



Committee of Adjustment  
Hamilton City Hall  
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**COMMITTEE OF ADJUSTMENT**  
**DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-21:221**  
**SUBMISSION NO. A-221/21**

**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 1290.0m<sup>2</sup> 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 108.0m 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 may be comprised of a combination of not more than three (3) of the following materials: Brick, concrete panels, stone, stucco or metal/metal panels whereas the By-law permits a combination of not more than two (2) cladding materials.

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9. Where a parking space is provided within parking structure and is 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 parking spaces within an above grade or underground parking structure to provide an increased width of 0.3m (3.1m) when abutting a wall or column.

10. A minimum setback of 0.5m shall be provided from a daylight triangle instead of the minimum 2.0m setback required from a street line.

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.

**THE DECISION OF THE COMMITTEE IS:**

That the variances, as set out in paragraph three above, are **GRANTED AS AMENDED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

That the said application is granted subject to the following condition:

1. That the owner receives final approval of the Elevation drawings associated with Site Plan application DA-19-174 to the satisfaction of the Manager of Development Planning, Heritage and Design.

**DATED AT HAMILTON** this 12th day of August, 2021.

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D. Smith (Chairman)

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D. Serwatak

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M. Dudzic

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L. Gaddy

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B. Charters

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M. Switzer

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N. Mieczko

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 1, 2021**.

**NOTE: This decision is not final and binding unless otherwise noted.**