

## **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
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**APPLICATION NO.:** HM/A-20:271

**APPLICANTS:** Owner: 121 King (Hamilton) GP Inc.  
Agent: Their & Curran Architects Inc.

**SUBJECT PROPERTY:** Municipal address **121 & 125 King St. E., Hamilton**

**ZONING BY-LAW:** Hamilton Zoning By-law 05-200, as Amended

**ZONING:** D2 and H21 district (Downtown Mixed use - Pedestrian Focus)

**PROPOSAL:** To permit the establishment of a multiple dwelling containing six (6) dwelling units on the ground floor of the existing building notwithstanding that;

1. A multiple dwelling is not permitted within the ground floor, except for access, accessory office and utility areas.

Notes: No parking spaces are required for any use, except a medical clinic, located in an existing building within the Downtown Mixed Use zone, provided that the existing number of parking spaces which existed on the effective date of the By-law shall continue to be maintained.

The applicant has described the proposed use as live/work units where each unit will consist of both the residence and the business as the principle use. Please note that live/work units are not permitted in this zone. However, a home business may be conducted in a dwelling unit which is secondary to the use of a dwelling unit as a private residence.

A home business is subject to compliance with the requirements Section 4.21 c) and d) “Home Business” of the Hamilton Zoning By-law 05-200, (i.e. type of home business, maximum gross floor areas, outdoor storage, etc.). However, insufficient information was provided from which to confirm compliance; as such, further variances may be required.

This property is included in the City of Hamilton’s Register of Property of Cultural Heritage Value or Interest as a non-designated property.

The lands are subject to “H21” holding provision.

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

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**DATE:** Thursday, January 21<sup>st</sup>, 2021  
**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.

**Important note:** *If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal (LPAT) may dismiss the appeal.*

## 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: January 5<sup>th</sup>, 2021.

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

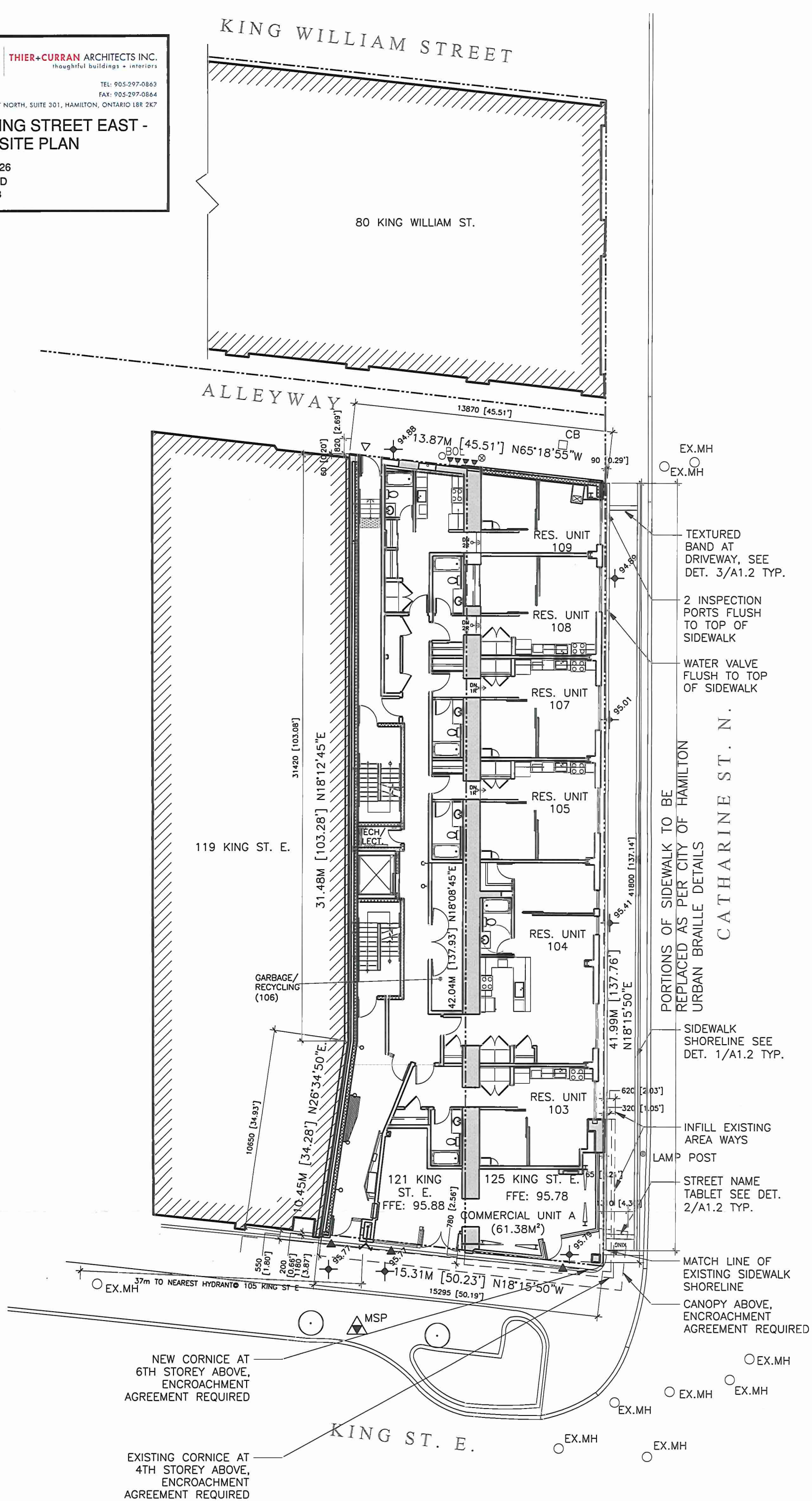
***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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

# 121-125 KING STREET EAST - REVISED SITE PLAN

**Project No.: 16026**

Scale: AS NOTED

**Date:** 2020-11-13





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.**

**FOR OFFICE USE ONLY.**

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.

1. Name of Owner 121 King (Hamilton) GP Inc. Telephone No. \_\_\_\_\_  
FAX NO. \_\_\_\_\_ E-mail address. \_\_\_\_\_
2. Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Postal Code \_\_\_\_\_
3. Name of Agent TCA/Their+Curran Architects Inc. Telephone No. \_\_\_\_\_  
FAX NO. \_\_\_\_\_ E-mail address. \_\_\_\_\_
4. Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Postal Code \_\_\_\_\_

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

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:  
TD Bank, 100 King St W., 4th Fl., Hamilton, ON L8P1A2  
\_\_\_\_\_  
\_\_\_\_\_  
Postal Code \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Postal Code \_\_\_\_\_



6. Nature and extent of relief applied for:  
Permit multiple dwelling use and live/work units at portions of ground floor facing Catharine St N only  
Note that retail will still provided along King St. E including at the Catharine St. N corner.
7. Why it is not possible to comply with the provisions of the By-law?  
The commercial market in downtown Hamilton remains very soft, has been significantly worsened by Covid and no tenants have been engaged in the last 24 months since marketing began.  
The owners remain committed to commercial space along King Street.  
Allowing residential or live/work uses along Catherine Street will make them viable and will avoid more empty storefronts downtown. Should market conditions change, the commercial uses could resume.  
There remains a significant demand for housing and these small units will serve an affordable market segment.
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):  
121 & 125 King street East, 7 & 11 Catharine Street North, Hamilton,  
Part of Lot 12, Nathaniel Hughson Survey (Unregistered) City of Hamilton, 2017.
9. PREVIOUS USE OF PROPERTY
- Residential ☒ Industrial ☐ Commercial ☒  
Agricultural ☐ Vacant ☐  
Other
- 9.1 If Industrial or Commercial, specify use  
Retail
- 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 NO 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 No Unknown ✓

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

ESA Ph I & ESA Ph II

- 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.

Nov 16 2020

Date

Signature Property Owner

Tyler Ross

Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>15.29 m</u>
Depth	<u>41.99 m</u>
Area	<u>582.86 m<sup>2</sup></u>
Width of street	<u>±14.8 m</u>

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:	<u>570 m<sup>2</sup> ground floor area</u>
	<u>2855 m<sup>2</sup> gross floor area</u>
	<u>5 storeys</u>
	<u>15.3 m W x 42 m L (irregular) x 19.15m H</u>
Proposed:	<u>570 m<sup>2</sup> ground floor area</u>
	<u>4043 m<sup>2</sup> gross floor area</u>
	<u>6 storeys</u>
	<u>15.3m W x 42 m L (irregular) x 22.8m H</u>

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

Existing: Front: 121 King: -0.2m (façade encroachment), 125 King: 0.08m  
Side: 0m (west, centreline of party-wall), -0.05m (east, Catharine st cladding  
encroachment)

- Rear: 121 King: -0.82m (stair encroachment), 125 King: 0.03m  
Proposed: Front: 121 King: -0.2m (façade encroachment), 125 King: 0.08m  
Side: 0m (west, centreline of party-wall), -0.05m (east, Catharine st  
cladding encroachment)  
Rear: 121 King: -0.82m (stair encroachment), 125 King: 0.03m
13. Date of acquisition of subject lands:  
2018
14. Date of construction of all buildings and structures on subject lands:  
1850 (estimated)
15. Existing uses of the subject property:  
Commercial Retail at ground floor and second floor of 121 King St E,  
Residential above
16. Existing uses of abutting properties: East/West: Commercial Retail with residential / office above, North:  
Residential Condominium incl. ground floor (Film Lofts), South: Residential Condominium (The Royal Connaught)
17. Length of time the existing uses of the subject property have continued:  
50+ years
18. Municipal services available: (check the appropriate space or spaces)  
Water ☒ Connected ☒  
Sanitary Sewer ☒ Connected ☒  
Storm Sewers ☒
19. Present Official Plan/Secondary Plan provisions applying to the land:  
"D2" Downtown Prime Retail Streets Zone; "Heritage Character Zone"
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
17-082
21. Has the owner previously applied for relief in respect of the subject property?  
Yes ☒ No ☐  
If the answer is yes, describe briefly.  
1. Allow for the proposed increased building height of 23.8m (78.05ft)  
2. Allow for no additional parking spaces to be required for the addition.  
3. Allow for three (3) materials on the elevations.
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