



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-361	SUBJECT PROPERTY:	400 King St E, Hamilton
ZONE:	“D5 and H21” (Downtown Residential)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 18-114

APPLICANTS: Owner: Core Urban Inc
 Agent: Webb Planning Consultants

The following variances are requested:

1. A maximum easterly side yard of 15.5m shall be permitted instead of the maximum 7.5m side yard required.
2. A minimum rear yard of 1.1m shall be permitted instead of the minimum 7.5m rear yard required.
3. A minimum building height of 3.7m shall be permitted instead of the minimum 7.5m building height required.
4. No barrier free parking spaces shall be permitted to be maintained instead of the minimum one (1) barrier free parking space required.
5. A minimum of ten (10) parking spaces shall be permitted to be maintained instead of the minimum twenty-five (25) parking spaces required.

PURPOSE & EFFECT: To facilitate the construction of a one storey addition to the existing building to be used as a lodging house for the accommodation of a total of seventy-six (76) persons.

Notes:

The proposed development is subject to Site Plan Control Application SPA-22-158.

The lands are subject to holding provision “H21” which indicates that the lands shall only be used for permitted uses within the existing building and structure. Therefore, the “H” holding provision shall be successfully removed in order to implement the proposal.

HM/A-361

The applicant has requested a variance to Section 5.1(a) of the Hamilton zoning by-law 05-200 to recognize the existing parking facilities for the proposal. However, upon approval of Variance #4 and #5, compliance with Section 5.1 (a) will be achieved. Therefore, the variance is not required.

The applicant has requested a variance to Section 5.2 (a) of the Hamilton Zoning By-law which requires a visual barrier for a parking lot adjacent to a D5 zone. However, the variance is not required as the existing parking lot was established prior to the current regulation and the lack of a visual barrier adjacent to a D5 zone is considered an existing legal non-conforming condition.

The applicant shall ensure that the existing parking spaces conform respecting parking space sizes, access driveway widths etc. Otherwise, further variances shall be required.

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, December 8, 2022
TIME:	4:15 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	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
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- 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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



 Subject Lands

DATED: November 22, 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.



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

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.**

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

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

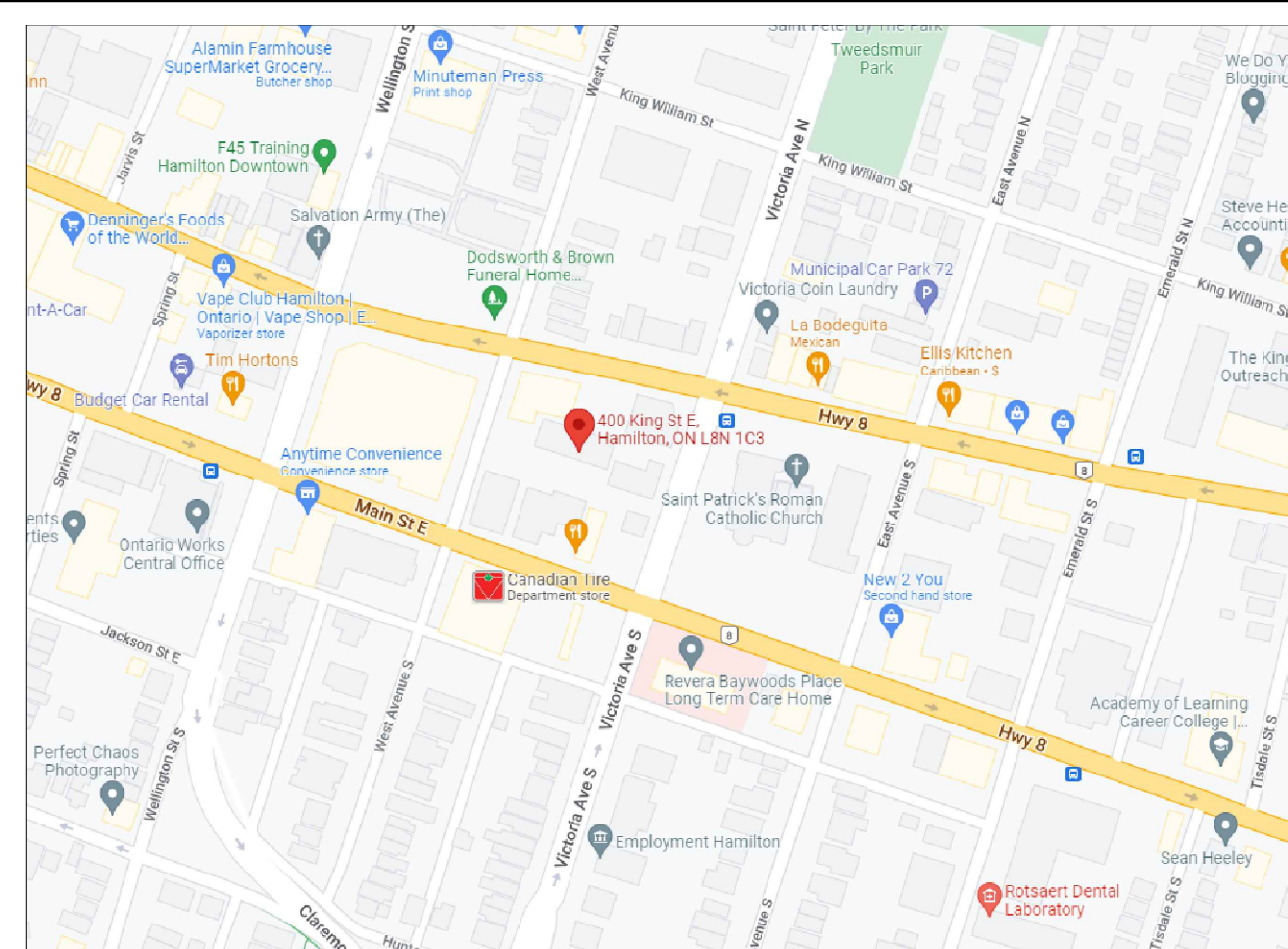
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

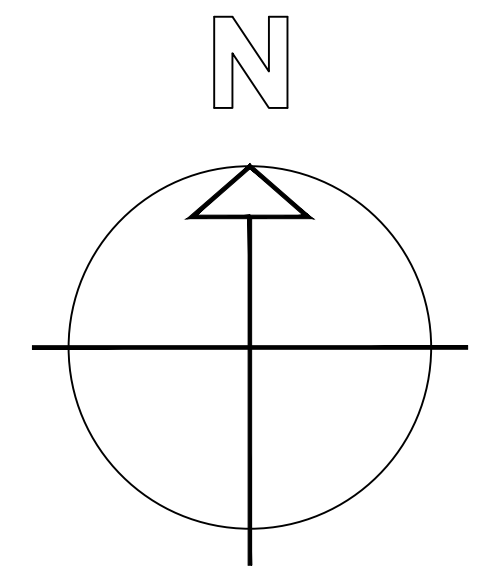
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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.

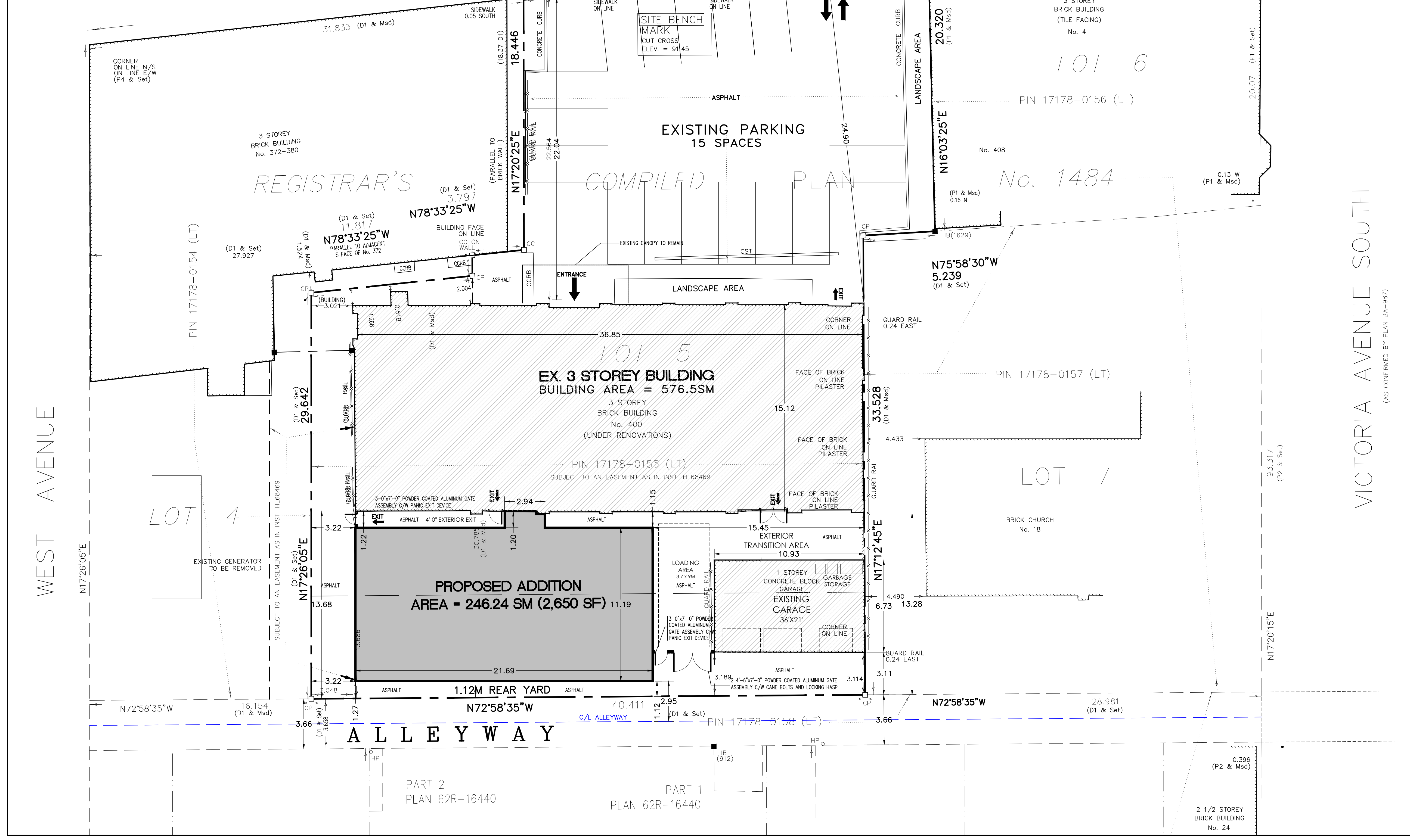


SURVEYOR'S REAL PROPERTY REPORT
 PART 1, PLAN OF
LOT 5
REGISTRAR'S COMPILED PLAN 1484
 IN THE
CITY OF HAMILTON
 (TAKEN FROM SURVEY PREPARED BY A.T.MCLAREN LIMITED - 2022)

KING STREET EAST
 (AS CONFIRMED BY PLAN BA-754)



KEY PLAN



NOTES ON SITE PLAN:

- 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 BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
- ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m 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
 - SEWER AND WATER PERMITS
 - ROAD CUT PERMITS
 - RELOCATION OF SERVICES
 - APPROACH APPROVAL PERMITS
 - ENCROACHMENT AGREEMENTS
 - COMMITTEE OF ADJUSTMENT (IF REQUIRED)
- ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE CORRIDOR MANAGEMENT SECTION, PUBLIC WORKS DEPARTMENT.
- FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE TO BE PROVIDED:
 5.0 METRE BY 5.0 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET.
- ALL SIGNS MUST COMPLY WITH SIGN BY-LAW No. 10-197.

ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE NOTED. TIES ARE TAKEN TO FOUNDATION UNLESS OTHERWISE NOTED.

UNDERTAKING FILE No. _____

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 THIS PLAN AND DRAWING ON OR BEFORE _____;
 (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 _____

SITE STATISTICS

Regulation	Required	Provided
Existing Zoning: "D5-H21" - Downtown Residential, Holding 21		
Total Lot Area	300.0 sq. m	1,877.7 sq. m
Lot Width	12.0 m	29.7 m
Max. Front Yard	4.5 m	22.04 m (existing condition)
Max. Side Yard		
Existing Building	7.5 m	E: 3.21 m, W: 0m
Proposed Addition	7.5 m	E: 3.22 m, W: 15.45m
Min. Rear Yard		
Existing Building	7.5	13.28 meters
Proposed Addition	7.5	1.12 meters
Min. Building Height		
Existing Building	7.5 metres	11.89 metres
Proposed Addition	7.5 metres	4.26 metres
Max Building Height	44.0	11.89 metres
Existing Building	N/A	246.2 sq m
Footprint		
Proposed Building	N/A	246.2 sq m (addition only)
Footprint		
Existing Gross Floor Area	N/A	
Proposed Gross Floor Area	N/A	246.2 sq. m (addition only)
Surface Parking (existing)	N/A for Lodging House	15 spaces
Loading Space	N/A	9.0 m x 3.7 m min.

LINTACK ARCHITECTS
 INCORPORATED
 244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 8B3
 T: 905-522-6165 • E: information@lntack.com
 www.lntack.com



FOR SITE PLAN APPROVAL
 ONTARIO ASSOCIATION OF ARCHITECTS
 RICHARD F. LINTACK
 LICENCE 4148

No.	Revisions	Date
1.0	FOR SPA	OCT 21, 2022
No.	Issue	Date

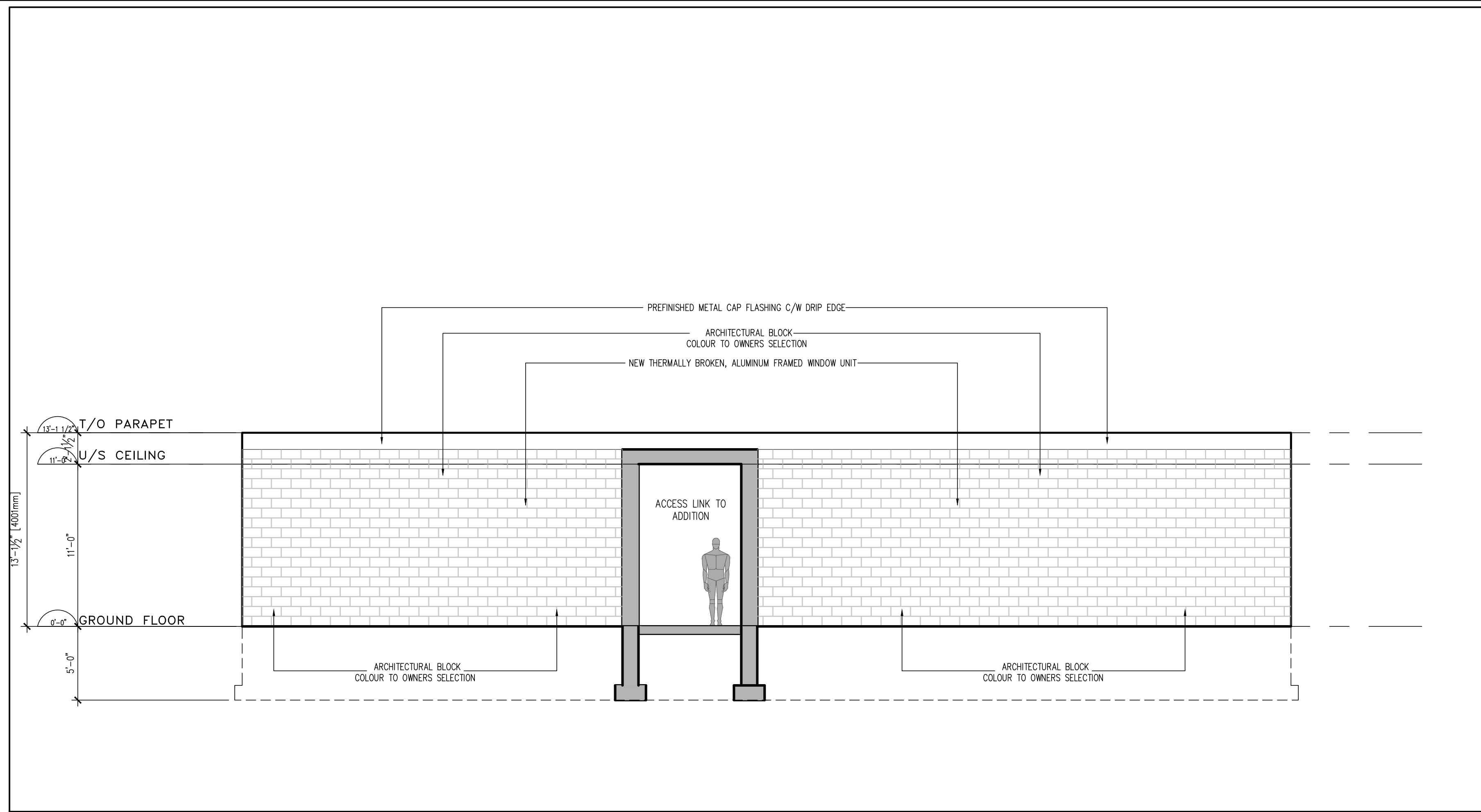
Proposed Renovation
400 King Street East
 Core Urban
 400 King Street East
 Hamilton, ON

job no. 22.008
 dwg. file
 dwn. by JR/JD
 scale As Noted
 date
 dwg. title
Site Plan

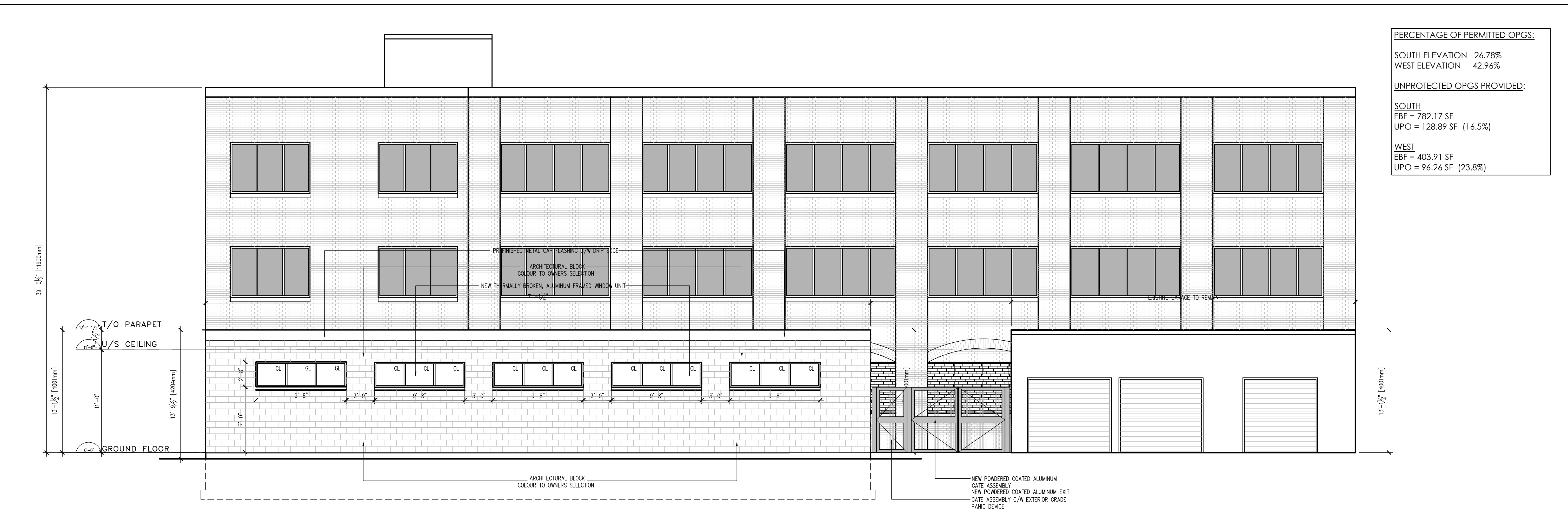
1 SITE PLAN
 A1.0 SCALE 1:150

NOT TO BE USED FOR CONSTRUCTION

dwg. A1.0



1 NORTH ELEVATION
SCALE 3/16"=1'-0"



2 SOUTH ELEVATION
SCALE 3/16"=1'-0"

PERCENTAGE OF PERMITTED OPGS:

SOUTH ELEVATION 26.78%
WEST ELEVATION 42.96%

UNPROTECTED OPGS PROVIDED:

SOUTH
EBF = 782.17 SF
UPO = 128.89 SF (16.5%)

WEST
EBF = 403.91 SF
UPO = 96.26 SF (23.8%)

LINTACK ARCHITECTS
INCORPORATED
244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
T: 905.522.6165 • E: information@lntack.com
www.lntack.com

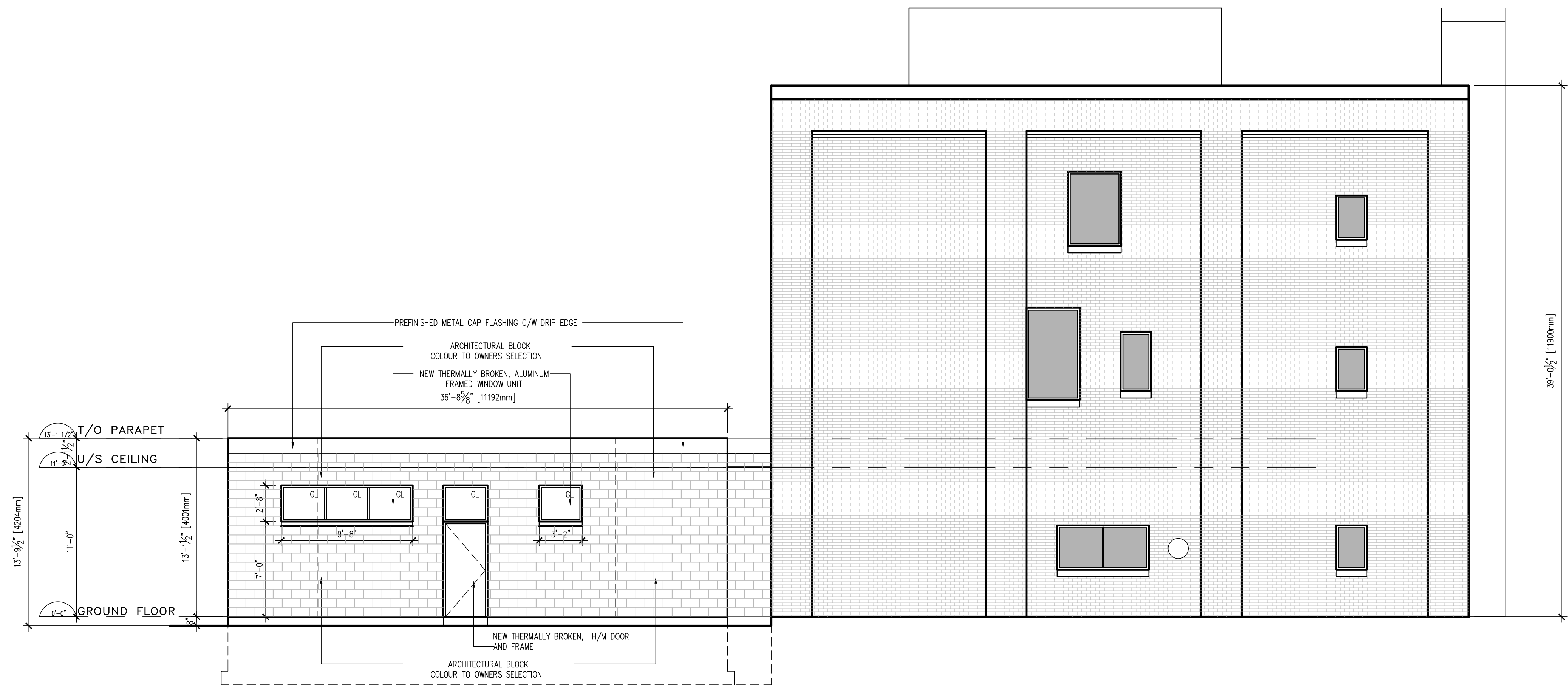


This drawing must not be scaled. General Contractor shall verify all dimensions, columns and levels prior to commencement of the work. All errors and omissions are to be reported immediately to the Architect.

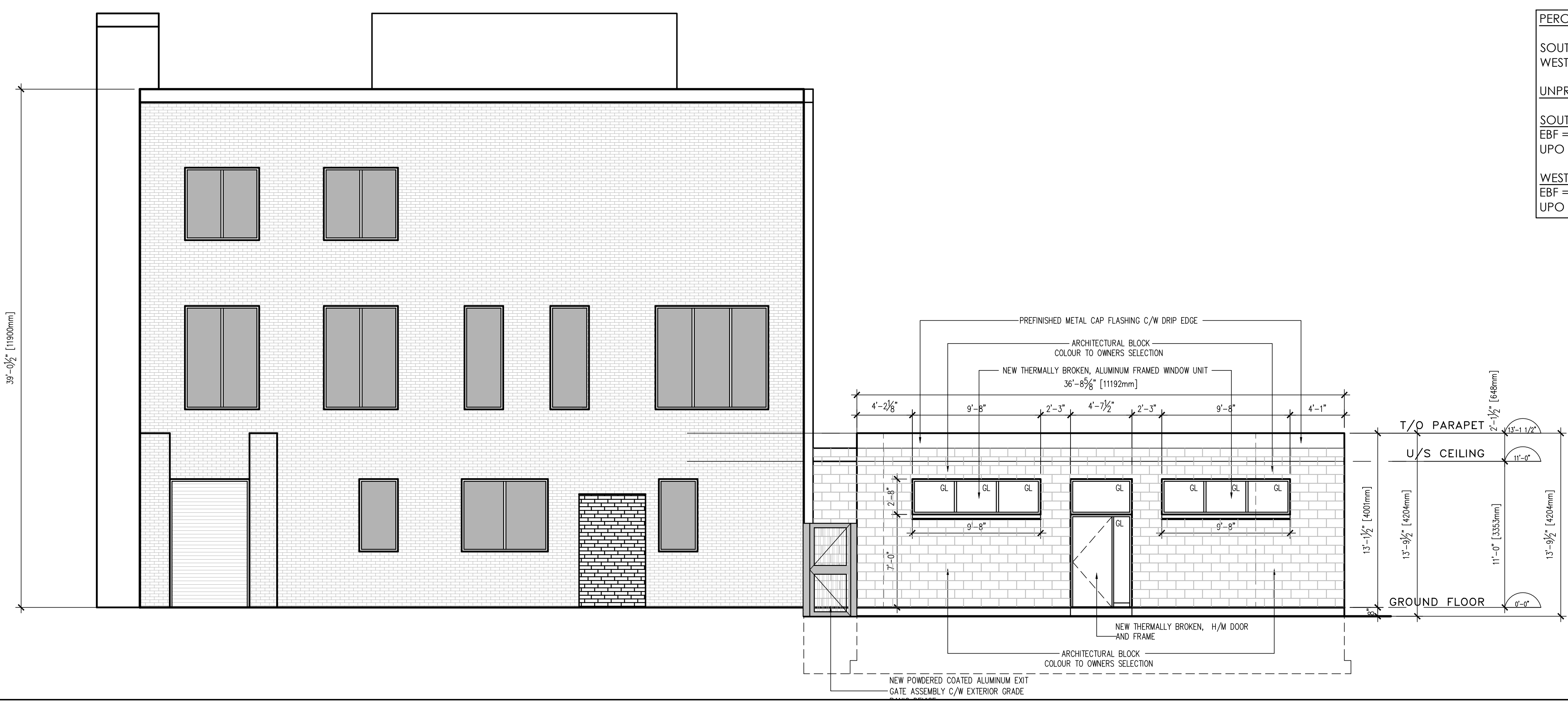
No.	Revisions	Date
1.0	NOT ISSUED	XXX ## 2022
No.	Issue	Date

Proposed Renovation
400 King Street East
Core Urban
400 King Street East
Hamilton, ON

job no.	22.008
dwg. file	
dwn. by	
scale	
date	
dwg. title	North & South Elevations
dwg.	A3.1



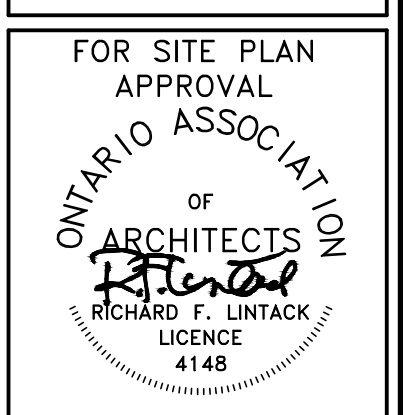
1 EAST ELEVATION
A3.2 SCALE 3/16"=1'-0"



PERCENTAGE OF PERMITTED OPGS:
 SOUTH ELEVATION 26.78%
 WEST ELEVATION 42.96%

UNPROTECTED OPGS PROVIDED:
 SOUTH
 EBF = 782.17 SF
 UPO = 128.89 SF (16.5%)
 WEST
 EBF = 403.91 SF
 UPO = 96.26 SF (23.8%)

2 WEST ELEVATION
A3.2 SCALE 3/16"=1'-0"



This drawing must not be scaled.
 General Contractor shall verify all dimensions, columns and levels prior to commencement of the work.
 All errors and omissions are to be reported immediately to the Architect.

No.	Revisions	Date
1.0	ISSUED FOR PERMIT	JUL 08, 2022
No.	Issue	Date

Proposed Renovation
400 King Street East
 Core Urban
 400 King Street East
 Hamilton, ON

job no.	22.008
dwg. file	
dwn. by	
scale	
date	
dwg. title	East & West Elevations
dwg.	A3.2



November 15, 2022

City of Hamilton
Planning & Economic Development Department
Committee of Adjustment
71 Main Street West
Hamilton ON L8P 4Y5

Attention: Ms. Jamila Sheffield
Secretary-Treasurer

Dear Ms. Sheffield,

Re: Application for Minor Variance – Revised Variances, City File No. HM/A-22:361
400 King Street East, City of Hamilton

WEBB Planning Consultants are retained by the property owners, Core Urban Inc., to facilitate the municipal planning approvals required to implement the planned development of the subject property.

As you are aware, we had submitted an Application for Minor Variance to the subject property on November 8th, 2022 to facilitate a proposed building addition. The scope for the Minor Variance was based on feedback provided by City of Hamilton Zoning Staff following their preliminary review of the proposal.

Zoning staff have since completed a more fulsome review of the proposal in the context of an Application for a Site Plan Amendment and identified the need for additional Variances. We are therefore writing to seek a modification to the Application to broaden the scope of Variances to reflect the review undertaken by City Staff of the Site Plan Amendment, City File No. SPA-22-158.

The full scope of the required Variances is outlined below:

1. Notwithstanding Regulation 6.5.3.4.(d) – Maximum Side Yard, an easterly side yard of 15.5 metres shall be provided whereas 7.5 metres is required.
2. Notwithstanding Regulation 6.5.3.4.(f) – Minimum Rear Yard, a rear yard of 1.1 metres shall be provided whereas 7.5 metres is required.
3. Notwithstanding Regulation 6.5.3.4.(g) – Minimum Building Height, a minimum building height of 3.7 metres (measured to the uppermost point of the building as defined, excluding the parapet) whereas a minimum height of 7.5 metres is required.

4. Notwithstanding Regulation 5.1.(a) - Location of Parking, no additional parking shall be required for the proposed building addition.
5. Notwithstanding Regulation 5.2.(a) - Design Standards, no additional parking is proposed, the proposal will maintain the existing surface parking spaces.
6. Notwithstanding Regulation 5.5 - Barrier Free Parking, no alterations to the existing parking is proposed, the proposal will maintain the existing surface parking spaces.
7. Notwithstanding Regulation 5.6 - Minimum Number of Required Parking Spaces, no additional on-site surface parking spaces shall be required for the proposed building addition, the proposal will maintain the existing surface parking spaces.

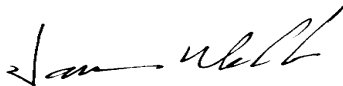
It is recognized that Zoning Staff will undertake a review of the Application for Variance and the specific wording of the Variances may be updated as deemed appropriate by staff to ensure the proposal will be fully compliant with Zoning, as amended.

To facilitate the review we are attaching an updated Application for Minor Variance that identifies the additional Variances as per the attached Appendix "A". The architectural plans previously submitted have not changed and will continue to provide the basis for the review of the proposal.

We trust that you will find the enclosed materials complete and suitable for the purpose of processing this revised Application for Minor Variance. Please contact our office immediately should you have any questions or require additional information in support of this submission.

Yours truly,

WEBB Planning Consultants Inc.



James Webb, MCIP, RPP

cc: Core Urban Inc.
Lintack Architects



Hamilton

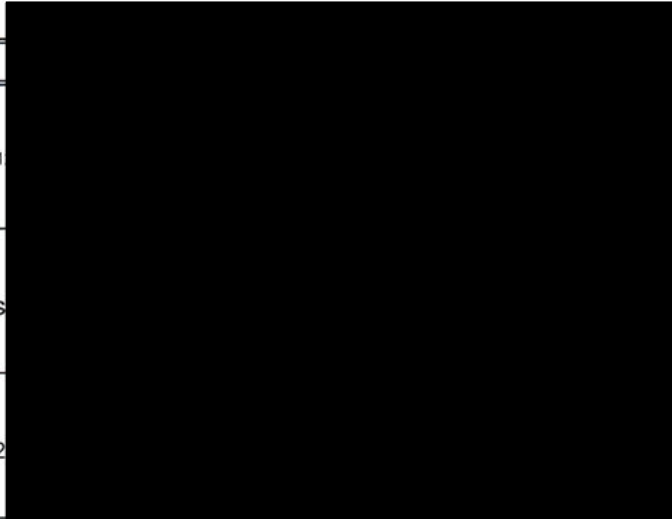
Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

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

APPLICATION FOR A MINOR VARIANCE/PERMISSION
UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME	
Registered Owners(s)	Core Urban Inc.	1
Applicant(s)	Core Urban Inc.	S
Agent or Solicitor	WEBB Planning Consultants	2



1.2 All correspondence should be sent to Owner Applicant
 Agent/Solicitor

1.2 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No
If YES, provide email address where sign is to be sent jwebb@webbplanning.ca

1.5 All correspondence may be sent by email Yes* No
If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	400 King Street East		
Assessment Roll Number			
Former Municipality	City of Hamilton		
Lot		Concession	
Registered Plan Number	Compiled Plan 1484	Lot(s)	5
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes No

If YES, describe the easement or covenant and its effect:

Easement along west boundary in favour of adjoining property

3. PURPOSE OF THE APPLICATION

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Refer to attached Appendix "A" for full scope of proposed Variances

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Proposed addition at rear of existing building requires expanded footprint and reduction in +

3.3 Is this an application 45(2) of the Planning Act.

Yes

No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
29.7 m	53.8 m (irregular)	1,877 sq. m	20.0 (King Street East)

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
3 storey brick building	22.0 m	13.6 m	East: 0.0 m, West: 3.2 m	Unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
1 storey block building	38.3 m	1.1 m	East: 15.4 m, West: 3.2 m	Q4 2022

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
3 storey brick building	573 sq m	1,719 sq m	Three	11.8 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
1 storey block building	246 sq m	246 sq m	One	4.2

- 4.4 Type of water supply: (check appropriate box)
 publicly owned and operated piped water system
 privately owned and operated individual well

- lake or other water body
 other means (specify)
-

- 4.5 Type of storm drainage: (check appropriate boxes)
 publicly owned and operated storm sewers
 swales

- ditches
 other means (specify)
-

- 4.6 Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
 - privately owned and operated individual septic system
 - other means (specify)
-

4.7 Type of access: (check appropriate box)

- provincial highway
 - municipal road, seasonally maintained
 - municipal road, maintained all year
 - right of way
 - other public road
-

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Lodging House

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Commercial, Institutional

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

January 2022

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Commercial - Office

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Building is vacant, to be renovated for Lodging House use

7.4 Length of time the existing uses of the subject property have continued:

Unknown

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Downtown Residential

Please provide an explanation of how the application conforms with the Official Plan.

Refer to accompanying Planning Brief for explanation of OP conformity

7.6 What is the existing zoning of the subject land? D5, H21

7.8 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: