Hamilton

Committee of Adjustment
City Hall
5th floor, 71 Main Street West
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT

NOTICE OF PUBLIC HEARING

APPLICATION FOR MINOR VARIANCE

APPLICATION NO. HM/A-17:311

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 05-200, of the City of Hamilton, Sections 4, 5 and 6.3.

AND IN THE MATTER OF the Premises known as Municipal number 210 Main Street East, in the City of Hamilton and in a **"D3" (Downtown Mixed Use)** district;

AND IN THE MATTER OF AN APPLICATION by the owner Ekasa Hospitality Inc., for relief from the provisions of the Zoning By-Law No. 05-200, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the construction of a 15-storey, mixed use building containing commercial on the ground floor level and 224 residential units on the floors above notwithstanding that:

1. A building setback of 3.2m shall be provided for the first storey level along Main Street East instead of the maximum permitted building setback of 2.0m at the first storey level; and,

2. A total of 94 parking spaces shall be provided instead of the minimum required 120 parking spaces.

NOTES:

i. These variances are necessary to facilitate DA-17-049.

ii. Insufficient information has been provided regarding the specific commercial uses intended at the ground floor level. As such, further variances may be required at such time that the commercial tenant spaces are being established.

iii. Please note that spaces #9 and #10 at the underground level appear to completely obstruct the aisle. These two spaces have not been included in the calculation of provided parking spaces.

TAKE NOTICE that this application will be heard by the Committee as shown below:

DATE:	**Thursday, September 21st, 2017**
TIME:	**3:00 p.m.**
PLACE:	**Rooms 192 & 193, 1st floor** **Hamilton City Hall**

If there is any further information you may require on this application please contact this office, at (905) 546-2424, ext. 4221 or 4144.

scott.baldry@hamilton.ca

By order of the Committee of Adjustment,

Monday at the latest

DATED: September 5th, 2017

Scott Baldry,
Secretary-Treasurer

...../2

Note: If you wish to be notified of the decision of the Committee in respect of this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Ontario Municipal Board hearing. Even if you are the successful party, you should request a copy of the decision since the Committee's decision may be appealed to the Ontario Municipal Board by the applicant or another member of the public.

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.

Note to Applicant: In default of appearance of yourself or of any person duly authorized by you to appear on your behalf, the Committee may dismiss the application for lack of prosecution.

PLAN OF SURVEY OF
LOTS 11 & 12 & PART OF LOT 10
SPRINGER O.T. SURVEY
(SOUTH SIDE OF MAIN STREET EAST)
REGISTERED PLAN 48
IN THE
CITY OF HAMILTON

SCALE 1:100

0 1 2 3 4 5 metres

G. G. ALDWORTH O.L.S.

T-2558A

ASSOCIATION OF ONTARIO LAND SURVEYORS
PLAN REPRODUCTION PERMIT
2008840
THIS PLAN IS NOT VALID UNLESS IT IS AN ORIGINAL OR A TRUE COPY OF THE ORIGINAL ISSUED BY THE SURVEYOR in accordance with Regulation 1026, Section 29(2).

MAIN STREET EAST

PIN 17168 – 0203

SOUTHERN LIMIT OF MAIN STREET EAST AS CONFIRMED BY BA PLAN No 783

54.20 N68°50'15"W

FERGUSON AVENUE SOUTH

SPRING STREET

PIN 17168 – 0077

No 210
2 STOREY
BRICK & METAL SIDING
BUILDING

BRICK CHURCH

PIN 17169 – 0075
(INSTRUMENT No CD342127)

PIN 17169 – 0076
(INSTRUMENT No CD308071)

ASPHALT PARKING AREA

CONCRETE SIDEWALK

LOT 10 LOT 11 LOT 12

REGISTERED PLAN No 48

REGISTERED PLAN No 48

SITE AREA = 2315.5m²

NOTE:
- PARCEL IS NOT SUBJECT TO OR TOUCHED WITH ANY EASEMENTS OR RIGHTS OF WAYS
- PLEASE REFER TO THE PLAN FOR THE SPECIFIC LOCATION OF FENCES AND OTHER FEATURES RELATIVE TO THE PROPERTY LIMITS
- THE WEST FACE OF WALL OF 210 MAIN STREET EAST IS PARTIALLY LOCATED ONTO THE LANDS TO THE WEST BAY A MAXIMUM OF 0.06 metres
- THE EXTERIOR LANDS ATTACHED TO THE WEST WALL OF 210 MAIN STREET EAST ARE PARTIALLY LOCATED ONTO THE LANDS TO THE WEST BY A MAXIMUM OF 0.25 metres

THIS REPORT WAS PREPARED FOR
EMASA HOSPITALITY INC.

NOTE:
BEARINGS ARE TAKEN TO FOUNDATION UNLESS OTHERWISE NOTED

54.50 N69°24'50"W

9.66 WIDE ALLEYWAY
(ESTABLISHED ACCORDING TO REGISTERED PLAN No 48)

PART 3
PLAN 62R-11882

LOT 11

LOT 12

JACKSON STREET EAST

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYING ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM
2. THE SURVEY WAS COMPLETED ON THE 6th DAY OF MAY 2011

MAY 6, 2011
DATE

G. G. ALDWORTH
ONTARIO LAND SURVEYOR

BENCH MARK
CITY OF HAMILTON
INDEX No 3-23
CATHEDRAL SCHOOL ON THE SOUTHEAST CORNER OF MAIN STREET EAST AND EMERALD STREET SOUTH: TABLET SET IN THE NORTH FACE OF THE STONE FOUNDATION UNDER THE SECOND BUTTRESS EAST OF THE NORTHWEST CORNER, 0.15m BELOW STONE SIGNING No 3497
ELEVATION =92.667m (304.028')

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

BEARINGS ARE ASTRONOMIC AND REFERRED TO THE SOUTHERN LIMIT OF MAIN STREET EAST AS SHOWN ON BA PLAN No 783 HAVING A BEARING OF N 68°50'15"W

LEGEND:
(N12) SURVEYED A. J. CLARKE S. L. S.
(S.L.) SURVEYED SAMUEL LAWSON
(G.A) SURVEYED GARY ALDWORTH
(L) SURVEYED LARRY STUBBARD
(H.L) SURVEYED HENRY & LARRY STUBBARD
(H) SURVEYED HAL HYNDMAN
(F.M) SURVEYED FRED MCDONALD
(S.M) SURVEYED STANLEY MCDONALD
(M) SURVEYED MURRY MALMC
(S.W) SURVEYED STEVEN DEL. SMIC
(W) SURVEYED WALTER MALMC
(D.W) SURVEYED DAVID WOODWARD
(S) SURVEYED "SIP 8" FOUND
(S.I) SURVEYED INSTRUMENT No CD330071
(P3) SURVEYED PLAN OF SURVEY BY A. J. CLARKE
(P3) SURVEYED PLAN OF SURVEY BY A. J. CLARKE LIMITED
BA 783 -A.S.T. 26, 1997 (FILE No 97S33)
(P5) SURVEYED PROPOSED LOCATION SURVEY BY GUELPH CONNELL SURVEYING LTD.
BA 783 -A.S.T. 26, 1998 (FILE No 98-055)
(P.2) SURVEYED PLAN OF SURVEY BY MASSEY & MASSEY
BA 783 -A.S.T. 26, 1998 (FILE No 7-8242)
(M.S.L.) SURVEYED MEASURED

BIRDS LANE
S.42
(PS & 3R24L)

2 STOREY
BRICK
BUILDING
No 18

FOUND
CUT CROSS
(P13)

A. J. CLARKE & ASSOCIATES LTD. is not liable for use of this REPORT by any party or parties for FUTURE TRANSACTIONS or for any incidental purposes.

This REPORT reflects conditions at time of survey. UPDATING may be required for any subsequent SERVICE subsequent to DATE of the SURVEYOR'S CERTIFICATE.

A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2399
email: ajc@ajclarke.com

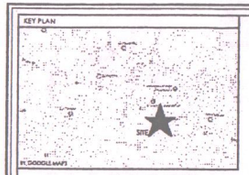
PROJECT No 17B368

1

T-2558A

SKETCH (1)
NM/A-17:311

KEY PLAN



210 Main

RESIDENTIAL Levels	Unit Type (no. of Rooms)	No. of units
Floor 2	Studio	2
	1 Bed	4
	2 Bed	4
	3 Bed	1
Total for 2nd Floor		12
Floor 3	Studio	2
	1 Bed	10
	2 Bed	4
	3 Bed	1
Total for 3rd Floor		17
Floors 4 to 13	Studio	1
	1 Bed	11
	2 Bed	3
Per Floor		15
Total for Floors 4 to 13		150
Floors 14 to 15	1 Bed	8
	2 Bed	3
	3 Bed	1
Per Floor		11
Total for Floors 14 to 15		22
Total for all RESIDENTIAL U.Units		224

*Note: 1.5% of suites (30) required to be barrier free. Total unit count to be determined.

Parking Level	Must Park Spaces
Basement (Level -1)	41
Ground Level	32
Mezz 2	73
Total No. of Parking Spaces	93

*Note: Number of required parking spaces 130

Total Studio units = 14
Total 1 Bed units = 140
Total 2 Bed units = 44
Total 3 Bed units = 4
Total units = 224

Total units under 30m² = 149/0.3 spaces = 44.7 spaces
Total units over 30m² = 75/1 spaces = 75 spaces
Total Required = 120 spaces

UNDERTAKING FILE No.

RE: 210 MAIN STREET EAST

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, WORK 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)(a) OF THE SAID ACT, SHOWN ON THIS PLAN AND DRAWING, BUILDING REMOVAL OF SNOW FROM ACCESS RAMPS AND DRIVEWAYS, PARKING AND LOADING AREAS AND WALKWAYS; AND,

(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 THE PLAN;

(e) ACKNOWLEDGEMENT: THE SUBJECT PROPERTY HAS BEEN DETERMINED TO BE AN AREA OF ARCHEOLOGICAL POTENTIAL. IT IS REASONABLE TO EXPECT THAT ARCHAEOLOGICAL RESOURCES MAY BE ENCOUNTERED DURING ANY DEMOLITION, GRADING, CONSTRUCTION ACTIVITIES, LANDSCAPING, STABLING, STOCKPILING OR OTHER SOIL DISTURBANCES AND THE PROPONENT IS ADVISED TO CONDUCT AN ARCHAEOLOGICAL ASSESSMENT PRIOR TO THE ACTIVITIES IN ORDER TO AVOID ADVERSE IMPACTS TO ARCHAEOLOGICAL RESOURCES, PROCEDURES OR RESOURCE REMOVAL AND DOCUMENTATION, ADVERSE IMPACTS TO ANY SIGNIFICANT ARCHAEOLOGICAL RESOURCE FOUND. MITIGATION, BY AN ONTARIO-LICENSED ARCHAEOLOGIST, MAY INCLUDE THE MONITORING OF ANY MECHANICAL EXCAVATION ARISING FROM THIS PROJECT. IF ARCHAEOLOGICAL RESOURCES ARE ENCOUNTERED ON-SITE, FURTHER STAGE 3 SITE-SPECIFIC ASSESSMENT AND STAGE 4 MITIGATION OF DEVELOPMENT IMPACTS MAY BE REQUIRED BY THE MINISTRY OF TOURISM, CULTURE AND SPORT. ALL ARCHAEOLOGICAL REPORTS SHALL BE SUBMITTED TO THE CITY OF HAMILTON FOR APPROVAL CONCURRENT WITH THEIR SUBMISSION TO THE MINISTRY OF TOURISM, CULTURE AND SPORT

DATED THIS _____ DAY OF _____ 20____

(SEAL)

WITNESS (SIGNATURE) _____ OWNER(S) (SIGNATURE) _____

WITNESS (PRINT) _____ OWNER (PRINT) _____

ADDRESS OF WITNESS _____

LEGAL DESCRIPTION:

LOTS 11 & 12 & PART OF LOT 10
SPRINGER O.I. SURVEY
SOUTH SIDE OF MAIN STREET EAST
REGISTERED PLAN 48
IN THE
CITY OF HAMILTON

BEARING NOTE:

BEARINGS ARE ASTRONOMIC AND REFERRED TO THE SOUTHERN LIMIT OF MAIN STREET EAST AS SHOWN ON BA PLAN No 783 HAVING A BEARING OF N 68°50'15"W

BENCHMARK NOTE:

CITY OF HAMILTON INDEX No 3-23 CATHEDRAL SCHOOL ON THE SOUTHEAST CORNER OF MAIN STREET EAST AND EMERALD STREET SOUTH: TABLET SET IN THE NORTH FACE OF THE STONE FOUNDATION UNDER THE SECOND BUTTRESS EAST OF THE NORTHWEST CORNER. 0.15m BELOW STONE SIDEING No 3497 ELEVATION =92.667m (304.026')

**INFORMATION TAKEN FROM SURVEY PREPARED BY:
A. J. Clarke and Associates Ltd.
Surveyors Planners Engineers
25 MAIN STREET WEST, SUITE 301
HAMILTON ONTARIO L8P 1H1
PHONE: (905) 528-8761
FAX: (905) 528-2289
EMAIL: ajc@ajclarke.com

NOTES ON SITE PLAN:

1. ALL WORK ENGLOBED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF DEVELOPMENT AND REAL ESTATE DIVISION, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.

2. FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.

3. BARE DRIVEWAYS AT THE PROPERTY LINE BOUNDARIES ARE FLUSH OR WHERE 7.6m UNLESS OTHERWISE STATED.

4. ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.6m SHALL BE HARD SURFACED, PAVED, TWINSURFACE. ALL DRIVEWAYS SHALL BE WITHIN THE BARRIER CURBS.

5. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S DONEED REGISTRATION FEES, OR REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, BARE AS, BUT NOT LIMITED TO THE FOLLOWING

—BUILDING PERMITS —OTHER PERMITS
—ROAD CUT PERMITS —RELOCATION OF SERVICES
—APPROVAL APPROVAL PERMITS —ENCROACHMENT AGREEMENTS
—COMMITTEE OF ADJUSTMENT (IF REQUIRED)

ALL DRIVEWAYS ARE IN MILLIMETERS UNLESS OTHERWISE NOTED.

6. ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE WATER ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.

7. FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE TO BE PROVIDED

"___METRE BY ___METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.60 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET"

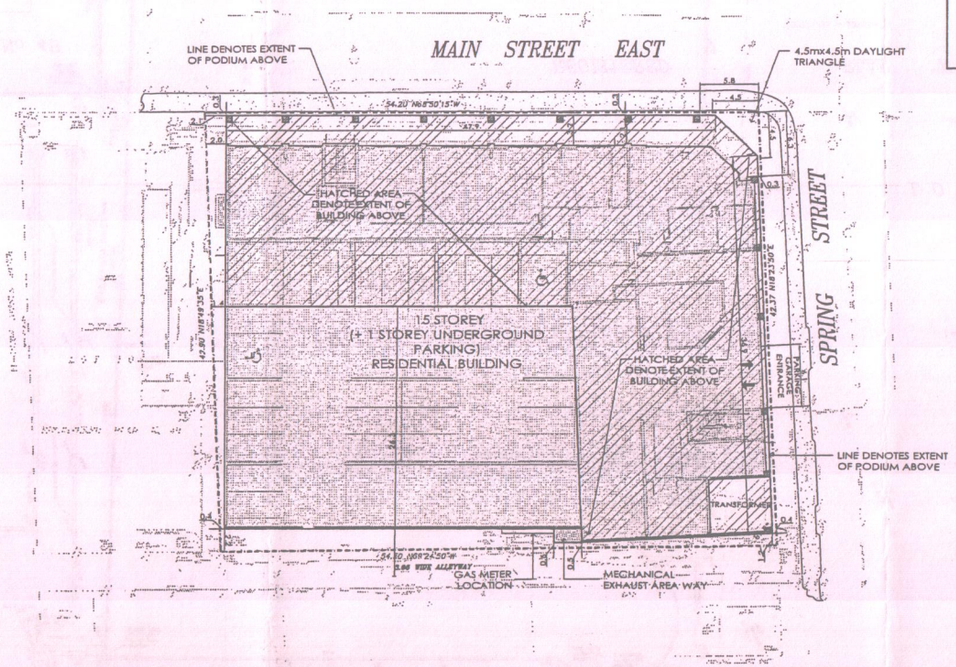
8. THE PROPERTY IS ELIGIBLE FOR WEEKLY COLLECTION OF GARBAGE, ORGANICS, RECYCLABLE MATERIALS, & LEAF AND YARD WASTE THROUGH THE CITY OF HAMILTON SUBJECT TO COMPLIANCE WITH SPECIFICATIONS INDICATED BY THE WASTE MANAGEMENT DIVISION, REFERENCE IS MANDATORY.

9. SIGNAGE SHALL BE IN ACCORDANCE WITH THE CITY OF HAMILTON SIGN BY-LAW

"BED ARE SHOWN TO PROPERTIONS UNLESS OTHERWISE NOTED

SITE STATISTICS:

LOT AREA	2315.5m²	
LOT FRONTAGE	54.2m	
LOT COVERAGE	2133.6m² (92%)	
	REQUIRED	PROVIDED
ZONE - DOWNTOWN MIXED USE (D3) ZONE		
SETBACK FROM STREET		
First Storey	3.0m min.	0.3m
Second and mid Storey	0.3m min.	0.3m
BUILDING HEIGHT	7.5m min. Facade Height at Street	10m Facade Height at Street
GROUND FLOOR FACADE WIDTH		
	min. 75% of measurement of front lot line	0.3m
Main Street East	54.2m x 75% = 40.65m	47.9m
Spring Street	36.8m x 75% = 27.6m	36.9m
NUMBER OF UNITS		
Under 30m²		149
Over 30m²		75
TOTAL		224
PARKING		
	Units under 30m² 0.3 spaces/unit 149units/0.3 = 44.7 spaces Units over 30m² 1 spaces/unit 75/1 = 75 spaces Total Required = 120 spaces	100 (including 4 barrier free spaces)



1 SITE PLAN
A1.1 SCALE 1:200

NOT TO BE USED FOR CONSTRUCTION

LINTACK ARCHITECTS
INCORPORATED
244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
T: 905.522.4611 F: 905.522.4614 info@lintackarch.com
www.lintack.com

FOR SPA

ONTARIO ASSOCIATION OF ARCHITECTS
RICHARD F. LINTACK
LICENCE 4148

The drawings must not be scaled. General dimensions must verify all dimensions on site before proceeding by a professional engineer or architect.

All plans and details are not to be reproduced (manually) for the Architect.

No.	Description	Date
4	REVISED PARKING PER CITY COMMENTS	AUG 15 2017
3	REVISED FOR SPA (with 92.5% PARKING)	MAY 31 2017
2	REVISED FOR SPA (with 92.5% PARKING)	MARCH 14 2017
1	ISSUED FOR SPA	FEB 21, 2017

No.	Issue	Date

Proposed
Residential Development
210 Main
210 Main Street East
Hamilton, Ontario

job no.	16.078
dwg. file	
dwn. by	RL/SB
scale	1:200
date	JAN 2017
dwg. title	SITE PLAN
dwg.	A1.1

SKETCH (2)
NMB -17:311