



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 APPLICATION
CONSENT

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/B-22:121	SUBJECT PROPERTY:	43-51 King St E & 60 King William St, Hamilton
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APPLICANTS: Owner King William Residences Inc
Agent Urban Solutions Planning & Land Development Consultants Inc

PURPOSE & EFFECT: To permit the creation of an easement over a portion of land for emergency exit access.

	Frontage	Depth	Area
SEVERED LANDS: (for Easement/Lease)	1.136 m [±]	9.901 m [±]	15.2791 m ² [±]
RETAINED LANDS:	King William 70.50m [±] King St E 27.20m [±]	Varies m [±]	4,166.26 m ² [±]

Associated Planning Act File(s): HM/B-22:121

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 decided upon by the Consent Authority, the Director of Planning and Chief Planning, no earlier than:

Thursday, December 8, 2022

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 Consent Authority, you may do so via email or hardcopy. Written 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 will be available on **December 6, 2022** on our website: www.hamilton.ca/committeeofadjustment

Orally: Oral comments are not able to be submitted.



 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.

If a person or public body that files an appeal of a Decision in respect of the proposed consent does not make written submissions before the Consent Authority gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the Decision of Consent Authority in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.

STRATA PLAN OF SURVEY
OF PART OF
LOTS 25 AND 26
SOUTH SIDE OF KING WILLIAM STREET BETWEEN
HUGHSON STREET AND JOHN STREET
ALL IN
NATHANIEL HUGHSON SURVEY (UNREGISTERED)
IN THE
CITY OF HAMILTON

SCALE 1:50 METRIC



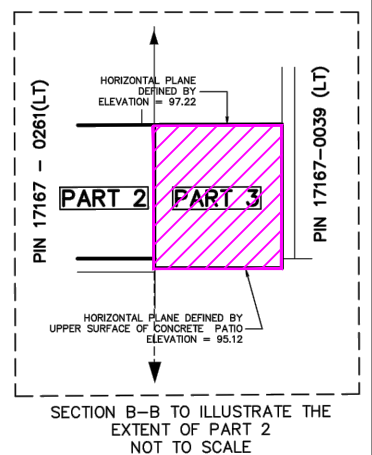
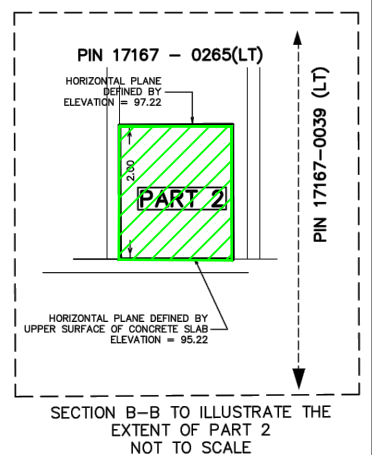
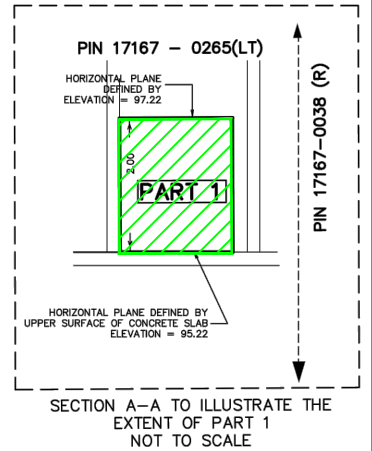
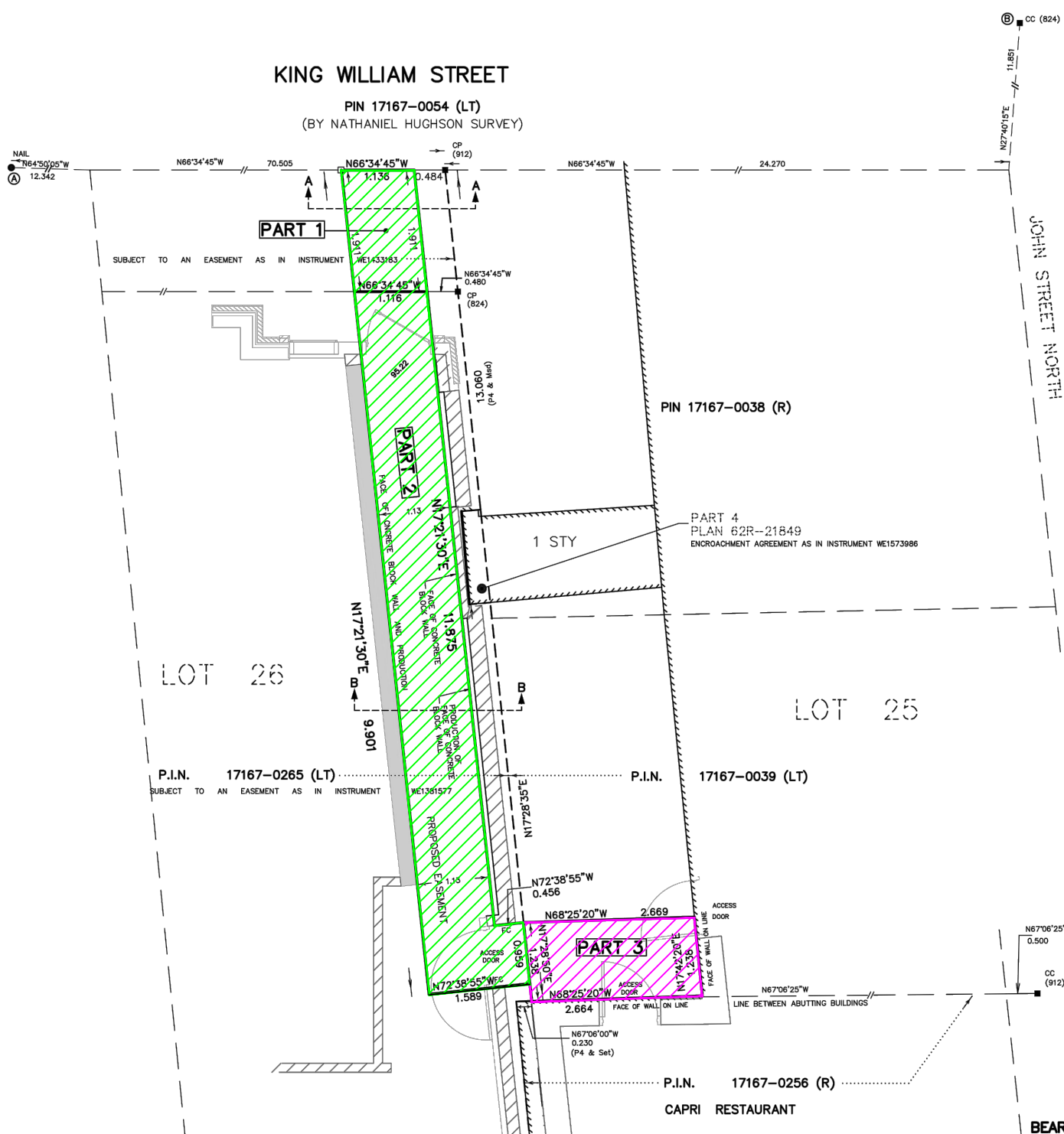
S.D. McLAREN, O.L.S. - 2022

SCHEDULE

PART	LOTS	PLAN	P.I.N.
1	PART OF LOT 26 SOUTH SIDE OF KING WILLIAM STREET BETWEEN HUGHSON STREET AND JOHN STREET	NATHANIEL HUGHSON SURVEY (UNREGISTERED)	PART OF P.I.N. 17167 - 0265 (LT)
2	PART OF LOT 25 SOUTH SIDE OF KING WILLIAM STREET BETWEEN HUGHSON STREET AND JOHN STREET		PART OF P.I.N. 17167 - 0039 (LT)

PART 1 IS SUBJECT TO AN EASEMENT AS IN INSTRUMENT WE1433183
PARTS 1 AND 2 ARE SUBJECT TO AN EASEMENT AS IN INSTRUMENT WE1381577

PLAN 62 R-
RECEIVED AND DEPOSITED
Date _____
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
Date _____
S. DAN McLAREN, O.L.S.



LEGEND:

- DENOTES MONUMENT SET
- MONUMENT FOUND
- IB IRON BAR
- CC CUT CROSS
- SB STANDARD IRON BAR
- SSB SHORT STANDARD IRON BAR
- 824 A.T. McLAREN, O.L.S.
- JB A.J. BARNES LIMITED
- 912 A.J. CLARKE, O.L.S.
- WT WITNESS
- Me MEASURED
- P1 PLAN 62R-13839
- P2 PLAN 62R-20945
- PB PLASTIC BAR
- CP CONCRETE PIN
- FC FACE OF CONCRETE WALL

BENCHMARK:

MONUMENT 0011963U3491
POST OFFICE ON THE SOUTHWEST CORNER OF KING STREET EAST AND JOHN STREET SOUTH, TABLET IN THE EAST STONE FOUNDATION WALL, 8.26m SOUTH OF THE NORTHEAST CORNER, 2.71m BELOW A WINDOW SILL AND 42cm ABOVE SIDEWALK LEVEL.
ELEVATION: 96.871 metres CGVD-1928:1978

BEARING NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999594422

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0). COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10		
POINT ID	NORTHING	EASTING
ORP @	4789994.762	591925.500
ORP @	4789962.346	592029.108

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

METRIC NOTE

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THE STRUCTURES SHOWN ON THIS PLAN ARE IN EXISTENCE.
2. THE DIMENSIONS SHOWN ON THIS PLAN HAVE BEEN VERIFIED BY ACTUAL MEASUREMENTS.

DATE _____ S.DAN. McLAREN, O.L.S.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 1st DAY OF JUNE, 2021

DATE _____ S. DAN McLAREN, O.L.S.



A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn DG Checked RBM Draw Chief MW Scale 1:50 Dwg.No. 3529B-R7

Easement No.	Easement	Part(s) on Strata Plan of Survey	Area	Length	Width
1	Easement in favour of PIN 17167-0256 (1602499 Ontario Inc.) over part of PIN 17167-0039 (Surveillant Society Inc.)	3	3.3607 m ²	+/- 2.669 m	1.238 m
2	Easement in favour of PIN 17167-0256 (1602499 Ontario Inc.) and PIN 17167-0039 (Surveillant Society Inc.) over part of PIN 17167-0265 (King William Residences Inc.)	1 & 2	15.2791 m ²	+/- 9.901 m	+/- 1.136 m

STRATA PLAN OF SURVEY
OF PART OF
LOTS 25 AND 26
SOUTH SIDE OF KING WILLIAM STREET BETWEEN
HUGHSON STREET AND JOHN STREET
ALL IN
NATHANIEL HUGHSON SURVEY (UNREGISTERED)
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S.D. McLAREN, O.L.S. - 2022

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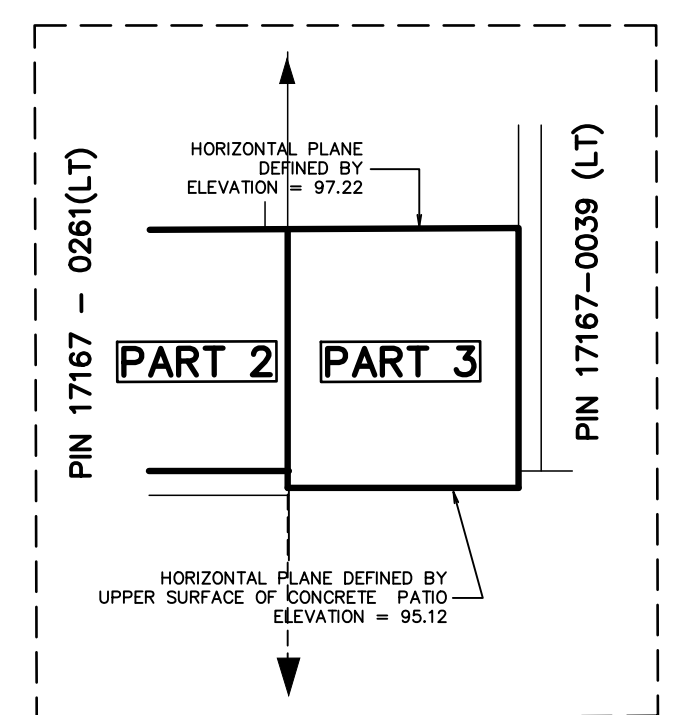
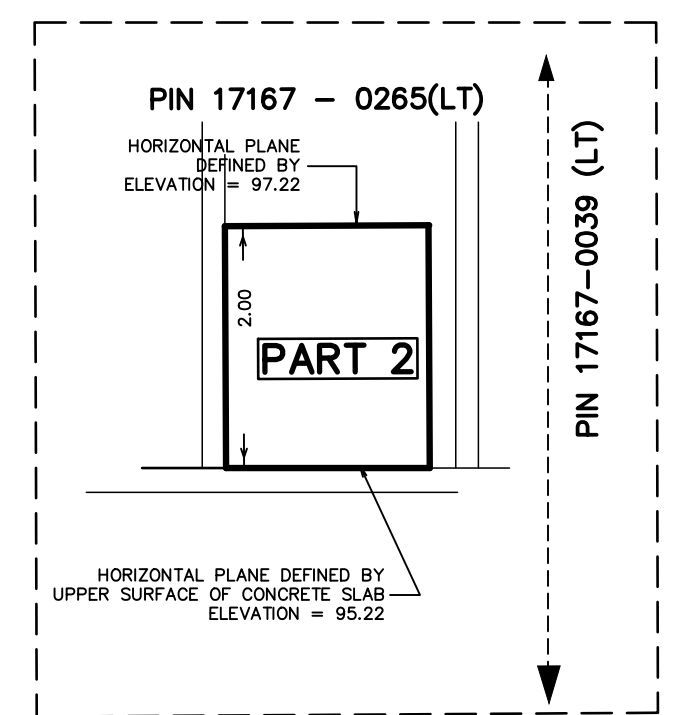
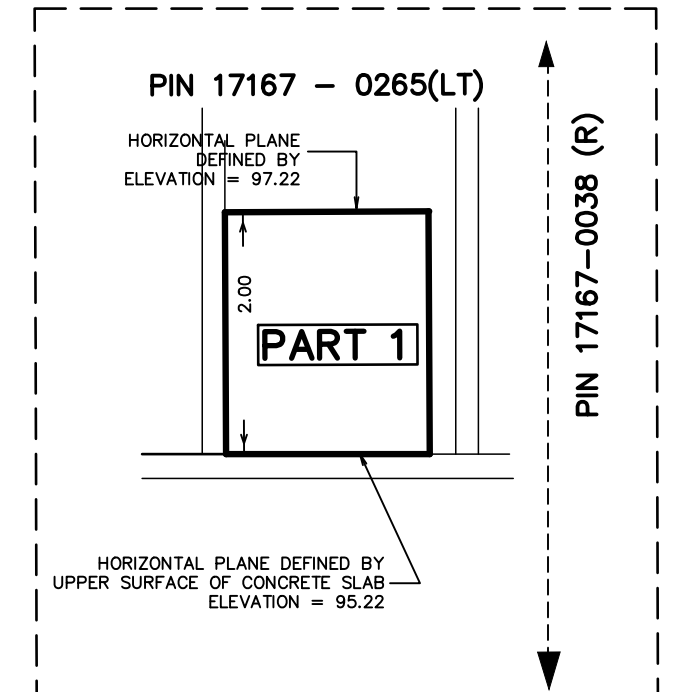
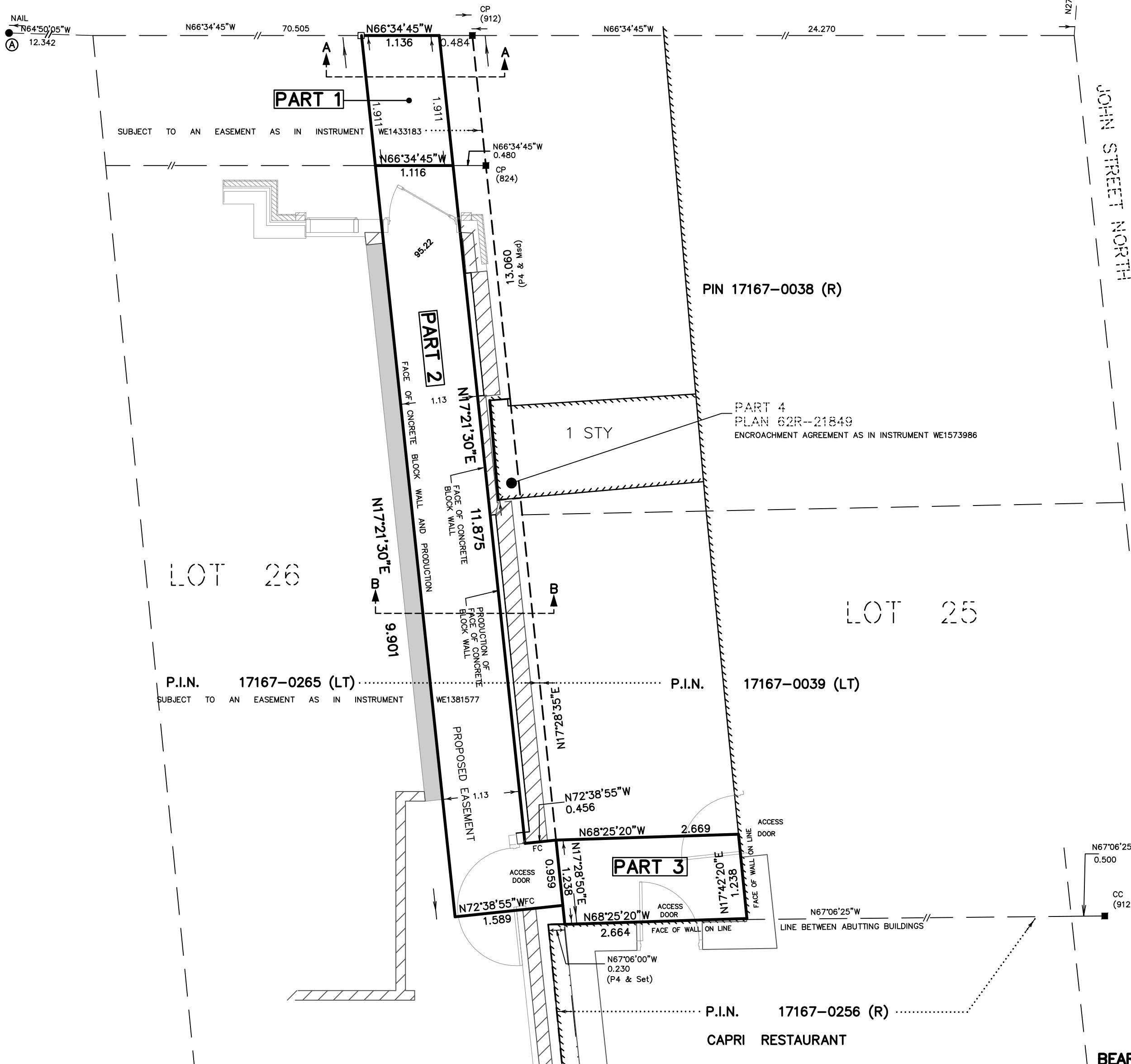
REPRESENTATIVE FOR
LAND REGISTRAR FOR THE LAND
TITLES DIVISION OF WENTWORTH (No. 62)

I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TITLES ACT.
Date _____

S. DAN McLAREN, O.L.S.

KING WILLIAM STREET

PIN 17167-0054 (LT)
(BY NATHANIEL HUGHSON SURVEY)



LOT 26

LOT 25

P.I.N. 17167-0265 (LT)

P.I.N. 17167-0039 (LT)

P.I.N. 17167-0256 (R)
CAPRI RESTAURANT

BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

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- MONUMENT FOUND
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- CC - CUT CROSS
- SIB - STANDARD IRON BAR
- SSIB - SHORT STANDARD IRON BAR
- 924 - A.T. McLAREN, O.L.S.
- JDB - J.D. BARNES LIMITED
- 912 - A.J. CLARKE, O.L.S.
- WT - WITNESS
- Msd - MEASURED
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ELEVATION: 96.871 metres CGVD-1928:1978

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SURVEYOR'S CERTIFICATE

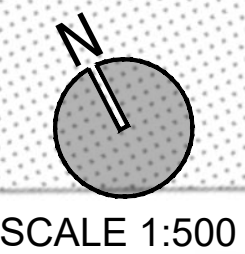
I CERTIFY THAT:
1. THE STRUCTURES SHOWN ON THIS PLAN ARE IN EXISTENCE.
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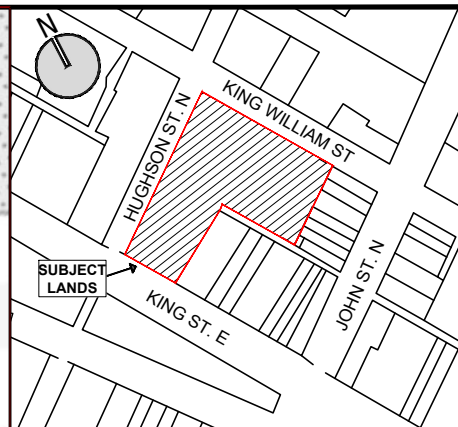
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2. THE SURVEY WAS COMPLETED ON THE 1st DAY OF JUNE, 2021
DATE _____ S. DAN McLAREN, O.L.S.

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

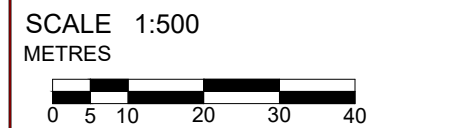
Drawn DC	Checked RBM	Crew Chief MW	Scale 1:50	Dwg.No. 35298-R7
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SCALE 1:500



KEY MAP - N.T.S.



- LEGEND
- SUBJECT LANDS
 - EASEMENT 2
 - EASEMENT IN FAVOUR OF

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

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

DESIGN BY: J. STANLEY CHECKED BY: S. MCKAY
DRAWN BY: J. STANLEY DATE: NOVEMBER 08, 2022



URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
KING AT HUGHSON
43-51 KING STREET EAST & 60
KING WILLIAM STREET

TITLE:
EASEMENT SKETCH 2

U/S FILE NUMBER: 247-17 SHEET NUMBER: 1

EASEMENT NO.	EASEMENT	AREA	LENGTH	WIDTH
2	Easement in favour of PIN 17167-0256 (1602499 Ontario Inc.) and PIN 17167-0039 (Surveillent Society Inc.) over PIN 17167-0265 (King William Residences Inc.)	15.2791m ²	+/-9.901m	1.136m



November 11, 2022

247-17

Via Email and Delivered

Ms. Jamila Sheffield
Secretary-Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield,

**RE: 43-51 King Street East and 60 King William Street, Hamilton
Consent to Sever Application- Creation of Easements**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of King William Residences Inc., the owner of the lands municipally known as 43-51 King Street East and 60 King William Street; and Surveillant Society Inc., the owner of lands municipally known as 27 John Street North in the City of Hamilton. Please accept the enclosed Consent to Sever Application Form and supporting materials which facilitate the registration of two easements, as described below.

The subject properties are located in downtown Hamilton, one block east of the King Street East and James Street North intersection. 43-51 King Street East and 60 King William Street are currently under construction to facilitate the development of two 30 storey towers connected by a podium as per the approved Site Plan DA-18-016. 27 John Street North is currently occupied by Capri Ristorante Italiano. These lands are designated as 'Downtown Mixed Use – Pedestrian Focused' in the Downtown Hamilton Secondary Plan in the Urban Hamilton Official Plan and are zoned 'Downtown Prime Retail Streets (D2,626, H21) Zone' in the City of Hamilton Zoning By-law No. 05-200.

Purpose of the Application

The purpose of this Consent Application is to register two easements. The first easement (Easement No. 1) is in favour of PIN 17167-0256 (1602499 Ontario Inc.) over PIN 17167-0039 (Surveillant Society Inc.) and the second easement (Easement No. 2) is in favour of PIN 17167-0256 (1602499 Ontario Inc.) and PIN 17167-0039 (Surveillant Society Inc.) over part PIN 17167-0265 (King William Residences Inc.).

Easement	Part(s) on Strata Plan of Survey	Area	Length	Width
(1) Easement in favour of PIN 17167-0256 over PIN 17167-0039	3	3.3607 m ²	+/- 2.669 m	1.238 m

(2) Easement in favour of PIN 17167-0256 and PIN 17167-0039 over PIN 17167-0265	1 & 2	15.2791 m ²	+/- 9.901 m	+/- 1.136 m
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The purpose of these easements is to facilitate rear yard emergency access exit for 19 and 21 John Street North. To assist in the evaluation of the application, please refer to the enclosed Committee of Adjustment Easement Sketch.

The Consent Application is in keeping with Section 53(1) of the *Planning Act*, R.S.O, 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. Based on the above analysis, UrbanSolutions believes that the applications represent good land use planning and satisfy Sections 53(1) of the *Planning Act*.

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

- One (1) PDF of the completed Application form for Consent to Sever Land for Easement No. 1;
- One (1) PDF of the completed Application form for Consent to Sever Land for Easement No. 2;
- One (1) PDF of the Committee of Adjustment Easement Sketch prepared by A.T. McLaren and UrbanSolutions;
- One (1) PIN Abstract for PIN 17167-0265 for the lands owned by King William Residences Inc.;
- One (1) PIN Abstract for PIN 17167-0039 for the lands owned by Surveillant Society Inc.;
- One (1) PIN Abstract for PIN 17167-0256 for the lands owned by 1602499 Ontario Inc.;
- One (1) cheque in the amount of **\$1,990.00** made payable to the City of Hamilton for Easement Application No. 1, and,
- One (1) cheque in the amount of **\$1,990.00** made payable to the City of Hamilton for Easement Application No. 2.

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

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Spencer McKay, CPT
Project Manager

cc: King William Residences Inc. (via email)
Surveillant Society Inc. (via email)
1602499 Ontario Inc. (via email)



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 CONSENT TO SEVER LAND
and VALIDATION OF TITLE
UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*	N/A		Phone: E-mail:
Registered Owners(s)	King William Residences Inc.		
Applicant(s)**	Same as owner.		
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc.		

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

** Owner's authorisation required if the applicant is not the owner or purchaser.

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 mjohnston@urbansolutions.info

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: *Please refer to enclosed Topographic Survey*

Municipal Address	43-51 King Street East & 60 King William Street		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
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:

N/A

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- creation of a new lot(s)
- addition to a lot
- an easement
- validation of title (must also complete section 8)
- cancellation (must also complete section 9)
- creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation)
- concurrent new lot(s)
- a lease
- a correction of title
- a charge

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

N/A

3.3 If a lot addition, identify the lands to which the parcel will be added:

N/A

3.4 Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land: *Please refer to enclosed Easement Sketch.*

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
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Identified on Sketch as:		Easement			
Type of Transfer	N/A	Easement in favour of PIN 17167-0256 and PIN 17167-0039 over part of PIN 17167-0265			
Frontage		1.136 m			
Depth		9.901 m			
Area		15.2791 sq.m			
Existing Use		Residential/Commercial			
Proposed Use		Residential/Commercial			
Existing Buildings/ Structures		N/A			
Proposed Buildings/ Structures		N/A			
Buildings/ Structures to be Removed		N/A			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

b) Type of water supply proposed: (check appropriate box)

publicly owned and operated piped water system

privately owned and operated individual well

lake or other water body

other means (specify) _____

c) 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) _____

4.3 Other Services: (check if the service is available)

electricity

telephone

school bussing

garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable)

Downtown Urban Growth Center (Schedule E)
Downtown Mixed Use - Pedestrian Focused
(Downtown Hamilton Secondary Plan)

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

Application is for creation of easement for purposes of emergency exit access.

5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

N/A

5.3 What is the existing zoning of the subject land?

Downtown Prime Retail Streets (D2, 626) Zone in
City of Hamilton By-law No. 05-200.

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? N/A

5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

N/A

5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	