



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 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
-

APPLICATION NO.:	A-25:152	SUBJECT PROPERTY:	138-140 Herkimer Street, Hamilton
ZONE:	E/S-308 & E/S-308a (Multiple Dwellings, Lodges, Clubs, etc.)	ZONING BY-LAW:	Hamilton Zoning By-law 6593, as Amended by By-law 02-130

APPLICANTS: Owner: Liwen Holding Ltd.
Applicant: Tony Yu

The following variances are requested:

1. A minimum of Seven (7) Parking Spaces shall be provided for a Multiple Dwelling instead of the minimum required 20 parking spaces;
2. No visitor parking spaces shall be provided whereas the by-law requires a minimum of 0.2 visitor parking spaces per Class A Dwelling Unit;
3. A minimum parking space size of 2.6 metres wide and 5.5 metres long shall be provided instead of the minimum required parking space size of 2.7 metres wide and 6.0 metres long;
4. No on-site manoeuvring shall be provided for seven (7) parking spaces located within the Rear Yard instead of the minimum required 6.0m manoeuvring aisle width and the requirement that a manoeuvring space shall be provided and maintained on the lot;
5. No Loading Spaces shall be provided for a Multiple Dwelling instead of the minimum required one (1) Loading Space;
6. For the purpose of the regulations contained in Section 2, as it refers to the lot definition, Section 6, as it refers to "Consolidated Lot Development", Sections 18A and 19B, the boundaries of the lands within this development as shown in "Site Plan – A1.0" submitted with this application, shall be deemed to be one lot for the purpose of the zone regulations including but not limited to the parking, building setbacks and landscaping and not the individual boundaries created by any change in land ownership or any severance, or partition or division of the property.

PURPOSE & EFFECT: To permit the conversion of a Residential Care Facility to a Multiple Dwelling and recognize existing Parking conditions.

Notes:

- i. Please note, the proposed Site Plan appears to alter the existing Parking Area and Spaces from the approved Plans under Site Plan application DA-02-051 and includes one (1) additional Accessible Parking Space as well as alterations to existing locations for all other Parking Spaces. As such, Variances #3 and #4 are provided to recognize the proposed alterations to the existing Parking Spaces.
- ii. Be advised, the proposed development is located across two properties, municipally known as 138 and 140 Herkimer Street, and as such, Variance #6 has been provided to recognize the existing location of the building and associated building and parking requirements to be located on both lots.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

This application will be heard by the Committee as shown below:

DATE:	Thursday, September 4, 2025
TIME:	1:30 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

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, written comments must be received no later than noon September 2, 2025

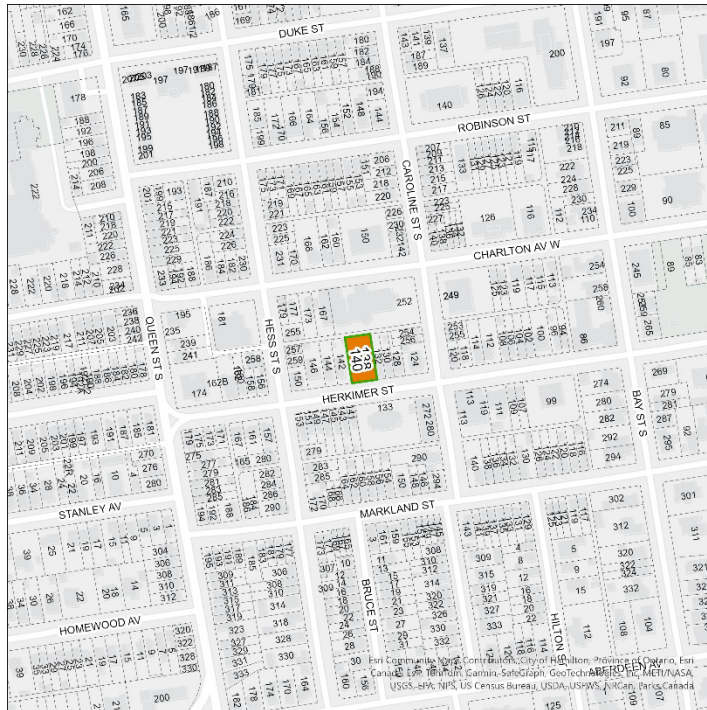
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon September 3, 2025

FURTHER NOTIFICATION

A-25:152

If you wish to be notified of future Public Hearings, if applicable, regarding A-25:152, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



Subject Lands

DATED: August 18, 2025

Justin Leung,
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.



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

PARTICIPATING PROCEDURES

1. Written Submission Ahead of the Meeting

Members of the public who wish to provide input without speaking at the Hearing may submit written comments in advance of the meeting. Comments must be received by 12:00 p.m. (noon) on the deadline date for written comment submissions listed on the Notice of Public Hearing.

How to Submit Written Comments:

By Email:

Send to: cofa@hamilton.ca

By Mail:

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

All written comments received will be made available to the Committee and the public by the Tuesday prior to the Hearing.

2. Oral Submissions During the Hearing

Interested members of the public, agents, and owners may provide oral comments on Committee of Adjustment Hearing items either virtually via Webex (computer or phone) or by attending in person.

Speaking Time Limit:

All participants providing oral submissions, either in person or virtually are limited to a maximum of 5 minutes to speak. This is to ensure all parties have an equal opportunity to be heard and that the meeting runs efficiently.

3. In-Person Oral Submissions

To participate in person, attend Council Chambers on the date and time listed in the Notice of Public Hearing. You will be required to provide your name and address for the record. It is recommended you arrive at least 10 minutes prior to the scheduled start time.

4. Virtual Oral Submissions

To participate virtually, you must register by 12:00 p.m. (noon) on the virtual oral submissions registration deadline date. This is listed on the Notice of Public Hearing.

- Committee of Adjustment file number
- Hearing date
- Name and mailing address of each person wishing to speak
- Method of participation (phone or video), and, if applicable, the phone number to be used
- Each person must register separately

Registered participants will receive a Webex link one business day before the Hearing. Only those registered will be called upon to speak.

5. Presentations

All presentations are permitted at the discretion of the Committee.

Virtual Presentations:

Presenters participating virtually may be granted permission to share their screen during the Hearing. A copy of the presentation must be submitted to cofa@hamilton.ca **by 12:00 p.m. (noon) on the business day prior to the Hearing**. The submission must be one document in PDF format only.

In-Person Presentations:

Presenters attending in person may be granted permission to use the presentation screen. Presentations must be brought on a USB device and opened by the owner/applicant. A copy of the presentation must also be sent to cofa@hamilton.ca **by 12:00 p.m. (noon) on the business day prior to the Hearing**. The submission must be one document in PDF format only. Handouts are permitted only if the same content can be displayed on the presentation screen.

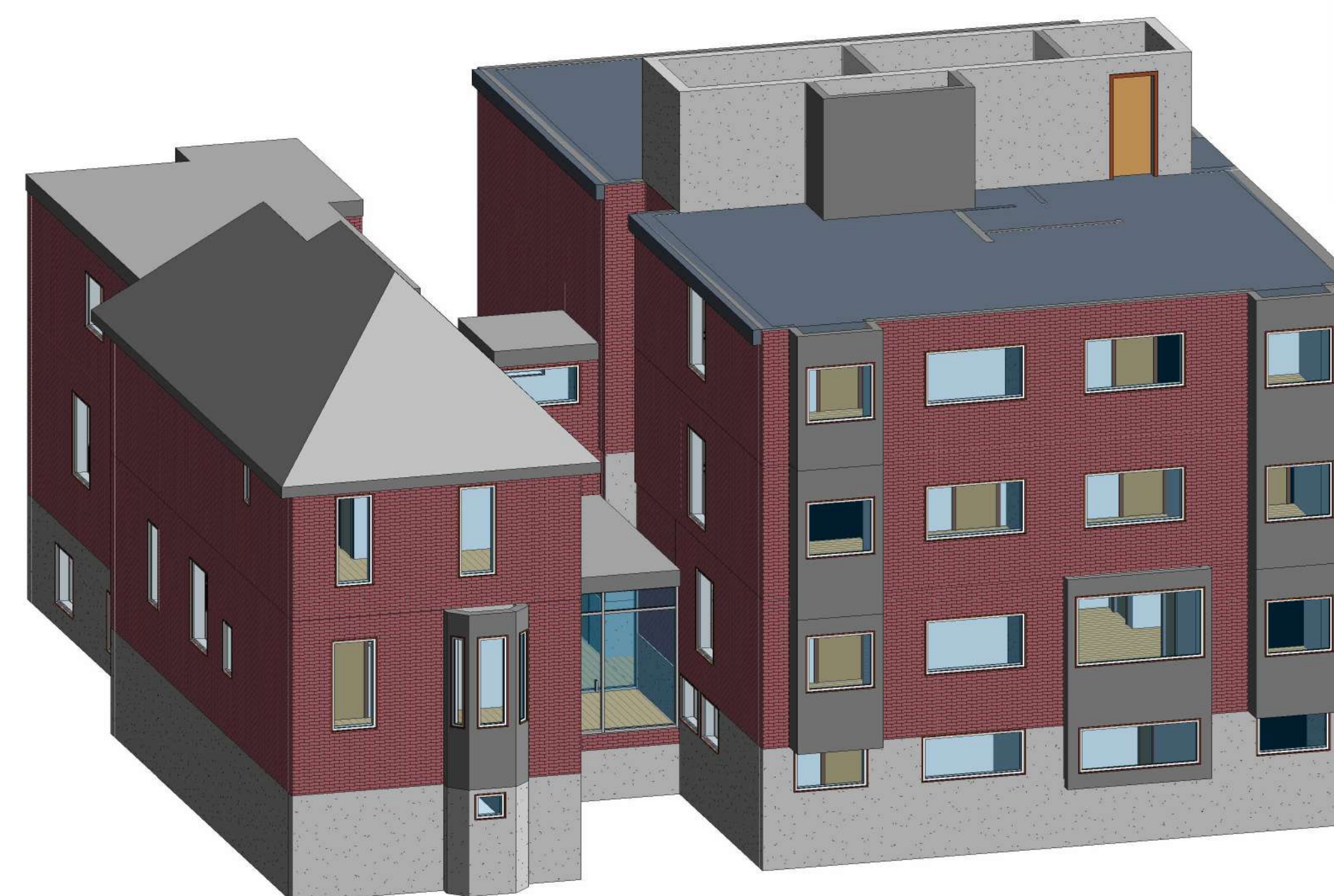
6. Additional Notes

- Webex (video) participation requires a compatible computer or smartphone. The necessary application must be downloaded in advance.
- It is the interested party's responsibility to ensure their device is functional and compatible prior to the Hearing.

For any questions, contact staff at cofa@hamilton.ca or call 905-546-2424 ext. 4221.



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405 - 2347 KENNEDY RD, TORONTO, ON M1T3T8



1 3D EXISTING

[illegible]

140 Herkimer St #138,
Hamilton, ON L8P 2H1

NAME:

CONTACT:

COVER SHEET

Project number	190715
Date	05/20/2021
Drawn by	Author
Checked by	Checker

A0.0

Scale	1 : 100
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SCOPE OF WORK:
1. INTERIOR ALTERATION, RETAINING EXISTING ROOM HOUSE ON THE EAST BUILDING SECOND FLOOR AND PROPOSED TOTAL 20 UNITS APARTMENT

Item	Ontario Building Code Data Matrix Part 3 or 9			OBC Reference References are to Division B unless noted [A] for Division A or [C] for Division C.							
1	Project Description:		<div><input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input checked="" type="checkbox"/> Change of Use</div>	PART 11 1.1.1 to 11.4	<input type="checkbox"/> PART 3 1.1.2 [A]	<input checked="" type="checkbox"/> PART 9 1.1.2 [A] & 9.10.1.3					
2	Major Occupancy(s): GROUP C - Residential				3.1.2.1.(1)	9.10.2					
3	Building Area (m²)	Existing 390 sq.m	New 0 sq.m	Total 390 sq.m	1.4.1.2.(A)	1.4.1.2. [A]					
4	Renovation Area (m²)					1.4.1.2. [A]					
5	Number of Storeys		Above Grade 3	Below Grade 1	1.4.1.2.(A) & 3.2.1.1	1.4.1.2. [A] & 9.10.4					
6	Number of Streets/Access Routes		2		3.2.2.10 & 3.2.5	9.10.20					
7	Building Classification		GROUP C - Residential		3.2.2.20 - 83	9.10.2					
8	Sprinkler System Proposed		<div><input type="checkbox"/> Entire Building <input type="checkbox"/> Basement and Group E Occupancies Only <input type="checkbox"/> In Lieu of Roof Rating <input checked="" type="checkbox"/> Not Required</div>		3.2.2.20 - 83 3.2.1.5 3.2.2.17	9.10.8.2					
9	Standpipe required		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No N/A		3.2.9.	N/A					
10	Fire Alarm required		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		3.2.4.	9.10.18					
11	Water Service/Supply is Adequate		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No N/A		3.2.5.7.	N/A					
12	High Building		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No N/A		3.2.6.	N/A					
13	Permitted Construction		<input type="checkbox"/> Combustible <input checked="" type="checkbox"/> Non-Combustible <input type="checkbox"/> Both			9.10.6					
	Actual Construction		<input type="checkbox"/> Combustible <input checked="" type="checkbox"/> Non-Combustible <input type="checkbox"/> Both								
14	Mezzanine(s) Area (m²)		--		3.2.1.1.(3) - (8)						
15	Occupant load based on		<input type="checkbox"/> m²/Person <input checked="" type="checkbox"/> Design of Building		3.2.2.20 - 83	9.9.1.3					
					TWO PERSONS PER SLEEPING ROOM IN A DWELLING SUITE						
16	Barrier-free Design		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain) -		3.8.	9.5.2					
17	Hazardous Substances		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		3.3.1.2. & 3.3.1.19.	9.10.1.3.(4)					
18	Required Fire Resistance Rating (FRR) Refer Also to Fire Separation Diagrams	Horizontal Assemblies FRR (Hours)		Listed Design No.		3.2.2.20 - 83 & 3.2.1.4.	9.10.8.10				
		Floors	45min	F1e							
		Roof	----	F1e							
		Mezzanine	N/A	N/A							
		FRR of Supporting Members		Listed Design No.							
		Floors	45min								
		Roof	---								
		Mezzanine	N/A								
19	Spatial Separation - Construction of Exterior Walls					3.2.3.					
	Wall	Area of EBF (sq.m)	L.D. (m)	L/H or H/L	Permitted Max. % of openings	Proposed % of Openings	FRR (Hours)	Listed Design or Description	Comb Const	Comb. Constr. Nonc. Cladding	Non Comb. Constr.
	WEST-FRONT	5.2	0.9		0	0	1hr			noncombustible	noncombustible
	WEST-REAR	200.9	1.23	1.6	7%	7%	1hr			noncombustible	noncombustible
	EAST	53.7	0		-	0	1hr			noncombustible	noncombustible

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140 Herkimer St #138,
Hamilton, ON L8P 2H1

NAME:

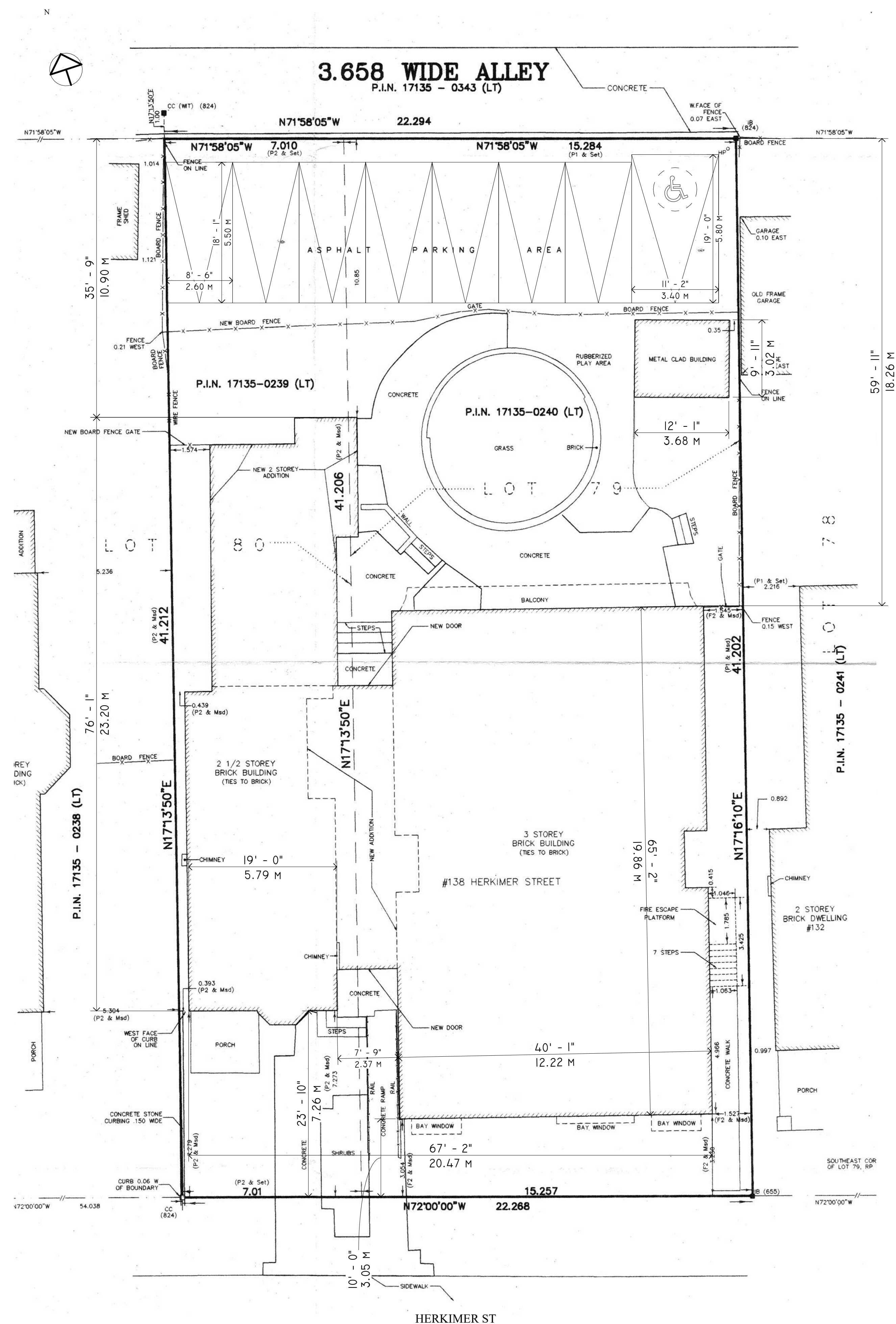
CONTACT:

SITE PLAN

Project number	190715
Date	05/20/2021
Drawn by	AY
Checked by	BW

A1.0

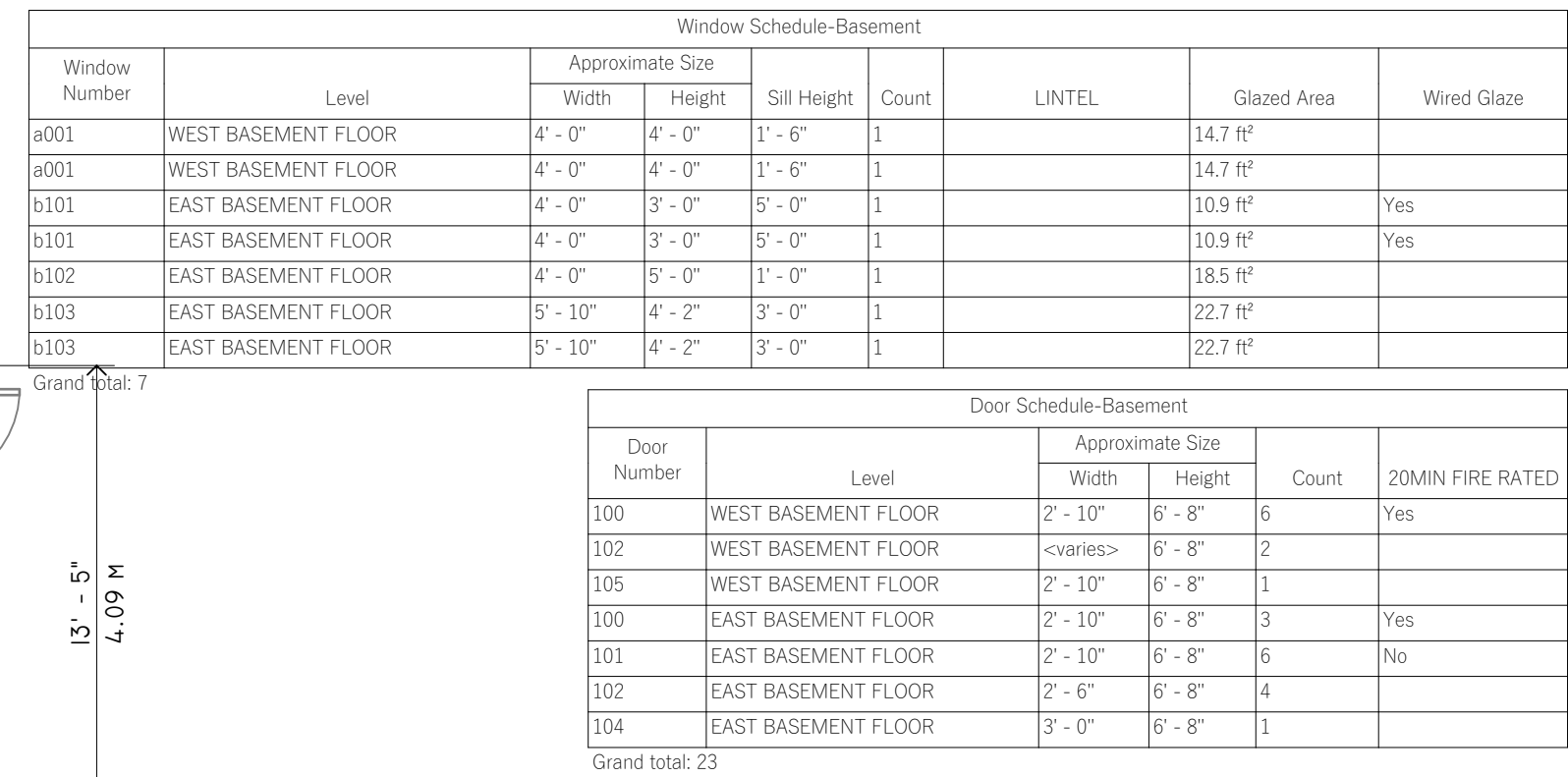
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SITE PLAN

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140 Herkimer St #138,
Hamilton, ON L8P 2H1

NAME:

CONTACT:

BASEMENT PLAN

Project number	190715
Date	05/20/2021
Drawn by	YH
Checked by	BW

A1.1

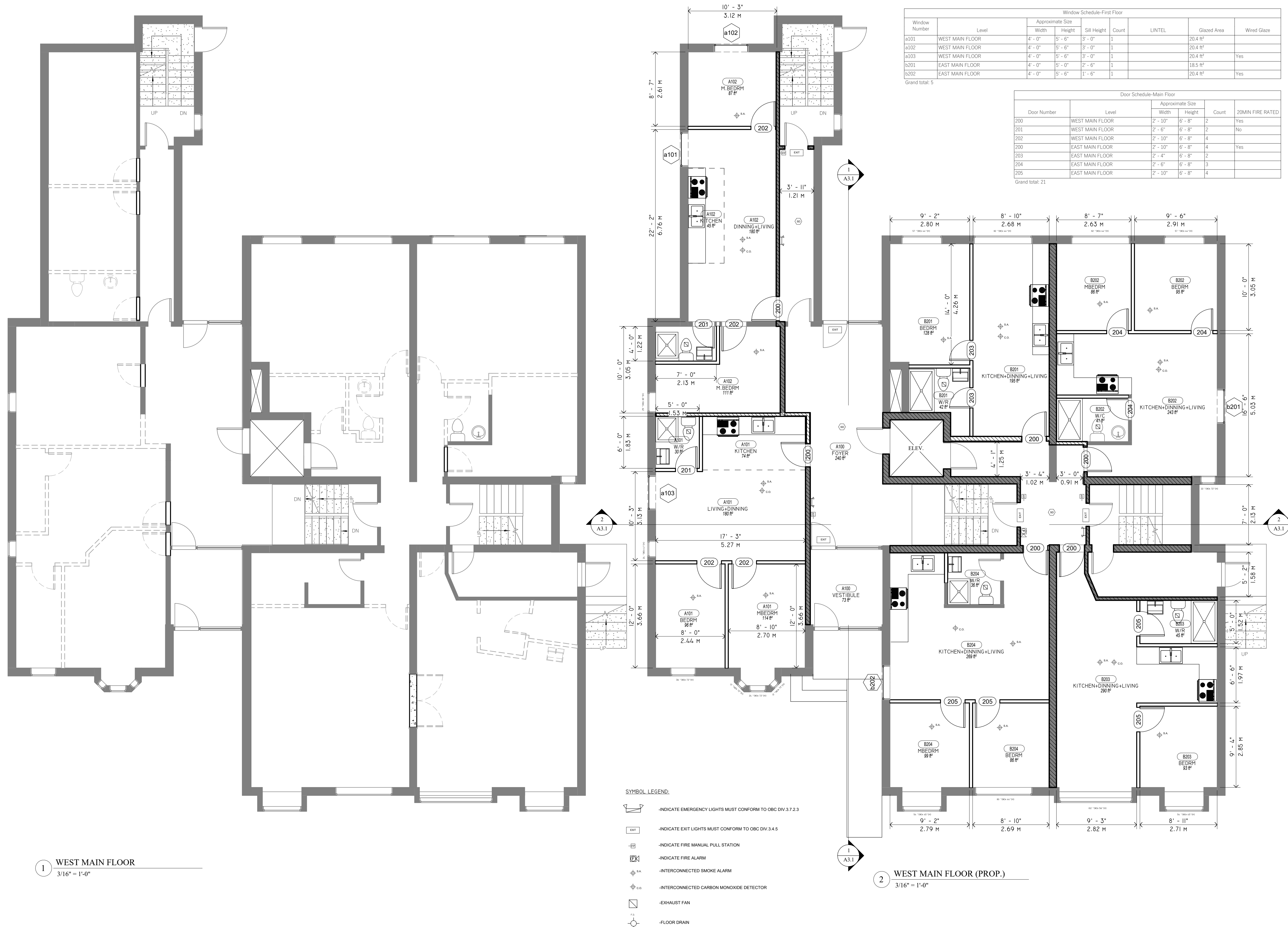
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140 Herkimer St #138,
Hamilton, ON L8P 2H1

MAIN FLOOR PLAN

A1.2





140 Herkimer St #138,
Hamilton, ON L8P 2H1

SECOND FLOOR PLAN

A1.3

Scale	3/16" = 1'-0"
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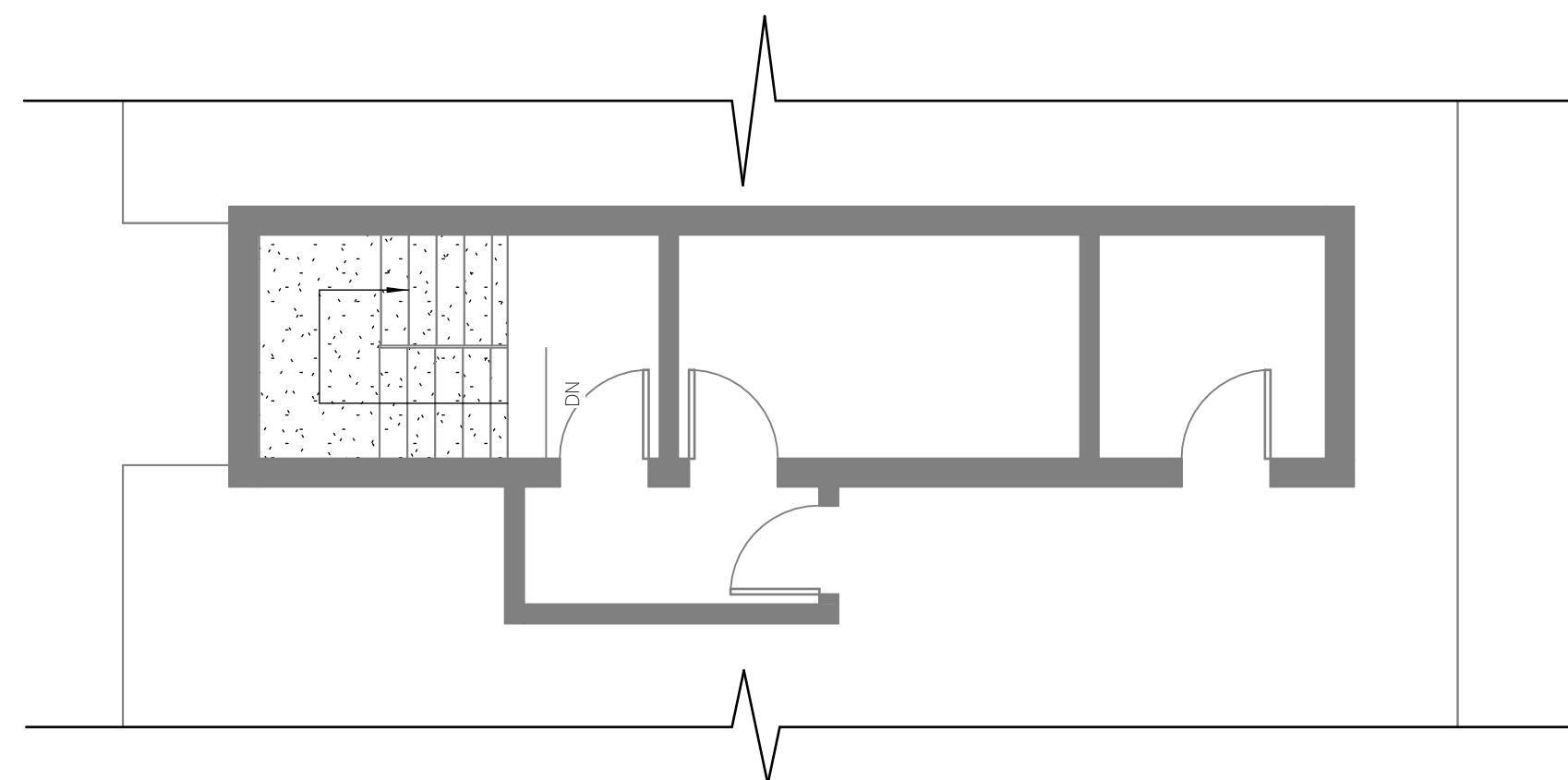
Grand total: 4Grand total: 19

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140 Herkimer St #138,
Hamilton, ON L8P 2H1

THIRD FLOOR PLAN

A1.4



The floor plan illustrates the 4th floor layout, featuring four distinct residential units and their associated common spaces. The units are arranged in a symmetrical fashion around a central corridor and stairwells.

- Unit B401 (Top Left):** Includes a bedroom (127 sq ft), a kitchen+dining+living area (162 sq ft), a bathroom (38 sq ft), and a walk-in closet (W/R).
- Unit B402 (Top Right):** Includes a bedroom (92 sq ft), a kitchen+dining+living area (257 sq ft), a bathroom (27 sq ft), and a walk-in closet (W/R).
- Unit B403 (Bottom Left):** Includes a kitchen+dining+living area (230 sq ft), a bedroom (43 sq ft), a bathroom (43 sq ft), and a walk-in closet (W/R).
- Unit B404 (Bottom Right):** Includes a kitchen+dining+living area (231 sq ft), a bedroom (43 sq ft), a bathroom (43 sq ft), and a walk-in closet (W/R).

Common areas and structural elements include:

- Stairwells:** Two stairwells are located in the center of the floor, one for each side of the building.
- Elevators:** Two elevators are located on the left side of the floor.
- Corridors:** A central corridor runs horizontally through the middle of the floor, with additional corridors branching off to each unit.
- Dimensions:** The plan provides dimensions in both feet and meters for all rooms and overall unit footprints.

2 EAST THIRD FLOOR (PROP.)
3/16" = 1'-0"

Window Schedule-Third Floor								
Window Number	Level	Approximate Size		Sill Height	Count	LINTEL	Glazed Area	Wired Glaze
		Width	Height					
b401	EAST THIRD FLOOR	5' - 0"	4' - 0"	3' - 6"	1		18.5 ft²	
b402	EAST THIRD FLOOR	4' - 0"	4' - 0"	3' - 6"	1		14.7 ft²	
b403	EAST THIRD FLOOR	4' - 0"	5' - 6"	2' - 0"	1		20.4 ft²	Yes
Grand total: 3								

Door Schedule-Third Floor					
Door Number	Level	Approximate Size		Count	20MIN FIRE RATED
		Width	Height		
400	EAST THIRD FLOOR	2' - 10"	6' - 8"	4	Yes
401	EAST THIRD FLOOR	2' - 6"	6' - 8"	8	
402	EAST THIRD FLOOR	2' - 10"	6' - 8"	3	



140 Herkimer St #138,
Hamilton, ON L8P 2H1

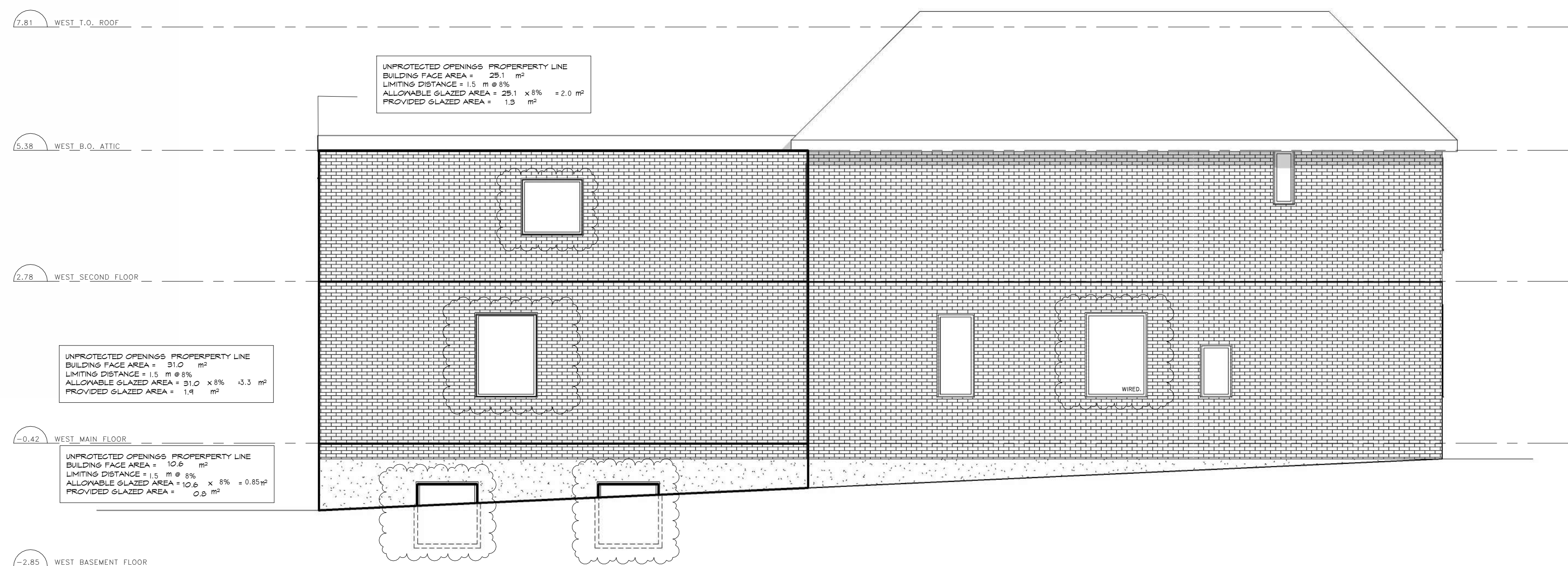
FRONT&REAR
ELEVATION

A2.1

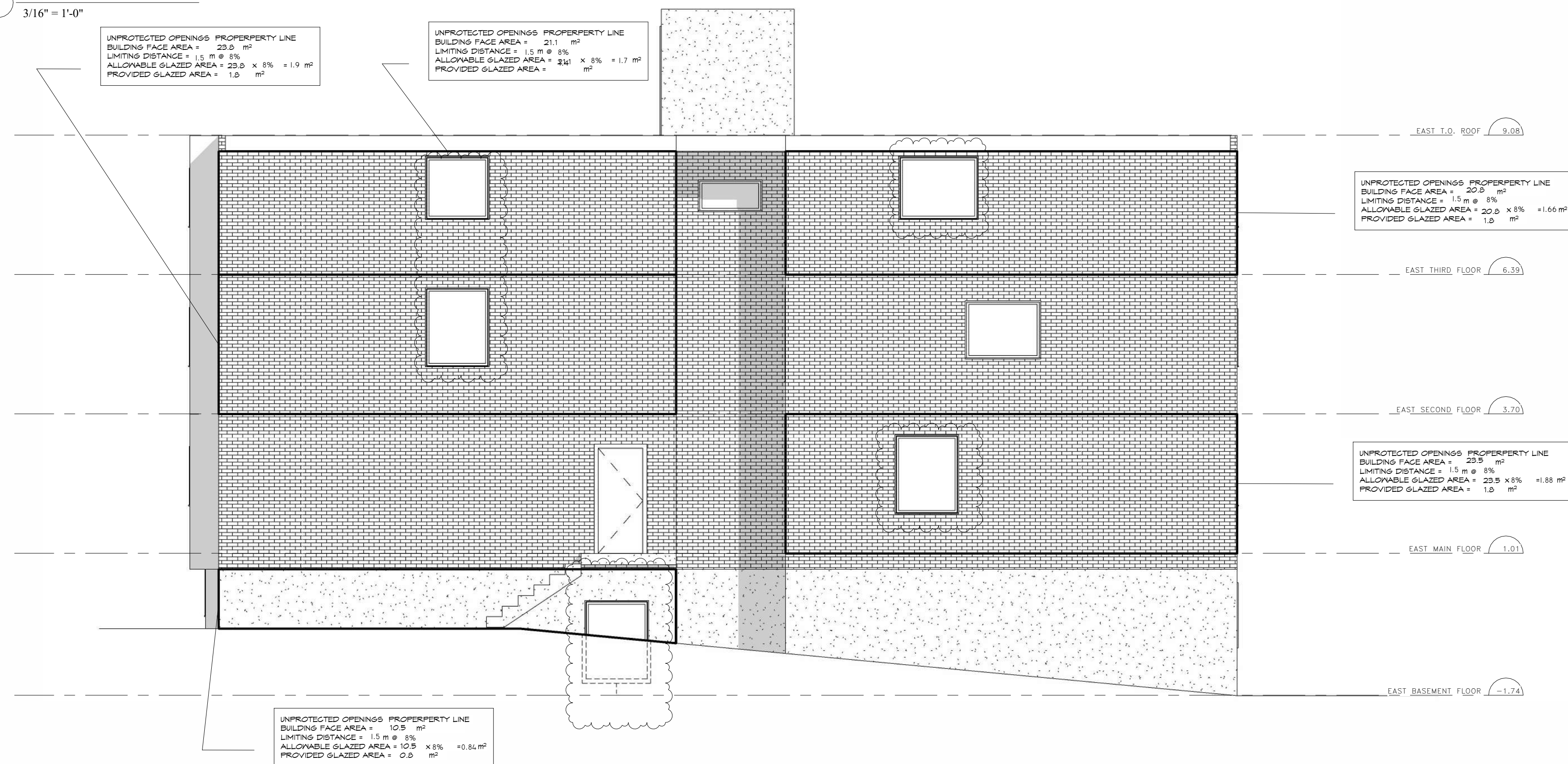
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1 WEST ELEVATION
3/16" = 1'-0"



2 EAST ELEVATION
3/16" = 1'-0"

[illegible]

140 Herkimer St #138,
Hamilton, ON L8P 2H1

NAME:

CONTACT:

WEST&EAST
ELEVATION

Project number	190715
Date	05/20/2021
Drawn by	Author
Checked by	Checker
<h1>A2.2</h1>	
Scale	3/16" = 1'-0"



140 Herkimer St #138,
Hamilton, ON L8P 2H1

SECTION VIEW

2025-07-18 1:30:14 PM



Hamilton

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

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

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Registered Owners(s)	Liwen Holding Ltd.	<div></div>
Applicant(s)	Tony Yu	
Agent or Solicitor		
		E-mail:

1.2 Primary contact

☒ Applicant

☐ Owner

☐ Agent/Solicitor

1.3 Sign should be sent to

☐ Applicant

☒ Owner

☐ Agent/Solicitor

1.4 Request for digital copy of sign

☒ Yes*

☐ No

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

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.

1.6 Payment type

☐ In person

☒ Credit over phone*

☐ Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	138-140 Herkimer st, Hamilton		
Assessment Roll Number			
Former Municipality	City of Hamilton		
Lot	79 and part of Lot 80	Concession	
Registered Plan Number	256	Lot(s)	
Reference Plan Number (s)	17135-0240(LT)	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:

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:

Alteration from a Residential Care Facility with a maximum of 10 Residents into a Multiple Dwelling containing a total of 21 Dwelling Units, several reliefs related to parking space number hope to be granted

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

The property locate at downtown area with potential 8 parking space at the rear yard.
The new zoning and planning bylaw are in the trend of waiving the parking requirement within this zone
Enough bicycle parking spaces are available.

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
22.268 m	41.202 m	917.5 sq.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)

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
TWO & HALF STOREY BRICK EAST BUILDING	7.273 m	10.85m	0.393m	1973
THREE STOREY BRICK WEST BUILDING	3.054 m	18.29m	1.527m	1973
Metal cladding shed		7.06m	0.35m	1973

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
no change	no change	no change	no change	

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

Proposed:

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.):
21 Dwelling units apartment
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
residential Care Facility with a maximum of 10 Residents

7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
April 09, 2025
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
residential Care Facility with a maximum of 10 Residents
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
residential Care Facility with a maximum of 10 Residents
- 7.4 Length of time the existing uses of the subject property have continued:

- 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.

- 7.6 What is the existing zoning of the subject land? ~~DA-02-051~~ E/S-308a District

- 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: DA-02-051

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: _____

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 10

8.2 Number of Dwelling Units Proposed: 21

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

The 3 story building (138 Herkimer St, Hamilton) was an apartment building when it was built in 1968 now we are trying change it back to apartment building.

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
