

## **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.:** HM/A-21:157

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

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

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended 18:114

**ZONING:** D and H21 district (Downtown Prime Retail Street)

**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;
2. No short-term bicycle parking spaces shall be provided instead of the minimum required five (5) short term bicycle parking spaces; and,
3. No long-term bicycle parking spaces shall be provided instead of the minimum required three (3) long-term bicycle parking spaces.

AND That the application is subject to the following Condition:

1. That the ground floor units fronting onto King St. E. shall be for non-residential uses.

**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:

---

<b>DATE:</b>	<b>Thursday, May 20<sup>th</sup>, 2021</b>
<b>TIME:</b>	<b>3:30 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed at</b>
	<b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>
	<b>for viewing purposes only</b>

---

## **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:

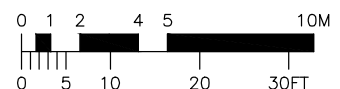
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: May 4<sup>th</sup>, 2021.

---

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.***





THIER+CURRAN ARCHITECTS INC.  
thoughtful buildings + interiors

Committee of Adjustment  
71 Main Street West, 5th Floor  
Hamilton, Ontario, L8P 4Y5  
Phone: 905-546-2424 Ext. 4221

April 16, 2021

Attention: Samantha Costa, Development Clerk – Committee of Adjustment  
By Email: CofA@hamilton.ca

RE: Revised Minor Variance Form for 121-125 King Street East, Hamilton

Dear Ms. Costa,

Please find enclosed a Minor Variance Application for 121-125 King Street East, Hamilton to allow for ground floor residential units facing Catharine Street North only. This is a revision of our November, 2020 application that was approved by the Committee, but appealed by the City due to a concern regarding ground floor residential use along King Street East.

As stated in our original Application and Drawing, it was never the intent to have ground floor residential facing King Street East, only on the 6 specific units facing Catharine Street North.

However, we recognize that as written, the Committee's approval letter is not consistent with our Application and would allow that. As discussed between our client (David Horwood of Effort Trust) and Jason Thorne, City of Hamilton General Manager of Planning and Economic Development, we are submitting a revised Minor Variance Application with stronger language regarding our intent to maintain a Commercial use along King Street East as per the existing D2 zoning and the intent of the Official Plan.

As also discussed by Mr. Horwood and Mr. Thorne, the intent is to expedite this process for inclusion at the April 20<sup>th</sup> Committee of Adjustment meeting with fees waived for this revised Minor Variance application.

Please don't hesitate to contact us should you need anything further.

Sincerely,

William J.E. Curran, OAA, FRAIC, LEED™ AP  
Principal

CC: Tyler Ross, President, Scholar Properties  
Jessica Caplan, Vice President and General Counsel, Scholar Properties  
Maria Durdan, Partner, Simpson Wigg Law  
David Horwood, Vice President, Effort Trust Company  
Jason Thorne, General Manager of Planning and Economic Development, City of Hamilton  
Jason Farr, Ward 2 Councillor, City of Hamilton



APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. \_\_\_\_\_ DATE APPLICATION RECEIVED \_\_\_\_\_

PAID \_\_\_\_\_ DATE APPLICATION DEEMED COMPLETE \_\_\_\_\_

SECRETARY'S  
SIGNATURE \_\_\_\_\_

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, 2	NAME	ADDRESS	
Registered Owners(s)	121 King (Hamilton) GP Inc.	<div></div>	
Applicant(s)*	121 King (Hamilton) GP Inc.		
Agent or Solicitor	TCA/Thier+Curran Architects Inc.		

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

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:  
TD Bank, 100 King St W., 4th Fl, Hamilton, ON L8P 1A2

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

4. 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 only retail will be permitted along King St. E including at the Catharine St. N corner (refer to the enclosed sketch showing commercial unit remaining at King St E and Catharine St. N and 6 residential units along Catharine St. N (units 103-109)).

5. 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.

6. Legal description and Address 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.

7. PREVIOUS USE OF PROPERTY  
Residential ☒ Industrial ☐ Commercial ☒  
Agricultural ☐ Vacant ☐  
Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use \_\_\_\_\_

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?  
Yes ☐ No ☐ Unknown ☒

8.3 Has a gas station been located on the subject land or adjacent lands at any time?  
Yes ☐ No ☐ Unknown ☒

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
Yes ☐ No ☐ Unknown ☒

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
Yes ☐ No ☐ Unknown ☒

8.6 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 ☒

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?  
Yes ☐ No ☐ Unknown ☐

8.8 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 ☒

8.9 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 ☒ Unknown ☐

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

Yes ☐ No ☒ Unknown ☐

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?  
ESA Ph 1 & ESA Ph 2

8.12 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 ☒

9. **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.

April 15 2021  
Date

[Signature]  
Signature Property Owner

Gordon 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 sqm</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:  
570 m<sup>2</sup> ground floor area  
2855 m<sup>2</sup> gross floor area  
5 storeys  
15.3 m W x 42 m L (irregular) x 19.15m H

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

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 Y Connected Y  
Sanitary Sewer Y Connected Y  
Storm Sewers Y
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.

Additional Information
24.

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.