: 1132M<sup>2</sup>(12,185 SQ.FT)  
 LEVEL 3: 1080M<sup>2</sup>(11,625 SQ.FT)  
 LEVEL 4: 1080M<sup>2</sup>(11,625 SQ.FT)  
 LEVEL 5: 1080M<sup>2</sup>(11,625 SQ.FT)  
 LEVEL 6: 1042M<sup>2</sup>(11,216 SQ.FT)  
 M.P.H: 390M<sup>2</sup>(4,198 SQ.FT)

TOTAL PROPOSED G.F.A: 7,111M<sup>2</sup>(76,542 SQ.FT)

LOT COVERAGE:1230M<sup>2</sup>(70.5%)

**LANDSCAPED AREA:**  
 PROPOSED LANDSCAPED OPEN SPACE AREA:303M<sup>2</sup>(17%)  
 PROPOSED DRIVEWAY,RAMP, EXITS& WALKWAY:209.3M<sup>2</sup>(12.5%)

**UNIT COUNT BASED ON AREA:**  
 UNITS>50M<sup>2</sup>: 56 UNITS  
 UNITS<50M<sup>2</sup>: 55 UNITS  
 TOTAL NO OF UNITS:111

**PARKING CALCULATION:**  
 REQUIRED RESIDENTIAL PARKING  
 UNITS>50M<sup>2</sup> 56X1=56  
 UNITS<50M<sup>2</sup> 55X0.3=16

TOTAL REQUIRED PARKING: 72

PROPOSED NUMBER OF PARKING:  
 RESIDENCES: 40  
 INC. 1 CAR SHARE & 2 ACCESSIBLE  
 TOTAL PROPOSED PARKING: 40

**BICYCLE PARKING REQUIRED:**  
 RESIDENTIAL LONG TERM: 0.5 PER UNIT  
 RESIDENTIAL SHORT TERM: 5  
 COMMERCIAL LESS THAN 450M<sup>2</sup> :0

RESIDENTIAL LONG TERM: 0.5X111=55  
 RESIDENTIAL SHORT TERM: 5

PROPOSED BICYCLE PARKING  
 RESIDENTIAL LONG TERM: 72  
 RESIDENTIAL SHORT TERM: 22

**AMENITY SPACE CALCULATION:**  
 UNITS LESS THAN 50M<sup>2</sup> 4.0M<sup>2</sup>/UNIT  
 UNITS MORE THAN 50M<sup>2</sup> 6.0M<sup>2</sup>/UNIT

REQUIRED AMENITY SPACE:  
 56X6.0=336M<sup>2</sup>  
 55X4.0=220M<sup>2</sup>  
 TOTAL REQUIRED AMENITY SPACE: 556M<sup>2</sup>

PROPOSED AMENITY SPACE:  
 GROUND FLOOR: 35M<sup>2</sup> INDOOR-LOBBY  
 36.3M<sup>2</sup> OUTDOOR-PATIO,GARDEN & SOFT LANDSCAPE

MEZZANINE: 45M<sup>2</sup> OUTDOOR-BACONY  
 LEVEL 2: 88M<sup>2</sup> OUTDOOR-BALCONY  
 LEVEL 3: 143M<sup>2</sup> OUTDOOR-BALCONY& TERRACE  
 LEVEL 4: 50M<sup>2</sup> OUTDOOR-BALCONY  
 LEVEL 5: 50M<sup>2</sup> OUTDOOR-BALCONY  
 LEVEL 6: 83M<sup>2</sup> OUTDOOR-BALCONY& TERRACE  
 M.P.H: 138M<sup>2</sup> INDOOR-GYM & SOCIAL RM.  
 310M<sup>2</sup> OUTDOOR-PATIO& LANDSCAPE

TOTAL PROPOSED INDOOR AMENITY: 173M<sup>2</sup>  
 TOTAL PROPOSED OUTDOOR AMENITY:1132M<sup>2</sup>  
 TOTAL PROPOSED AMENITIES: 1305M<sup>2</sup>

FLOOR	BACHELOR	1 BEDROOM	2 BEDROOM	TOTAL
GROUND	-	6	1	7
MEZZANINE	-	9	-	9
LEVEL 2	-	16	3	19
LEVEL 3	4	13	2	19
LEVEL 4	4	13	2	19
LEVEL 5	4	13	2	19
LEVEL 6	4	13	2	19
	16	83	12	111

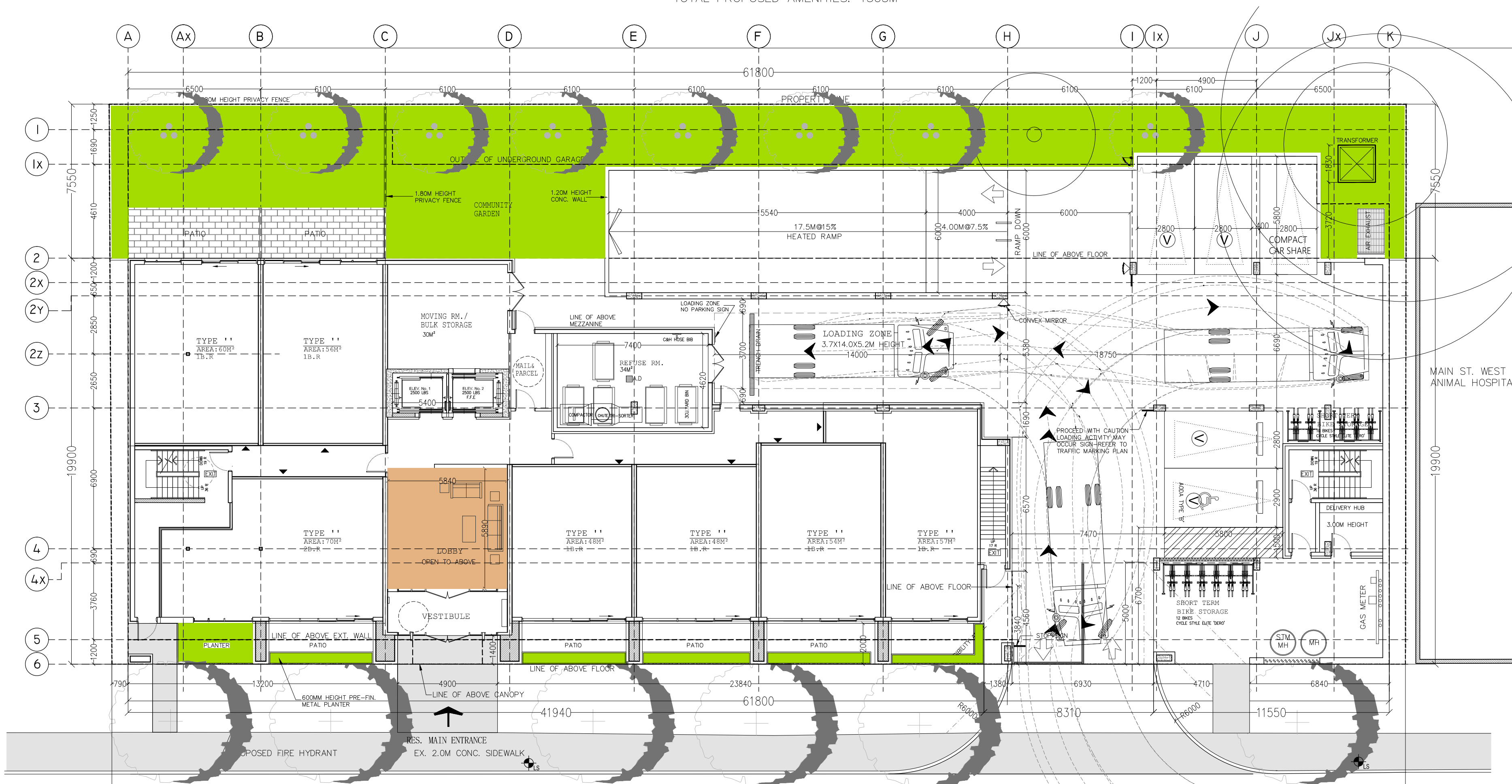
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**K  
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KIRSHENBLATT URBAN  
 ARCHITECTURE  
 20 De Boers Dr., Suite 516  
 Toronto, ON M3J 0H1



**GROUND FLOOR PLAN**

AREA: 637M<sup>2</sup> (6,857 SQ.FT)  
 COMMON AREA: AREA: 230M<sup>2</sup> (2,476 SQ.FT)

- Res. Amenity area
- Soft&Hard surface landscaping
- Walkway/SIDEWALK

UNITS>50M<sup>2</sup>: 5 UNITS  
 UNITS<50M<sup>2</sup>: 2 UNITS  
 TOTAL: 7 UNITS

No.: Revision: Date:

- |   |                                  |              |
|---|----------------------------------|--------------|
| 6 | Issued for C.O.A                 | Oct 28, 20   |
| 5 | Revised & Issued for SPA& Zoning | Oct 14, 20   |
| 4 | Issued for discussion            | July 1, 20   |
| 3 | Issued for S.P.A                 | April 20, 20 |
| 2 | Issued for DRP                   | Feb 10, 20   |
| 1 | Issued for Coordination          | Jan 30, 20   |

No. Issued For: Date:  
 Drawing Title:

**Ground Floor Plan**

**6 Storey Condominium  
 415 Main St. West  
 Hamilton**

Project:

Scale: 1:150

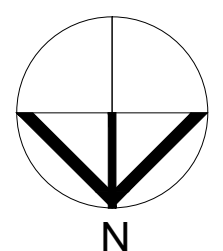
Drawn by: A.G

Checked by: S.K

Project No.: 20205

Date: Jan 2020

Drawing No.:



**A201**



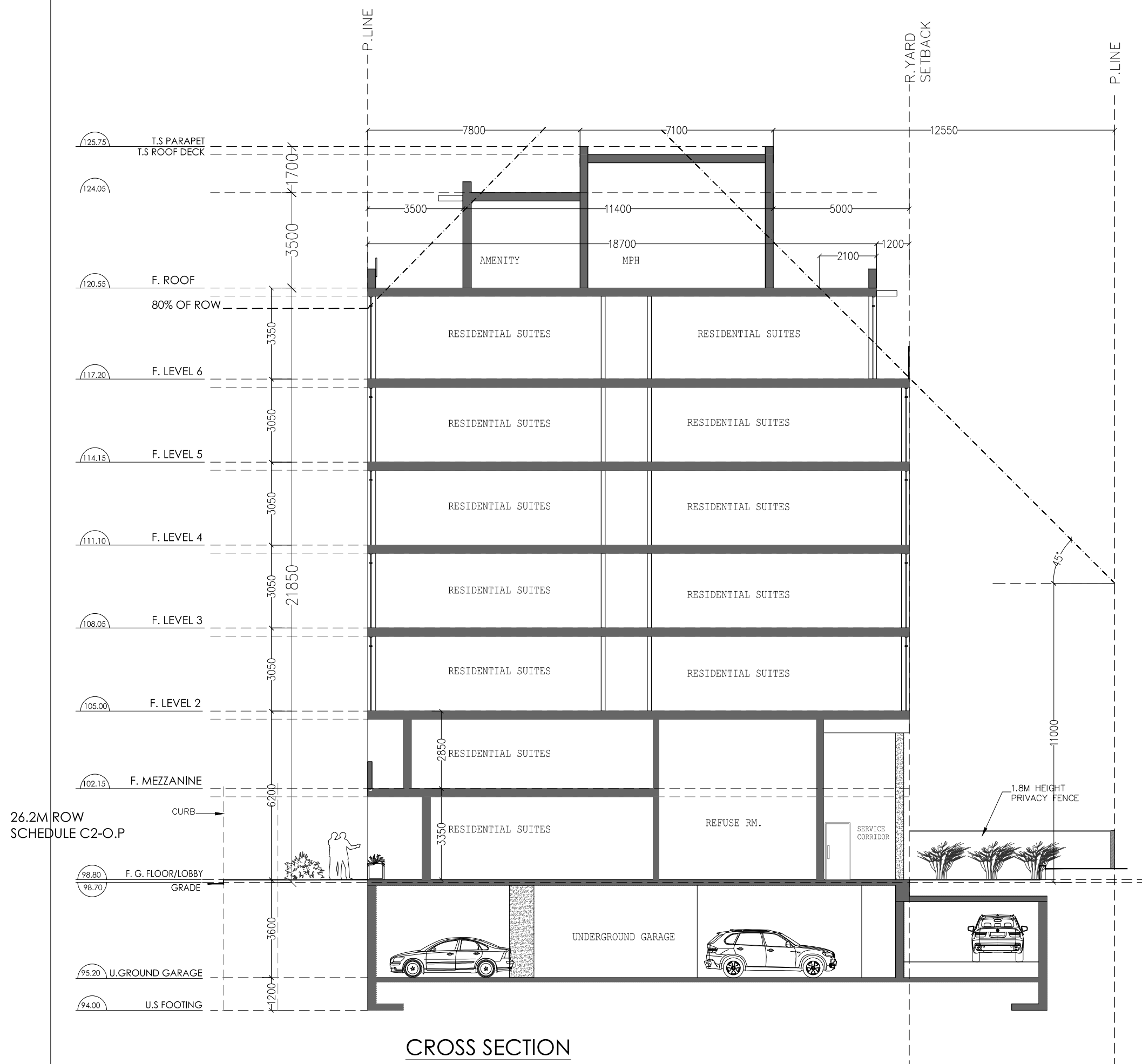
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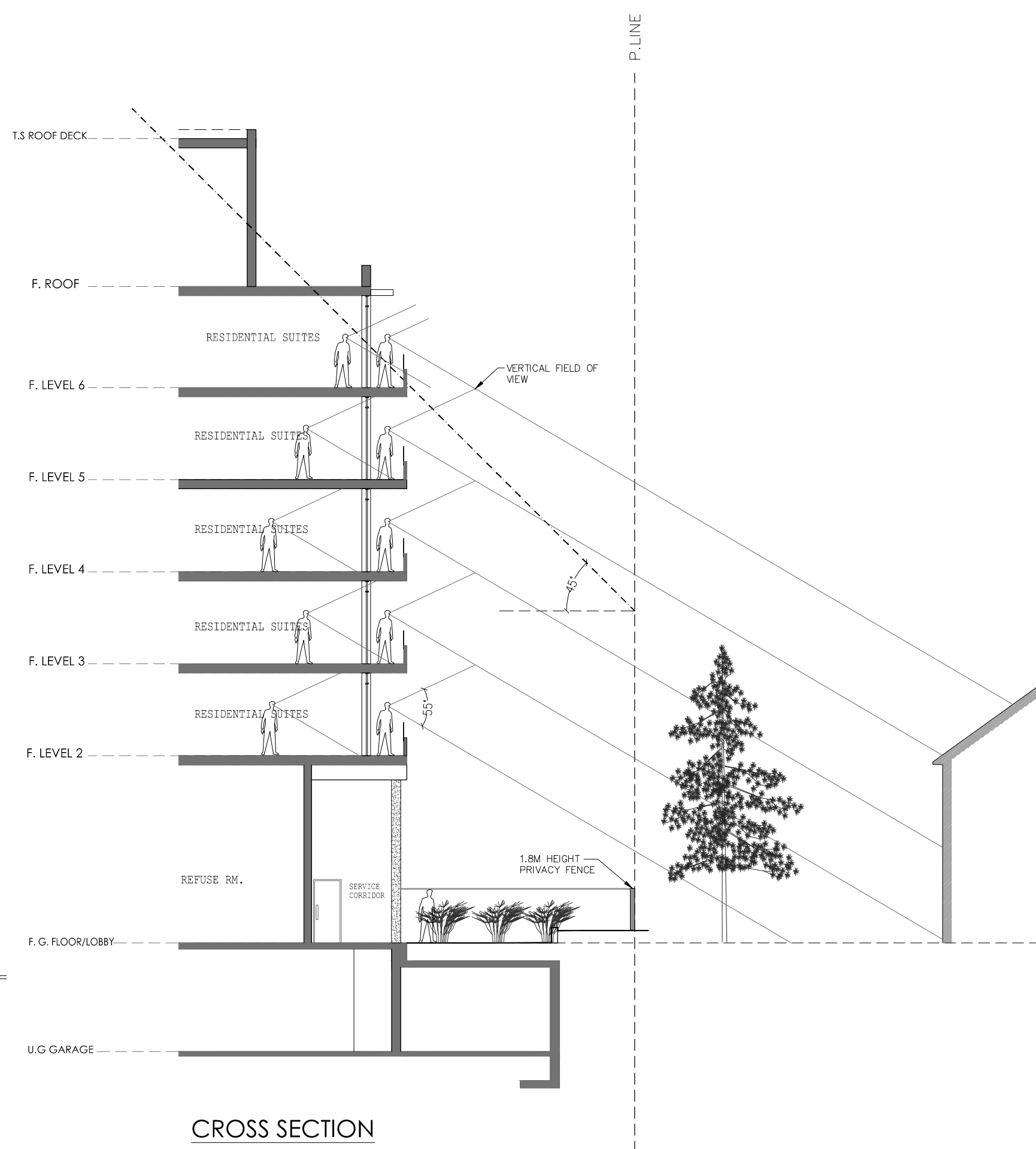
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CROSS SECTION



CROSS SECTION

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Drawing Title:

Section

**6 Storey Condominium**  
**415 Main St. West**  
**Hamilton**

Project:

Scale: 1:150

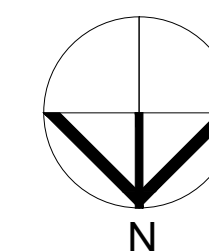
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Checked by: S.K

Project No.: 20205

Date: Jan 2020

Drawing No.:

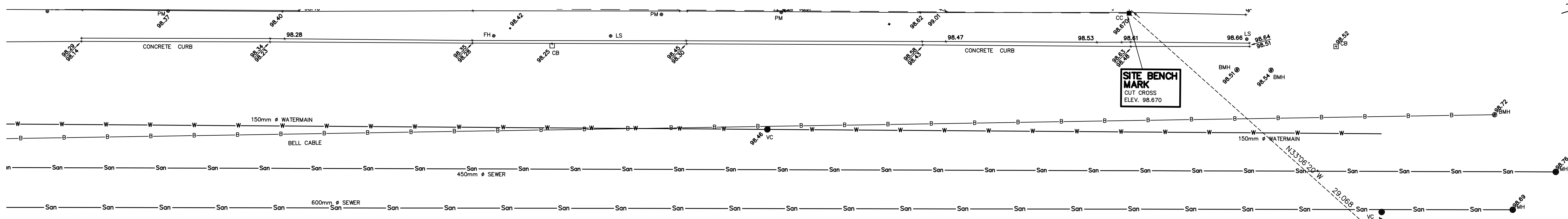
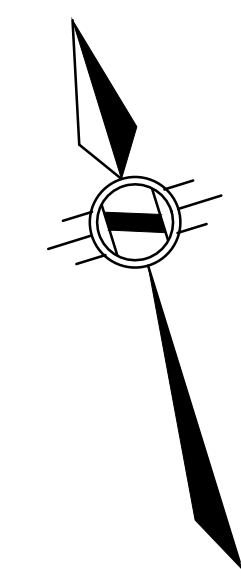


**A451**

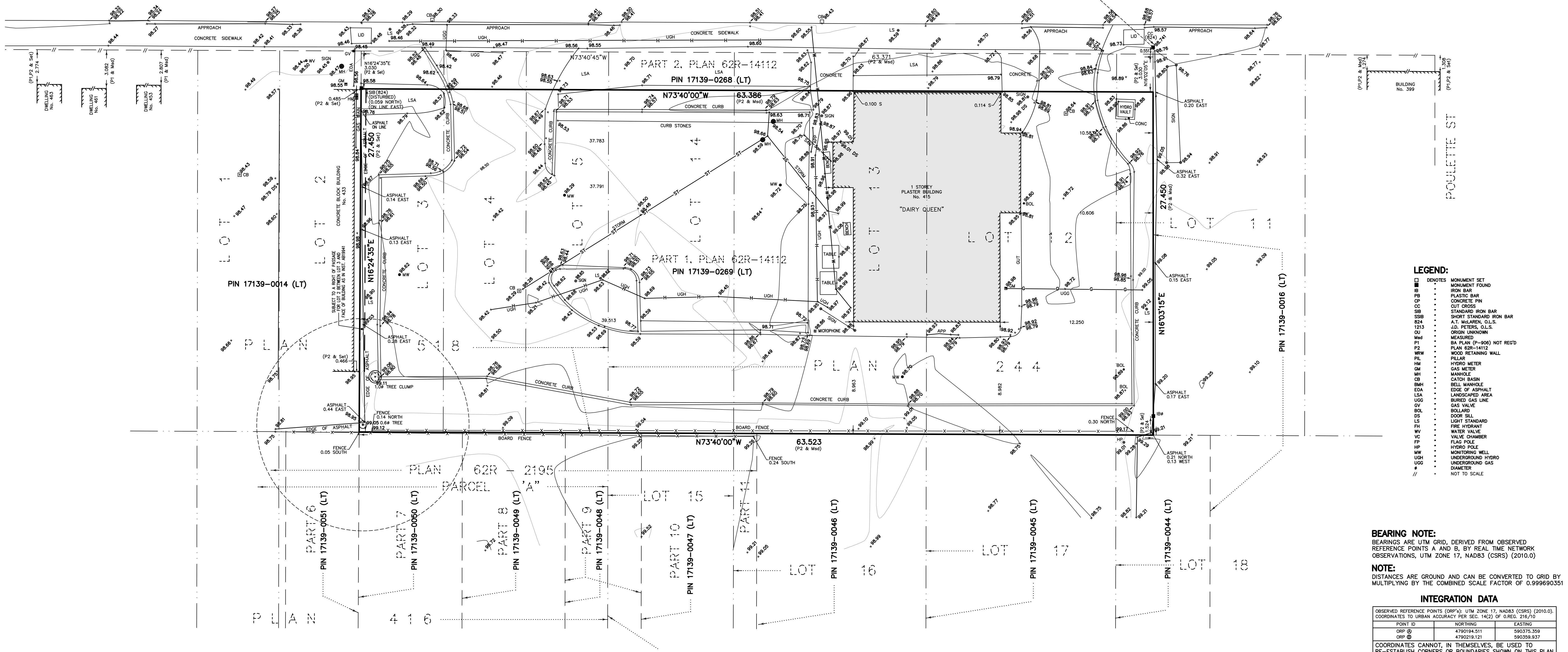
TOPOGRAPHIC SURVEY  
OF PART OF  
**LOTS 3, 4 & 5**  
REGISTERED PLAN 518  
AND PART OF  
**LOTS 11, 12, 13 & 14**  
REGISTERED PLAN 244  
IN THE  
**CITY OF HAMILTON**

SCALE 1:150 METRIC  
0 1.5 3 6 9 metres

S.D. McLAREN, O.L.S. - 2019



**MAIN STREET WEST**  
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 2 AND 3)



- LEGEND:**
- DENOTES MONUMENT SET
  - MONUMENT FOUND
  - IB IRON BAR
  - PE PLASTIC BAR
  - CP CONCRETE PIN
  - CC CUT CROSS
  - SB STANDARD IRON BAR
  - SSB SHORT STANDARD IRON BAR
  - S24 A.T. McLAREN, O.L.S.
  - 1213 J.D. PETERS, O.L.S.
  - CU ORIGIN UNKNOWN
  - MEASD MEASURED
  - BA PLAN (P-2050) NOT RECD
  - P2 PLAN 62R-14112
  - WRW WOOD RETAINING WALL
  - PK PILLAR
  - HM HYDRO METER
  - GM GAS METER
  - MH MANHOLE
  - CB CATCH BASIN
  - BMH BELL MANHOLE
  - EOA EDGE OF ASPHALT
  - LSA LANDSCAPED AREA
  - UGG BURIED GAS LINE
  - GV GAS VALVE
  - BOB BOLLARD
  - DS DOOR SILL
  - LS LIGHT STANDARD
  - FH FIRE HYDRANT
  - WV WATER VALVE
  - VC VALVE CHAMBER
  - FP FLAG POLE
  - HP HYDRO POLE
  - MW MONITORING WELL
  - UGH UNDERGROUND HYDRO
  - UGG UNDERGROUND GAS
  - D DIAMETER
  - # NOT TO SCALE

**BEARING NOTE:**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

**NOTE:**  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999690351

**INTEGRATION DATA**

POINT ID	NORTHING	EASTING
ORP @	4790194.511	590375.359
ORP @	4790219.121	590359.837

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

**BENCH MARK NOTE:**  
Elevations shown on this plan are geodetic and are referred to Bench Mark No. 65U-649  
City of Hamilton bench mark, House No. 34 Queen Street South, at southwest corner of intersection of George Street, plate in north brick wall at northeast corner.  
Elevation - 112.30 metres CGVD-1928

**NOTE:**  
UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION  
INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION

**METRIC NOTE**  
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**SURVEYOR'S CERTIFICATE:**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 16th DAY OF AUGUST, 2019  
AUGUST 28, 2019  
DATE  
S. DAN McLAREN, O.L.S.

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**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS  
69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn	Checked	Crew Chief	Scale	Dwg No.
MB	RAM	MWP	1:150	36073-1





Context Plan

**Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

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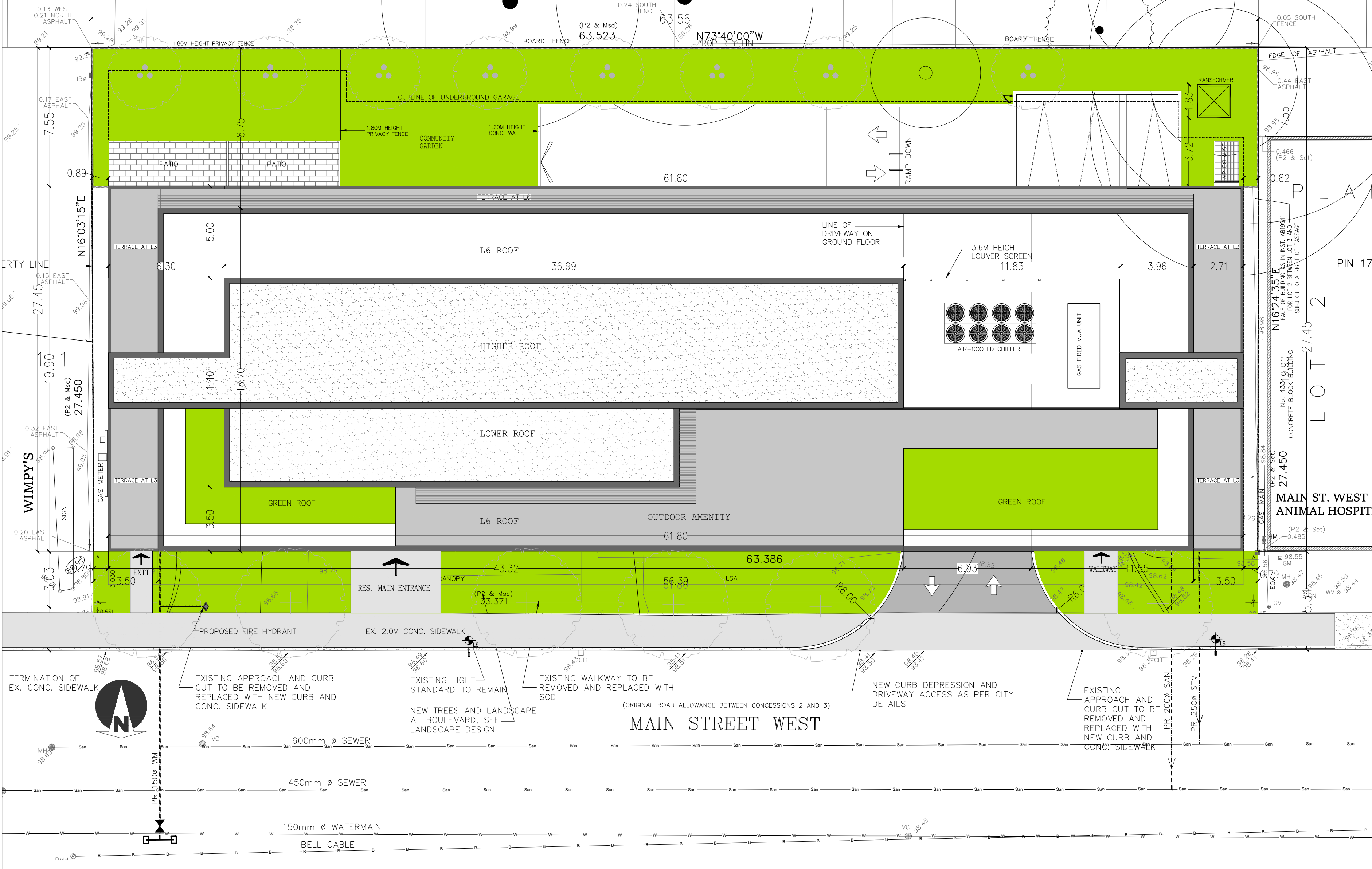
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**Site Plan**

**6 Storey Condominium  
415 Main St. West  
Hamilton**

Project:

Scale: 1:150

Drawn by: A.G

Checked by: S.K

Project No.: 20205

Date: Jan 2020

Drawing No.: **A101**





**Proposed Condominium  
415 Main St. West  
Hamilton**

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Drawing Title:

Perspective

**6 Storey Condominium  
415 Main St. West  
Hamilton**

Project:

1:150

Scale:

A.G

Drawn by:

S.K

Checked by:

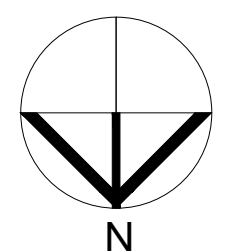
20205

Project No.:

Jan 2020

Date:

Drawing No.:



**A100**



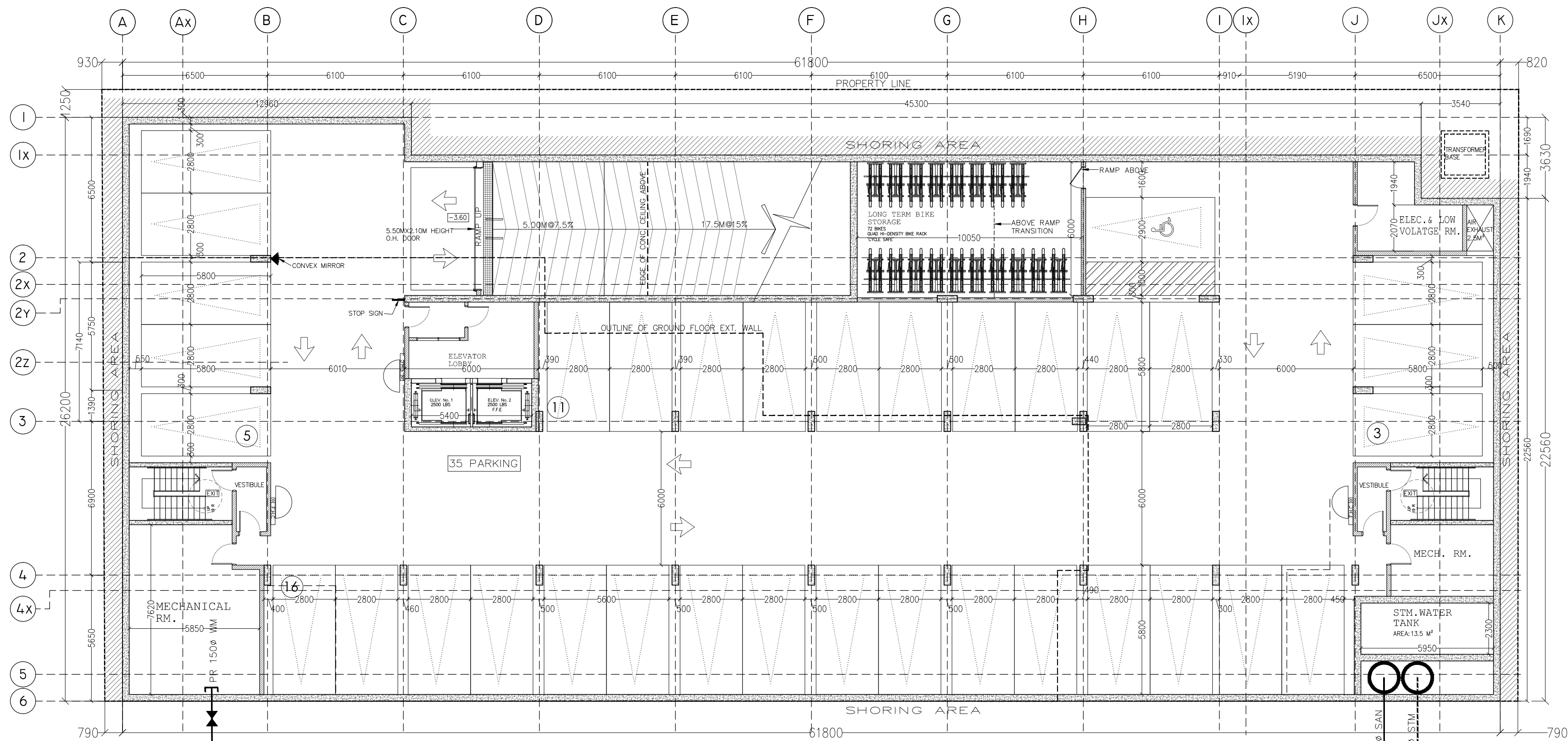
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**UNDERGROUND GARAGE**

AREA: 1530M<sup>2</sup> (16,468 SQ.FT)

No.: Revision: Date:

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No. Issued For: Date:

Drawing Title:

**Underground Level**

**6 Storey Condominium  
415 Main St. West  
Hamilton**

Project:

1:150

Scale:

A.G

Drawn by:

S.K

Checked by:

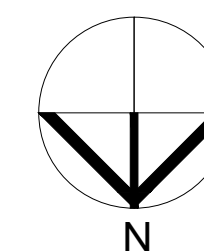
20205

Project No.:

Jan 2020

Date:

Drawing No.:



**A151**

**SITE STATIC:**  
 LOT AREA: 1742.3M<sup>2</sup> (18,754 SQ.FT)  
 PROPOSED U.G GARAGE: 1530M<sup>2</sup>(16,468 SQ.FT)  
 PROPOSED G.F.A:  
 GROUND FLOOR: 637M<sup>2</sup> (6,857 SQ.FT)  
 MEZZANINE LEVEL: 670M<sup>2</sup> (7,212 SQ.FT)  
 LEVEL 2: 1132M<sup>2</sup>(12,185 SQ.FT)  
 LEVEL 3: 1080M<sup>2</sup>(11,625 SQ.FT)  
 LEVEL 4: 1080M<sup>2</sup>(11,625 SQ.FT)  
 LEVEL 5: 1080M<sup>2</sup>(11,625 SQ.FT)  
 LEVEL 6: 1042M<sup>2</sup>(11,216 SQ.FT)  
 M.P.H: 390M<sup>2</sup>(4,198 SQ.FT)

TOTAL PROPOSED G.F.A: 7,111M<sup>2</sup>(76,542 SQ.FT)

LOT COVERAGE:1230M<sup>2</sup>(70.5%)

**LANDSCAPED AREA:**  
 PROPOSED LANDSCAPED OPEN SPACE AREA:303M<sup>2</sup>(17%)  
 PROPOSED DRIVEWAY,RAMP, EXITS& WALKWAY:209.3M<sup>2</sup>(12.5%)

**UNIT COUNT BASED ON AREA:**  
 UNITS>50M<sup>2</sup>: 56 UNITS  
 UNITS<50M<sup>2</sup>: 55 UNITS  
 TOTAL NO OF UNITS:111

**PARKING CALCULATION:**  
 REQUIRED RESIDENTIAL PARKING  
 UNITS>50M<sup>2</sup> 56X1=56  
 UNITS<50M<sup>2</sup> 55X0.3=16

TOTAL REQUIRED PARKING: 72

PROPOSED NUMBER OF PARKING:  
 RESIDENCES: 40  
 INC. 1 CAR SHARE & 2 ACCESSIBLE  
 TOTAL PROPOSED PARKING: 40

**BICYCLE PARKING REQUIRED:**  
 RESIDENTIAL LONG TERM: 0.5 PER UNIT  
 RESIDENTIAL SHORT TERM: 5  
 COMMERCIAL LESS THAN 450M<sup>2</sup> :0

RESIDENTIAL LONG TERM: 0.5X111=55  
 RESIDENTIAL SHORT TERM: 5

PROPOSED BICYCLE PARKING  
 RESIDENTIAL LONG TERM: 72  
 RESIDENTIAL SHORT TERM: 22

**AMENITY SPACE CALCULATION:**  
 UNITS LESS THAN 50M<sup>2</sup> 4.0M<sup>2</sup>/UNIT  
 UNITS MORE THAN 50M<sup>2</sup> 6.0M<sup>2</sup>/UNIT

REQUIRED AMENITY SPACE:  
 56X6.0=336M<sup>2</sup>  
 55X4.0=220M<sup>2</sup>  
 TOTAL REQUIRED AMENITY SPACE: 556M<sup>2</sup>

PROPOSED AMENITY SPACE:  
 GROUND FLOOR: 35M<sup>2</sup> INDOOR-LOBBY  
 36.3M<sup>2</sup> OUTDOOR-PATIO,GARDEN & SOFT LANDSCAPE  
 MEZZANINE: 45M<sup>2</sup> OUTDOOR-BACONY  
 LEVEL 2: 88M<sup>2</sup> OUTDOOR-BALCONY  
 LEVEL 3: 143M<sup>2</sup> OUTDOOR-BALCONY& TERRACE  
 LEVEL 4: 50M<sup>2</sup> OUTDOOR-BALCONY  
 LEVEL 5: 50M<sup>2</sup> OUTDOOR-BALCONY  
 LEVEL 6: 83M<sup>2</sup> OUTDOOR-BALCONY& TERRACE  
 M.P.H: 138M<sup>2</sup> INDOOR-GYM & SOCIAL RM.  
 310M<sup>2</sup> OUTDOOR-PATIO& LANDSCAPE

TOTAL PROPOSED INDOOR AMENITY: 173M<sup>2</sup>  
 TOTAL PROPOSED OUTDOOR AMENITY:1132M<sup>2</sup>  
 TOTAL PROPOSED AMENITIES: 1305M<sup>2</sup>

**UNIT MATRIX:**

FLOOR	BACHELOR	1 BEDROOM	2 BEDROOM	TOTAL
GROUND	-	6	1	7
MEZZANINE	-	9	-	9
LEVEL 2	-	16	3	19
LEVEL 3	4	13	2	19
LEVEL 4	4	13	2	19
LEVEL 5	4	13	2	19
LEVEL 6	4	13	2	19
	16	83	12	111

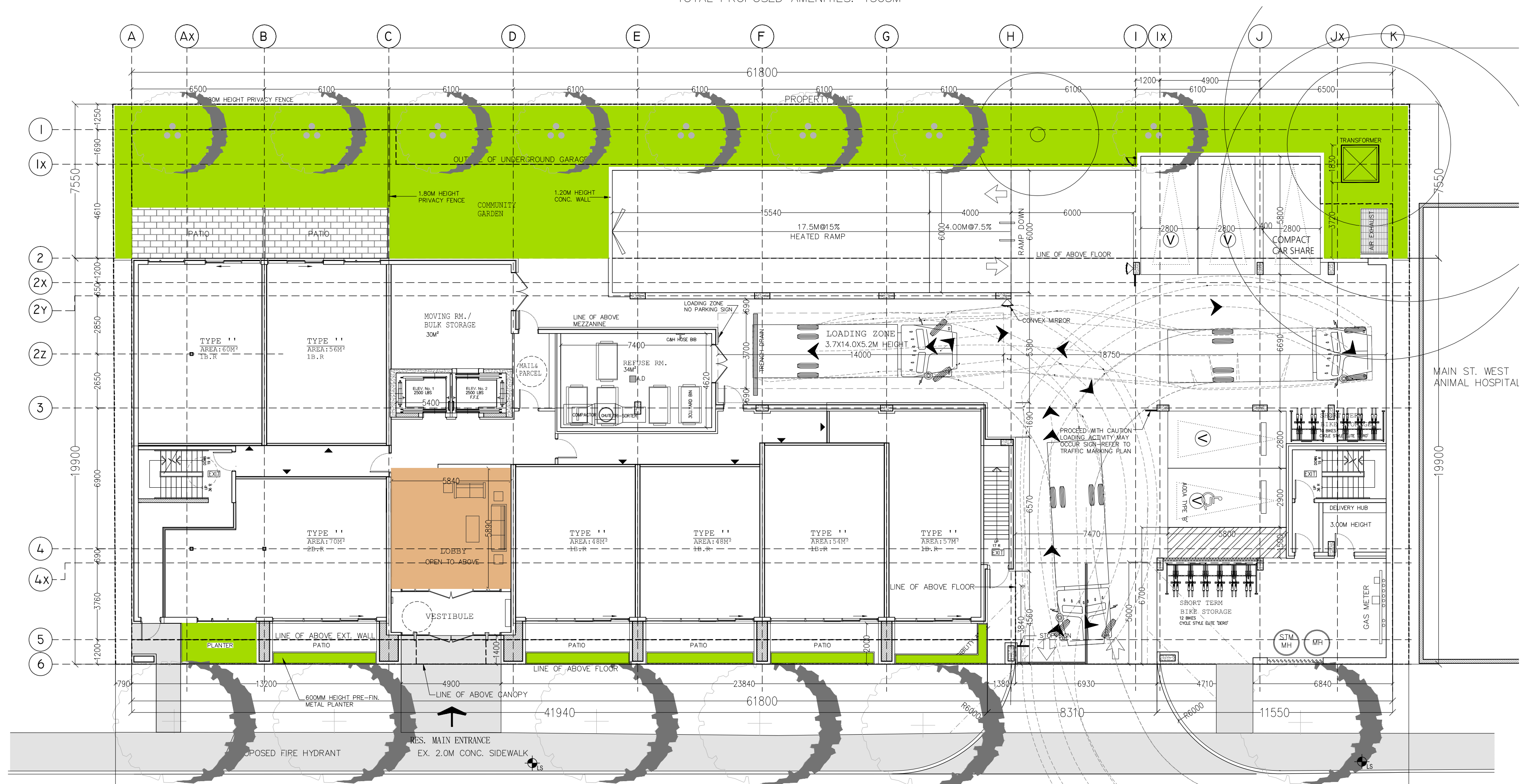
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 ARCHITECTURE  
 20 De Boers Dr., Suite 516  
 Toronto, ON M3J 0H1



**GROUND FLOOR PLAN**

AREA: 637M<sup>2</sup> (6,857 SQ.FT)  
 COMMON AREA: AREA: 230M<sup>2</sup> (2,476 SQ.FT)

- Res. Amenity area
- Soft&Hard surface landscaping
- Walkway/SIDEWALK

UNITS>50M<sup>2</sup>: 5 UNITS  
 UNITS<50M<sup>2</sup>: 2 UNITS  
 TOTAL: 7 UNITS

No.: Revision: Date:

- |   |                                  |              |
|---|----------------------------------|--------------|
| 6 | Issued for C.O.A                 | Oct 28, 20   |
| 5 | Revised & Issued for SPA& Zoning | Oct 14, 20   |
| 4 | Issued for discussion            | July 1, 20   |
| 3 | Issued for S.P.A                 | April 20, 20 |
| 2 | Issued for DRP                   | Feb 10, 20   |
| 1 | Issued for Coordination          | Jan 30, 20   |

No. Issued For: Date:  
 Drawing Title:

**Ground Floor Plan**

**6 Storey Condominium**  
**415 Main St. West**  
**Hamilton**

Scale: 1:150

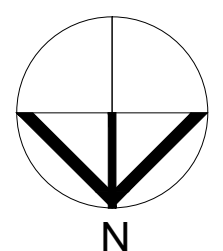
Drawn by: A.G

Checked by: S.K

Project No.: 20205

Date: Jan 2020

Drawing No.:



**A201**



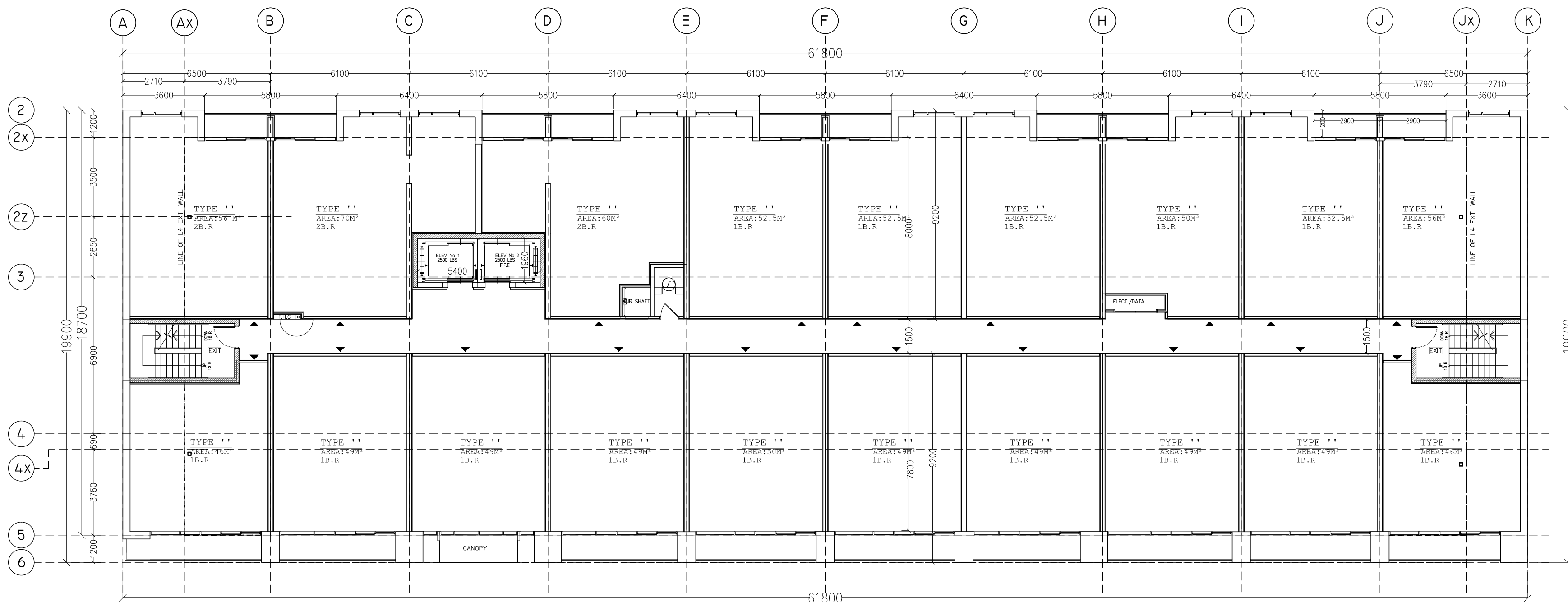
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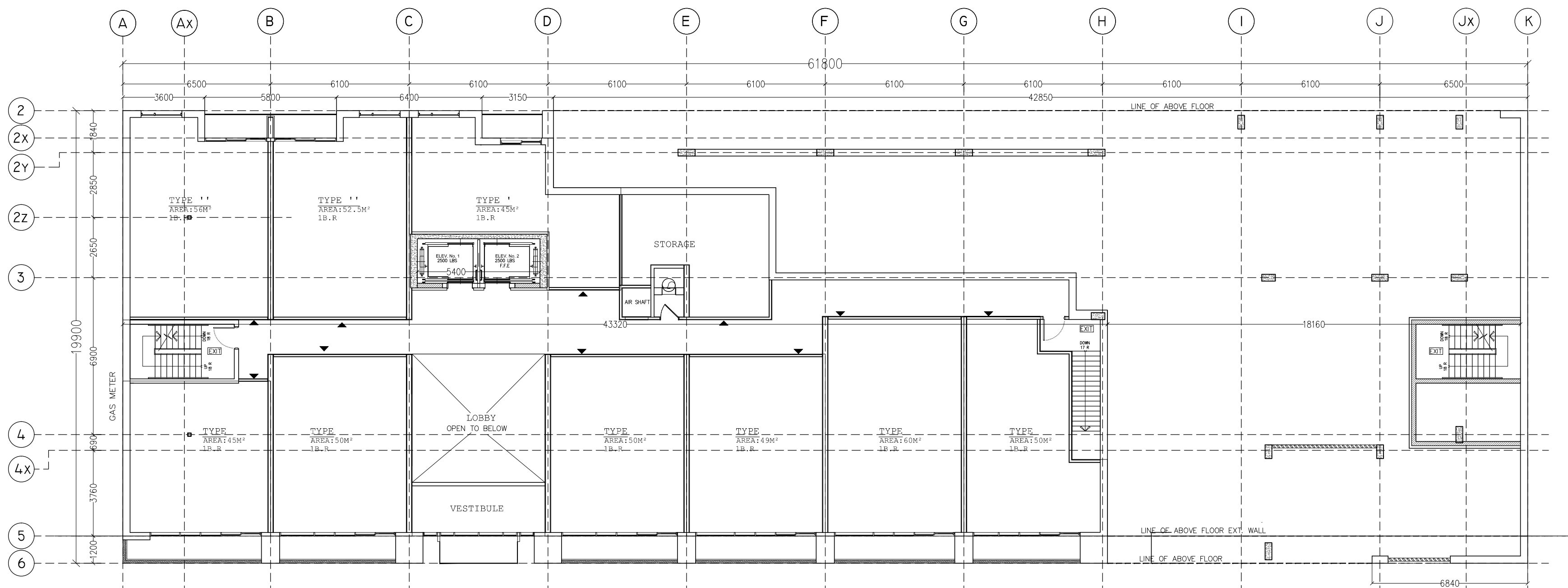
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ARCHITECTURE  
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Toronto, ON M3J 0H1



**LEVEL 2 FLOOR PLAN**

AREA: 1132M<sup>2</sup> (12,185 SQ.FT)  
COMMON AREA: AREA: 138M<sup>2</sup> (1485 SQ.FT)

UNITS > 50M<sup>2</sup>: 9 UNITS  
UNITS ≤ 50M<sup>2</sup>: 10 UNITS  
TOTAL: 19 UNITS



**MEZZANINE LEVEL**

AREA: 670M<sup>2</sup> (7,212 SQ.FT)  
COMMON AREA: AREA: 202M<sup>2</sup> (2,175 SQ.FT)

UNITS > 50M<sup>2</sup>: 3 UNITS  
UNITS ≤ 50M<sup>2</sup>: 6 UNITS  
TOTAL: 9 UNITS

No.: Revision: Date:

- |   |                                   |              |
|---|-----------------------------------|--------------|
| 6 | Issued for C.O.A                  | Oct 28, 20   |
| 5 | Revised & Issued for SPA & Zoning | Oct 14, 20   |
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| 3 | Issued for S.P.A                  | April 20, 20 |
| 2 | Issued for DRP                    | Feb 10, 20   |
| 1 | Issued for Coordination           | Jan 30, 20   |

No. Issued For: Date:  
Drawing Title:

**Floor Plan**

**6 Storey Condominium**  
**415 Main St. West**  
**Hamilton**

Project:

1:150 Scale:

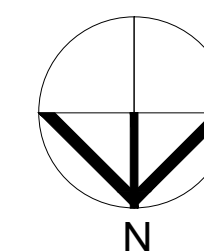
A.G Drawn by:

S.K Checked by:

20205 Project No.:

Jan 2020 Date:

Drawing No.:



**A202**

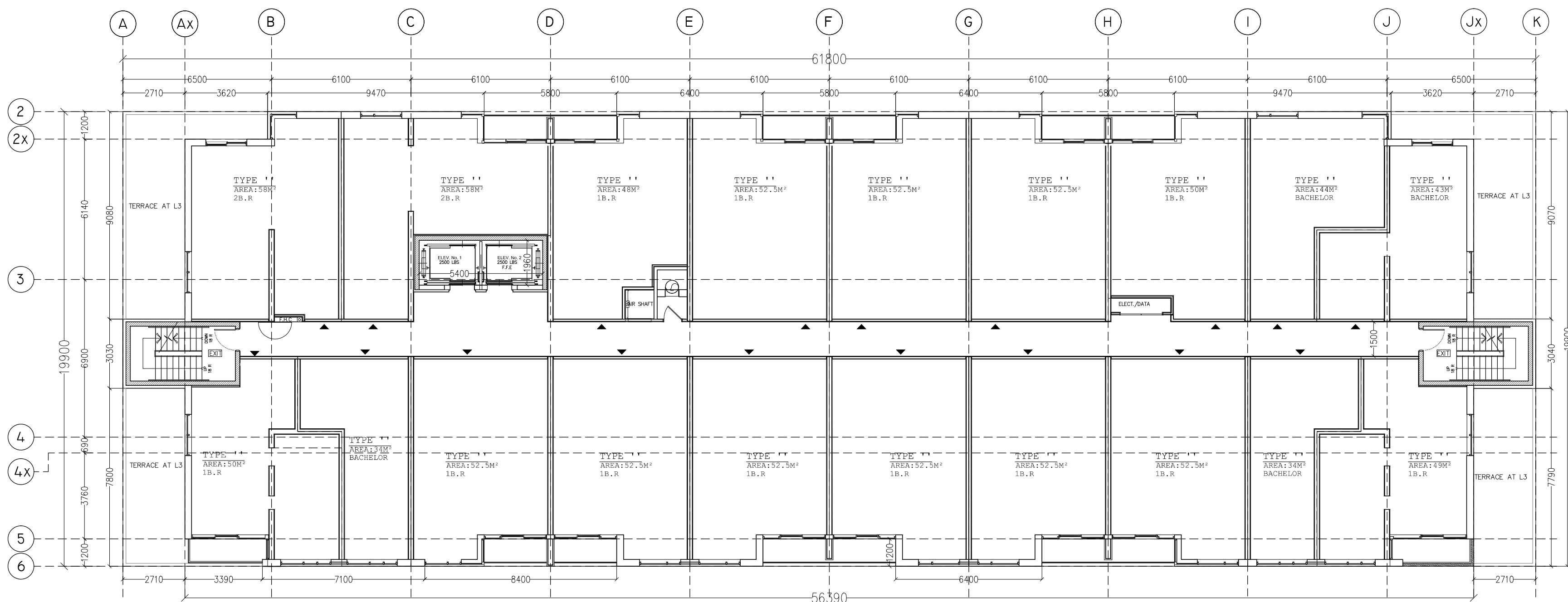
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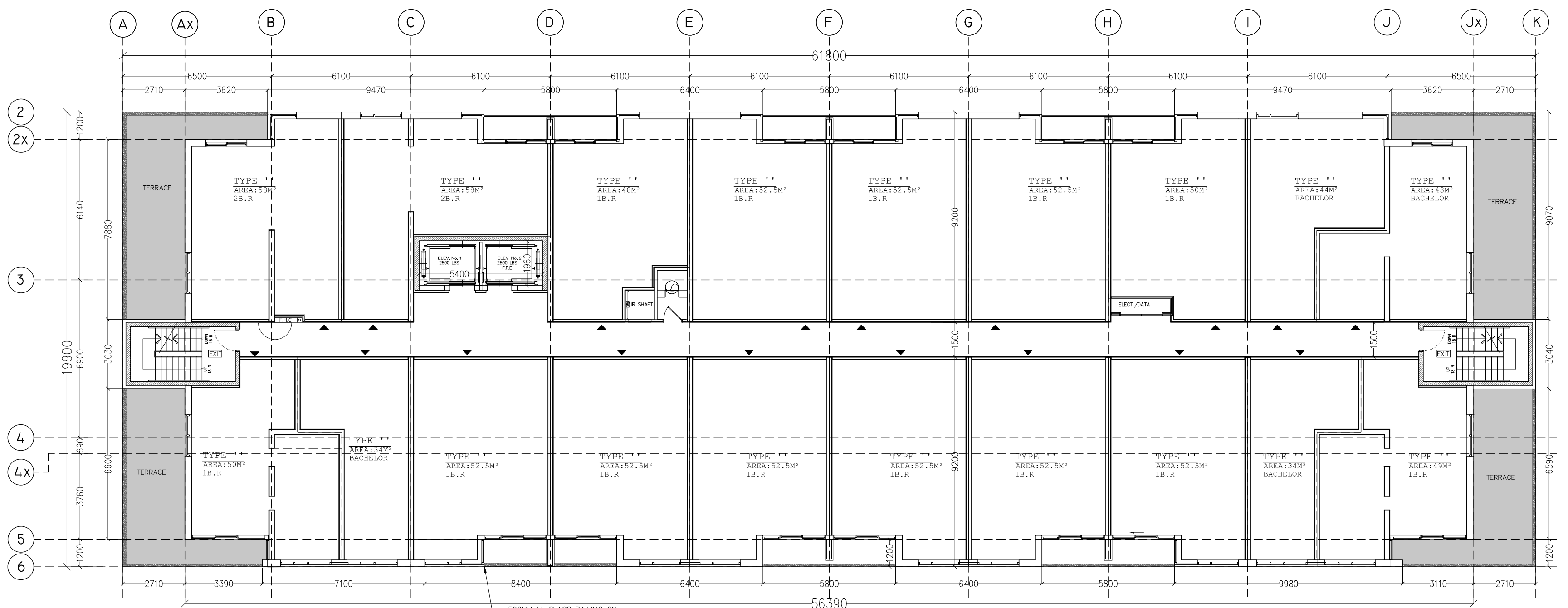
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Toronto, ON M3J 0H1



**LEVEL 4 FLOOR PLAN**

AREA: 1080M<sup>2</sup> (11,625 SQ.FT)  
COMMON AREA: AREA: 138M<sup>2</sup> (1485 SQ.FT)

UNITS > 50M<sup>2</sup>: 11 UNITS  
UNITS ≤ 50M<sup>2</sup>: 8 UNITS  
TOTAL: 19 UNITS



**LEVEL 3 FLOOR PLAN**

AREA: 1080M<sup>2</sup> (11,625 SQ.FT)  
COMMON AREA: AREA: 138M<sup>2</sup> (1485 SQ.FT)

UNITS > 50M<sup>2</sup>: 11 UNITS  
UNITS ≤ 50M<sup>2</sup>: 8 UNITS  
TOTAL: 19 UNITS

No.: Revision: Date:

- |   |                                   |              |
|---|-----------------------------------|--------------|
| 6 | Issued for C.O.A                  | Oct 28, 20   |
| 5 | Revised & Issued for SPA & Zoning | Oct 14, 20   |
| 4 | Issued for discussion             | July 1, 20   |
| 3 | Issued for S.P.A                  | April 20, 20 |
| 2 | Issued for DRP                    | Feb 10, 20   |
| 1 | Issued for Coordination           | Jan 30, 20   |

No. Issued For: Date:  
Drawing Title:

Floor Plan

**6 Storey Condominium**  
**415 Main St. West**  
**Hamilton** Project:

Scale: 1:150

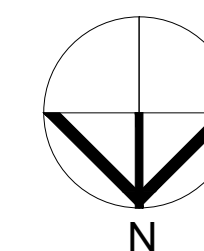
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Project No.: 20205

Date: Jan 2020

Drawing No.:



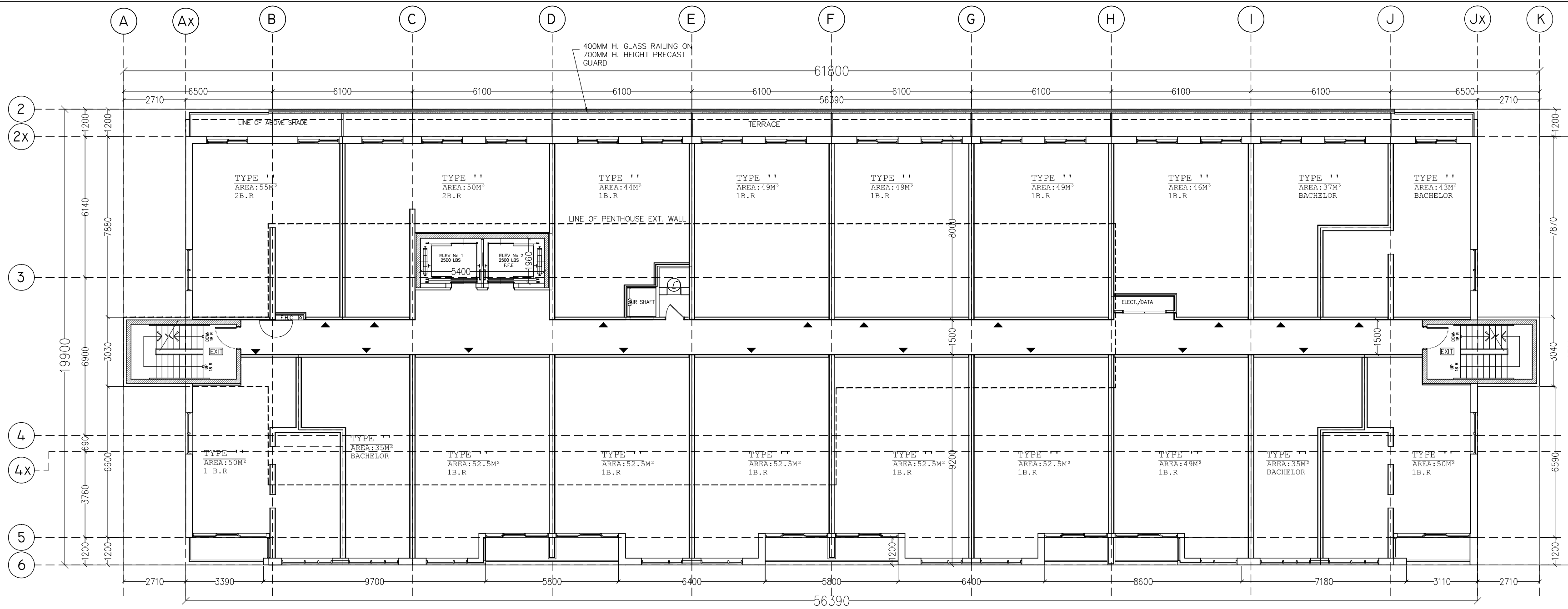
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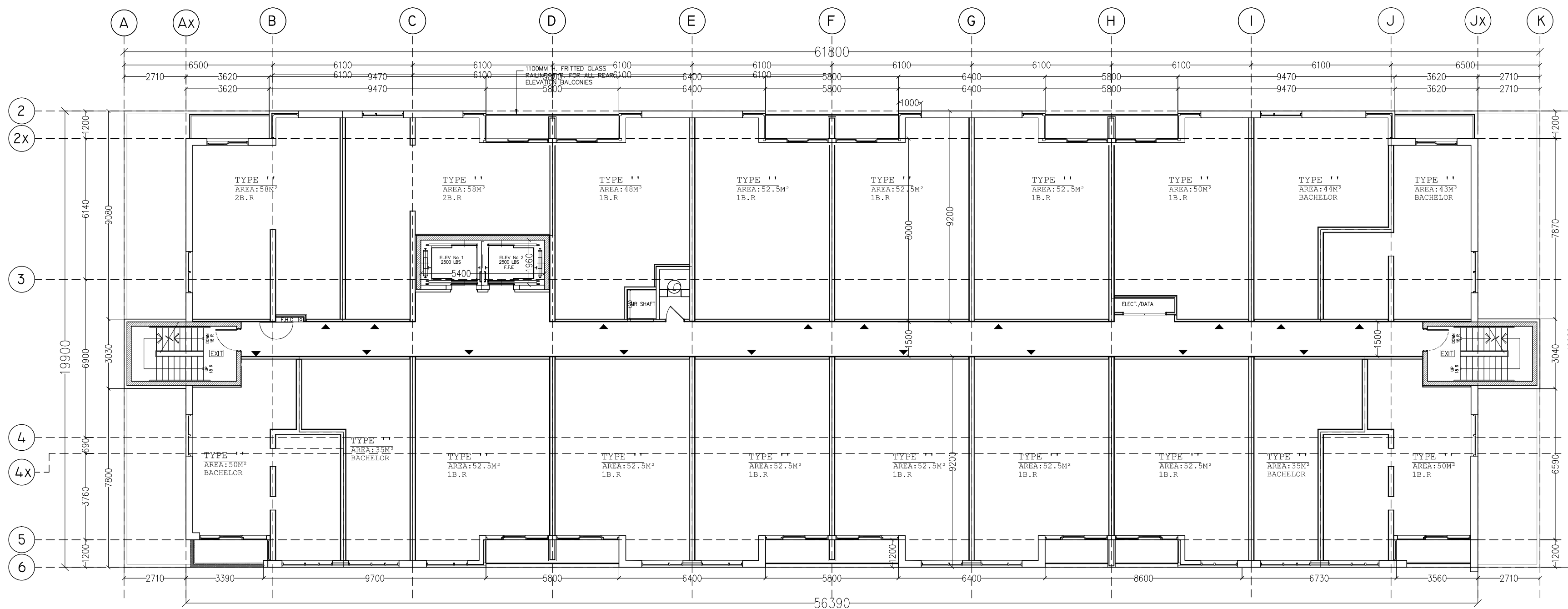
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 ARCHITECTURE  
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**LEVEL 6 FLOOR PLAN**

AREA: 1042M² (11,216 SQ.FT)  
 COMMON AREA: AREA: 138M² (1485 SQ.FT)

UNITS > 50M²: 6 UNITS  
 UNITS ≤ 50M²: 13 UNITS  
 TOTAL: 19 UNITS



**LEVEL 5 FLOOR PLAN**

AREA: 1080M² (11,625 SQ.FT)  
 COMMON AREA: AREA: 138M² (1485 SQ.FT)

UNITS > 50M²: 11 UNITS  
 UNITS ≤ 50M²: 8 UNITS  
 TOTAL: 19 UNITS

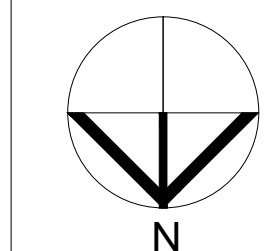
No.:      Revision:      Date:

- 6 Issued for C.O.A. Oct 28, 20
- 5 Revised & Issued for SPA & Zoning Oct 14, 20
- 4 Issued for discussion July 1, 20
- 3 Issued for S.P.A. April 20, 20
- 2 Issued for DRP Feb 10, 20
- 1 Issued for Coordination Jan 30, 20

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 Drawing Title:

**Section**  
**6 Storey Condominium**  
**415 Main St. West**  
**Hamilton**

Scale: 1:150  
 Drawn by: A.G.  
 Checked by: S.K.  
 Project No.: 20205  
 Date: Jan 2020



Drawing No.: **A204**

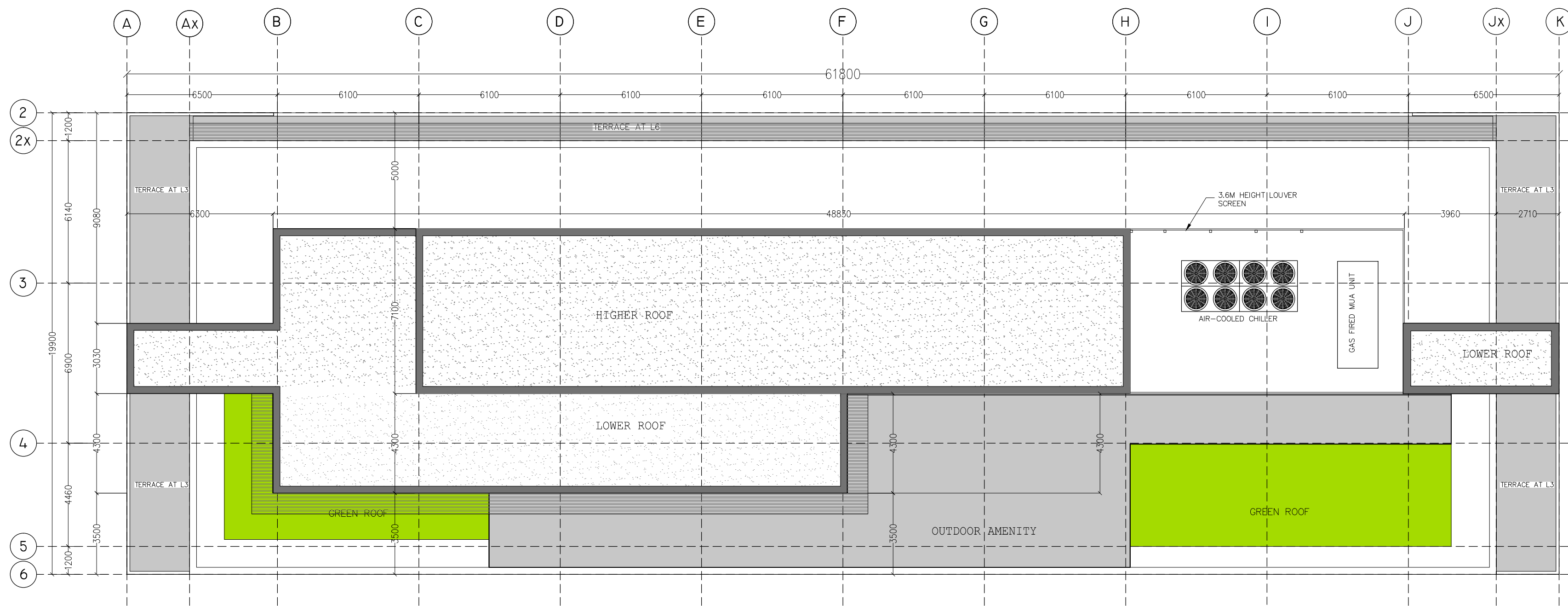
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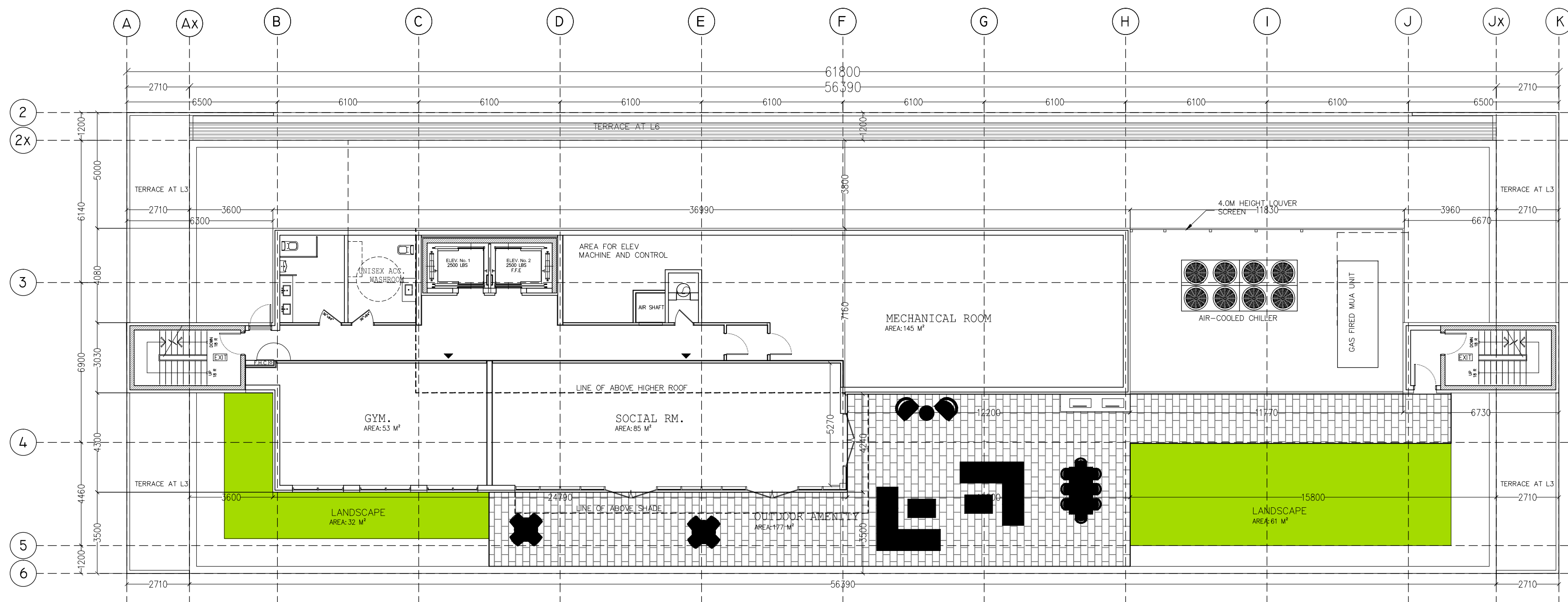
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**ROOF PLAN**



**MECHANICAL PENTHOUSE**  
AREA: 390M² (4,198 SQ. FT)

No.: Revision: Date:

No.	Issued For:	Date:
6	Issued for C.O.A	Oct 28, 20
5	Revised & Issued for SPA & Zoning	Oct 14, 20
4	Issued for discussion	July 1, 20
3	Issued for S.P.A	April 20, 20
2	Issued for DRP	Feb 10, 20
1	Issued for Coordination	Jan 30, 20

No. Issued For: Date:  
Drawing Title:

**Penthouse & Roof Plan**

**6 Storey Condominium**  
**415 Main St. West**  
**Hamilton**

Scale: 1:150

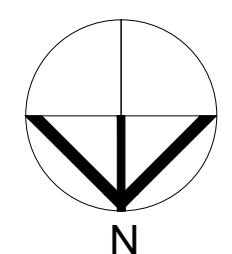
Drawn by: A.G

Checked by: S.K

Project No.: 20205

Date: Jan 2020

Drawing No.: A205



EXTERIOR MATERIAL FINISH SCHEDULE:

- 1 BRICK  
COLOUR: CHARCOAL GRAY
- 2 ALUM. WINDOW WALL  
COLOUR: BLACK FRAME
- 3 CLEAR GLASS RAILING
- 4 EIFS  
COLOUR: WHITE
- 5 PRE-FIN. ALUM/MTEAL SLAB EDGE COVER  
COLOUR: WHITE
- 6 600MM H. PRE-FIN. ALUM/META RAILING  
COLOUR: WHITE
- 7 ALUM. SHADE  
COLOUR: TO MATCH WINDOW FRAMES
- 8 PRE-FIN. STEEL PLANTER
- 9 ALUM. FINS  
COLOUR: TO MATCH WINDOW FRAMES



FRONT/SOUTH ELEVATION

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No.: Revision: Date:

6	Issued for C.O.A.	Oct 28, 20
5	Revised & Issued for SPA & Zoning	Oct 14, 20
4	Issued for discussion	July 1, 20
3	Issued for S.P.A.	April 20, 20
2	Issued for DRP	Feb 10, 20
1	Issued for Coordination	Jan 30, 20

No. Issued For: Date:

Drawing Title:

Elevation

**6 Storey Condominium  
415 Main St. West  
Hamilton**

Scale: 1:150

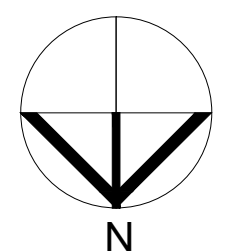
Drawn by: A.G

Checked by: S.K

Project No.: 20205

Date: Jan 2020

Drawing No.:

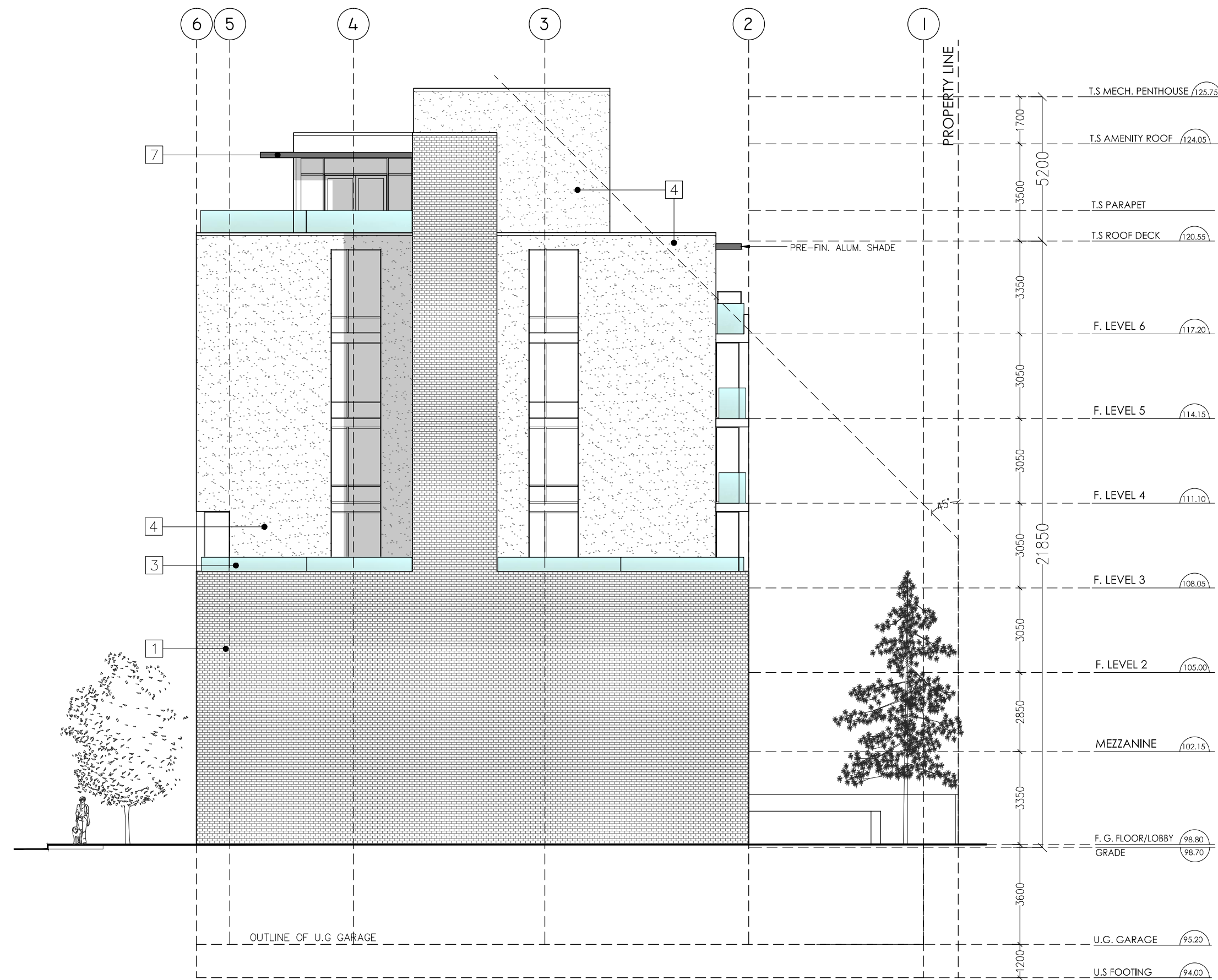


**A401**



**EXTERIOR MATERIAL FINISH SCHEDULE:**

- 1 BRICK  
COLOUR: CHARCOAL GRAY
- 2 ALUM. WINDOW WALL  
COLOUR: BLACK FRAME
- 3 CLEAR GLASS RAILING
- 4 EIFS  
COLOUR: WHITE
- 5 PRE-FIN. ALUM./MTEAL SLAB EDGE COVER  
COLOUR: WHITE
- 6 600MM H. PRE-FIN. ALUM./META RAILING  
COLOUR: WHITE
- 7 ALUM. SHADE  
COLOUR: TO MATCH WINDOW FRAMES
- 8 PRE-FIN. STEEL PLANTER
- 9 ALUM. FINS  
COLOUR: TO MATCH WINDOW FRAMES

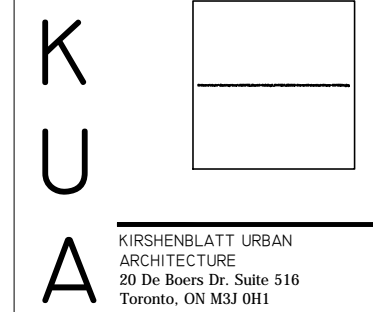


**WEST ELEVATION**

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No.: Revision: Date:

6	Issued for C.O.A.	Oct 28, 20
5	Revised & Issued for SPA & Zoning	Oct 14, 20
4	Issued for discussion	July 1, 20
3	Issued for S.P.A	April 20, 20
2	Issued for DRP	Feb 10, 20
1	Issued for Coordination	Jan 30, 20

No. Issued For: Date:

Drawing Title:

Elevation

**6 Storey Condominium  
415 Main St. West  
Hamilton**

Project:

Scale: 1:150

Scale:

Drawn by: A.G

Drawn by:

Checked by: S.K

Checked by:

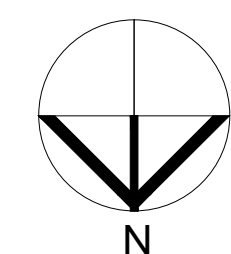
Project No.: 20205

Project No.:

Date: Jan 2020

Date:

Drawing No.:



**A402**

EXTERIOR MATERIAL FINISH SCHEDULE:

- 1 BRICK  
COLOUR: CHARCOAL GRAY
- 2 ALUM. WINDOW WALL  
COLOUR: BLACK FRAME
- 3 CLEAR GLASS RAILING
- 4 EIFS  
COLOUR: WHITE
- 5 PRE-FIN. ALUM/MTEAL SLAB EDGE COVER  
COLOUR: WHITE
- 6 600MM H. PRE-FIN. ALUM/META RAILING  
COLOUR: WHITE
- 7 ALUM. SHADE  
COLOUR: TO MATCH WINDOW FRAMES
- 8 PRE-FIN. STEEL PLANTER
- 9 ALUM. FINS  
COLOUR: TO MATCH WINDOW FRAMES

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REAR/SOUTH ELEVATION

No.: Revision: Date:

6	Issued for C.O.A.	Oct 28, 20
5	Revised & Issued for SPA & Zoning	Oct 14, 20
4	Issued for discussion	July 1, 20
3	Issued for S.P.A.	April 20, 20
2	Issued for DRP	Feb 10, 20
1	Issued for Coordination	Jan 30, 20

No. Issued For: Date:

Drawing Title:

Elevation

**6 Storey Condominium  
415 Main St. West  
Hamilton**

Project:

1:150

Scale:

A.G

Drawn by:

S.K

Checked by:

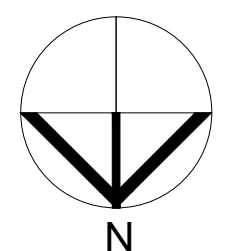
20205

Project No.:

Jan 2020

Date:

Drawing No.:



**A403**

**EXTERIOR MATERIAL FINISH SCHEDULE:**

- 1 BRICK  
COLOUR: CHARCOAL GRAY
- 2 ALUM. WINDOW WALL  
COLOUR: BLACK FRAME
- 3 CLEAR GLASS RAILING
- 4 EIFS  
COLOUR: WHITE
- 5 PRE-FIN. ALUM./MTEAL SLAB EDGE COVER  
COLOUR: WHITE
- 6 600MM H. PRE-FIN. ALUM./META RAILING  
COLOUR: WHITE
- 7 ALUM. SHADE  
COLOUR: TO MATCH WINDOW FRAMES
- 8 PRE-FIN. STEEL PLANTER
- 9 ALUM. FINS  
COLOUR: TO MATCH WINDOW FRAMES

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6	Issued for C.O.A	Oct 28, 20
5	Revised & Issued for SPA & Zoning	Oct 14, 20
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2	Issued for DRP	Feb 10, 20
1	Issued for Coordination	Jan 30, 20

No.	Issued For:	Date:
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Drawing Title:

**Elevation**

**6 Storey Condominium**  
**415 Main St. West**  
**Hamilton**

Scale: 1:150

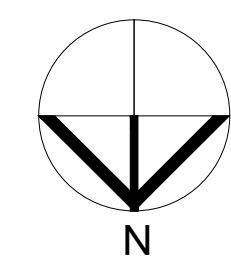
Drawn by: A.G

Checked by: S.K

Project No.: 20205

Date: Jan 2020

Drawing No.:



**A404**




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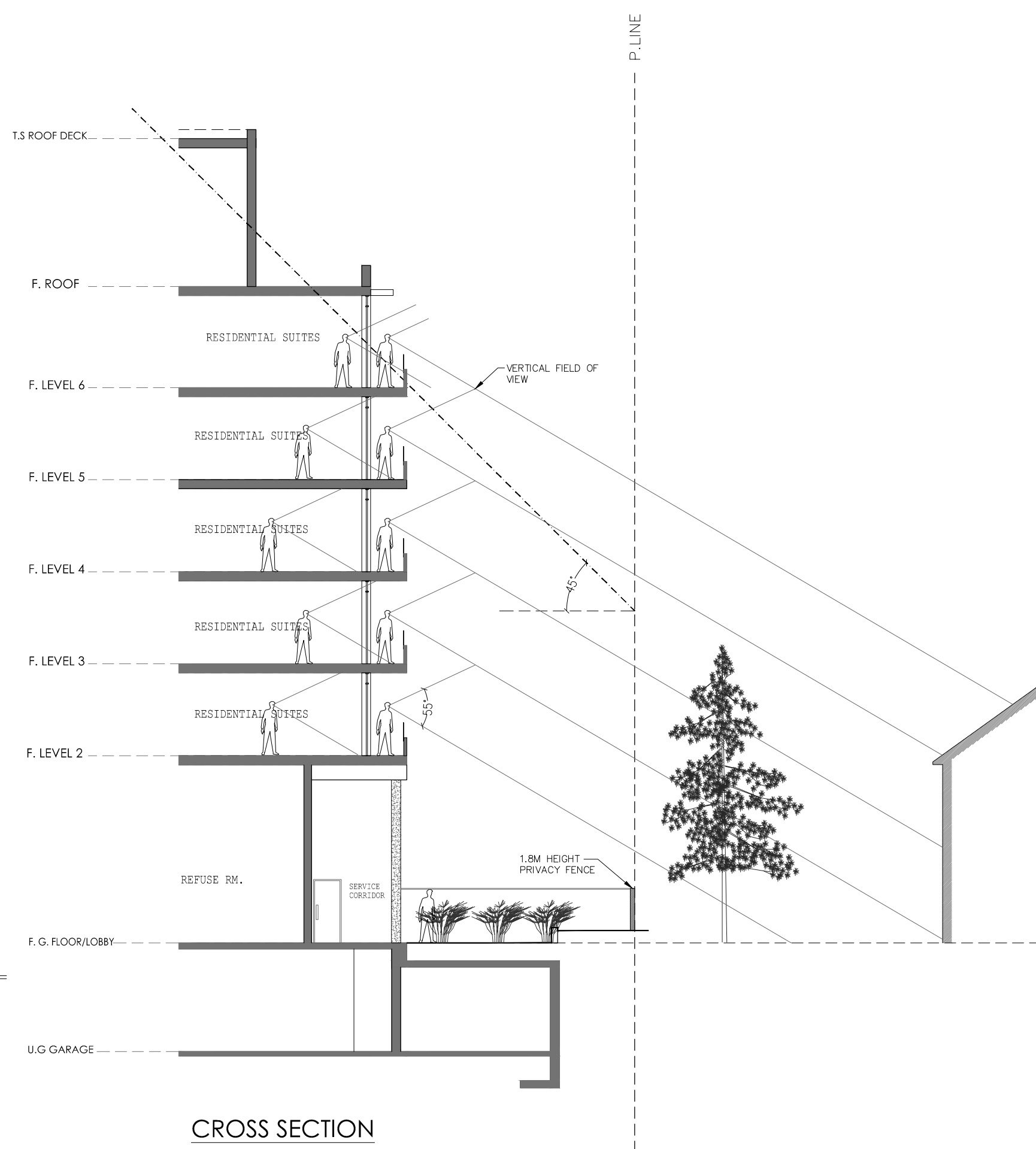
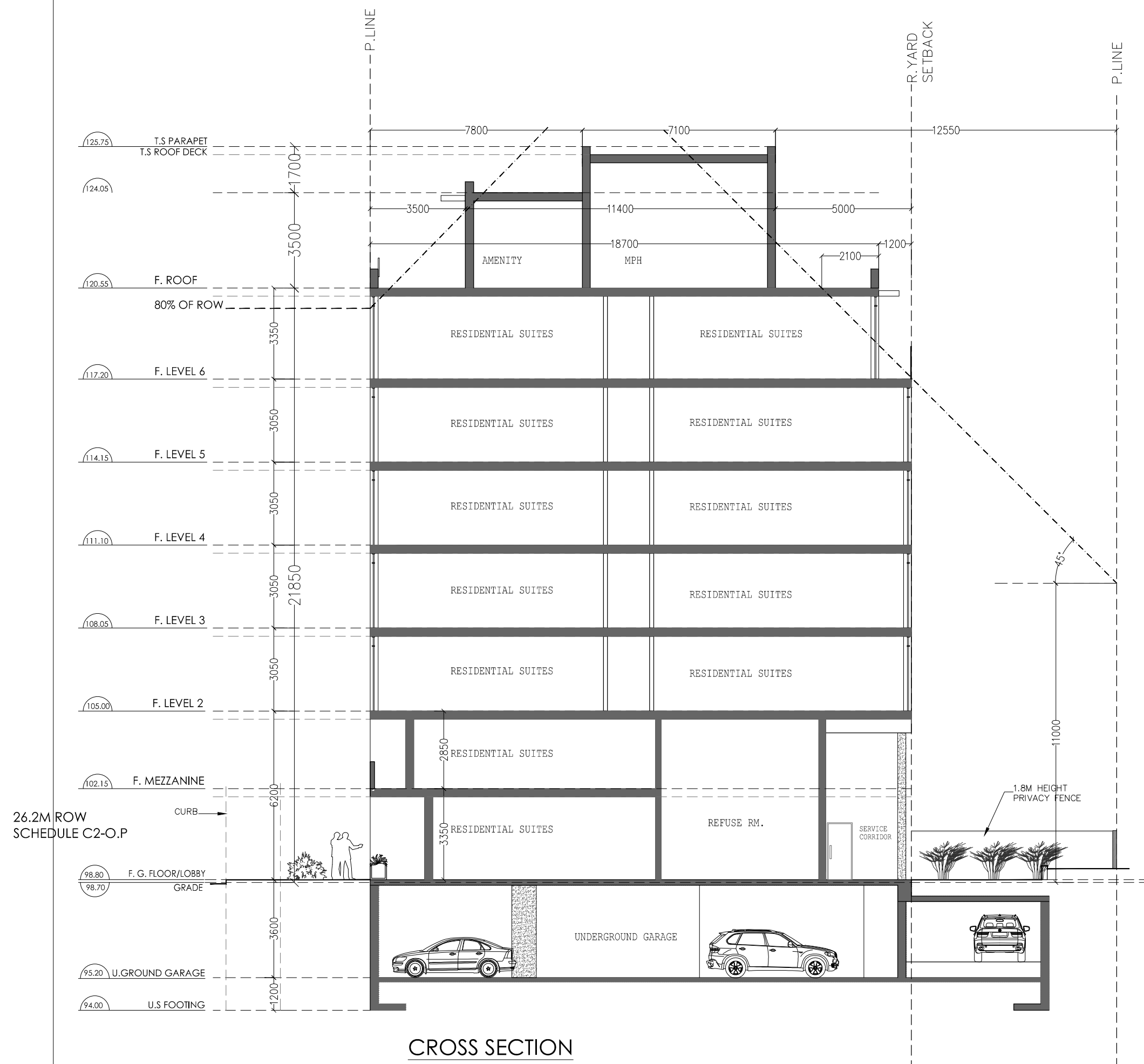
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**K**  
**U**  
**A**



KIRSHENBLATT URBAN  
ARCHITECTURE  
20 De Boers Dr. Suite 516  
Toronto, ON M3J 0H1



No.:	Revision:	Date:
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6	Issued for C.O.A	Oct 28, 20
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Drawing Title:

**Section**

**6 Storey Condominium**  
**415 Main St. West**  
**Hamilton**

Project:

Scale: 1:150

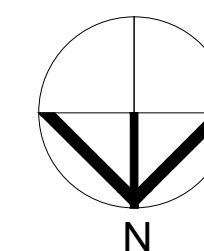
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Date: Jan 2020

Drawing No.:



**A451**

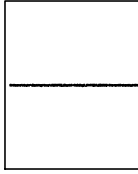


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North East Perspective

No.:	Revision:	Date:
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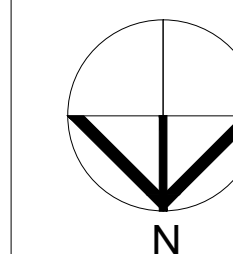
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No.	Issued For:	Date:
Drawing Title:		

Perspective

**6 Storey Condominium**  
**415 Main St. West**  
**Hamilton**

1:150	Scale:
A.G	Drawn by:
S.K	Checked by:
20205	Project No.:
Jan 2020	Date:



Drawing No.:

**A452**




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South West Perspective



South East Perspective

No.:	Revision:	Date:
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6	Issued for C.O.A	Oct 28, 20
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Drawing Title:

Perspective

**6 Storey Condominium  
415 Main St. West  
Hamilton**

Project:

1:150

Scale:

A.G

Drawn by:

S.K

Checked by:

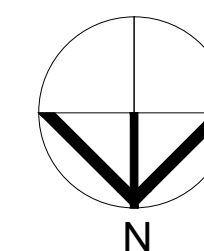
20205

Project No.:

Jan 2020

Date:

Drawing No.:



**A453**




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Toronto, ON M3J 0H1



North East Perspective



North West Perspective

No.:	Revision:	Date:
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Drawing Title:

Perspective

**6 Storey Condominium  
415 Main St. West  
Hamilton**

Project:

Scale:

1:150

Drawn by:

A.G

Checked by:

S.K

Project No.:

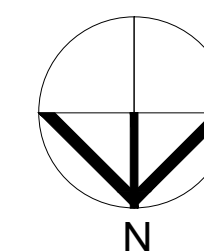
20205

Date:

Jan 2020

Drawing No.:

**A454**





Hamilton

Planning and Economic Development Department  
Planning Division

**Committee of Adjustment**  
City Hall  
5<sup>th</sup> floor 71 Main Street West  
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221  
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND  
RETURN TO THE CITY OF HAMILTON PLANNING  
DEPARTMENT.**

<b>FOR OFFICE USE ONLY.</b>	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON  
COMMITTEE OF ADJUSTMENT  
HAMILTON, ONTARIO**

***The Planning Act***

**Application for Minor Variance or for Permission**

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner 415 Main Inc. Telephone No. [REDACTED]  
FAX NO. N/A E-mail address. [REDACTED]
- Address [REDACTED]  
Postal Code [REDACTED]
- Name of Agent Martin Quarcoopome Telephone No. [REDACTED]  
FAX NO. [REDACTED] E-mail address. [REDACTED]
- Address [REDACTED]  
Postal Code [REDACTED]

**Note: Unless otherwise requested all communications will be sent to the agent, if any.**

- Names and addresses of any mortgagees, holders of charges or other encumbrances:  
\_\_\_\_\_  
Postal Code \_\_\_\_\_  
\_\_\_\_\_  
Postal Code \_\_\_\_\_



6. Nature and extent of relief applied for:  
Relief from By-law 05-200 regarding Residential Finished Floor Elevation, Front  
Yard Setback, Building Height and Parking. See enclosed Letter for more detailed  
information
- 
7. Why it is not possible to comply with the provisions of the By-law?  
Compliance with the Building Code, development requirements and site layout  
constraints.
- 
8. Legal description of subject lands (registered plan number and lot number or other  
legal description and where applicable, street and street number):  
PT LTS 3,4,5, PL 518; PT LTS 11,12,13, & 14, PL 244; S/T AB19941; BEING PT 1  
ON 62R-14112; HAMILTON
- 
9. PREVIOUS USE OF PROPERTY
- Residential  Industrial  Commercial
- Agricultural  Vacant
- Other \_\_\_\_\_
- 9.1 If Industrial or Commercial, specify use  
Fast food restaurant (Dairy Queen)
- 9.2 Has the grading of the subject land been changed by adding earth or other  
material, i.e. has filling occurred?  
Yes  No  Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?  
Yes  No  Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent  
lands?  
Yes  No  Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on  
the subject land or adjacent lands?  
Yes  No  Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation  
where cyanide products may have been used as pesticides and/or sewage sludge  
was applied to the lands?  
Yes  No  Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?  
Yes  No  Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the  
fill area of an operational/non-operational landfill or dump?  
Yes  No  Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Google Maps, Phase One ESA by EXP dated August 16, 2019  
\_\_\_\_\_  
\_\_\_\_\_

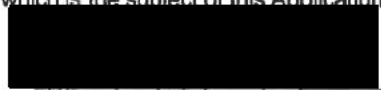
9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes \_\_\_\_\_ No \_\_\_\_\_

**ACKNOWLEDGEMENT CLAUSE**

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Oct 28/2020  
Date



Signature Property Owner

Kamran Bahmani on behalf of Main 415 Inc.  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 63.38 m  
Depth 27.51 m  
Area 1,742.3 sq. m. (0.43 acres)  
Width of street Future ROW of 26.213 m.

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Vacant former fast food restaurant (Dairy Queen) and associated surface parking.

Existing building is 1-storey in height. Specific dimensions of existing building is unknown.

Proposed: Proposed 6-storey residential building with one level of underground parking.

111 residential units, 40 parking spaces, 94 bicycle parking spaces, 173 sq. m. of indoor amenity space and 1,132 sq. m. of outdoor amenity space.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: Unknown  
\_\_\_\_\_  
\_\_\_\_\_



Proposed: 2 m front yard setback, 7.55 m rear yard setback, 3.5 m side yard setback

13. Date of acquisition of subject lands:

November 5, 2019

14. Date of construction of all buildings and structures on subject lands:

Construction has not proceeded yet.

15. Existing uses of the subject property: Commercial. Former fast food restaurant.

The subject property is now vacant.

16. Existing uses of abutting properties: Commercial. Animal Hospital and fast food resaurant to the west and east, respectively. Residential to the south and north

17. Length of time the existing uses of the subject property have continued:

Unknown

18. Municipal services available: (check the appropriate space or spaces)

Water	<u>✓</u>	Connected	<u>✓</u>
Sanitary Sewer	<u>✓</u>	Connected	<u>✓</u>
Storm Sewers	<u>✓</u>		

19. Present Official Plan/Secondary Plan provisions applying to the land:

Urban Hamilton Official Plan - "Primary Corridor"; " Mixed-Use Medium Density"

Strathcona Secondary Plan - "Mixed-Use Medium Density"; "Area Specific Policy - Area B"

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

By-law 05-200 - "C5 - Mixed Use Medium Density Zone, Exception 298"

Former By-law 6593 - "H - Community Shopping and Commercial, etc."

21. Has the owner previously applied for relief in respect of the subject property?

Yes

No

If the answer is yes, describe briefly.

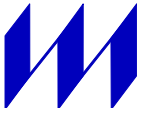
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes

No

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

**NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps**



# WESTON CONSULTING

planning + urban design

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

October 30, 2020  
File 9520

**Attn: Jamila Sheffield, Secretary Treasurer**

**RE: Application for Minor Variance  
415 Main Street West  
Related Site Plan Application File No. DA-20-059**

Weston Consulting is the planning consultant for 415 Main Inc., the registered owner of the property municipally known as 415 Main Street West, in the City of Hamilton (herein referred to as the “subject property”). This Planning Letter has been prepared in support of a Minor Variance application seeking relief from provisions of City of Hamilton Zoning By-law 05-200 and the Former City of Hamilton Zoning By-law 6593. The requested variances are to enable the development of a six-storey residential building.

The purpose of this Minor Variance application is to address non-compliances that were identified by the Building Engineering and Zoning Department. These comments that were outlined in their letter dated June 4, 2020, was issued after the initial submission of the site plan application which was proposed as a seven-storey building.

## **Description of Subject Property and Area Context**

The subject property is located on the south side of Main Street West, east of Dundurn Street South. The site is approximately 1,742.3sq. m (0.43 acres) in size and has a lot frontage of approximately 63 metres on Main Street West. There are currently two driveways into the site from Main Street West. The subject property was formerly occupied by a Dairy Queen fast food restaurant which has since been closed and will be demolished prior to construction of the proposal. The legal description of the subject property is as follows:

PT LTS 3, 4, 5, PL 518; PT LTS 11, 12, 13, & 14, PL 244; S/T AB19941; BEING PT 1 ON 62R-14112; HAMILTON

### Surrounding Land Uses:

- North: Commercial uses along Main Street, residential further north;
- South: Detached homes within stable residential neighbourhood;
- East: Commercial uses along Main Street, residential further east;
- West: Commercial uses along Main Street, residential further west.





**Figure 1: Subject Property and Area Context**

### **Applicable Planning Policies**

The Urban Hamilton Official Plan (“Official Plan”) designates the subject property:

- Schedule E – Urban Structure: “*Primary Corridor*”
- Schedule E1 – Urban Land Use Designations: “*Mixed Use – Medium Density*”

The Strathcona Secondary Plan (“Secondary Plan”) designates the subject property:

- Map B.6.6-1 – Land Use Plan: “*Mixed Use – Medium Density*” and “*Area Specific Policy – Area B*”

The Hamilton Zoning By-law 05-200 (“Zoning By-law”) zones the subject property:

- “*Mixed Use Medium Density Zone – C5*” and “*Exception 298*”

The Former City of Hamilton Zoning By-law 6593 (“Former Zoning By-law”) zones the subject property:

- “*H - Community Shopping and Commercial, Etc.*”

## Proposed Development

The proposed development contemplates a six-storey mid-rise apartment building consisting of 111 residential units. The ground floor of the proposed building will incorporate a mix of residential use and lobby area. A driveway from Main Street West, the loading zone, visitor and bike parking, and the underground parking ramp are also provided on the ground level of the proposed development.

Parking will be provided in one level of underground parking, which contains 35 residential parking stalls including one accessible space. Five parking stalls are located at-grade, as well as one car share stall and one accessible parking stall. A total of 94 bicycle parking spaces are proposed, including 72 residential long-term and 22 residential short-term bicycle parking spaces. The 72 long-term bicycle parking spaces are located in the underground parking garage.

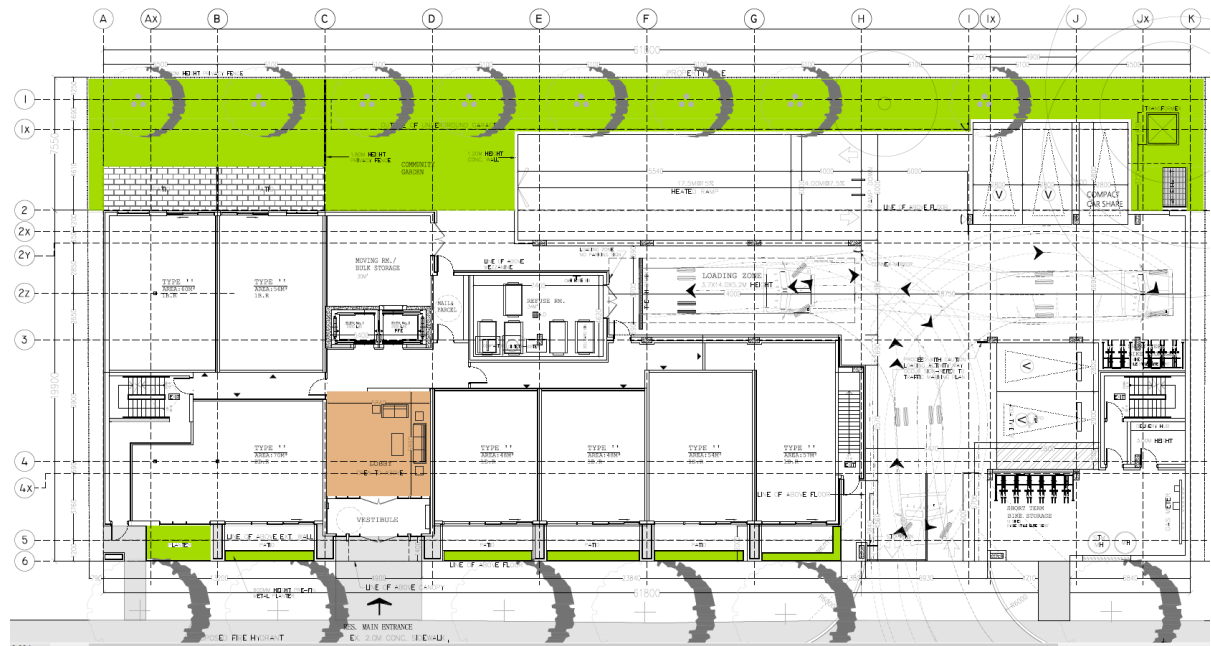


Figure 2: Proposed Site Plan

As noted above, the applicant initially submitted a site plan application for a seven-storey mixed-use building. Through received circulation comments and discussions with City staff, the building design was revised to improve massing and compatibility. Following is a list of revisions made with the majority intended to improve compatibility with adjacent low-rise dwellings:

- Lowering of the height from six to seven storeys;
- Reducing the rear at-grade courtyard/ amenity area to increase privacy for adjacent detached dwellings;
- Doubling the landscape buffer along the south property line from 1.5m to 3m to allow for continuous row of tree planting adjacent to detached homes;



- Relocation of a portion of the outdoor and indoor amenity to the north half roof away from detached homes to the south; future residents will not have access to southern half to remove overlook potential;
- Replacement of overhanging rear balconies with inset balconies to provide greater separation and reduce overlook from adjacent detached homes;
- Reducing the number and size of rear windows to reduce potential overlook on adjacent lands;
- Setting back upper portions of building (storeys three to six) by 3.5m on east and west sides to accommodate future development of adjacent lands, and provide adequate future building separation; and
- Terracing the sixth storey by 1.2m to better comply with rear angular plane.

### **Purpose of the Requested Minor Variance Application**

Through our review of City of Hamilton By-law 05-200 and Former City of Hamilton By-law 6593, we have identified four zoning deficiencies. The purpose of the enclosed Minor Variance applications is to request relief from the following provisions:

1. Residential Finished Floor Elevation:

- a. 10.5.1.1(i)(1) Residential units are required to be 0.9m above the finished floor elevation.

The proposed development contemplates residential units at a FFE of 0.0m.

2. Front Yard Setback:

- a. 10.5.3(a)(i) A minimum 3.0m setback from the street line is required with residential uses on the ground floor.

The proposed development contemplates a 2.0m setback.

3. Building Height:

- a. 10.5.3(d)(ii) A maximum height of 22.0 m is permitted. This section is under appeal so the height provisions of Former Zoning By-law are applicable. Section 14(2)(i) of Former Zoning By-law 6593 permits up to four-storeys or 17.0m in height.

The proposed development contemplates a height of 25.35m, measured to the top of the indoor rooftop amenity area.

4. Required Vehicle Parking:

- a. 5.6(c) A total of 72 spaces are required, which can be decreased by seven spaces (10% of required vehicular parking, due to bicycle parking provided) for a total of 65 parking spaces.

The proposed development contemplates 40 vehicular parking spaces.

## Planning Analysis and Justification

Section 45 (1) of the Planning Act authorizes the Committee of Adjustment to grant minor variances from the provisions of the Zoning By-law, provided that the application satisfies the following four tests:

- *The variance requested maintains the general intent and purpose of the Official Plan;*
- *The variance requested maintains the general intent and purpose of the Zoning By-law;*
- *The variance is desirable for the appropriate use of the land; and,*
- *The variance is minor in nature.*

The following will demonstrate how the proposed development and associated request variances satisfy each test.

### 1. Residential Finished Floor Elevation:

While Section 10.5.1.1 was considered in the design of the building, it was determined that the residential units located on the ground floor cannot be 0.9m (2.9 feet) higher than the finished floor, as this would create several Building Code issues. It is our opinion that the intent of this regulation is to apply with ground-related units (i.e.: detached, semi-detached, townhouse, etc.) which have direct access to the street. The five proposed ground floor units will not have access to the street, and entry will be provided via an internal corridor from the main lobby.

### 2. Front Yard Setback:

The subject property fronts Main Street West, a large boulevard that is designated *Major Arterial* in the Official Plan. *Major Arterial* roads are intended to support large volumes of traffic and function as inter-regional connections that link wider areas of the City of Hamilton together. The subject property is also designated *Primary Corridor* and *Mixed Use Medium Density*, which are designations that emphasizes the importance of maintaining a strong, attractive and pedestrian-oriented environment. The proposed development proposes a 1.0m front yard setback deficit. It is our opinion that bringing the proposed building 1.0m closer to the street line does not impact the pedestrian realm, rather it would enhance and reinforce the streetscape and contribute to a more vibrant and attractive pedestrian-oriented environment. Furthermore, the majority of the street frontage will include 2m patios to better enhance the streetscape and encourage interaction between the public and private realms. Last, by reducing the front yard setback, we are able to maintain the required 7.5m rear yard setback and provide a 3m landscape buffer along the south property line.

### 3. Building Height:



Excluding the rooftop amenity area, the building height to the top of the sixth floor is 21.85m. While the maximum permitted building height in By-law 05-200, which the proposed development complies with, this section of the By-law is under appeal and is not enforced. Height permissions revert back to Former Hamilton Zoning By-law 6593 which sets a maximum height of 17m, four storeys.

Further, unlike By-law 05-200 which excludes the height of enclosed or partially enclosed rooftop amenity areas (which is also under appeal and not applicable), By-law 6593 does not have such an exclusion. Thus, the building height need to be taken to the top of the proposed amenity room which has a height of 25.35m. Both By-law 05-200 and By-law 6593 exclude mechanical rooms from the calculation of height.

The height regulations for the C5 zone, which are all under appeal, allows the exclusion of rooftop amenity from the calculation of height subjected to two criteria:

- a) That the amenity area not exceed 10% of the floor area below it; and
- b) That the amenity area not exceed 3m in height.

The proposed indoor rooftop amenity area has a total floor area of 138sq. m with the sixth floor below having an area of 1,042sq. m. The indoor rooftop amenity area represents 13% of the floor area directly beneath. Although this regulation is not applicable, this 3% is negligible. The indoor rooftop amenity is setback 3.5m from the front of the building and the 3%, or 33.8sq.m, will not be discernible from the street.

Further, the proposed amenity space is 3.5m in height. While this regulation sets a maximum height of 3m, the additional 0.5m will not impact the surrounding lands. As mentioned, this amenity area is located at the front of the building in front of the mechanical room which is longer and taller at 5.2m. It will not be visible from the rear or the from the adjacent detached homes, and given that the mechanical room stands 1.7m taller, the additional 0.5m will not be apparent.

It is our opinion that exceeding the required 10% floor area by 3% and maintaining the proposed vertical height of the amenity area in excess of 0.5m are minor and ultimately supports and contributes to the provision of high-quality and appropriately sized amenity areas for future residents.

#### 4. Required Vehicle Parking:

According to Section 5.6(c)(i) of By-law 05-200, the regulation in force to define parking standards indicates that the required parking for the proposed development is 72 parking spaces. Section 5.7(g)(i) enables proponents to calculate a reduced vehicular parking rate based on bicycle parking provided. A total of 72 long-term bicycle parking spots are provided, which permits a reduction of seven vehicular parking spaces, resulting in a total of 65 required vehicular parking spaces. A total of 40 vehicular parking spaces are

proposed for the development, which includes two accessible and one car share parking stall.

Main Street West is a Major Arterial Road that is well serviced by transit and public transportation infrastructure. Approximately 60m east from the centre of the subject property is a bus stop that is serviced by GO Transit and Hamilton Street Railway Transit (HSR). HSR bus routes that service this stop include 01, 05, and 51, and GO Transit bus routes include 16, 18, 40, and 47. The bus routes serviced by HSR connects the subject property to the surrounding area within the City of Hamilton, while the GO Transit busses connect the subject property to areas within the Greater Toronto Area. GO Transit routes at this bus stop includes a direct link to the Highway 407 Terminal in Vaughan, the GO Station in Richmond Hill, and Union Station in Toronto.

Main Street West is a major transit corridor and is currently under review for higher order transit. Appendix B – Major Transportation Facilities and routes to the Official Plan designates Main Street West as a Potential Rapid Transit Line (B.L.A.S.T.). With respect to the Growth Plan (August 2020 Office Consolidation), Section 7 defines “Major Transit Station Area” (MTSA) as:

*The area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk.*

As such, there is potential that the subject property will be located within a future Major Transit Station Area, which will evolve into a transit and pedestrian-oriented environment that is well connected and served by higher order transit and active transportation provisions. The reduced parking rate proposed, in conjunction with the provision of 94 bicycle parking spaces, aligns with the intent and vision of the Urban Hamilton Official Plan to “*create compact and interconnected, pedestrian oriented, and transit-supportive communities within which all people can attain a high quality of life*” (Section 3.3). This is also echoed in the Secondary Plan where Section 6.6.3 states that objective of lands within the Strathcona Secondary Plan are to “*support the public transit system and future proposed Rapid Transit Corridor and decrease the reliance on the private automobile*”. The Secondary Plan also supports residential intensification along Major Arterials.

Four Tests under Section 45(1) of the Planning Act:

Test 1: Does the application conform to the general intent of the Official Plan?

The subject lands are is designated *Primary Corridor* and *Mixed Use Medium Density* in the Official Plan. The intent of this designation is to support higher density land uses and residential intensification up to six-storeys with heights above having to appropriately transition or neighbouring low-rise land uses. The proposed development is six-storeys in height, which is



consistent with the intention of maintaining a mid-rise form along *Urban Corridors*. The reduced parking rate also contributes to supporting existing and future planned transit systems.

While it is stated in the Official Plan and Secondary Plan that areas designated *Mixed Use Medium Density* are envisioned to evolve into areas characterized by mixed-use buildings with a balance of residential and commercial uses, it is our opinion that the proposed development may significantly support the establishment of an active streetscape and pedestrian-oriented community. Residential intensification on the subject property generates commercial demand that assists with attracting future investments to the area. It is our opinion that the application conforms to the general intent of the Official Plan.

#### Test 2: Does the application conform to the general intent of the Zoning Bylaw?

The subject property is zoned *Commercial – Mixed Use Medium Density (C5)* and is subject to Exception 298. According to Section 10.5 of the Zoning By-law, single-use residential buildings are permitted in the C5 zone.

The proposed variances for residential finished floor elevation, front yard setback, building height, and parking reinforce the design of the building to better fit within the existing context. The variances will not impact adjacent public or private lands. It is our opinion that the application conforms to the general intent of the Zoning By-law.

#### Test 3: Is the application desirable for the appropriate development of the lands in question?

The subject property is well served by public transportation, higher order transportation infrastructure and is located along a Major Arterial Road. The subject property is located in close proximity to Ontario Highway 403 and a future Rapid Transit Line (B.L.A.S.T.). The current and future planned transit infrastructure supports residential intensification on the subject property, which is representative of efficient use of underutilized land that is identified as within a *Primary Corridor* in the Official Plan. It is also anticipated that the proposed development may significantly contribute to the future re-urbanization and beautification of the area, which may attract future investment opportunities.

It is our opinion that the application is desirable and appropriate for the subject property as it contributes to modest intensification on an underutilized property that is appropriately located near transit and transportation infrastructure.

#### Test 4: Is the Application Minor?

The proposed development seeks relief from the implementing Zoning By-laws with respect to finished floor elevations, building setbacks, building height and parking. The potential individual and cumulative impacts of these variances are mitigated with the sensitive design to ensure the vibrant streetscape is provided, high quality of life for adjacent existing detached dwellings are maintained, and that lower parking rates support transit usage. It is our opinion that the proposed variances are minor in nature.

## Conclusion

Based on our evaluation of the proposed development and the requested variances to the City of Hamilton Zoning By-law 05-200 and the Former City of Hamilton Zoning By-law 6593, we are of the opinion that the requested variances satisfy the conditions outlined in Section 45 (1) of the *Planning Act*, represents good planning and is worthy of support by the Committee of Adjustment. In order to allow for the appropriate review of the application, the following materials have been provided:

1. Completed Application Form;
2. Plan of Survey dated (August 28, 2019);
3. Architectural Drawing Set dated (October 28, 2020); and
4. Application Fee in the amount of \$3,302.00.

We trust that the enclosed materials appropriately constitute a complete Minor Variance Application. We ask that the materials be circulated for review and comments and that this application be heard by the Committee of Adjustment at the earliest available hearing date.

Please contact the undersigned at ext. 266 or Charles Ng at ext. 298 should you require any additional information.

Yours truly,  
Weston Consulting  
Per:



Martin Quarcoopome, BES, MCIP, RPP  
Associate

- c. Ryan Guetter, Weston Consulting  
415 Main Inc.