

**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-23:247</b>	<b>SUBJECT PROPERTY:</b>	160 KING STREET E, HAMILTON
<b>ZONE:</b>	"D2" (Downtown Mixed-Use Pedestrian Focus)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** PHILPOTT MEMORIAL CHURCH  
                              **Agent:** ARCADIS INC. C/O RITEE HAIDER

The following variances are requested:

1. A minimum of 56% of the area of the ground floor façade shall be comprised of clear glazed windows and doors shall be permitted instead of the requirement that 60% of the area of the ground floor façade shall be comprised of clear glazed windows and doors.
2. The ground floor storey shall be permitted to be 3 metres in height instead of a required minimum of 3.6 metres.
3. Exterior building cladding for the first three storeys, except decorative architectural features shall be permitted to be a combination of brick, stone and stucco instead of the requirement that the exterior building cladding shall be either one or a combination of no more than two claddings.
4. A minimum of 0.27 metre setback shall be permitted from the building base façade instead of the required minimum 3.0 metre setback from the building base façade height shown in Schedule "F" Special Figure 15.

**PURPOSE & EFFECT:**      To permit the construction of a four-storey addition to an existing Place of Assembly.

**Notes:**

1. Insufficient information was provided for mechanical and unitary equipment (rear yard transformer). Additional variances may be required if compliance with Section 4.9 b) cannot be achieved.
2. Insufficient information was provided to determine the façade height and glazing for the second

and third storey. Additional information may be required if compliance with Section 6 ii) and iii) cannot be achieved.

3. Be advised the subject lands are a register (non-designated) heritage property.

**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, October 19, 2023</b>
<b>TIME:</b>	<b>9:20 a.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-23:247, 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: October 3, 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.





REVISIONS		
1	ISSUED FOR SFA	FEB 17/23
2	ISSUED FOR SFA COMMENTS	AUG 29/23

PHILPOTT MEMORIAL CHURCH  
160 KING STREET EAST  
HAMILTON, ONTARIO

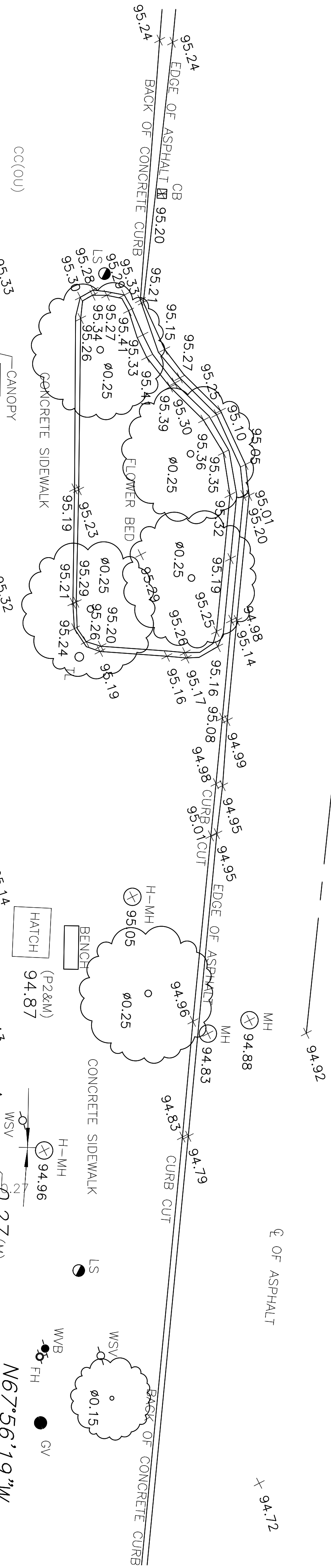
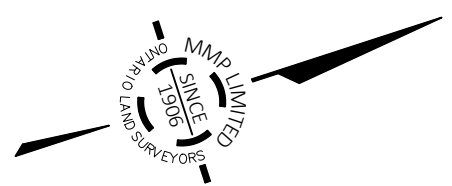
**Parker Architects Inc.**  
156 St. Paul Street  
St. Catharines, ON, L2R 3M2  
tel: 905-687-6681  
email: info@parkerarchitects.ca

A.1.1	
drawing	SITE PLAN
drawn	C.O.A.
checked	D.T.P.
scale	1:100
NL21-105	date FEB 17/23

KING STREET EAST  
(STREET LIMIT CONFIRMED BY BA-784)  
PIN 171168-0201

95.32  
95.23

PIN 171168-0201

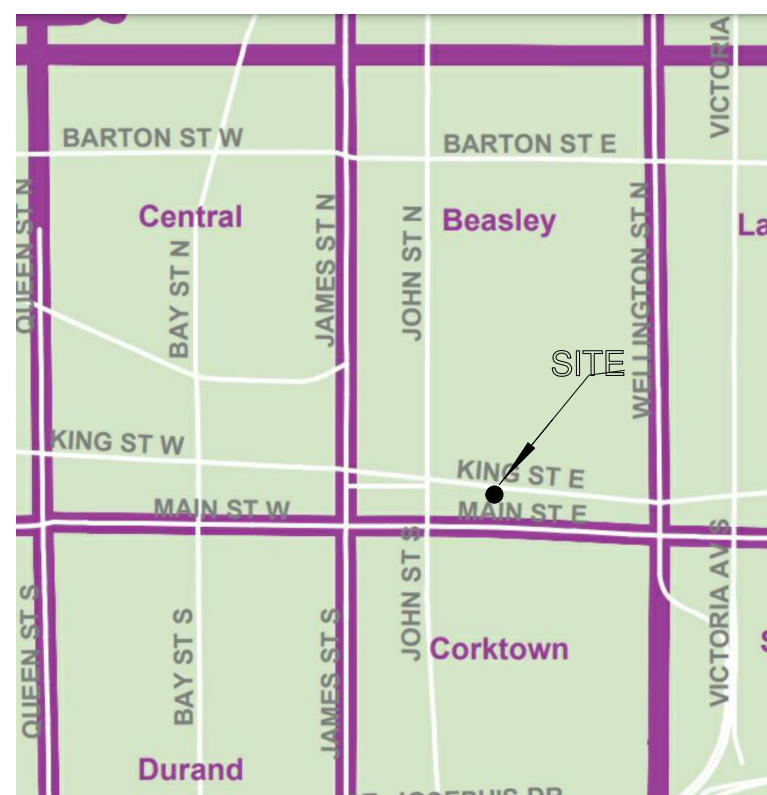


PROPOSED  
ADDITION  
164 KING ST. E.  
168 KING ST. E.

4th FLOOR ADMINISTRATION LEVEL  
3rd FLOOR THEATRE & GYM LEVEL  
2nd FLOOR NURSERY & CE LEVEL  
Grd FLOOR CAFE & LOBBY  
BASEMENT PLACE OF WORSHIP



LOCATION MAP



NEIGHBOURHOOD MAP

LANE

- LANDSCAPE PLANTINGS
- NEW CONCRETE SIDEWALK
- NEW PAVERS DOUBLE HOLLAND BY UNILOCK (DARK CHARCOAL)

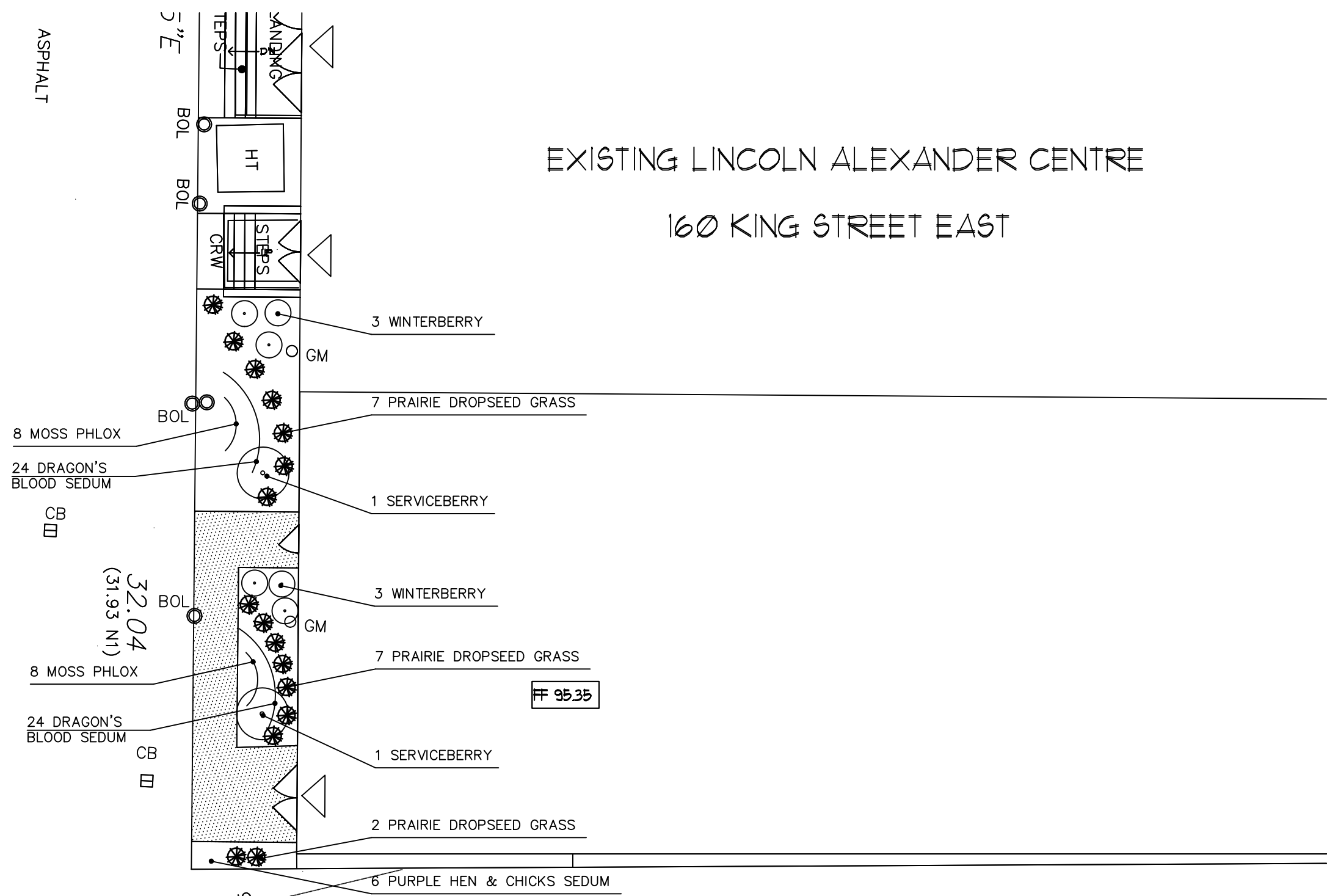
SITE STATISTICS

ZONING CLASSIFICATION = D2  
SITE AREA = 1335.2 M2  
BUILDING AREA = 1190 M2  
SITE COVERAGE = 89.1%  
GROSS BUILDING AREA = 4447.45 M2  
BUILDING HEIGHT PERMITTED = NO LIMIT  
BUILDING HEIGHT = 18.085M  
PARKING REQUIRED = 0  
LANDSCAPE AREA REQUIRED = NONE  
LANDSCAPE AREA PROVIDED = 27.04 M2 (2.0%)





KEY MAP  
N.T.S.



LANDSCAPE PLAN  
SCALE 1:150

PLANT LIST			
QUANTITY	SIZE	BOTANICAL NAME	COMMON NAME
<b>Deciduous Trees</b>			
2 6	150cm 60 cm	Amelanchier canadensis Ilex verticillata 'Red Sprite'	Serviceberry, Clump Form Early Winterberry
<b>Grasses</b>			
16	2 gal.	Sporobolus heterolepsis	Prairie Dropseed
<b>Perennials</b>			
16 48 6	2 gal. Flat or 6" pot 2 gal.	Phlox subulata 'Blue Emerald' & 'Snowflake' 4 each Sedum spurium 'Dragon's Blood' Sempervivum 'Purple Beauty'	Moss Phlox Dragon's Blood Sedum Purple Hen & Chicks Sedum

SHRUB & GROUND COVERS  
PLANTING BEDS AND SOIL MIXTURE  
Shrubs and ground covers, to be contained in a continuous bed. Planting beds to be neatly set out and tool edged to create a smooth line with lawn. Generally, shrubs to be set out for approval prior to planting, and, shrubs set in a line or hedge pattern to be set evenly spaced from edge of planting bed or walkway or curb, minimum 60cm. Soil mixture for planting beds and tree pits to be horticultural quality topsoil free of weeds and grass roots. May be available from stockpile. Topsoil to be blended with aged screened soil amendment such as commercially prepared leaf litter or barnyard manure. 2 parts topsoil and 1 part soil amendment. Prepare planting beds to 45cm depth, crown beds, meet walkway 50mm below finish edge of walk. Remove all containers, plant and create a saucer at the base of each plant to facilitate watering. Water each plant thoroughly prior to placement of mulch. Install approved dark coloured mulch to a depth of 100mm in beds. Provide mulch sample for approval. See mulch note with planting details.

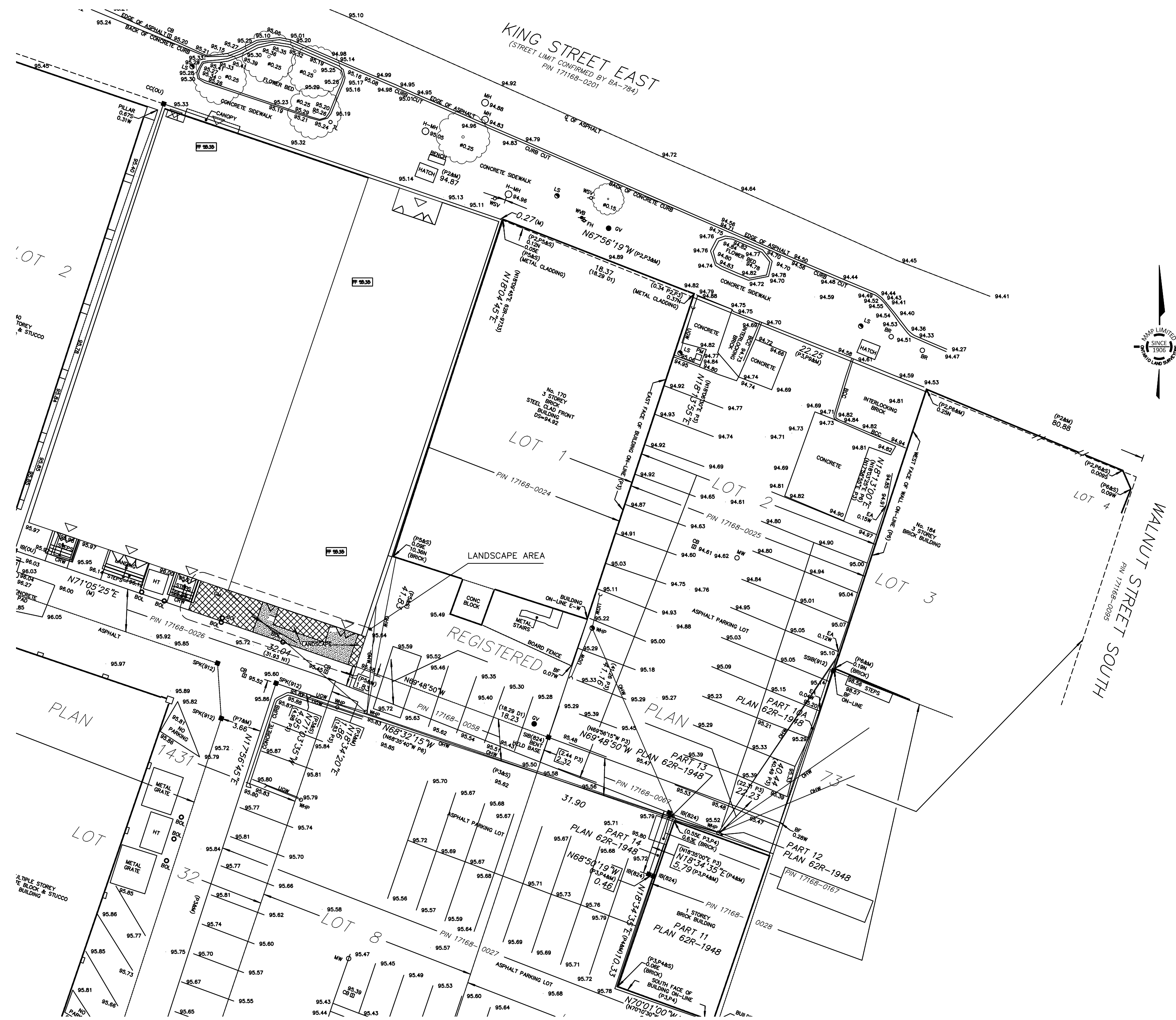
#### GENERAL LANDSCAPING NOTES

Verify servicing and locate utilities prior to excavation. Confirm site readiness and advise landscape architecture consultant of installation schedule. Verify listed quantities with plan. Report discrepancies immediately. Ensure soil mixture including topsoil is suitable for work. Mark out locations of trees for approval prior to planting. Set out shrubs and ground covers for approval prior to planting. All tree saucers, planters and shrub beds to be mulched. Any rejected material shall be replaced immediately. Ensure adequate watering of plantings to first winter dormancy. For trees, contract requires adequate watering for two (2) years after date of planting. Temporary staking to be removed by landscape contractor following acceptance at one year warranty review. Protect existing trees to remain. Where there is a discrepancy between drawing and Municipal specifications, the Municipal specifications shall prevail.

A one year warranty is required on all plantings and workmanship.

#### TREE PLANTING

Locate all utilities prior to commencement of work. Tree pits shall be hand dug where trees are close to utilities. Trees shall be planted after final grading and sod has been laid. Tree planting shall be performed by a qualified tree or landscape service. Select specimen to suit location, setting plant in same level and orientation it grew, ie. north side of trunk facing north. Set nursery grown plants in planting pit and make minor adjustment to place plant for best appearance from main views. Set tree plumb in pit and coordinate installation to remove rope and wire basket as pit is backfilled, clipping the basket away in pieces without disturbing the tree. Remove at least half burlap covering and fold down remaining burlap to bury in pit. Ensure soil of rootball is moistened to keep rootball from breaking apart during planting. Stake tree to hold in place, refer above. Scarify pit bottom and sides. Backfill pit with planting mixture in beds and for individual pits, a mixture of 2 parts soil with 1 part soil specified amendment. Tamp in 150mm layers; water thoroughly to saturate pit and surrounding soil. It is imperative the wire basket be removed and planting technique ensure the establishment of the tree. Stake securely with 2 t-irons set plumb and at equal height. Tie tree to stakes with #9 gauge galvanized wire encased in 2-ply rubber hose encircling tree so that no wire is in direct contact with the tree. Ensure wire is securely attached to stakes and twist wire ends to eliminate exposed cuts. Do not pierce root ball with stakes. For deciduous trees, tie tree about height of first main branch. For coniferous trees, tie tree about half height of tree. Trees planted in exposed locations or on slopes may require three stakes. 100mm layer approved mulch such as shredded leaf litter or screened composted manure or dark coloured shredded wood. Burlap wrapping shall be removed for inspection of trunk, and replaced. Install for length of trunk to first main branch. In addition, for trees not planted in beds, provide an approved plastic mowing guard, such as a 200mm length big 'o' boot. For trees which may be susceptible to rodent damage, an approved plastic guard shall be required instead, refer to plant list. Create saucer at base of tree with moat edge at perimeter of saucer. Neatly tool edge of mulched saucer to create 1m diameter circles at base of tree. Trim only injured plant parts; retaining natural shape. Ensure binding in branches is removed. Damaged or poorly structured plants are unacceptable. Bark damage including loose bark, unhealed wounds and splits in trunk bark is cause for rejection of tree.



SITE PLAN  
SCALE 1:300



#### GENERAL NOTES

Base and site plan information prepared by others.

For site layout dimensions and servicing refer respective drawings prepared by others

PROJECT TITLE
PROPOSED
PHILPOTT MEMORIAL
CHURCH
160 KING STREET EAST
Hamilton, Ontario

CLIENT
PHILPOTT MEMORIAL
CHURCH
160 KING STREET EAST
Hamilton, Ontario

LEGAL DESCRIPTION
PT LOT 1 & 2, PL 1431 GEORGE HAMILTON SURVEY
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON

6		
5		
4		
3	Issue for SPA comments	08.29.23
2	Issue for SPA	12.15.22
1	Issue for SPA	09.21.22
No.	Revisions	Date



All dimensions to be checked and verified on the job. Any discrepancies are to be reported to the Consultant. All drawings remain the property of the Consultant. Only latest approved drawings to be used for construction.

Miriam L.R. Mutton  
OALA CSLA  
Landscape Architect  
Cobourg, Ontario  
(905) 372-1151

Project  
PHILPOTT MEMORIAL CHURCH  
160 KING STREET EAST  
HAMILTON, ONTARIO

Drawing Title  
LANDSCAPE PLAN

Drawn	CO	Project No.
Checked	MM	Drawing No.
Date	Sept. 15, 2022	L1
Scale	1 : 300	



Arcadis Inc.  
360 James Street North – Suite 200  
Hamilton  
Ontario L8L 1H5  
Canada  
Phone: 905-546-1010 ext. 63139  
[www.arcadis.com](http://www.arcadis.com)



Chair and Members of Committee of Adjustment c/o Jamila Sheffield  
Secretary - Treasurer, Committee of Adjustment  
City of Hamilton  
71 Main Street West – 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y

Subject: **PHILPOTT MEMORIAL CHURCH, HAMILTON – MINOR VARIANCE APPLICATION**  
Our Ref: 139470

Dear Ms. Sheffield,

On March 2, 2022, Arcadis Inc. (Arcadis) attended a Formal Consultation meeting with the City of Hamilton to discuss a development proposal at 160, 164 & 168 King Street East (herein referred to as the “site”). The original proposal was to demolish the existing commercial buildings at 164 and 168 King Street East and construct a new four storey addition (450 square metres) to the eastern side of the existing building located at 160 King Street East.

A Place of Assembly is proposed on the ground floor, a Place of Worship is proposed in the basement and accessory uses, including a nursery and educational and recreational uses, are proposed throughout the building. The Formal Consultation document confirmed that applications for a Zoning By-law Amendment (Holding Removal) and Site Plan would be required to facilitate the development.

Subsequent to the issuance of the Formal Consultation document, Staff confirmed that a Zoning Compliance Review condition must be satisfied. Although the expiry date of the Formal Consultation document has passed prior to the satisfaction of the condition, Staff noted that an additional Formal Consultation would not be necessary and issued a Formal Consultation waiver on May 4<sup>th</sup>, 2023 to extend the validity of the previous Formal Consultation document.

On May 9, 2023, a Site Plan application was submitted to construct the proposed development. Arcadis and their Client reviewed the comments provided by Staff and stakeholders on June 2<sup>nd</sup>, 2023 and determined that a Minor Variance application would be required to facilitate the revised site layout, prior to the conditional Site Plan approval.

## **1.0 Site Location and Context**

The site is municipally known as 160, 164 & 168 King Street East and is generally located south of King Street East, between Catharine Street South and Walnut Street South, approximately 60 metres east of Catharine Street South, as illustrated in **Figure 1**. The site is legally described as: PT LT 1 PL 1431 GEORGE HAMILTON SURVEY; PT LT 2 PL 1431 GEORGE HAMILTON SURVEY AS IN VM88551,T/W VM278771; PT LT 1 PL 1431 GEORGE HAMILTON SURVEY AS IN CD223515; PT LT 1 PL 1431 GEORGE HAMILTON SURVEY; PT LT 1 PL 73, PART 1 PLAN 62R9733 CITY OF HAMILTON.

Currently, the site has a total area of 0.13 hectares, an approximate frontage of 32 metres on King Street East, and an approximate lot depth of 41 metres. The site originally consists of three parcels municipally addressed as 160, 164 and 168 King Street East. 160 King Street East is currently occupied by the former Lincoln Alexander Centre.

164 and 168 King Street East are currently vacant as the previous commercial buildings have been demolished, as seen in **Figure 2**. The three parcels have since been merged into one property.



Figure 1: Aerial image of site, retrieved from GeoWarehouse

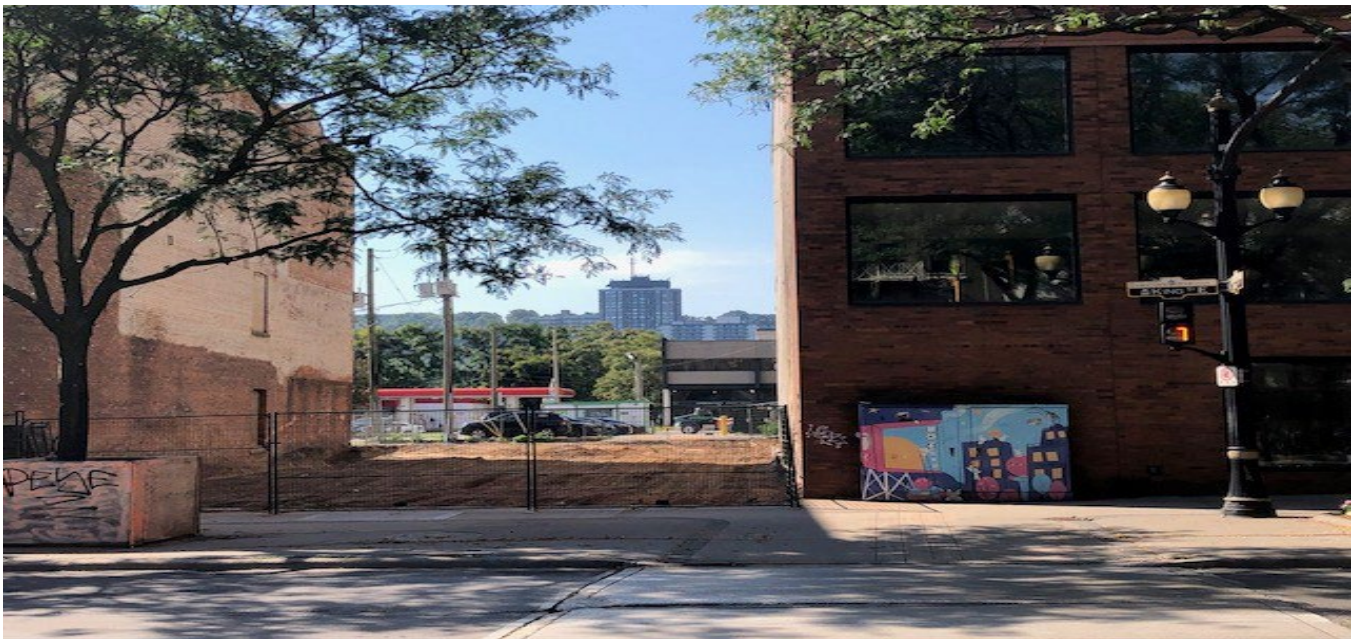


Figure 2: Streetview of Demolished Buildings



## 2.0 Proposed Development

The proposed development is to construct a new four-storey addition of 450 square metres to the easterly side of the existing building located at 160 King Street East. A Place of Assembly is proposed on the ground floor, a Place of Worship is proposed in the basement and accessory uses, including a nursery, educational and recreational uses, are proposed throughout the building.

## 3.0 Proposed Minor Variances

The site is zoned D2 – Downtown Mixed Use – Pedestrian Focus under Zoning By-law 05-200. In the context of establishing the proposed development, the following variances have been identified based on our review and interpretation of the Zoning By-law:

1. 56% of the area of the ground floor façade shall be comprised of clear glazed windows and doors, whereas the Zoning By-law requires a minimum of 60%.
2. The ground floor storey shall be 3 metres in height, whereas the Zoning By-law requires a minimum height of 3.6 metres and a maximum height of 4.5 metres.
3. Exterior building cladding for the first three storeys, except decorative architectural features, shall be of a combination of brick, stone, and stucco, whereas the Zoning By-law requires either one or a combination of no more than two claddings.

### Planning Act Section 45 (1) Compliance

Section 45 (1) of the *Planning Act* permits the Committee of Adjustment to grant Minor Variances from the Zoning By-law provided that they meet what is known as the four (4) tests. The four tests are:

1. Is the variance minor in nature?
2. Is the variance desirable and appropriate?
3. Does the variance maintain the general intent and purpose of the Official Plan? and,
4. Does the variance maintain the general intent and purpose of the Zoning By-law?

The following will provide an analysis of the proposed variances against the four tests.

### 2.1 Variance 1: Ground Floor Façade Glazing

The Zoning By-law requires 60% of the area of the ground floor façade to be comprised of clear glazed windows and doors. The proposed development requires a variance to permit a decreased area of 56%.

#### 1. Is the Variance Minor in Nature?

The determination of minor is not a matter of quantum of the variance, but rather a consideration of the overall impact of the proposed variance. It is our opinion that the requested minor variance is minor in nature, as it does not impact the overall character of the neighbourhood nor cause any adverse impact to the adjacent lands.

#### 2. Is the Variance Desirable and Appropriate?

The requested variance is desirable and appropriate as it will establish compatibility with the surrounding built form and will not have a negative or adverse impact on the adjacent land uses. Specifically, the variance will help establish consistency with the design of the overall development, as it will incorporate the existing façade of 160 King Street East which does not allow the new design to meet the 60% glazing requirement.

#### 3. Does the Variance Maintain the General Intent and Purpose of the Official Plan?

The variance meets the general intent and purpose of the Official Plan. As per the Urban Hamilton Official Plan ("UHOP"), the site is designated 'Downtown Urban Growth Centre' within Schedule E and 'Downtown Mixed Use Area' within Schedule E-1. The variance will permit the institutional use, which is a permitted use that is compatible with the surrounding mixed-use context. The variance also conforms to the built form and urban design policies.

#### **4. Does the Variance Maintain the General Intent and Purpose of the Zoning By-Law?**

The variance meets the general intent and purpose of the Zoning By-law. The purpose of the minimum requirement for clear gazed areas is to ensure that there is adequate natural light for the building, to enhance the design of the building, and contribute to the overall streetscape by establishing an active and visually stimulating environment. The variance allows for adequate light while enhancing the overall streetscape experience.

In addition, as per the Bill 23 changes, Site Plan Control can no longer apply to matters relating to exterior design and appearance, therefore this variance is applied due to a degree of caution.

## **2.2 Variance 2: Ground Floor Storey Height**

The ground floor storey shall be 3 metres in height, whereas the Zoning By-law requires a minimum height of 3.6 metres and a maximum height of 4.5 metres.

### **1. Is the Variance Minor in Nature?**

The determination of minor is not a matter of quantum of the variance, but rather a consideration of the overall impact of the proposed variance. It is our opinion that the requested minor variance is minor in nature, as it does not impact the overall character of the neighbourhood nor cause any adverse impact to the adjacent lands.

The variance recognizes the existing 3 metres height of the ground floor of the existing building at 160 King Street East which cannot be increased. The new building must have the same ground floor height so that the second and subsequent floors of the new building are at the same level as the floors in the existing building for full accessibility. A reduced minimum ground floor storey height will not result in any adverse impacts to the adjacent properties.

### **2. Is the Variance Desirable and Appropriate?**

The requested variance is desirable and appropriate as it will ensure full accessibility. Specifically, matching the ground floor height of the new addition with the existing height of the ground floor of 160 King Street East will ensure the second and subsequent floors are at the same level. The variance will also establish compatibility with the surrounding built form and will not have a negative or adverse impact on the adjacent land uses. Specifically, the variance will help establish consistency with the design of the overall development by matching the ground floor height of the existing building at 160 King Street East. It will also compliment the overall historic context of King Street, as the site and adjacent properties (i.e. 130, 140, 150, and 170 King Street East and the properties on the north side of King Street East) are listed on the Municipal Heritage Register.

### **3. Does the Variance Maintain the General Intent and Purpose of the Official Plan?**

The variance meets the general intent and purpose of the Official Plan. As outlined above, the variance will permit the institutional use, which is a permitted use that is compatible with the surrounding mixed-use context. Furthermore, the variance will help achieve a pedestrian focused street as it contributes to a comfortable, active, and visually stimulating walking environment. Specifically, the variance will establish consistency by matching the height of the existing building at 160 King Street East, thus contributing to a high level of streetscape design.

### **4. Does the Variance Maintain the General Intent and Purpose of the Zoning By-Law?**

The variance meets the general intent and purpose of the Zoning By-law. The purpose of the minimum height requirement for the ground floor is to ensure that there is adequate space to facilitate the uses at grade and to ensure the consistency of floor heights in the area. The variance allows for the proposed Place of Assembly while matching the height of the existing building at 160 King Street East.



## 2.3 Variance 3: Exterior Building Cladding

Exterior building cladding for the first three storeys, except decorative architectural features, shall be of a combination of brick, stone, and stucco, whereas the Zoning By-law requires either one or a combination of no more than two claddings.

### 1. Is the Variance Minor in Nature?

The determination of minor is not a matter of quantum of the variance, but rather a consideration of the overall impact of the proposed variance. It is our opinion that the requested minor variance is minor in nature, as it does not impact the overall character of the neighbourhood nor cause any adverse impact to the adjacent lands.

### 2. Is the Variance Desirable and Appropriate?

The requested variance is desirable and appropriate as it recognizes and respects the design measures of the surrounding heritage buildings. A Cultural Heritage Impact Assessment (CHIA) was prepared by Megan Hobson on July 8, 2022. The CHIA recommends that design measures should be employed in the design of the new building so that the new design and materials reference the now demolished heritage buildings and is complimentary to adjacent heritage buildings and the historic context of King Street East.

164 and 168 King Street East, which have been demolished, included stone lintels. Meanwhile, the masonry of 164 King Street East was parged over with brick and stucco. The proposed addition contemplates the combination of brick, stone, and stucco for the exterior building cladding. Therefore, the variance is desirable and appropriate as it references the demolished heritage buildings and compliments the adjacent heritage buildings.

### 3. Does the Variance Maintain the General Intent and Purpose of the Official Plan?

The variance meets the general intent and purpose of the Official Plan. As outlined above, the variance will permit the institutional use, which is a permitted use that is compatible with the surrounding mixed-use context. The variance seeks to remain compatible with the character and design features of the exterior of the existing buildings, respect the surrounding heritage context, and compliment the streetscape.

### 4. Does the Variance Maintain the General Intent and Purpose of the Zoning By-Law?

The variance meets the general intent and purpose of the Zoning By-law. The purpose of requiring either one or a combination of no more than two claddings is to ensure a consistent and cohesive exterior design. As outlined above, the variance respects the design of the existing buildings and seeks to represent it.

## 4.0 Conclusion and Recommendations

Based on our review of the existing context, the proposed plan, and applicable planning policy and legislation, it is our opinion that the proposed applications should be approved. The proposed development complies with, conforms to and implements the requirement of the *Planning Act*, the UHOP, and the Zoning By-law and each of the variances, individually and collectively, meet the four tests as required under the *Planning Act*.

Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Regards,

Arcadis Inc.



Ritee Haider, MCIP, RPP  
Planner

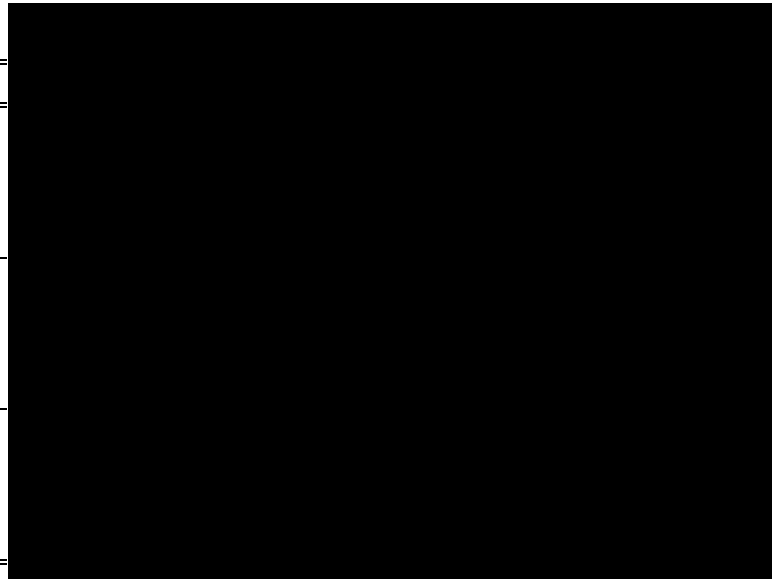


Isabelle Ilagan  
Planner

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

**1. APPLICANT INFORMATION**

	NAME
<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\*

If YES, provide email address where sign is to be se

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	160, 164 & 168 King Street East		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	1431	Lot(s)	PT LT 1 and PT LT 2
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:

Please refer to Survey.

### 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:

1. 56% of the area of the ground floor façade shall be comprised of clear glazed windows and doors, whereas the Zoning By-law requires a minimum of 60%.
2. The ground floor storey shall be 3 metres in height, whereas the Zoning By-law requires a minimum height of 3.6 metres and a maximum height of 4.5 metres.
3. Exterior building cladding for the first three storeys, except decorative architectural features, shall be of a combination of brick, stone, and stucco, whereas the Zoning By-law requires either one or a combination of no more than two claddings.

☐ 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 Planning Justification Memo.

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
30.78 m	41.85 m	1288.14 SqM	Approx. 21 m

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

\*Please refer to Survey and Site Plan.

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Commercial building (160 King St. E.)				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
4 storey building addition				

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

\*Please refer to Survey and Site Plan.

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Commercial building (160 King St. E.)			4	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
4 storey building addition		12665 SqF	4	45.82 ft

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.):

Institutional - Place of Assembly and Place of Worship (accessory uses; nursery; educational and recreational uses)

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

Mixed use building (offices, apartments, shops), retail store

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

September 10, 2021

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

Commercial building at 160 King St. E.

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

Commercial building at 160 King St. E.

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

More than 16 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) Downtown Urban Growth Centre

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

Please refer to Planning Justification Memo.

7.6 What is the existing zoning of the subject land? Downtown Mixed Use – Pedestrian Focus

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: Downtown Mixed Use – Pedestrian Focus (D2)

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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: \_\_\_\_\_

8.2 Number of Dwelling Units Proposed: \_\_\_\_\_

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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