



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

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-22:132 | SUBJECT PROPERTY: | 41-61 WILSON ST., and 97, 99 & 117 JOHN ST., N. HAMILTON |
| ZONE: | “D5, H17, H19 and H20” (Downtown Residential) | ZONING BY-LAW: | Zoning By-law 05-200, as Amended |

APPLICANTS: Agent A.J. Clarke & Associates – Ryan Ferrari
Owner Hamilton II GP Inc. – Kash Pashootan

The following variances are requested:

1. No setback shall be required from the building base façade height of 22.0m abutting Wilson Street and 16.0m abutting John Street North and Hughson Street North instead of the minimum required 3.0m stepback from the building base façade height of 22.0m abutting Wilson Street and 16.0m abutting John Street North and Hughson Street North.
2. A minimum stepback of 11.0m shall be permitted from all side and rear lot lines, except any flankage yard, for any portion of the building exceeding 44.0m in height instead of the minimum required stepback of 12.5m from all side and rear lot lines, except any flankage yard, for any portion of the building exceeding 44.0m in height.
3. A minimum distance of 22.0m shall be permitted between exterior walls on the same property for that portion of a building exceeding 44.0 metres in height instead of the requirement that for that portion of a building exceeding 44.0 metres in height a distance of 25.0 metres shall be provided between exterior walls on the same property.
4. A minimum rear yard of 6.3m shall be permitted instead of the minimum required rear yard of 7.5m.
5. A balcony shall be permitted to encroach into any yard a maximum of 1.5m instead of the maximum permitted balcony encroachment of 1.0m.

HM/A-22:132

6. A maximum building height of 97.0m shall be permitted instead of the maximum building height of 88.0m.
7. No increase in the minimum width of a parking space shall be required were a wall, column or any other obstruction is located abutting a maximum of fourteen (14) parking spaces instead of the requirement that where a wall, column, or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.3 metres.
8. A maximum of not more than 16% of the required parking spaces within Phase 1 and a maximum of not more than 10.25% of the required parking spaces for the entire development may be identified for the parking of small car only having a minimum width of 2.6 metres and a minimum length of 5.5 metres instead of the requirement that not more than 10% of the required parking spaces may be identified as being reserved for the parking of small cars only having a minimum width of 2.6 metres and a minimum length of 5.5 metres.
9. Two (2) short-term bicycle parking spaces shall be provided for the commercial units instead of the minimum required five (5) short-term bicycle parking spaces.
10. No long-term bicycle parking spaces shall be provided for the commercial unit exceeding a gross floor area of 450m² instead of the minimum required two (2) long-term bicycle parking spaces per commercial unit between 450.0m² and 10,000m² of gross floor area.

PURPOSE & EFFECT: To permit the construction three (3), 31 storey mixed-use towers sitting on a podium with commercial units at-grade and residential units above in order to facilitate Site Plan File No. DA-21-097:

Notes:

- i. The variances are necessary to facilitate Site Plan File No. DA-21-097.
- ii. If Variance # 8 is granted, a maximum of 50 parking spaces may be identified for small cars only within Phase 1 and also for the entire development. The plans submitted show 49 parking spaces being labelled for small cars only.
- iii. The "H17, H19, H20" Holding provision shall be removed prior to the commencement of the proposed development.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

| | |
|---------------|---|
| DATE: | Thursday, June 9, 2022 |
| TIME: | 3:55 p.m. |
| PLACE: | Via video link or call in (see attached sheet for details) |
| | To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment |

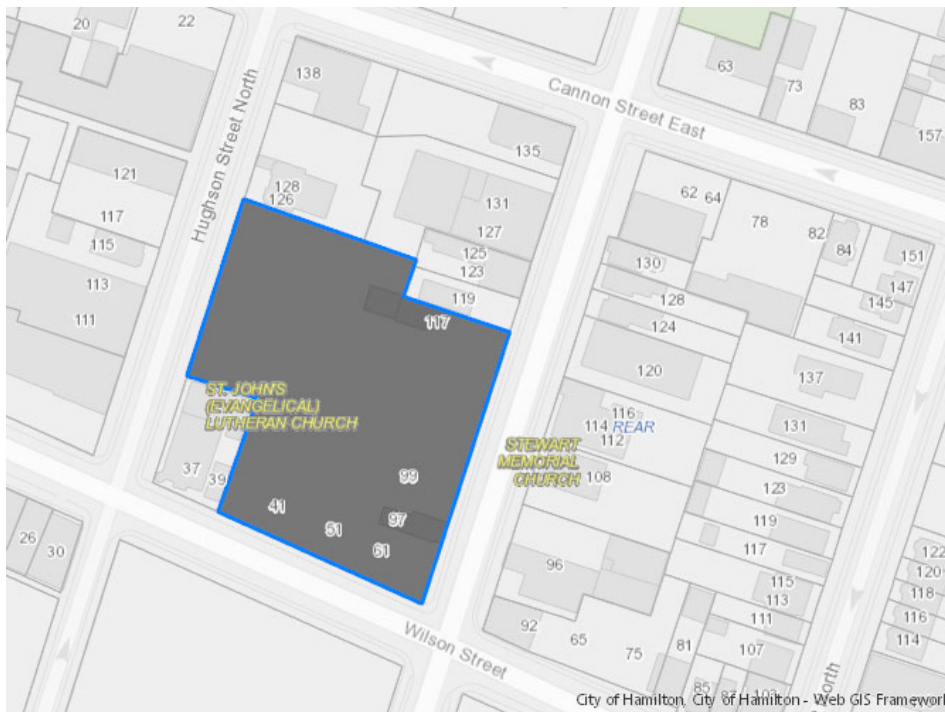
For more information on this matter, including access to drawings illustrating this request and other information submitted:

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

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.



 **Subject Lands**

DATED: May 24, 2022

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, and may include posting electronic versions.



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PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions During the Virtual Meeting

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



2022-05-02 9:16:09 PM

CLIENT

EMBLEM

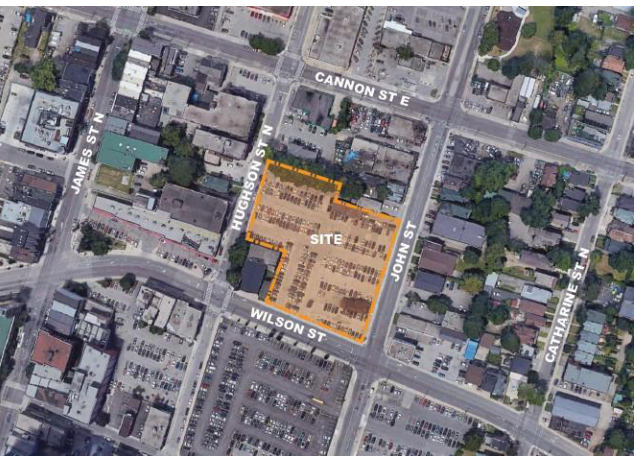
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IBI Group Architects (Canada) Inc.
 is a member of the IBI Group of companies.

ISSUES

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| 3 | REISSUED FOR SITE PLAN APPROVAL | 2022-03-16 |
| 4 | Committee of Adjustment Revision | 2022-04-11 |
| 5 | Minor Variance Application | 2022-05-18 |

KEY PLAN



CONSULTANTS

ARCHITECT: IBI GROUP ARCHITECTS (CANADA) INC.
 PLANNER: A. J. CLARKE AND ASSOCIATES
 ELECTRICAL: THE HDI GROUP
 LANDSCAPE ARCHITECT: ADESSO DESIGN INC.
 MECHANICAL: THE HDI GROUP
 STRUCTURAL: STEPHENSON ENGINEERING
 TRANSPORTATION: LEA CONSULTING LTD.

CONSULTANTS

- Landscape Architecture**
 - Adesso Design Inc
218 Locke Street South
Hamilton, ON. L8P4B4
- Mechanical and Electrical**
 - The HDI Group
155 Gordon Baker Road, Suite 200
Toronto, ON M2H3N5
- Heritage**
 - GBCA
362 Davenport Road, Suite 200
Toronto, ON. M5R 1K6
- Civil**
 - AJ Clarke & Associates Ltd
25 Main Street West
Hamilton, ON. L8P1H1
- Planning**
 - AJ Clarke & Associates Ltd
25 Main Street West
Hamilton, ON. L8P1H1
- Wind**
 - Theakston Environmental
596 Glengarry Crescent,
Ferus, Ontario N1M 3E2
- Transportation**
 - LEA Consulting Ltd
425 University Avenue
Toronto, ON. M5G1T6
- OBC**
 - Jensen Hughes
2150 Islington Avenue, Suite 100
Toronto, ON M9P 3V4
- Acoustics**
 - Aeroustics Engineering Ltd
1004 Middlegate Road, Suite 1100
Mississauga, ON L4Y 1M4

ARCHITECTURAL DRAWINGS

| Sheet Number | Sheet Name |
|--------------|--------------------|
| A000 | COVER PAGE |
| A001 | SITE STATISTICS |
| A100 | SITE SURVEY |
| A101 | SITE PLAN |
| A201 | GROUND FLOOR PLAN |
| A202 | MEZZANINE |
| A203 | LEVEL 2 |
| A204 | LEVEL 3 |
| A205 | LEVEL 4 |
| A206 | LEVEL 5 |
| A207 | LEVEL 6 |
| A208 | LEVEL 7 |
| A209 | LEVEL 8 |
| A210 | TYPICAL TOWER PLAN |
| A211 | ROOF PLAN |
| A401 | NORTH ELEVATION |
| A402 | EAST ELEVATION |
| A403 | SOUTH ELEVATION |
| A404 | WEST ELEVATION |
| A451 | N/S SECTION |
| A452 | E/W SECTION |
| A701 | RENDERINGS |

SEAL



PRIME CONSULTANT

IBI GROUP
 55 St. Clair Avenue West, 7th Floor,
 Toronto, ON M4V 2Y7, Canada
 Tel: 416 596 1930 fax 416 596 0644
 ibigroup.com

PROJECT

41-61 WILSON STREET
 HAMILTON, ON L8R 1C6
 DA-21-097

PROJECT NO:
127238

| | |
|------------------------|-------------------|
| DRAWN BY: SA | CHECKED BY: - |
| PROJECT MGR: - | APPROVED BY: - |

SHEET TITLE
COVER PAGE

SHEET NUMBER
A000

ISSUE
5

SCALE CHECK 1:10m

2022-05-09 12:13:59 PM

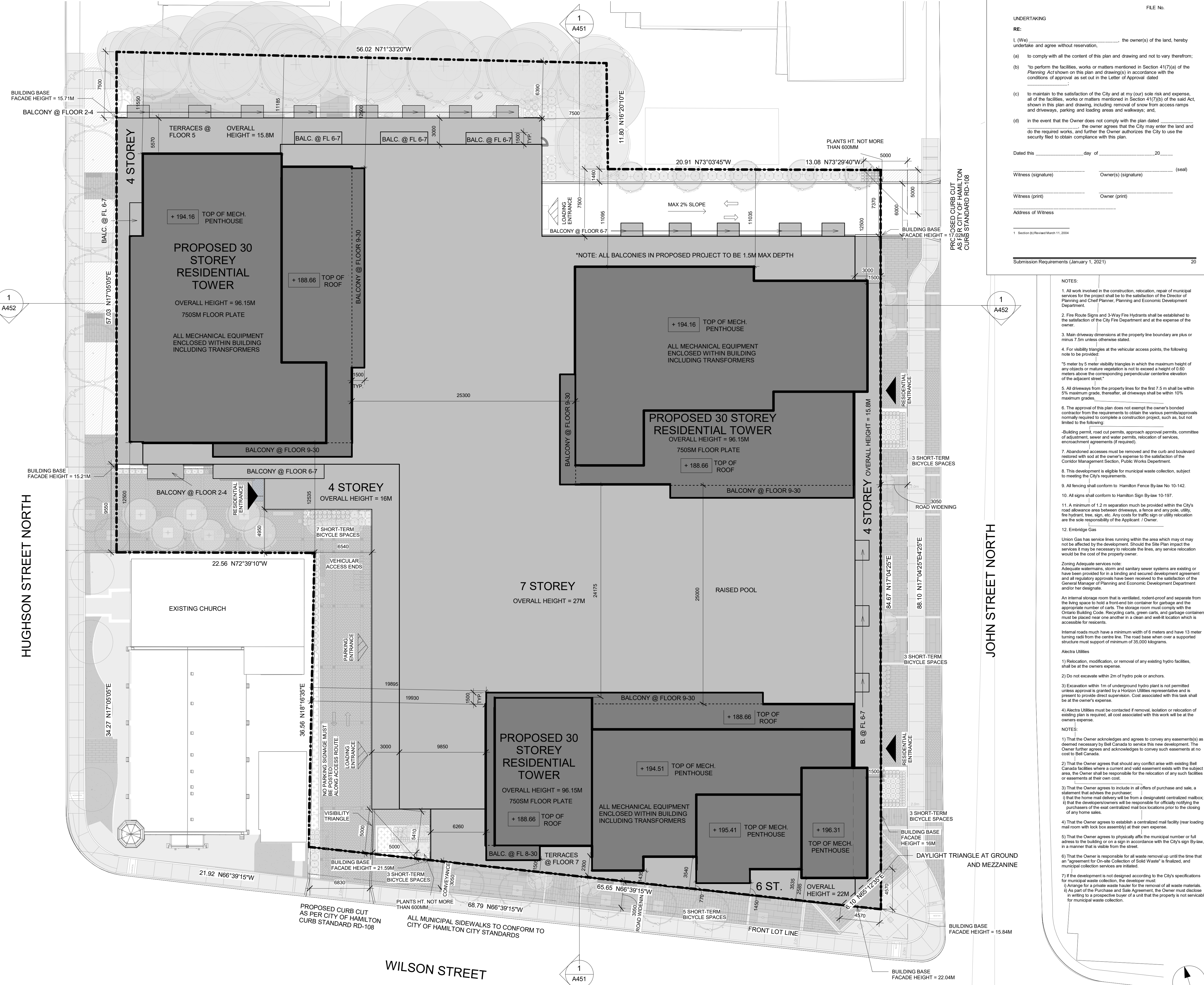
SITE PLAN

1 : 200

HUGHSON STREET NORTH

JOHN STREET NORTH

WILSON STREET



Schedule "4"
FILE No.

UNDERTAKING
RE:
I, (We) _____ the owner(s) of the land, hereby undertake and agree without reservation,
(a) to comply with all the content of this plan and drawing and not to vary therefrom;
(b) to perform the facilities, works or matters mentioned in Section 41(7)(a) of the Planning Act shown on the plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated _____;
(c) to maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways; and,
(d) in the event that the Owner does not comply with the plan dated _____, the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.

Dated this _____ day of _____ 20____

Witness (signature) _____ Owner(s) (signature) _____ (seal)

Witness (print) _____ Owner (print) _____

Address of Witness _____

1 Section B) Revised March 11, 2024

Submission Requirements (January 1, 2021) _____ 20____

NOTES:

- All work involved in the construction, relocation, repair of municipal services for the project shall be to the satisfaction of the Director of Planning and Chief Planner, Planning and Economic Development Department.
- Fire Route Signs and 3-Way Fire Hydrants shall be established to the satisfaction of the City Fire Department and at the expense of the owner.
- Main driveway dimensions at the property line boundary are plus or minus 2.5m unless otherwise stated.
- For visibility triangles at the vehicular access points, the following note to be provided:
"5 meter by 5 meter visibility triangles in which the maximum height of any objects or mature vegetation is not to exceed a height of 0.60 meters above the corresponding perpendicular centerline elevation of the adjacent street."
- All driveways from the property lines for the first 7.5 m shall be within 5% maximum grade, thereafter, all driveways shall be within 10% maximum grades.
- The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the various permits/approvals normally required to complete a construction project, such as, but not limited to the following:
-Building permit, road cut permits, approach approval permits, committee of adjustment, sewer and water permits, relocation of services, encroachment agreements (if required).
- Abandoned accesses must be removed and the curb and boulevard restored with soil at the owner's expense to the satisfaction of the Corridor Management Section, Public Works Department.
- This development is eligible for municipal waste collection, subject to meeting the City's requirements.
- All fencing shall conform to Hamilton Fence By-law No 10-142.
- All signs shall conform to Hamilton Sign By-law 10-197.
- A minimum of 1.2 m separation must be provided within the City's road allowance area between driveways, a fence and any pole, utility, fire hydrant, tree, sign, etc. Any costs for traffic sign or utility relocation are the sole responsibility of the Applicant / Owner.
- Embridge Gas
- Union Gas has service lines running within the area which may or may not be affected by the development. Should the Site Plan impact the services it may be necessary to relocate the lines, any service relocation would be the cost of the property owner.

Zoning Adequate services note:
Adequate watermain, storm and sanitary sewer systems are existing or have been provided for in a binding and secured development agreement and all regulatory approvals have been received to the satisfaction of the General Manager of Planning and Economic Development Department and/or her designate.

An internal storage room that is ventilated, rodent-proof and separate from the living space to hold a front-end bin container for garbage and the appropriate number of carts. The storage room must comply with the Ontario Building Code. Recycling carts, green carts, and garbage containers must be placed near one another in a clean and well-lit location which is accessible for residents.

Internal roads must have a minimum width of 6 meters and have 13 meter turning radii from the centre line. The road base when over a supported structure must support of minimum of 35,000 kilograms.

Asstra Utilities

- Relocation, modification, or removal of any existing hydro facilities, shall be at the owners expense.
- Do not excavate within 2m of hydro pole or anchors.
- Excavation within 1m of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Asstra Utilities must be contacted if removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.

NOTES:

- The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
- The Owner agrees that should any conflict arise with existing Bell Canada facilities within a current and valid easement exists with the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.
- The Owner agrees to include in all offers of purchase and sale, a statement that advises the purchaser:
(i) that the home mail delivery will be from a designated centralized mailbox;
(ii) that the developments/owners will be responsible for officially notifying the purchasers of the most centralized mail box locations prior to the closing of any home sales.
- The Owner agrees to establish a centralized mail facility (near loading mail room with lock box assembly) at their own expense.
- The Owner agrees to physically affix the municipal number or fall address to the building or on a sign in accordance with the City's sign By-law, in a manner that is visible from the street.
- The Owner is responsible for all waste removal until the time that an agreement for On-site Collection of Solid Waste is finalized, and municipal collection services are initiated.
- If the development is not designed according to the City's specifications for municipal waste collection, the developer must:
(i) Arrange for a private waste hauler for the removal of all waste materials;
(ii) As part of the Purchase and Sale Agreement, the Owner must disclose in writing to a prospective buyer of a unit that the property is not servicable for municipal waste collection.

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PROJECT

41-61 WILSON STREET
HAMILTON, ON L8R 1C6
DA-21-097

PROJECT NO:
127238

DRAWN BY:
SA

PROJECT MGR:
SA

CHECKED BY:
SA

APPROVED BY:
SA

SHEET TITLE

SITE PLAN

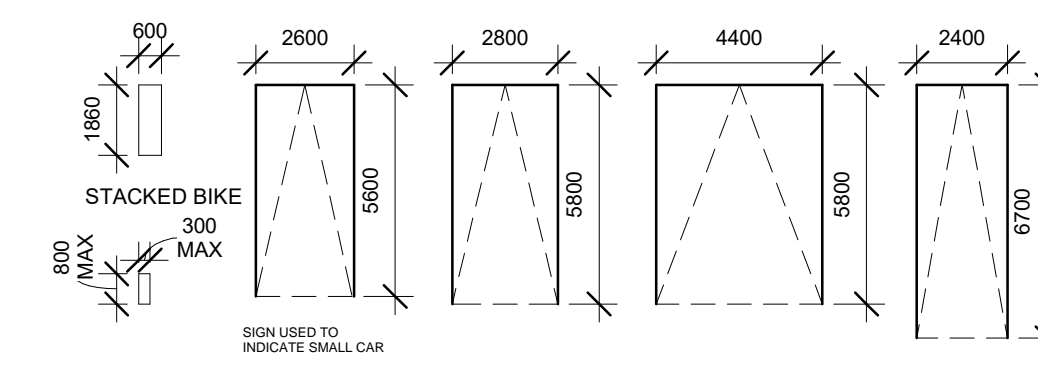
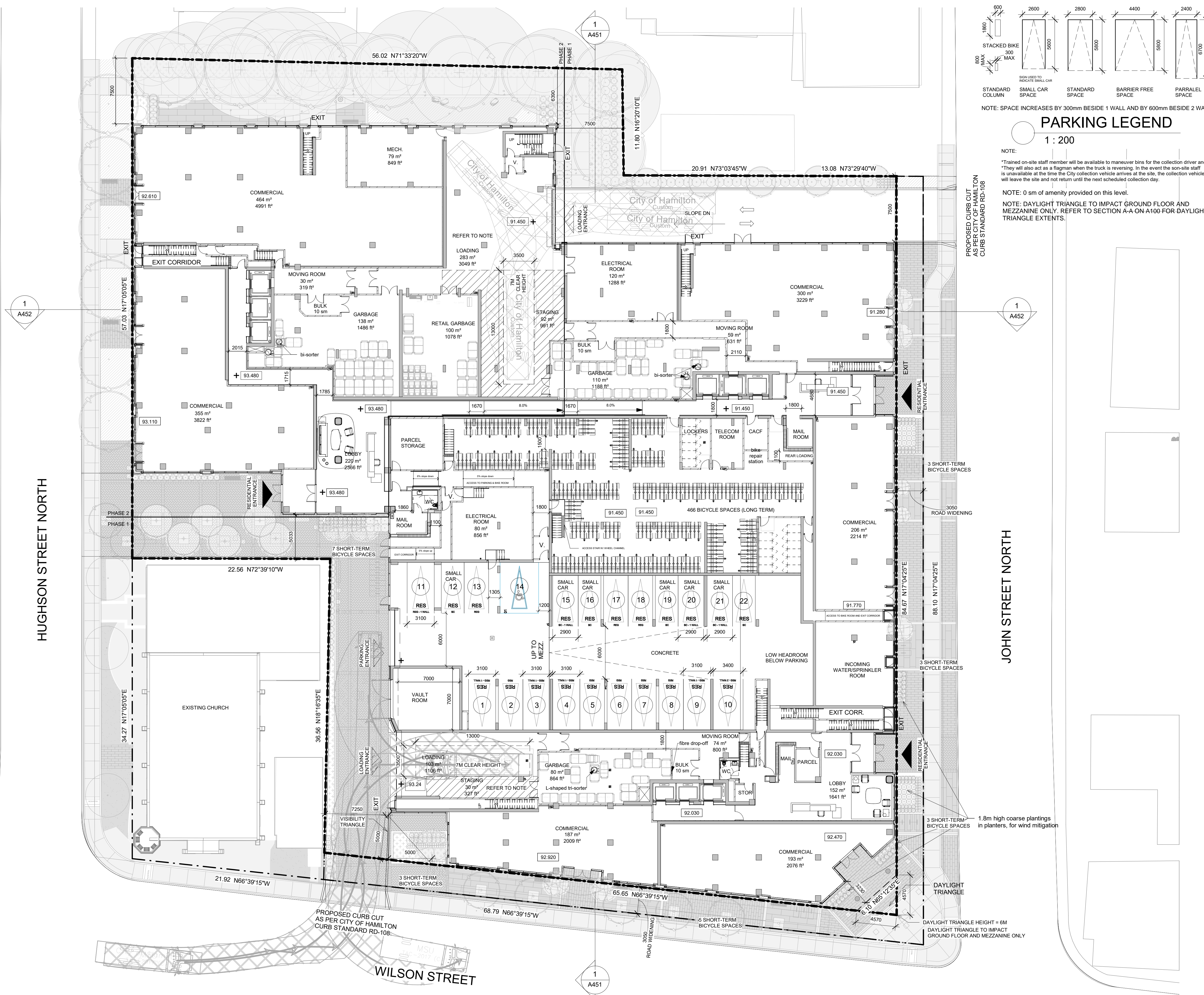
SHEET NUMBER

A101

ISSUE

5

11mm
SCALE CHECK



NOTE: SPACE INCREASES BY 300mm BESIDE 1 WALL AND BY 600mm BESIDE 2 WALLS

PARKING LEGEND

1 : 200

NOTE:
 *Trained on-site staff member will be available to maneuver bins for the collection driver and. They will also act as a flagman when the truck is reversing. In the event the on-site staff is unavailable at the time the City collection vehicle arrives at the site, the collection vehicle will leave the site and not return until the next scheduled collection day.
 NOTE: 0.5m of amenity provided on this level.
 NOTE: DAYLIGHT TRIANGLE TO IMPACT GROUND FLOOR AND MEZZANINE ONLY. REFER TO SECTION A-A ON A100-FOR DAYLIGHT TRIANGLE EXTENTS.

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PROJECT

41-61 WILSON STREET
 HAMILTON, ON L8R 1C6
 DA-21-097

PROJECT NO:
127238

DRAWN BY: SA

PROJECT MGR: -

CHECKED BY: -

APPROVED BY: -

SHEET TITLE
GROUND FLOOR PLAN

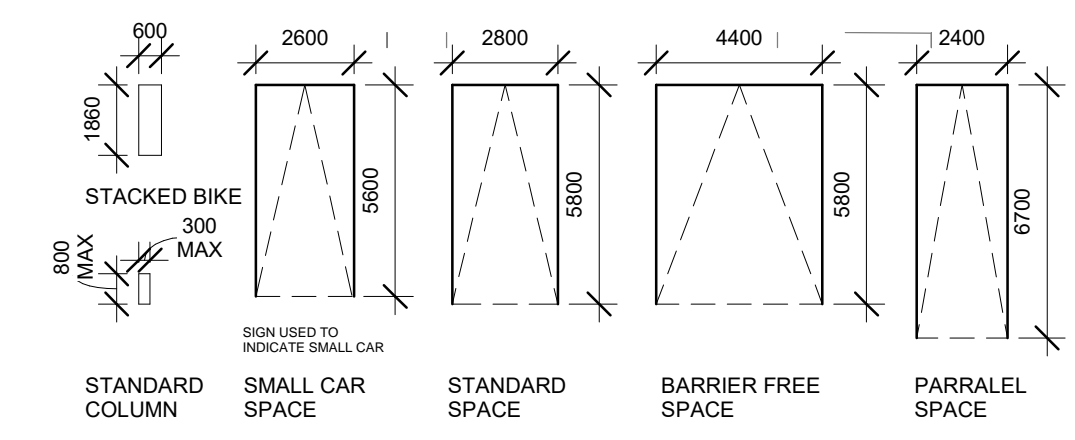
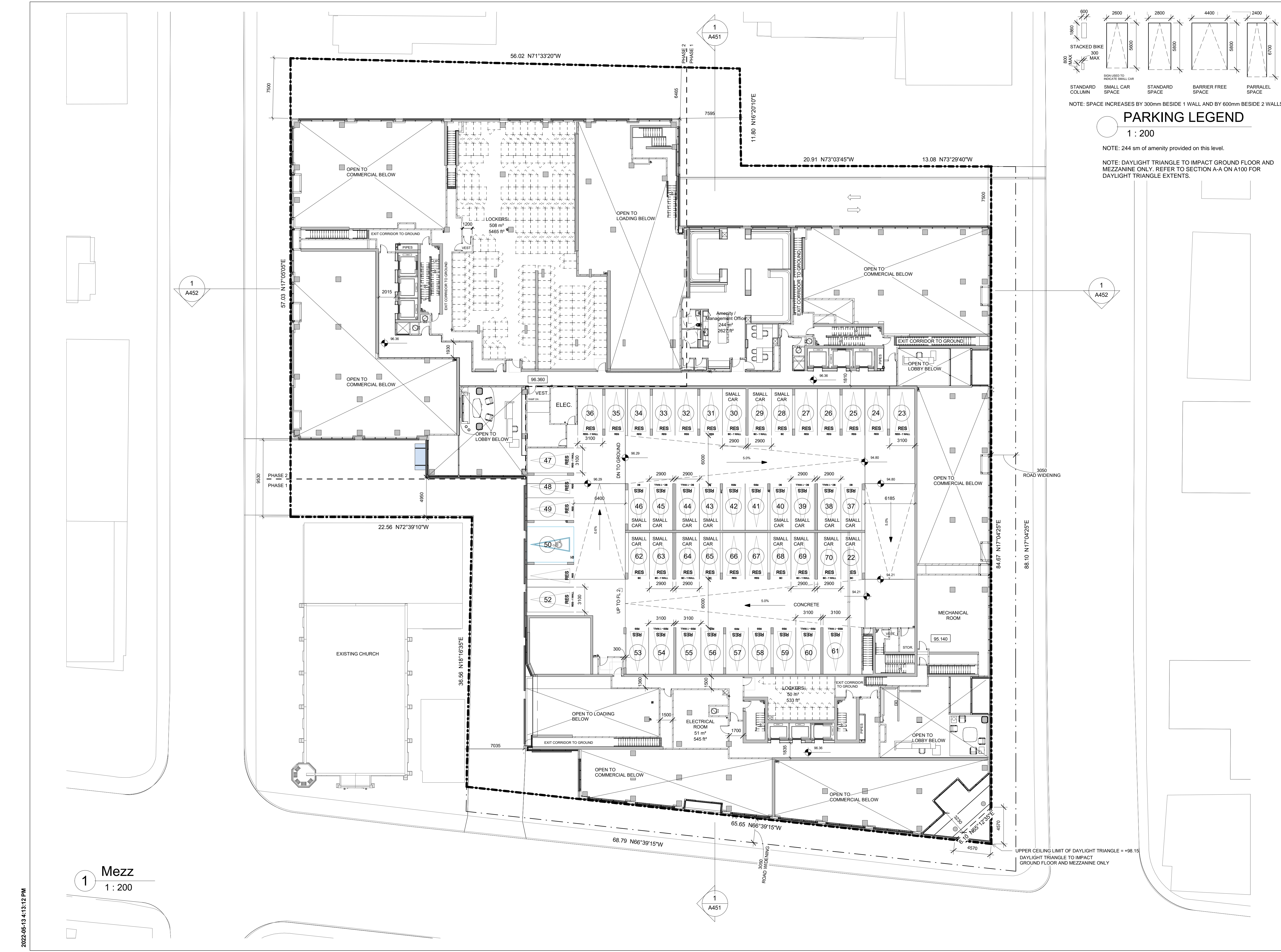
SHEET NUMBER A201

ISSUE 5

1 Level 1
1 : 200

2022-05-13 3:53:33 PM

SCALE CHECK
1:1000



PARKING LEGEND
1 : 200

NOTE: 244 sm of amenity provided on this level.

NOTE: DAYLIGHT TRIANGLE TO IMPACT GROUND FLOOR AND MEZZANINE ONLY. REFER TO SECTION A-A ON A100 FOR DAYLIGHT TRIANGLE EXTENTS.

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SEAL



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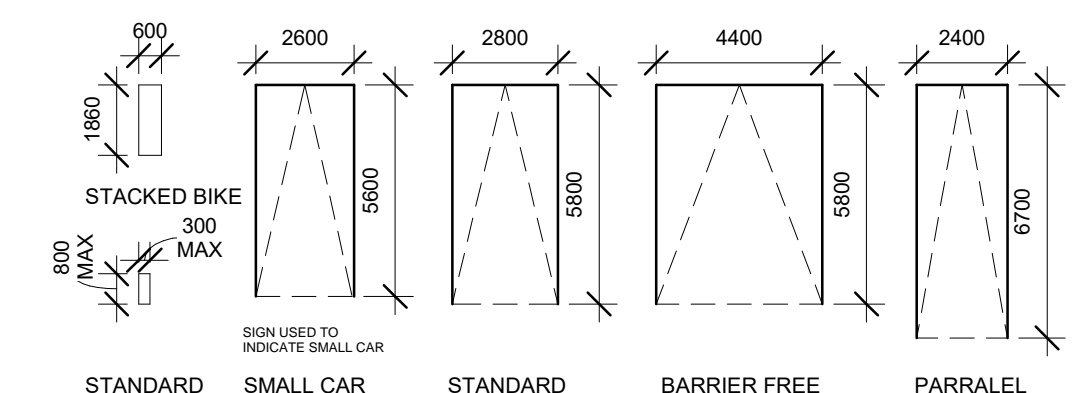
PROJECT NO: 127238
DRAWN BY: SA
PROJECT MGR: -
CHECKED BY: -
APPROVED BY: -

SHEET TITLE

MEZZANINE

SHEET NUMBER A202 **ISSUE** 5

Mezz
1 : 200



NOTE: SPACE INCREASES BY 300mm BESIDE 1 WALL AND BY 600mm BESIDE 2 WALLS

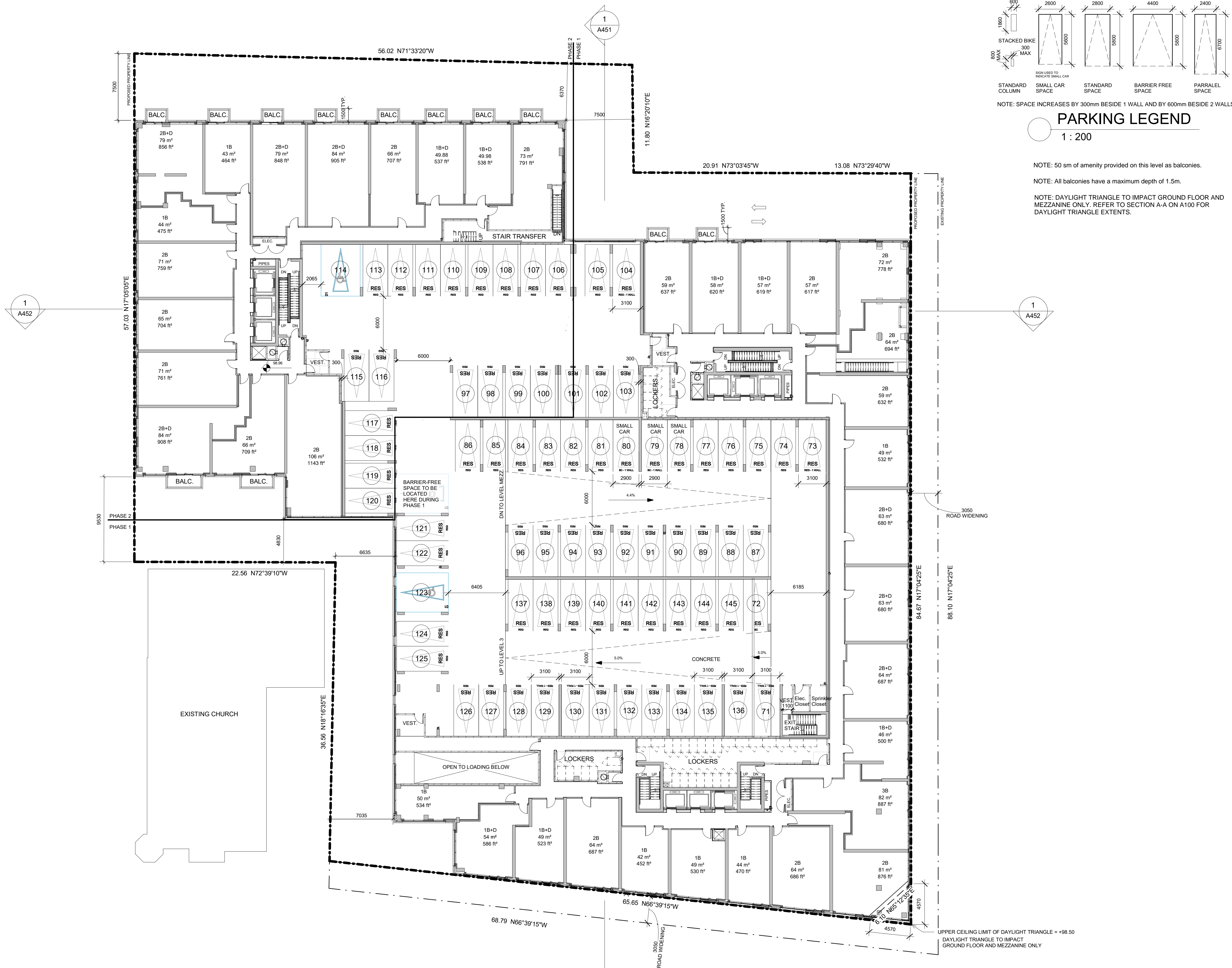
PARKING LEGEND

1 : 200

NOTE: 50 sm of amenity provided on this level as balconies.

NOTE: All balconies have a maximum depth of 1.5m.

NOTE: DAYLIGHT TRIANGLE TO IMPACT GROUND FLOOR AND MEZZANINE ONLY. REFER TO SECTION A-A ON A100 FOR DAYLIGHT TRIANGLE EXTENTS.



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SEAL



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IBI GROUP
55 St. Clair Avenue West, 7th Floor,
Toronto, ON M4V 2Y7, Canada
Tel: 416 596 1930 fax: 416 596 0644
ibi@ibi.com

PROJECT

41-61 WILSON STREET
HAMILTON, ON L8R 1C6
DA-21-097

PROJECT NO:

127238

DRAWN BY:

SA

PROJECT MGR:

-

CHECKED BY:

-

APPROVED BY:

-

SHEET TITLE

LEVEL 2

SHEET NUMBER

A203

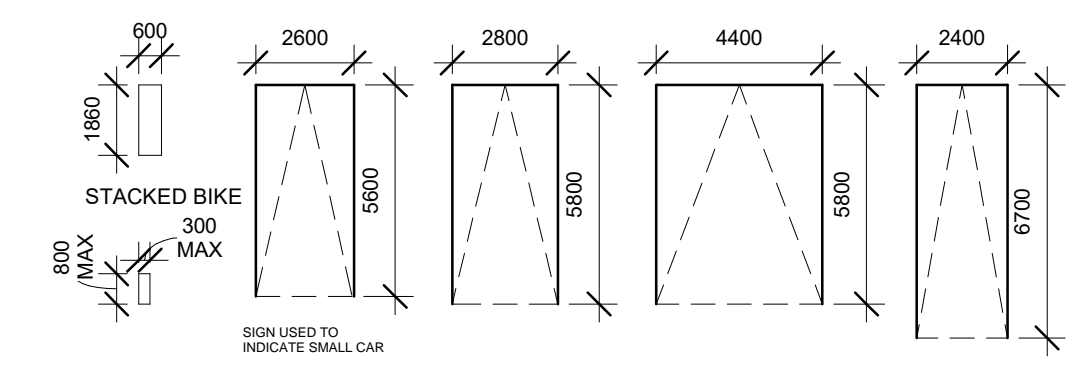
ISSUE

5

2022-05-13 4:16:03 PM

1 Level 2
1 : 200

SCALE CHECK 1:1m



NOTE: SPACE INCREASES BY 300mm BESIDE 1 WALL AND BY 600mm BESIDE 2 WALLS

PARKING LEGEND

1 : 200

NOTE: 50 sm of amenity provided on this level as balconies.

NOTE: All balconies have a maximum depth of 1.5m.

NOTE: DAYLIGHT TRIANGLE TO IMPACT GROUND FLOOR AND MEZZANINE ONLY. REFER TO SECTION A-A ON A100 FOR DAYLIGHT TRIANGLE EXTENTS.

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| 5 | Minor Variance Application | 2022-05-18 |

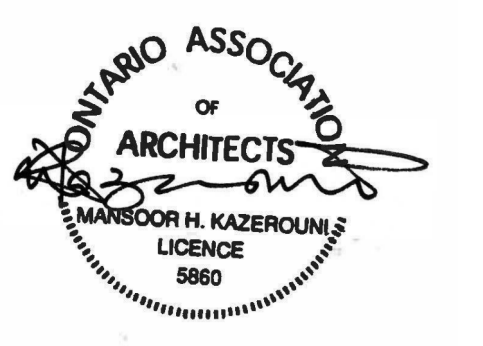
KEY PLAN



CONSULTANTS

ARCHITECT: IBI GROUP ARCHITECTS (CANADA) INC.
 PLANNER: A. J. CLARKE AND ASSOCIATES
 ELECTRICAL: THE HDI GROUP
 LANDSCAPE ARCHITECT: ADESSO DESIGN INC.
 MECHANICAL: THE HDI GROUP
 STRUCTURAL: STEPHENSON ENGINEERING
 TRANSPORTATION: LEA CONSULTING LTD.

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IBI GROUP
 55 St. Clair Avenue West, 7th Floor,
 Toronto, ON M4V 2Y7, Canada
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 DA-21-097

PROJECT NO:

127238

DRAWN BY:

SA

CHECKED BY:

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PROJECT MGR:

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APPROVED BY:

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SHEET TITLE

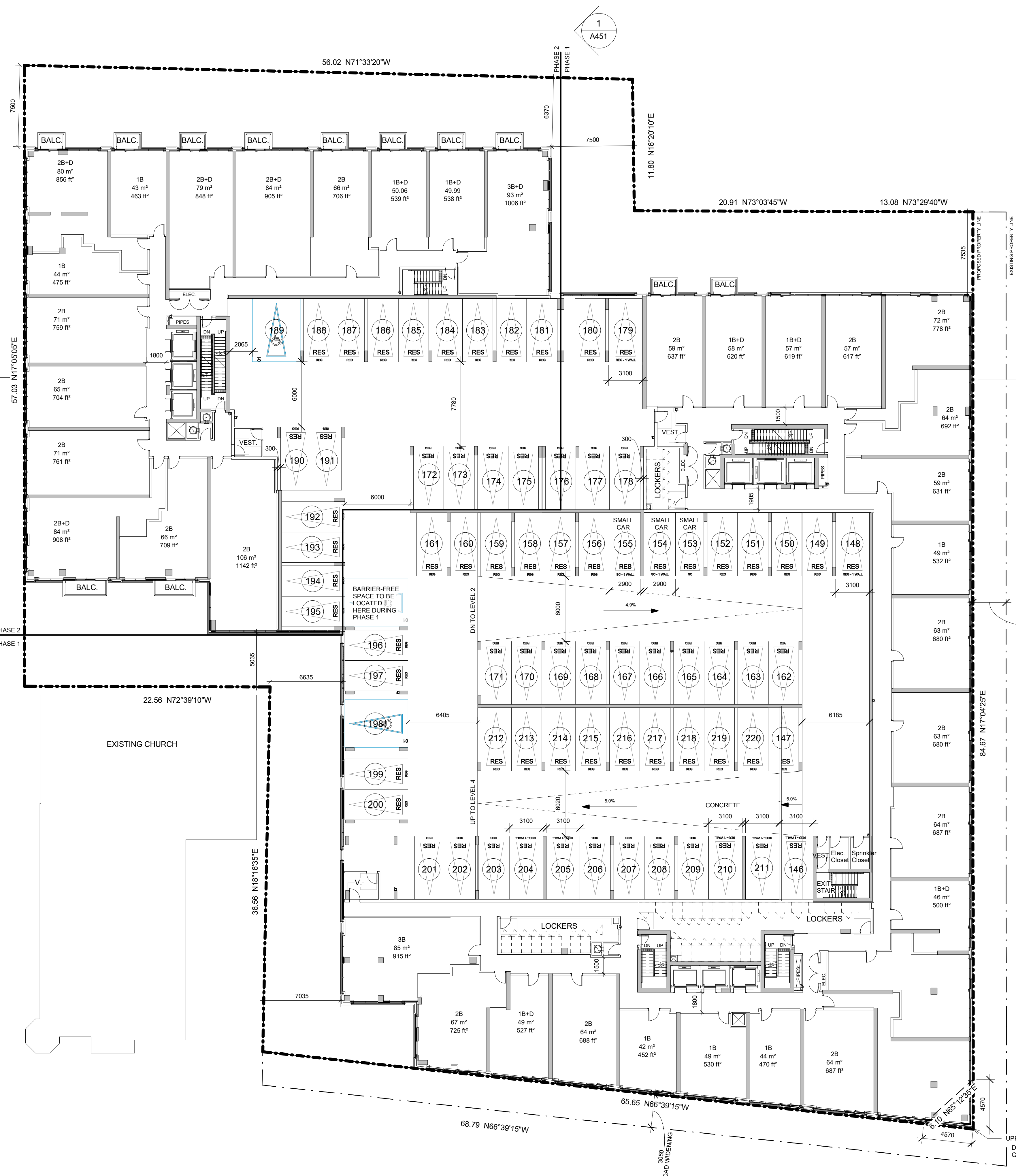
LEVEL 3

SHEET NUMBER

A204

ISSUE

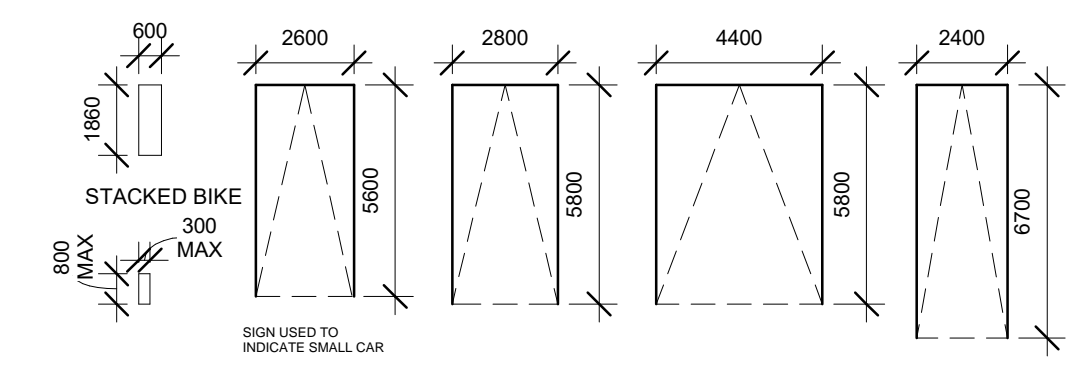
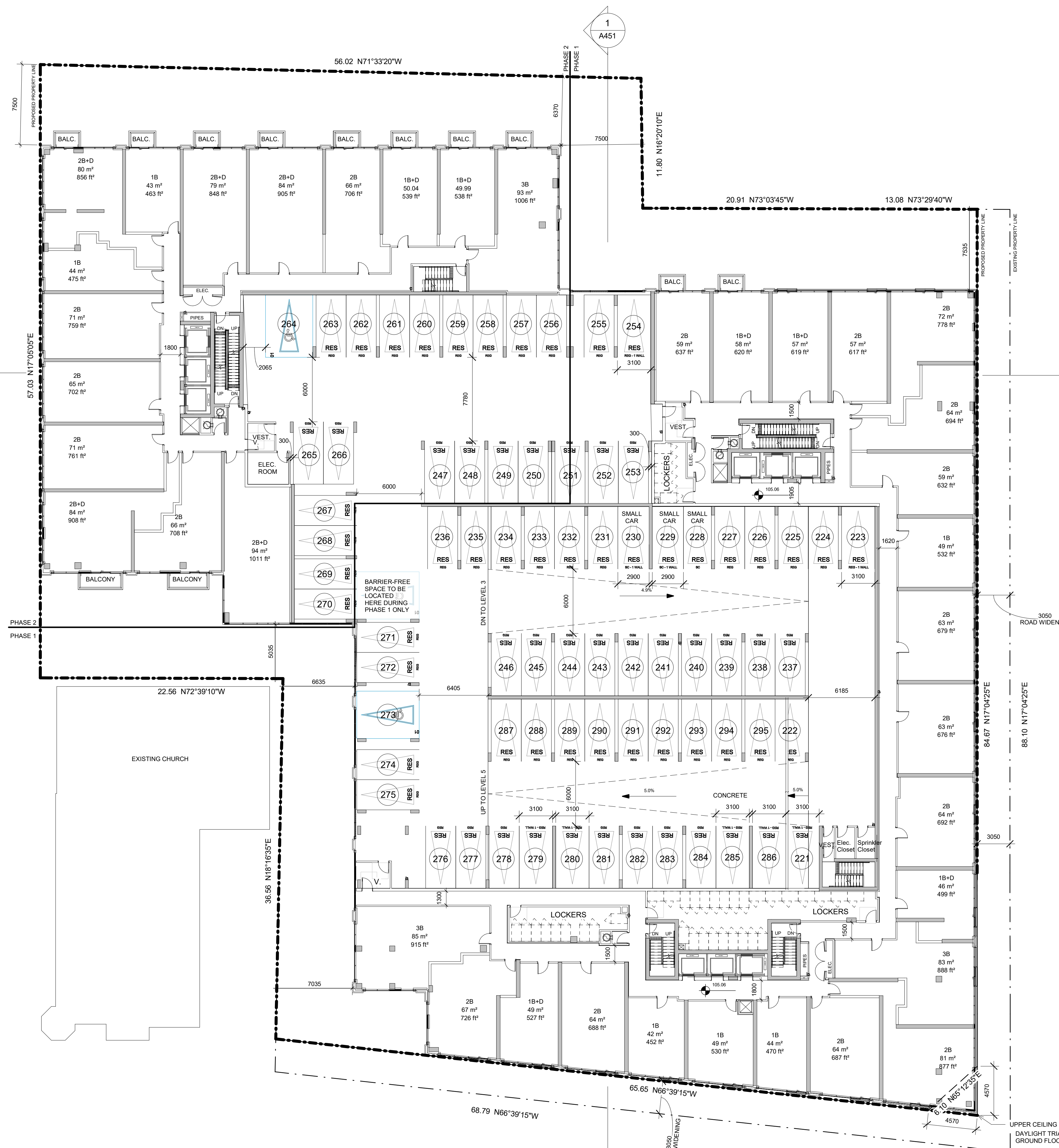
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1 Level 3
 1 : 200

2022-05-13 4:16:29 PM

SCALE CHECK 1:1m



NOTE: SPACE INCREASES BY 300mm BESIDE 1 WALL AND BY 600mm BESIDE 2 WALLS

PARKING LEGEND

1 : 200

NOTE: 50 sm of amenity provided on this level as balconies.

NOTE: All balconies have a maximum depth of 1.5m.

NOTE: DAYLIGHT TRIANGLE TO IMPACT GROUND FLOOR AND MEZZANINE ONLY. REFER TO SECTION A-A ON A100 FOR DAYLIGHT TRIANGLE EXTENTS.

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KEY PLAN



CONSULTANTS

ARCHITECT: IBI GROUP ARCHITECTS (CANADA) INC.
 PLANNER: A. J. CLARKE AND ASSOCIATES
 ELECTRICAL: THE HDI GROUP
 LANDSCAPE ARCHITECT: ADRESSO DESIGN INC.
 MECHANICAL: THE HDI GROUP
 STRUCTURAL: STEPHENSON ENGINEERING
 TRANSPORTATION: LEA CONSULTING LTD.

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 55 St. Clair Avenue West, 7th Floor,
 Toronto, ON M4V 2Y7, Canada
 Tel: 416 596 1930 Fax: 416 596 0644
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PROJECT

41-61 WILSON STREET
 HAMILTON, ON L8R 1C6
 DA-21-097

PROJECT NO:

127238

DRAWN BY:

SA

PROJECT MGR:

WM

CHECKED BY:

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APPROVED BY:

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SHEET TITLE

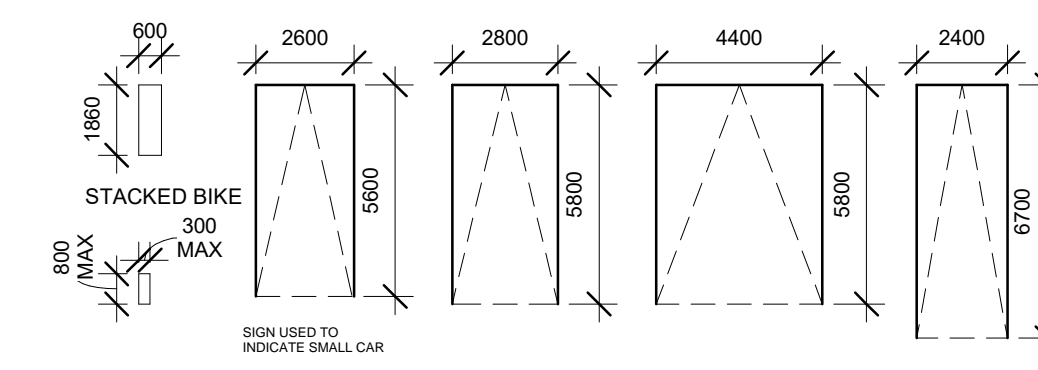
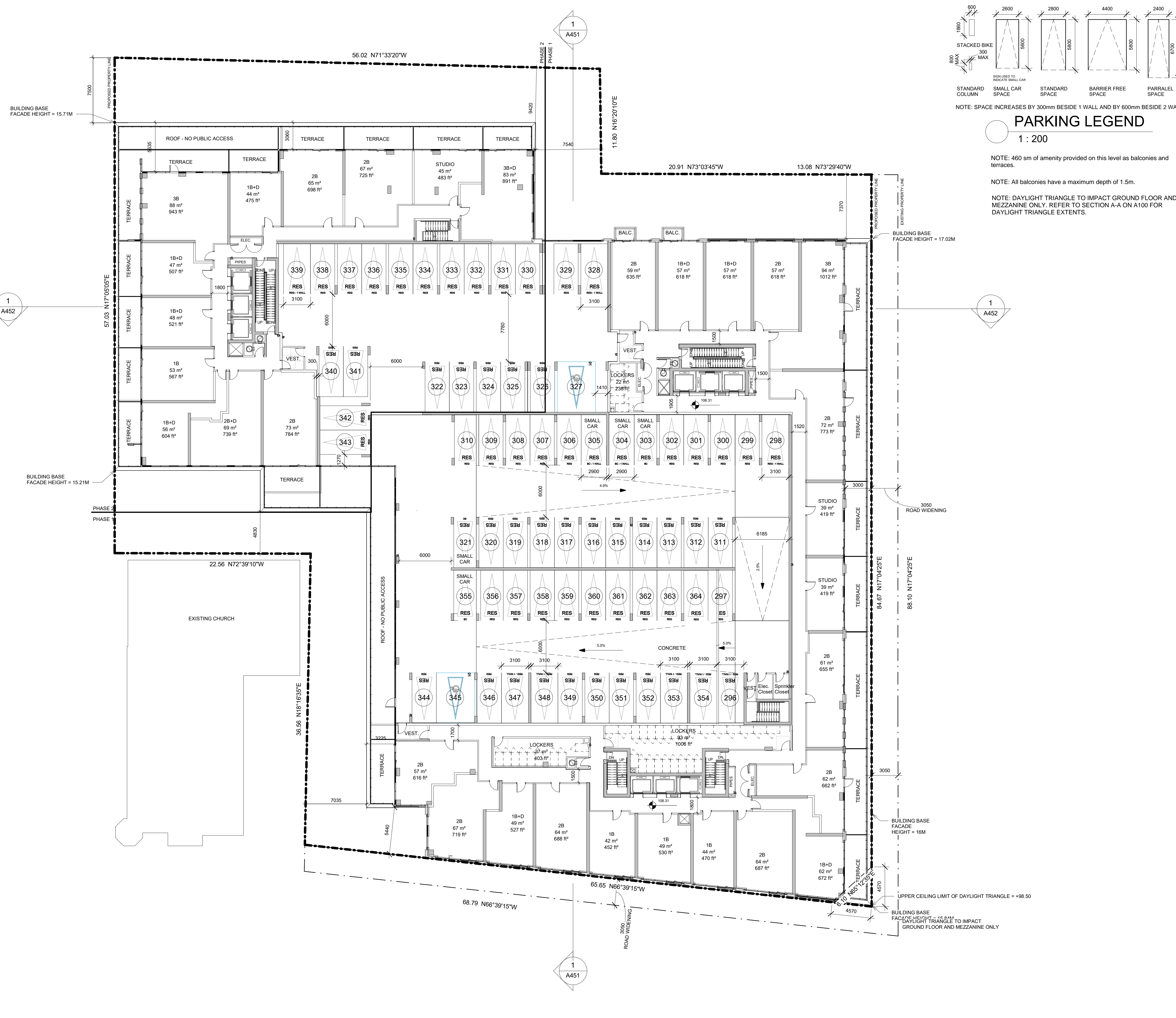
LEVEL 4

SHEET NUMBER

A205

ISSUE

5



PARKING LEGEND
1 : 200

NOTE: 460 sm of amenity provided on this level as balconies and terraces.

NOTE: All balconies have a maximum depth of 1.5m.

NOTE: DAYLIGHT TRIANGLE TO IMPACT GROUND FLOOR AND MEZZANINE ONLY. REFER TO SECTION A-A ON A100 FOR DAYLIGHT TRIANGLE EXTENTS.

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PROJECT MGR:

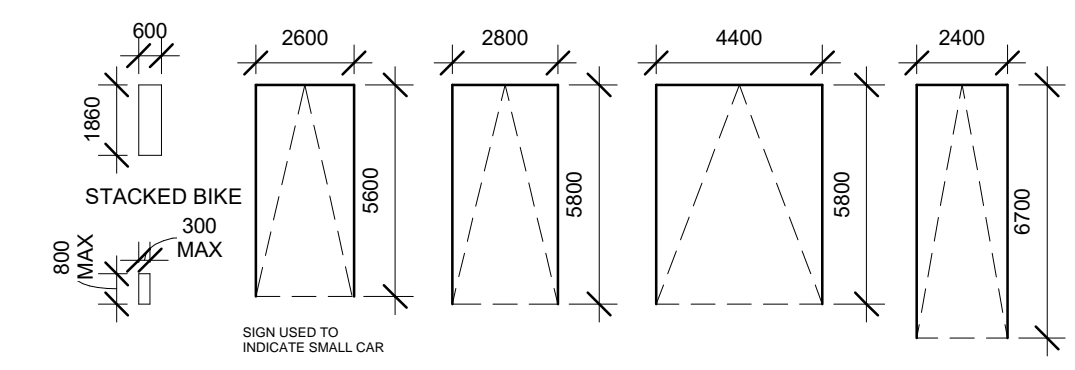
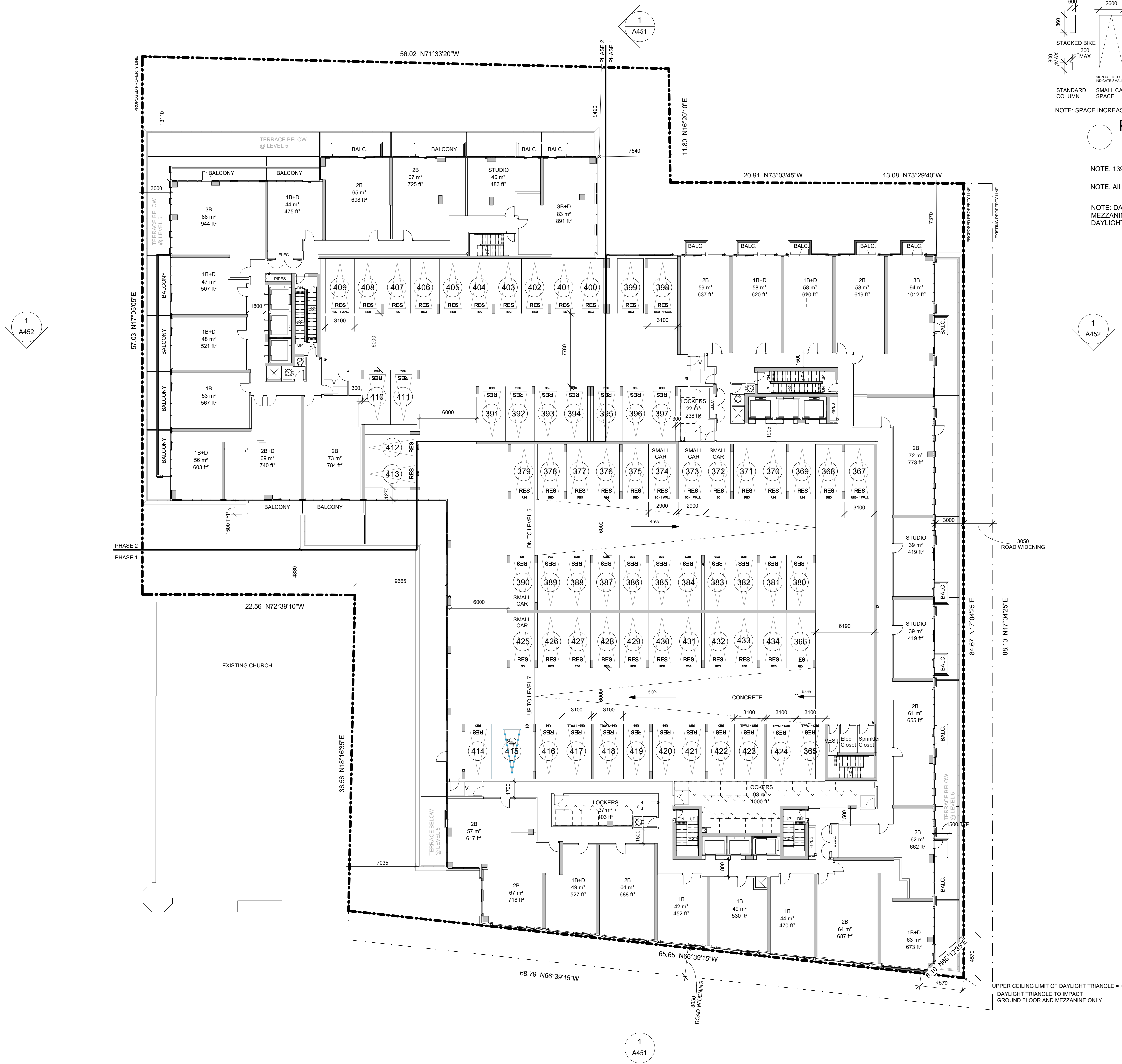
CHECKED BY:

APPROVED BY:

SHEET TITLE
LEVEL 5

SHEET NUMBER
A206

ISSUE
5



NOTE: SPACE INCREASES BY 300mm BESIDE 1 WALL AND BY 600mm BESIDE 2 WALLS

PARKING LEGEND

1 : 200

NOTE: 139 sm of amenity provided on this level as balconies.

NOTE: All balconies have a maximum depth of 1.5m.

NOTE: DAYLIGHT TRIANGLE TO IMPACT GROUND FLOOR AND MEZZANINE ONLY. REFER TO SECTION A-A ON A100 FOR DAYLIGHT TRIANGLE EXTENTS.

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- MECHANICAL: THE HDI GROUP
- STRUCTURAL: STEPHENSON ENGINEERING
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IBI GROUP
55 St. Clair Avenue West, 7th Floor,
Toronto, ON M4V 2Y7, Canada
Tel: 416 596 1930 Fax: 416 596 0644
ibi@group.com

PROJECT

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HAMILTON, ON L8R 1C6
DA-21-097

PROJECT NO:
127238

DRAWN BY: SA
CHECKED BY: -

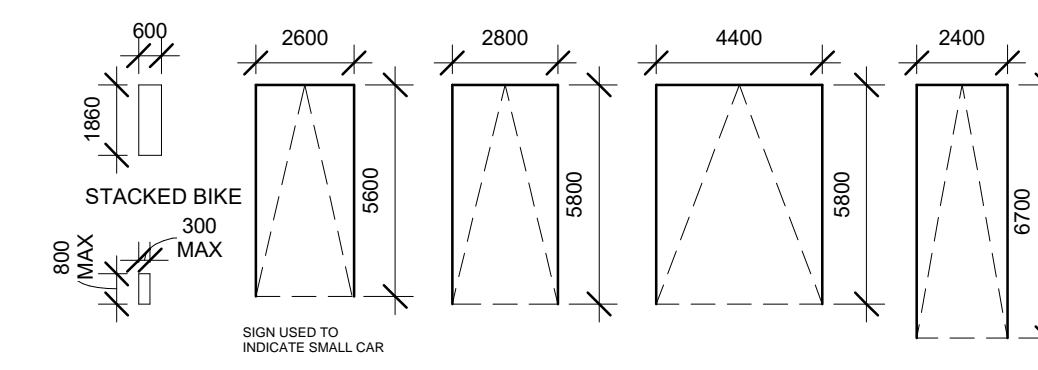
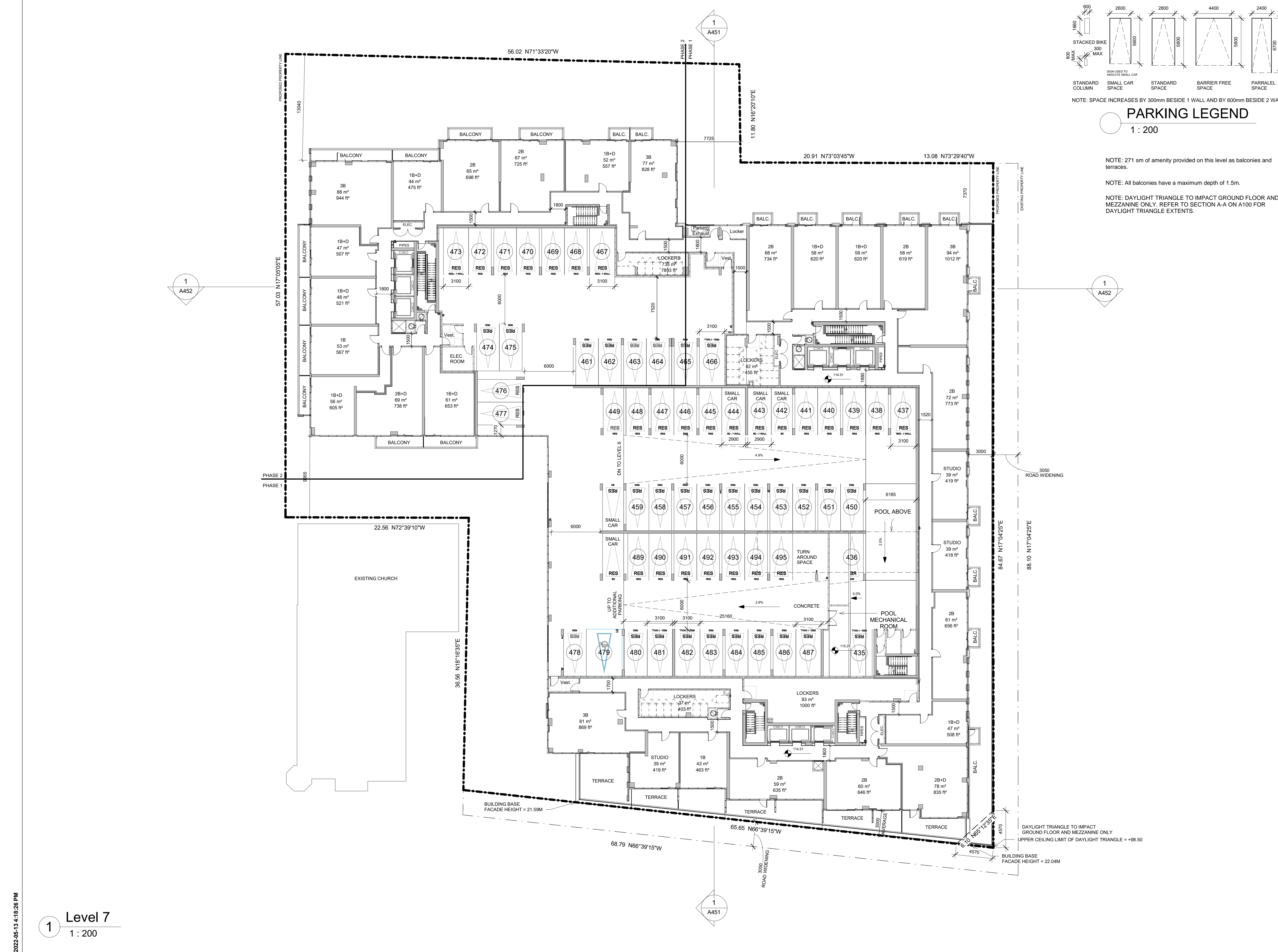
PROJECT MGR: WM
APPROVED BY: -

SHEET TITLE
LEVEL 6

SHEET NUMBER
A207

ISSUE
5

UPPER CEILING LIMIT OF DAYLIGHT TRIANGLE = +98.50
DAYLIGHT TRIANGLE TO IMPACT GROUND FLOOR AND MEZZANINE ONLY



NOTE: SPACE INCREASES BY 300mm BESIDE 1 WALL AND BY 600mm BESIDE 2 WALLS

PARKING LEGEND

1 : 200

NOTE: 271 sm of amenity provided on this level as balconies and terraces.
NOTE: All balconies have a maximum depth of 1.5m.
NOTE: DAYLIGHT TRIANGLE TO IMPACT GROUND FLOOR AND MEZZANINE ONLY. REFER TO SECTION A-A ON A100 FOR DAYLIGHT TRIANGLE EXTENTS.

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LANDSCAPE ARCHITECT: ADESSO DESIGN INC.
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TRANSPORTATION: LEA CONSULTING LTD.



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PROJECT

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DA-21-097

PROJECT NO: 127238
DRAWN BY: SA
PROJECT MGR: -

CHECKED BY: -
APPROVED BY: -

SHEET TITLE

LEVEL 7

SHEET NUMBER A208 **ISSUE** 5

NOTE: 2023 sm of amenity provided on this level as balconies, terraces, fitness area, change room and pool deck.

NOTE: All balconies have a maximum depth of 1.5m.

NOTE: DAYLIGHT TRIANGLE TO IMPACT GROUND FLOOR AND MEZZANINE ONLY. REFER TO SECTION A-A ON A100 FOR DAYLIGHT TRIANGLE EXTENTS.

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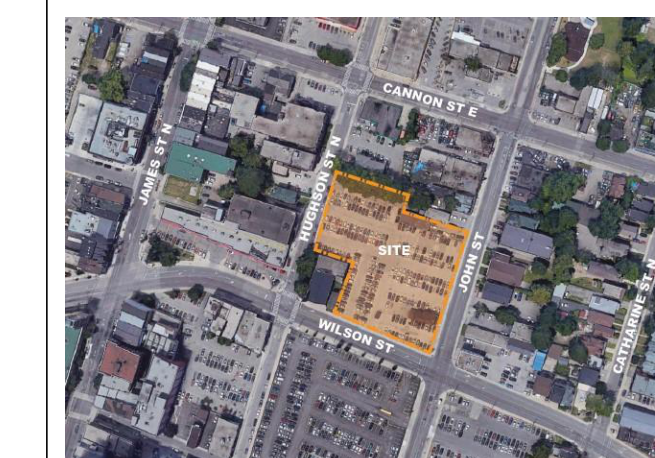
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KEY PLAN



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PLANNER: A. J. CLARKE AND ASSOCIATES
ELECTRICAL: THE HDI GROUP
LANDSCAPE ARCHITECT: ADESSO DESIGN INC.
MECHANICAL: THE HDI GROUP
STRUCTURAL: STEPHENSON ENGINEERING
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HAMILTON, ON L8R 1C6
DA-21-097

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SHEET TITLE

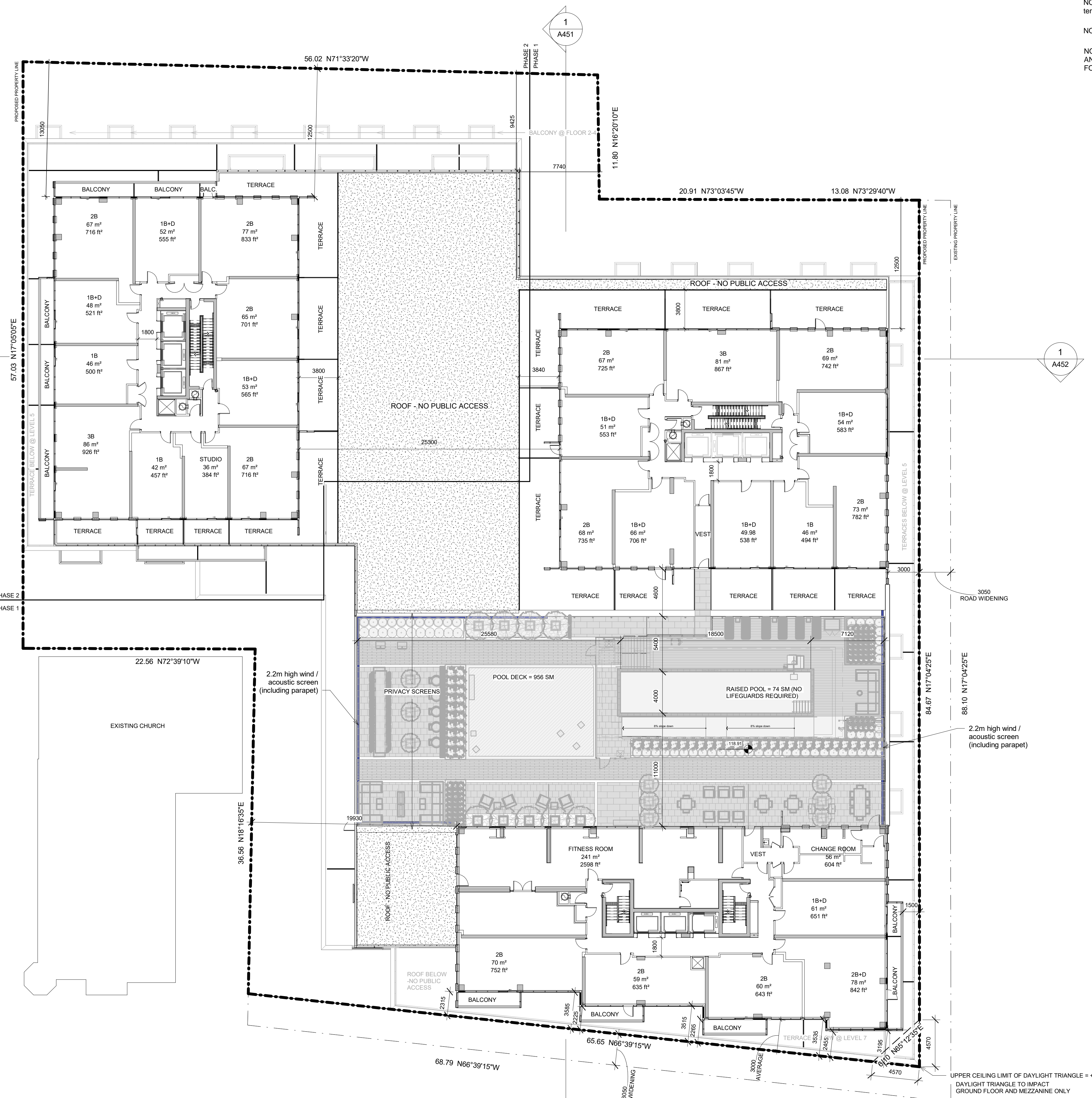
LEVEL 8

SHEET NUMBER

A209

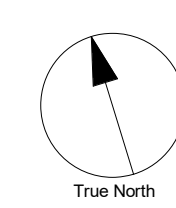
ISSUE

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2022-05-02 11:31:30 PM

1 Level 8
1 : 200



SCALE CHECK 1:1m

NOTE: 311 sm of amenity provided on this level as balconies.

NOTE: All balconies have a maximum depth of 1.5m.

NOTE: DAYLIGHT TRIANGLE TO IMPACT GROUND FLOOR AND MEZZANINE ONLY. REFER TO SECTION A-A ON A100 FOR DAYLIGHT TRIANGLE EXTENTS.

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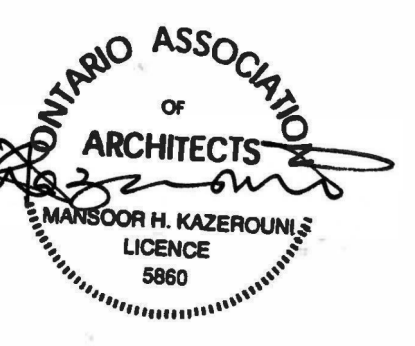
KEY PLAN



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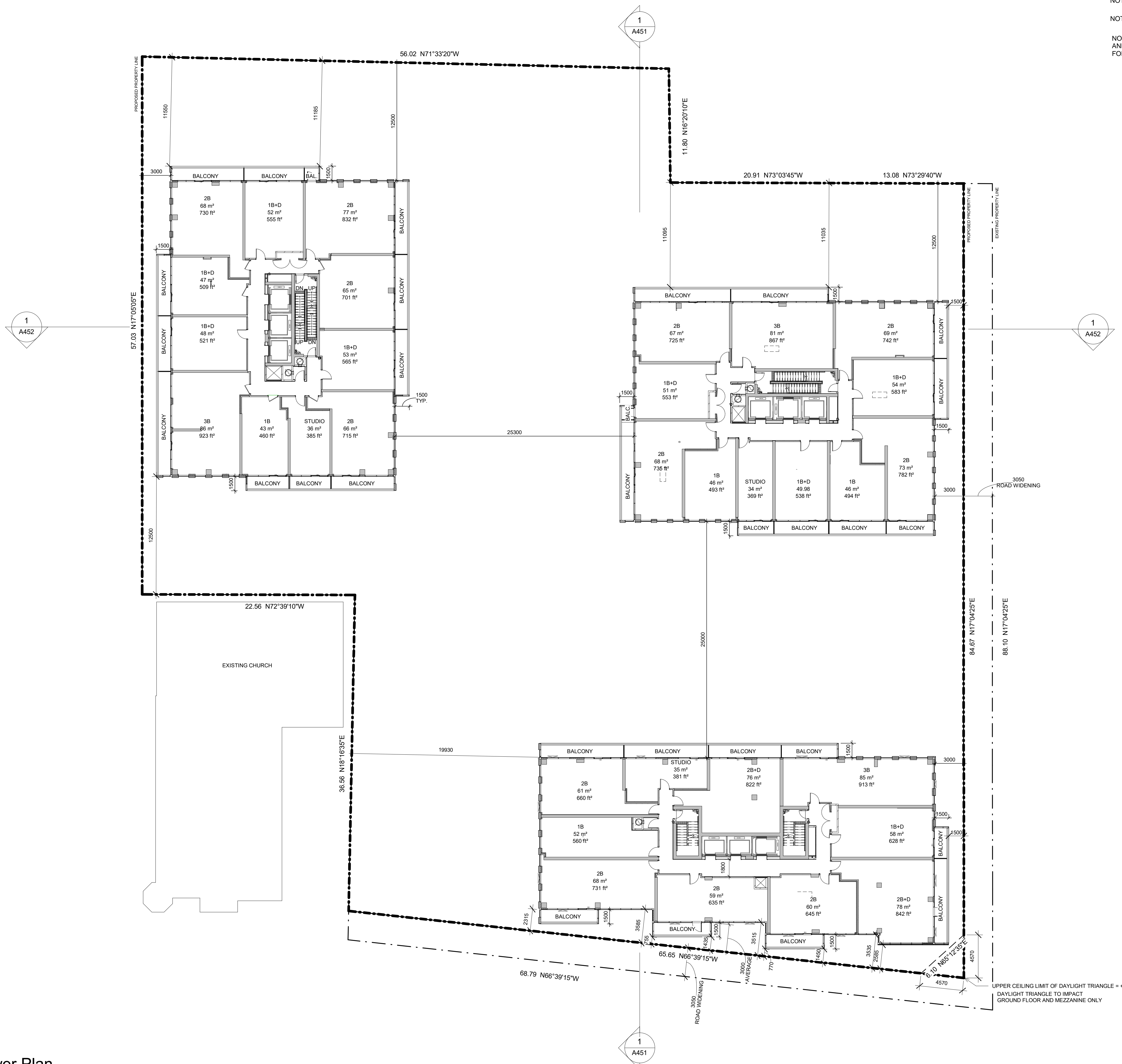
TYPICAL TOWER PLAN

SHEET NUMBER

A210

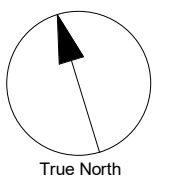
ISSUE

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1 Typical Tower Plan
 1 : 200

2022-05-02 11:17:11 PM



SCALE CHECK
1:100m

NOTE: DAYLIGHT TRIANGLE TO IMPACT GROUND FLOOR AND MEZZANINE ONLY. REFER TO SECTION A-A ON A100 FOR DAYLIGHT TRIANGLE EXTENTS.

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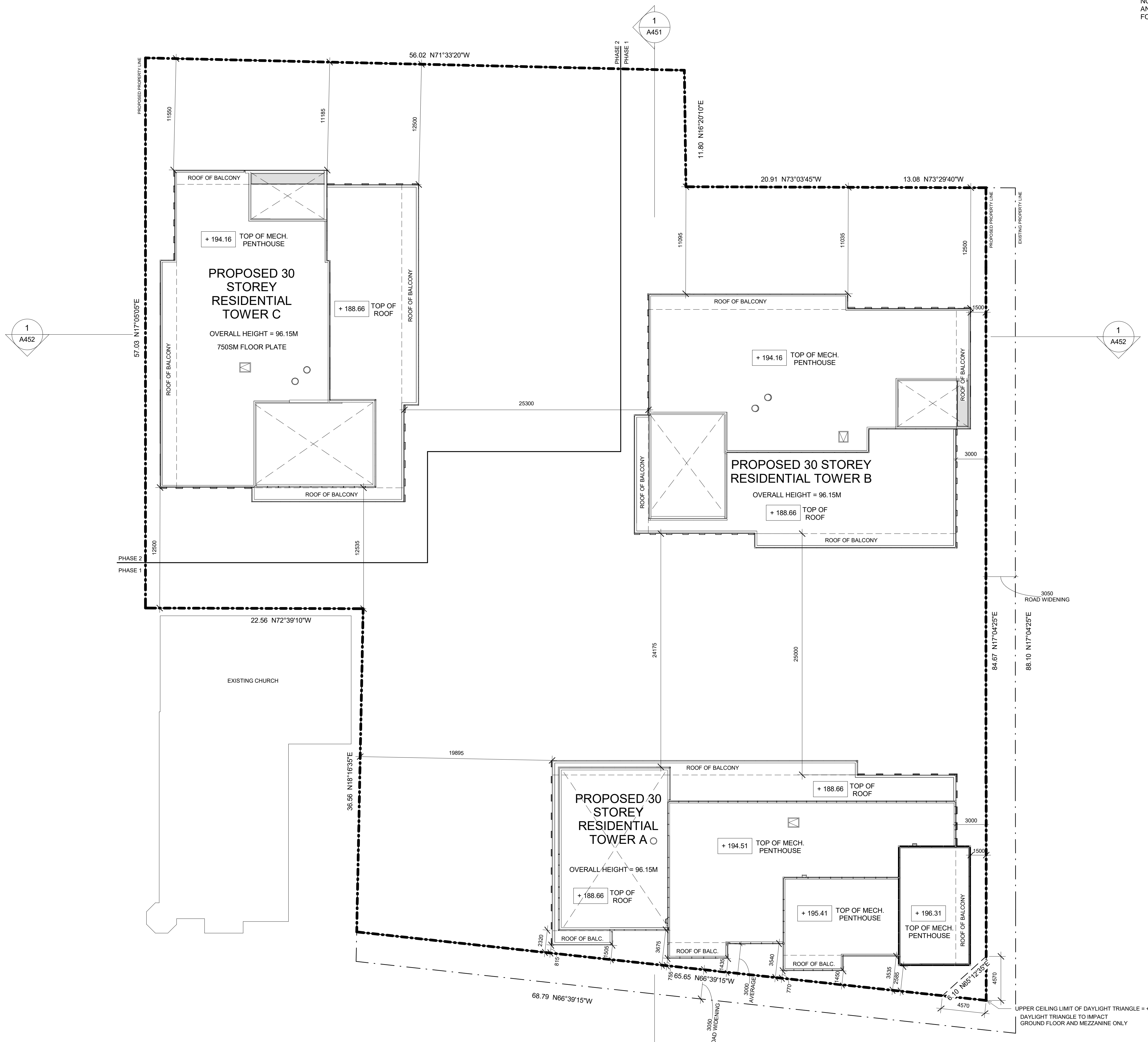
ROOF PLAN

SHEET NUMBER

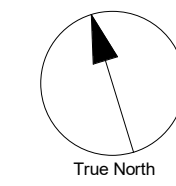
A211

ISSUE

5



1 TOP OF ROOF
 1 : 200

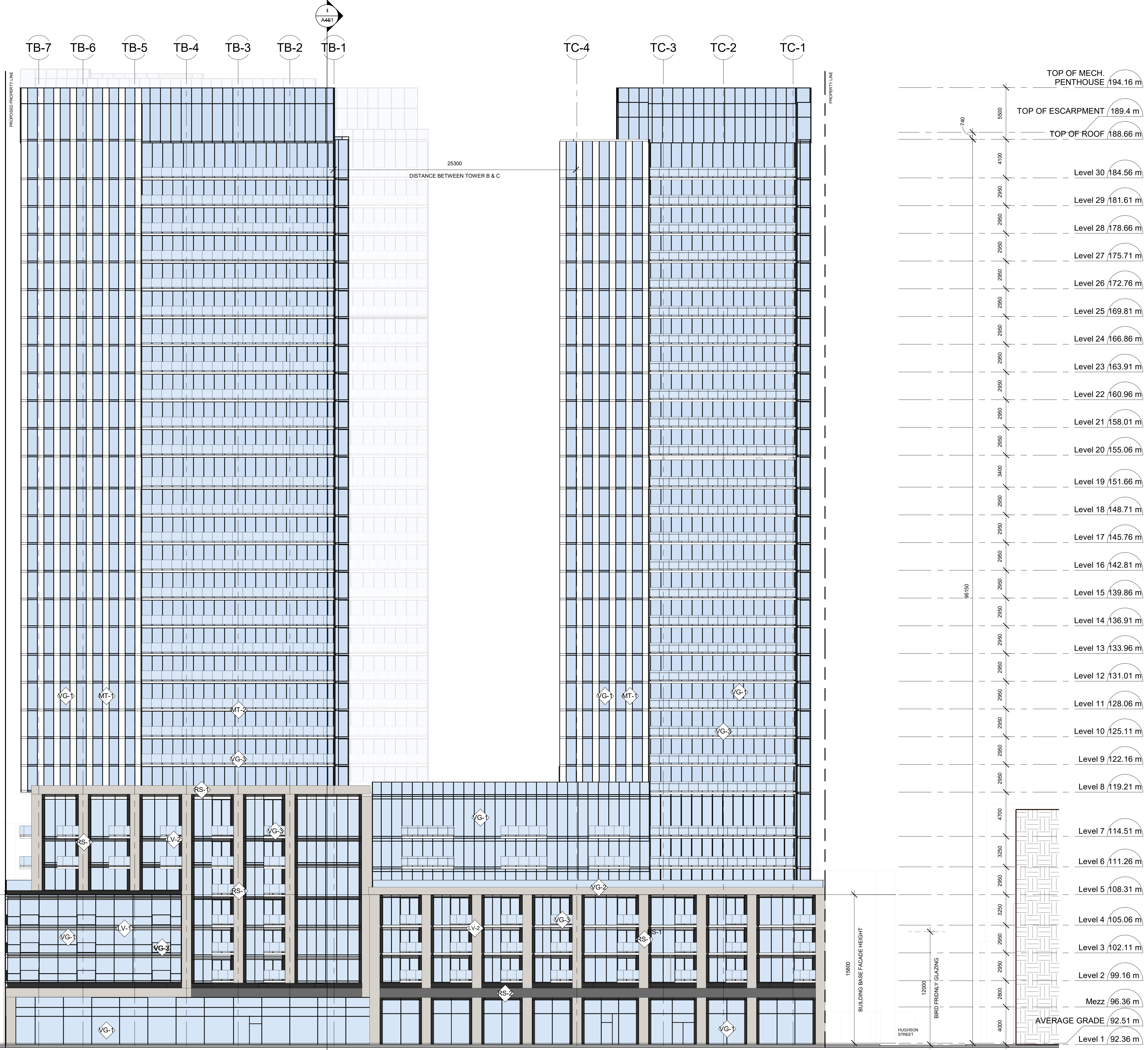


2022-05-02 10:14:24 PM

SCALE CHECK 1:1m

| ELEVATIONS LEGEND | |
|-------------------|--------------------------------------|
| Key Value | Keynote Text |
| LV-1 | ARCHITECTURAL LOUVER FINISH COLOUR 1 |
| LV-2 | ARCHITECTURAL LOUVER FINISH COLOUR 2 |
| MT-1 | METAL FINISH COLOUR 1 |
| MT-2 | WINDOW SYSTEM METAL PANEL COLOUR 2 |
| MT-3 | WINDOW SYSTEM METAL PANEL COLOUR 3 |
| MT-4 | METAL PANEL COLOUR 4 |
| MT-5 | METAL PANEL COLOUR 5 |
| RS-1 | RAIN SCREEN MASONRY FINISH COLOUR 1 |
| RS-2 | RAIN SCREEN MASONRY FINISH COLOUR 2 |
| VG-1 | WINDOW SYSTEM VISION GLASS COLOUR 1 |
| VG-2 | RAILING GLASS COLOUR 2 |
| VG-3 | RAILING GLASS COLOUR 1 |

NOTE: CURTAIN WALL ONLY LOCATED ON GROUND FLOOR



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PROJECT MGR: -
APPROVED BY: -

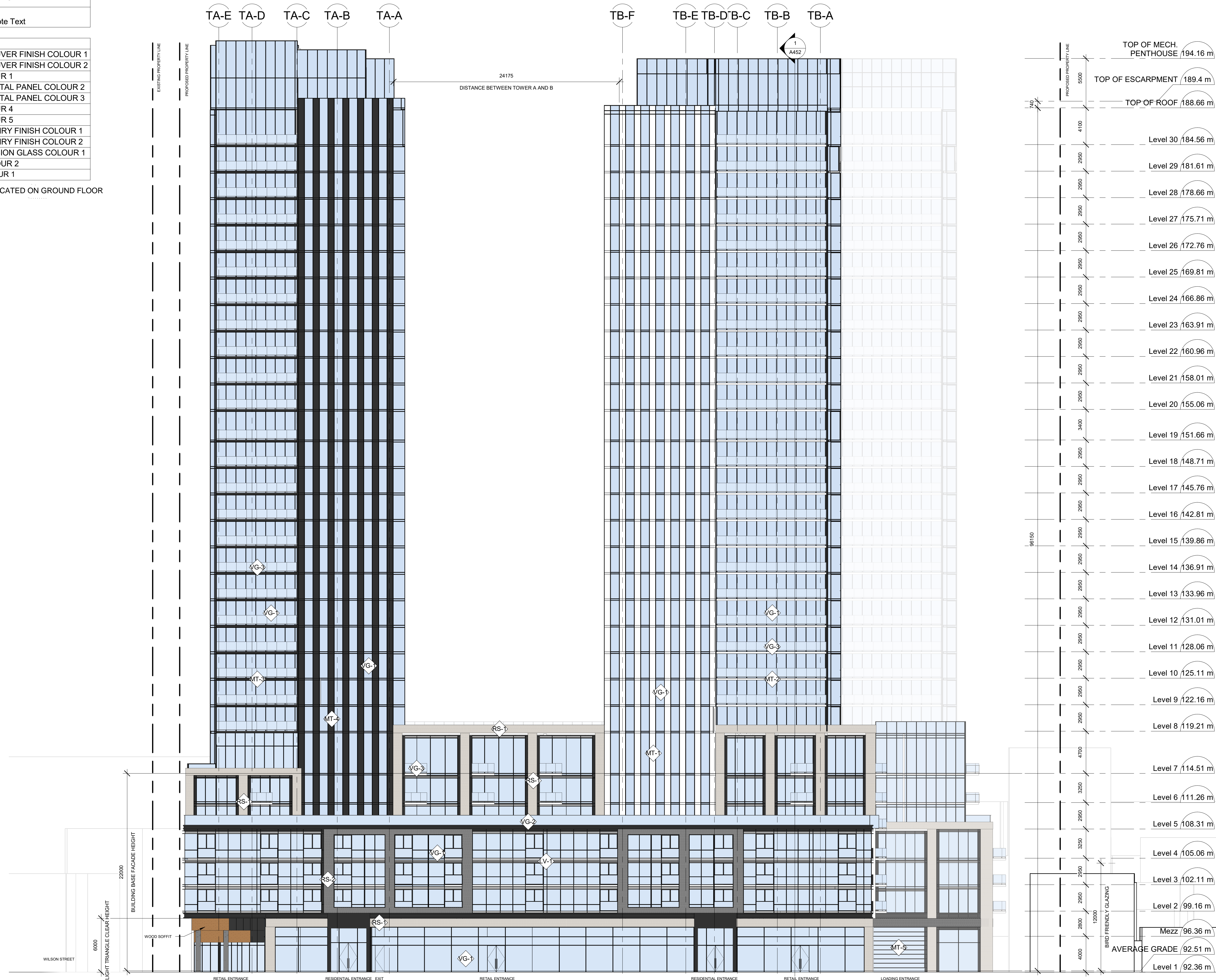
SHEET TITLE
NORTH ELEVATION

SHEET NUMBER A401 **ISSUE** 5

PROPOSED RESIDENTIAL BUILDING
30 STOREYS

| ELEVATIONS LEGEND | |
|-------------------|--------------------------------------|
| Key Value | Keynote Text |
| LV-1 | ARCHITECTURAL LOUVER FINISH COLOUR 1 |
| LV-2 | ARCHITECTURAL LOUVER FINISH COLOUR 2 |
| MT-1 | METAL FINISH COLOUR 1 |
| MT-2 | WINDOW SYSTEM METAL PANEL COLOUR 2 |
| MT-3 | WINDOW SYSTEM METAL PANEL COLOUR 3 |
| MT-4 | METAL PANEL COLOUR 4 |
| MT-5 | METAL PANEL COLOUR 5 |
| RS-1 | RAIN SCREEN MASONRY FINISH COLOUR 1 |
| RS-2 | RAIN SCREEN MASONRY FINISH COLOUR 2 |
| VG-1 | WINDOW SYSTEM VISION GLASS COLOUR 1 |
| VG-2 | RAILING GLASS COLOUR 2 |
| VG-3 | RAILING GLASS COLOUR 1 |

NOTE: CURTAIN WALL ONLY LOCATED ON GROUND FLOOR



| Level | Elevation (m) |
|------------------------|---------------|
| TOP OF MECH. PENTHOUSE | 194.16 m |
| TOP OF ESCARPMENT | 189.4 m |
| TOP OF ROOF | 188.66 m |
| Level 30 | 184.56 m |
| Level 29 | 181.61 m |
| Level 28 | 178.66 m |
| Level 27 | 175.71 m |
| Level 26 | 172.76 m |
| Level 25 | 169.81 m |
| Level 24 | 166.86 m |
| Level 23 | 163.91 m |
| Level 22 | 160.96 m |
| Level 21 | 158.01 m |
| Level 20 | 155.06 m |
| Level 19 | 151.66 m |
| Level 18 | 148.71 m |
| Level 17 | 145.76 m |
| Level 16 | 142.81 m |
| Level 15 | 139.86 m |
| Level 14 | 136.91 m |
| Level 13 | 133.96 m |
| Level 12 | 131.01 m |
| Level 11 | 128.06 m |
| Level 10 | 125.11 m |
| Level 9 | 122.16 m |
| Level 8 | 119.21 m |
| Level 7 | 114.51 m |
| Level 6 | 111.26 m |
| Level 5 | 108.31 m |
| Level 4 | 105.06 m |
| Level 3 | 102.11 m |
| Level 2 | 99.16 m |
| Mezz | 96.36 m |
| AVERAGE GRADE | 92.51 m |
| Level 1 | 92.36 m |

PROPOSED RESIDENTIAL BUILDING
30 STOREYS

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| ISSUES | | |
|--------|----------------------------------|------------|
| No. | DESCRIPTION | DATE |
| 1 | ISSUED FOR SITE PLAN APPROVAL | 2021-06-10 |
| 2 | REISSUED FOR SITE PLAN APPROVAL | 2021-10-12 |
| 3 | REISSUED FOR SITE PLAN APPROVAL | 2022-03-16 |
| 4 | Committee of Adjustment Revision | 2022-04-11 |
| 5 | Minor Variance Application | 2022-05-18 |

KEY PLAN



CONSULTANTS

ARCHITECT: IBI GROUP ARCHITECTS (CANADA) INC.
PLANNER: A. J. CLARKE AND ASSOCIATES
ELECTRICAL: THE HDI GROUP
LANDSCAPE ARCHITECT: ADESSO DESIGN INC.
MECHANICAL: THE HDI GROUP
STRUCTURAL: STEPHENSON ENGINEERING
TRANSPORTATION: LEA CONSULTING LTD.

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PRIME CONSULTANT
IBI GROUP
55 St. Clair Avenue West, 7th Floor,
Toronto, ON M4V 2Y7, Canada
Tel: 416 596 1930 Fax: 416 596 0644
ibigroup.com

PROJECT
41-61 WILSON STREET
HAMILTON, ON L8R 1C6
DA-21-097

PROJECT NO:
127238
DRAWN BY:
SA
PROJECT MGR:
-
CHECKED BY:
-
APPROVED BY:
-

SHEET TITLE
EAST ELEVATION

SHEET NUMBER
A402
ISSUE
5

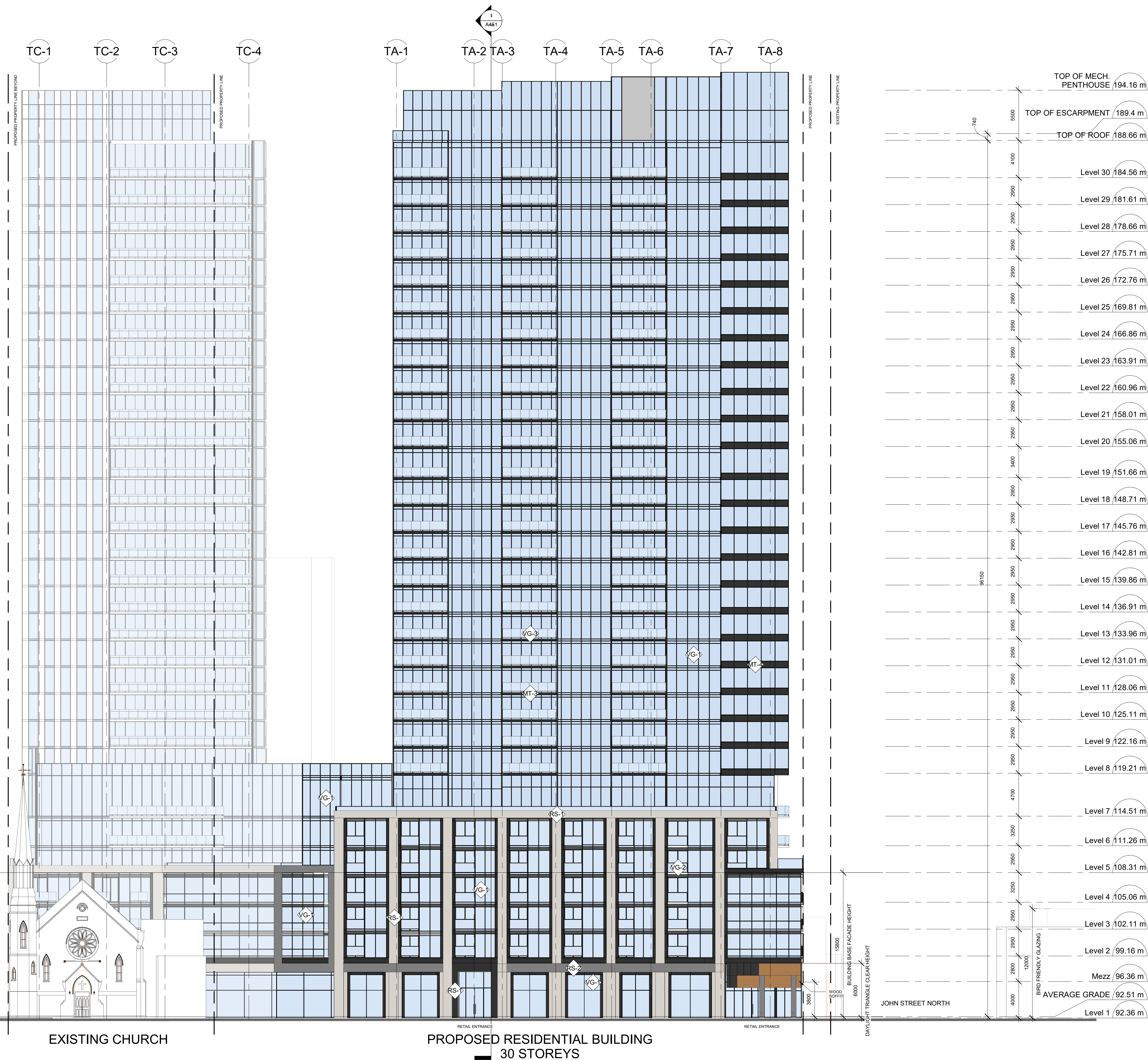
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1 East
1 : 200

SCALE CHECK
1/16"

| ELEVATIONS LEGEND | |
|-------------------|--------------------------------------|
| Key Value | Keynote Text |
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| LV-2 | ARCHITECTURAL LOUVER FINISH COLOUR 2 |
| MT-1 | METAL FINISH COLOUR 1 |
| MT-2 | WINDOW SYSTEM METAL PANEL COLOUR 2 |
| MT-3 | WINDOW SYSTEM METAL PANEL COLOUR 3 |
| MT-4 | METAL PANEL COLOUR 4 |
| MT-5 | METAL PANEL COLOUR 5 |
| RS-1 | RAIN SCREEN MASONRY FINISH COLOUR 1 |
| RS-2 | RAIN SCREEN MASONRY FINISH COLOUR 2 |
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| VG-2 | RAILING GLASS COLOUR 2 |
| VG-3 | RAILING GLASS COLOUR 1 |

NOTE: CURTAIN WALL ONLY LOCATED ON GROUND FLOOR



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IBI GROUP
 55 St. Clair Avenue West, 7th Floor,
 Toronto, ON M4V 2Y7, Canada
 Tel: 416 596 1930 fax 416 596 0644
 ibigroup.com

PROJECT

41-61 WILSON STREET
 HAMILTON, ON L8R 1C6
 DA-21-097

PROJECT NO:
127238

DRAWN BY: SA **CHECKED BY:** -

PROJECT MGR: - **APPROVED BY:** -

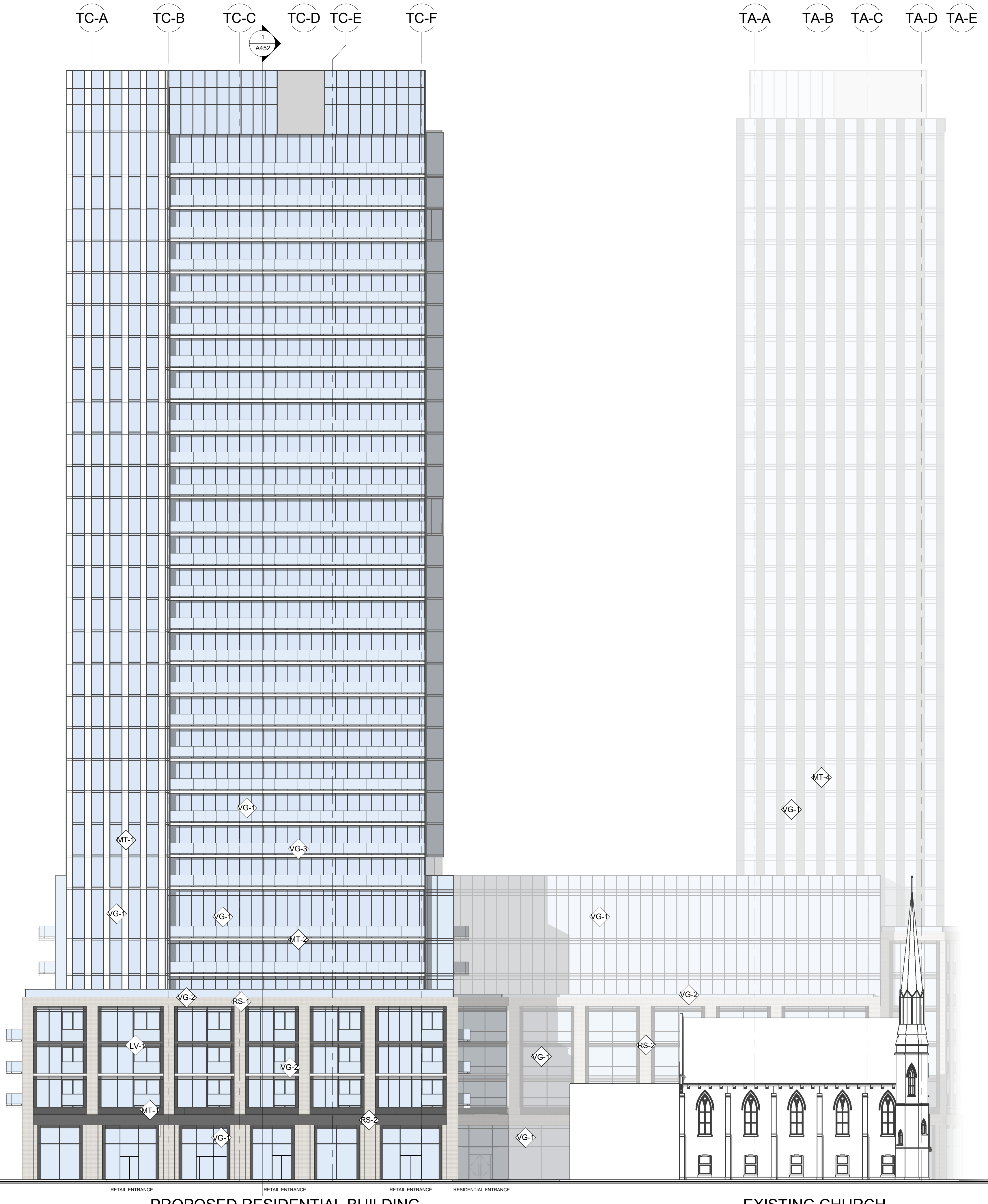
SHEET TITLE
SOUTH ELEVATION

SHEET NUMBER A403 **ISSUE** 5

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| LV-2 | ARCHITECTURAL LOUVER FINISH COLOUR 2 |
| MT-1 | METAL FINISH COLOUR 1 |
| MT-2 | WINDOW SYSTEM METAL PANEL COLOUR 2 |
| MT-3 | WINDOW SYSTEM METAL PANEL COLOUR 3 |
| MT-4 | METAL PANEL COLOUR 4 |
| MT-5 | METAL PANEL COLOUR 5 |
| RS-1 | RAIN SCREEN MASONRY FINISH COLOUR 1 |
| RS-2 | RAIN SCREEN MASONRY FINISH COLOUR 2 |
| VG-1 | WINDOW SYSTEM VISION GLASS COLOUR 1 |
| VG-2 | RAILING GLASS COLOUR 2 |
| VG-3 | RAILING GLASS COLOUR 1 |

NOTE: CURTAIN WALL ONLY LOCATED ON GROUND FLOOR

PROPOSED PROPERTY LINE



| Level | Height (m) |
|------------------------|------------|
| TOP OF MECH. PENTHOUSE | 194.16 |
| TOP OF ESCARPMENT | 189.4 |
| TOP OF ROOF | 188.66 |
| Level 30 | 184.56 |
| Level 29 | 181.61 |
| Level 28 | 178.66 |
| Level 27 | 175.71 |
| Level 26 | 172.76 |
| Level 25 | 169.81 |
| Level 24 | 166.86 |
| Level 23 | 163.91 |
| Level 22 | 160.96 |
| Level 21 | 158.01 |
| Level 20 | 155.06 |
| Level 19 | 151.66 |
| Level 18 | 148.71 |
| Level 17 | 145.76 |
| Level 16 | 142.81 |
| Level 15 | 139.86 |
| Level 14 | 136.91 |
| Level 13 | 133.96 |
| Level 12 | 131.01 |
| Level 11 | 128.06 |
| Level 10 | 125.11 |
| Level 9 | 122.16 |
| Level 8 | 119.21 |
| Level 7 | 114.51 |
| Level 6 | 111.26 |
| Level 5 | 108.31 |
| Level 4 | 105.06 |
| Level 3 | 102.11 |
| Level 2 | 99.16 |
| Mezz | 96.36 |
| AVERAGE GRADE | 92.51 |
| Level 1 | 92.36 |

PROPOSED RESIDENTIAL BUILDING
30 STOREYS

EXISTING CHURCH

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1 West
1 : 200

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KEY PLAN



CONSULTANTS

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LANDSCAPE ARCHITECT: ADESSO DESIGN INC.
MECHANICAL: THE HDI GROUP
STRUCTURAL: STEPHENSON ENGINEERING
TRANSPORTATION: LEA CONSULTING LTD.

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PROJECT

41-61 WILSON STREET
HAMILTON, ON L8R 1C6
DA-21-097

PROJECT NO:
127238

DRAWN BY:
SA

CHECKED BY:
-

PROJECT MGR:
-

APPROVED BY:
-

SHEET TITLE

WEST ELEVATION

SHEET NUMBER

A404

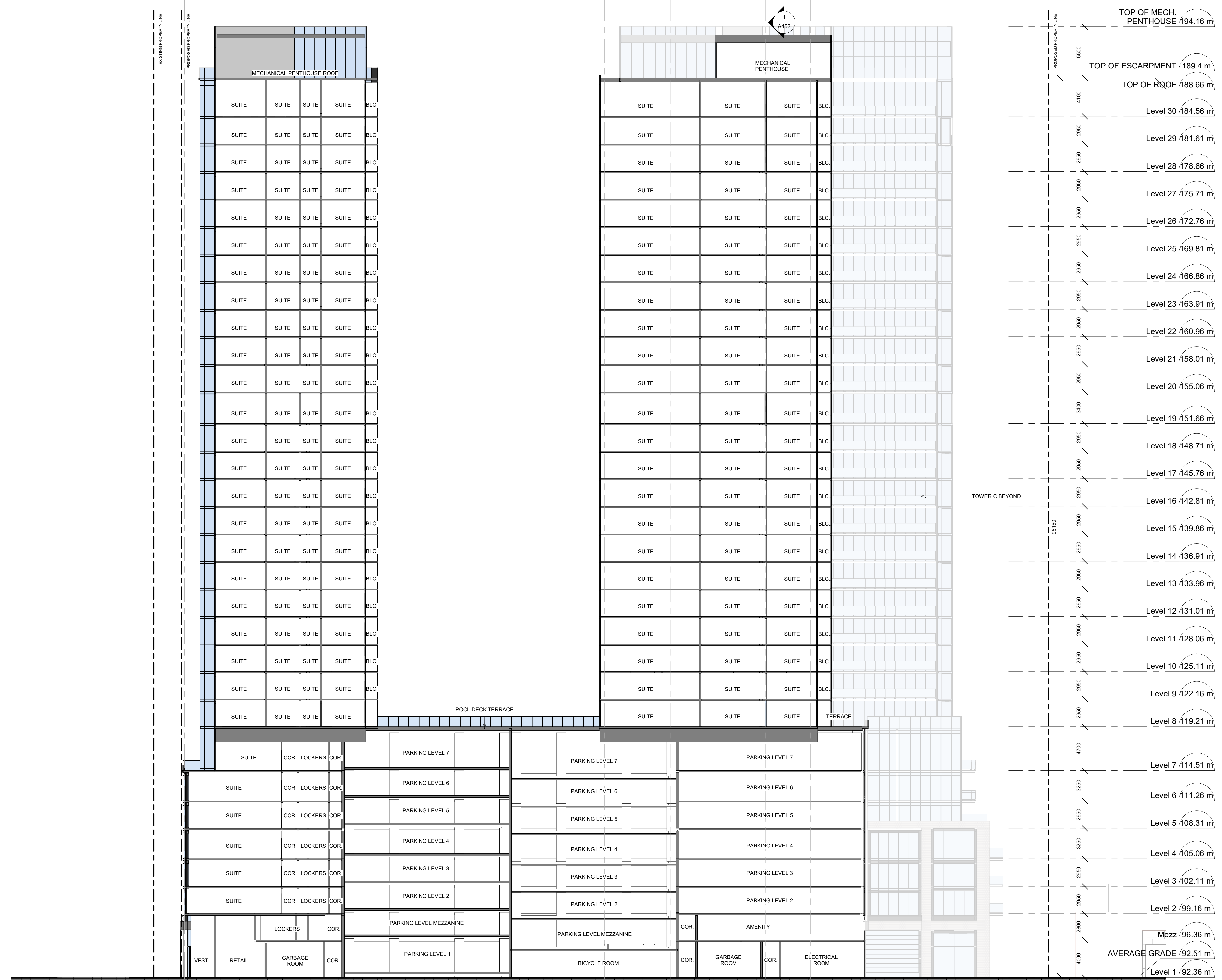
ISSUE

5

SCALE CHECK 1:10m

TA-E TA-D TA-C TA-B TA-A

TB-F TB-E TB-D/B-C TB-B TB-A



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 TRANSPORTATION: LEA CONSULTING LTD.

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PROJECT

41-61 WILSON STREET
 HAMILTON, ON L8R 1C6
 DA-21-097

PROJECT NO: 127238

DRAWN BY: SA
 PROJECT MGR: SA

CHECKED BY: -
 APPROVED BY: -

SHEET TITLE: N/S SECTION

SHEET NUMBER: **A451**
 ISSUE: **5**

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1 N/S Section
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SCALE CHECK 1:10m

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| 4 | Committee of Adjustment Revision | 2022-04-11 |
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KEY PLAN



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 Toronto, ON M4V 2Y7, Canada
 Tel: 416 596 1930 Fax: 416 596 0644
 ibigroup.com

PROJECT

41-61 WILSON STREET
 HAMILTON, ON L8R 1C6
 DA-21-097

PROJECT NO:
127238

DRAWN BY:
SA

PROJECT MGR:

CHECKED BY:
-

APPROVED BY:
-

SHEET TITLE
E/W SECTION

SHEET NUMBER
A452

ISSUE
5

TB-7 TB-6 TB-5 TB-4 TB-3 TB-2 TB-1

TC-4 TC-3 TC-2 TC-1





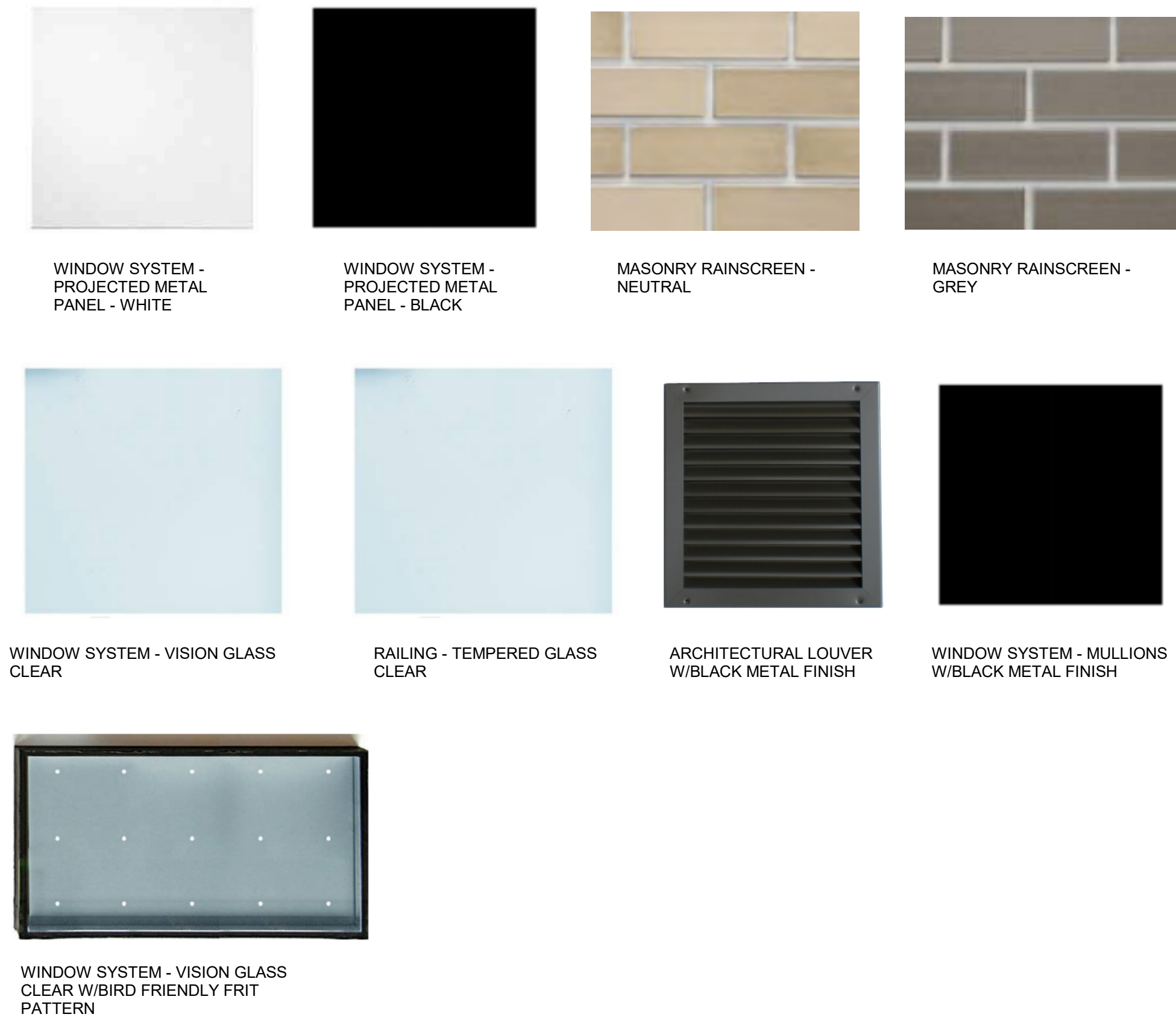
HUGHSON STREET - SOUTH / EAST VIEW



JOHN STREETScape



HUGHSON STREET - NORTH / EAST VIEW



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SEAL



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 Tel: 416 596 1930 fax: 416 596 0644
 ibigroup.com

PROJECT

41-61 WILSON STREET
 HAMILTON, ON L8R 1C6
 DA-21-097

PROJECT NO:
127238

| | |
|--------------------------|--------------------------|
| DRAWN BY: Author | CHECKED BY: Checker |
| PROJECT MGR: Designer | APPROVED BY: Approver |

SHEET TITLE
RENDERINGS

SHEET NUMBER **A701** ISSUE **5**



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

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

April 12, 2022

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: 41 Wilson Street, Hamilton (File No. DA-21-097)
Minor Variance Application Submission**

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by Hamilton II GP Inc. for the purposes of submitting the enclosed Minor Variance Application for the subject lands comprised of three parcels, known as 41 Wilson Street, 117 John Street North, and 97 John Street North, respectively.

The purpose of this analysis is in support of the Minor Variance Application for the subject lands and is to clear special condition 10 of the Conditional Approval Letter for file No. DA-21-097. The proposed development is the construction of a three tower, high-rise, mixed-use structure with all three towers reaching 30-storeys in height. The residential towers along, with podium, will contain 931 dwelling units of various sizes and ground floor retail spaces. The towers are connected via a seven-storey podium structure which contains:

- A ground floor containing:
 - Retail spaces along Wilson Street, John Street North, and Hughson Street North;
 - Building management facilities such as water, electrical, garbage, telecommunications rooms and two (2) loading spaces;
 - 21 enclosed parking spaces (1 accessible) and 464 long-term bicycle spaces;
 - Two (2) lobbies, three (3) mail rooms, and one (1) vault room.
- A Mezzanine Level consisting of 49 parking spaces (1 accessible), amenity/ office space, and lockers.
- Floors 2-7 contain enclosed parking facilities with dwelling units surrounding the parking.
- The podium roof contains amenity ample amenity space including outdoor yoga area, fitness room, pool, and pool deck.

The site is accessible by vehicle from Wilson Street, along with a loading/ garbage entrance from John Street North. This entire structure will be built around the existing church at the corner of Wilson Street and Hughson Street North with a 5m setback from the existing Church Property.



Several variances are required to facilitate the desired built form for the development.

The subject lands are located on Wilson Street, between Hughson Street North and John Street North, within the Downtown Urban Growth Centre. The subject lands are currently occupied by a surface parking lot, auto service centre, and Chinese Community Centre Association of Hamilton (now closed).

The following supporting materials are submitted to your attention, in support of the subject application:

- One (1) digital copy of the required filled and signed Minor Variance Application Form;
- One (1) digital copy of the Architectural Drawing Package, prepared by IBI Group Architects Inc., dated April 11th, 2022
- One (1) digital copy of the Visual Impact Assessment, prepared by IBI Group Architects Inc., dated April 3rd, 2022
- One (1) cheque in the amount of \$3,465.00 representing the required application fee.

The surrounding area consists largely of commercial and mixed uses along with swaths of surface parking lots with various institutional buildings and parks. North of the subject lands is Cannon Street lined with commercial and mixed uses; further north is the Ventura Towers high-rise apartment. To the east is the Beasley neighbourhood containing low and medium density residential, Beasley Park and Community Centre, and Dr. JE Davey Elementary School. To the south are several surface parking lots, and Alectra Utilities Corporate office. Further south is King William St, which is lined with medium-density, mixed-use structures, and a mixed-use, high-rise development. To the west is the James St North Primary Corridor which contains medium-density mixed use land uses including several high-rise structures.

The immediate surrounding land uses include:

| | |
|--------------|---|
| North | Automotive Repair Centres & Law Firm/ Commercial/ Minor Arterial Road |
| South | Surface Parking Lot, Minor Arterial Road |
| West | House of Worship, Commercial Plaza, Abandoned Theatre, Event Space |
| East | Medium-density Office Buildings, House of Worship, Medium-density residential |

A review of the applicable planning policies has been included below.

Planning Policy Overview

Urban Hamilton Official Plan (UHOP)

The Urban Hamilton Official Plan is the guiding document for where and how the City of Hamilton will grow until 2051 and beyond.

The subject lands are designated 'Downtown Mixed-Use Area' on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). This designation permits commercial uses; institutional uses; arts, cultural, entertainment and recreational uses; accommodation (hotels, convention and conference centres); residential uses. The subject lands are also a part of the Downtown Urban Growth Centre as per Schedule E – Urban Structure in the UHOP.



B.6.0 HAMILTON SECONDARY PLANS

B.6.1 Downtown Hamilton Secondary Plan (OPA 102)

“Downtown Hamilton is identified as an Urban Growth Centre in the Province’s Growth Plan for the Greater Golden Horseshoe and as such, Downtown is the City’s pre-eminent node due to its scale, density, range of uses, function, and identity by residents of the City as the Downtown. Downtown shall be the location for tall buildings and shall be planned for a range of uses appropriate to its role as the City’s pre-eminent node.”

The subject lands are designated as “Downtown Residential” within the Downtown Hamilton Secondary Plan as per Map B.6.1-1 – Land Use Plan. The lands are also designated as “High-Rise 2” as per Map B.6.1-2 - Maximum Building Heights, found in the Secondary Plan. The subject lands also abut a View Corridor to Niagara Escarpment, as per Appendix C “Viewshed Analysis.”

6.1.4 General Land Use Policies

Building Heights

6.1.4.12 Building heights are identified on Map B.6.1.2 – Downtown Hamilton Building Heights and the maximum heights for each area shall fall into the following categories:

- e) High Rise 2 – up to 30 storeys

“Niagara Escarpment Height”, Appendix D of the Secondary Plan, shows the subject lands to be within the escarpment height range of 189.4 metres to 190.2 metres.

High-Rise (tall) Buildings

6.1.4.20 ...it is not the intent of the Downtown Hamilton Tall Building Guidelines to limit creativity and innovation in design. Where it can be demonstrated that an alternative built form achieves the intent of the Downtown Hamilton Tall Building Guidelines, alternative built forms shall be permitted, subject to demonstrating good planning principles and meeting the intent and vision of the policies of this Plan.

6.1.5 Downtown Residential Designation

“The Downtown Hamilton Secondary Plan supports the improved multi-modal connection of residential neighbourhoods to the Downtown core, the development of vacant land for higher and better use at an appropriate scale and the overall balancing of commercial and residential development for a vibrant healthy core.”

Views and Vistas

6.1.10.5 In order to understand and limit the loss of views to the Niagara Escarpment, significant view locations and corridors have been identified on Appendix C – Downtown Hamilton – Viewshed Analysis. The City of Hamilton shall prepare Volume 2, Chapter B – Hamilton Secondary Plans Vol. 2 – B.6.1 22 of 36 Urban Hamilton Official Plan February 2021 visual impact guidelines and a visual impact assessment shall be prepared in accordance with the guidelines.



6.1.10.6 A Visual Impact Assessment may be required for development located on streets identified as View Corridors to the Niagara Escarpment, and properties identified as Locations Where There May Be Impacts to Views, as shown on Appendix C – Downtown Hamilton Secondary Plan – Viewshed Analysis.

City of Hamilton Zoning By-law 05-200

The subject lands are zoned “Downtown Residential (D5) Zone”, with Holding Provisions: H17, H19, H20, in the City of Hamilton Zoning By-law 05-200. The D5 zoning permits: Artist Studio; Community Garden; Commercial School; Day Nursery; Duplex Dwelling; Dwelling Unit; Educational Establishment; Emergency Shelter; Lodging House; Long Term Care Facility; **Multiple Dwelling; Office**; Personal Service; Place of Worship; Repair Service; Residential Care Facility; Restaurant; **Retail**; Retirement Home; Semi-Detached Dwelling; Single Detached Dwelling; Social Services Establishment; Street Townhouse Dwelling; Tradesperson Shop. A review of the applicable zone provisions will be included below:

| Regulation | Requirement | Provided |
|--|---|---------------------------------------|
| Minimum Lot Frontage (buildings over 44 m in height) | 35 metres | 65m; Wilson Street 84m John Street |
| Minimum Lot Area (buildings over 44 m in height) | 1,575 m ² | 6,916m ² |
| Minimum Rear Yard | 7.5 metres | 6.3m |
| Maximum Building Height | Shall be in accordance with Figure 1 of Schedule “F” Subject Lands: 88 metres | 96.15m |
| Minimum Amenity Area | 4 m ² / dwelling unit: 3,712 m ² | 10,219m ² |
| Minimum Landscaped Area for Multiple Dwellings | 691.6 m ² | |
| Balcony Yard Encroachment (Section 4, General Provisions) | Balcony may encroach into any required yard to a maximum of 1.0 metres, except required side yard where not more than one-third of its width or 1.0 metres, whichever is the lesser; | 1.5m |
| Downtown Zones General Provisions | | |
| BUILDINGS OVER 44 metres in height shall: | - | - |
| Have a minimum 3m setback from building base façade height shown in Special Figure 15 | Along Wilson: 22 metres Along John and Hughson: 16 metres | 2.3m along Wilson |
| Additional setbacks for portions of building exceeding 44 metres: | 12 metres from all side and rear lot lines. | 12m |
| Distance between exterior walls | 25 metres | 25m |
| Parking | | |
| Number of spaces required | For proposal: 490 | 495 |
| Barrier Free Parking Minimum (201-1000 spaces) | 2 spaces + 2% of total number of spaces required: 2 + 9.8 = 11 (rounded down) | 11 Provided |



Minor Variance

Several variances are required to facilitate the proposed development. The variances are as follows:

1. To permit a building height of 96.15 metres, whereas a maximum of 88 metres is permitted.
2. To permit a minimum rear yard of 6.3 metres, whereas a minimum of 7.5 metres is required.
3. To permit a building base façade setback of 2.3 metres, whereas 3 metres is required.
4. To permit a balcony encroachment of 1.5 metres, whereas 1 metres is permitted.

This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional opinion are outlined below:

1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan?

The proposed development will feature a use that is permitted under the current Official Plan designation of “Downtown Mixed-Use Area” as well as the “Downtown Residential” designation within the Downtown Hamilton Secondary.

The proposed variances maintain the intent and purpose of the UHOP. The proposed development will assist in the diversification of the housing stock while adding a significant number of dwelling units. The development capitalizes on highest and best use of currently underutilized lands in an area that is within the Downtown Urban Growth Centre – which is where higher densities shall be focused. This will assist in accommodating 20% of the city-wide intensification over the time period of the UHOP. The development will also accommodate ample retail space.

The development is exemplary model that follows the Vision and Principles set in both the UHOP and the Downtown Hamilton Secondary Plan, which include items such as:

- a) Use public realm improvements as a catalyst for revitalization.
- b) Strengthen the connection to neighbourhoods, the Waterfront, the Escarpment and other surrounding features or attractions.
- c) Promote Downtown living.
- d) Build on existing strengths.
- e) Downtown is healthy and safe.
- h) The Niagara Escarpment is an essential part of the character and appearance of the City; views to the Escarpment are important assets to protect

The building height generally conforms to the UHOP as the maximum height for the subject lands has a limit of 30 storeys as a site designated “High Rise 2.”

The subject lands also fall within a Higher Order Transit Station Area, as per Appendix A of the Downtown Hamilton Secondary Plan; the development achieves a higher density of housing that is transit supportive.



It is our professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

2. Do the proposed variances maintain the intent and purpose of the Former City of Hamilton Zoning By-law 6593?

The required variances to the City of Hamilton Zoning By-law 05-200 are intended to facilitate a desirable built form which will contribute greatly to provide a diverse size of dwelling types within the urban built form, specifically within the high-density Downtown Urban Growth Centre.

Building Height

The proposed development will be 96.15 metres in overall height.

A variance is required to the maximum height requirement for the proposed development of the three 30-storey tower structures from 88 metres to 96.15 metres. While the bylaw creates a specific height of 88 metres, the Official Plan sets forth a maximum height of 30 storeys to which the proposed development complies. Further, as per Appendix D – Escarpment Heights, the proposal maintains the maximum height above sea level, being under 189.4m Escarpment Height. The increase in height is to facilitate a slightly higher ceiling height on each floor.

Furthermore, a staff-supported Visual Impact Assessment was submitted to the City to provide evidence the development will not interfere with the views and vistas of the Niagara Escarpment. Accordingly, the intent of the by-law is maintained.

Rear Yard

Proposed is a rear yard of 6.3 metres.

A variance is required to the minimum rear yard depth requirement from 7.5 metres to 6.3 metres.

The subject lands are situated on an irregular shaped lot; this includes the rear lot which slopes south easterly. The proposed development follows the minimum requirement with the only exception being two pinch points along the irregularly sloped, northern property lines. Were the lot line consistent, the proposed development would comply with the by-law. Accordingly, the intent of the by-law is maintained.

Building Base Façade Stepback

Proposed is a development that will require a minimum stepback of 2.3 metres along Wilson Street.

A variance is required to the minimum building base façade stepback of 2.3 metres, whereas 3 metres is required. These stepbacks ensure development is pedestrian-friendly in scale for the first 22 metres in building height.



The subject lands are situated with an irregular front lot line. The building façade has several stepbacks to maintain an average stepback of at least 3 metres. However, in creating these stepbacks several pinch points come to a point at 2.3 metres from the front lot line. Staff are supportive of the average stepback distance set in the proposed architectural drawings. The general intent of the by-law is therefore maintained.

Rear Yard Balcony Encroachment

The proposed development will require balconies facing the rear yard lot line to encroach 1.5 metres onto the required rear yard.

A variance is required to permit an encroachment of 1.5 metres, whereas only 1 metre is permitted. This by-law is to ensure that buildings generally follow required yard distances and building envelope while not having large overhanging amenity spaces. This is also intended to allow neighbouring residents more privacy.

The proposed dimensions of the 1.5-metre-deep balconies allow for a more suitable amenity space that allows for resident comfort. The rear-facing balconies also overlook commercial spaces rather than residential lots that would require more private amenity space. Accordingly, the general intent of the by-law is therefore maintained.

3. Are the proposed variances appropriate for the development of the subject lands?

As noted above, the variances are intended to facilitate desirable built form within the Downtown Urban Growth Centre. The UHOP allows for building heights of 30-storeys, of which the proposed development conforms to. The required yards and stepbacks are generally respected with the exception of pinch points created from irregularly shaped lot fabrics. The balconies' 1.5 metre depth allow for more usable and comfortable amenity space for residents. The variances are therefore appropriate for the development of the subject lands.

4. Are the proposed variances minor in nature?

The proposed variances are very minimal in respect to the scale and scope of the project as well as the allowed built forms in the Downtown Urban Growth Centre. The building height has been shown to not affect the views of the Niagara Escarpment, as evidenced in the submitted Visual Impact Assessment. The rear yard and building setbacks generally comply with the by-laws, except for pinch points created due to irregularly shaped lot lines. The balcony depth of an extra 0.5 metres (18 inches) is minimal and overlooks commercial zones rather than neighbouring residents.

There are no perceived impacts on the neighbouring properties, as they are in keeping with the generally intent of both the Official Plan and By-law, and it is of our professional planning opinion that the variances are minor in nature.

In accordance with the above criteria, variances to permit altered building height, rear yard depth, step backs, and balcony encroachments into required yards will be required to facilitate the redevelopment of the lots. While the proposed development does not meet the exact requirements



prescribed in the Zoning By-law, the proposed minor variances will provide relief from these minor zoning deficiencies.

As such, the proposed development is appropriate for the subject lands and has sufficient regard for the matters listed under Section 45 (1) of the *Planning Act*.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Ryan Ferrari, BURPI, CPT
Planner
A. J. Clarke and Associates Ltd.

Encl.



Hamilton

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 | MAILING ADDRESS |
|----------------------|------|-----------------|
| Registered Owners(s) | | |
| Applicant(s)* | | |
| Agent or Solicitor | | |

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:

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:

Variances for building height, stepbacks, rear yard, and yard-encroaching balconies. See cover letter for details.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Please see attached 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**):

Lot 2, Lot 3, Part Lots 1, Part Lots 3, Part Lots 4, James Hughson Survey (unregistered), Regional Municipality of Hamilton,
Known municipally as: 41 Wilson Street, 97 John Street North, 117 John Street North

7. PREVIOUS USE OF PROPERTY

Residential

Industrial

Commercial

Agricultural

Vacant

Other _____

8.1 If Industrial or Commercial, specify use auto repair, surface parking, community centre

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 8.1 to 8.10 above?

Owner information, digital mapping softwares

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

_____ Date



Signature Property Owner(s)

Hamilton II GP Inc.

Print Name of Owner(s)

10. Dimensions of lands affected:

| | |
|-----------------|-------------------------|
| Frontage | 68.79m |
| Depth | +/- 91.3m and +/-88.10m |
| Area | 6,916 m ² |
| Width of street | 20.25 metres |

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: _

Surface parking lot (+/- 6813 metres squared), auto repair shop (1 storey), vacant Chinese Community Centre (2.5 storeys)

Proposed

Mixed Use - Residential and Commercial. Three towers (30 storeys in total height) on a podium of 7 storeys in height. Multi-level, above-ground, parking structure contained within podium. Retail on ground floor. GFA = 75,155 m²

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

Existing:

Vacant community centre: 0.0 m front yard depth, 7.5 m frontage, ground floor area of +/- 125 m²
Auto repair Shop: +/- 20.6 m front yard depth, +/- 8.3 m frontage, ground floor area of +/- 172 m²

Proposed:

See attached architectural package.

13. Date of acquisition of subject lands:
2020
-
14. Date of construction of all buildings and structures on subject lands:
unknown
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
commercial: auto repair shop, vacant community centre, surface parking
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
commercial: law firm, auto repair shop
-
17. Length of time the existing uses of the subject property have continued:
Since construction
-
18. Municipal services available: (check the appropriate space or spaces)
Water yes Connected yes
Sanitary Sewer yes Connected yes
Storm Sewers yes
-
19. Present Official Plan/Secondary Plan provisions applying to the land:
'Downtown Mixed-Use Area' (UHOP), "Downtown Residential" (Secondary Plan)
-
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
D5 - Downtown Residential, Holding Provisions: H17, H19, H20
-
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
- If yes, please provide the file number:
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 (please include separate sheet if needed)
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.