

**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

<b>APPLICATION NO.:</b>	<b>HM/A-22:404</b>	<b>SUBJECT PROPERTY:</b>	428 MAIN STREET W, HAMILTON, Ontario, L8P 1K6
<b>ZONE:</b>	"C5a, Exception: 298" (Mixed Use Medium Density – Pedestrian Focus)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: 428 Main Street West Joint Venture  
Agent: Urban Solutions Planning & Land Development Consultants Inc.

The following variances are requested:

1. An increase in the maximum building height from 22.0 metres to 32.0 metres shall be permitted.

**PURPOSE & EFFECT:** To permit the construction of a 10-storey multiple dwelling.

**Notes:**

The proposed development is subject to site plan control. At this time, it does not appear that that a site plan control application has been applied for and therefore a comprehensive zoning review has not been conducted. As such variances have been written as requested. The applicant shall ensure the zoning requirements of the C5, Exception 298 are complied with, otherwise further variances may 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:

<b>DATE:</b>	<b>Thursday, February 2, 2023</b>
<b>TIME:</b>	<b>2:35 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for</b>



	details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> 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.

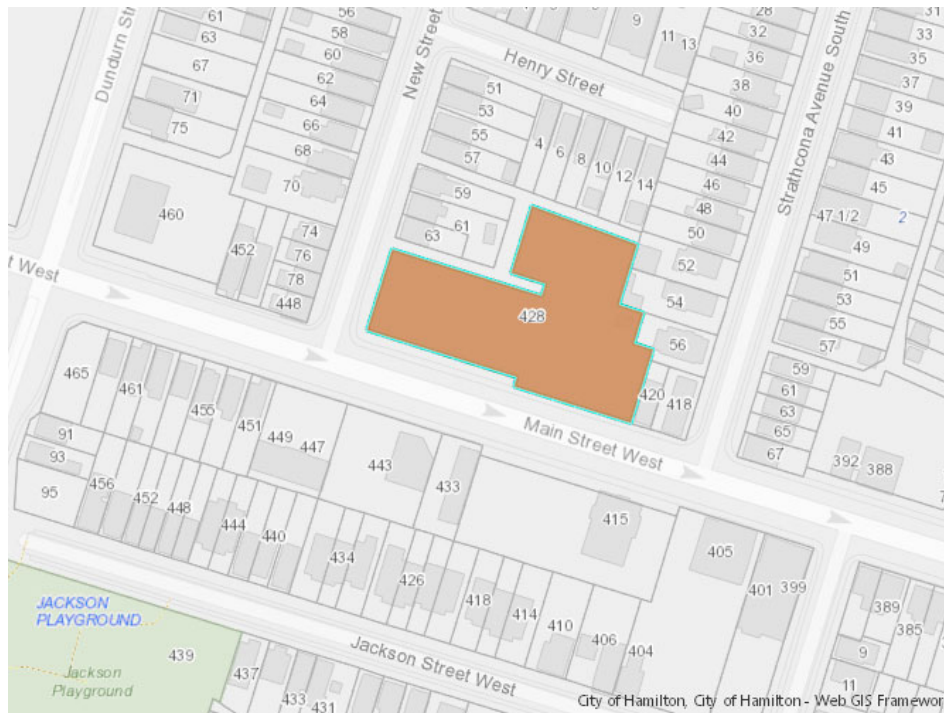
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-22:404, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.





**Subject Lands**

DATED: January 17, 2023

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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.



## **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](mailto: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](http://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](mailto: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 (2<sup>nd</sup> 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](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

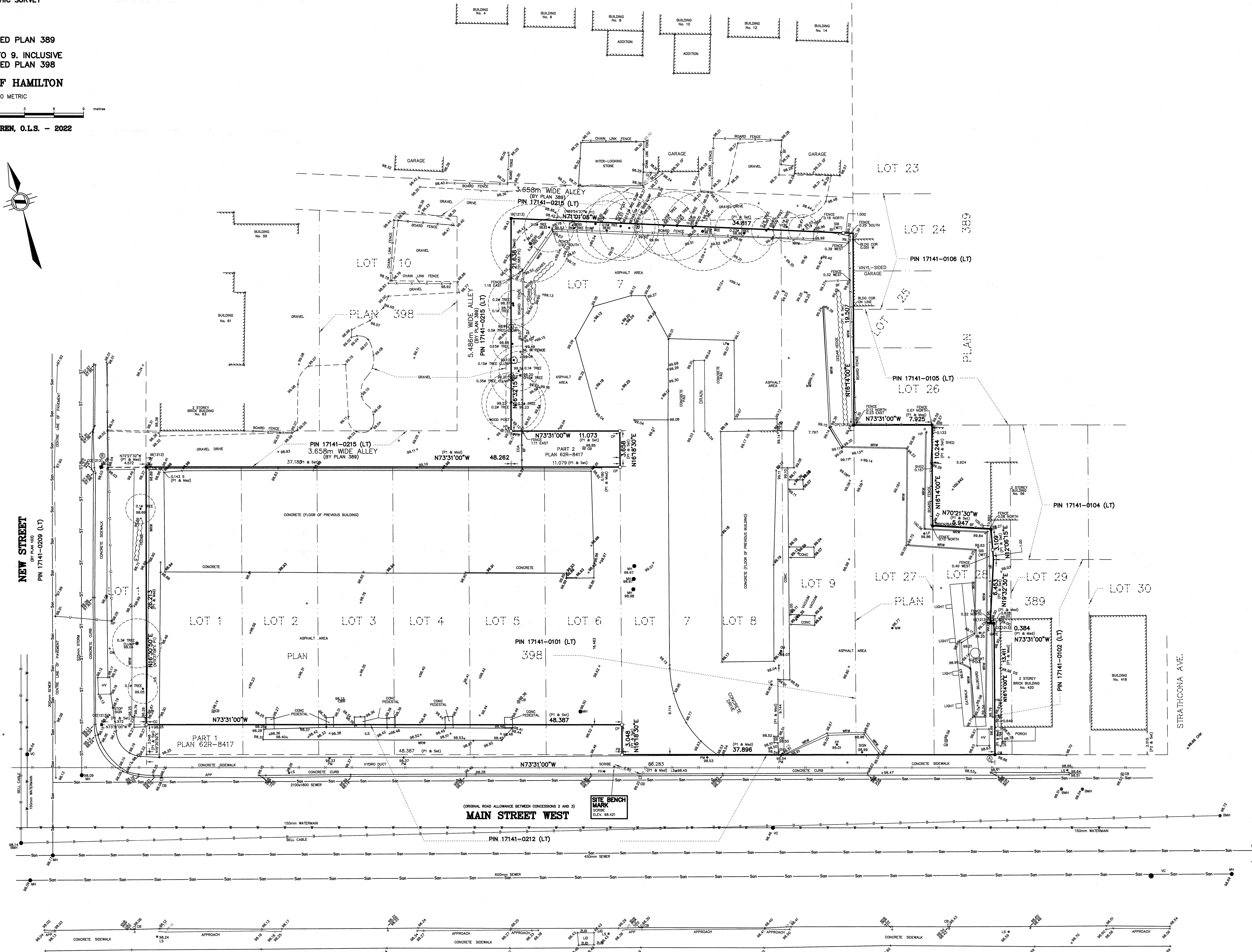
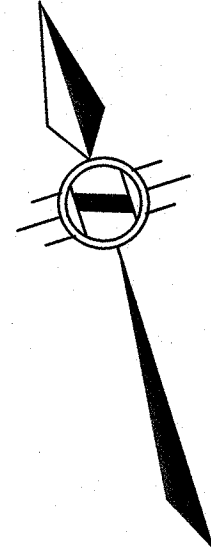
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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



TOPOGRAPHIC SURVEY  
OF PART OF  
LOT 28  
AND ALL OF  
LOT 27  
REGISTERED PLAN 389  
AND ALL OF  
LOTS 1 TO 9, INCLUSIVE  
REGISTERED PLAN 398  
ALL IN THE  
CITY OF HAMILTON  
SCALE 1:150 METRIC

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

3 1.5 0 1.5 3 4.5 6 7.5 9 metres



**BENCH MARK NOTE:**  
Elevations shown on this plan are geodetic and are referred to Bench Mark No. 650-649  
City of Hamilton bench mark, House No. 34 Queen Street South, at southwest corner of intersection of George Street, plate in north brick wall at northeast corner.  
Elevation - 112.30 metres CGVD-1928

**NOTE:**  
UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION  
INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION

**LEGEND:**

- |           |                     |  |                    |
|-----------|---------------------|--|--------------------|
| ■ DENOTES | MONUMENT SET        | P1 PLAN BY MACKAY MACKAY & PETERS          | PH FIRE HYDRANT    |
| ●         | MONUMENT FOUND      | P2 DATED JULY 27, 1988                     | FP FLAG POLE       |
| ○         | IRON BAIL           | PLAN BY MARSHALL MACDONALD                 | HM HYDRO VALVE     |
| +         | CUT CROSS           | QUEEN TO DUNDURN, DATED 1974, UNREGISTERED | DM HYDRO METER     |
| ×         | CONCRETE PIN        | J.D. PETERS, O.L.S.                        | GM GAS METER       |
| •         | BELL MANHOLE        | MANHOLE                                    | DM DOOR SILL       |
| •         | MEASURED            | CATCH BASIN                                | PM MONITORING WELL |
| •         | INTER-LOCKING STONE | VALVE CHAMBER                              |                    |
| •         | BOARD FENCE         | INTER-LOCKING STONE                        |                    |
| •         | HYDRO FENCE         | WOOD RETAINING WALL                        |                    |
| •         | CONCRETE            | EDGE OF ASPHALT                            |                    |
| •         | LIGHT STANDARD      | GARAGE FLOOR                               |                    |
| •         | HYDRO POLE          | APPROACH                                   |                    |
| •         | ISOLATED            |  |                    |
| •         | PILLAR              |  |                    |
| •         | OVERHEAD UTILITIES  |  |                    |

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

**NOTE:**  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9999690118

**INTEGRATION DATA**

POINT ID	NORTHING	EASTING
ORP A	4790219.103	590339.961
ORP B	4790272.927	590388.147

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

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

**SURVEYOR'S CERTIFICATE:**

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS.  
2. THE SURVEY WAS COMPLETED ON THE 16TH DAY OF MAY, 2022  
June 2, 2022  
DATE  
S. DAN McLAREN, O.L.S.

© S.D. McLAREN, O.L.S. - 2022. NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLAREN, O.L.S.  
**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS  
69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L9N 3B9  
PHONE (905) 527-9559 FAX (905) 527-0032  
Drawn: J.B./JG Checked: J.M./JG Date: 1/15/22 Drawn: J.B./JG



LIST OF DRAWINGS

A.101 - Statistics

A.102 - Site Plan

A.201 - P2 Underground Floor Plan

A.202 - P1 Underground Floor Plan

A.301 - Ground Floor Plan

A.302 - 2nd-3rd and 4th Floor Plans

A.303 - 5th and 6th Floor Plans

A.304 - 7th and 8th Floor Plans

A.305 - 9th-10th and MPH Floor Plans

A.306 - Roof Plan

A.401 - North & South Elevations

A.402 - West & East Elevations

A.501 - Sections

A.601 - Perspective Views 1

A.602 - Perspective Views 2

A.603 - Perspective Views 3

A.701 - Shadow Study March

A702 - Shadow Study September



428 MAIN STREET WEST

HAMILTON, ONTARIO



CLIENT:

New Horizon Development Group

3170 Harvester Rd, #200  
Burlington, ON  
L7N 3W8

T: 905.777.0000

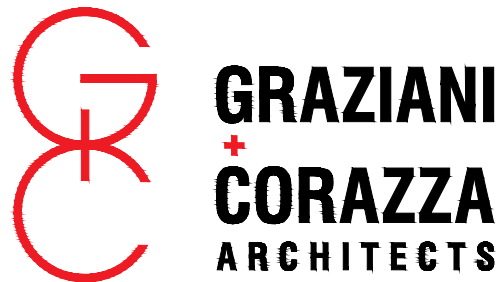


PLANNER:

Urban Solutions

3 Studebaker Place, Unit 1  
Hamilton, ON  
L8L 0C8

T: 905.546.1087



ARCHITECT:

Graziani + Corazza Architect Inc.

8400 Jane St., Building D-Suite 300  
Concord, Ontario  
L4K 4L8

T: 905.795.2601  
F: 905.795.2844



LANDSCAPE ARCHITECT:

Whitehouse Urban Design

3 Studebaker Place, Unit 1  
Hamilton, ON  
L8L 0C8

T: 905.546.1087

LANHACK CONSULTANTS INC.

CONSULTING ENGINEER:

Lanhack Consultants Inc

1709 Upper James St  
Hamilton, ON  
L9B 1K7

T: 905.777.1454



SURVEYOR:

A.T. McLaren Limited

69 John Street South, Suite 230  
Hamilton, ON  
L8N 2B9

T: 905.527.8559



PROJECT STATISTICS

PROJECT STATISTICS

JOB No: 1969.22

DATE: November 25 2022

STATISTICS PER: HAMILTON BYLAW 05-200

01. SITE

	m2	3183.81
	ha	0.32
	ft2	34270
	ac	0.79

Required

Proposed

02. G.C.A

Residential	114058.3 ft2	10596.4 m2
Underground Parking	53316.6 ft2	4953.3 m2
Total	167374.9 ft2	15549.7 m2

03. G.F.A

Residential	114058.4 ft2	10596.4 m2
Underground Parking	51584.7 ft2	4792.4 m2
Total	165643.1 ft2	15388.8 m2

04. FSI

Calculated using Bylaw G.F.A.	3.33
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05. UNIT BREAKDOWN

Residential Units		Studio	81	44%
		1 Bed	0	0%
		1 Bed + D	81	44%
		2 Bed	24	13%
		2 Bed +D	0	0%
Total			186	100%

06. PARKING

Residential	Ratio	Units	Required	P1	50	Space/Unit
	<50m2	0.3	117	35.1		
	>50m2			P2	56	
	1 to 3	0.3	3	0.9		
	4 to 14	0.7	10	7.0		
	15 to 50	0.85	56	47.6		
Total			91		106	0.57

07. BIKE PARKING

Long Term	Ratio	Units	93	P1	94	Space/Unit
Short Term	0.5	186	5	GF	8	
Total		-	98		102	0.55

08. AMENITY (m2)

	Ratio	Units	Required	Indoor	80	m2/Unit
	Units<=50m2	4	117	468	Outdoor	525
	Units>50m2	6	69	414	Private Outdoor	1299
Total			882		1904	10.24

09. BUILDING HEIGHT

calculated from est. grade 99.10m	22m	10 sty	31.67m
		MPH	37.67m

10. BUILDING SETBACKS

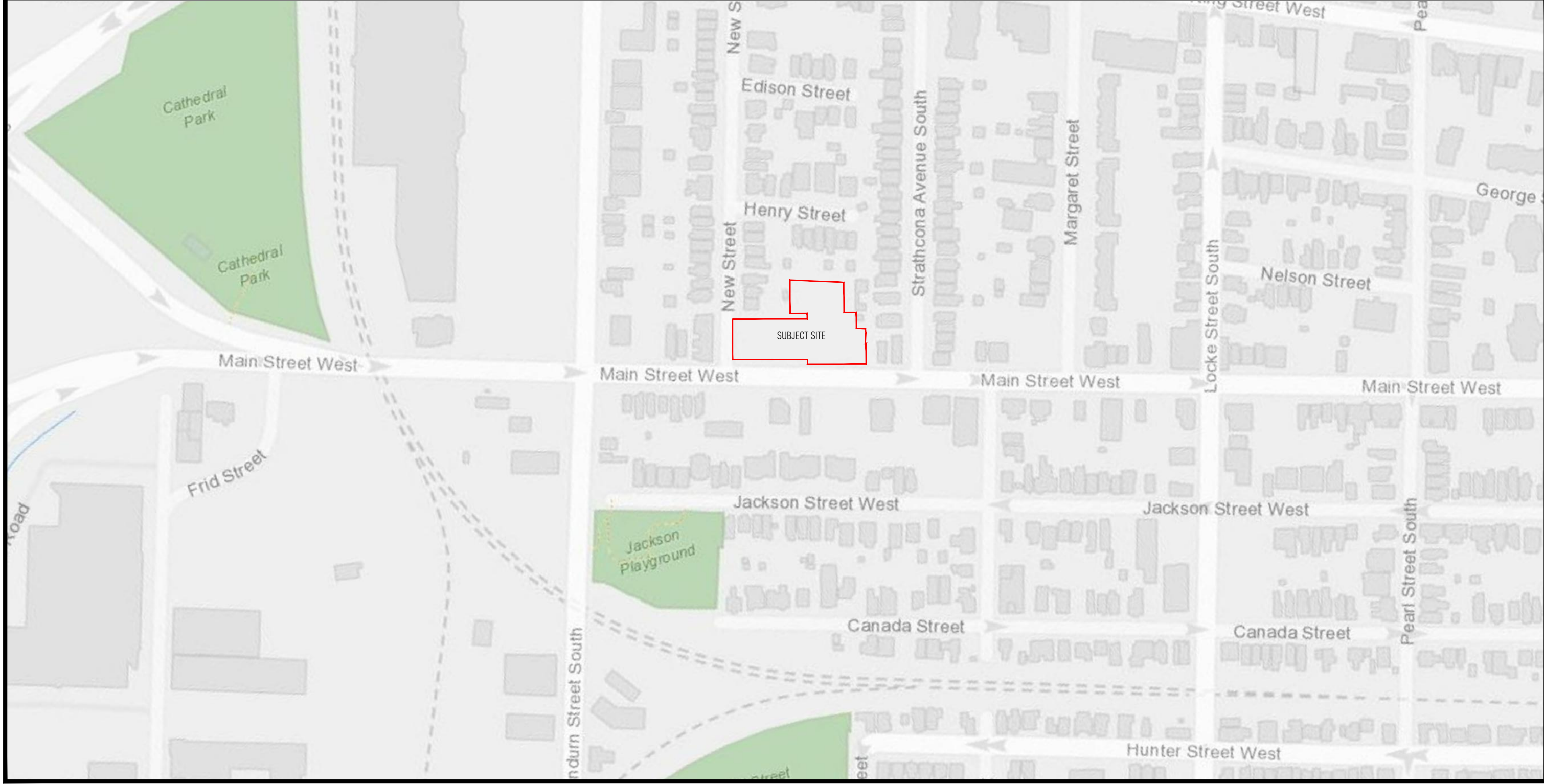
North	7.5 m	26.2 m
East	7.5 m	7.6 m
South	3.0 m	3.0m
West	3.0 m	3.0 m

Notes:

\* setbacks to main building face

\*\* actual unit count may vary depending on market demand

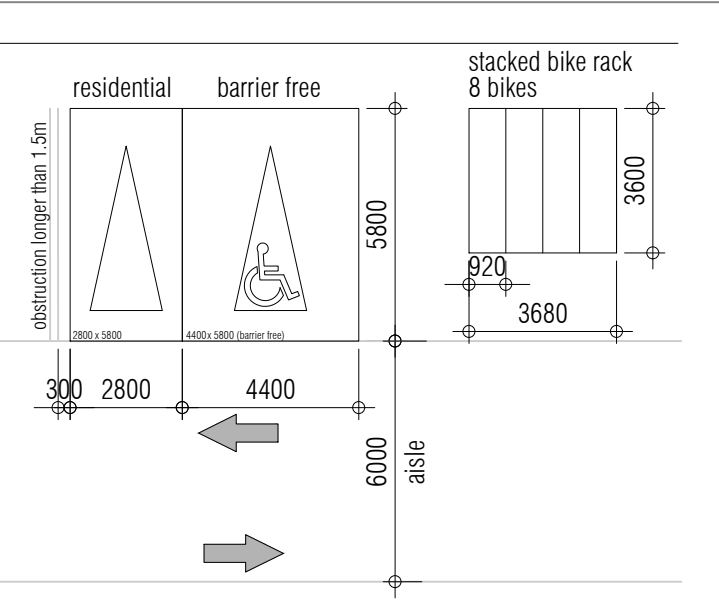
CONTEXT PLAN



UNIT BREAKDOWN

UNIT MIX						
FLOOR	Studio	1B	1B + D	2B	2B + D	TOTAL
	400-430 sq.ft		490-530 sq.ft	600-670 sq.ft		
1ST	9	0	8	0	0	17
2ND	12		10	5		27
3RD	12		10	5		27
4TH	14		10	3		27
5TH	14		7	4		25
6TH	10		5	2		17
7TH	10		4	2		16
8TH	0		9	1		10
9TH	0		9	1		10
10TH	0		9	1		10
	81	0	81	24	0	
TOTAL	81	81	24			186
	43.5%	43.5%	12.9%			

PARKING LEGEND



A.T. McLaren Limited

Legal and Engineering Surveys  
69 John Street South, Suite 230  
Hamilton, Ontario L8N 2B9  
Tel: (905) 527-8559 Fax (905) 527-0032  
E-MAIL : admin@atmclaren.com

TOPOGRAPHIC SURVEY

OF PART OF LOT 28  
AND ALL OF LOT 27 REGISTERED PLAN 389  
AND ALL OF LOTS 1 TO 9, INCLUSIVE  
REGISTERED PLAN 398  
IN THE CITY OF HAMILTON

GFA DEFINITION

City of Hamilton By-law 05-22

GFA shall mean the aggregate horizontal area measured from the exterior faces of the exterior walls of all floors of a building (excluding any cellar or floor area having a ceiling height of 2.0 metres or less or devoted exclusively to parking) within all buildings on a lot but shall not include any area devoted to mechanical equipment. (By-law No. 11-276, November 16, 2011)

ESTABLISHED GRADE

City of Hamilton By-law 05-22

Shall mean the average level of the proposed or finished ground adjoining a building calculated along the perimeter of all exterior walls.  
EST. GRADE FOR THIS SITE IS: 99.10m

BUILDING HEIGHT IS CALCULATED FROM ESTABLISHED GRADE.

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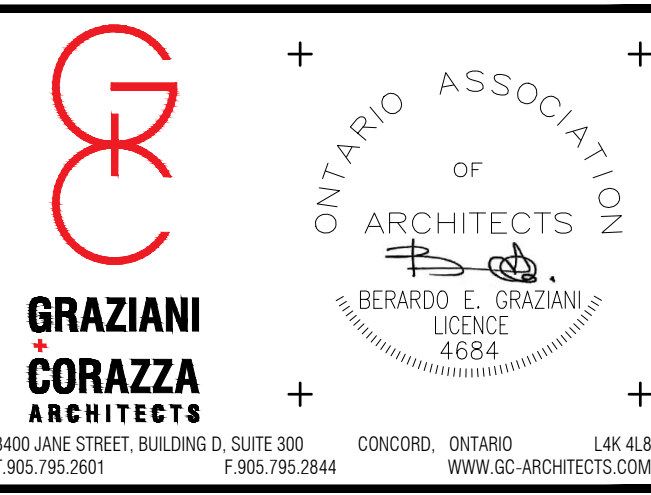
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1. NOV.28.2022 ISSUED FOR SPA B6
2. DEC.16.2022 ISSUED FOR COA B6

issued for revisions

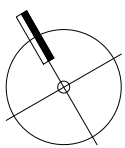


RESIDENTIAL

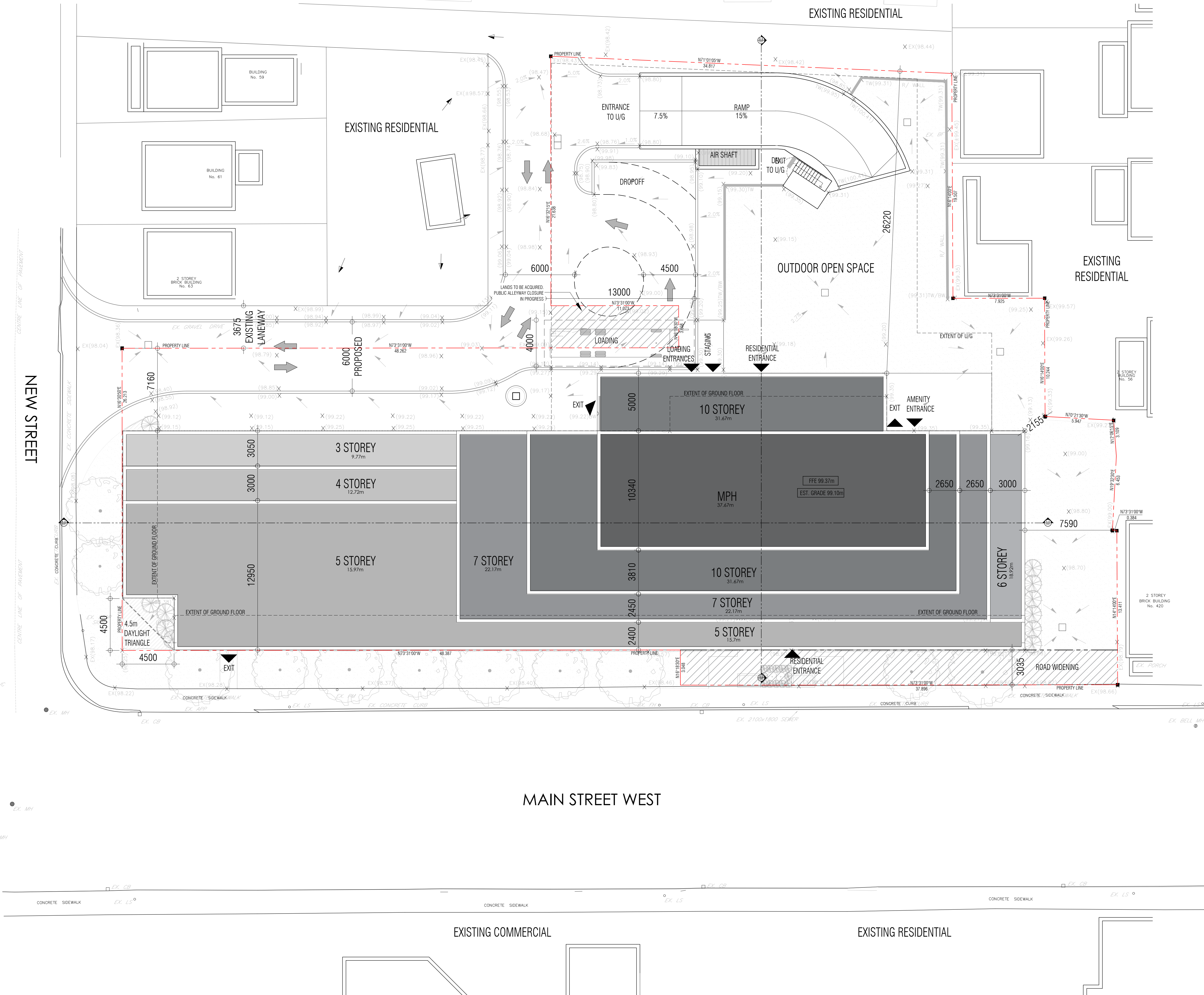
428 MAIN ST. WEST

Hamilton	428 Main Street West	Ontario
PROJECT ARCHITECT:	B. Graziani	
ASSISTANT DESIGNER:	C. Kotva	
DRAWN BY:	CK, SH	
CHECKED BY:		
PLOT DATE:	DEC.19.2022	
JOB #	1969.22	

CONTEXT PLAN  
& STATISTICS







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1. NOV.28.2022 ISSUED FOR SPA BG  
2. DEC.16.2022 ISSUED FOR COA BG

issued for revisions



**GRAZIANI  
CORAZZA  
ARCHITECTS**

8400 JANE STREET, BUILDING D, SUITE 300  
T. 905.795.2844

CONCORD, ONTARIO L4K 4L5  
WWW.GC-ARCHITECTS.COM

BERARDO E. GRAZIANI  
LICENCE 4684

RESIDENTIAL		
428 Main Street West		
Hamilton		Ontario
PROJECT ARCHITECT:	B. Graziani	
ASSISTANT DESIGNER:	C. Kotva	
DRAWN BY:	CK, SH	
CHECKED BY:		
PLOT DATE:	DEC.19.2022	
JOB #	1969.22	

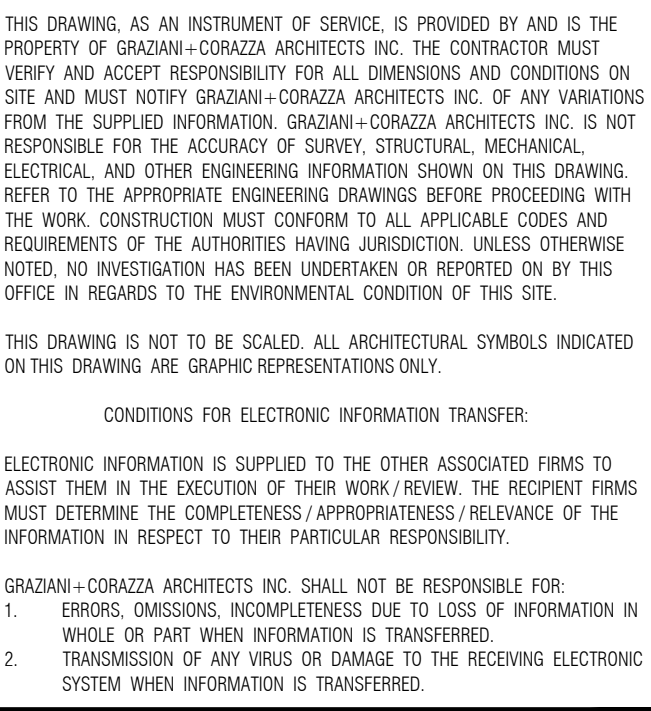
**SITE PLAN**

1:150

**A102**

TITLEBLOCK SIZE: 610 x 900





### PARKING LEGEND

The diagram illustrates a parking lot layout with the following dimensions and labels:

- Overall Dimensions:**
  - Width: 3680
  - Depth: 3800
- Internal Dimensions and Spacing:**
  - Distance from left edge to first row: 300
  - Distance between first and second row: 2800
  - Distance between second and third row: 4400
  - Distance from third row to right edge: 600
  - Distance from second row to right edge: 4800
- Labels and Features:**
  - residential:** Located above the first row of parking spaces.
  - barrier free:** Located above the second row of parking spaces.
  - stacked bike rack 6 bikes:** Located to the right of the parking lot.
  - directional signage 1.5m:** Located to the left of the first row.
  - 8m:** A small dimension indicating the width of the bike rack area.
- Other Features:**
  - A large arrow pointing right is located below the 4400 dimension.
  - A small icon of a person in a wheelchair is shown in the barrier-free parking space.

**GC**

ONTARIO ASSOCIATION  
OF  
ARCHITECTS

BERARDO E. GRAZIANI  
LICENCE  
4384

**\* GRAZIANI  
CORAZZA  
ARCHITECTS**

JANE STREET, BUILDING D, SUITE 300  
F. 795 2601 F. 905.795.2844

CONCORD, ONTARIO L4K 4L4  
[WWW.GC-ARCHITECTS.COM](http://WWW.GC-ARCHITECTS.COM)

RESIDENTIAL	
428 MAIN ST. WEST	
428 Main Street West	Ontario
<hr/>	
PROJECT ARCHITECT:	B. Graziani
ASSISTANT DESIGNER:	C. Kotva
DRAWN BY:	CK, SH
CHECKED BY:	
PLOT DATE:	DEC. 19/2022
JOB #	1969.22



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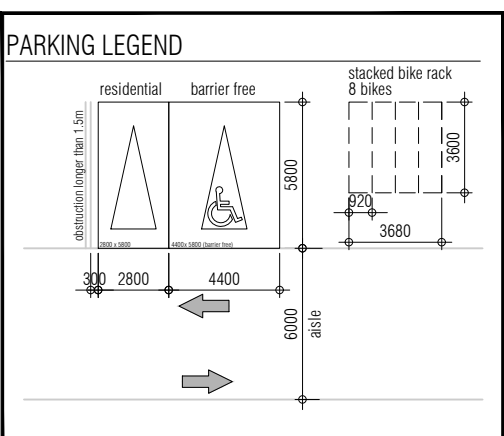
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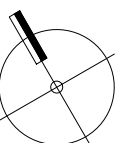
BERARDO E. GRAZIANI  
LICENCE 4684

RESIDENTIAL

## 428 MAIN ST. WEST

428 Main Street West		Hamilton	Ontario
PROJECT ARCHITECT:	B. Graziani		
ASSISTANT DESIGNER:	C. Kotva		
DRAWN BY:	CK, SH		
CHECKED BY:			
PLOT DATE:	DEC.19.2022		
JOB #	1969.22		

P1

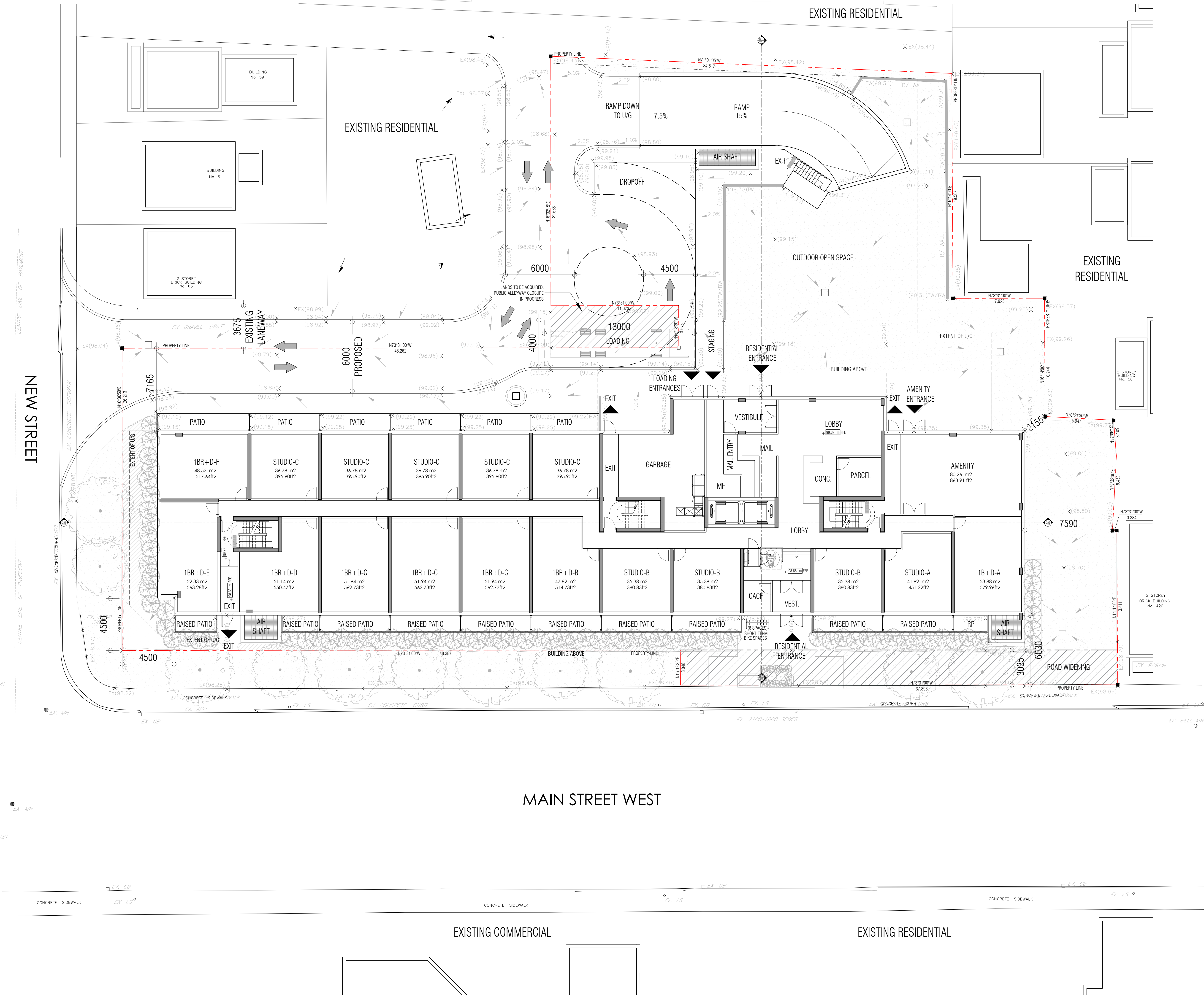


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A202

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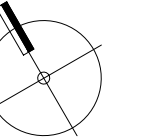
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LICENCE  
4684

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DRAWN BY:	CK, SH	
CHECKED BY:		
PLOT DATE:	DEC.19.2022	
JOB #	1969.22	

**GROUND FLOOR**

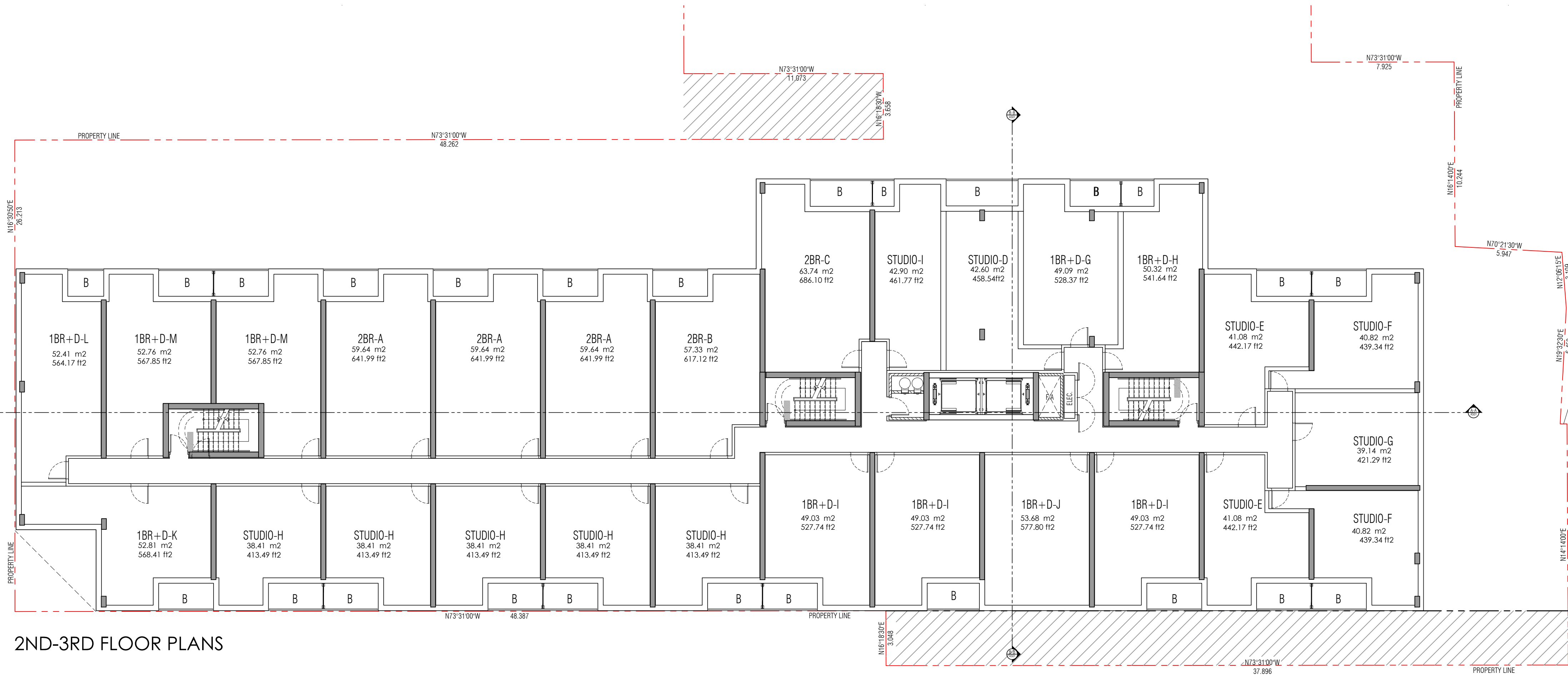


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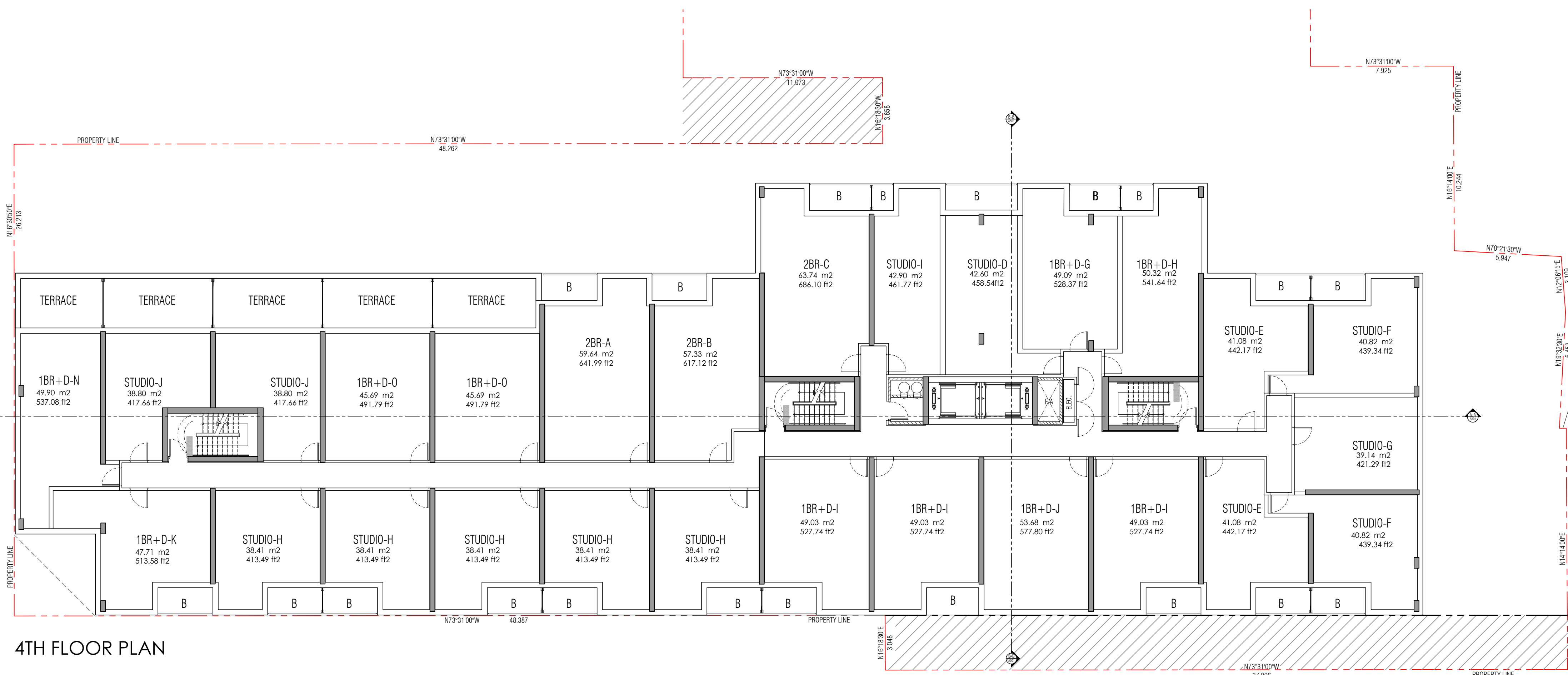
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2ND-3RD FLOOR PLANS



4TH FLOOR PLAN

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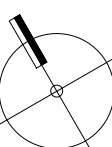
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428 MAIN ST. WEST

Hamilton	428 Main Street West	Ontario
PROJECT ARCHITECT:	B. Graziani	
ASSISTANT DESIGNER:	C. Kotva	
DRAWN BY:	CK, SH	
CHECKED BY:		
PLOT DATE:	DEC.19.2022	
JOB #	1969.22	

2ND-3RD AND 4TH  
FLOOR PLANS

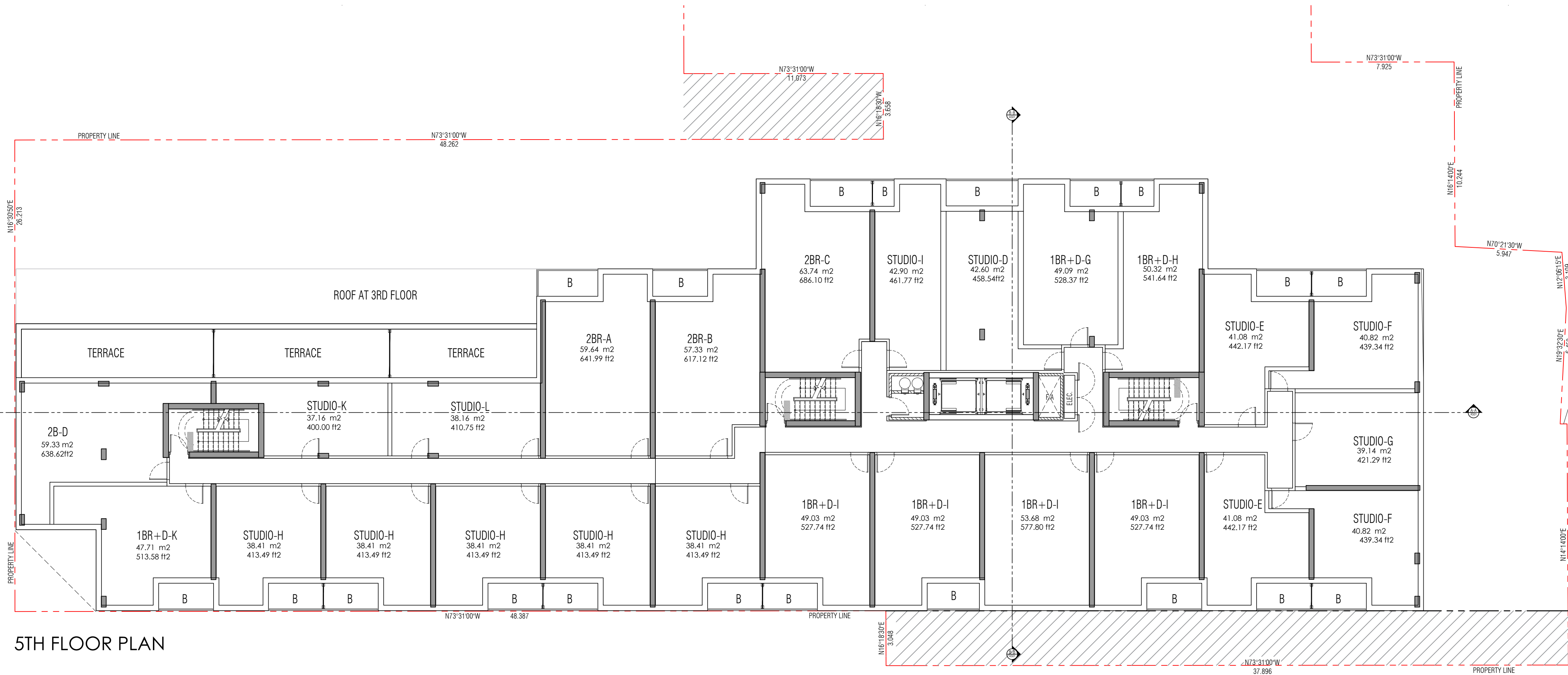


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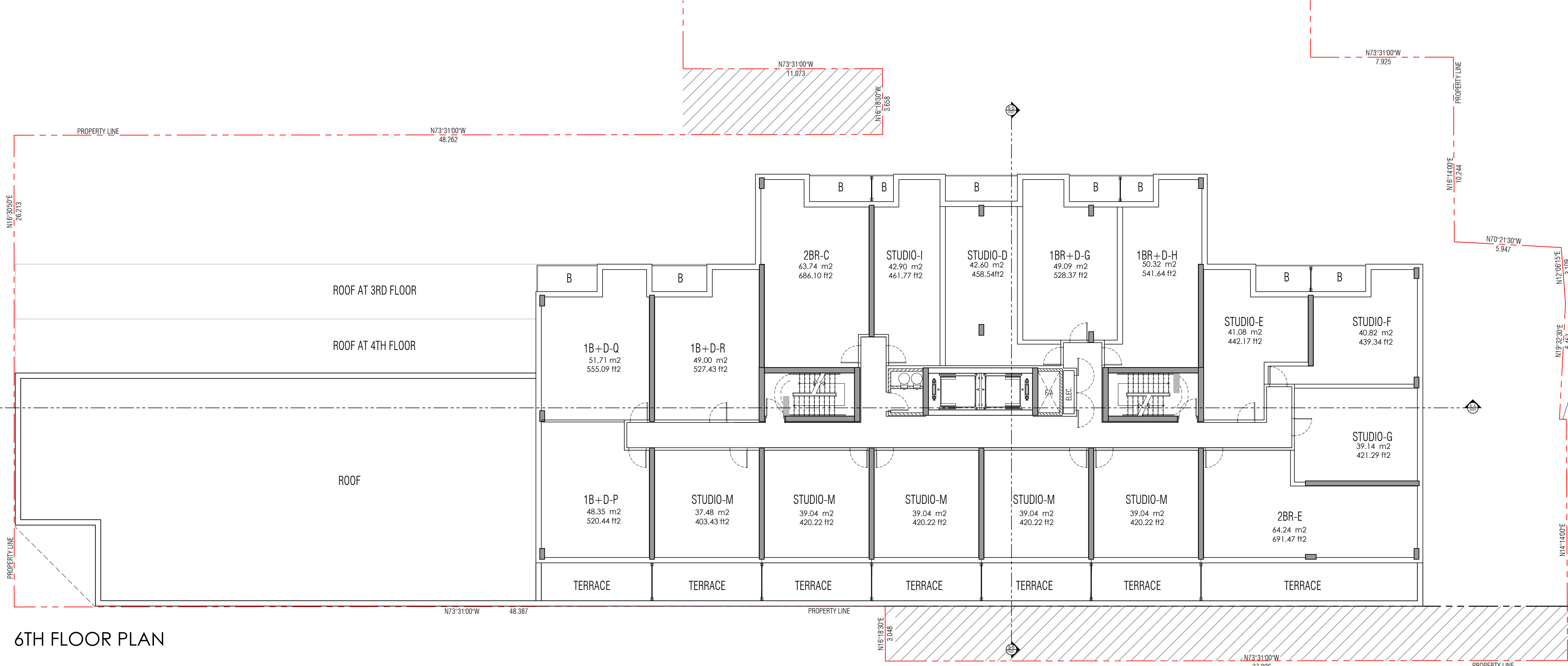
A301

TITLEBLOCK SIZE: 610 x 900





5TH FLOOR PLAN



6TH FLOOR PLAN

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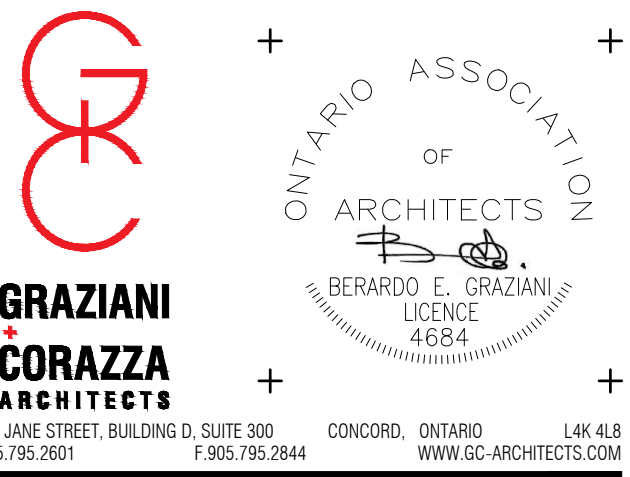
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428 MAIN ST. WEST

Hamilton Ontario

428 Main Street West

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ASSISTANT DESIGNER: C. Kotva

DRAWN BY: CK, SH

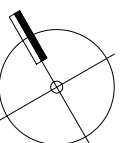
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JOB #: 1969.22

5TH AND 6TH

FLOOR PLANS

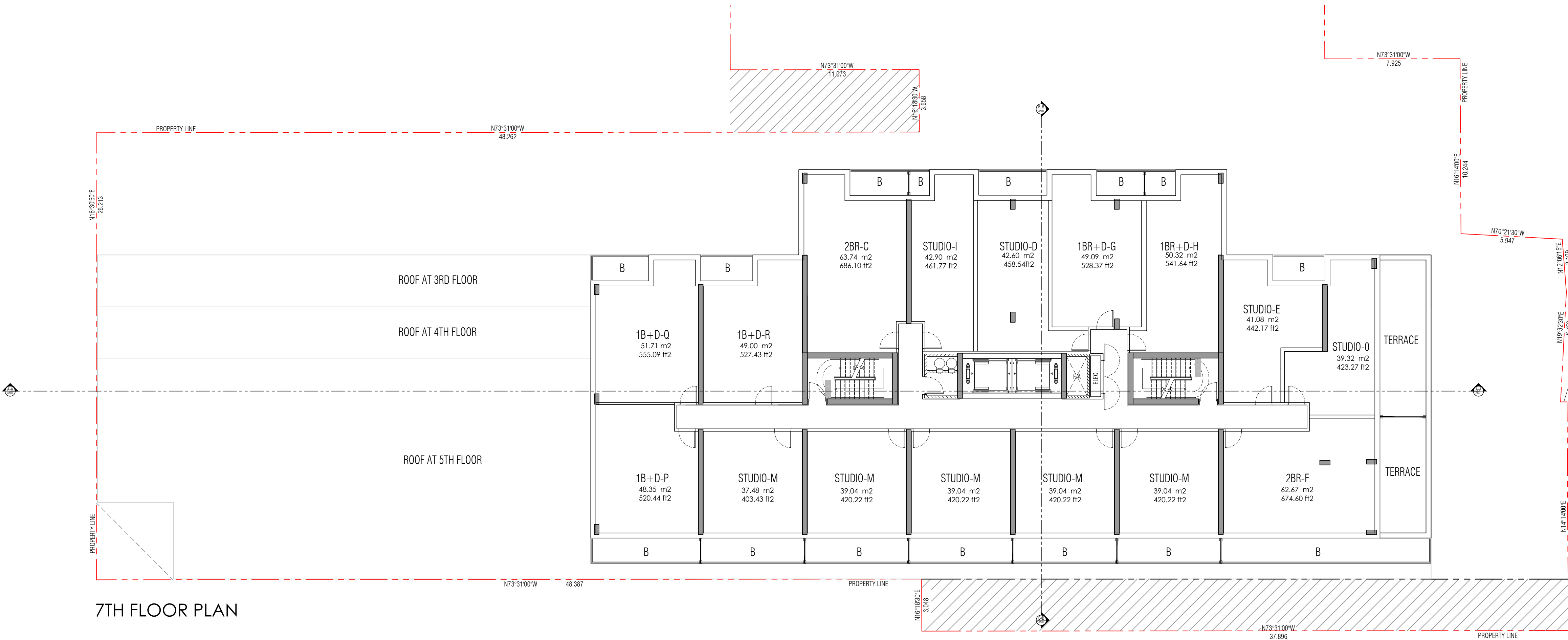


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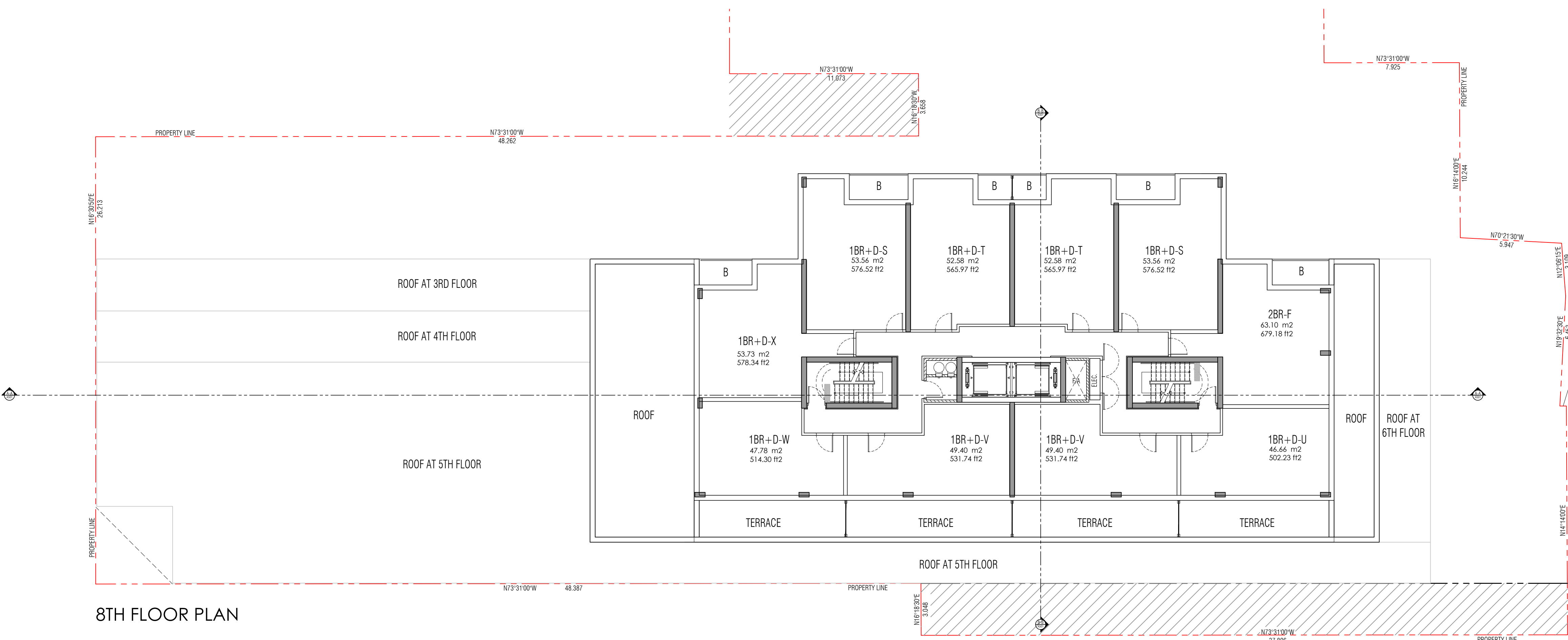
A302

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7TH FLOOR PLAN



8TH FLOOR PLAN

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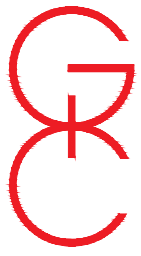
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LICENCE  
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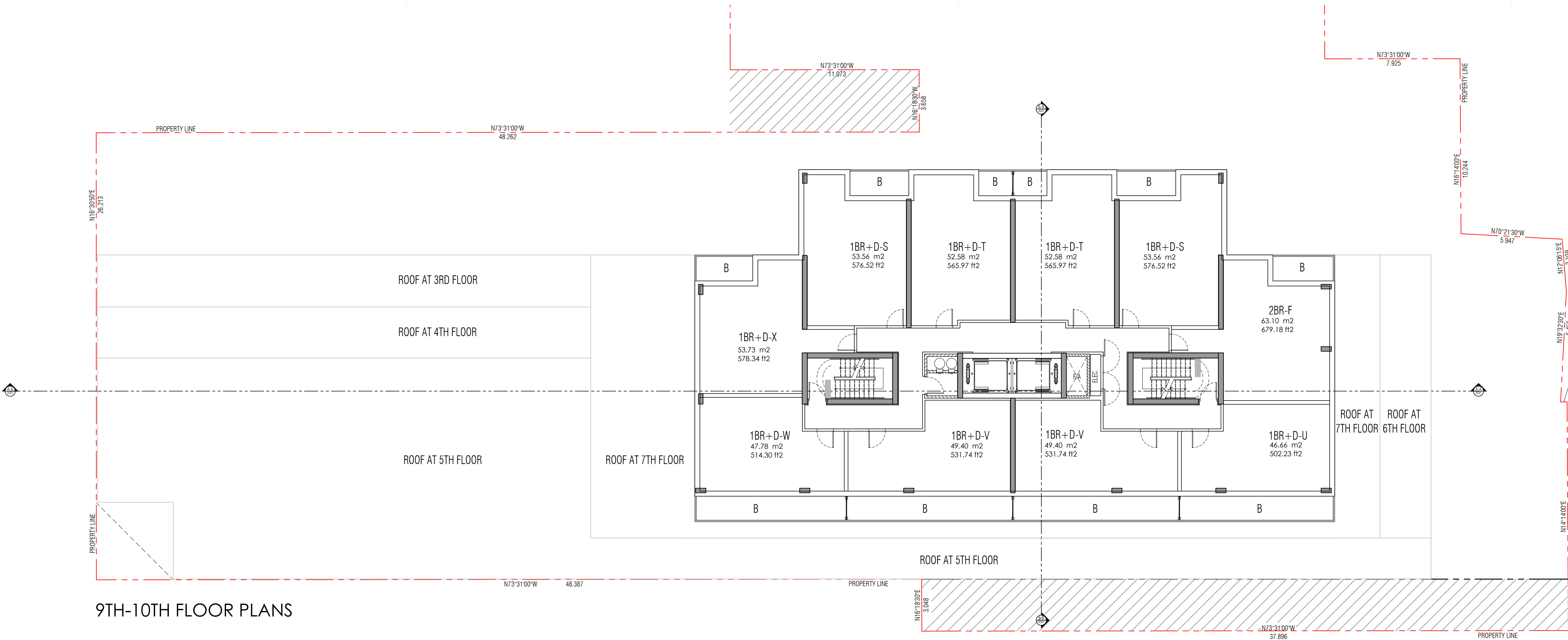
**428 MAIN ST. WEST**

Hamilton	428 Main Street West	Ontario
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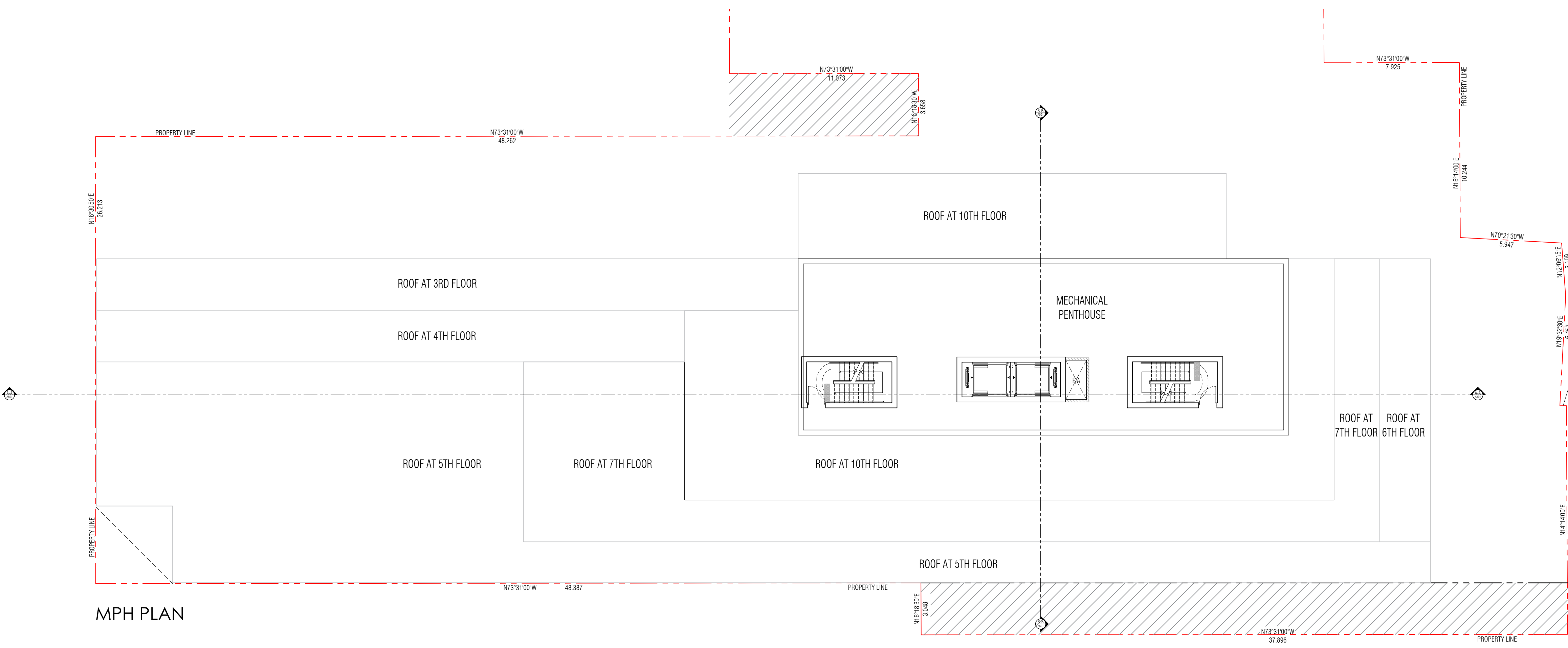
PROJECT ARCHITECT: B. Graziani  
ASSISTANT DESIGNER: C. Kotva  
DRAWN BY: CK, SH  
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PLOT DATE: DEC.19.2022  
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7TH AND 8TH  
FLOOR PLANS





9TH-10TH FLOOR PLANS



MPH PLAN

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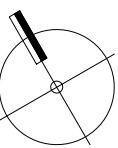


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428 MAIN ST. WEST

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ASSISTANT DESIGNER:	C. Kotva	
DRAWN BY:	CK, SH	
CHECKED BY:		
PLOT DATE:	DEC.19.2022	
JOB #	1969.22	

9TH-10TH AND MPH  
FLOOR PLANS

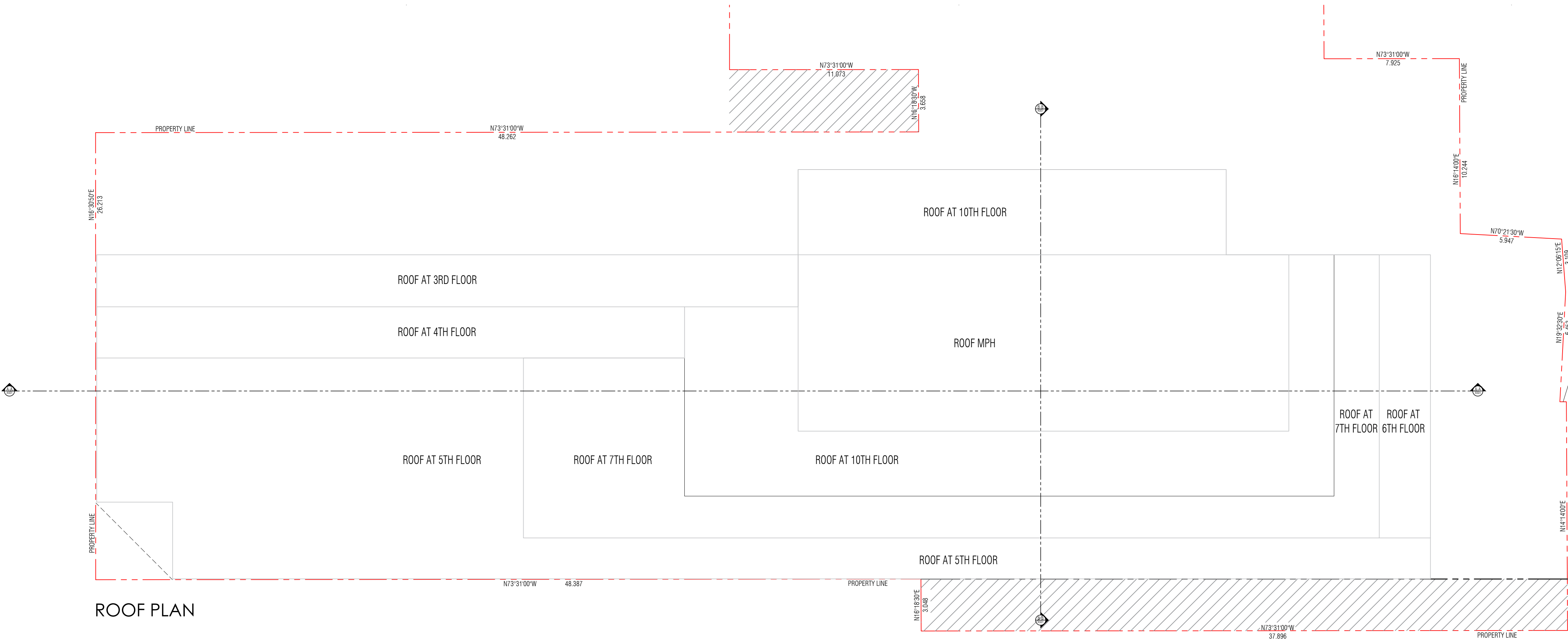


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A305

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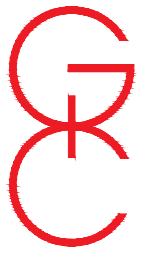
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OF  
ARCHITECTS

BERARDO E. GRAZIANI  
LICENCE  
4684

8400 JANE STREET, BUILDING D, SUITE 300  
T. 905.795.2844

CONCORD, ONTARIO L4K 4L5  
WWW.GC-ARCHITECTS.COM

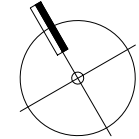
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428 MAIN ST. WEST

428 Main Street West

Hamilton	Ontario
PROJECT ARCHITECT:	B. Graziani
ASSISTANT DESIGNER:	C. Kotva
DRAWN BY:	CK, SH
CHECKED BY:	
PLOT DATE:	DEC.19.2022
JOB #	1969.22

ROOF PLAN

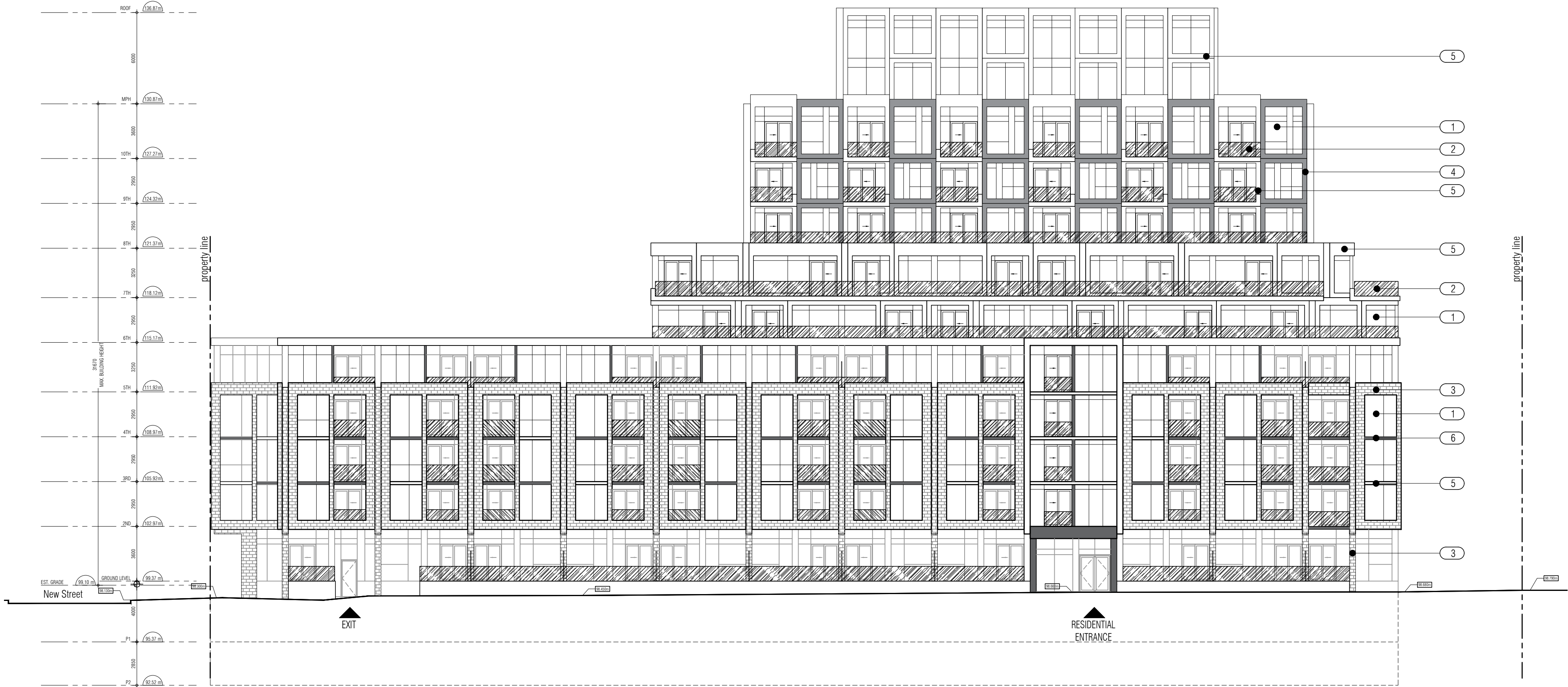


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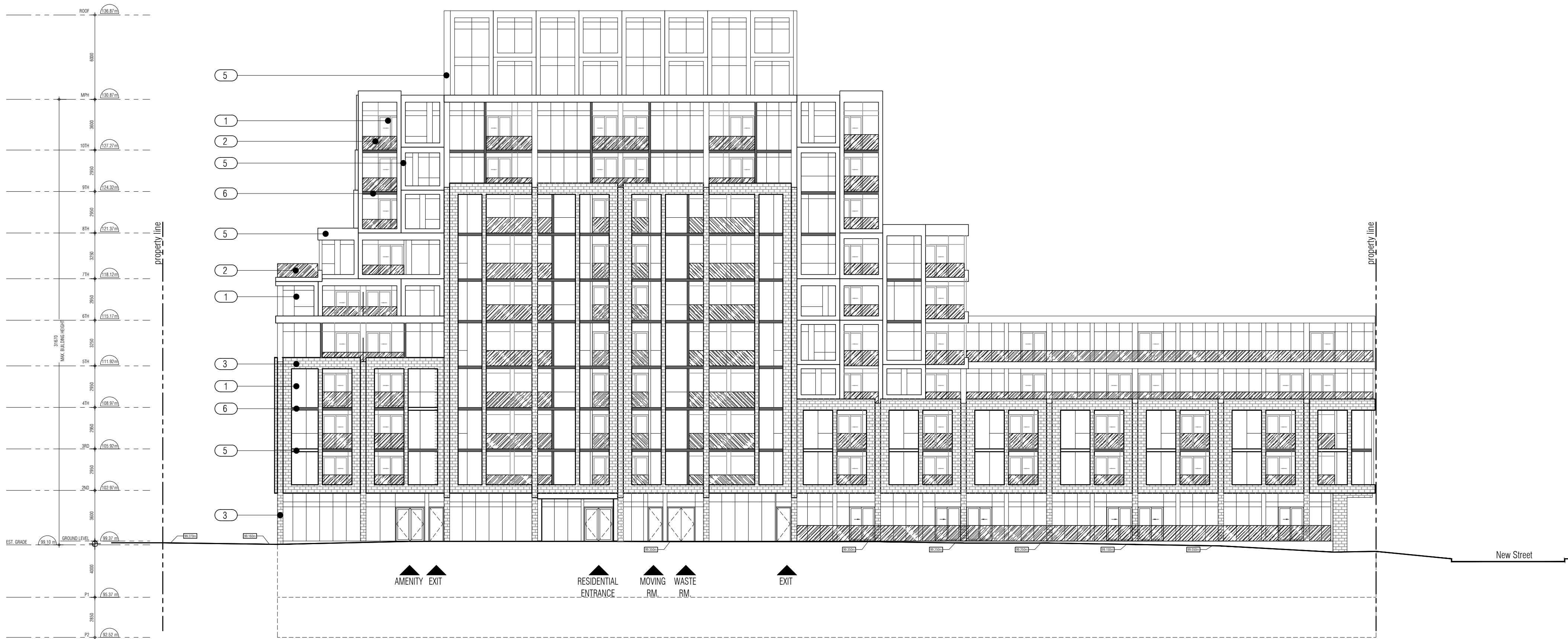
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SOUTH ELEVATION



NORTH ELEVATION

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#### MATERIALS LEGEND

1 VISION GLASS - CLEAR

2 GLASS RAILING - CLEAR

3 BRICK - PRECAST

4 METAL PANEL - CHARCOAL

5 METAL PANEL - WHITE

6 METAL PANEL - BLACK

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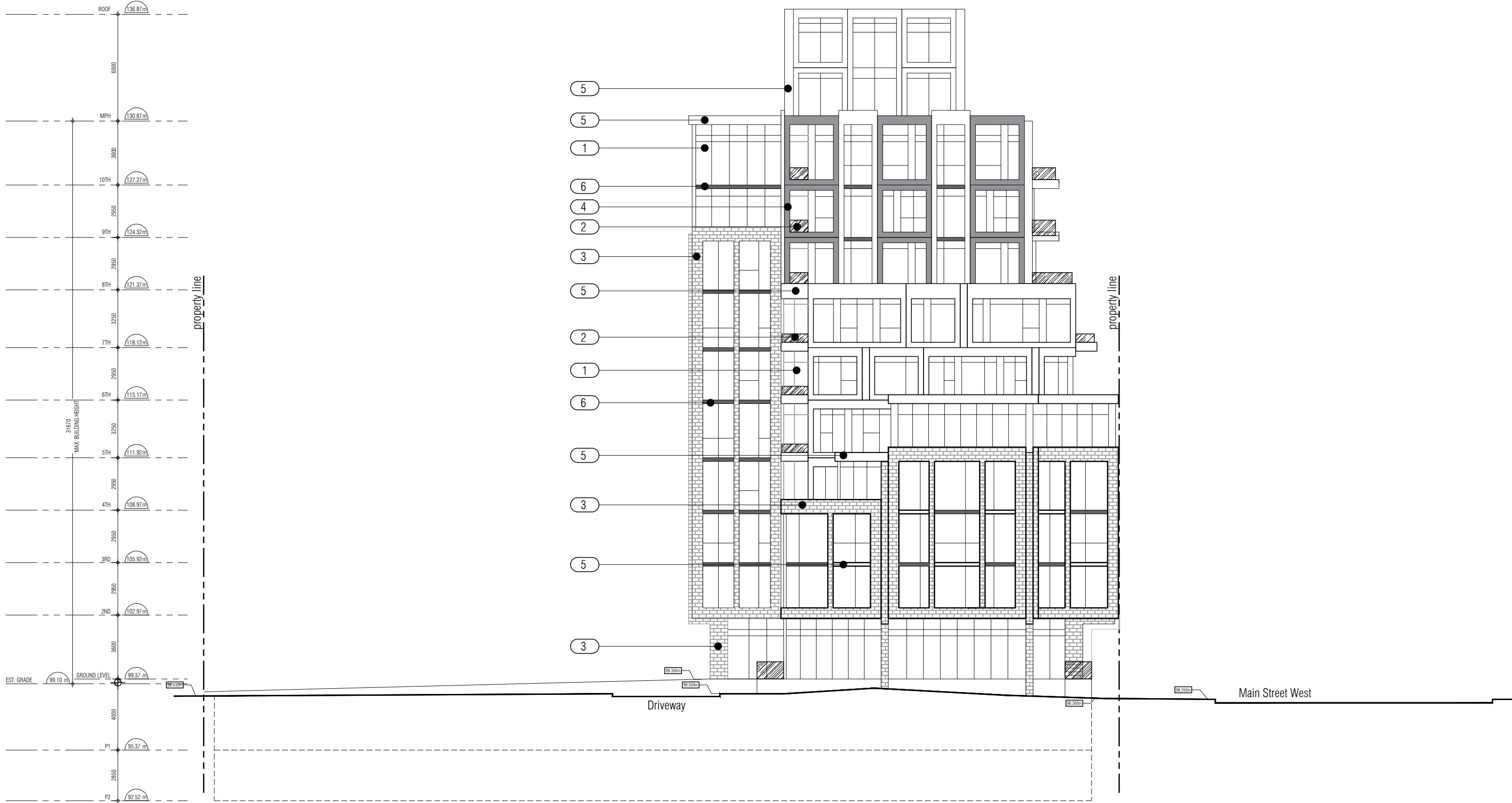
Hamilton	428 Main Street West	Ontario
PROJECT ARCHITECT:	B. Graziani	
ASSISTANT DESIGNER:	C. Kotva	
DRAWN BY:	CK, SH	
CHECKED BY:		
PLOT DATE:	DEC.19.2022	
JOB #	1969.22	

#### SOUTH AND NORTH ELEVATIONS

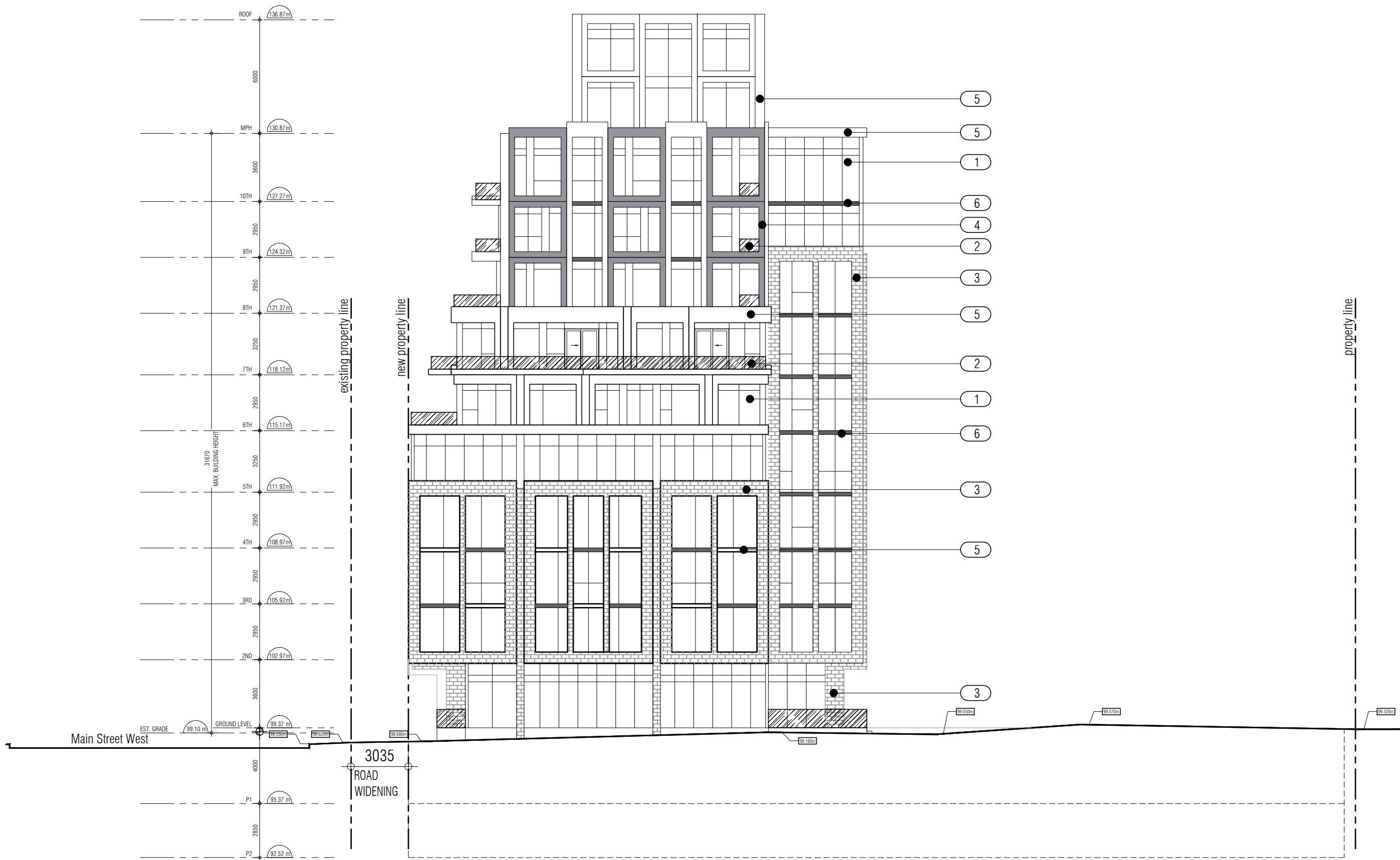
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A401





WEST ELEVATION



EAST ELEVATION

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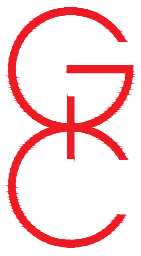
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MATERIALS LEGEND	
1	VISION GLASS - CLEAR
2	GLASS RAILING - CLEAR
3	BRICK - PRECAST
4	METAL PANEL - CHARCOAL
5	METAL PANEL - WHITE
6	METAL PANEL - BLACK

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**GRAZIANI  
CORAZZA**  
ARCHITECTS

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RESIDENTIAL

428 MAIN ST. WEST

428 Main Street West

Hamilton Ontario

PROJECT ARCHITECT: B. Graziani

ASSISTANT DESIGNER: C. Kotva

DRAWN BY: CK, SH

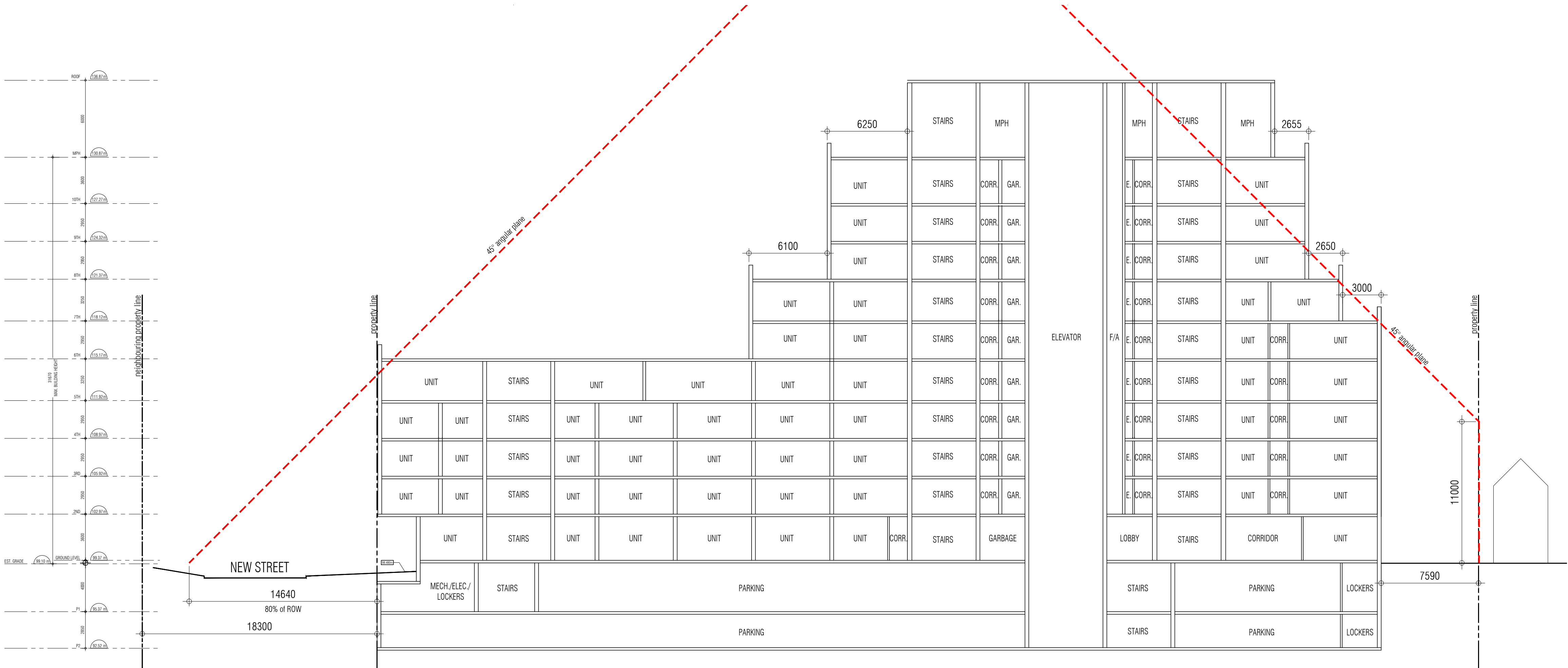
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WEST AND EAST  
ELEVATIONS





SECTION A-A



SECTION B-B

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Hamilton	428 Main Street West	Ontario
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BUILDING SECTIONS

1:200

A501

TITLEBLOCK SIZE: 610 x 900





VIEW OF NORTH-WEST ELEVATION. SITE ACCESS

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PERSPECTIVE VIEW 1





VIEW OF UPPER BUILDING FACADE DETAILS



VIEW OF RESIDENTIAL ENTRY - MAIN STREET WEST



VIEW OF PEDESTRIAN REALM - NORTH-WEST CORNER

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PERSPECTIVE VIEWS 2





VIEW OF SOUTH ELEVATION. MAIN STREET WEST

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B. Graziani

ASSISTANT DESIGNER:

C. Kotva

DRAWN BY:

CK, SH

CHECKED BY:

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PERSPECTIVE VIEWS 3

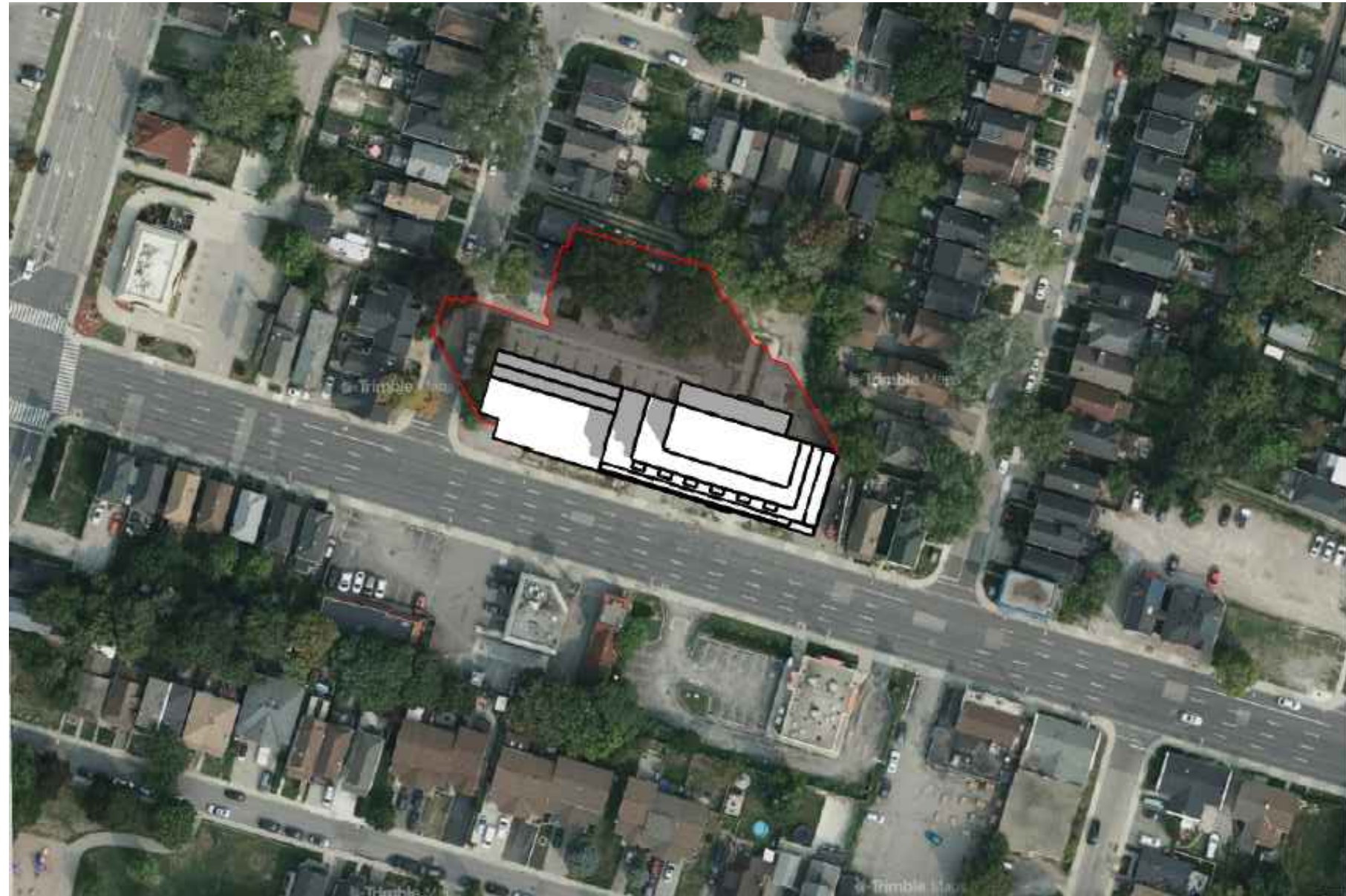




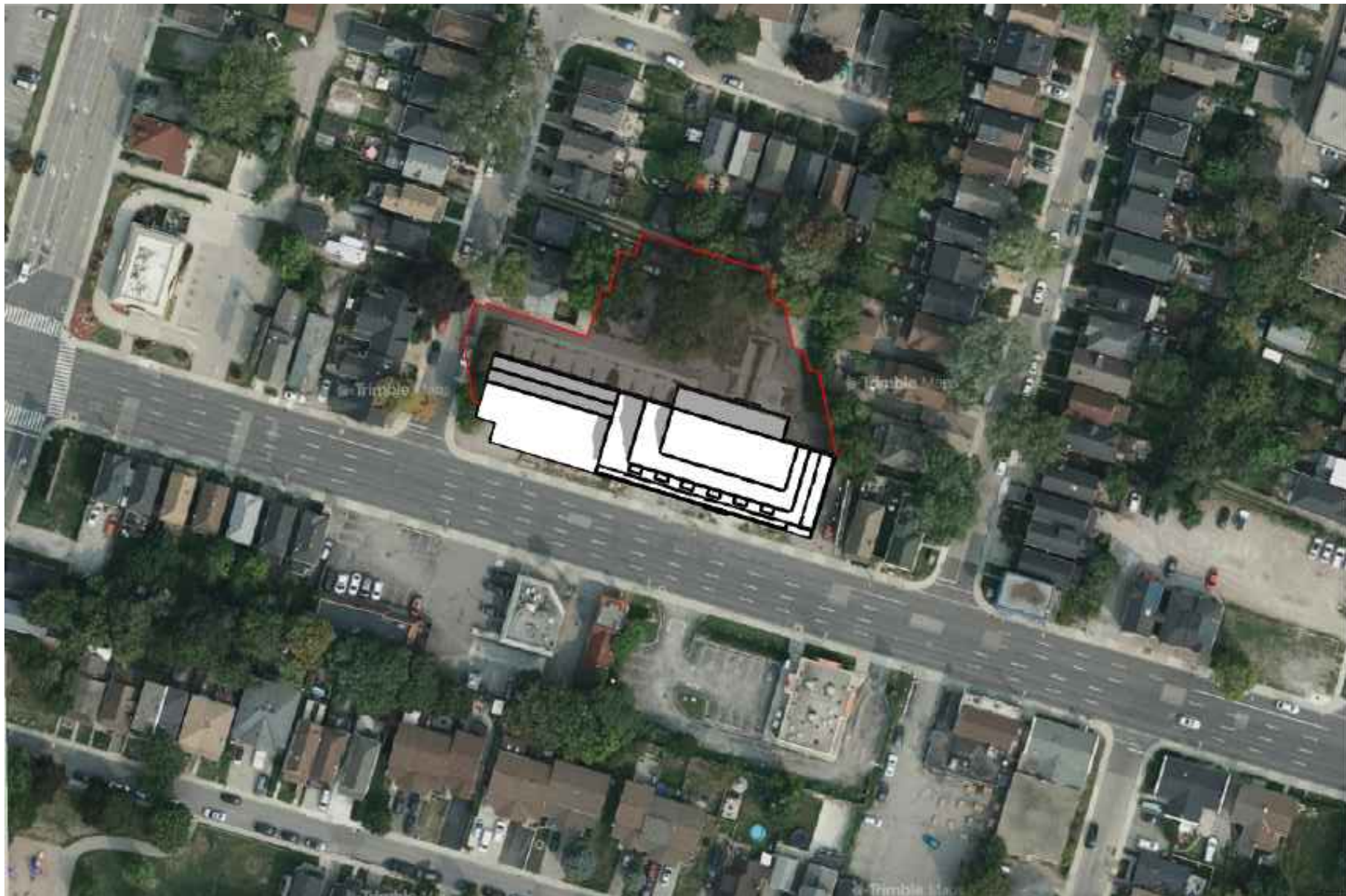
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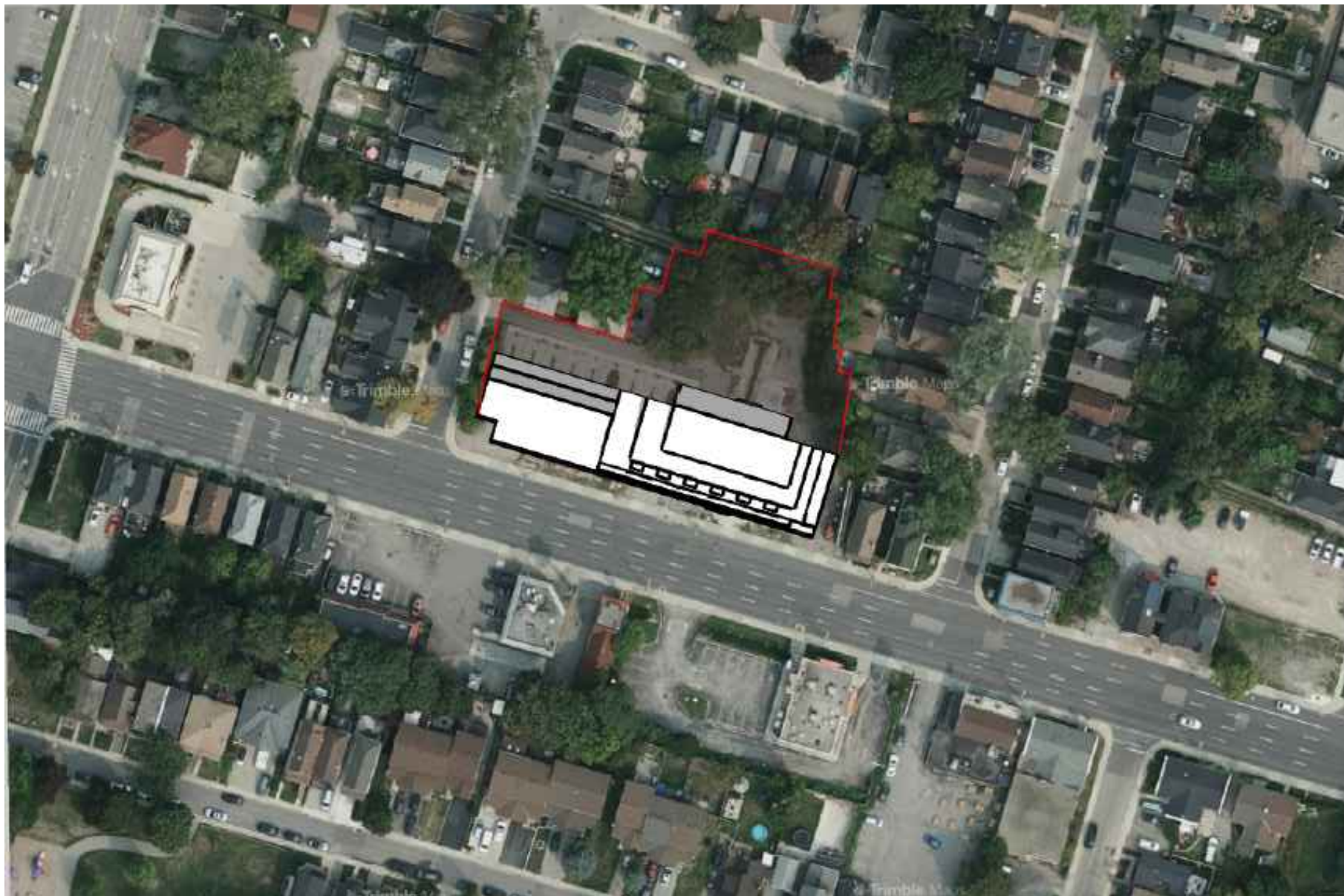
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MARCH @ 12:00PM



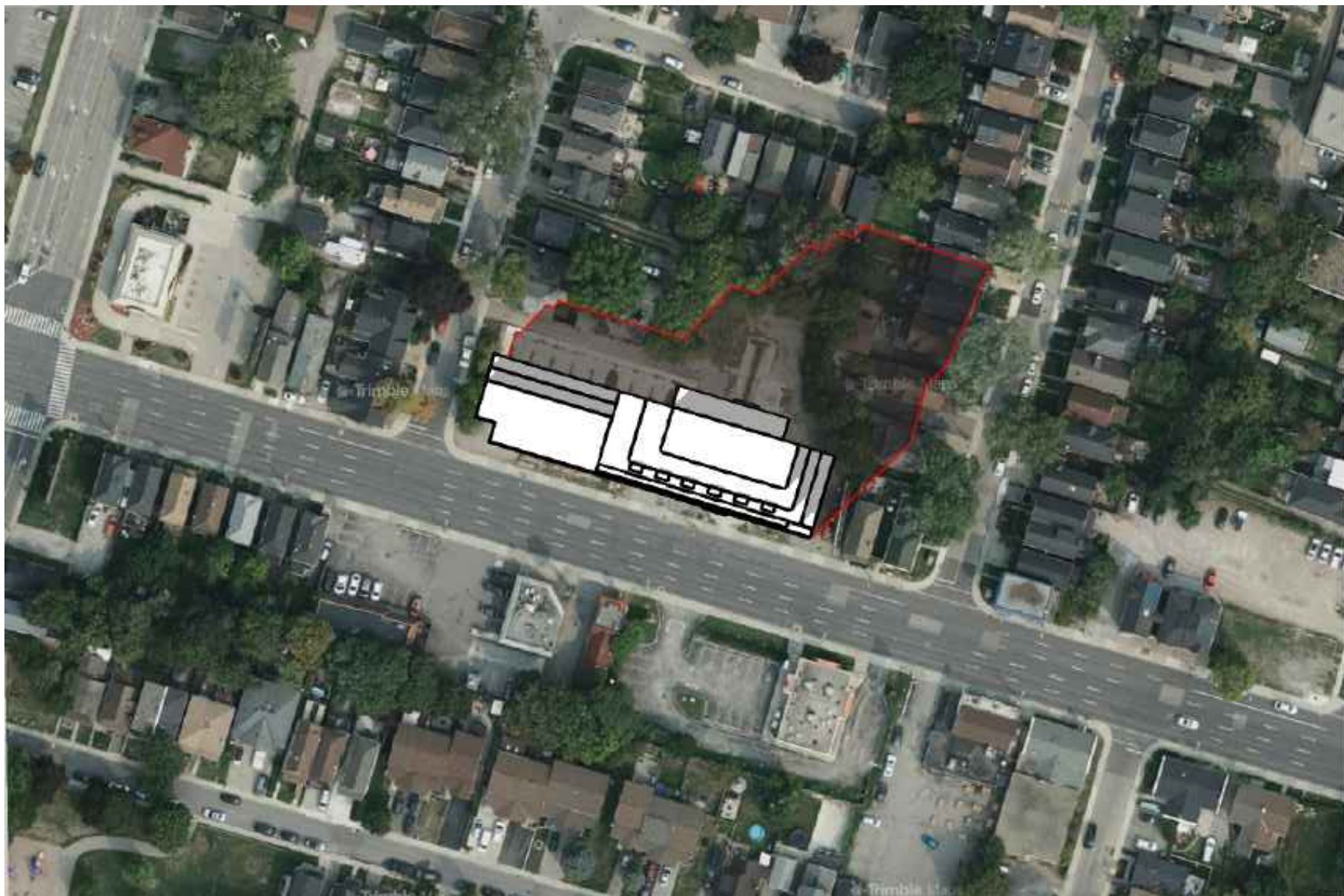
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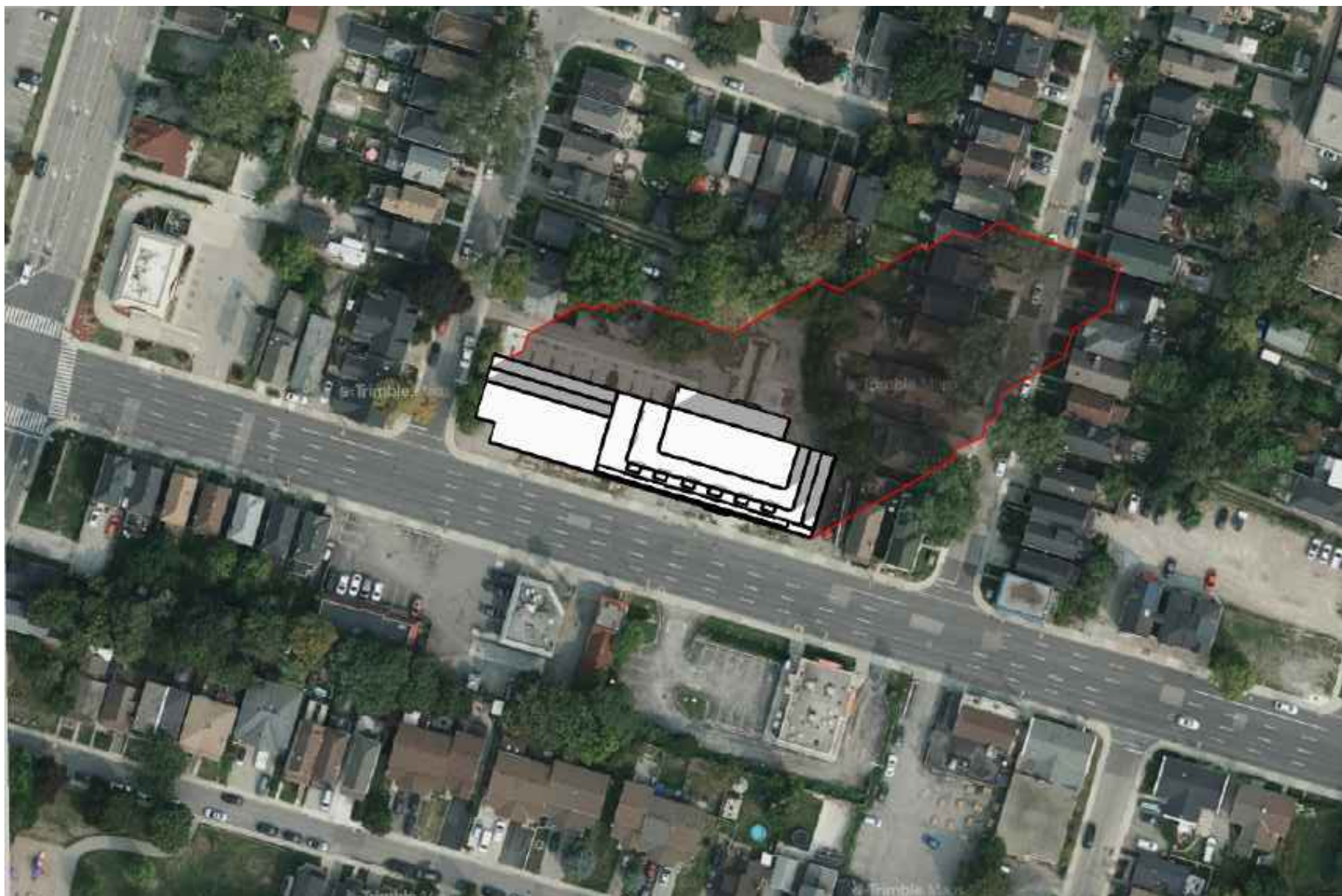
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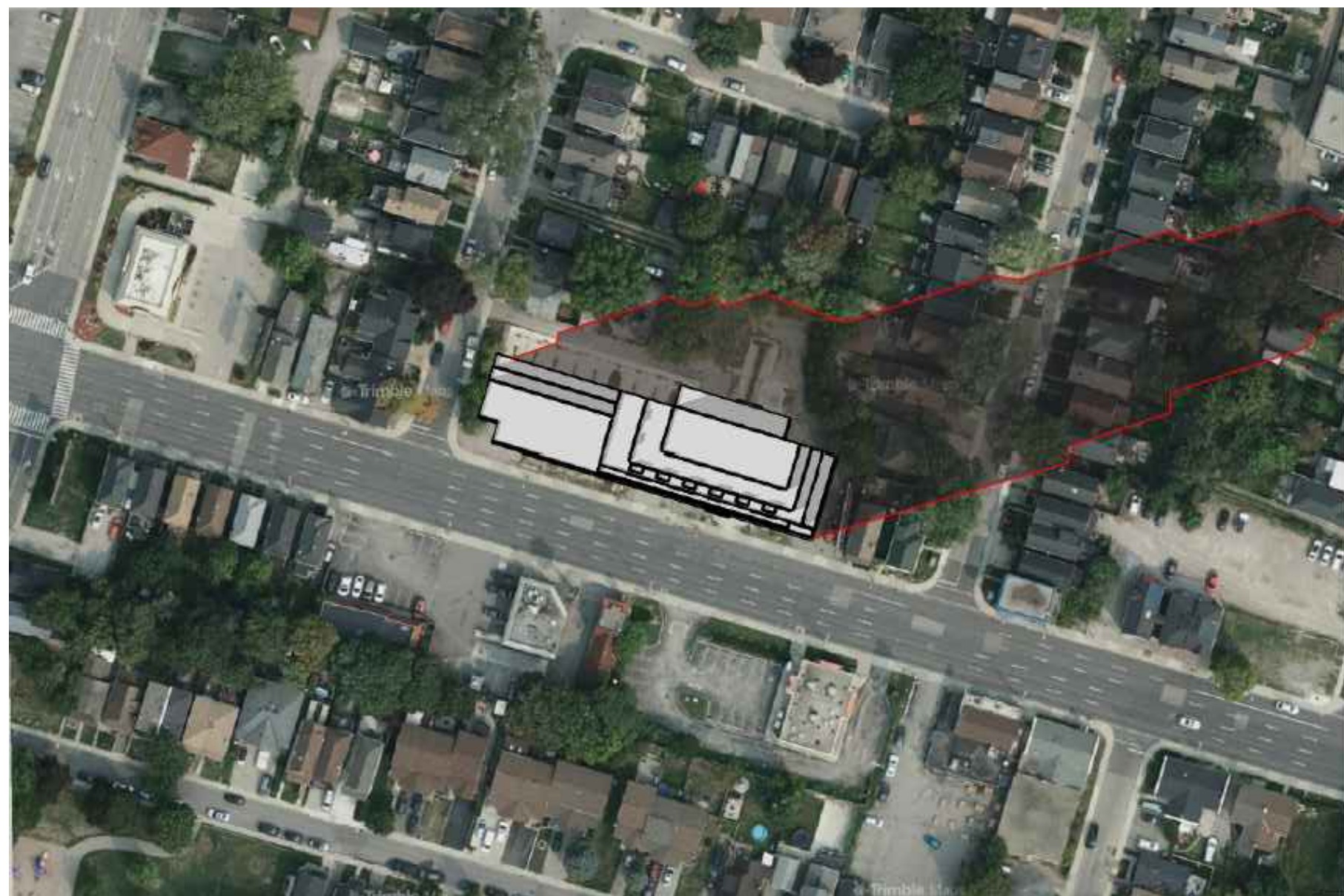
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MARCH @ 4:00PM



MARCH @ 5:00PM



MARCH @ 6:00PM

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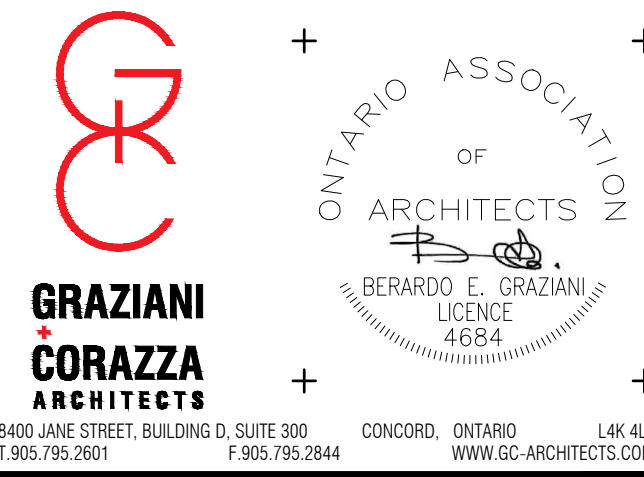
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— SHADOW OUTLINE

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**428 MAIN ST. WEST**

428 Main Street West  
Hamilton Ontario

PROJECT ARCHITECT: B. Graziani  
ASSISTANT DESIGNER: C. Kotva  
DRAWN BY: CK, SH  
CHECKED BY:  
PLOT DATE: DEC.19.2022  
JOB #: 1969.22

**SHADOW STUDY**

**MARCH**



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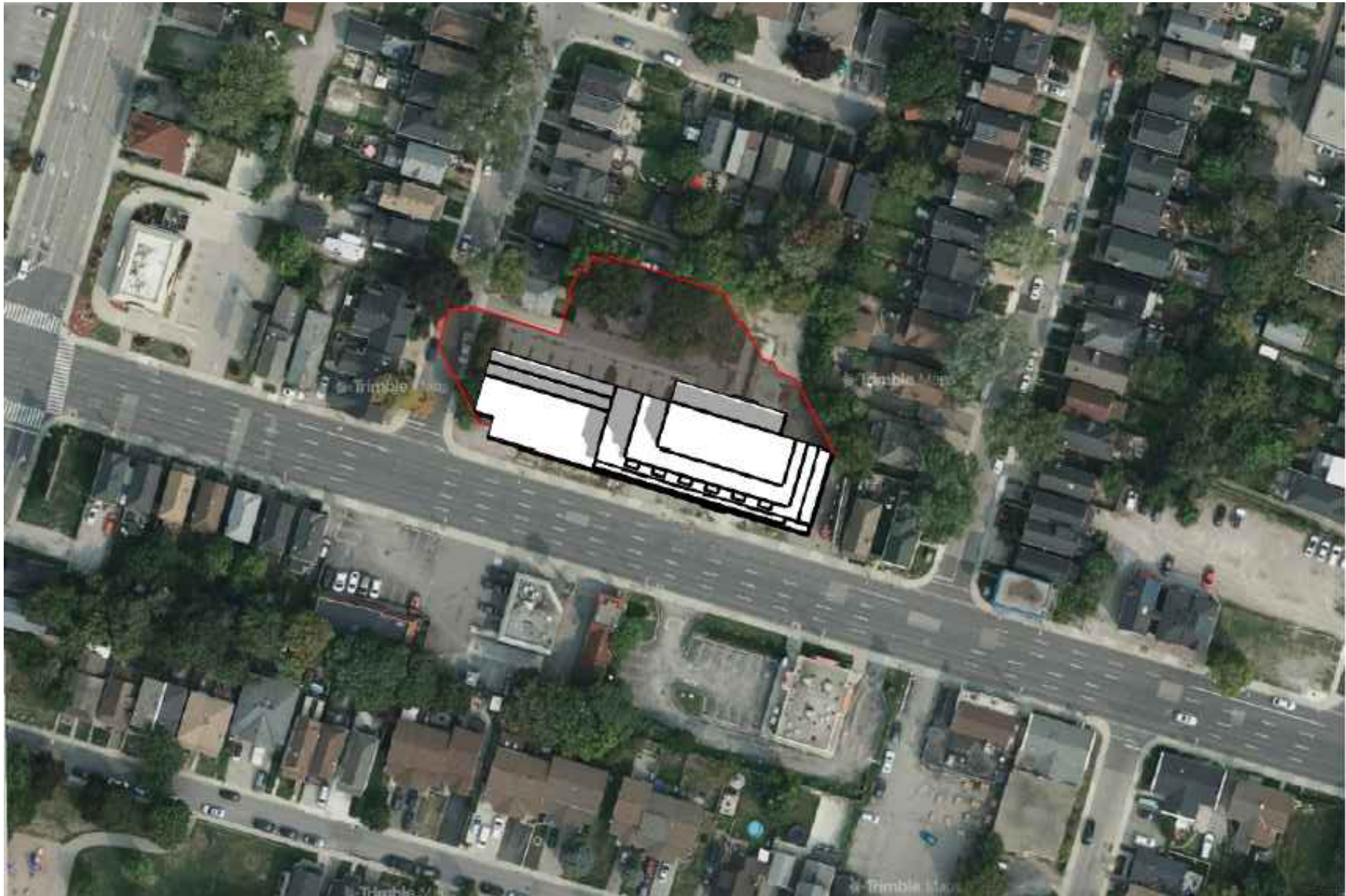




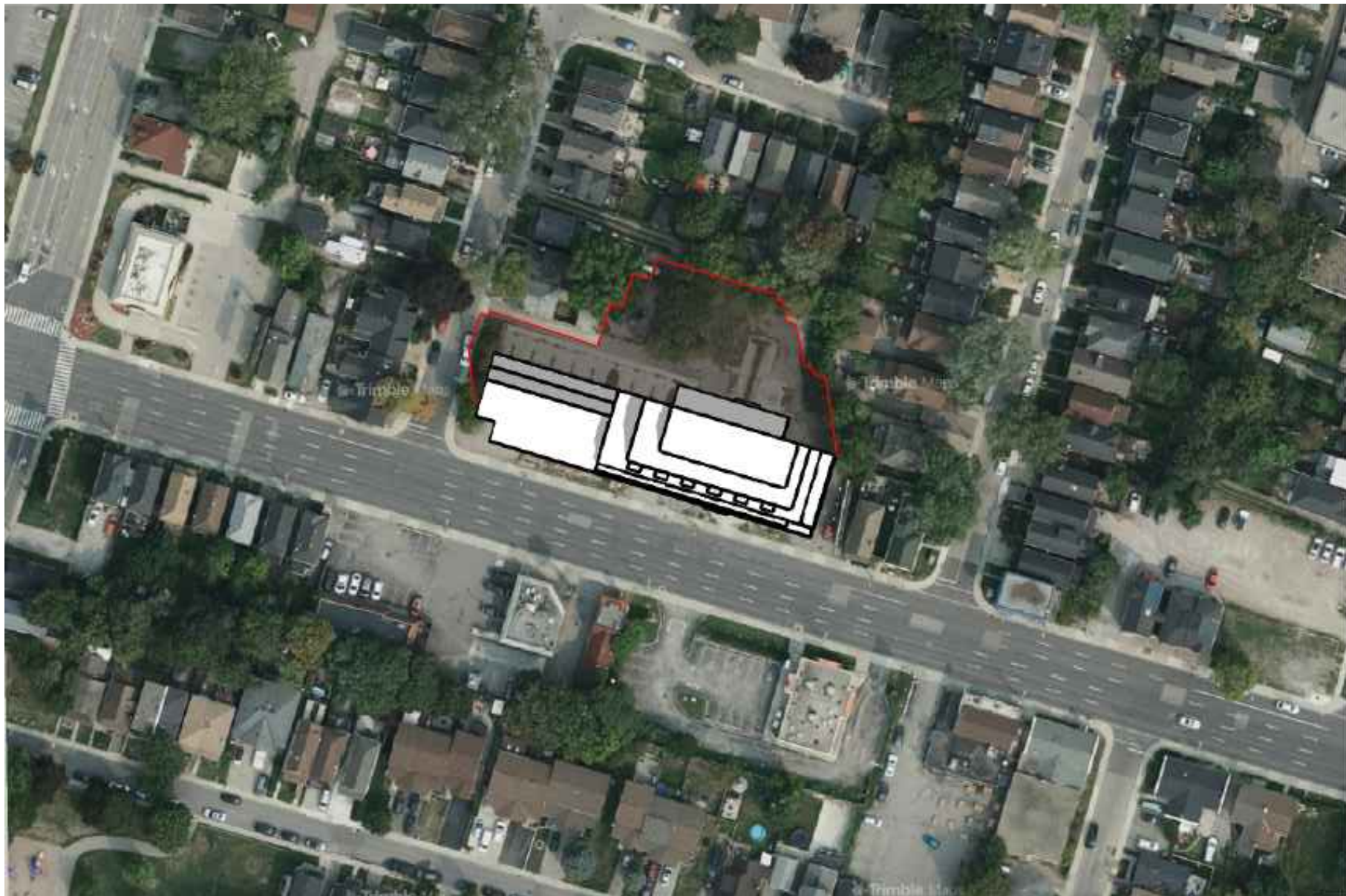
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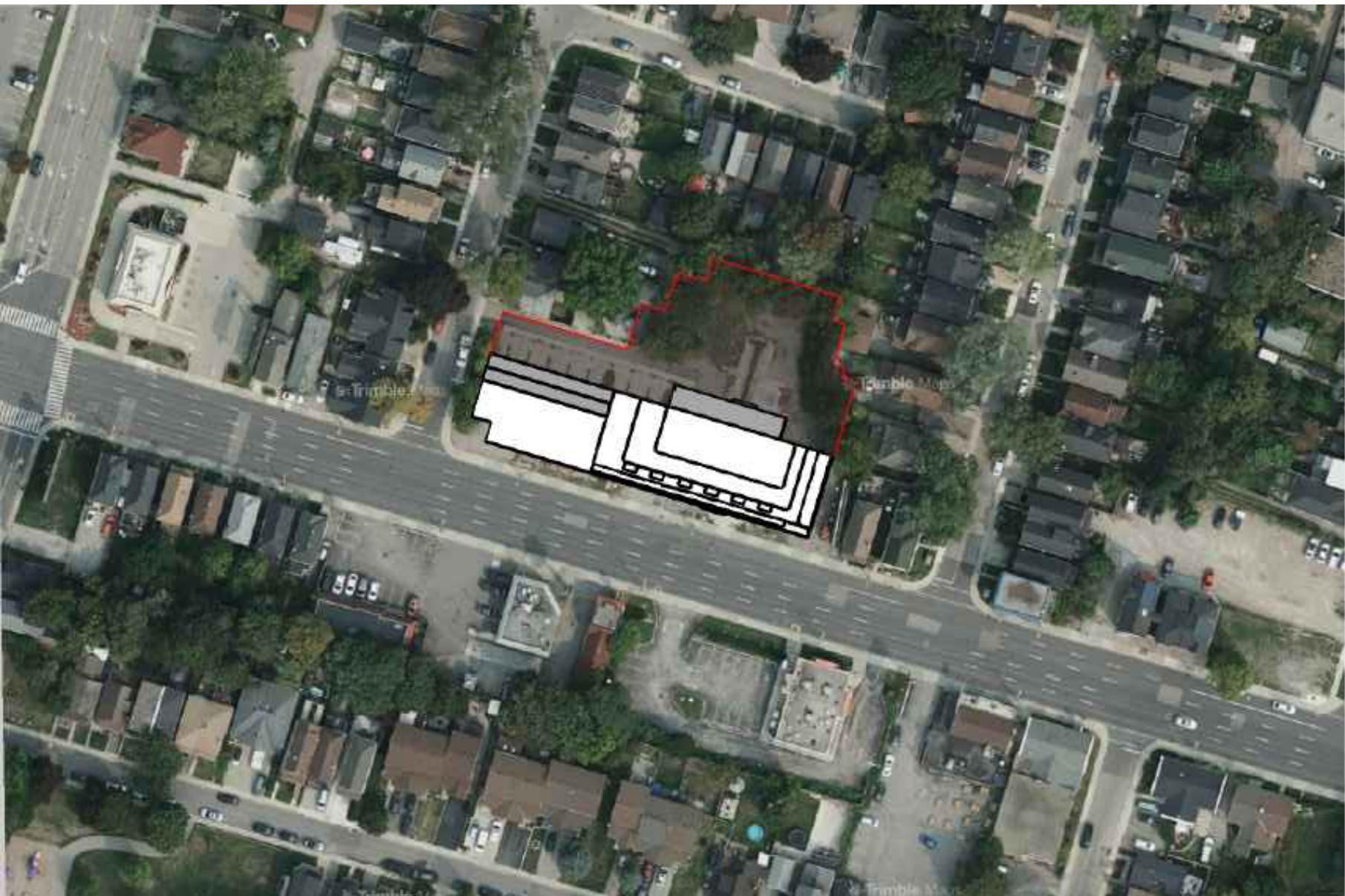
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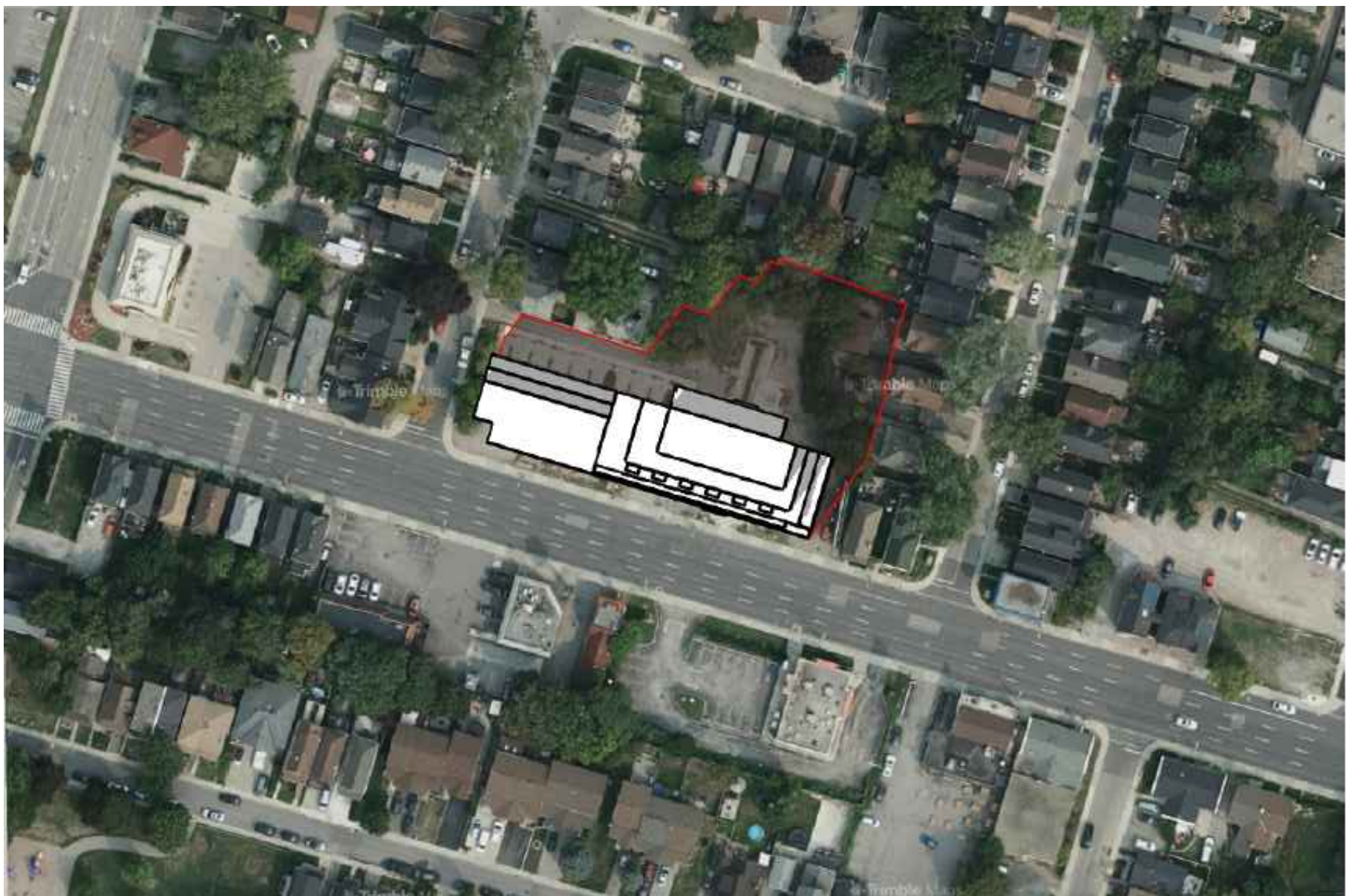
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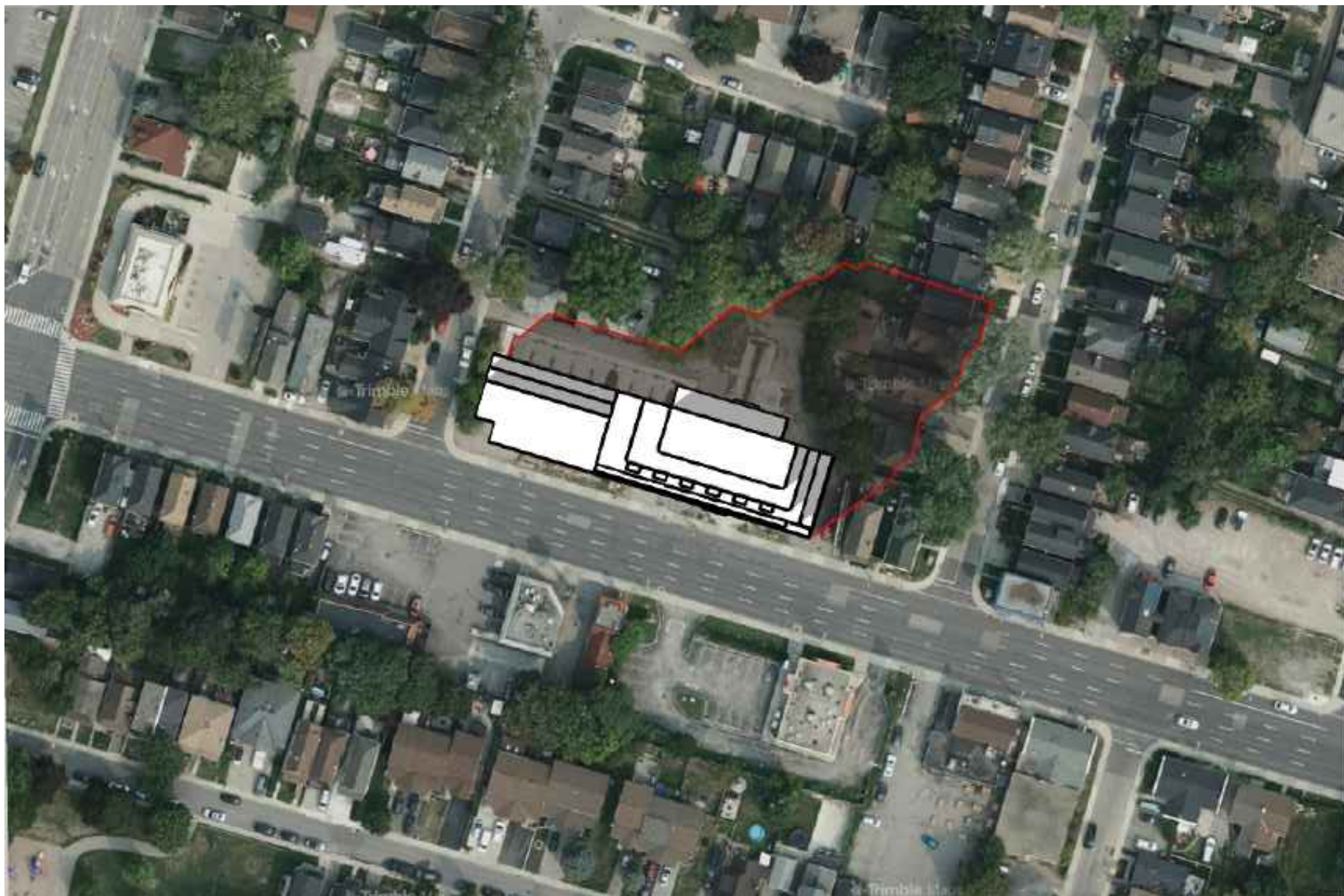
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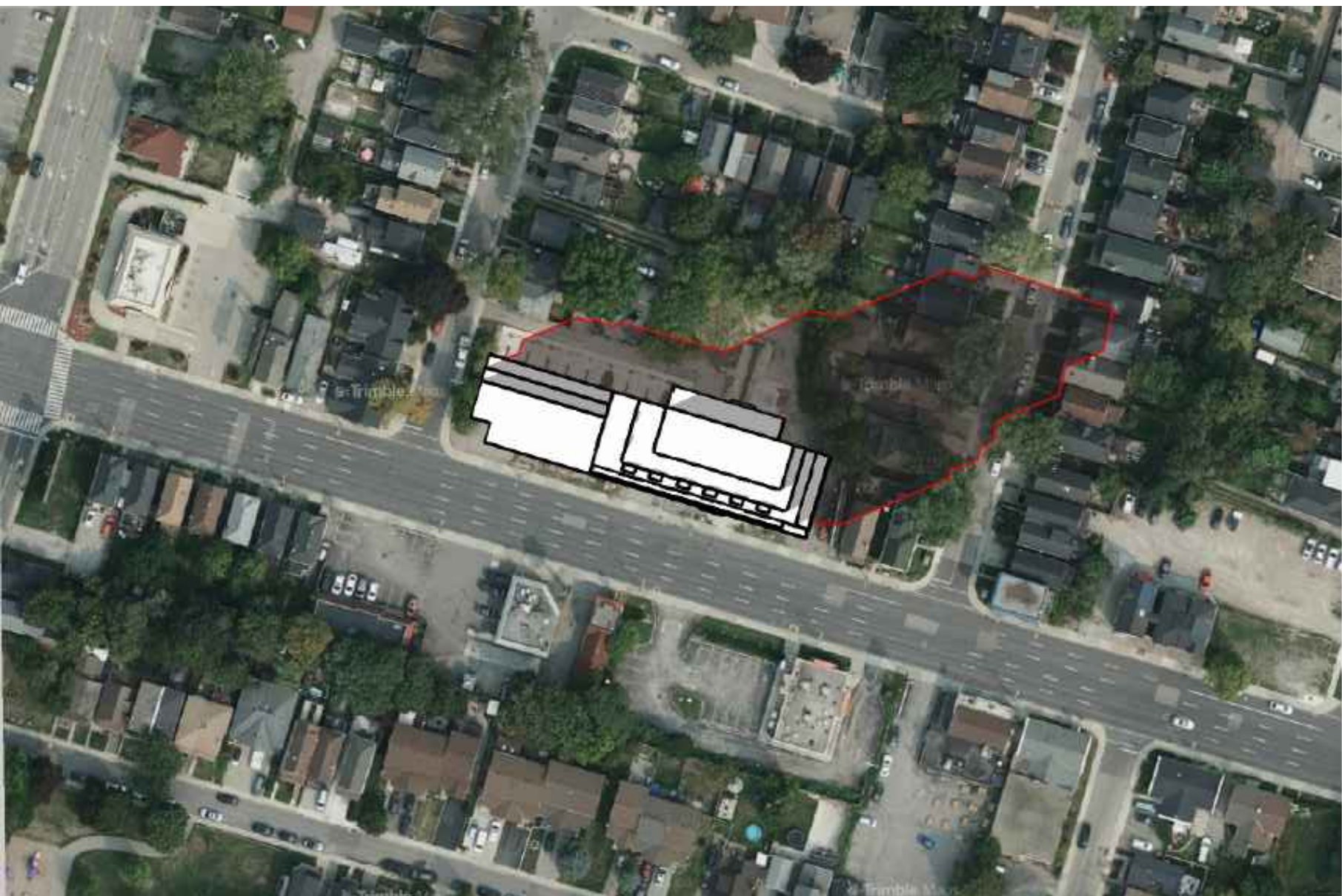
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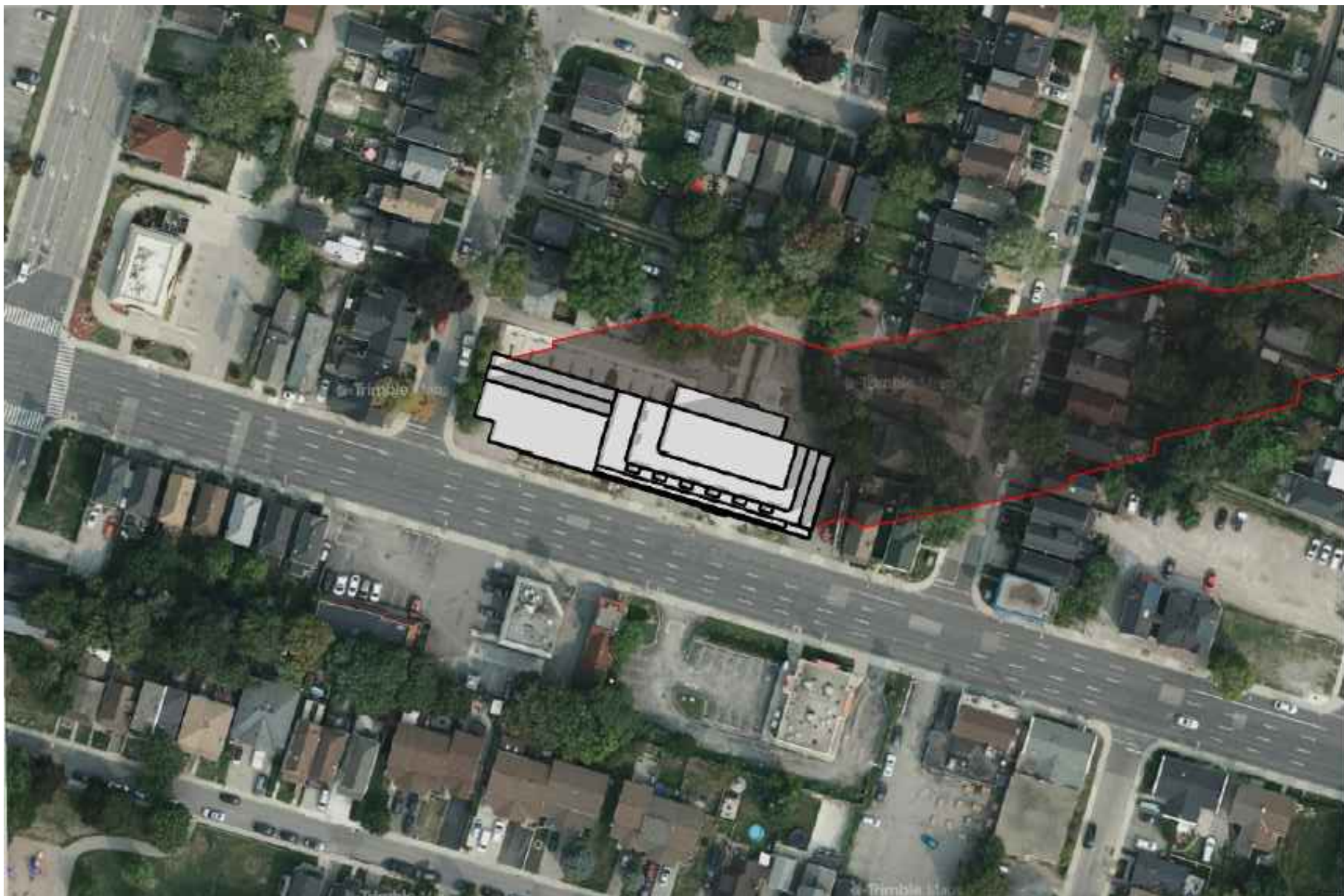
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RESIDENTIAL

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DRAWN BY: CK, SH

CHECKED BY:

PLOT DATE: DEC.19.2022

JOB #: 1969.22

SHADOW STUDY  
SEPTEMBER



NTS

**A702**

TITLEBLOCK SIZE: 610 x 900



December 20, 2022

444-22

**Via Email & Delivered**

Ms. Jamila Sheffield  
Secretary Treasurer

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

Dear Ms. Sheffield:

**RE: 428 Main Street West, Hamilton  
Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions), has been retained to act as the authorized planning consultant for 428 Main Street West Joint Venture, owner of the lands known municipally as 428 Main Street West, in the City of Hamilton. We are pleased to submit this Minor Variance application on their behalf to facilitate the proposed development.

The subject lands are identified as “Primary Corridor” in Schedule E of the Urban Hamilton Official Plan (UHOP) and are designated as “Mixed Use – Medium Density” in Schedule E-1 of the UHOP. Additionally, the subject property is classified as “Mixed Use – Medium Density” and “Area Specific Policy B” on the Strathcona Secondary Plan Land Use Plan. Further, the subject lands are located in the Mixed Use Medium Density (C5, 298) Zone in the City of Hamilton Zoning By-law No. 05-200.

On November 30, 2022, a Site Plan application was submitted for a proposed 10-storey multiple dwelling with step backs at the 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 7<sup>th</sup> and 10<sup>th</sup>-storey. The development is comprised of 186 dwelling units and 1, 904.0 m<sup>2</sup> of amenity space. The proposal will be accommodated through the provision of 106 parking stalls and 102 bicycle parking spaces. To facilitate said development, this Minor Variance application is intended to achieve relief from the City of Hamilton Zoning By-law No. 05-200 with respect to the Mixed Use Medium Density (C5, 298) Zone as follows:

- *To increase the minimum permitted building height from 22.0 metres to 32.0 metres.*

To assist in the evaluation of this application, please refer to the enclosed Architectural Package and Sun Shadow Analysis. The applicable policy framework and justification for the proposed variances has been provided below in accordance with Section 45(1) of the *Planning Act*.



## Policy Framework

The subject property is located along a 'Primary Corridor' on the UHOP's Urban Structure Plan as shown in Figure 1 below. Section E.2.4.3. of the UHOP notes that Urban Corridors shall be the location of a range of higher density land uses along the corridor supported by higher order transit on the Primary Corridors.

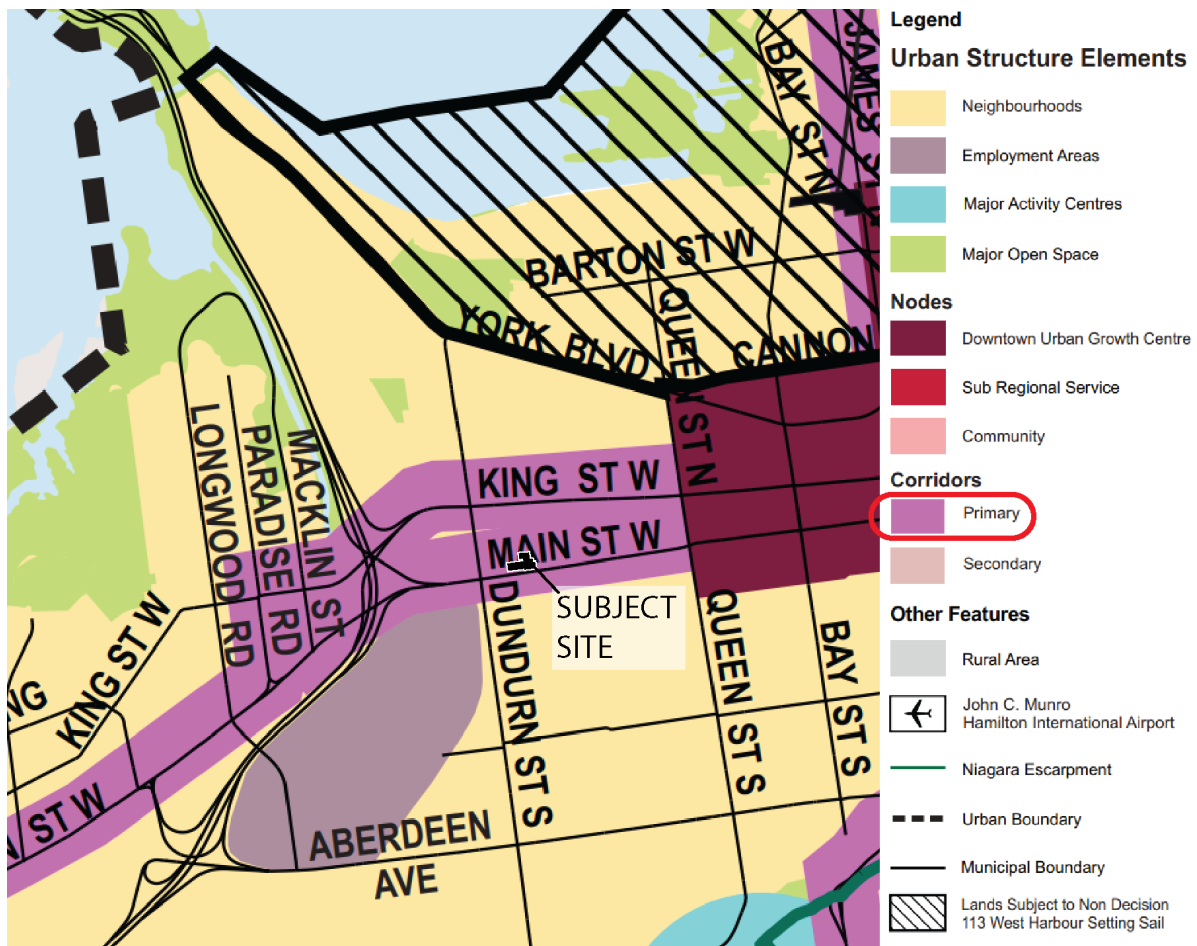


Figure 1: Schedule E of Urban Hamilton Official Plan – Urban Structure Plan

The subject property is classified as a 'Mixed Use – Medium Density' designation in the 'Area Specific Policy B' of the Strathcona Secondary Plan as illustrated in Figure 2. Section 6.6.6.1. of the Strathcona Secondary Plan permits a maximum height of 10-storeys provided potential impacts have been mitigated on adjacent lands designated Low Density Residential 3, buildings are progressively stepped back from adjacent low-rise forms of housing to ensure appropriate transition and stepping back of heights, and buildings are stepped back from any street to minimize the appearance of height from the public realm.

The 'Area Specific Policy B' of which the lands are placed within restrict permitted uses to offices, institutional uses, arts and cultural uses, hotels, and multiple dwellings as per Section 6.6.15.2 of the



Secondary Plan. All other associated site-specific policies relate to live-work unit permissions and drive through facility permissions.

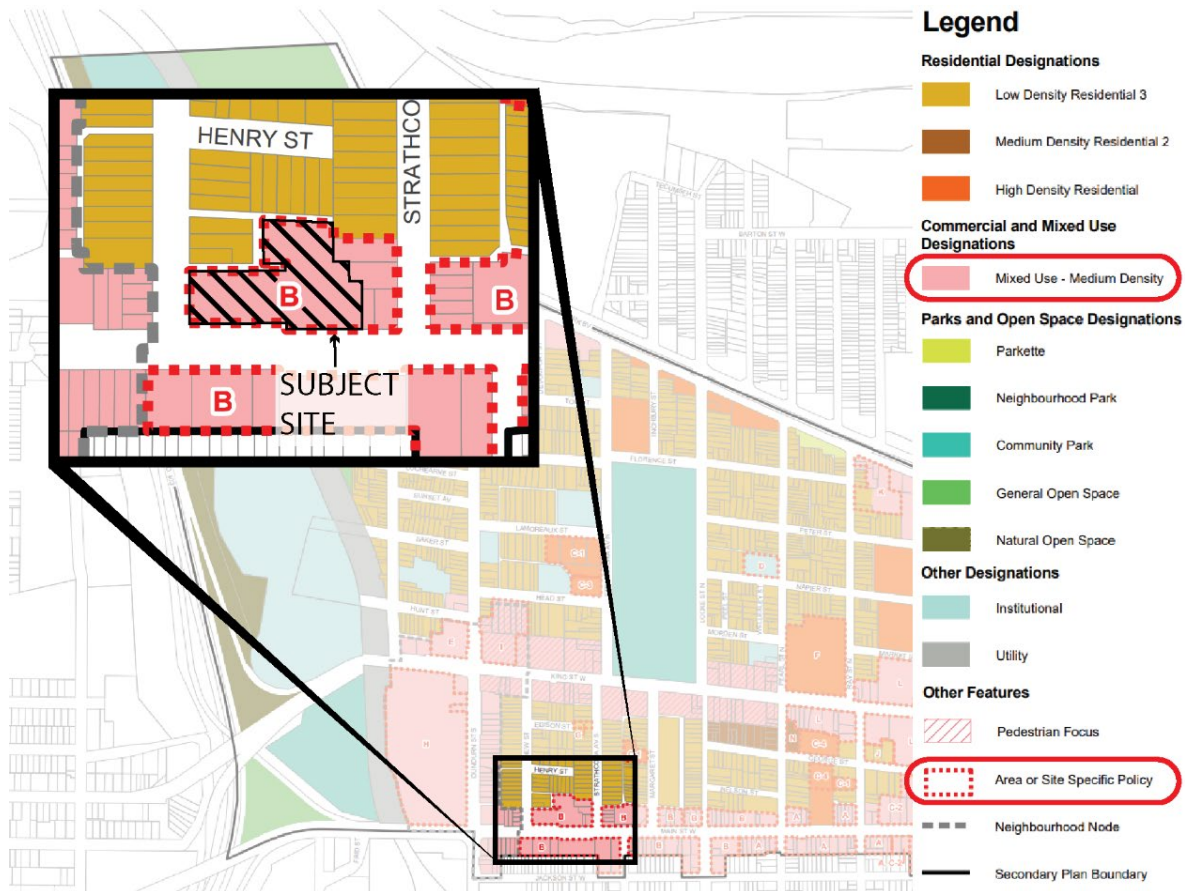


Figure 2: Strathcona Secondary Plan – Land Use Plan

The City of Hamilton Zoning By-law 05-200 places the subject lands into the Mixed Use Medium Density (C5,296) Zone as depicted in Figure 3 below. Section 10.5.3.(d) of Zoning by-law 05-200 sets out a maximum permitted building height of 22.0 metres, while Section 10.5.1 establishes Multiple Dwellings as a permitted use.





Figure 3: City of Hamilton Zoning By-law 05-200 Mixed Use Medium Density (C5) Zone

### Variance Evaluation

#### **1. Is the proposed minor variance in keeping with the general purpose and intent of the Urban Hamilton Official Plan?**

The subject lands are designated as Neighbourhoods in the Urban Hamilton Official Plan which permits the proposed use of the lands. As outlined in Chapter E, Section 3.3.2 of the Official Plan, development and redevelopment shall ensure the height, massing and arrangement of buildings and structures are compatible with existing and future uses of the surrounding area. Chapter B, Section 2.4.1.3(b) indicates that lands designated Nodes and Corridors are to accommodate 40% of the City's growth. The proposed development aids the City in meeting its growth objectives within the Neighbourhoods designation and is facilitated by the requested variance. The intent of these policies is to encourage and accommodate compatible forms of development which is exemplified in the subject application.

Further, Section 6.6.6.1 of the Strathcona Secondary Plan notes that for lands designated Mixed Use Medium Density, building height is permitted up to a maximum of 10-storeys provided the structure is progressively stepped back from adjacent low-rise forms of housing to mitigate potential impacts to Low Density Residential 3 properties and to minimize height appearance from the public realm where



necessary. The proposed development is 10-storeys in height and implements appropriate setbacks and stepbacks to ensure adequate transition to the neighbouring ground-related residential land uses to the northeast, and west. A Sun/Shadow Analysis was also conducted to evaluate potential impacts on the abutting properties and it was found that 5-hours of continuous sun was maintained for all abutting properties and public spaces with the exception of three properties to the east zoned as Mixed Use Medium Density (C5). Accordingly, the proposed Minor Variance implements a built form which is compatible with the surrounding neighbourhood and in keeping with the intended character of the area. As the proposed maximum building height is already supported for the subject lands in the Official Plan and appropriate transition is considered through the implementation of setbacks and step backs, it is concluded the Minor Variance requested is in keeping with the general purpose and intent of the Official Plan.

## **2. Is the proposed minor variance in keeping with the general purpose and intent of the Zoning By-law?**

The subject property is located in the Mixed Use Medium Density (C5, 293) Zone in the City of Hamilton Zoning By-law No. 05-200.

The variance requested is to increase the maximum permitted height for the subject lands to align with the permitted height noted in the applicable Strathcona Secondary Plan. The intent of the zoning provision is to maintain a built form and massing to ensure compatibility with current and future surrounding neighbourhoods. The property adjacent to the subject lands at 415 Main Street West obtained approval for variances respecting height and other provisions to facilitate a 7-storey mixed use building at the March 18, 2021 Committee of Adjustment meeting (HM/A-20:242). The recent approval of the 415 Main Street West Variance application and corresponding Site Plan application demonstrates that buildings exceeding the prescribed maximum in the By-law are still considered to be compatible with the character of the Main Street West arterial corridor. Additionally, the intent of the regulation on height is to mitigate shadow and privacy impacts for abutting low-rise properties. The requested variance is in keeping with the maximum permitted height for the property as prescribed by the Official Plan and has implemented appropriate setbacks and step backs to mitigate concerns of overlook and shadowing impacts. As demonstrated in the enclosed Sun/Shadow Analysis, the proposed massing does not present adverse shadow impacts to any of the abutting properties.

As outlined in the City-Wide Corridor Planning Principles and Design Guidelines, 45-degree angular planes are to be applied to the public right-of-way and adjacent low density residential uses to ensure buildings are progressively stepped back and appropriate transition is established. The proposed structure is compliant with the 45-degree plane along the westerly New Street interface and the northerly interface. Further, the 45-degree angular plane is generally followed with minor encroachments on the southerly Main Street West interface. The westerly side yard proposes only minor encroachments to a modified angular plane which was utilized to recognize the commercial zoning of the abutting parcel and the 7.5 metre setback provided. The angular planes discussed above are illustrated in Figures 4 & 5 below. Moreover, to ensure matters of overlook concern are addressed, the Site Plan review process will evaluate and control building step backs, balcony locations and building materiality as necessary mitigation measures to be implemented.



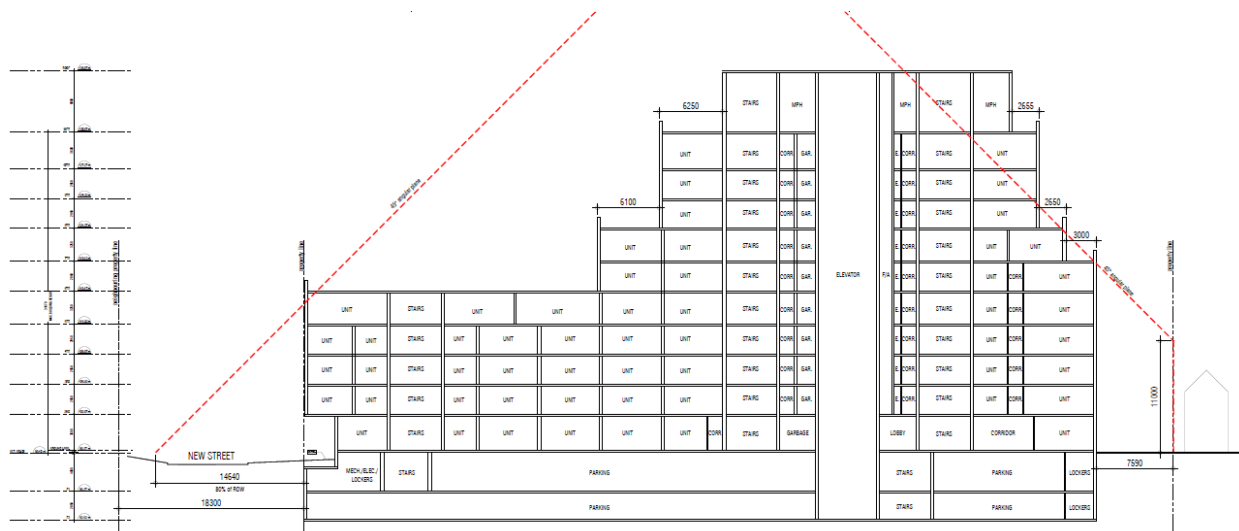


Figure 4: Angular Plane Diagram showing East and West interface

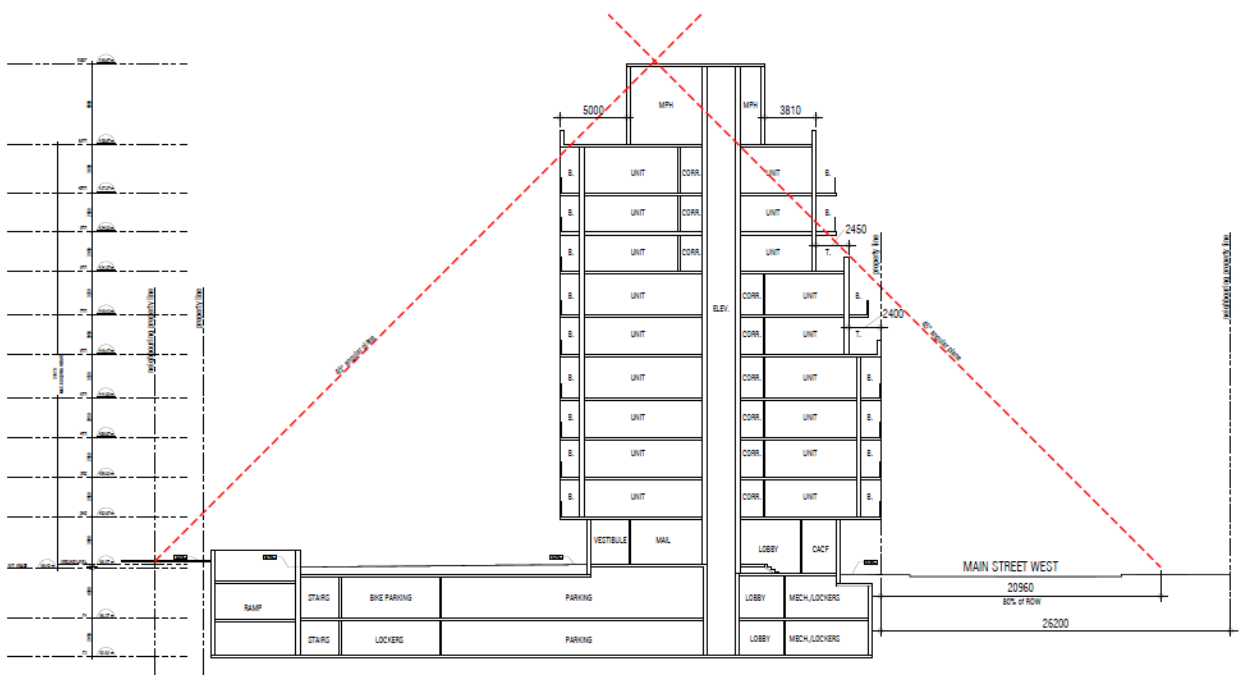


Figure 5: Angular Plane Diagram showing North and South interface

The proposal is anticipated to conform to all other zoning provisions and therefore the overall intent of the Zoning By-law is maintained.



### **3. Is the proposed minor variance minor in nature?**

The requested variance proposes to increase the maximum building height to 32.0 metres whereas the permitted maximum building height is 22.0 metres. This 10.0 metre difference essentially equates to three additional storeys of height allowance from 7-storeys to 10-storeys. As the Downtown Hamilton Tall Building Guidelines define mid-rise buildings as ranging between 7- and 12-storeys, the proposed increase in height does not permit a built form which is outside of the defined massing prescribed for the area by both the Official Plan and Zoning By-law. Further, as previously mentioned in this cover letter, the Mixed Use Medium Density designation of the Strathcona Secondary Plan for which the subject lands reside permit a maximum height of 10-storeys as-of-right so long as there are no adverse impacts to abutting low-rise residential uses.

Comparable development can also be found directly across the street from the subject site. Approval of a Minor Variance application and Site Plan Control application was granted by the City of Hamilton in 2021 for a mixed-use building which exceeds the permitted height cap on 415 Main Street West. Despite the adjacent property exceeding the height regulation, City staff found the building achieved appropriate transition in scale and minimized privacy and overlook concerns for adjacent residential uses. The proposed development is similar in nature in that while it asks for relief from the Zoning By-law height restriction on site, the massing has been designed to achieve appropriate transition and mitigate associated impacts through considerate design which is informed by angular planes and the minimization of shadow impacts.

The requested height relief establishes a built form which is mid-rise, comparable in massing to adjacent properties, permitted in the Official Plan and deploys adequate transition to abutting residential uses. Accordingly, the proposed variance can be concluded to be compatible with the arterial corridor of Main Street West and minor in nature.

### **4. Is the proposed minor variance desirable for the appropriate development or use of the land, building or structure?**

Section 6.6.3.(c) of the Strathcona Secondary Plan states that residential intensification along major and minor arterials throughout the neighbourhood is to be promoted. Further, for lands identified Specific Policy Area B in the Strathcona Secondary Plan, multiple dwellings are listed as a permitted use. Additionally, lands located along Primary Corridors are prescribed to be the location for a range of high density land uses supported by higher order transit as per Section E.2.4.3 of the UHOP. Sections E.2.4.10 and E.2.4.11 of the UHOP state that Primary Corridors shall generally consist of low to mid rise dwelling forms and shall be the focus of intensification through the neighbourhoods they traverse.

The above noted policies provide some insight into the City of Hamilton's sense of what is considered to be desirable and appropriate development for the subject property. The proposed development directs appropriate intensification to the Main Street West Primary Corridor through the implementation of a mid-rise multiple dwelling. As discussed, a multiple dwelling is a permitted use for the subject lands and the proposed mid-rise scale of the development is in keeping with the scale of built form characterized



for Primary Corridors in the UHOP. The development proposal implements the objectives of the Official Plan and is similar in nature to the mid-rise development approved across the street at 415 Main Street West. Similarly, the requested increase in permitted building height is appropriately addressed through mitigation measures such as step backs and setbacks to ensure the existing properties abutting the site are not subject to adverse shadowing, privacy or compatibility impacts. Therefore, it can be concluded that the development is desirable and an appropriate use of the land.

### Conclusion

Through consideration of the above, it is determined that the proposed variances satisfy the four tests outlined in Section 45(1) of the *Planning Act* as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

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

- One (1) copy of the Architectural Package inclusive of Sun/Shadow Analysis prepared by Graziani + Corazza Architects;
- One (1) copy of the completed Minor Variance application form; and,
- One (1) cheque in the amount of **\$3,465.00** made out to the City of Hamilton.

We trust this is satisfactory and look forward to the review of the proposed variances. If you need additional information or clarification regarding the above, please do not hesitate to contact undersigned.

Regards,  
**UrbanSolutions**

  
Matt Johnston, MCIP, RPP  
Principal

  
Scott Beedie, MCIP, RPP  
Planner

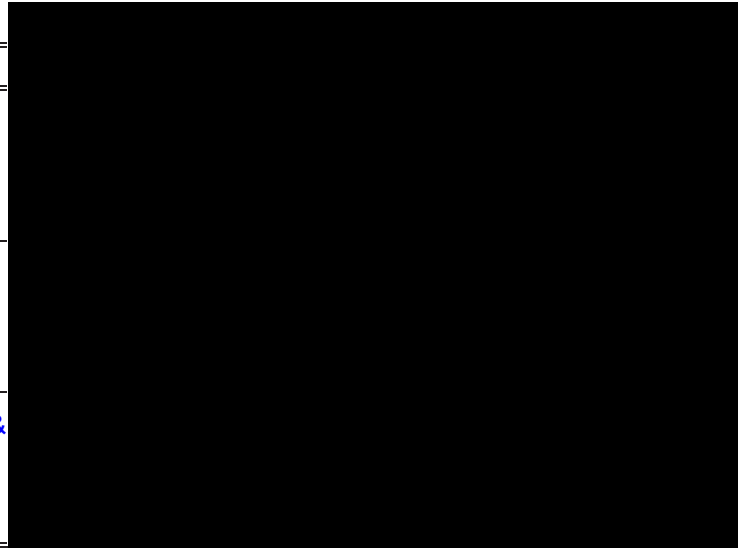
cc: Councillor Maureen Wilson, Ward 1, City of Hamilton  
428 Main Street West Joint Venture



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

**1. APPLICANT INFORMATION**

	NAME
<b>Registered Owners(s)</b>	428 Main Street West Joint Venture
<b>Applicant(s)</b>	Same as above
<b>Agent or Solicitor</b>	UrbanSolutions Planning & Land Development Consultants Inc.



- 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 [mjohnston@urbansolutions.info](mailto: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:



Municipal Address	428 Main Street West, Hamilton		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number	389	398	Lot(s) Part of Lot 28, All of Lot 27 All of Lots 1 to 9
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:

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### 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:

[Please refer to enclosed cover letter](#)

☐ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

[Please refer to enclosed cover letter](#)

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
+/- 26.21 m (New Street)	Varies	+/- 3,183 sq.m.	+/- 18.30 m (New Street)
+/- 86.20 m (Main Street W)			+/- 20.10 m (Main Street W)



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: [Please refer to enclosed Topographic Survey Plan](#)

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

Proposed: [Please refer to enclosed Architectural Plan and Minor Variance Sketch](#)

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

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

Existing: [Please refer to enclosed Topographic Survey Plan](#)

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

Proposed: [Please refer to enclosed Architectural Plan and Minor Variance Sketch](#)

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

- 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.):  
10-storey multiple dwelling

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

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:  
Unknown

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

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

7.4 Length of time the existing uses of the subject property have continued:  
Approximately 4 years

~~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) Neighbourhoods

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

Please refer to enclosed cover letter

7.6 What is the existing zoning of the subject land? Mixed Use - Medium Density (C5, 590) Zone  
in City of Hamilton Zoning By-law No. 05-200

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:



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7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

☐ Yes ☐ No

If yes, please provide the file number:

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7.10 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

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: N/A

8.2 Number of Dwelling Units Proposed: 186

8.3 Additional Information (please include separate sheet if needed):