



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

NOTICE OF DECISION **Consent/Land Severance**

APPLICATION NO.:	B-25:013	SUBJECT PROPERTY:	354-360 King Street West, Hamilton
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APPLICANTS: Owner: King Street Crossing Inc. c/o Gunther Bluesz
Agent: A.J. Clarke and Associates c/o Ryan Ferrari

PURPOSE & EFFECT: To permit the conveyance of two parcels of land for residential (Apartment and Townhouse) uses, as part of a stratified land severance, and to retain a parcel of land for commercial (Hotel) uses. Existing structures and parking areas which form part of a mixed-used development to remain. Please note there is an associated application for Consent for Easement that will be reviewed separately (B-25:014).

	Frontage	Depth	Area
SEVERED LANDS: Parcel 1 (Parts 1, 5, 6, 7 and 10)	62.0 m [±] (King Street) 7.0 m [±] (Market Street)	Irregular	4506.6 m ²
SEVERED LANDS: Parcel 2 (Parts 2, 8 and 11)	54.0 m [±] (Market Street)	Irregular	717.1 m ²
RETAINED LANDS: Parcel 3 (Parts 3, 4, 9, 12 and 13)	7.0 m [±] (King Street) 32.0 m [±] (Queen Street)	Irregular	1587.8 m ²

Associated Planning Act File(s): B-25:014; HM/B-19:70

Notes:

i) In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees. (Building Engineering)

ii) We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road. (Legislative Approvals)

iii) Grading approval was provided through SPA-22-129 and Servicing approval was provided through DA-18-096. (Development Engineering)

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out above, Approved with Conditions, for the following reasons:

1. The proposal does not conflict with the intent of the Urban/Rural Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.
6. The submissions made regarding this matter affected the decision by supporting the granting of the application, with amendments.
7. The submissions made regarding this matter did not affect the decision.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the city corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)

CONDITION #4 REMOVED

4. King Street West is to be 26.213 metres from Highway 403 to Queen Street North. The existing right-of-way at the subject property is approximately ± 20 metres. Approximately ± 3.048 metres are to be dedicated to the right-of-way on King Street West, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. All to the satisfaction and approval of the Manager, Transportation Planning a) A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening. (Transportation Planning) b) The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements. <https://www.hamilton.ca/build-invest->

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grow/planningdevelopment/planning-policies-guidelines/road-widening-dedication. (Transportation Planning) c) Subject to the satisfaction and approval of the Manager, Transportation Planning.

5. The owner must provide proof of separate, independent services for both the severed and retained lots. (Development Engineering)

DATED AT HAMILTON, March 27, 2025.

D. Smith (Chairman)

N. Lauwers

D. Lord

R. Reid

S. Rybarczyk

M. Switzer

The date of the giving of this Notice of Decision is **April 3, 2025**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (April 3, 2027) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **April 23, 2025 at 4:30pm**. A Notice of Appeal must be filed with the Secretary-treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information Consents/Severances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.



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APPEAL INFORMATION – CONSENTS/SEVERANCES

1. Who may file an appeal of the Decision of the Committee of Adjustment or Consent Authority?

Please note neighbours and other interested parties not defined are no longer eligible to file Planning Act Section 53(19) appeals. See [Bill 23, More Homes Built Faster Act, 2022](#) for more information.

Planning Act Section 53(19) appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by Planning Act 1(1)), and any “public body” (as defined by Planning Act 1(1)).

2. When must an appeal be received to be considered?

Planning Act Section 53(19) appeals must be received no later than the end of business on the last date of appeal listed on the Notice of Decision. The last date of appeal is 20 days from the date of the giving of Notice of the Decision. Please see Notice of Decision for exact date and time.

3. Where must the appeal be filed to be considered?

Planning Act Section 53(19) appeals must be received in one of the following formats:

Hardcopy: at City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5. Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.

Electronic copy: by email delivered to cofa@hamilton.ca. Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of incorrectly addressed emails will be time barred and of no effect. If the information submitted will include large file sizes not able to be sent in one email, please contact cofa@hamilton.ca in advance to request a file sharing link.

E-file Portal: By filing an appeal through the OLT E-file Portal at <https://olt.gov.on.ca/e-file-service/> to Hamilton (City) – Committee of Adjustment and Consent Authority (select appropriate approval body as outlined on the Notice of Decision). Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of incorrectly chosen approval authority will be time barred and of no effect.

Please note only one of the above options needs to be completed. If your preferred method of appeal is not available at the time of appeal, the appeal must be filed with one of the other two

options. Appeals received after the date of appeal as a result of one of the methods being unavailable will be time barred and of no effect.

4. What information must be submitted for the appeal to be considered?

Planning Act Section 53(19) appeals must include:

- Notice of appeal, the Ontario Land Tribunal (OLT) Appeal Form, this can be found by contacting Committee of Adjustment staff at the 5th floor of City Hall or at the OLT website <https://olt.gov.on.ca/appeals-process/forms/>, a cover letter, etc. may also be submitted if there is not sufficient room in the form;
- Filing fee, the fee is currently \$400 (subject to change) and must be paid as outlined on the OLT Appeal Form or OLT E-file Portal;
- All other information as required by the Appeal Form.

Questions or Information:

Contact Committee of Adjustment Staff (cofa@hamilton.ca)