



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th 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

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-21:221

APPLICANTS: Agent Urban Solutions
Owner Fengate Hamilton Land GP Inc.

SUBJECT PROPERTY: Municipal address **44 Hughson St. S., Hamilton**

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

ZONING: "D1, H17, H19, H20 & D2, H17, H19 and H20" (Downtown Central Business and Downtown Prime Retail Streets) district

PROPOSAL: To permit the construction of a new thirty-four (34) storey mixed use building containing 635 unit multiple dwelling and 1290.0m² of commercial space notwithstanding that:

1. A maximum setback of 6.5m shall be provided along the Jackson Street East lot line for the portion of the building below 11.0m in height whereas the D1 zone permits a maximum setback of 4.5 from a street line for any portion of a building below 11.0m in height.
2. A maximum setback of 4.5m shall be provided along the Jackson Street East lot line for the portion of the building below 11.0m in height and within the D2 zone and whereas the D2 zone permits a maximum setback of 2.0 from a street line for any portion of a building below 11.0m in height.
3. A maximum setback of 3.2m shall be provided along the James Street South lot line for the portion of the building below 11.0m in height whereas the D2 zone permits a maximum setback of 2.0 from a street line for any portion of a building below 11.0m in height.
4. A maximum lot coverage of 90% shall be provided instead of the maximum permitted lot coverage of 85%.
5. A maximum building height of 111.0m shall be provided for the portion of the building located within the D2 zone, instead of the maximum permitted building height of 94.2m.
6. A minimum of 44% of the ground floor façade along Jackson Street East shall be comprised of glazing instead of the minimum required 60% ground floor façade glazing.
7. A maximum of 48% of the second and third floor façade along Jackson Street East shall be comprised of glazing instead of the maximum permitted 40% façade glazing at the second and third floor levels.

8. The exterior building cladding at the first three storeys of a building within a Heritage Character zone shall not be required to be comprised of either one or a combination of not more than two of the following materials: Brick, concrete panels, stone, stucco or metal/metal panels.

9. A maximum of 38% of the required parking spaces may be designed for the parking of small cars whereas the by-law permits a maximum of 10% of the required parking spaces to be designed for small cars.

10. Where a parking space designed for small vehicles is provided abutting a wall or column, the width of the parking space shall not be required to provide an additional width of 0.3m whereas the by-law requires all parking spaces within a parking structure which abuts a wall or column to provide an increased width of 0.3m.

11. A parallel parking space shall be 2.6m x 5.8m shall be provided instead of the minimum required size of 2.4m x 6.7m.

12. A total of 277 Long-term Bicycle Parking Spaces shall be provided instead of the minimum required 294 Long-term Bicycle Parking Spaces.

NOTES:

1. These variances are necessary to facilitate Site Plan Control Application DA-19-174.
2. Please be advised that this development is situated across zone separate zoning designations. The westerly portion known as 75 James Street South is subject to the requirements of the 'D2' zone, with the easterly portion known as 44 Hughson Street South being subject to the requirements of the 'D1' zone.

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

DATE: Thursday, July 22nd, 2021
TIME: 2:45 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

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
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 6th, 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.

REQUIRED MINOR VARIANCES CITY OF HAMILTON ZONING BY-LAW NO. 05-200

VARIANCE NO. 1: TO PERMIT A MAXIMUM BUILDING HEIGHT OF 34 STOREYS (111 METRES) FOR THE LANDS WITHIN THE (D2) DOWNTOWN PRIME RETAIL STREETS ZONE.

VARIANCE NO. 2: TO PERMIT A MAXIMUM LOT COVERAGE OF 90% FOR THE LANDS WITHIN THE (D1) DOWNTOWN CENTRAL BUSINESS DISTRICT ZONE AND (D2) DOWNTOWN PRIME RETAIL STREETS ZONE

VARIANCE NO. 3: TO PERMIT A MINIMUM AMENITY AREA OF 3.5 SQUARED METRES FOR EACH DWELLING UNIT WHEREAS THE REQUIRED MINIMUM AMENITY AREA PER DWELLING UNIT IS 4 SQUARE METRES FOR LANDS WITHIN THE (D1) DOWNTOWN CENTRAL BUSINESS DISTRICT ZONE AND (D2) DOWNTOWN PRIME RETAIL STREETS ZONE.

VARIANCE NO. 4: TO PERMIT THE LENGTH OF A COLUMN, WALL OR OBSTRUCTION 4.0 METRES WHEREAS THE PERMITTED MAXIMUM LENGTH IS 1.15 METRES.

VARIANCE NO. 5: TO NOTWITHSTAND SECTION 6.0 (E) AND REQUIRE NO MINIMUM EXTERIOR BUILDING FACADE MATERIALS FOR THE FIRST THREE STOREYS FOR THE PORTION OF LANDS DELINEATED AS HERITAGE CHARACTER ZONE ON FIGURE 2 OF SCHEDULE F.

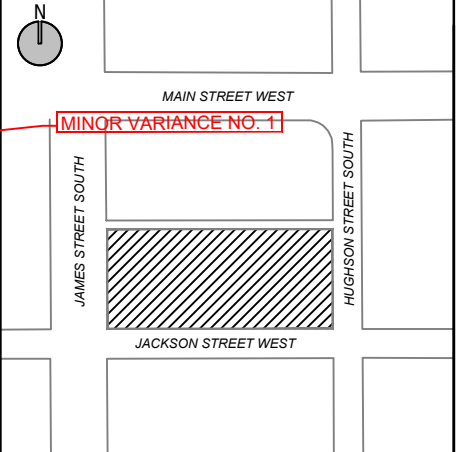
VARIANCE NO. 6: TO PERMIT A MINIMUM SETBACK TO A DAYLIGHT TRIANGLE OF 0.5 METRES.

Development Statistics
Downtown Prime Retail Commercial "D2" Zone
Downtown Central Business District "D1" Zone

Item	Required	Proposed
Commercial/ Office Area	n/a	404.00 m ²
Residential Area	n/a	4,3871.60 m ²
Total Residential Units	n/a	635 units
Studio	n/a	88 units
1 Bedroom	n/a	76 units
1 Bedroom + Den	n/a	239 units
2 Bedroom	n/a	208 units
2 Bedroom + Den	n/a	9 units
3 Bedroom	n/a	5 units
3 Bedroom + Den	n/a	3 units
Live + Work	n/a	7 units
Total Units less than 50 m ²	n/a	261 units
Total Units greater than 50 m ²	n/a	374 units

Development Statistics
Downtown Prime Retail Commercial "D2" Zone
Downtown Central Business District "D1" Zone

Item	Required	Proposed
Total Unit Count	n/a	635
Lot Area (m ²)	n/a	3,802.86m ²
Max. Building Height	94.2 m	110.8 m
Max. Building Setback James Street South (Front Yard)		
Floors 1-2	2.00 m	3.20 m
Floors 3-4	2.00 m	2.17 m
Floors 5-10	n/a	6.18 m
Floors 11-31	n/a	3.15 m
Max. Building Setback Jackson Street West		
D2 Zone: 2.00 m		
D1 Zone: 4.5 m		
Floors 1-2	n/a	0.00 m
Floors 3-10	n/a	6.45 m
Floors 11-20	n/a	4.45 m
Floors 21-31	n/a	3.00 m
Building Setback Hughson Street South		
Floors 1-10	n/a	13.98 m
Floors 11-15	n/a	21.82 m
Floors 16-20	n/a	40.32 m
Floors 21-31	n/a	59.62 m
Parking		
Residential Units less than 50 m ²		
Units 1-12	12 units x 0 = 0 spaces	
Units 13+	249 units x 0.3 = 74.7 spaces	
Residential Units greater than 50 m ²		
Units 1-12	12 units x 0 = 0 spaces	
Units 13-50	37 units x 0.5 = 18.5 spaces	
Units 51+	317 units x 0.7 = 221.9 spaces	
3 Bed +	8 units x 0 = 0 spaces	
Residential	315 spaces	319 spaces
Office/ Commercial	0 spaces	13 spaces
Barrier Free Spaces	2 + 2% of required spaces = 8 spaces	9 spaces
Total Parking	315 spaces	332 spaces
Total Bicycle Parking	10 (Short Term)	58 (Short Term)
	317 (Long Term)	317 (Long Term)



KEY MAP - N.T.S.

SCALE: 1:400 METRES

LEGEND:

- SUBJECT LANDS
- PROPERTY BOUNDARIES

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: L. DRENNAN CHECKED BY: M. JOHNSTON
DRAWN BY: L. DRENNAN DATE: MAY 21, 2021

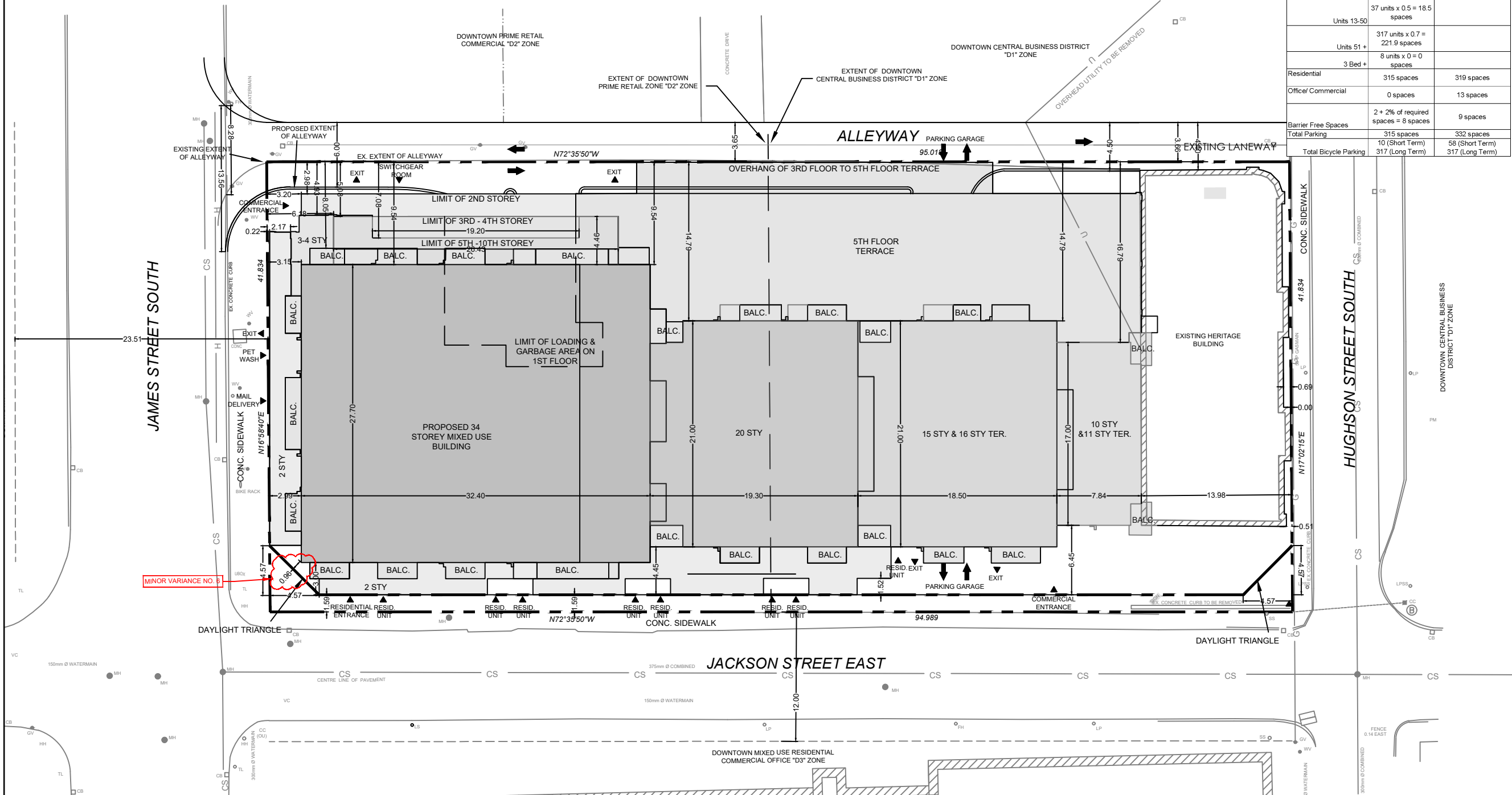
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
44 HUGHSON STREET SOUTH, 75 JAMES STREET SOUTH & 9 JACKSON STREET EAST
CITY OF HAMILTON

CLIENT:
FENGATE HAMILTON LANDS GP INC. ET AL

TITLE:
MINOR VARIANCE SKETCH

U/S FILE NUMBER: 230-17 SHEET NUMBER: 1





Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca

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)	Fengate Hamilton Lands GP Inc. et al	
Applicant(s)*	Same as owner	
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants 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:

N/A

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:

Please refer to cover letter and enclosed Minor Variance Sketch for list of required variances.

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

Please refer to cover letter.

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**):

Lots 41, 42, 43 & 44 Registered Plan 1431 in the City of Hamilton
44 Hughson Street South, 75 James Street South and 9 Jackson Street East, Hamilton

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use Tandia Cooperative banking & LiUNA Labourers Local 837

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?

Consultation with owner.

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 N/A

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.

May 19 2021
Date


Signature Property Owner

Fengate Hamilton Lands GP Inc. et al
Print Name of Owner

10. Dimensions of lands affected:

Frontage +/- 41.83 metres (James Street South)
Depth +/- 95.01 metres
Area +/- 3,802.86 square metres
Width of street +/- 23.5 metres (James Street South)

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:_
Please refer to enclosed Topographic Survey.

Proposed

Please refer to enclosed Minor Variance Sketch.

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

Existing:
Please refer to enclosed Topographic Survey.

Proposed:

Please refer to enclosed Minor Variance Sketch.

13. Date of acquisition of subject lands:
Unknown.
14. Date of construction of all buildings and structures on subject lands:
To be determined.
15. Existing uses of the subject property:
Subject lands are currently vacant with the exception of the LiUNA Labourers Local 837 which is proposed to remain.
16. Existing uses of abutting properties:
Commercial, Industrial and Residential.
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 | _____ | Connected | _____ <input checked="" type="checkbox"/> |
| Sanitary Sewer | _____ | Connected | _____ <input checked="" type="checkbox"/> |
| Storm Sewers | _____ | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
Downtown Mixed Use Area in the Urban Hamilton Official Plan
Downtown Mixed Use in the Downtown Hamilton Secondary Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Downtown Central Business District (D1 Holding: H17, H19, H20) Zone &
Downtown Mixed Use-Pedestrian Focused (D2 Holding: H17, H19, H20) Zone in the
City of Hamilton Zoning By-law No. 05-200.
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
 N/A
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.

May 25, 2021

230-17

Via Email & Delivered

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**RE: 44 Hughson Street South, 75 James Street South and 9 Jackson Street East, City of Hamilton
Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of Fengate Hamilton Lands GP Inc., the registered owner of the lands municipally known as 44 Hughson Street South, 75 James Street South and 9 Jackson Street East, in the City of Hamilton (subject lands). On behalf of the owner, UrbanSolutions has prepared the enclosed Minor Variance Application to the City of Hamilton.

The subject lands are designated Downtown Mixed-Use Area in the Urban Hamilton Official Plan (UHOP) and are designated as Downtown Mixed Use in the Downtown Hamilton Secondary Plan. The subject lands are located in the Downtown Central Business District (D1, H17, H19, H20) Zone and the Downtown Mixed Use- Pedestrian Focused (D2, H17, H19, H20) Zone in the City of Hamilton Zoning By-law No. 05-200. The subject lands currently have a frontage along Hughson Street South of 41 metres, Jackson Street East of 94 metres and James Street South of 41 metres. The lot contains a four (4) storey commercial office (Tandia Cooperative Banking) which is currently in the process of being demolished, a parking lot and a three (3) storey commercial building (LiUNA Labourers Local 837) that is proposed to remain.

The purpose of the Minor Variance application is to capture the site specific deficiencies to facilitate the development which has conditional Site Plan approval (DA-19-174) for the proposed development. A copy of the Minor Variance sketch is enclosed. As such the required minor variances include;

- **Variance No. 1:** To permit a maximum building height of 34 storeys (111 metres) for the lands within the (D2) Downtown Prime Retail Streets Zone.
- **Variance No. 2:** To permit a maximum lot coverage of 90% for the lands within the (D1) Downtown Central Business District Zone and (D2) Downtown Prime Retail Streets Zone.
- **Variance No. 3:** To permit a minimum amenity area of 3.5 squared metres for each dwelling unit whereas the required minimum amenity area per dwelling unit is 4 square metres for lands within the (D1) Downtown Central Business District Zone and (D2) Downtown Prime Retail Streets Zone.
- **Variance No. 4:** To permit the length of a column, wall or obstruction 4.0 metres whereas the permitted maximum length is 1.15 metres.

- **Variance No. 5:** To notwithstanding section 6.0 (e) and require no minimum exterior building façade materials for the first three storeys for the portion of lands delineated as Heritage Character Zone on Figure 2 of Schedule F.
- **Variance No. 6:** To permit a minimum setback to a daylight triangle of 0.5 metres.

Section 45(1) of the *Planning Act*, R.S.O, 1990, as amended, requires a Minor Variance to satisfy four tests. As noted earlier, the subject lands have received conditional Site Plan approval and this Minor Variance application if approved will facilitate the proposed development. The requested minor variances are minor in nature and reflect positive and desirable development. As the minor variances implements the conditional Site Plan approval, the proposed variances satisfy the four tests contained Section 45(1) of the *Planning Act* and represent good land use planning.

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

- One (1) PDF of the architectural package prepared by G & C Architects;
- One (1) PDF of the completed Minor Variance application form;
- One (1) PDF of the Minor Variance Sketch prepared by UrbanSolutions; and,
- One (1) cheque in the amount of **\$3,320.00** payable to the City of Hamilton for the Minor Variance application.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions



Sergio Manchia, MCIP, RPP
Principal



Laura Drennan, BA, CPT
Planning Technician

cc: Mr. Riccardo Persi, LiUNA Local 837 (via email)
Mr. Andrew Salomon, Hi-Rise Development Advisors (via email)
Councillor Jason Farr, Ward 2, City of Hamilton (via email)
Mr. Steve Robichaud, Chief Planner City of Hamilton (via email)
Mr. Matt Johnston, UrbanSolutions Planning & Land Development Consultants Inc. (via email)