

**NOTICE OF PUBLIC HEARING**  
**Minor Variance**

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**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
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<b>APPLICATION NO.:</b>	<b>HM/A-23:19</b>	<b>SUBJECT PROPERTY:</b>	163 JACKSON STREET W, HAMILTON
<b>ZONE:</b>	"D3" (Downtown Mixed-Use, Modified)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended OLT Decision PL180255

**APPLICANTS:** Owner: TELEVISION CITY HAMILTON INC. C/O BRAD LAMB  
Agent: BOUSFIELDS INC. C/O DAVID FALLETTA

The following variances are requested:

1. A westerly side yard setback of 10.0m shall be provided to the proposed addition instead of the minimum required westerly side yard setback of 15.7m.
2. An open stairway shall be a minimum 8.8m from the westerly side yard instead of the minimum required westerly side yard setback of 15.7m.

**PURPOSE & EFFECT:** So as to permit the construction of a new two-storey addition to the rear of the existing heritage building in accordance with DA-20-075.

**Notes:**

- i. The required 15.7m westerly side yard setback regulations, among other provisions are pursuant to previous Ontario Land Tribunal decision PL180255.
- ii. The proposed addition to the existing heritage building is known as Phase 2 of Site Plan Control Application DA-20-075.
- iii. The applicant shall be advised that a maximum building height of 9.0m is permitted for the proposed 2-storey addition pursuant to Ontario Land Tribunal Decision No. PL180255. Insufficient information has been provided respecting the proposed height in order to determine zoning compliance. Further variances may be required if compliance with this regulation cannot be achieved.

**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, March 9, 2023</b>
<b>TIME:</b>	<b>1:25 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 details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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-23:19, 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: February 21, 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.

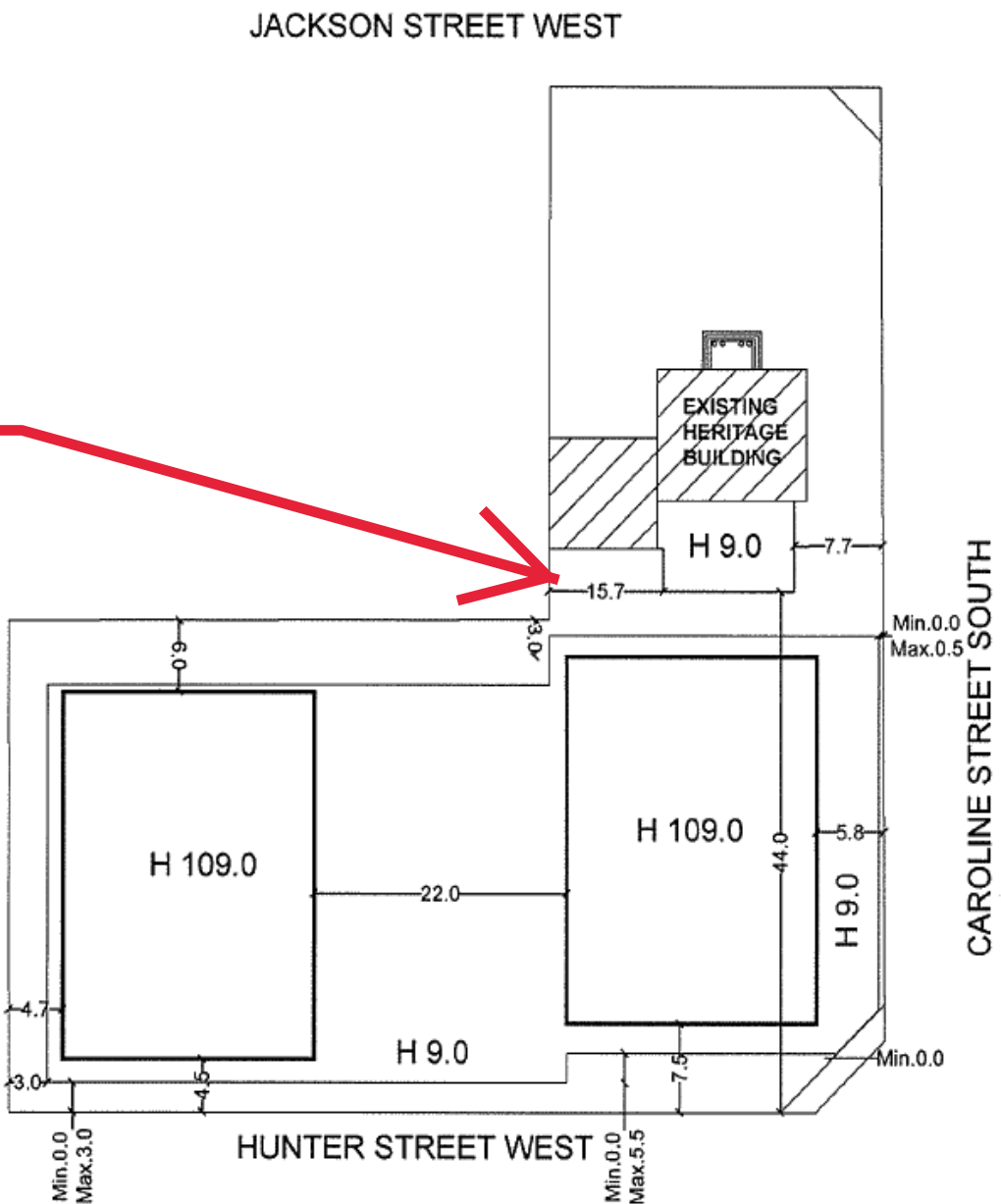
#### 2. In person Oral Submissions

**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.

Setback to existing heritage house incorrectly referenced on Zoning By-law Schedule (Schedule says 15.7 m)



SITE PLAN DIAGRAM

UNDERTAKING

RE: 163 Jackson Street West, Hamilton File No. DA-20-075

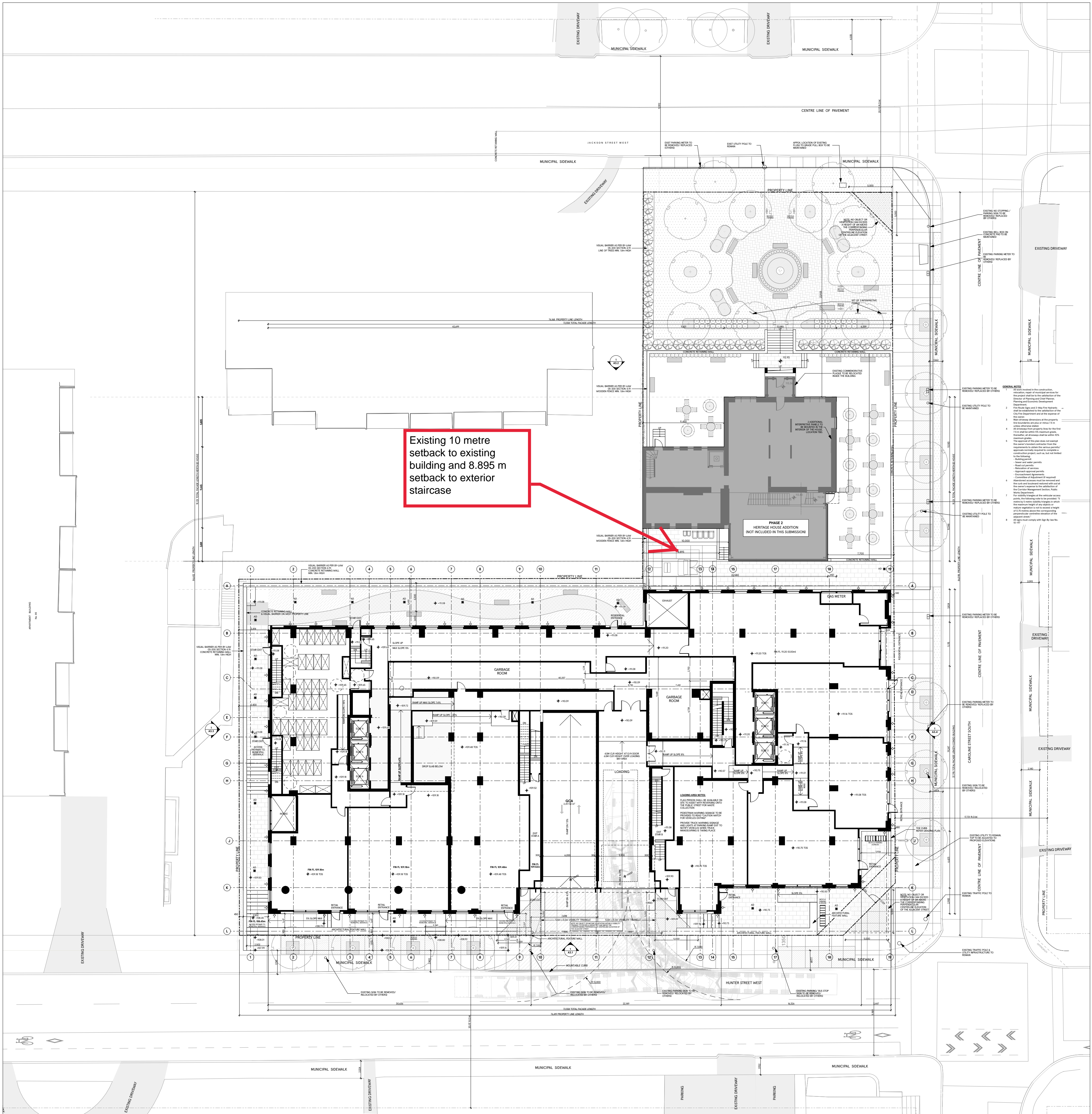
- I, (We) \_\_\_\_\_, the owner(s) of the land, hereby undertake and agree without reservation,
- (a) To comply with all the content of this plan and drawing and not to vary therefrom.
- (b) To perform the facilities, works or matters mentioned in Section 41(7)(a) of the Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated \_\_\_\_\_.
- (c) To maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways.
- (d) In the event that the Owner does not comply with the plan dated \_\_\_\_\_, the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.
- Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.
- (e) That the Owner agrees to co-ordinate addresses for each main level commercial unit with staff from the Growth Planning Section.
- (f) That the Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
- (g) That the Owner agrees that should any conflict arise with existing Bell Canada facilities or easements within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.
- (h) The Owner shall complete to the satisfaction of the Director of Engineering of the City of Hamilton and Canada Post:
- a) include on all offers of purchase and sale, a statement that advises the prospective purchaser
- i) that the homebusiness mail delivery will be from a designated Centralized Mail Box
- ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) the owner further agrees to:
- i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
- iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
- iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of centralized mail facilities on appropriate maps, information boards and plans.
- v) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
- (i) The Owner is responsible for all waste removal up until the time that an 'Agreement for On-site Collection of Solid Waste is finalized, and municipal collection services are initiated.
- (j) Prior to Issuance of a Building Permit (superstructure), The applicant shall retain the services of a Professional Engineer licensed in the Province of Ontario, with experience in environmental acoustics, for each plan submitted for a building permit application certifying that the submission complies with the approved noise study prepared Gradient Wind Engineers and Scientists dated August 2, 2017 with addendums dated November 1, 2017, July 12, 2022 and November 7, 2022. The Professional Engineer shall either seal and sign all building plans or provide a separate letter for each permit application including his or her seal and signature on company letterhead certifying they reviewed the building permit plans for the property at 163 Jackson Street West in the municipality of Hamilton associated with Site Plan control DA-20-075.
- (k) Prior to issuance of occupancy permit(s), the proposed commercial/residential building shall be certified by a Professional Engineer qualified to provide acoustical engineering services in the Province of Ontario as being in compliance with the recommendations of the studies titled Noise and Vibration Assessment Report dated August 2, 2017 and Addendum Letters dated November 1, 2017, July 12, 2022 and November 7, 2022.
- (l) That the Owner include the following warning clauses on title and in all offers and agreements of purchase and sale or lease of all residential units:
- a) This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment.
- b) That the Owner agrees to include the following noise mitigation measures for the proposed development:
- i) Bedroom windows facing east on the podium and east tower will require a minimum STC of 30
- ii) Bedroom windows facing south on the podium and east tower will require a minimum STC of 32
- iii) Living room and retail windows facing east on the podium and east tower will require a minimum STC of 27
- iv) Living room and retail windows facing south on the podium and east tower will require a minimum STC of 25
- v) Exterior wall components on the east facade of the podium and east tower, as well as the south facade, other podium, east and west tower will require a minimum STC of 45
- (m) Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the ralling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the abutted right-of-way and/or yard.
- (n) Metrolinx and its assigns and successors in interest operate commuter transit service within 300 meters from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Witness (signature) \_\_\_\_\_ Owner(s) (signature) \_\_\_\_\_

Witness (print) \_\_\_\_\_ Owner(s) (print) \_\_\_\_\_

Address of Witness \_\_\_\_\_



1. Copyright of this drawing is reserved by the Architect. The drawing and all associated documents are an instrument of service by the Architect. The drawing and the information contained therein may not be reproduced in whole or in part without prior written permission of the Architect.
2. These Contract Documents are the property of the Architect. The Architect bears no responsibility for the interpretation of these documents by the Contractor. Upon written application, the Architect will provide written/ graphic clarification or supplementary information regarding the intent of the Contract Documents. The Architect will review Shop Drawings submitted by the Contractor for design conformance only.
3. Drawings are not to be scaled for construction. The Contractor is to verify all existing conditions and dimensions required to perform the work and report any discrepancies with the Contract Documents to the Architect before commencing any work.
4. Positions of exposed finished mechanical or electrical devices, fittings, and fixtures are indicated on architectural drawings. The locations shown on the architectural drawings govern over the Mechanical and Electrical Drawings. Those items not clearly located will be located as directed by the Architect.
5. These drawings are not to be used for construction unless noted below as "Issuance: For Construction"
6. All work is to be carried out in conformance with the Code and Bylaws of the authorities having jurisdiction.
7. The Architect of these plans and specifications gives no warranty or representation to any party about the constructability of the building(s) represented by them. All contractors or subcontractors must satisfy themselves when bidding and at all times ensure that they can properly construct the work represented by these plans.
8. Geodetic Elevations provided in these drawings are measured in accordance with the Canadian Geodetic Vertical Datum (CGVD2013).
- © 2022 architects—Alliance

No	Issued For	Date
01	REZONING APPLICATION	03 Aug 2017
02	ISSUED FOR LPAT	02 Apr 2019
03	ISSUED FOR SITE PLAN	29 Jun 2020
04	REISSUED FOR SITE PLAN	23 Feb 2021
05	REISSUED FOR SITE PLAN	20 Aug 2021
06	REISSUED FOR SITE PLAN	23 Sep 2022
07	REISSUED FOR SITE PLAN	08 Dec 2022

**a—A** architects—Alliance  
317 Adelaide Street West, 2nd Flr  
Toronto ON, M5V 1P9, Canada  
www.architectsalliance.com  
+1. 416. 593. 6500



**TELEVISION CITY**  
Television City Hamilton Inc.

163 JACKSON ST. W.  
HAMILTON, ON

SITE PLAN

Scale: 1:250

Project No: 21702

30 January 2023

**A1.1**



January 19, 2023

Committee of Adjustment  
City of Hamilton  
71 Main Street West, 2<sup>nd</sup> Floor  
Hamilton, Ontario, L8P 4Y5

Dear Chair and Members,

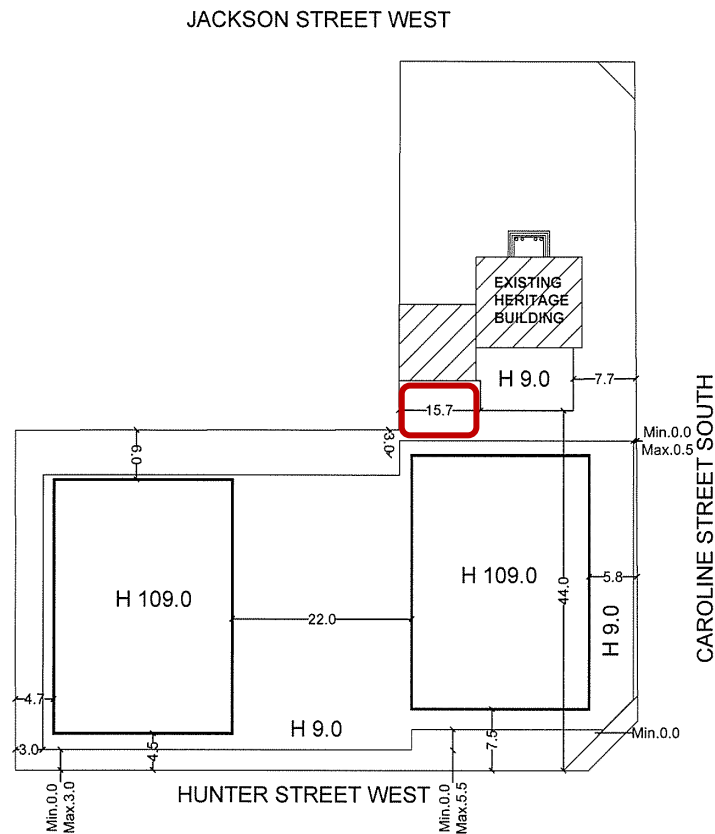
**Re:    *Minor Variance Application – By-law 05-200***  
***Television City – 163 Jackson Street, Hamilton***

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As you are aware, we are the planning consultants for Television City Hamilton Inc. (the “**Owners**”) with regards to their proposed mixed-use development at 163 Jackson Street in the City of Hamilton (the “**Subject Site**” or “**Site**”). This letter is provided in support of a minor variance application to reduce the minimum side yard setback for a proposed building addition to the existing heritage building. The following will provide a background of the subject site and its recent approvals, outline the proposed minor variance application, and provide our planning analysis of the proposal.

## **Background**

An application was initially filed in August 2017 for the redevelopment of the 0.45-hectare site to permit a multi-use residential and retail development in the form of high-rise buildings, while maintaining the existing heritage building on the property with a rear addition. On February 15, 2019, the Local Planning Appeal Tribunal (“**LPAT**”) issued its decision to approve the requested official plan amendment and rezoning applications to permit the development. As part of the approval, the LPAT approved the zoning by-law which included the following as Schedule B (see **Figure 1**) and illustrates the minimum setbacks:



**Figure 1 – Schedule B of the Zoning By-law Amendment approved by the LPAT.**

As is illustrated in Figure 1, the existing heritage building is illustrated with a cross-hatching in the north-east corner of the site at Caroline Street North and Jackson Street West. Schedule B illustrates a minimum building setback for the proposed rear addition to the existing heritage building of 15.7 metres. The LPAT decision and approved Zoning By-law Amendment are provided in **Attachment 1**.

Since the official plan and zoning by-law amendments were approved by the LPAT, the Owners and their consultant team have filed a site plan control application, have received conditional approval, and have cleared various conditions to allow for the first phase of development to occur. The first phase includes the development of the two 32-storey towers south of the existing heritage building. It is anticipated that building permits will be issued for the first phase of development within the next few weeks and construction will begin shortly thereafter.

## Proposal

Based on our review of the plans and the background on the site, it is our opinion that the minimum setback of 15.7 metres is a clerical issue that occurred as part of the LPAT appeal. Based on our review of the plans that were presented to the LPAT and discussion with the consultant team, the westerly side yard for the proposed building addition was always proposed at 10 metres to the building and 8.8 m to the exterior staircase but not dimensioned and the Schedule B of the LPAT approved Zoning By-law Amendment was labelled incorrectly as 15.7 metres.

In addition, the Owners received approval of Heritage Permit Application HP2022-026 to allow the proposed development, including the proposed building addition.

The proposal is for the building addition to the existing heritage building is have a side yard setback of 8.8 metres instead of the minimum setback of 15.7 metres. In this regard our proposed minor variance is to read as follows:

***A rear building addition to the existing Pinehurst heritage building at 163 Jackson Street West shall have a minimum interior side yard setback of 8.8 metres instead of the minimum 15.7 metres.***

existing

## Analysis

In our opinion, the requested variance would satisfy the four tests set out in Section 45(1) of the *Planning Act*, namely (1) maintains the general intent and purpose of the Official Plan; (2) maintains the general intent and purpose of the Zoning By-law; (3) is desirable for the appropriate development and use of the lands; and (4) is minor in nature.

### ***1) Maintains the intent and purpose of the Official Plan***

The Subject Site will be developed in a manner that conforms to the UHOP's vision for the Downtown. The Subject Site is designated *Downtown Mixed Use Area* in the Urban Hamilton Official Plan (the "UHOP") and is located within the Downtown Hamilton Secondary Plan Area, and the Durand Neighbourhood Plan Area. The policies for these areas share the intent of fostering a diverse range of uses, including urban residential, commercial, and institutional uses across the Downtown, while establishing appropriate development standards regarding urban design and heritage, among other considerations. In our opinion, the proposed variance regarding the reduced sideyard setback for the heritage building addition maintains the general intent and purpose of the UHOP, since it implements the original intent of the original

development applications and official plan amendment, which was approved by the LPAT.

***2) Maintains the intent and purpose of the Zoning By-law***

The general intent and purpose of the Zoning By-law is to establish minimum interior side yard setbacks in order to maintain adequate space for maintenance, drainage and to maintain streetscape character. In this regard, the proposed minimum interior side yard setback to the rear of the existing heritage building is 8.8 metres, which is significantly less than the existing heritage building has an existing side yard setback of 0 metres.

Furthermore, the parent D3 Zone regulations do not include a minimum interior side yard setback and would allow 22-metre-tall building to be located at a 0 metre setback.

Based on the foregoing, it is our opinion that the proposed interior side yard setback reduction from 15.7 to 8.8 metres maintains the general intent and purpose of the zoning bylaw.

***3) Desirable for the appropriate development and use of the lands***

In our opinion, the proposed development and the requested setback reduction is appropriate and desirable for the use of the lands and would facilitate an addition to the existing heritage building to ensure its proposed commercial use can be facilitated. In this regard, the proposed variance would implement the original development application vision, which was approved by the LPAT, and aligns with the approved heritage permit for the subject site. In our opinion, the proposed minor variance would facilitate a new tenant for the existing heritage building and provide additional space, all of which is desirable for the appropriate development and use of the lands.

***4) Is Minor in Nature***

An assessment of the requested variance against the test of “minor” is not solely a numerical assessment, but also an assessment of impact. The requested setback represents a reduction of only 6.9 metres from the LPAT approved sideyard, which in our opinion, is minor and will not result in adverse effects on the adjacent properties. As well, the existing building onto which the addition is proposed already sits on the westerly property line with no sideyard setback and no adverse impacts to the adjacent property. As such, it is our opinion that the proposed minor variance, which will facilitate the proposed building addition to the existing heritage building, is minor from a numerical perspective as well as an impact assessment, as it will not create any unacceptable impacts.

The proposed variance would not affect built form or massing and would have no adverse impacts on the public realm, shadowing, or heritage features. Given the Downtown context, a side yard separation of 8.8 metres is generous and maintains a sufficient amount of space between the adjacent property.

### **Conclusion**

It is our opinion that the requested variance will facilitate an appropriate building addition to the existing Pinehurst Heritage building and would not create any unacceptable built form, aesthetic, maintenance or drainage issues. Furthermore, the proposed minor variance application is desirable as it would facilitate the reuse of the existing heritage building with additional space to accommodate a variety of commercial uses.

In support of our application, please find attached the following information:

- A completed and signed Minor Variance Application Form, dated January 23, 2023;
- Site Plan prepared by Architects Alliance, dated December 8, 2022.

We trust that the foregoing is satisfactory for your purposes. Should you have any questions or clarification, please do not hesitate to contact the undersigned.

Yours truly,

**Bousfields Inc.**



David Falletta, MCIP, RPP



Ashley Paton, MCIP, RPP

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

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS
<b>Registered Owners(s)</b>		
<b>Applicant(s)</b>		
<b>Agent or Solicitor</b>		

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

1.3 Sign should be sent to ☐ Purchaser ☐ Owner  
☐ Applicant ☒ AgentSolicitor

1.4 Request for digital copy of sign ☒ Yes\* ☐ No

If YES, provide email address where sign is to be sent [REDACTED]

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	163 Jackson Street West		
Assessment Roll Number			
Former Municipality	City of Hamilton		
Lot		Concession	
Registered Plan Number	Registrar's Compiled Plan 1477	Lot(s)	Part of Lots 12 & 14 and all of 13 G.S. Tiffany Survey (Unregistered)
Reference Plan Number (s)		Part(s)	South side of Jackson St. and all of Lot 13 and Part of Lot 9, 10, 11, 12 & 14 G.S. Tiffany Survey (Unregistered) north side of Hunter 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. 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:

There is an administrative error on the schedule of the Zoning By-law Amendment. The Zoning By-law references an existing setback of 163 Jackson Street West of 15.7 m whereas the existing setback is 8.8 m (to staircase) and 10.0 m to the building.

☐ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

Clerical issue that occurred as part of the LPAT appeal.

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
70.378 m (Hunter) 80.470 m (Caroline) 28.968 m (Jackson)	approximately 80 metres	4,468 sq. m (1.1 acres)	

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
2.5 storey heritage building	21.477 metres	N/A	East: 9.62 metres West: 0 metres	1850
3 storey news offices and production studio	N/A		East: 0.884 metres West: 32.107 metres	N/A

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
*See enclosed site plan*				

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

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
2.5 storey heritage building		combined	2.5	
3 storey news offices and production studio		3,387.76 sq m	3	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
*See enclosed site plan*				

- 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

☐ right of way

☐ municipal road, seasonally maintained

☐ other public road

☒ municipal road, maintained all year \_\_\_\_\_

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

Mixed-use development containing residential and retail uses (Site Plan Approval Application conditionally Approved)

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

North: 3-storey office building and high-rise residential apartment; East: single detached dwellings;

South: 1-storey commercial and high-rise residential apartments; West: high-rise residential apartments.

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

October 7, 2016

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

CHCH News offices and production studio.

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:

Since owner's purchase - October 7, 2016

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

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

Rural Settlement Area: \_\_\_\_\_

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

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

The proposed uses are consistent with the land use policies of the Mixed Use Area designation in the Official Plan.

7.6 What is the existing zoning of the subject land? \*See LPAT decision PL180255\*

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: ZAC-17-063

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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: \_\_\_\_\_

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: 0

8.2 Number of Dwelling Units Proposed: \*See enclosed site plan\*

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

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- ☒ Application Fee
- ☒ Site Sketch
- ☒ Complete Application form
- ☒ Signatures Sheet

### 11.4 Other Information Deemed Necessary

- ☒ Cover Letter/Planning Justification Report
  - ☐ Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
  - ☐ Minimum Distance Separation Formulae (data sheet available upon request)
  - ☐ Hydrogeological Assessment
  - ☐ Septic Assessment
  - ☐ Archeological Assessment
  - ☐ Noise Study
  - ☐ Parking Study
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