



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
Consent/Land Severance

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-22:125	SUBJECT PROPERTY:	107 GEORGE ST, HAMILTON
-------------------------	--------------------	--------------------------	-------------------------

APPLICANTS: Purchaser: Paul Kemper 222 Main Holdings Inc.
 Owner: Michael Pernfuss 112 George Street Inc.
 Applicant: Michael Krasic Coletara Development
 Agent: Bousfields Inc. c/o Ashley Paton

PURPOSE & EFFECT: To permit the conveyance of a parcel of land (Parts 2, 3 and 4) to be added onto the lands known as 220-222 Main St. W. for lot consolidation for future development. Related applications HM/B-22:124 for lot addition and HM/B-22:130 for easement.

	Frontage	Depth	Area
RETAINED LANDS (Part 8):	12.42 m [±]	23.57-23.90 m [±]	296.15 m ² [±]
SEVERED LANDS (Part 2, 3, & 4):	N/A m [±]	11.63-11.76 m [±]	146.91 m ² [±]

Associated Planning Act File(s): HM/B-22:124 & HM/B-22:130

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, January 19, 2023
TIME:	3:35 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

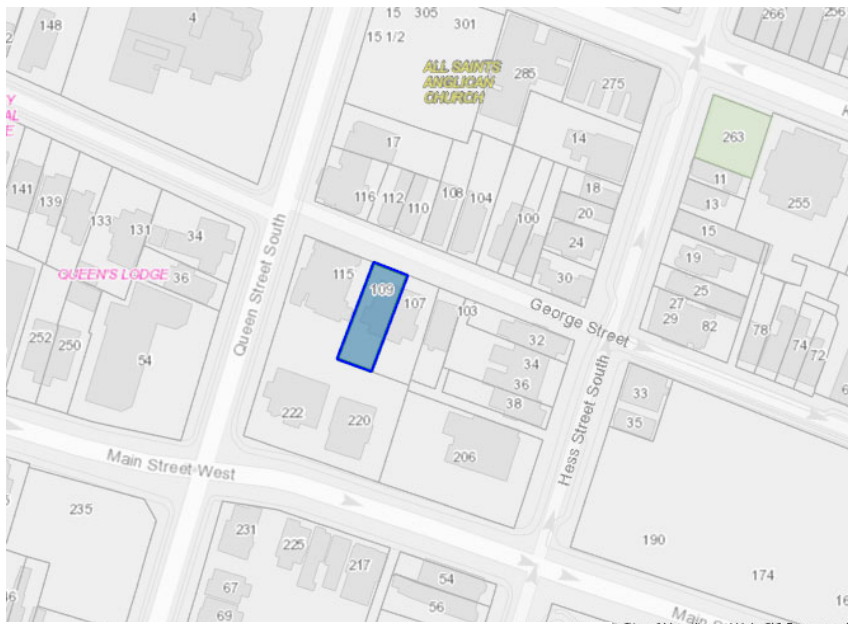
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- 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.



DATED: January 3, 2023

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..

HM/B-22:125

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it 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 The City of Hamilton Committee of Adjustment 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.



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.

Coletara Development
 966 Pantera Drive Suite 22,
 Mississauga, Ontario L4W 2S1
 Ph. No: 905-624-4100
 www.coletara.com

- GENERAL NOTES**
- DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
 - ALL WORK SHALL COMPLY WITH THE 2012 ONTARIO BUILDING CODE AND AMENDMENTS.
 - CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
 - ALL CONTRACTORS AND SUB-CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
 - ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. UNAUTHORIZED USE, MODIFICATION, AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT WRITTEN PERMISSION. THE CONTRACTOR AGREES TO HOLD THE ARCHITECT HARMLESS FOR ANY REASONABLE AND NECESSARY REVISIONS TO THE CONTRACT DOCUMENTS PREPARED BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
 - THE MATERIAL CONTAINED HEREIN REFLECTS THE CONSULTANT'S BEST JUDGEMENT IN LIGHT OF THE INFORMATION AVAILABLE TO HIM AT THE TIME OF PREPARATION. ANY USE WHICH A THIRD PARTY MAKES OF THE CONTRACT DOCUMENTS, OR ANY RELIANCE ON/OR DECISIONS TO BE MADE BASED ON THEM ARE THE RESPONSIBILITY OF SUCH THIRD PARTIES.
 - THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, IF ANY, SUFFERED BY ANY THIRD PARTY AS A RESULT OF DECISIONS MADE OR ACTIONS BASED ON THE CONTRACT DOCUMENTS.

SITE PLAN STATISTICS

Net Lot Area	2,900 sq.m.
Net Building Area	1,890 sq.m.
Building Coverage	65.2%
Building Height	74.9 m (Top of Livable Space)
Average Grade Elevation	111.00 m
Building Storey	23 Storey
Commercial GFA	9,193 (0 Parking Spaces)
Parking Proposed	
P1	42 Spaces
P2	45 Spaces
P3	18 Spaces
Level 1	8 Spaces
Level 2 + 3	38 Spaces
Level 4	0 Spaces
Total	151 Spaces (Including 4 barrier free parking)
Lockers And Bike Parking	141 Spaces 0.50 space per unit

Street Name	Ground Floor Building(m)	Property Line(m)	%
Queen	38.32+10.35=48.67	71.9	67.7
Main	45.28	49.3	91.8
George	17.33	25.6	67.6

ZONING STATISTICS

Net Lot Area	2,900 sq.m.
Proposed Building Coverage	65.2%
Gross Floor Area	30,167 sq.m.
Building Height Proposed & Permitted (Top of livable space)	Proposed: 74.9 m Permitted: 44.0 m
No. Of Residential Units	282 Units
No. Of Parking Spaces Proposed:	151 Spaces
Required:	
i) Dwelling units less than 50.0 square metres in gross floor area:	68 Units
Units < 12	0 per unit x 0 = 0 Spaces
Units > 12	0.3 per unit x 66 = 19.8 Spaces
ii) Units greater than 50.0 square metres in gross floor area:	214 Units
Units < 12	0 per unit x 0 = 0 Spaces
Units > 12	0.5 per unit x 428 = 214 Spaces
Units > 51	0.7 per unit x 164 = 114.8 Spaces
iii) Units with 3 or more bedrooms:	0 Units
Units < 12	0 per unit x 0 = 0 Spaces
Units > 12	0.3 per unit x 0 = 0 Spaces
TOTAL	151 Spaces
No. Of Barrier Free Parking	
Proposed:	5.0 Spaces
Required:	5.0 Spaces
Amenity Areas	
Required:	4 sq.m. per unit
Provided:	
Balconies	1015 sq.m.
Indoor Amenity	235 sq.m.
Outdoor Amenity	333 sq.m.
TOTAL	1583 sq.m.
	5.6 sq.m. per Unit

BUILDING STATISTICS

FLOOR	Sq.m.	Sq.Ft.	GCA	Sq.m.	Sq.Ft.	# Floors	# Total Units	Units > 50 sq.m. < 50 sq.m.	# Parking
P1	1,875	20,182	1,808	19,465	1	-	-	-	42
P2	1,875	20,182	1,808	19,465	1	-	-	-	45
P3	1,043	11,226	976	10,508	1	-	-	-	18
Level 1	1,920	20,668	1,838	19,790	1	-	-	-	8
Level 2 (Parking+Res)	1,768	19,029	1,686	18,151	1	9.0	5.0	4.0	19
Level 3 (Parking+Res)	1,768	19,029	1,686	18,151	1	9.0	5.0	4.0	19
Level 4-5	3,238	34,855	3,075	33,099	2	36.0	30.0	6.0	0
Level 6	1,353	14,559	1,271	13,682	1	13.0	10.0	3.0	0
Level 7-21	13,524	145,572	12,524	134,807	15	195	150	45	0
Level 22-23	1,803	19,410	1,670	17,974	2	20	14	6	0
0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0
TOTAL GFA (L1 - L23)	30,167	324,711	23,750	255,654	23	282	214	68	151



No.	Date	Revision
00	00	00

Oracle Condominiums

220 - 222 Main Street West and
 115 - 117 George Street,
 Hamilton, Ontario

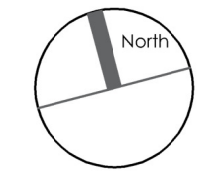
Conceptual Site Plan

Status: OPA/ZBA Resubmission

Date: 07-04-22

Project No.:

Scale: NTS

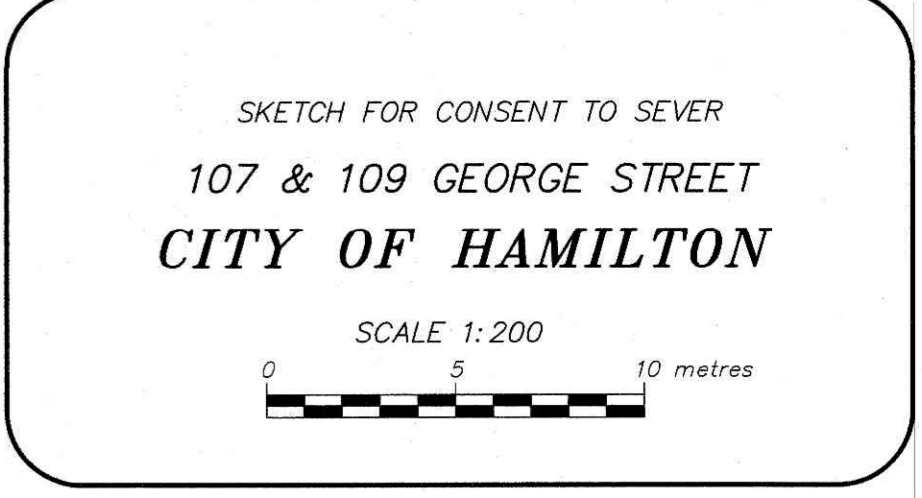
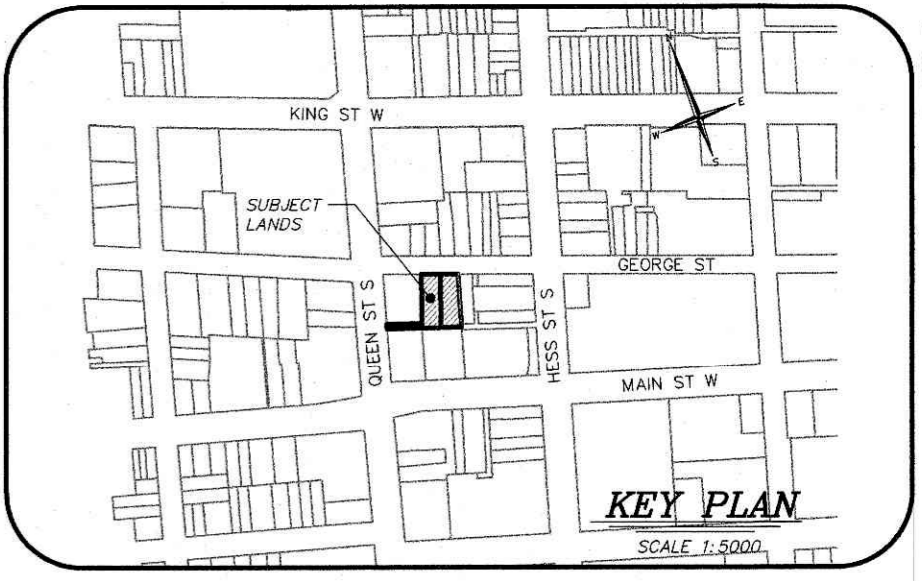
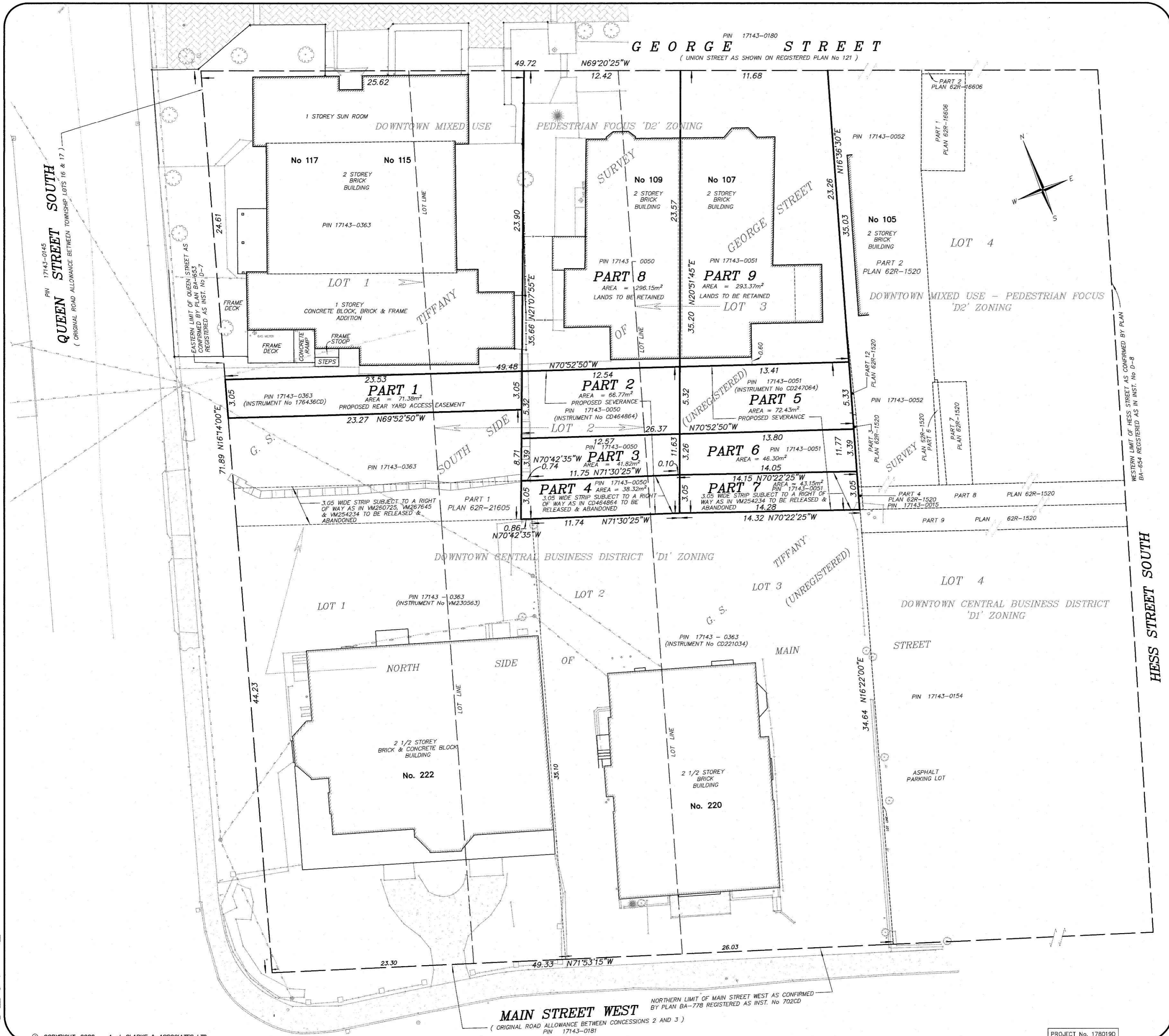


Dwg No. A-102



Legend

- Building Entrance/Exit
- Building Exit Only
- Property Boundary
- Survey
- Proposed Building
- Landscape Open Area
- Public Landscaped Open Area
- Sidewalk
- Hardscape
- Extent of Below Grade Parking
- Ground Floor



ABOVE NOTED LANDS ARE LEGALLY DESCRIBED AS:
 LOT 3 AND PART OF LOTS 1 & 2
 ON THE SOUTH SIDE OF GEORGE STREET
 IN THE BLOCK BOUNDED BY
 GEORGE, HESS, MAIN & QUEEN STREETS
 G.S. TIFFANY SURVEY (UNREGISTERED)

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

NOTE:
 THIS SKETCH IS COMPILED FROM PLANS AND RECORDS
 ON FILE IN THIS OFFICE AND IS NOT BASED ON AN
 ACTUAL FIELD SURVEY.

THIS SKETCH IS NOT VALID UNLESS IT IS
 AN EMBOSSED ORIGINAL COPY OR CERTIFIED
 DIGITAL COPY ISSUED BY THE SURVEYOR

CAUTION:
 THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE
 USED FOR TRANSACTION OR MORTGAGE PURPOSES.

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION
 TO THE LAND DIVISION COMMITTEE REQUESTING A CONSENT
 TO SEVER AND IS NOT INTENDED FOR REGISTRATION.

CONSENT SCHEDULE:
PARCEL 1 (PIN 17143-0050) PARTS 2, 3, 4 & 8
 PARTS 2, 3 & 4 (PROPOSED SEVERANCE) AREA=146.91m²
 PART 8 (LANDS TO BE RETAINED) AREA=296.15m²
PARCEL 2 (PIN 17143-0051) PARTS 5, 6, 7 & 9
 PARTS 5, 6, & 7 (PROPOSED SEVERANCE) AREA=161.88m²
 PART 9 (LANDS TO BE RETAINED) AREA=293.37m²
PARTS 1, 2, & 5 (PROPOSED REAR YARD ACCESS EASEMENT)
 AREA=210.58m²



A. J. Clarke and Associates Ltd.
 SURVEYORS • PLANNERS • ENGINEERS
 25 MAIN STREET WEST, SUITE 300
 HAMILTON, ONTARIO, L8P 1H1
 TEL. 905-528-8761 FAX 905-528-2289
 email: ajc@ajclarke.com



BOUSFIELDS INC.

Project No. 21210

December 13, 2022

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

SENT VIA EMAIL TO: cofa@hamilton.ca

**Re: Consent Applications: Severances, Lot Addition, and Easement
107-109 George Street 220-222 Main Street West/115-117 George Street
City of Hamilton, ON**

Bousfields Inc. is the planning consultant for 222 Main Holdings Inc., the registered owner of the properties municipally known as 220 and 222 Main Street West and 115 and 117 George Street in the City of Hamilton. Bousfields Inc. is also the planning consultant for 112 George Street Inc., the owner of 109 George Street and 2540440 Ontario Inc., the owner of 107 George Street. This letter has been prepared in support of the enclosed three (3) Consent applications regarding the proposed severances of the two properties at 107 and 109 George Street as well as a severance application for 220-222 Main Street West/115-117 George Street to establish an access easement, to assist the Committee in making an informed decision, and provide an analysis of how the proposed consent applications satisfy the requirements for severance applications and lot additions under the *Planning Act*.

Currently, as described in the enclosed Severance Sketch, 107 George Street accesses Queen Street South through Part 1 on Plan 62R-21605 and on Part 4 shown on the Sketch (a 3.05m wide right-of-way that is to be released and abandoned). 109 George Street currently accesses Queen Street South through Part 1 on Plan 62R-21605 (the 3.05 m right-of-way to be released and abandoned).

For the purposes of accommodating the proposed development of a 23-storey mixed-use building at 220-222 Main Street West, proposed through Official Plan Amendment UHOPA-20-25 and Zoning By-law Amendment Application ZAC-20-038, severances of the underutilized lands at the rear of 107 George Street (Parts 5, 6, and 7) and 109 George Street (Parts 2, 3, and 4) are being proposed. The severed lands from both applications will form part of the 220-222 Main Street West and 115-117 George Street development.

After the lands described above are severed, easements on Parts 1, 2, and 5 are proposed to maintain vehicular access to and from Queen Street South for 107 and 109 George Street.

In support of the three (3) consent applications, please see enclosed the following digital materials:

- Severance Sketch prepared by A.J. Clarke and Associates Inc. dated December 8, 2022;
- Addendum to Cultural Heritage Impact Assessment for 220-220 Main Street West and 115-117 George Street prepared by GBCA Architects dated February 4, 2022 (which includes an opinion about the proposed severances at 107 and 109 George Street); and
- Three (3) Signed and Commissioned Consent Application Forms.

The required City Application fees of \$8,955 (\$2,985 for a property serviced with sanitary sewers and public watermains, for 3 applications) will be mailed to the City separately. A scanned copy of the cheques is attached to this letter.

The above noted Cultural Heritage Impact Assessment has been included in the submission materials, as the existing buildings at 107 and 109 George Street are designated heritage properties. The addendum letter references the proposed severances at 107 and 109 George Street and provides an opinion on the appropriateness of the severances with respect to heritage matters.

107 and 109 George Street

Both 107 and 109 George Street are located on the south side of George Street, east of Queen Street South in Downtown Hamilton. 107 George Street has 11.68 metres of frontage on George Street and an area of 293.37 square metres. 109 George Street has a frontage of 12.42 metres of frontage and an area of 296.15 square metres.

107 and 109 George Street each contain an existing 2-storey semi-detached building, both of which currently contain restaurant and bar uses. Both 107 and 109 George Street are designated under Part IV of the *Ontario Heritage Act* (By-law No. 85-176). The subject site is located within the Hess Village Pedestrian Mall which contains a variety of other low-rise mixed-use buildings, predominantly restaurants, bars, and offices.

The front of the buildings on the subject site contains large, stepped patio fronts with a small parking area provided at the rear. This parking area is currently accessed from Queen Street via an existing private laneway which bisects through 115-117 George Street and 222-220 Main Street West. This laneway provides private access to the rear of both buildings on the subject site. No physical changes to the existing buildings at 107 and 109 George Street are proposed through the requested severance.

Proposed Consent Applications

Three (3) separate consent applications are proposed, one (1) for 107 George Street, one (1) for 109 George Street, and one (1) for the proposed easement on 115-117 George Street/220-222 Main Street West:

Application 1: to sever the rear portion of the property at 107 George Street;

Application 2: to sever the rear portion of the property at 109 George Street.

Application 3: to establish an access easement on Part 1 at the rear of 220 and 222 Main Street and 115-117 George Street.

Figure 1: Proposed Applications



The severed lands for applications 1 and 2 are to be merged with 220 and 222 Main Street and 115 and 117 George Street to create a larger lot for the proposed development as described above. This will result in an increase of approximately 308 square metres to the development site.

It is intended that access to the rear of the existing buildings at 107 and 109 George Street will continue to be provided for vehicle purposes through an easement on the properties of 220 and 222 Main Street West and 115-117 George Street, delineated as Parts 1, 2, and 5 on the enclosed Severance Sketch, in favour of 107 and 109 George Street. The access easement on Part 1 is in separate ownership and will therefore be established through application 3.

Planning Analysis

Section 51 of the *Planning Act* (Land Division)

Section 51 of the *Planning Act* authorizes the Committee of Adjustment to make decisions on the division of land. The *Planning Act* sets the standards to which provincial interests, and provincial and local policies and goals are implemented. Accordingly, to assess whether the Consent Applications are based on sound planning principles, regard must be had for the criteria listed in subsection 51(24) of the *Planning Act*.

Criteria

The following section provides an assessment of how the proposed applications have appropriate regard for the criteria in subsection 51(24) of the *Planning Act*.

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

Regulation	Response
<i>(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;</i>	These applications, through the subsequent lot addition, will facilitate future development on a larger development parcel within an Urban Growth Centre, which is consistent with and conforms to the PPS and Growth Plan. No physical changes are proposed to the existing buildings at 107 and 109 George Street.
<i>(b) whether the proposed subdivision</i>	With respect to public interest, given no physical changes are proposed to the existing heritage buildings through the requested consents, it is important to assess the impacts of

Regulation	Response
<p><i>is premature or in the public interest;</i></p>	<p>the proposed severances on the heritage attributes of the existing buildings. The proposed mixed-use development on the abutting lands is being dealt with through the Official Plan and Zoning By-law Amendment applications and the impacts to the heritage buildings on the site as a result of the proposed development have been assessed through the Cultural Heritage Impact Assessment submitted for the OPA/ZBA. The Cultural Heritage Impact Assessment Addendum prepared by GBCA Architects, dated February 4, 2022 for the OPA/ZBA states, specifically with regards to the inclusion of the vacant lands at the rear of 107 and 109 George Street into the overall development site:</p> <p>“This revision will not impact the heritage attributes of the property, identified as the <i>north, east and west facades including but not limited to the central gable, brackets, the bay windows, the front doorway and the pointed arched window in the gable</i> (quoted from the by-law). As such, the cultural heritage value of 107-109 George Street is protected.” (Page 1 of the Addendum)</p> <p>The consent will facilitate the development of lands which have been underutilized for some time. This development will incorporate a valuable mix of residential and commercial uses to a mixed-use area.</p> <p>With respect to timing, the proposed severances will not result in any physical changes. Construction of the proposed development on the abutting parcel at 220-222 Main Street West and 115-117 George Street requires Council approval of the OPA/ZBA, approval of a Site Plan Control application, and issuance of building permits which are dealt with through separate processes, apart from the severances. The timing of the proposed severances is appropriate and the applications are not premature.</p> <p>Therefore, the applications are not premature and are in the public interest.</p>
<p><i>(c) whether the plan conforms to the official plan and adjacent</i></p>	<p>The proposed lot configuration of the severed and retained parcels comply with the in-force zoning by-law and conform with the applicable Urban Hamilton Official Plan (“UHOP”)</p>

Regulation	Response
<p><i>plans of subdivision, if any;</i></p>	<p>policies, specifically the policies at it relates to cultural heritage and the implementation policies of the UHOP. The Consent represents a logical pattern of development consistent with the surrounding Hess Village area.</p> <p>With respect to cultural heritage policies in the UHOP, 107 and 109 George Street are designated heritage properties under the <i>Ontario Heritage Act</i>. As such, policies pertaining to heritage resources must also be considered. Chapter B of the UHOP deals with Communities, and Section 3.4 pertains to Cultural Heritage Policies. Policies of relevance to the proposed severances include the following:</p> <p>3.4.1.3 Ensure that all new development, site alteration, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.</p> <p>3.4.2.1 (g) Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the Planning Act, R.S.O., 1990 c. 0.13.</p> <p>The Cultural Heritage Impact Assessment Addendum prepared by GBCA Architects, dated February 4, 2022 for the OPA/ZBA application states, specifically with regards to the inclusion of the vacant lands at the rear of 107 and 109 George Street into the overall development site:</p> <p>“This revision will not impact the heritage attributes of the property, identified as the <i>north, east and west facades including but not limited to the central gable, brackets, the bay windows, the front doorway and the pointed arched window in the gable</i> (quoted from the by-law). As such, the cultural heritage value of 107-109 George Street is protected.” (Page 1 of the Addendum)</p> <p>Chapter F of the UHOP deals with the Implementation of the UHOP, and Section 1.14.3 deals with lot creation within the urban area. The subject property is designated <i>Downtown Mixed Use Area</i> according to Schedule E-1 – Urban Land</p>

Regulation	Response
	<p>Use Designations. Policy 1.14.3.4 provides that consents for new lot creation for both severed and retained lands in a Mixed Use designation shall be permitted, providing the following conditions are met:</p> <ul style="list-style-type: none"> a) the lots severed for commercial, institutional, or open space uses shall comply with the policies of this Plan including secondary plans, where one exists; b) The lots are in conformity with the Zoning By-law or a minor variance is approved; c) the lots severed for residential uses, including mixed use buildings which contain residential uses shall comply with Section B.2.4 – Residential Intensification Policies, Section B.3.3 – Urban Design Policies, Section E.3.0 – Neighbourhoods Designation and any other relevant policies of this Plan; d) the lots are fully serviced by municipal water and wastewater systems; and, e) the lots have frontage on a public road. <p>With respect to conditions (a) and (b), the proposed severance applications would result in the enlargement of the abutting development parcel given the severed lands are to be joined with the abutting parcel. The resulting consolidated lot conforms with the UHOP and complies with the applicable zoning. With respect to c) the future mixed-use development on the abutting development parcel is subject to approval of the OPA/ZBA. Through this OPA/ZBA process, it will need to be demonstrated that the proposed mixed-use development addresses Sections B.2.4, B.3.3, and E.3.0 of the UHOP. The retained parcels conform with the policies of the UHOP and comply with the Zoning By-law.</p> <p>With respect to conditions (d) and (e), the proposed retained lots are fully serviced by existing municipal water and wastewater systems along George Street and front onto a public road (George Street). The severed lots will have frontage onto Main Street West, Queen Street South, and George Street given the severed lots will be joined with the</p>

Regulation	Response
	<p>abutting parcel at 220-222 Main Street and 115-117 George Street</p> <p>Based on this, it is our opinion that the proposed consents conform to the policies of the Official Plan and satisfy this criteria.</p>
<p><i>(d) the suitability of the land for the purposes for which it is to be subdivided;</i></p>	<p>The severed lands for both applications are currently vacant of any building and are utilized for vehicle access. Access to 107 and 109 George Street will continue to be maintained through the proposed easements on Parts 1, 2, and 5 of the severed lands. The existing heritage buildings at 107 and 109 George Street on the retained parcels will remain and no changes are proposed to these buildings.</p>
<p><i>(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;</i></p>	<p>Not applicable.</p>
<p><i>e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i></p>	<p>The retained parcels will continue to utilize George Street. An access easement in favour of 107 and 109 George Street (Parts 1, 2, and 5 on the enclosed Severance Sketch) is proposed over the abutting property and portions of the land being severed to maintain vehicle access for the uses at 107 and 109 George Street. The severed lands will be added to the abutting property which have frontage on Main Street West, Queen Street South, and George Street.</p>
<p><i>(f) the dimensions and shapes of the proposed lots;</i></p>	<p>The consent applications will not result in a change to the lot frontage for 107 and 109 George Street and will only affect the rear of the lots which are currently vacant. The proposed lot areas are consistent with several existing lots in the surrounding community and are in compliance with the in-force zoning regulations.</p>
<p><i>(g) the restrictions or proposed restrictions,</i></p>	<p>Not applicable.</p>

Regulation	Response
<i>if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	
<i>(h) conservation of natural resources and flood control;</i>	Not applicable.
<i>(i) the adequacy of utilities and municipal services;</i>	The subject site is serviced by existing utilities and municipal services from George Street that will continue to accommodate the existing uses. Appropriate studies have been provided for the proposed development of 220-222 Main Street West and 115-117 George Street to ensure adequate servicing is available for the consolidated lot, and an easement for an access laneway will be included.
<i>(j) the adequacy of school sites;</i>	School capacity associated with the proposed development on the abutting lands will be dealt with through the separate OPA/ZBA process.
<i>(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	Not applicable.
<i>(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and</i>	No physical changes to the existing buildings on the retained lands are proposed through the severances. Matters of conservation of energy for the proposed development will be dealt with through the OPA/ZBA process.
<i>(m) the interrelationship between the design of the proposed plan of</i>	No physical changes to the existing buildings on the retained lands are proposed through the severances. The abutting proposed development will be subject to Site Plan Control. Access to 107 and 109 George Street will continue

Regulation	Response
<i>subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).</i>	to be maintained through the proposed easements on Parts 1, 2, and 5 of the severed lands. Through the OPA/ZBA process, the functionality of the vehicle access has been assessed and detailed design will be dealt with through a future Site Plan Control application.

Zoning By-law 05-200

220-222 Main Street West, 115-117 George Street and 107-109 George Street are regulated by Zoning By-law 05-200, which zones 107, 109, 115 and 117 George Street as D2 Downtown Mixed Use – Pedestrian Focus and 220 and 222 Main Street West as D1 – Downtown Mixed Use.

Section 6.0 of the By-law 05-200 pertains to all Downtown Zones with Section 6.1 pertaining to the Downtown Mixed Use (D1) zone and Section 6.2 pertaining to the Downtown Mixed Use – Pedestrian Focus (D2) zone. Based on the provisions provided in Sections 6.0, 6.1, and 6.2, the retained and severed lots as well as the proposed easement on Part 1 comply with the requirements for the D1 and D2 Zones.

The previously approved minor variances for 107 and 109 George Street (A-03:41, A-93:128, and HM/A-15:348) amended the previous zoning, prior to the current zoning coming into effect.

Conclusion

Based on the above analysis, the requested Consent Applications to sever the rear portions of the two existing properties located at 107 and 109 George Street to convey these lands to 220-222 Main Street West and 115-117 George Street and to establish an access easement over 220 and 222 Main Street West and 115-117 George Street

is appropriate, satisfies the requirements under subsection 51(24) of the *Planning Act*, and represents good planning.

We trust the foregoing is satisfactory, however, should you require any additional information or clarification, please do not hesitate to contact the undersigned.

Respectfully submitted,

Bousfields Inc.



David Falletta, MCIP, RPP



Ashley Paton, MCIP, RPP



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
Purchaser*	Paul Kemper 222 Main Holdings Inc.
Registered Owners(s)	Michael Pernfuss 112 George Street Inc.
Applicant(s)**	Michael Krasic Coletara Development
Agent or Solicitor	Ashley Paton Bousfields 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 mkrasic@coletara.com

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	109 George Street, Hamilton, ON L8P 1E3		
Assessment Roll Number	251802012250070		
Former Municipality	Hamilton		
Lot	Part Lots 2 and 3	Concession	N/A
Registered Plan Number	*See below.	Lot(s)	N/A
Reference Plan Number (s)	N/A	Part(s)	N/A

*TIFFANY SURVEY S/S GEORGE ST CITY OF HAMILTON (UNREGISTERED) BTN GEORGE ST, HESS ST, MAIN ST, QUEEN ST

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:

3.05 m wide strip subject to right of way as in inst. No VM260725, VM267645, and VM254234

3 PURPOSE OF THE APPLICATION

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

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input checked="" type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> 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) | |

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

222 Main Holdings Inc.

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

220-222 Main Street West and 115-117 George Street

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:

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*

Identified on Sketch as:	Part 8	Parts 2, 3, and 4			
Type of Transfer	N/A	Lot Addition			
Frontage	12.42m				
Depth	23.57m-23.90m	11.63m-11.76m			
Area	296.15sqm	146.91sqm			
Existing Use	Commercial/Retail	Commercial/Retail			
Proposed Use	Commercial/Retail	Mixed-Use (Residential/Commercial)			
Existing Buildings/ Structures	2-storey brick building	Vacant			
Proposed Buildings/ Structures	2-storey brick building to remain	Part 2: Proposed easement for vehicle access. Parts 3 and 4: Form part of proposed 23-storey building as per UHOPA-20-025 & ZAC-20-038.			
Buildings/ Structures to be Removed	N/A	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): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Downtown Mixed Use

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

See enclosed Planning Justification Brief.

- 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.

UHOPA-20-025 and ZAC-20-038

- 5.3 What is the existing zoning of the subject land? D2 - Downtown Mixed Use Pedestrian Focus

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

- 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.

A-93:128, HM/A-03:41, HM/A-15:348

- 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 checked="" type="checkbox"/>	Commercial/Retail
An active railway line	<input type="checkbox"/>	250m to the south
A municipal or federal airport	<input type="checkbox"/>	