

August 12, 2021  
HM/A-21:221

Owner Fengate Hamilton Lands GP Inc.  
**44 Hughson St. S., Hamilton**

Appearances were: M. Johnson (Urban Solutions)

Interested parties were: Councillor J. Farr

Those members present for the hearing of the application were D. Smith (Chairman), M. Dudzic, B. Charters, M. Smith, D. Serwatuk, T. Lofchik, N. Mleczko, L. Gaddy, M. Switzer.

Staff: Shannon McKie (Manager Development Planning, Heritage & Design)

This application was previously tabled from the July 22<sup>nd</sup>, 2021 Committee of Adjustment Hearing.

Letters were entered into the record by: none.

S. McKie

Working with the applicant

Presented comments orally, read from prepared statement

Staff supportive but remain concerned about 5

1, 2 & 3 supportive

#4 storm water management is being addressed onsite so are supportive

#6, 7, 8 existing condition (glazing percentages and materials being used) staff are supportive

On condition that the applicant get final approval of elevation drawing through Site Plan Control Application

#5, staff are still concerned and do not support #5 (explained) should be assessed through zoning and OP applications

#10 0.3m parking stalls and based on plans submitted staff can usually support abutting a column but limit the accessibility because abutting a wall

Variance 9, 11, 12 variances are not required

M. Johnston

Provided an overview of the application and shared his screen with the presentation

Councillor J. Farr

Called a meeting with the agent and owner onsite and with staff

Staff have to follow policy, but the height really has no issue with view of the escarpment (vast view and intact)

Imminent for the core (UHOP) confirmation is needed to do better

Confirmed to be at 20% growth

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Many people are asking to grow up and not out, so with this in mind important to make adjustments for the improvement of the downtown  
Talked about the Council meeting on some OPA and CPA amendments  
Urban design is a priority and have no concerns with this proposal; exceptional situation and fully supportive  
Committee have made decisions on high rise before and after all done not one complaint has come in

T. Lofchik  
What is the height of the corner of Main and Catharine?  
Height restriction by-law is the holy grail for development in Hamilton and maybe should be dealt with Council

N. Mleczko  
42 storeys and had no problem seeing the escarpment

M. Johnston  
No impact on the view building is taller than the escarpment

B. Charters  
Asked clarification on if approved would the City Planning Department have an opportunity to appeal  
But he would be willing to put forth a motion

M. Smith  
Council and staff are deliberate when caps are put on and if changes should be made by staff/council and not made through MV

M. Dudzic  
If council changes then anyone can put anything up because it's an open policy, but this way everything is looked at more careful

M. Johnston  
108m instead of 111m Variance #5  
Variance #10 remove the word small

J. Sheffield  
Read from comments showing the amendments

Following discussion, B. Charters moved as amended and with condition seconded for approval as amended and with condition N. Mleczko.

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The relief requested be **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.

M. Smith & T. Lofchik were opposed to the approval of this application

**CARRIED.**