

AN/B-20:17 (140 Garner Rd. E., Ancaster)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should 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 hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
3. The owner shall receive final and binding approval of minor variance application AN/A-20:58.

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Lot 44) will remain as 140 Garner Road East, Hamilton (Ancaster) and the lands to be conveyed (Lot 45) will be assigned the address of 238 Garner Road East, Hamilton (Ancaster).

AN/B-20:17 (140 Garner Rd. E., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning –Rural

The purpose of this application is to permit the conveyance of a vacant parcel of land for a future business park and to retain a parcel of land containing an existing single detached dwelling and agricultural lands.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the eastern portion of the subject lands as “Business Park” in Schedule D - Rural Land Use Designations. The same eastern portion of the subject lands is designated as “Airport Prestige Business” in the Airport Employment Growth District (AEGD) Secondary Plan, within the Land Use Plan Map B.8-1. The following policies, amongst others, are applicable:

“1.14.3.5 Consents for new lot creation for both the severed and retained lands for employment uses in the Employment designation shall be permitted provided the following conditions are met:

- a) The lots comply with the policies of this Plan including secondary plans, where one exists;
- b) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- c) The lots are fully serviced by municipal water and wastewater systems; and,
- d) The lots have frontage on a public road.”

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the western portion of the subject lands as “Rural” in Schedule D - Rural Land Use Designations. The following policies, amongst others, are applicable:

“1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations: (Amended by OPA 18)

- a) Severances that create a new lot for the following purposes shall be prohibited:
 - i) Residential uses except in accordance with:

- 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,
 - 2) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed;
 - ii) On-farm secondary uses in accordance with Policy D.2.1.3;
 - iii) Severance of a lot for a farm labour residence or an existing dwelling that was permitted in a previous official plan and zoning by-law as a farm labour residence, farm help house, or help house;
 - iv) Severance of any existing second dwelling on a lot, irrespective of the origin of the second dwelling, except in accordance with Section F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation.
- b) Severances that create a new lot(s) may be permitted for only the following purposes:
- i) Agricultural uses in accordance with Policies F.1.14.2.1, F.1.14.2.2, and F.1.14.2.3;
- c) All proposed severances that create a new lot shall:
- i) comply with the policies of this Plan including a rural settlement area plan where one exists;
 - ii) be compatible with and not hinder surrounding agricultural operations;
 - iii) conform to the Zoning By-law;
 - iv) only be permitted when both severed and retained lots have frontage on a public road; and,
 - v) meet the requirements of Section C.5.1, Private Water and Wastewater Services.”

“1.14.2.3 In the Rural designation, severances that create a new lot, except surplus farm dwelling severances, may be considered only for agricultural uses, agriculture related uses, existing rural resource-based commercial uses, existing rural resource-based industrial uses, and existing rural institutional uses, provided all of the relevant conditions of Section D.4.1 and the following conditions are met:

- a) New lots for agricultural uses and agricultural-related uses shall demonstrate by a report prepared by an accredited professional knowledgeable in farm economics, such as an agrologist or agronomist, that the proposed agricultural lot(s) is(are) of sufficient size and nature to be reasonably expected to:
 - i) Sustain a commercially viable farm operation;
 - ii) Allow farm operators the flexibility to change the existing and proposed farm operation in the event of business failure;

- iii) Allow farm operators the flexibility to diversify and intensify the production of agricultural commodities in response to changing economic conditions and trends in agriculture; and,”

The subject lands straddle the Urban boundary with half of the lands on the eastern portion falling within the Urban area and the other half falling within the Rural designation. As a result, policies with regards to severances from both the Urban and Rural Hamilton Official Plan were reviewed since the subject lands have two different designations. The “Rural” designation represents the retained western half while the “Business Park” designation represent the lands to be severed which is within the eastern half of the lot. As such, the proposed consent application will separate along the Urban Boundary, dividing the retained and severed lands accordingly. The retained portion will be within the western portion of the designated “Rural” area within the Rural Hamilton Official Plan, no further development is proposed for the retained lands. Therefore, the proposal conforms to the Urban Hamilton Official Plan as well as the Rural Hamilton Official Plan.

Hamilton Zoning By-law No. 05-200

The western portion of the subject lands are zoned Rural (A2) Zone, as well as Conservation/Hazard Land (P8) Zone.

The eastern portion of the subject lands is zoned Airport Prestige Business (M11) with Special Exception 26 and Holding Provision 57. The eastern portion is currently subject to a subdivision application (25T2018-06) to facilitate the development of a business park.

Archeology

As per stage 1 archaeological report (P083-0269-2015), Stage 2 Archaeological assessment require for severed lands.

Source Water Protection

Provided the applicant connects to municipal water and wastewater services, we have no comments. Currently no watermain or sewermain fronts 140 Garner Road East based on our desktop review.

Recommendation

Based on the preceding information, the requested severance will facilitate the development of the eastern portion of the lands. The proposal maintains the general intent and purpose of the Rural Hamilton Official Plan as well as the Urban Hamilton Official Plan. In conclusion, staff recommends that the application be approved.

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. Please be advised that a portion of this property is within an area regulated by Hamilton Conservation. Please contact the Hamilton Conservation Authority at 905-525-2181 prior to any development.
3. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
4. Variances for lot area will be required for zoning compliance of the lands to be conveyed/retained.

CONDITIONAL UPON:

5. The owner shall receive final and binding approval of minor variance application AN/A-20:58.

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the conveyance and retention of lands relating to this Committee of Adjustment Application provided the Urban Official Plan, Schedule C-2 - Future Road Widening for Garner Road East of 36.576 metres be dedicated to the City of Hamilton.

Growth Planning, Growth Management:

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Lot 44) will remain as 140 Garner Road East, Hamilton (Ancaster) and the lands to be conveyed (Lot 45) will be assigned the address of 238 Garner Road East, Hamilton (Ancaster).

We ask that the following be noted to the applicant:

That the Owner agrees to physically affix the municipal numbers or full addresses to a sign at the property entrance in a manner that is clearly visible from the road and in accordance with the City's sign By-law.

Source Water Protection:

Provided the applicant connects to municipal water and wastewater services, we have no comments. Currently no watermain or sewermain fronts 140 Garner Road East based on our desktop review.

CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

See attached for additional comments.



Sam Brush, Urban Forest Health Technician
City Centre, 77 James Street North, Suite 400
Hamilton, ON L8R 2K3
Phone (905) 546-2424 Ext. 7375, Fax (905) 546-4473
Email – Sam.Brush@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: April 6, 2020

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer
Development Planning
City Hall – 71 Main Street West – 5th Floor

From: Sam Brush – Urban Forestry Health Technician

Subject: 140 Garner Rd. E., Ancaster.
File: AN/B-20:17

PREAMBLE

In response to your Agenda listing for the upcoming meeting on April 2, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

There are Municipal Tree Assets on site; however, Forestry has provided conditions through the existing Draft Plan of subdivision submission. Therefore, no Tree Management Plan or Landscape plan is required through this application.

Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY

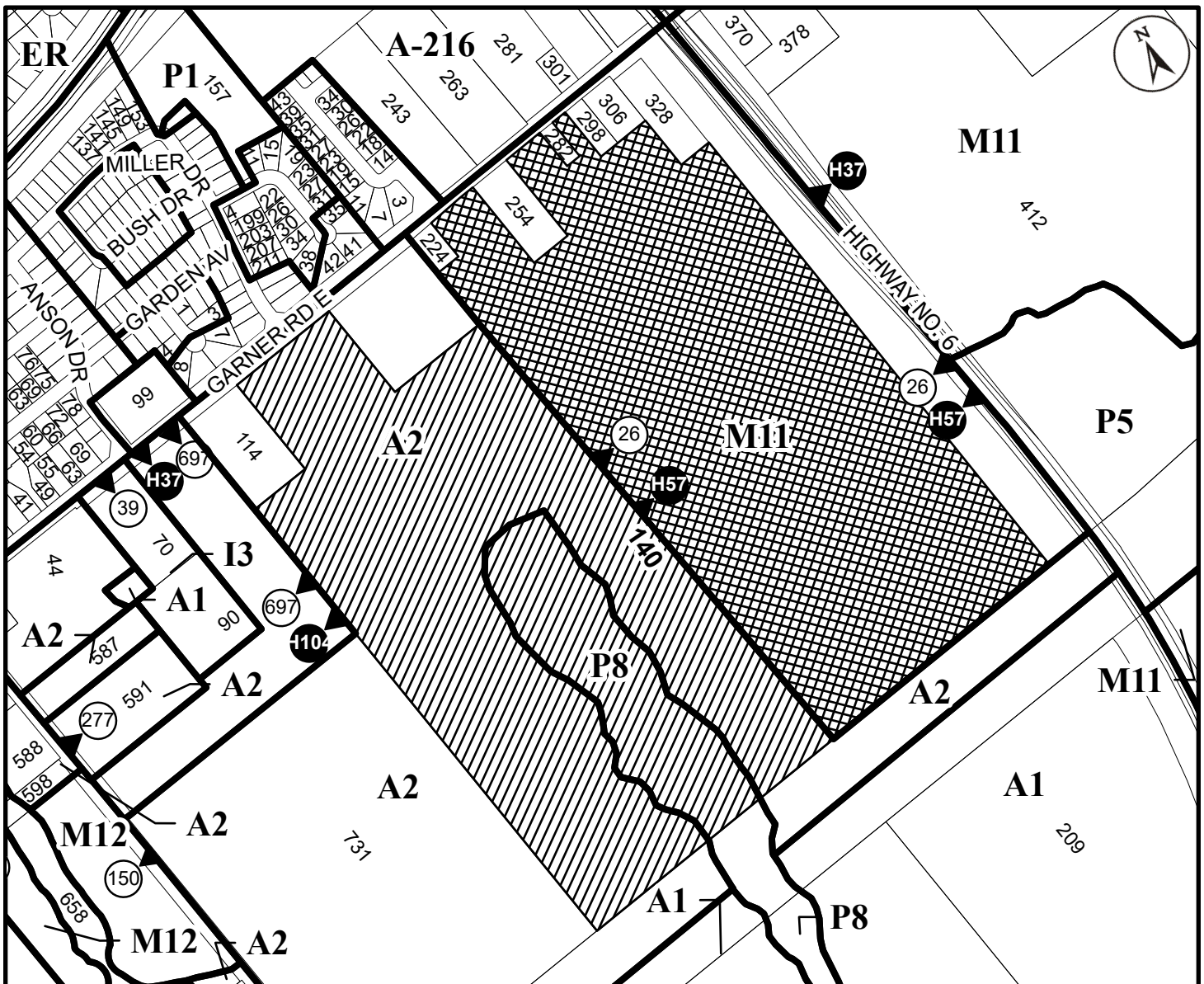
- Forestry has provided conditions through the existing Draft Plan of subdivision submission. Therefore, no Tree Management Plan or Landscape plan is required through this application
- Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 7375.

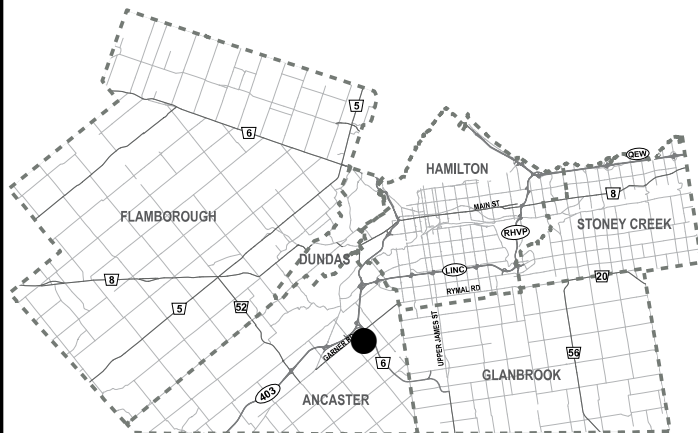
Regards,

A handwritten signature in black ink, appearing to read 'Sam Brush', with a stylized flourish at the end.

Sam Brush
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

140 Garner Road East, Ancaster (Ward 12)



Lands to be Retained



Lands to be Severed

File Name/Number:

AN/B-20:17

Date:

July 2, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-20:58 (140 Garner Rd. E., Ancaster)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

AN/A-20:58 (140 Garner Rd. E., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning –Suburban

The purpose of this application is to permit the creation of two lots through Land Severance Application AN/B-20:17.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the eastern portion of the subject lands as “Business Park” in Schedule D - Rural Land Use Designations. The same eastern portion of the subject lands is designated as “Airport Prestige Business” in the Airport Employment Growth District (AEGD) Secondary Plan, within the Land Use Plan Map B.8-1.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the western portion of the subject lands as “Rural” in Schedule D - Rural Land Use Designations.

Hamilton Zoning By-law No. 05-200

The western portion of the subject lands is zoned Rural (A2) Zone, as well as Conservation/Hazard Land (P8) Zone.

The eastern portion of the subject lands is zoned Airport Prestige Business (M11) with Special Exception 26 and Holding Provision 57 which requires a functional servicing report, stormwater management report, wastewater generation assessment, external works agreement, and traffic statement to be provided to the City of Hamilton prior to the lifting of the holding provision.

Variance 1

The applicant is seeking a variance to permit the minimum lot area of 34 hectares to be provided for the lands to be retained instead of the minimum required lot area of 40.4 hectares for an agricultural use.

The variance request is reflective of the resultant lot size of the associated consent application AN/B-20:17. The associated consent application will separate along the Urban Boundary, dividing the retained and severed lands accordingly. As a result of the severance, the proposed reduction in the minimum lot area for the easterly retained lot will not result in a reduction in the amount land area for agricultural purposes. The retained lands will retain their exact use and operate as they do today, with no impact from the

proposed consent. It is staff's opinion that the purpose of the variance is to allow for the portion of the retained subject lands to be a standalone lot. As such, staff are of the opinion that the variance meets the intent of the Zoning By-law. The variance is minor in nature and appropriate for the development of the subject property. Accordingly, staff support the variance.

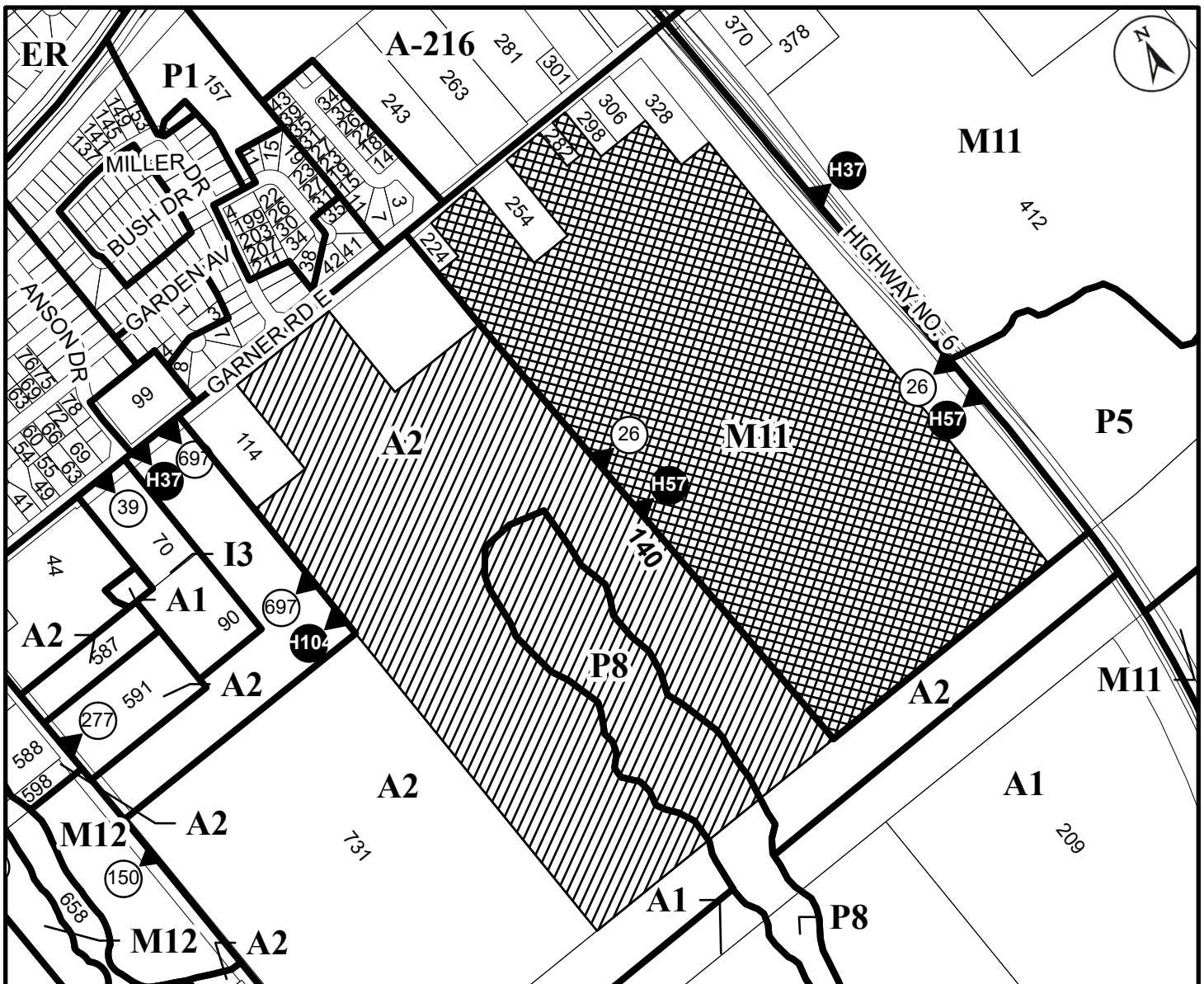
Recommendation

Based on the above, the requested variance maintains the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200. This variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, staff recommend that the application be approved.

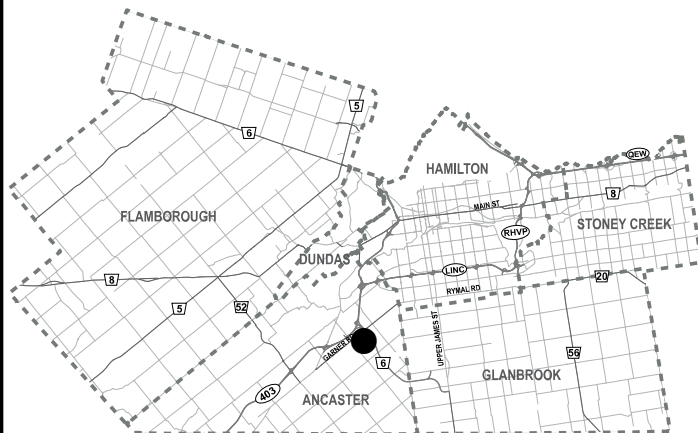
Building Division:

1. This application is necessary to facilitate land severance application AN/B-20:17.
2. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation for further information.
3. Tenant improvements, a change of use, conversions, renovations, alterations, additions, or new buildings are subject to the issuance of a building permit from the Building Division.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

140 Garner Road East, Ancaster (Ward 12)



Lands to be Retained



Lands to be Severed

File Name/Number:

AN/A-20:58

Date:

July 2, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/A-19:105 (8 Grassyplain Dr., Glanbrook)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

GL/A-19:105 (8 Grassyplain Dr., Glanbrook)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning –Suburban

The purpose of this application is to permit the construction of a 5.5 metre by 4.6 metre (25 square metre) roofed over patio in the rear yard, notwithstanding that variances are required to permit the proposed reduced minimum rear yard and reduced setback from the boundary of a transmission pipeline right-of-way.

Staff of the Building Division have advised that their comments will reflect that Variance 2 should be revised to propose a minimum distance of 3.0 m, rather than 1.5 m, from the boundary of a transmission pipeline right-of-way.

History

Minor Variance application GL/A-19:105 was tabled by the Committee of Adjustment at the hearing on May 2, 2019. The patio was proposed to be set back 1.5 m from the rear lot line, being the boundary of a transmission pipeline right-of-way, with dimensions of 5.5 m by 6.1 m (33 sq. m). Planning staff recommended denial of the variances because the proposed setback did not provide adequate separation between the residential and utility uses, and approvals had not been received from either Ontario Hydro nor the natural gas pipeline company.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Further, the lands are designated “Low Density Residential 2” on Map B.5.3-1 in the North-West Glanbrook Secondary Plan (UHOP Volume 2), which permits single detached dwellings (B.5.3.2.3 (b)).

The lands abutting to the rear are designated “Utility” in the North-West Glanbrook Secondary Plan (Map B.5.3-1). These lands are a significant Ontario Hydro Corridor and contain three natural gas transmission pipelines. Development adjacent to the “Utility” lands shall be subject to approval of Ontario Hydro and the appropriate natural gas pipeline company (Volume 2-B.5.3.5.1 (a)). Hydro One advised the applicant via email dated July 18, 2019, that they had no concerns. Comments provided to the Committee of Adjustment dated April 26, 2019, on behalf of TransCanada PipeLines Ltd., indicated that they have no objections to a reduced setback of 3.0 m from the boundary of the transmission pipeline right-of-way. It was stated in these comments that there are two pipelines abutting the subject lands; however, it was later confirmed via email that they operate the third pipeline as well which is located approximately 180 m

from the subject lands and as a result, they have no concerns of any impacts to the third pipeline.

Staff is of the opinion that the proposal to construct a rear yard patio appurtenant to a single detached dwelling, having gained the above-noted approvals, meets the intent of the UHOP.

Former Township of Glanbrook Zoning By-law No. 464

The subject lands are zoned Residential “R3-158” Zone, Modified, to which the existing use complies.

Variance 1

A 3.0 m minimum rear yard setback is proposed, whereas a minimum rear yard setback of 7.5 m is required by the Zoning By-law. The intent of the minimum rear yard requirement is to provide adequate space for an outdoor amenity area, to maintain privacy, and to provide for drainage requirements. Staff defers to Development Engineering Approvals with regards to all drainage concerns.

The proposed rear yard patio provides some outdoor amenity space. Staff notes that the existing 25.64 m wide dwelling is set back 7.55 m from the rear lot line, and that the reduced setback is requested for the 5.5 m wide patio. In the opinion of staff, the proposed 3.0 m rear yard setback is adequate for privacy and a separation of uses between the private residential space and the Hydro Corridor. Based on the foregoing, staff is of the opinion that the variance maintains the intent of the Official Plan and Zoning By-law, and that it is desirable and minor in nature. Accordingly, staff supports the variance.

Variance 2

The subject lands abut the boundary of a transmission pipeline right-of-way to the rear, and as such, a minimum 10 m setback from the rear lot line is required by the Zoning By-law, whereas a minimum setback of 3.0 m is proposed.

A special setback from a transmission pipeline is meant to ensure public safety while protecting infrastructure from damage. As a result of the aforementioned correspondence and comments from Hydro One and TransCanada stating that they have no objections to the proposed 3.0 m setback from the boundary of a transmission pipeline right-of-way, staff is of the opinion that the variance maintains the intent of the Official Plan and Zoning By-law, and that it is desirable and minor in nature. Accordingly, staff supports the variance.

Recommendation:

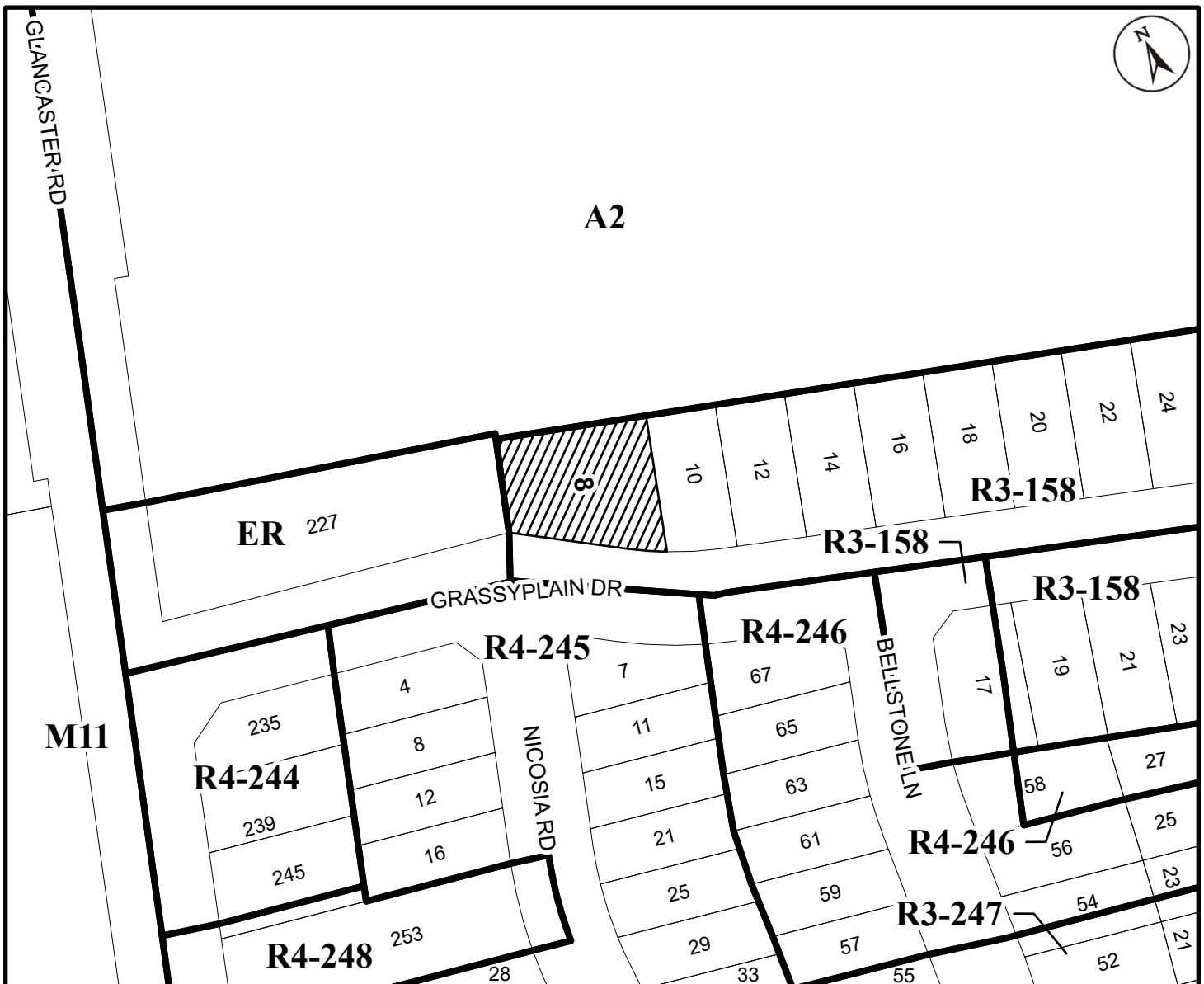
Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that the requested variances maintain the purpose and intent of the Official Plan and the Zoning By-law. The variances are desirable for the appropriate development of the land, and hence minor in nature. Staff recommends that Variance 1, as outlined in the Notice of Hearing, be approved, and that Variance 2, as amended by the Building Division in their comments, be approved.

Building Division:

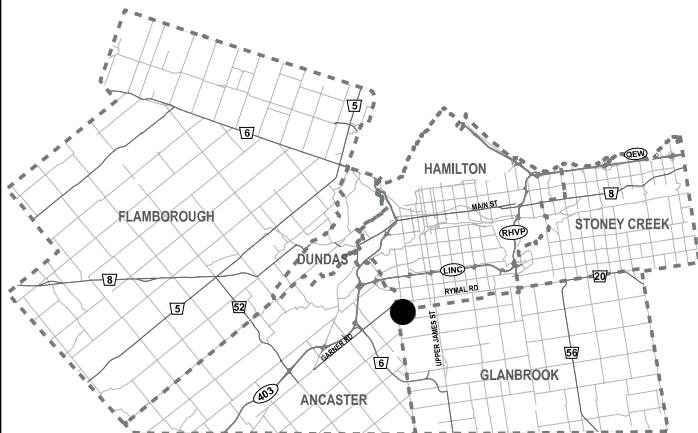
1. The variances should be altered to include "A minimum distance of 3.0 metres shall be provided from the boundary of a transmission pipeline right-of-way instead of the minimum required 10 metres from the boundary of a transmission pipeline right-of-way." and delete "A minimum distance of 1.5 metres shall be provided from the boundary of a transmission pipeline right-of-way instead of the minimum required 10 metres from the boundary of a transmission pipeline right-of-way."
2. A building permit is required for the construction of the proposed 25 square metre addition to be used as a covered porch in the rear yard.
3. Be advised that Ontario Building Code regulations may require specific setback and construction types.
4. Order to Comply 19-106481, dated February 20, 2019, is outstanding.

Development Engineering:

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



8 Grassypain Drive, Glanbrook
(Ward 11)

File Name/Number:

GL/A-19:105

Date:

June 29, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

SC/A-20:49 (73 Pinelands Ave., Stoney Creek)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

SC/A-20:49 (73 Pinelands Ave., Stoney Creek)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning –Suburban

The purpose of this application is to permit the construction of a detached garage accessory to the existing single detached dwelling, notwithstanding that a variance to increase the maximum permitted height for accessory buildings is required.

History

Minor Variance application SC/A-19:212 was approved by the Committee of Adjustment on July 11, 2019, to permit the construction of a detached garage on the subject lands notwithstanding that increases to the maximum height and lot coverage were proposed. Staff recommended approval of the variance to increase the maximum permitted lot coverage subject to a condition. However, staff recommended denial of the variance to increase the maximum permitted height because it was staff's opinion that the increased height in conjunction with the increased lot coverage would not meet the four tests of the Planning Act.

When construction began on the detached garage, the frame was constructed to a maximum height of 6.7 m.

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Single detached dwellings are permitted within the designation (Volume 1 – E.3.4.3).

Former City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned Single Residential "R2" Zone, which permits single detached dwellings and structures accessory thereto, in accordance with the applicable provisions.

Variance 1

A maximum height of 6.7 m is proposed for the accessory structure, whereas a maximum height of 4.5 m is permitted by the Zoning By-law. The intent of the provision is to ensure that the structure remains accessory and subordinate to the dwelling both functionally and visually, which aids in maintaining a consistent neighbourhood character and a compatible streetscape.

The existing dwelling is one-storey, as well as the existing dwellings on the abutting lots and many of the dwellings along the street. The proposed height of 6.7 m would exceed the height of the existing dwelling on the lot and the adjacent dwellings. The proposed height of the accessory structure does not maintain the neighbourhood character, and it does not maintain or enhance the streetscape. It is the opinion of staff that, while the intent of the Official Plan may be maintained, the requested variance does not maintain the intent of the Zoning By-law, and it is not desirable for the appropriate development of the land nor minor in nature. Accordingly, staff **does not** support the variance.

Recommendation:

Although the variance maintains the purpose and intent of the Official Plan, staff is not satisfied that the purpose and intent of the Zoning By-law is maintained. In the opinion of staff, the variance is not desirable for the appropriate development of the land, nor minor in nature. Staff recommends that the variance, as outlined in the Notice of Hearing, be **denied**.

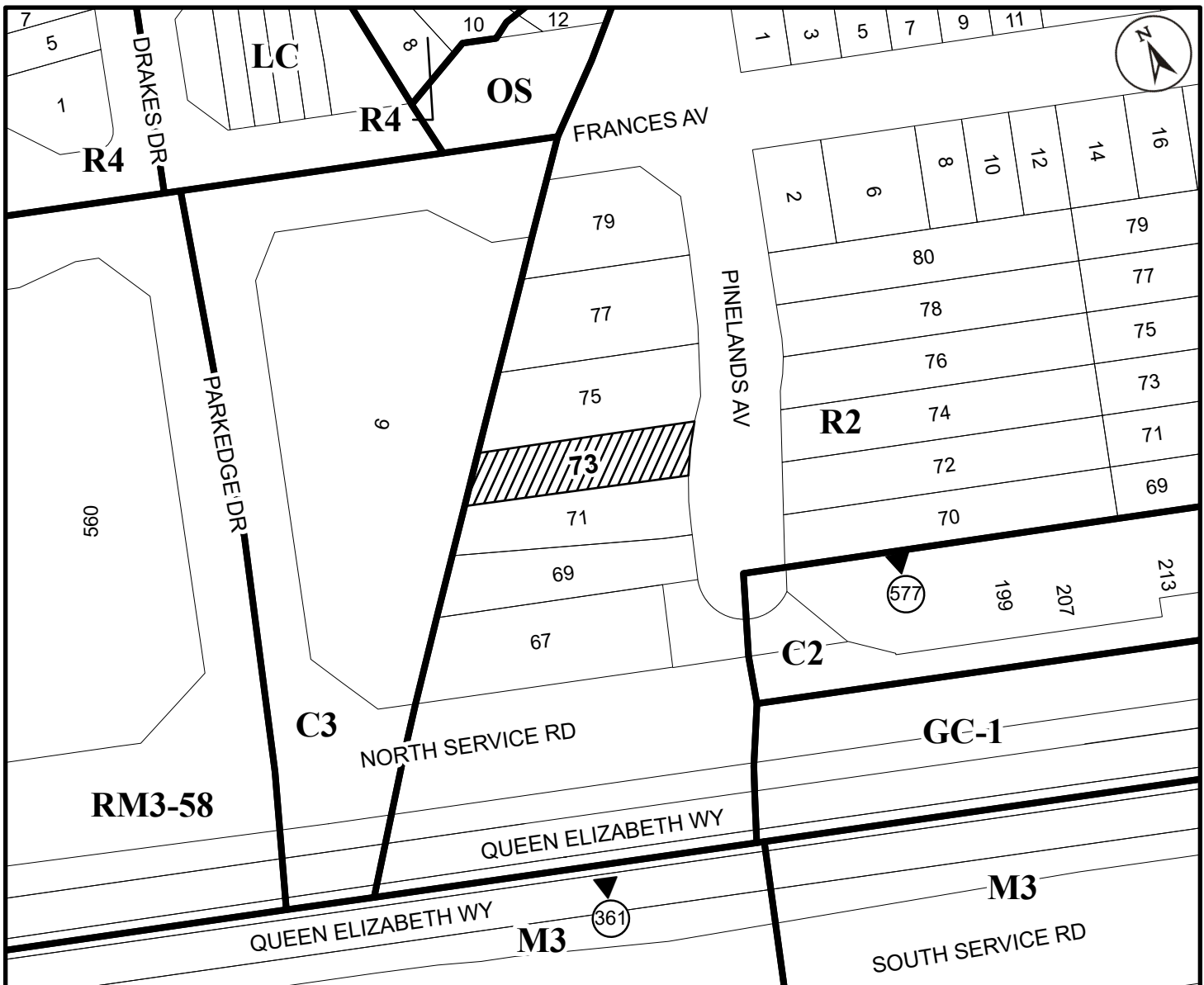
Building Division:

1. The existing single detached dwelling has not been reviewed for zoning compliance.
2. Human habitation is prohibited within the accessory building. Any proposed storage shall be incidental and associated only with the existing single detached dwelling. Any use or storage not associated with the principal use is not permitted including home occupations, commercial and industrial uses.
3. A building permit is required for the construction of the proposed 88.4 square metre detached garage.
4. Be advised that Ontario Building Code regulations may require specific setback and construction types.
5. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation Authority at (905) 525-2181 for further information.

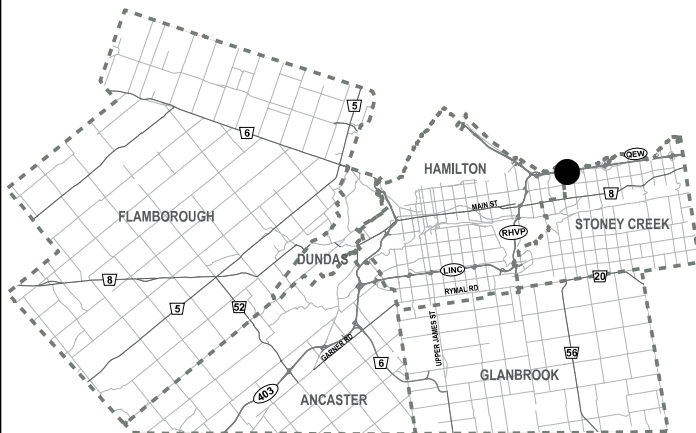
Development Engineering:

See attached for additional comments.

July 9th, 2020



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



73 Pinelands Avenue, Stoney Creek
(Ward 10)

File Name/Number:

SC/A-20:49

Date:

June 29, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

SC/A-20:59 (111 Teal Ave., Stoney Creeek)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

SC/A-20:59 (111 Teal Ave., Stoney Creeek)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning –Suburban

The purpose of this application is to permit the construction of a two-storey single detached dwelling, notwithstanding that variances are required to permit the proposed 4.1 m minimum front yard and proposed 1.0 m southerly side yard.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Policy E.3.4.3 applies, amongst others, and permits a single detached dwelling. As such, staff is of the opinion that the proposal maintains the intent of the Official Plan.

Former City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned Single Residential “R2” Zone, which permits single detached dwellings, subject to the applicable provisions.

Variance 1

A minimum front yard of 4.1 m is proposed, whereas a minimum of 6 m is required by the Zoning By-law. The intent of the provision is to aid in creating and maintaining a consistent streetscape by having dwellings set back a similar and compatible distance from the street, and to provide a physical separation between the private dwelling and the public street with opportunity for landscaping, drainage, access and parking on private property. Staff defers to Development Engineering Approvals for all drainage concerns.

As the originally constructed dwellings along the street are demolished and replaced, the new dwellings provide the minimum set back of 6 m. However, many of the original dwellings that remain provide a setback similar to that proposed. As a result, staff is of the opinion that the proposed setback is in keeping with the streetscape. That being said, there are few if no examples of a garage setback of less than 6 m. Any vehicle parked in the proposed driveway would not be contained wholly on private property as it would encroach into the public street. Although the two parking spaces required by the Zoning By-law are provided within the garage, staff is of the opinion that the garage setback should be large enough to contain a car parked on the driveway to meet the intent of adequate access and parking. Based on the foregoing, staff is of the opinion that, although the intent of the Official Plan is maintained, the variance does not maintain the intent of the Zoning By-law and it is not desirable or minor in nature. Accordingly, staff **does not** support the variance.

Staff notes that a variance to permit the proposed front yard setback of 4.1 m could be supported for the dwelling, including the second storey above the garage, but not for the attached garage.

Variance 2

A variance to permit the roofed-over unenclosed front porch to project 3.0 m into the required front yard rather than the permitted projection of 1.5 m, was requested by the applicant. Staff notes that the front porch is proposed to be set back 3.5 m from the front lot line. In the opinion of staff, the proposed setback provides a physical separation between the front porch and the public street, at a distance that provides opportunities for conversation with passersby. The recessed design provides privacy to its occupants. Based on the foregoing, the variance maintains the intent of the Official Plan and the Zoning By-law, and it is desirable and minor in nature. Staff **supports** the variance.

Should Variance 1 be approved, the front porch is proposed to project 0.6 m into the required front yard, and therefore this variance would not be required. Accordingly, should the Committee grant approval of Variance 1, staff recommends that Variance 2 be **withdrawn**.

Variance 3

A minimum southerly side yard of 1.0 m is proposed, whereas a minimum of 1.25 m is required by the Zoning By-law. Although an attached garage may be erected at a distance of not less than 1.0 m from the side lot line, the dwelling space above and to the rear of the garage is subject to a minimum side yard setback of 1.25 m. The intent of the provision is to ensure that adequate space is provided for access, maintenance, and drainage, and that compatibility between lots is maintained. Staff defers to Development Engineering Approvals for all drainage concerns.

Staff is satisfied that the proposed setback provides adequate space for access and maintenance. The southerly side yard abuts the driveway and detached garage of the lot to the south and does not overlook the outdoor private amenity area of the abutting lot, which will aid in maintaining compatibility between the lots. Based on the foregoing, the variance maintains the intent of the Official Plan and the Zoning By-law, and it is desirable and minor in nature. Staff **supports** the variance.

Recommendation:

Although Variance 1 maintains the purpose and intent of the Official Plan, staff is not satisfied that the variance maintains the purpose and intent of the Zoning By-law. In the opinion of staff, Variance 1 is not desirable for the appropriate development of the land, nor minor in nature. Staff recommends that Variance 1, as outlined in the Notice of Hearing, be **denied**; and,

Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that Variances 2 and 3 maintain the purpose and intent of the Official Plan and the Zoning By-law. The variances are desirable for the appropriate development of the land, and hence minor in nature. Staff recommends that Variances 2 and 3, as outlined in the Notice of Hearing, be **approved**.

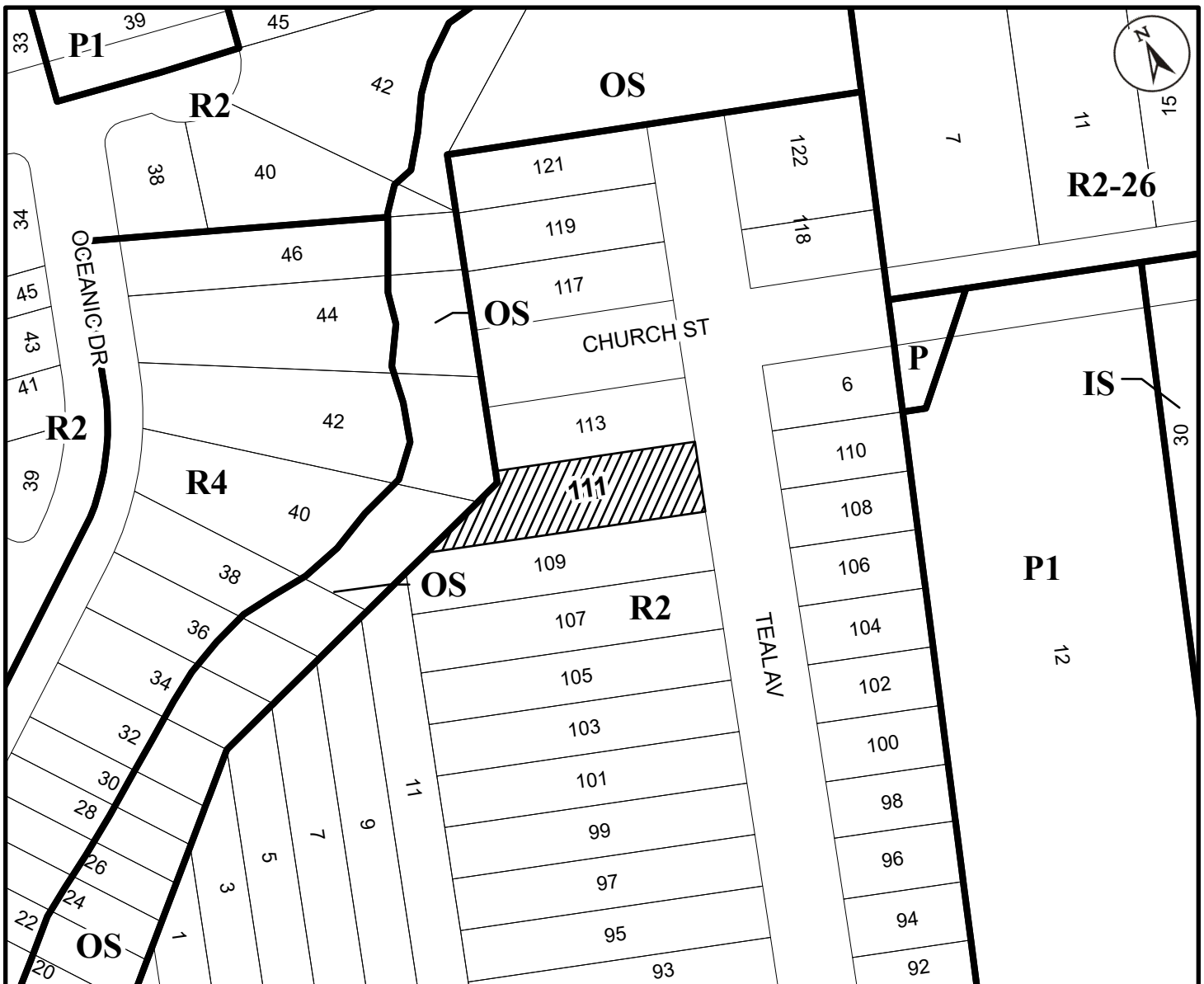
Should the Committee grant approval of Variance 1, staff recommends that Variance 2 be **withdrawn**.

Building Division:

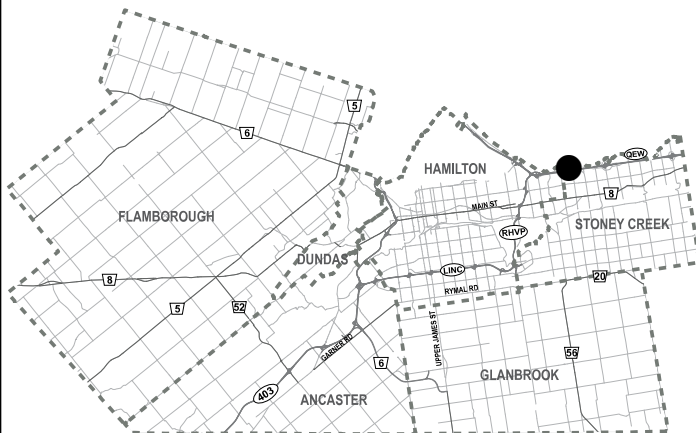
1. In the event variance #1 and #2 are granted, the roofed-over unenclosed front porch will be permitted to project 3.0m into the 4.1m required front yard setback, therefore may be as close as 1.1m from the front lot line. The location of the front porch is unclear on the submitted site plan in order to confirm zoning compliance therefore variances have been written as requested by the applicant.
2. Please be advised that a maximum building height of 11.0m is permitted. Insufficient information has been provided to determine zoning compliance. As such, further variances may be required if compliance with this provision cannot be achieved.
3. Be advised that Ontario Building Code regulations may require specific setback and construction types.
4. A building permit is required for the construction of the proposed dwelling in the normal manner.
5. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation Authority for further information.

Development Engineering:

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



111 Teal Avenue, Stoney Creek
(Ward 10)

File Name/Number:

SC/A-20:59

Date:

June 29, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-20:65 (1091 Hwy 8, Stoney Creek)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

SC/A-20:65 (1091 Hwy 8, Stoney Creek)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning –Suburban

The purpose of this application is to permit the construction of a one storey, 10.79 metre by 9.14 metre addition to an existing single detached dwelling, notwithstanding the use is not permitted within the zoning. The existing single detached dwelling is legal non-conforming, and permission to expand a legal non-conforming use is sought under subsection 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c. P.13.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Policy E.3.2.3 applies, amongst others, and permits residential dwellings (E.3.2.3 (a)).

The subject lands are within the Fruitland – Winona Secondary Plan and are designated “Local Commercial” on Land Use Plan Map B.7.4-1 (UHOP – Volume 2). The Local Commercial Designation policies are in addition to the policies of Section E.3.8 – Local Commercial of Volume 1. The policies provide two modifications: to permit the additional use of community facilities/services and to permit a maximum building height of three storeys. There is no policy requiring that local commercial land uses be provided, or a policy that land uses be provided in accordance with Section E. 3.8 or E.3.2.3 (d) of Volume 1. As a result, staff is of the opinion that the proposed one-storey addition to the residential dwelling is in keeping with the above-noted policies.

A single detached dwelling is not a permitted use within the existing zoning; however, the use was legally established prior to the Zoning By-law coming into force and effect and the use has been continuous since that time. Therefore, the use is considered legal non-conforming. The use is not proposed to intensify as no additional dwelling units are being created. In the opinion of staff, the proposed addition to the rear of the existing dwelling does not hinder the existing commercial uses of the property.

Policy F.1.13.1 applies, amongst others, and permits the extension or enlargement of legal non-conforming uses provided they maintain the intent and purpose of the UHOP. Staff is of the opinion that the proposed expansion of the residential dwelling maintains the intent of the UHOP.

Former City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are split-zoned. The southerly portion fronts onto Highway No. 8 and is zoned Rural Commercial “RC-2(T)”. These lands contain a single detached dwelling, a

restaurant, and a barn. The northerly portion is zoned Agricultural Specialty “AS-10(T)” and is used for agricultural purposes.

The dwelling and the proposed addition, the restaurant, and the barn are all located on the southerly portion zoned “RC-2(T)”. The “RC-2(T)” Zone permits a variety of rural commercial uses including food store, fruit and vegetable outlet, a standard restaurant not exceeding a capacity of 150 seats, and an accessory dwelling unit. Although single detached dwellings are not permitted, staff notes that residential uses are not prohibited within the commercial zones, whereas the dual use of properties for residential and industrial purposes is prohibited within the industrial zones (subsection 9.1.7).

Variance 1

The provisions of the Rural Commercial “RC-2(T)” zoning apply to the uses permitted within the zoning. The use of a single detached dwelling is not permitted within the zoning and therefore the proposed addition is not subject to the minimum side yard requirement. As a result, staff recommends this variance be **withdrawn**.

Recommendation:

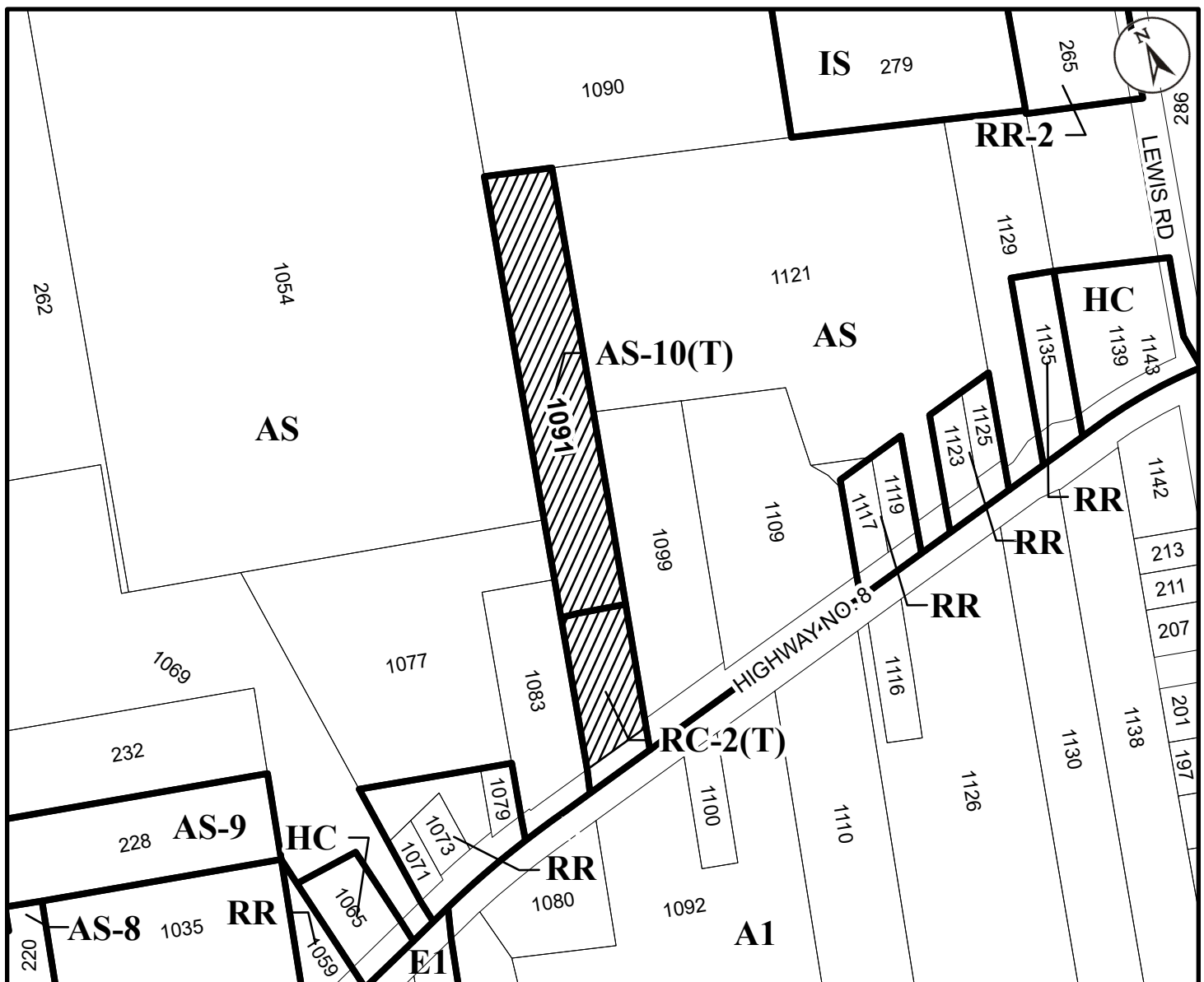
Having regard for the matters under subsection 45(2)(a) of the Planning Act, staff is satisfied that the existing single detached dwelling is a legal non-conforming use, and that no enlargement beyond the limits of the lands used in connection therewith will occur. Staff is satisfied that the purpose and intent of the Official Plan is being maintained. Accordingly, staff **supports** the requested permission to enlarge a legal non-conforming use, as outlined in the Notice of Hearing.

Building Division:

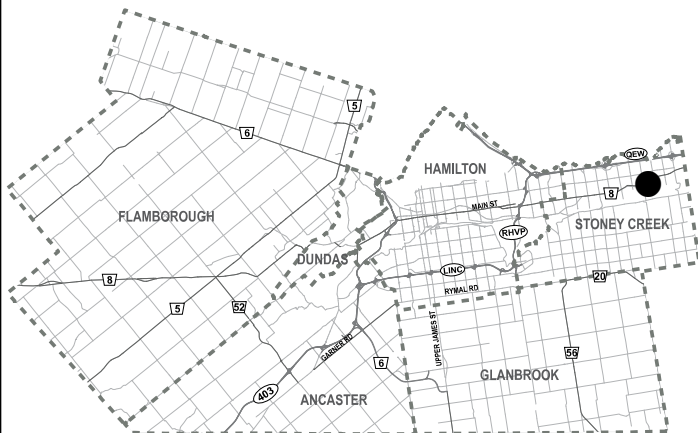
1. This property is zoned RC-2(T) and AS-10(T) of Stoney Creek Zoning By-law 3692-92. The existing dwelling as well as the proposed addition appear to be located entirely within the portion of the property zoned RC-2(T).
2. Be advised that Ontario Building Code regulations may require specific setback and construction types.
3. These lands are subject to site plan control.
4. A building permit is required in the normal manner for the construction of the proposed addition.

Development Engineering:

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



1091 Highway No. 8, Stoney Creek
(Ward 10)

File Name/Number:

SC/A-20:65

Date:

June 29, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-20:48 (610 Tradewind Dr., Ancaster)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

AN/A-20:48 (610 Tradewind Dr., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of a new planned business centre comprising 2,495 square metres of gross floor area with the potential for nine (9) units, in accordance with Site Plan Amendment application SPA-19-149, notwithstanding the variances below.

Urban Hamilton Official Plan

The subject lands are identified as “Employment Areas” on Schedule “E” – Urban Structure and designated “Business Park” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The Business Park designation permits a wide variety of employment uses and employment support uses (E.5.4.1). The proposed uses for each unit within the planned business centre have not been identified by the applicant to determine consistency with the uses permitted by the UHOP.

The intent of the UHOP is to permit development that contributes to a quality image for the business park by incorporating quality landscaping designs adjacent to and visible from public roads, and by complementing the landscape qualities of adjacent sites (E.5.4.7 (a)). Loading areas and larger parking areas will generally be located at the side or rear of buildings and will be screened from view of the roads with appropriate landscaping (E.5.4.7 (b)). The loading areas are proposed to be at the rear, screened from view of the road by the building. The proposed single-loaded parking aisle adjacent to the street lines is screened from view by a 3 m wide planting strip located within a landscape strip that is generally 6 m in width. As a condition of approval of Site Plan Amendment application SPA-19-149, the applicant is required to provide a street tree planting scheme and payment for street trees within the municipal right-of-way. As a result, staff is satisfied that the intent of the UHOP is maintained.

Staff notes that a portion of the site along the southerly lot line is located within the Grand River Conservation Authority’s regulated area. As a result, staff recommends that the Grand River Conservation Authority be contacted regarding the application.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned General Business Park (M2, 678) Zone, which permits a range of employment uses, subject to the applicable provisions.

Variance 1

A minimum width of 5.5 m is proposed for the landscaped area between the street line and the parking areas, whereas a minimum width of 6.0 m is required by the Zoning By-law. The intent of the provision is to provide a physical separation between public and private space, and between manoeuvring vehicles and the pedestrian activity along the public right-of-way.

Staff notes that the proposed width of the landscape strip is greater than or equal to the minimum required width of 6.0 m for much of the strip, and narrows to the proposed 5.5 m width along the southerly portion of the street line abutting Tradewind Drive and again along the westerly portion of the street line abutting the southerly lot line. Staff is satisfied that the proposed reductions will allow for adequate physical separations between the public street and the proposed employment uses on site. Based on the foregoing, staff is of the opinion that the variance maintains the intent of the Official Plan and the Zoning By-law, and that it is desirable and minor in nature. Staff **supports** the variance.

Variance 2

The minimum number of parking spaces is proposed to be based on a ratio of one parking space per 55 sq. m of gross floor area for the provision of 45 parking spaces, whereas the Zoning By-law requires that parking spaces be provided at the ratio of one parking space per 50 sq. m of gross floor area for the provision of 49 parking spaces. The intent of the provision is to provide adequate off-street parking to meet the parking needs of the use on the lot. Based on the site's proximity to existing transit routes, staff is of the opinion that the parking needs for the planned business centre will be adequately met notwithstanding this request for a modest reduction in parking requirements. Staff notes that it is desirable to reduce parking requirements in order to support existing transit routes. Based on the foregoing, staff is of the opinion that the variance maintains the intent of the Official Plan and the Zoning By-law, and that it is desirable and minor in nature. Staff **supports** the variance.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that the requested variances maintain the purpose and intent of the Official Plan and the Zoning By-law. The variances are desirable for the appropriate development of the land, and hence minor in nature. Staff recommends that the requested variances, as outlined in the Notice of Hearing, be **approved**.

Building Division:

1. The variances have been written as requested by the applicant. The lands are subject to Site Plan application DA-19-149 which received conditional approval on December 20, 2019. A previous Site Plan application was approved August 21, 2017 for DA-17-036 to permit a two (2) storey industrial building comprising 1954 square metres of gross floor area.

2. The Zoning By-law defines Planned Business Centre as:

Planned Business Centre shall mean a group of business establishments within an Industrial Zone which is planned, developed, managed and operated as a unit with shared on-site parking, and containing four or more separated spaces for lease or occupancy, but shall not be considered as a Shopping Centre.

3. The Zoning By-law requires the landscaped area to include a minimum 3.0m wide planting strip. It is noted that the landscaped area to be addressed in Variance #1 would contain the required 3.0m planting strip.

4. The property is zoned M2, Exception 678 which was created under amending By-law 18-219 and permits Children's Play-gym and Gymnastics Studio as additional uses.

5. The requested variance for parking would allow for the provision of 47 parking spaces instead of 49 parking spaces.

6. Building Permit 17-129978 was issued August 6, 2019 for the construction of the shell only for a 2 storey low hazard industrial building (i.e. warehouse) with subsidiary office space comprising 1,954 square metres of gross floor area and approved under Site Plan Application DA-17-036.

7. A revised building permit is required for new construction of the proposed planned business centre.

8. Be advised that Ontario Building Code regulations may require specific setback and construction types.

July 9th, 2020

Development Engineering:

See attached for additional comments.

From: [Uwe Schaible](#)
To: [Evans, Morgan](#)
Subject: RE: Application No: AN/A-20:48
Date: March 16, 2020 11:42:58 AM

Thank-you,

Uwe

U.D. Schaible, Ph.D. P.Eng.
President, MARLEX Engineering Inc.

602 Tradewind Drive
Ancaster, ON L9G 4V5
Phone: 905.304.6208 x222
Fax: 905.304.6209
Mobile: 289.439.8218
E-mail: uschaible@marlexeng.com
Web: www.marlexeng.com

This e-mail is intended only for the person(s) or organization(s) to which it is addressed and may contain confidential and/or legally privileged material. If you are not the intended recipient, please telephone the sender and delete this e-mail from your system. If you are not the intended recipient, you must not copy this e-mail or disclose its content to any other person.

From: Evans, Morgan [<mailto:Morgan.Evans@hamilton.ca>]
Sent: Monday, March 16, 2020 11:42 AM
To: Uwe Schaible
Subject: RE: Application No: AN/A-20:48

I will include your written comments in the file.

Morgan Evans | Development Clerk
Committee of Adjustment
Planning & Economic Development
City of Hamilton | City Hall
71 Main St. W. | 5th Floor
Hamilton, Ontario | L8P 4Y5
905-546-2424 ext. 4221

From: Uwe Schaible <uschaible@marlexeng.com>
Sent: Thursday, March 12, 2020 3:23 PM
To: Lazarevic, Velimir <Velimir.Lazarevic@hamilton.ca>; Evans, Morgan <Morgan.Evans@hamilton.ca>
Cc: Sheffield, Jamila <Jamila.Sheffield@hamilton.ca>
Subject: RE: Application No: AN/A-20:48

I just called both of you, neither of you picked up. I left a message with Velmir.
I still have not had a response from Velmir so maybe there is a preferred approach that I should take

to have my questions answered.

In particular, I would like to know if my written submission below can be addressed at the meeting.

I am the property owner of both neighboring properties 602 Tradewind Drive and 1412 Sandhill Drive.

I will not be able to attend the meeting on Thursday, March 19th as I am away on vacation.

Before filing an official objection to this Minor Variance, I would like to discuss the minor variance sketch with you, specifically regarding compliance to:

- 1. Entranceway on Southeast Corner of Lot 14. Can the entranceway be placed that close to the property line and cutting a corner off of the 6m portion abutting Lot 14 and Tradewind Drive? Also, there is an existing light pole there illuminating the street and my entrance-way at 602 Tradewind.*
- 2. For the rear loading space, as per M2 Zoning, "no land should be used for loading purposes within 1.5 meters of any rear lot line". Is the proposed site plan in compliance with this by-law?*
- 3. If this variance is allowed will I also be able to apply for the same variance for my properties at 1412 Sandhill and 602 Tradewind and build larger buildings with fewer than the by-law prescribed parking spaces?*
- 4. Note: I just spent a lot of money for change of use permits at the 1412 property and went through the process of getting a minor site plan application approved. I had to painstakingly comply with the existing by-laws, including parking. If you grant the proposed variance at 610 Tradewind, will the City of Hamilton refund me for my costs for the site plan and the time I spent dealing with parking space compliance?*
- 5. It seems that this variance is triggered by the fact that the size of the footprint of the proposed building is too large for the lot. Aside from greed, is there any other reason the size of the proposed building cannot be reduced so that all the existing bylaws are met?*

I am looking forward to hearing from you. Please respond.

Uwe

U.D. Schaible, Ph.D. P.Eng.
President, MARLEX Engineering Inc.

602 Tradewind Drive
Ancaster, ON L9G 4V5
Phone: 905.304.6208 x222
Fax: 905.304.6209
Mobile: 289.439.8218
E-mail: uschaible@marlexeng.com
Web: www.marlexeng.com

This e-mail is intended only for the person(s) or organization(s) to which it is addressed and may contain confidential and/or legally privileged material. If you are not the intended recipient, please telephone the sender and delete this e-mail from your system. If you are not the intended recipient, you must not copy this e-mail or disclose its content to any other person.

From: Uwe Schaible [<mailto:uschaible@marlexeng.com>]
Sent: Wednesday, March 11, 2020 12:55 PM
To: 'Velimir.Lazarevic@hamilton.ca'

Cc: 'Morgan.Evans@hamilton.ca'
Subject: FW: Application No: AN/A-20:48

Hi Velimir,

I received the Notice of Public Hearing, Minor Variance, for the property at 610 Tradewind Dr. I am the property owner of both neighboring properties 602 Tradewind Drive and 1412 Sandhill Drive.

I will not be able to attend the meeting on Thursday March 19th as I am away on vacation. Before filing an official objection to this Minor Variance, I would like to discuss the minor variance sketch with you, specifically regarding compliance to:

1. Entranceway on Southeast Corner of Lot 14. Can the entranceway be placed that close to the property line and cutting a corner off of the 6m portion abutting Lot 14 and Tradewind Drive? Also, there is an existing light pole there illuminating the street and my entrance-way at 602 Tradewind.
2. For the rear loading space, as per M2 Zoning, "no land should be used for loading purposes within 1.5 meters of any rear lot line". Is the proposed site plan in compliance with this by-law?

Please call me as soon as possible to discuss, 289-439-8218. I will also call you and leave a message.

Best regards,

Uwe

U.D. Schaible, Ph.D. P.Eng.
President, MARLEX Engineering Inc.

602 Tradewind Drive
Ancaster, ON L9G 4V5
Phone: 905.304.6208 x222
Fax: 905.304.6209
Mobile: 289.439.8218
E-mail: uschaible@marlexeng.com
Web: www.marlexeng.com

This e-mail is intended only for the person(s) or organization(s) to which it is addressed and may contain confidential and/or legally privileged material. If you are not the intended recipient, please telephone the sender and delete this e-mail from your system. If you are not the intended recipient, you must not copy this e-mail or disclose its content to any other person.

From: Evans, Morgan [<mailto:Morgan.Evans@hamilton.ca>]
Sent: Wednesday, March 11, 2020 8:34 AM
To: Uwe Schaible
Subject: RE: Application No: AN/A-20:48

Velimir Lazarevic

Velimir.Lazarevic@hamilton.ca
905-546-2424 x5865

As said, I cannot answer your questions, I am not a Planner.

Thank you,

Morgan Evans | Development Clerk
Committee of Adjustment
Planning & Economic Development
City of Hamilton | City Hall
71 Main St. W. | 5th Floor
Hamilton, Ontario | L8P 4Y5
905-546-2424 ext. 4221

From: Uwe Schaible <uschaible@marlexeng.com>
Sent: Tuesday, March 10, 2020 6:47 PM
To: Evans, Morgan <Morgan.Evans@hamilton.ca>
Subject: RE: Application No: AN/A-20:48

Hi Morgan,

I have not heard back from the planner on file. As I will be away next week, I want to discuss this with the planner to fully understand the Minor Variance implications for the property at 610 Tradewind Dr and also my adjoining properties.
Please contact me, 289-439-8218

Thank-you,

Uwe

U.D. Schaible, Ph.D. P.Eng.
President, MARLEX Engineering Inc.

602 Tradewind Drive
Ancaster, ON L9G 4V5
Phone: 905.304.6208 x222
Fax: 905.304.6209
Mobile: 289.439.8218
E-mail: uschaible@marlexeng.com
Web: www.marlexeng.com

This e-mail is intended only for the person(s) or organization(s) to which it is addressed and may contain confidential and/or legally privileged material. If you are not the intended recipient, please telephone the sender and delete this e-mail from your system. If you are not the intended recipient, you must not copy this e-mail or disclose its content to any other person.

From: Evans, Morgan [<mailto:Morgan.Evans@hamilton.ca>]
Sent: Friday, March 6, 2020 11:17 AM
To: Uwe Schaible
Subject: RE: Application No: AN/A-20:48

I have forwarded your email.

Morgan Evans | Development Clerk
Committee of Adjustment
Planning & Economic Development
City of Hamilton | City Hall
71 Main St. W. | 5th Floor
Hamilton, Ontario | L8P 4Y5
905-546-2424 ext. 4221

From: Uwe Schaible <uschaible@marlexeng.com>
Sent: Friday, March 6, 2020 11:13 AM
To: Evans, Morgan <Morgan.Evans@hamilton.ca>
Subject: RE: Application No: AN/A-20:48

OK, thank-you.

Please have them call me at 289-439-8281.

Best regards,

Uwe

U.D. Schaible, Ph.D. P.Eng.
President, MARLEX Engineering Inc.

602 Tradewind Drive
Ancaster, ON L9G 4V5
Phone: 905.304.6208 x222
Fax: 905.304.6209
Mobile: 289.439.8218
E-mail: uschaible@marlexeng.com
Web: www.marlexeng.com

This e-mail is intended only for the person(s) or organization(s) to which it is addressed and may contain confidential and/or legally privileged material. If you are not the intended recipient, please telephone the sender and delete this e-mail from your system. If you are not the intended recipient, you must not copy this e-mail or disclose its content to any other person.

From: Evans, Morgan [<mailto:Morgan.Evans@hamilton.ca>]
Sent: Friday, March 6, 2020 11:11 AM
To: Uwe Schaible
Subject: RE: Application No: AN/A-20:48

I will put you in contact with the planner of the file, those are questions I cannot answer.

Thank you,

Morgan Evans | Development Clerk

Committee of Adjustment

Planning & Economic Development

City of Hamilton | City Hall

71 Main St. W. | 5th Floor

Hamilton, Ontario | L8P 4Y5

905-546-2424 ext. 4221

From: Uwe Schaible <uschaible@marlexeng.com>

Sent: Friday, March 6, 2020 11:10 AM

To: Evans, Morgan <Morgan.Evans@hamilton.ca>

Subject: Application No: AN/A-20:48

Dear Morgan,

I received the Notice of Public Hearing, Minor Variance, for the property at 610 Tradewind Dr. I am the property owner of both neighboring properties 602 Tradewind Drive and 1412 Sandhill Drive.

I will not be able to attend the meeting on Thursday March 19th as I am away on vacation. Before filing an official objection to this Minor Variance, I would like to discuss the minor variance sketch with you, specifically regarding compliance to:

1. Entranceway on Southeast Corner of Lot 14. Can the entranceway be placed that close to the property line and cutting a corner off of the 6m portion abutting Lot 14 and Tradewind Drive?
2. For the rear loading space, as per M2 Zoning, "no land should be used for loading purposes within 1.5 meters of any rear lot line". Is the proposed site plan in compliance with this by-law?

Please call me as soon as possible to discuss, 289-439-8218. I will also call you and leave a message.

Best regards,

Uwe

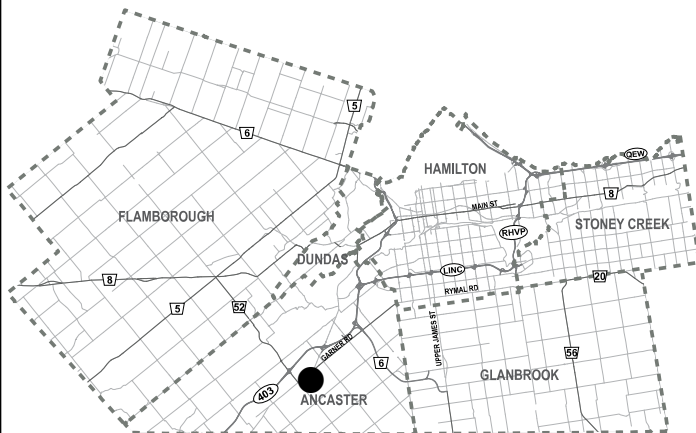
U.D. Schaible, Ph.D. P.Eng.
President, MARLEX Engineering Inc.

602 Tradewind Drive
Ancaster, ON L9G 4V5
Phone: 905.304.6208 x222
Fax: 905.304.6209
Mobile: 289.439.8218
E-mail: uschaible@marlexeng.com
Web: www.marlexeng.com

This e-mail is intended only for the person(s) or organization(s) to which it is addressed and may contain confidential and/or legally privileged material. If you are not the intended recipient, please telephone the sender and delete this e-mail from your system. If you are not the intended recipient, you must not copy this e-mail or disclose its content to any other person.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



610 Tradewind Drive, Ancaster
(Ward 12)

File Name/Number:

AN/A-20-48

Date:

March 6, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/B-20:18 (378 Harmony Hall Dr., Ancaster)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should 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 hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
3. That final and binding approval of Zoning By-law Amendment Application ZAR-19-034 be received, to the satisfaction of the Manager of Development Planning, Heritage and Design.
4. That, pursuant to subsection 50(12) of the Planning Act, it is hereby stipulated that subsection 50(3) or subsection 50(5) shall apply to any subsequent conveyance of or other transaction involving the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a Solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and that the severed lands, as outlined in the Notice of Hearing, will merge with the severed lands of Consent Application AN/B-20:19, being part of Block 117, Registered Plan 62M-1122, and become one parcel of land.
5. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law or alternatively, apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will be assigned the address of 104 Gregorio Avenue, Hamilton (Ancaster), the lands to be conveyed will be assigned the address of 108 Gregorio Avenue, Hamilton (Ancaster), and the existing address of 378 Harmony Hall Drive will eventually be retired and no longer referred to upon final approval of the consent applications.

AN/B-20:18 (378 Harmony Hall Dr., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of these applications is to permit a boundary adjustment between two parcels of land in order to construct a single detached dwelling on each adjusted lot.

Application AN/B-20:18 proposes to sever a ± 4.11 metre by ± 18.28 metre parcel of land, having an area of ± 72.1 square metres, and to retain a ± 18.31 metre by ± 17 m parcel of land, having an area of ± 313.2 square metres.

Application AN/B-20:19 proposes to sever a ± 15 metre by ± 31.01 metre parcel of land, having an area of ± 395.1 square metres, and to retain a ± 13.5 metre by ± 17 m parcel of land, having an area of ± 219.2 square metres.

The severed lands of AN/B-20:18 and AN/B-20:19 are proposed to be merged to create the interior residential building lot while the retained lands of both applications are proposed to be merged to create the corner residential building lot.

Subject Lands

The subject lands are located on the northwest corner of the Harmony Hall Drive intersection with Gregorio Avenue. The lands municipally known as 378 Harmony Hall Drive are approximately 21 m by 18 m and have frontage on Harmony Hall Drive. The second parcel, referred to as “0” Harmony Hall Drive, is “L”-shaped and has 32 m of frontage on Gregorio Avenue and 13.3 m of frontage on Harmony Hall Drive. Both parcels are currently vacant.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are within the Garner Neighbourhood Secondary Plan and are designated “Low Density Residential 1a” on Land Use Plan Map B.2.3-1 (UHOP – Volume 2). Policy B.2.3.1.3 applies, amongst others, and permits single detached dwellings having a minimum lot frontage of 15 m.

The proposed development of vacant or underutilized lots within previously developed areas is considered Residential Intensification, and accordingly, must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1). The proposal maintains and builds upon the desirable established patterns and built form of the neighbourhood character. The use, scale, form and character of the development will integrate compatibly with the surrounding area. The lot pattern and configuration of the proposed

lots is consistent with the neighbourhood and will result in development that is able to maintain the streetscape patterns. Staff has assessed the ability of the development to comply with all applicable policies, which is discussed further below.

Minor lot adjustments are permitted by the UHOP when they do not conflict with the policies of the UHOP and there is no increased fragmentation of a core area. Although neither consent application in itself creates a new residential lot, together they effectively create two new lots for residential uses. As a result, the proposed development has been reviewed for compliance with the lot creation policies of the UHOP.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the conditions of F.1.14.3.1 (Volume 1). Staff is of the opinion that the proposed severances do consider the design and compatibility with the existing neighbourhood. The proposed lots reflect the general scale of the established development pattern in the surrounding area, and the consents will allow for further residential intensification that is in keeping with the established streetscape. The proposed lots do not conform to the existing zoning; however, the lands are subject to Zoning By-law Amendment Application ZAR-19-034. The lands are proposed to be re-zoned from the existing zoning to the Residential “R4-709” Zone, Modified, to which the proposed lots comply. As a result, staff recommends a condition that final and binding approval of ZAR-19-034 be received prior to the consents being finalized.

Based on the foregoing, staff is of the opinion that the proposed consents are consistent with the policies of the Official Plan, including the Garner Neighbourhood Secondary Plan, and that the proposed lots reflect the general scale and character of the established development. Based on the foregoing, staff is **supportive** of the proposed consents, subject to the conditions following the recommendation.

Former Town of Ancaster Zoning By-law No. 87-57

The lands municipally known as 378 Harmony Hall Drive are zoned Agricultural “A-216” Zone, Modified, which permits detached dwellings only as a use accessory to agriculture and not as a principal use. The lands referred to as “0” Harmony Hall Drive are split-zoned, with the westerly portion zoned Residential “R4-524” Zone, Modified, and the southeasterly portion zoned Public “P” Zone.

Through Zoning By-law Amendment Application ZAR-19-034, the lands are proposed to be re-zoned to the Residential “R4-709” Zone, Modified. The special exception modifies the maximum lot coverage, minimum front yard, and minimum side yard provisions of the “R4” Zone. The “R4” Zoning requires a minimum lot area of 500 sq. m for a corner lot and 400 sq. m for all other lots. A minimum lot frontage of 16 m is required for a corner lot and 12 m is required for all other lots. The proposed lots meet the minimum lot area and lot frontage requirements of the proposed zoning.

Recommendation:

Staff is satisfied that the proposed consents conform to the Official Plan, and that the lot adjustments are suitable. Having regard for the matters under subsection 50(12) of the Planning Act, Staff recommends that the proposed consents, as outlined in the Notices of Hearing, be **approved** subject to the conditions outlined below.

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. The lands to be conveyed/retained shall be merged in title with the lands to which they are to be added.
3. The subject lands are currently zoned 'R4-514', 'A-216' and 'P'. In such cases where there are multiple zones on a lot, the most restrictive zoning requirements of each zone shall apply. As such, each lot is required to provide a minimum lot area of 1,850.0m² and a minimum lot width of 30.0m. The proposed lots do not conform to these requirements.
4. A zoning By-law Amendment has been applied for to change the zoning of this property to an R4(modified) zone. As of today's date, this zoning By-law Amendment has not been heard at council and the former existing zones remain in effect.

CONDITIONAL UPON:

1. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law or alternatively, apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

Development Engineering:

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the request to sever lands. Right-of-way dedications are not required.

Growth Planning, Growth Management

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will be assigned the address of 104 Gregorio Avenue, Hamilton (Ancaster), the lands to be conveyed will be assigned the address of 108 Gregorio Avenue, Hamilton (Ancaster), and the existing address of 378 Harmony Hall Drive will eventually be retired and no longer referred to upon final approval of the consent applications.

If at a future date it is discovered that the main entry of the house to be constructed on the retained lands will face Harmony Hall Drive, an address change will be required.

We ask that the following be noted to the applicant:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings to be constructed or on signs in accordance with the City's sign By-law, in a manner that is clearly visible from the road.

CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

See attached for additional comments.



Sam Brush, Urban Forest Health Technician
City Centre, 77 James Street North, Suite 400
Hamilton, ON L8R 2K3
Phone (905) 546-2424 Ext. 7375, Fax (905) 546-4473
Email – Sam.Brush@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: July 2, 2020

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer
Development Planning
City Hall – 71 Main Street West – 5th Floor

From: Sam Brush – Urban Forestry Health Technician

Subject: 378 Harmony Hall Drive, Ancaster
File: AN/B-20:18

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, July 9, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.

No Landscape plan required.

Forestry has no concerns or conditions regarding this application.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY

- There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.
- No Landscape plan required.
- Forestry has no concerns or conditions regarding this application.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 7375.

Regards,

A handwritten signature in black ink, appearing to read "Sam Brush". The signature is stylized with a large, looped "S" and a distinct "B".

Sam Brush
Urban Forest Health Technician

AN/B-20-19 (0 Harmony Hall Dr., Ancaster)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should 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 hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
3. A 4.57 metre x 4.57 metre Daylighting Triangle is required at Harmony Hall Drive and Gregorio Ave
4. That final and binding approval of Zoning By-law Amendment Application ZAR-19-034 be received, to the satisfaction of the Manager of Development Planning, Heritage and Design.
5. That, pursuant to subsection 50(12) of the Planning Act, it is hereby stipulated that subsection 50(3) or subsection 50(5) shall apply to any subsequent conveyance of or other transaction involving the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a Solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and that the severed lands, as outlined in the Notice of Hearing, will merge with the severed lands of Consent Application AN/B-20:18, being part of Lot 47, Concession 3 Ancaster, and become one parcel of land.
6. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law or alternatively, apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will be assigned the address of 104 Gregorio Avenue, Hamilton (Ancaster), the lands to be conveyed will

July 9th, 2020

be assigned the address of 108 Gregorio Avenue, Hamilton (Ancaster), and the existing address of 378 Harmony Hall Drive will eventually be retired and no longer referred to upon final approval of the consent applications.

AN/B-20-19 (0 Harmony Hall Dr., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning –Suburban

The purpose of these applications is to permit a boundary adjustment between two parcels of land in order to construct a single detached dwelling on each adjusted lot.

Application AN/B-20:18 proposes to sever a ± 4.11 metre by ± 18.28 metre parcel of land, having an area of ± 72.1 square metres, and to retain a ± 18.31 metre by ± 17 m parcel of land, having an area of ± 313.2 square metres.

Application AN/B-20:19 proposes to sever a ± 15 metre by ± 31.01 metre parcel of land, having an area of ± 395.1 square metres, and to retain a ± 13.5 metre by ± 17 m parcel of land, having an area of ± 219.2 square metres.

The severed lands of AN/B-20:18 and AN/B-20:19 are proposed to be merged to create the interior residential building lot while the retained lands of both applications are proposed to be merged to create the corner residential building lot.

Subject Lands

The subject lands are located on the northwest corner of the Harmony Hall Drive intersection with Gregorio Avenue. The lands municipally known as 378 Harmony Hall Drive are approximately 21 m by 18 m and have frontage on Harmony Hall Drive. The second parcel, referred to as “0” Harmony Hall Drive, is “L”-shaped and has 32 m of frontage on Gregorio Avenue and 13.3 m of frontage on Harmony Hall Drive. Both parcels are currently vacant.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are within the Garner Neighbourhood Secondary Plan and are designated “Low Density Residential 1a” on Land Use Plan Map B.2.3-1 (UHOP – Volume 2). Policy B.2.3.1.3 applies, amongst others, and permits single detached dwellings having a minimum lot frontage of 15 m.

The proposed development of vacant or underutilized lots within previously developed areas is considered Residential Intensification, and accordingly, must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1). The proposal maintains and builds upon the desirable established patterns and built form of the neighbourhood character. The use, scale, form and character of the development will integrate compatibly with the surrounding area. The lot pattern and configuration of the proposed

lots is consistent with the neighbourhood and will result in development that is able to maintain the streetscape patterns. Staff has assessed the ability of the development to comply with all applicable policies, which is discussed further below.

Minor lot adjustments are permitted by the UHOP when they do not conflict with the policies of the UHOP and there is no increased fragmentation of a core area. Although neither consent application in itself creates a new residential lot, together they effectively create two new lots for residential uses. As a result, the proposed development has been reviewed for compliance with the lot creation policies of the UHOP.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the conditions of F.1.14.3.1 (Volume 1). Staff is of the opinion that the proposed severances do consider the design and compatibility with the existing neighbourhood. The proposed lots reflect the general scale of the established development pattern in the surrounding area, and the consents will allow for further residential intensification that is in keeping with the established streetscape. The proposed lots do not conform to the existing zoning; however, the lands are subject to Zoning By-law Amendment Application ZAR-19-034. The lands are proposed to be re-zoned from the existing zoning to the Residential “R4-709” Zone, Modified, to which the proposed lots comply. As a result, staff recommends a condition that final and binding approval of ZAR-19-034 be received prior to the consents being finalized.

Based on the foregoing, staff is of the opinion that the proposed consents are consistent with the policies of the Official Plan, including the Garner Neighbourhood Secondary Plan, and that the proposed lots reflect the general scale and character of the established development. Based on the foregoing, staff is **supportive** of the proposed consents, subject to the conditions following the recommendation.

Former Town of Ancaster Zoning By-law No. 87-57

The lands municipally known as 378 Harmony Hall Drive are zoned Agricultural “A-216” Zone, Modified, which permits detached dwellings only as a use accessory to agriculture and not as a principal use. The lands referred to as “0” Harmony Hall Drive are split-zoned, with the westerly portion zoned Residential “R4-524” Zone, Modified, and the southeasterly portion zoned Public “P” Zone.

Through Zoning By-law Amendment Application ZAR-19-034, the lands are proposed to be re-zoned to the Residential “R4-709” Zone, Modified. The special exception modifies the maximum lot coverage, minimum front yard, and minimum side yard provisions of the “R4” Zone. The “R4” Zoning requires a minimum lot area of 500 sq. m for a corner lot and 400 sq. m for all other lots. A minimum lot frontage of 16 m is required for a corner lot and 12 m is required for all other lots. The proposed lots meet the minimum lot area and lot frontage requirements of the proposed zoning.

Recommendation:

Staff is satisfied that the proposed consents conform to the Official Plan, and that the lot adjustments are suitable. Having regard for the matters under subsection 50(12) of the Planning Act, Staff recommends that the proposed consents, as outlined in the Notices of Hearing, be **approved** subject to the conditions outlined below.

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. The lands to be conveyed/retained shall be merged in title with the lands to which they are to be added.
3. The subject lands are currently zoned 'R4-514', 'A-216' and 'P'. In such cases where there are multiple zones on a lot, the most restrictive zoning requirements of each zone shall apply. As such, each lot is required to provide a minimum lot area of 1,850.0m² and a minimum lot width of 30.0m. The proposed lots do not conform to these requirements.
4. A zoning By-law Amendment has been applied for to change the zoning of this property to an R4(modified) zone. As of today's date, this zoning By-law Amendment has not been heard at council and the former existing zones remain in effect.

CONDITIONAL UPON:

1. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law or alternatively, apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

Development Engineering:

Transportation Planning & Parking Division (Traffic):

Transportation Planning can support the land severance, provided the following condition is met:

a) 4.57 metre x 4.57 metre Daylighting Triangle is required at Harmony Hall Drive and Gregorio Ave

Growth Planning, Growth Management

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will be assigned the address of 104 Gregorio Avenue, Hamilton (Ancaster), the lands to be conveyed will be assigned the address of 108 Gregorio Avenue, Hamilton (Ancaster), and the existing address of 378 Harmony Hall Drive will eventually be retired and no longer referred to upon final approval of the consent applications.

If at a future date it is discovered that the main entry of the house to be constructed on the retained lands will face Harmony Hall Drive, an address change will be required.

We ask that the following be noted to the applicant:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings to be constructed or on signs in accordance with the City's sign By-law, in a manner that is clearly visible from the road.

CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

See attached for additional comments.



Sam Brush, Urban Forest Health Technician
City Centre, 77 James Street North, Suite 400
Hamilton, ON L8R 2K3
Phone (905) 546-2424 Ext. 7375, Fax (905) 546-4473
Email – Sam.Brush@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: July 2, 2020

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer
Development Planning
City Hall – 71 Main Street West – 5th Floor

From: Sam Brush – Urban Forestry Health Technician

Subject: 0 Harmony Hall Drive, Ancaster
File: AN/B-20:19

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, July 9, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.

No Landscape plan required.

Forestry has no concerns or conditions regarding this application.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY

- There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.
- No Landscape plan required.
- Forestry has no concerns or conditions regarding this application.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 7375.

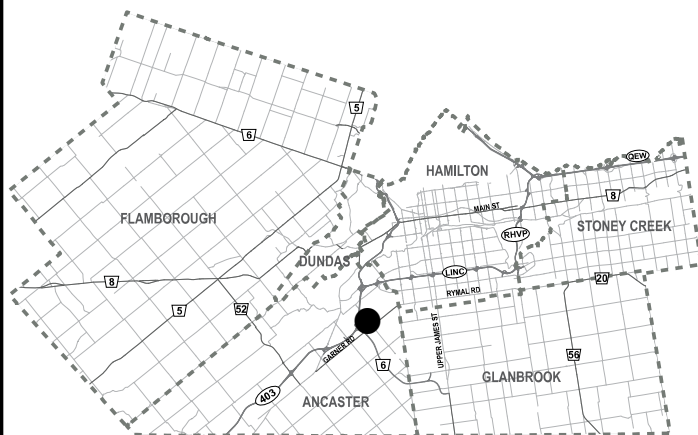
Regards,

A handwritten signature in black ink, appearing to read "Sam Brush". The signature is stylized with a large, looped "S" and a distinct "B".

Sam Brush
Urban Forest Health Technician



● Site Location



Committee of Adjustment

Subject Property

0 Harmony Hall Drive, Ancaster (Ward 12)



File Name/Number:

AN/B-20:19

Date:

July 2, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/B-20:20 (455 Springbrook Ave, Ancaster)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should 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 hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
3. That the owner acquires the lands described as Block 14, Registered Plan 62M-1161; and the lands described as Part of Block 102, Registered Plan 62M-1116, in order to provide adequate frontage on a public road for the severed lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.
4. That the owner takes the necessary steps to lift the reserve block that currently runs along the frontage of Fair Street, described as Block 21, Registered Plan 62M-1161, that any and all costs associated with lifting the reserve block shall be borne by the owner, and that the reserve block is lifted, in order to provide adequate frontage on a public road for the severed lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.
5. Tree Protection Plan: That the owner submits and receives approval of a Tree Protection Plan, including the review fee as per the effective Schedule of Rates and Fees (currently \$625), prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.
6. Landscape Plan: That the owner submits and receives approval of a Landscape Plan, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.
7. The owner shall demolish the existing single detached dwelling on the lands to be retained to the satisfaction of the Planning and Economic Development

Department (Building Division – Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law (i.e. rear yard setback). Subject to a demolition permit issued in the normal manner.

8. The owner shall acquire the shaded City owned lands shown on the severance sketch through a purchase agreement with the City of Hamilton and shall merge the acquired lands in title with the balance of the lands to be severed.
9. The owner shall submit survey evidence that the assembled lands to be severed, conform to the requirements of the Zoning By-Law for frontage (respecting Schedule “C” setback requirements) or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (north lot) will be assigned the address of 453 Springbrook Avenue, Hamilton (Ancaster), the lands to be conveyed (middle lot) will be assigned the address of 457 Springbrook Avenue, Hamilton (Ancaster), and the lands to be retained (south lot) will be assigned the address of 461 Springbrook Avenue, Hamilton (Ancaster).

AN/B-20:20 (455 Springbrook Ave, Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of these applications is to sever the subject lands into four parcels of land for the purpose of constructing a single detached dwelling on each lot.

Application AN/B-20:20 proposes to sever a ± 12 metre by ± 35.71 metre parcel of land, having an area of ± 991.1 square metres, and to retain a ± 35.56 metre by ± 35.96 metre parcel of land, having an area of $\pm 1,281.2$ square metres. The severed lands are proposed to be developed in conjunction with abutting City-owned lands for the purpose of constructing a single detached dwelling.

Application AN/B-20:21 proposes to further subdivide the lands retained through application AN/B-20:20 by severing a ± 11.85 metre by ± 35.96 metre parcel of land, having an area of ± 426.1 square metres, and retaining two ± 11.85 metre by ± 35.95 m parcels of land, one having an area of ± 427.1 square metres and the other having an area of ± 428.0 square metres.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are within the Meadowlands Neighbourhood IV Secondary Plan and are designated “Low Density Residential 2b” on Land Use Plan Map B.2.6-1 (UHOP – Volume 2). Policy B.2.6.1.4 applies, amongst others, and permits single detached dwellings.

The proposed development of vacant or underutilized lots within previously developed areas is considered Residential Intensification, and accordingly, must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1). The proposal maintains and builds upon the desirable established patterns and built form of the neighbourhood character. The use, scale, form and character of the development will integrate compatibly with the surrounding area. The lot pattern and configuration of the proposed lots is consistent with the neighbourhood and will result in development that is able to maintain and enhance the streetscape patterns. Staff has assessed the ability of the development to comply with all applicable policies, which is discussed further below.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the conditions of F.1.14.3.1 (Volume 1). Staff is of the opinion that the proposed lots reflect the general scale of the established development pattern in the surrounding area. Full municipal services are not yet available to the lots proposed on Springbrook

Avenue; however, the urbanization work has been planned and staff defers to Development Engineering Approvals with regards to all servicing concerns.

The subject lands do not have frontage on Fair Street. As a result of previous *Planning Act* applications, the owner is required to purchase remnant parcels of the adjacent subdivisions (Block 14, Registered Plan 62M-1161; Part of Block 102, Registered Plan 62M-1116, being the severed parcel of Consent application AN/B-12:78) from the City of Hamilton to comprehensively develop the property. An agreement on the purchase and sale of this land has been reached between the owner and the City; however, the land transfer has not yet been completed. In light of the foregoing, staff recommends a condition that the land transfer be finalized prior to this lot being created. Staff further notes that there is a 0.3 m reserve (Block 21, 62M-1161) that runs along a portion of the proposed frontage on Fair Street that will need to be lifted in order to provide the proposed frontage. Staff defers to Development Engineering Approvals and any conditions that they may recommend with regards to the lifting of this reserve block.

The subject lands as well as the City-owned land proposed to be assembled with and provide frontage for the lot proposed on Fair Street, were subject to Zoning By-law Amendment application ZAC-19-032, through which the lands were re-zoned from the Agricultural "A" Zone and Residential "R4-563" Zone, Modified to Residential "R4-705" Zone, Modified and Residential "R4-706" Zone, Modified to permit the proposed development. Through this process, several conditions were identified to be applicable to the future Consent applications in order to ensure compliance with UHOP policies.

A Tree Protection and Landscape Plan prepared by OMC Landscape Architecture and dated November 7, 2018, was submitted in support of the Zoning By-law Amendment Application. The staff recommendation report identified that several trees conflict with the proposed development and there are additional trees that could potentially be saved. It was recommended that these revisions be finalized through the future Consent applications. Minor modifications to the Landscape Plan may be required to reflect additional tree retention. As a result, staff recommends conditions that a Tree Protection Plan and a Landscape Plan be finalized prior to the lots being created in order to ensure that the proposal meets the intent of the Natural Heritage policies of the UHOP.

Based on the foregoing, staff is of the opinion that the proposed lots reflect the general scale and character of the established development, and that the proposed consents are consistent with the policies of the Official Plan, subject to the conditions outlined in the recommendation. Accordingly, staff is **supportive** of the proposed consents, subject to the conditions following the recommendation.

Cultural Heritage Archaeology

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

3. Within 250 metres of known archaeological sites; and,
4. Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.

A Stage 1-2 archaeological report (P244-0136-2018) has been submitted to the City of Hamilton and Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). Staff concur with the recommendations made in the report. As such, staff can confirm that the City's interest in the site's archaeological potential has been satisfied.

Former Town of Ancaster Zoning By-law No. 87-57

The lands are split-zoned. The lot proposed to front onto Fair Street is zoned Residential "R4-706" Zone, Modified, while the lots proposed along Springbrook Avenue are zoned Residential "R4-705" Zone, Modified. The proposed lots along Springbrook Avenue conform to the minimum lot frontage and lot area requirements of the respective zone. The lot proposed along Fair Street conforms to the minimum lot area requirement, and once the transfer of land between the City and owner is finalized and the reserve block along a portion of the proposed Fair Street frontage is lifted, the proposed lot will conform to the minimum lot frontage requirement.

Recommendation:

Having regard for the matters under subsection 51(24) of the Planning Act, staff is satisfied that the proposed lots are suitable for the use of the land, and that the proposed consents conform to the Official Plan, subject to the conditions outlined below. Staff recommends that the proposed consents, as outlined in the Notices of Hearing, be **approved**, subject to the following conditions:

CONDITIONS: (If Approved)

1. That the owner acquires the lands described as Block 14, Registered Plan 62M-1161; and the lands described as Part of Block 102, Registered Plan 62M-1116, in order to provide adequate frontage on a public road for the severed lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.
2. That the owner takes the necessary steps to lift the reserve block that currently runs along the frontage of Fair Street, described as Block 21, Registered Plan 62M-1161, that any and all costs associated with lifting the reserve block shall be borne by the owner, and that the reserve block is lifted, in order to provide

adequate frontage on a public road for the severed lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.

3. Tree Protection Plan: That the owner submits and receives approval of a Tree Protection Plan, including the review fee as per the effective Schedule of Rates and Fees (currently \$625), prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.
4. Landscape Plan: That the owner submits and receives approval of a Landscape Plan, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.
5. That, pursuant to subsection 50(12) of the Planning Act, it is hereby stipulated that subsection 50(3) or subsection 50(5) shall apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent. Therefore, a clause to this effect will be included in the final Certificate of Official.

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. The proposed parcel to be severed is zoned Residential "R4-706" Zone, modified and the proposed parcel to be retained is zoned Residential "R4-705" Zone, modified. The current zoning was created through the approval of Zoning by-law Amendment application ZAC-19-032 which changed the zoning for the parcel to be severed from the Agricultural "A" Zone and Residential "R4-563" Zone and from the Agricultural "A" Zone for the parcel to be retained. The current zoning was approved through Amending By-law 19-235 which was approved September 25, 2019.
3. The "R4-705" Zone, modified contains special provisions to require to minimum lot frontage to be 11.8 metres and for the maximum lot coverage to not exceed 45%. The "R4-706" Zone, modified contains a special provision to require the maximum lot coverage to not exceed 45%.
4. Be advised that if the existing dwelling is not demolished on the retained parcel, a variance will be required for the rear yard because it would be less than the required 7.5 metres.

5. The lot frontage for the parcel to be severed requires that lands abutting Fair Road be acquired through purchase from the City and merged with the balance of the lands. The lands to be acquired from the City are shown as “shaded” on the severance sketch submitted for the application. Based on the Ancaster Zoning By-law, lot frontage, where it is concave and continuous, is measured from points located 7.5 metres from the intersections of the side and front lot lines. Accordingly, the 12.0 metre frontage identified on the severance sketch for the assembled severed parcel would be in compliance with the Zoning By-law providing the distance from the centreline of Fair Road to the front property line is at least 10 metres, as shown in Schedule “C” – Setback Standards of the Zoning By-law.
6. The creation of the proposed parcel to be retained through Consent Application AN/B-20:20 is to facilitate the further severance of this parcel into three (3) lots (i.e. one parcel to be severed and two (2) retained parcels) under concurrent Consent Application AN/B-20:21.

Conditions:

The owner shall demolish the existing single detached dwelling on the lands to be retained to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law (i.e. rear yard setback). Subject to a demolition permit issued in the normal manner.

The owner shall acquire the shaded City owned lands shown on the severance sketch through a purchase agreement with the City of Hamilton and shall merge the acquired lands in title with the balance of the lands to be severed.

The owner shall submit survey evidence that the assembled lands to be severed, conform to the requirements of the Zoning By-Law for frontage (respecting Schedule “C” setback requirements) or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

Development Engineering:

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection the request to sever lands. Right-of-way dedications are not required.

Growth Planning, Growth Management

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (north lot) will be assigned the address of 453 Springbrook Avenue, Hamilton (Ancaster), the lands to be conveyed (middle lot) will be assigned the address of 457 Springbrook Avenue, Hamilton (Ancaster), and the lands to be retained (south lot) will be assigned the address of 461 Springbrook Avenue, Hamilton (Ancaster).

The existing address of 455 Springbrook Avenue will eventually be retired when a Consent application is submitted to merge the subject lands with 253 Fair Street.

We ask that the following be noted to the applicant:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings to be constructed or on signs in accordance with the City's sign By-law, in a manner that is clearly visible from the road

Source Water Protection

Provided the applicant connects to municipal water and wastewater services, we have no comments.

See attached for additional comments.



Hamilton

Public Works Department, Environmental Services Division
Forestry and Horticulture Section
77 James Street North, Suite 400
Hamilton, Ontario L8R 2K3
905-546-1312
UrbanForest@Hamilton.ca

Date: July 2, 2020

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer
Development Planning
City Hall – 71 Main Street West -5th Floor

From: Sam Brush, Urban Forest Health Technician

Subject: 455 Springbrook Ave., Ancaster
File: AN/B-20:20

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, July 9, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

An assessment of the information provided shows that there are potential conflicts with publicly owned trees. Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician.

Where ownership of trees in proximity to the boundary between public and private land is un-certain, the subject trees must be surveyed by the applicant to confirm ownership. Ownership is as per By-law 15-125. Ownership must be clearly identified on the Tree Management Plan as either municipal or private.

A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

Tree management plan condition has not been met through previous file ZAC-19-032.

Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees and payments.

TREE MANAGEMENT PLAN

A Tree Management Plan addressing tree protection is required for existing municipal trees during the construction of New Developments, Infrastructure Enhancements, Utility Upgrades, and other site improvements.

The Forestry and Horticulture Section requires that a **Tree Management Plan** be prepared by a **Landscape Architect**, full member OALA with custody and use of professional Seal. Plan must indicate proposal for tree retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines including temporary access roads, be accurately depicted on the submission. The Tree Management Plan must include a Tree Inventory Analysis Table, prepared by a certified **Arborist**. The Tree Inventory Analysis Table shall include the following data plus recommended action for each tree.

- ❖ Species by Botanical and common name
- ❖ Diameter at breast height in centimeters or millimeters
- ❖ Ownership {> 50% @ ground level = ownership}
- ❖ Biological health
- ❖ Structural condition
- ❖ Proposed grade changes within individual driplines
- ❖ Proposed utility construction within individual driplines
- ❖ Proposed removals or relocations
- ❖ Proposed trees to be protected

If it is determined and verified that existing trees can remain, a Tree Protection Zone with notes showing Tree Preservation Techniques and City of Hamilton standard Tree Hoarding detail PK1100.01 shall be included on construction plans to the satisfaction of the Director of Environmental Services.

All Healthy trees on municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal are subject to a replacement fee as outlined in the Public Tree Preservation and Sustainability Policy in conjunction with By-Law 15-125. Contraventions are subject to penalties as per By-law 15-125.

A \$273.26 plus HST permit fee, payable to the City of Hamilton is required prior to the permit issuance.

A permit will be issued upon approval of the Tree Management Plan and applicable fees.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY OF FORESTRY CONDITIONS

- A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
- A permit will be issued upon approval of the **Tree Management Plan** and applicable fees.

If you require clarification or technical assistance, please do not hesitate to contact me at (905) 546-2424 Ext. 7375.

Regards,

A handwritten signature in black ink, appearing to read 'Sam Brush', with a stylized flourish at the end.

Sam Brush
Urban Forest Health Technician

June 29, 2020

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

Attention: Jamila Sheffield, Secretary-Treasurer

Re: Consent Application AN/B-20:20
455 Springbrook Ave., Ancaster

Dear Ms. Sheffield,

Our office represents a number of clients on the west side of Springbrook Avenue that have an interest in the proposed subdivision known as "The Fields of Springbrook" (25T-201205). One of the conditions of draft plan approval for this development requires *"...that the Owner agrees to urbanize Springbrook Ave from south side of Lockman Drive to the south limit of 480 Springbrook Ave."*

The above-noted severance application has frontage on the portion of Springbrook Ave that is to be urbanized by our clients. Therefore, we kindly request that the Committee impose a condition of approval to ensure that the developer of the subject address shall pay their proportionate share of the costs associated with the urbanization of this section of Springbrook Ave.

For your information the section of Springbrook Ave. that is to be urbanized under the "Fields of Springbrook" subdivision is tentatively scheduled to occur in 2021, subject to market conditions.

Sincerely,



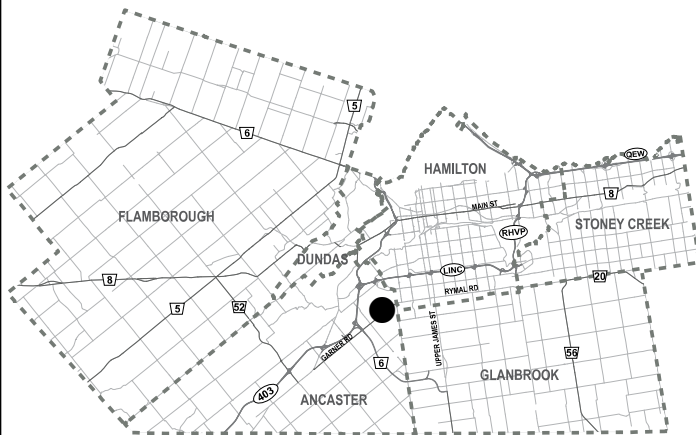
A. J. Cameracci, P. Eng.

AJC/





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

455 Springbrook Avenue, Ancaster (Ward 12)



Lands to be Retained



Lands to be Severed

File Name/Number:

AN/B-20:20

Date:

July 2, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/B-20:21 (455 Springbrook Ave., Ancaster)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should 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 hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
3. That all upgrades to municipal services and any new services required for the proposed lots fronting onto Springbrook Avenue shall be completed, to the satisfaction of the Manager of Development Planning, Heritage and Design.
4. That both the severed lot and the retained lots have frontage on Springbrook Avenue, to the satisfaction of the Manager of Development Planning, Heritage and Design.
5. Tree Protection Plan: That the owner submits and receives approval of a Tree Protection Plan for both the severed and retained lands, including the review fee as per the effective Schedule of Rates and Fees (currently \$625), prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.
6. Landscape Plan: That the owner submits and receives approval of a Landscape Plan for both the severed and retained lands, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (north lot) will be

assigned the address of 453 Springbrook Avenue, Hamilton (Ancaster), the lands to be conveyed (middle lot) will be assigned the address of 457 Springbrook Avenue, Hamilton (Ancaster), and the lands to be retained (south lot) will be assigned the address of 461 Springbrook Avenue, Hamilton (Ancaster).

AN/B-20:21 (455 Springbrook Ave., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of these applications is to sever the subject lands into four parcels of land for the purpose of constructing a single detached dwelling on each lot.

Application AN/B-20:20 proposes to sever a ± 12 metre by ± 35.71 metre parcel of land, having an area of ± 991.1 square metres, and to retain a ± 35.56 metre by ± 35.96 metre parcel of land, having an area of $\pm 1,281.2$ square metres. The severed lands are proposed to be developed in conjunction with abutting City-owned lands for the purpose of constructing a single detached dwelling.

Application AN/B-20:21 proposes to further subdivide the lands retained through application AN/B-20:20 by severing a ± 11.85 metre by ± 35.96 metre parcel of land, having an area of ± 426.1 square metres, and retaining two ± 11.85 metre by ± 35.95 m parcels of land, one having an area of ± 427.1 square metres and the other having an area of ± 428.0 square metres.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are within the Meadowlands Neighbourhood IV Secondary Plan and are designated “Low Density Residential 2b” on Land Use Plan Map B.2.6-1 (UHOP – Volume 2). Policy B.2.6.1.4 applies, amongst others, and permits single detached dwellings.

The proposed development of vacant or underutilized lots within previously developed areas is considered Residential Intensification, and accordingly, must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1). The proposal maintains and builds upon the desirable established patterns and built form of the neighbourhood character. The use, scale, form and character of the development will integrate compatibly with the surrounding area. The lot pattern and configuration of the proposed lots is consistent with the neighbourhood and will result in development that is able to maintain and enhance the streetscape patterns. Staff has assessed the ability of the development to comply with all applicable policies, which is discussed further below.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the conditions of F.1.14.3.1 (Volume 1). Staff is of the opinion that the proposed lots reflect the general scale of the established development pattern in the surrounding area. Full municipal services are not yet available to the lots proposed on Springbrook

Avenue; however, the urbanization work has been planned and staff defers to Development Engineering Approvals with regards to all servicing concerns.

The subject lands do not have frontage on Fair Street. As a result of previous *Planning Act* applications, the owner is required to purchase remnant parcels of the adjacent subdivisions (Block 14, Registered Plan 62M-1161; Part of Block 102, Registered Plan 62M-1116, being the severed parcel of Consent application AN/B-12:78) from the City of Hamilton to comprehensively develop the property. An agreement on the purchase and sale of this land has been reached between the owner and the City; however, the land transfer has not yet been completed. In light of the foregoing, staff recommends a condition that the land transfer be finalized prior to this lot being created. Staff further notes that there is a 0.3 m reserve (Block 21, 62M-1161) that runs along a portion of the proposed frontage on Fair Street that will need to be lifted in order to provide the proposed frontage. Staff defers to Development Engineering Approvals and any conditions that they may recommend with regards to the lifting of this reserve block.

The subject lands as well as the City-owned land proposed to be assembled with and provide frontage for the lot proposed on Fair Street, were subject to Zoning By-law Amendment application ZAC-19-032, through which the lands were re-zoned from the Agricultural "A" Zone and Residential "R4-563" Zone, Modified to Residential "R4-705" Zone, Modified and Residential "R4-706" Zone, Modified to permit the proposed development. Through this process, several conditions were identified to be applicable to the future Consent applications in order to ensure compliance with UHOP policies.

A Tree Protection and Landscape Plan prepared by OMC Landscape Architecture and dated November 7, 2018, was submitted in support of the Zoning By-law Amendment Application. The staff recommendation report identified that several trees conflict with the proposed development and there are additional trees that could potentially be saved. It was recommended that these revisions be finalized through the future Consent applications. Minor modifications to the Landscape Plan may be required to reflect additional tree retention. As a result, staff recommends conditions that a Tree Protection Plan and a Landscape Plan be finalized prior to the lots being created in order to ensure that the proposal meets the intent of the Natural Heritage policies of the UHOP.

Based on the foregoing, staff is of the opinion that the proposed lots reflect the general scale and character of the established development, and that the proposed consents are consistent with the policies of the Official Plan, subject to the conditions outlined in the recommendation. Accordingly, staff is **supportive** of the proposed consents, subject to the conditions following the recommendation.

Cultural Heritage Archaeology

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites; and,
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.

A Stage 1-2 archaeological report (P244-0136-2018) has been submitted to the City of Hamilton and Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). Staff concur with the recommendations made in the report. As such, staff can confirm that the City's interest in the site's archaeological potential has been satisfied.

Former Town of Ancaster Zoning By-law No. 87-57

The lands are split-zoned. The lot proposed to front onto Fair Street is zoned Residential "R4-706" Zone, Modified, while the lots proposed along Springbrook Avenue are zoned Residential "R4-705" Zone, Modified. The proposed lots along Springbrook Avenue conform to the minimum lot frontage and lot area requirements of the respective zone. The lot proposed along Fair Street conforms to the minimum lot area requirement, and once the transfer of land between the City and owner is finalized and the reserve block along a portion of the proposed Fair Street frontage is lifted, the proposed lot will conform to the minimum lot frontage requirement.

Recommendation:

Having regard for the matters under subsection 51(24) of the Planning Act, staff is satisfied that the proposed lots are suitable for the use of the land, and that the proposed consents conform to the Official Plan, subject to the conditions outlined below. Staff recommends that the proposed consents, as outlined in the Notices of Hearing, be **approved**, subject to the following conditions:

CONDITIONS: (If Approved)

1. That all upgrades to municipal services and any new services required for the proposed lots fronting onto Springbrook Avenue shall be completed, to the satisfaction of the Manager of Development Planning, Heritage and Design.
2. That both the severed lot and the retained lots have frontage on Springbrook Avenue, to the satisfaction of the Manager of Development Planning, Heritage and Design.
3. Tree Protection Plan: That the owner submits and receives approval of a Tree Protection Plan for both the severed and retained lands, including the review fee

as per the effective Schedule of Rates and Fees (currently \$625), prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.

4. Landscape Plan: That the owner submits and receives approval of a Landscape Plan for both the severed and retained lands, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.

Building Division:

1. The applicant should obtain an appropriate municipal address for the two (2) proposed parcels to be retained and the parcel to be severed from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. The subject property is zoned Residential “R4-705” Zone, modified and was created through the approval of Zoning by-law Amendment application ZAC-19-032 which changed the zoning from the Agricultural “A” Zone. The current zoning was approved through Amending By-law 19-235 which was approved September 25, 2019. The “R4-705” Zone, modified contains special provisions to require to minimum lot frontage to be 11.8 metres and for the maximum lot coverage to not exceed 45%.
3. The property is zoned R4-705 and would be created through the severance of 455 Springbrook Road under concurrent Consent Application AN/A-20:20. The creation of the two (2) proposed lots to be retained and lot to be severed can therefore not occur unless Consent Application AN/A-20:20 is approved.

Development Engineering:

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection the request to sever lands. Right-of-way dedications are not required.

Growth Planning, Growth Management

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (north lot) will be assigned the address of 453 Springbrook Avenue, Hamilton (Ancaster), the lands to be conveyed (middle lot) will be assigned the address of 457 Springbrook Avenue, Hamilton (Ancaster), and the lands to be retained (south lot) will be assigned the address of 461 Springbrook Avenue, Hamilton (Ancaster).

The existing address of 455 Springbrook Avenue will eventually be retired when a Consent application is submitted to merge the subject lands with 253 Fair Street.

We ask that the following be noted to the applicant:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings to be constructed or on signs in accordance with the City's sign By-law, in a manner that is clearly visible from the road

Source Water Protection

Provided the applicant connects to municipal water and wastewater services, we have no comments.

See attached for additional comments.



Sam Brush, Urban Forest Health Technician
City Centre, 77 James Street North, Suite 400
Hamilton, ON L8R 2K3
Phone (905) 546-2424 Ext. 7375, Fax (905) 546-4473
Email – Sam.Brush@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: July 2, 2020

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer
Development Planning
City Hall – 71 Main Street West – 5th Floor

From: Sam Brush – Urban Forestry Health Technician

Subject: 455 Springbrook Ave., Ancaster
File: AN/B-20:21

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, July 9, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.

No Landscape plan required.

Forestry has no concerns or conditions regarding this application.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY

- There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.
- No Landscape plan required.
- Forestry has no concerns or conditions regarding this application.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 7375.

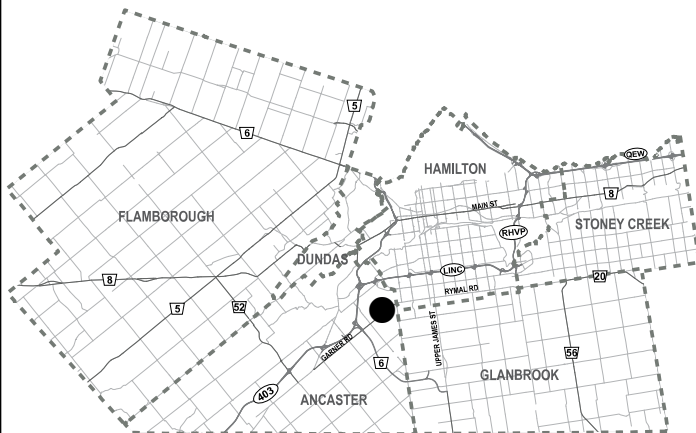
Regards,

A handwritten signature in black ink, appearing to read 'Sam Brush'.

Sam Brush
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

455 Springbrook Avenue, Ancaster (Ward 12)



Lands to be Retained



Lands to be Severed

File Name/Number:

AN/B-20:21

Date:

July 2, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-19:258 (54 Wilson St. W., Ancaster)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

AN/A-19:258 (54 Wilson St. W., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit a Seasonal Garden Centre, including tents, accessory to the existing Retail Store (Fortino's) notwithstanding that the Seasonal Garden Centre shall be permitted to occupy a maximum of 12.6% of the total number of parking spaces, being 53 of the 422 parking spaces, instead of the maximum occupied area of 10% of the total number of parking spaces.

Urban Hamilton Official Plan

The subject lands are identified as a "Community Node" on Schedule "E" – Urban Structure and designated "Mixed Use – Medium Density" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are within the Ancaster Wilson Street Secondary Plan and are designated "Mixed Use – Medium Density" on Land Use Plan Map B.2.8-1 and identified as a "Community Node" and "Uptown Core" on Appendix A (UHOP – Volume 2). The proposed garden centre accessory to a retail store is permitted within the designation (E.4.6.5). Reductions to parking requirements within Community Nodes shall be considered in order to encourage a broader range of uses and densities to support transit (E.2.3.3.22).

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Mixed Use Medium Density (C5, 567) Zone, to which the use complies, subject to the applicable provisions.

Variance 1

The Seasonal Garden Centre is proposed to occupy a maximum of 12.6% of the total number of parking spaces, being 53 of the 422 parking spaces, whereas a Seasonal Garden Centre is permitted to occupy a maximum of 10% of the total number of parking spaces by the Zoning By-law. This represents a difference of 11 parking spaces. The intent of the provision is to provide some flexibility of parking requirements in order to support the accessory use on the same lot as the principal use while ensuring the off-street parking supply remains adequate. The subject lands are adjacent to an existing HSR Transit Route and an existing bike lane, thereby providing alternate forms of transportation to access the site.

UHOP policy requires that a reduction to the parking requirements be considered within Community Nodes, and in light of the aforementioned alternate transportation options, staff is of the opinion that the off-street parking supply will continue to be adequate. As a result, staff is of the opinion that the variance meets the intent of the Official Plan and the

Zoning By-law, and it is desirable and minor in nature. Accordingly, staff **supports** the variance.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that the requested variance maintains the purpose and intent of the Official Plan and the Zoning By-law. The variance is desirable for the appropriate development of the land, and hence minor in nature. Staff recommends that the requested variance, as outlined in the Notice of Hearing, be **approved**.

Building Division:

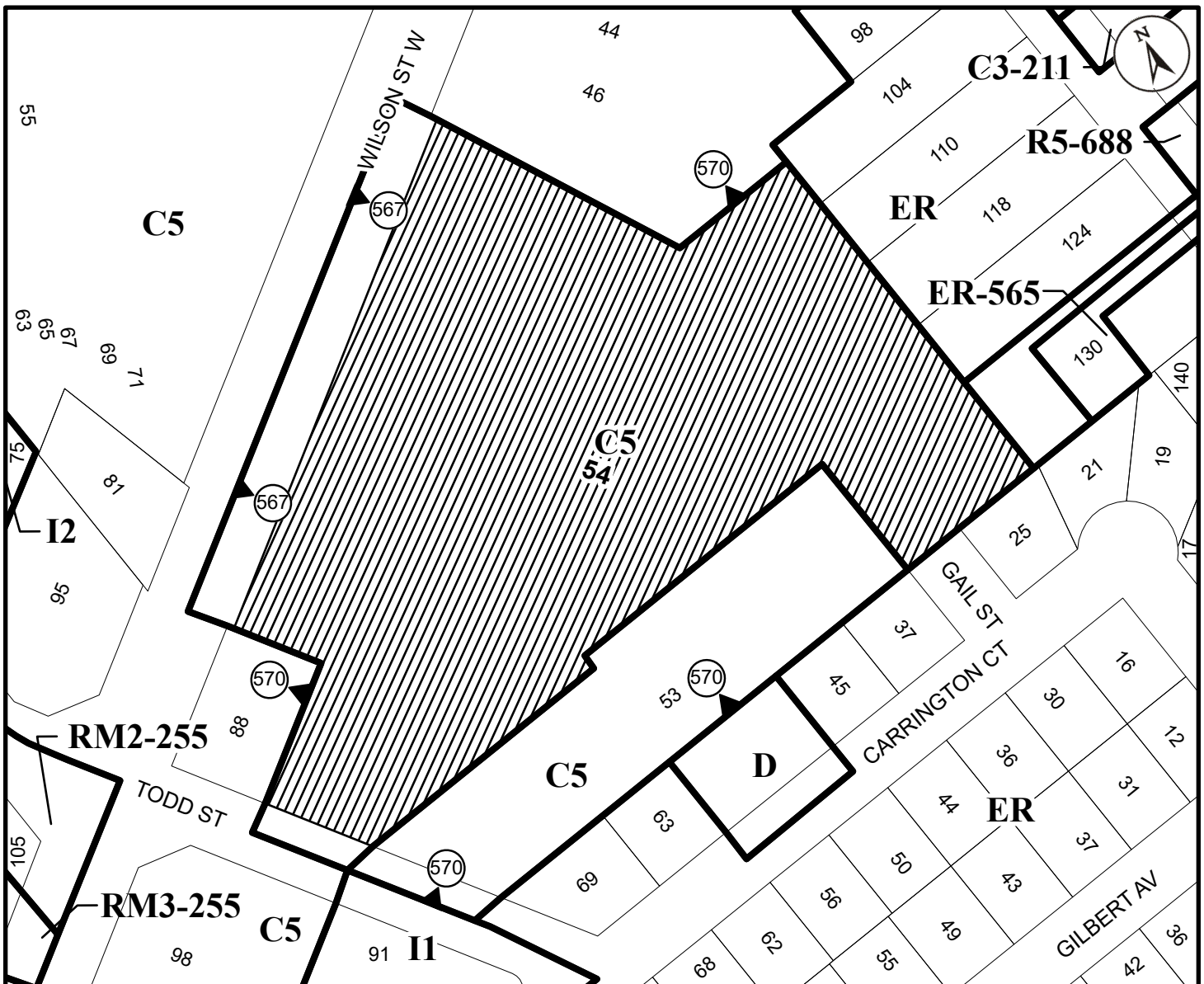
1. Installation of the proposed tent is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
2. The Seasonal Garden Centre occupies 53 parking spaces of the 422 parking spaces provided on the site
3. The lands are subject to Site Plan Control.

Development Engineering:

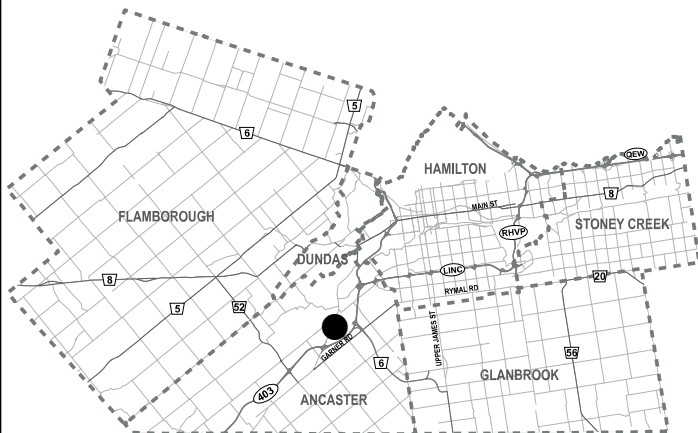
Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the variances.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



54 Wilson Street West, Ancaster
(Ward 12)

File Name/Number:

AN/A-19:258

Date:

June 29, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-19:260 (65 Mall Rd., Hamilton)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-19:260 (65 Mall Rd., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit a Seasonal Garden Centre, including tents, accessory to the existing Retail Store (Fortino's) notwithstanding that the Seasonal Garden Centre shall be permitted to occupy a maximum of 17.1% of the total number of parking spaces, being 80 of the 469 parking spaces, instead of the maximum occupied area of 10% of the total number of parking spaces.

Urban Hamilton Official Plan

The subject lands are identified as a "Sub Regional Service Node" on Schedule "E" – Urban Structure and designated "Mixed Use – High Density" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The proposed garden centre accessory to a retail store is permitted within the designation (E.4.5.5). Reductions to parking requirements within Sub Regional Service Nodes shall be considered in order to encourage a broader range of uses and densities to support transit (E.2.3.2.18).

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Mixed Use High Density (C4) Zone, to which the use complies, subject to the applicable provisions.

Variance 1

The Seasonal Garden Centre is proposed to occupy a maximum of 17.1% of the total number of parking spaces, being 80 of the 469 parking spaces, whereas a Seasonal Garden Centre is permitted to occupy a maximum of 10% of the total number of parking spaces, or 46 parking spaces, by the Zoning By-law. The intent of the provision is to provide some flexibility of parking requirements in order to support the accessory use on the same lot as the principal use while ensuring the off-street parking supply remains adequate. The subject lands are adjacent to existing HSR Transit Routes and existing bike lanes, thereby providing alternate forms of transportation to access the site.

UHOP policy requires that a reduction to the parking requirements be considered within Sub Regional Service Nodes, and in light of the aforementioned alternate transportation options, staff is of the opinion that the off-street parking supply will continue to be adequate. As a result, staff is of the opinion that the variance meets the intent of the Official Plan and the Zoning By-law, and it is desirable and minor in nature. Accordingly, staff **supports** the variance.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that the requested variance maintains the purpose and intent of the Official Plan and the Zoning By-law. The variance is desirable for the appropriate development of the land, and hence minor in nature. Staff recommends that the requested variance, as outlined in the Notice of Hearing, be **approved**.

Building Division:

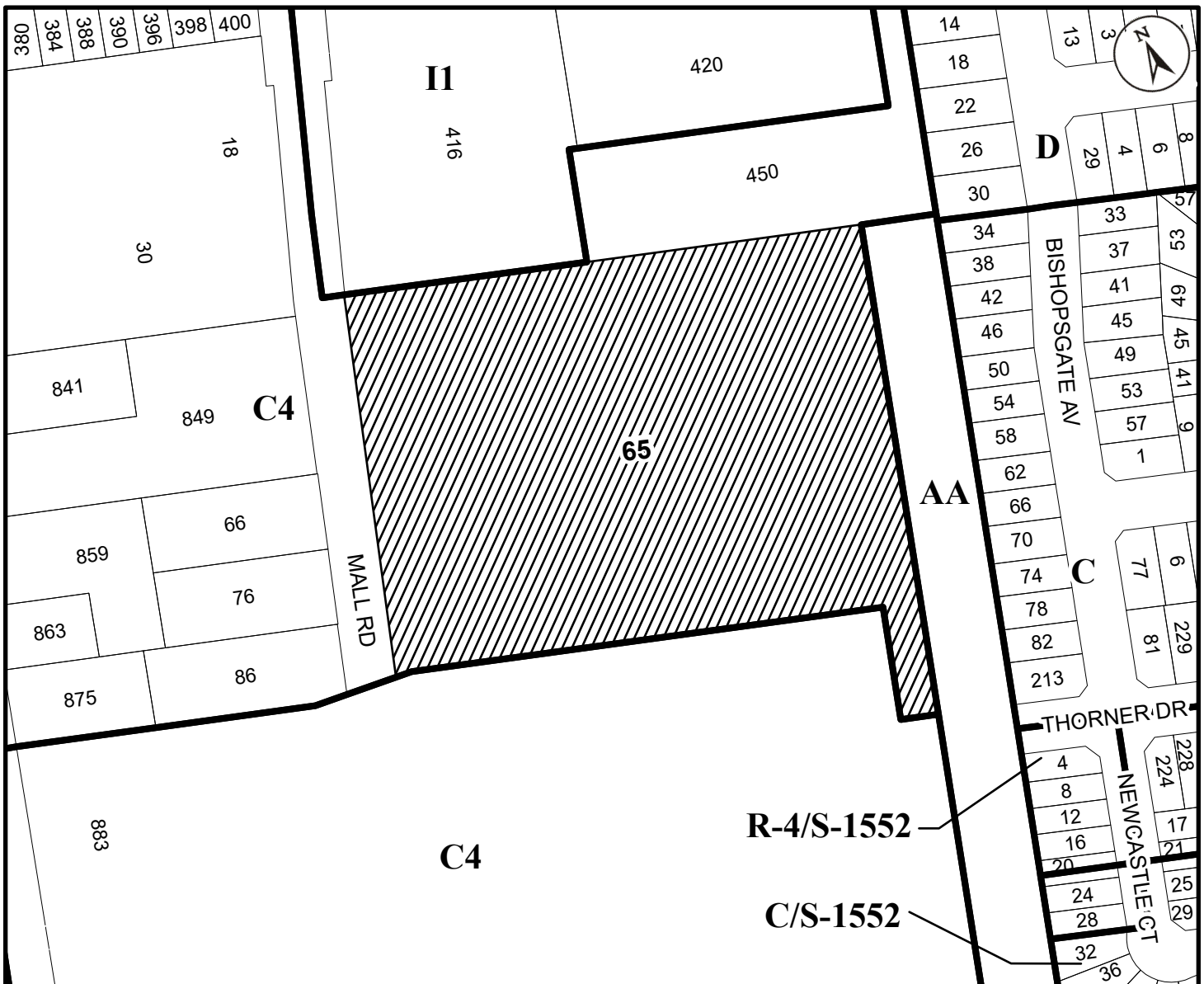
1. The Seasonal Garden Centre occupies 80 parking spaces of the 469 parking spaces provided on the site.
2. A Seasonal Garden Centre is a temporary retail use which is permitted to operate for a maximum period of 120 days per year.
3. A building permit is required for the construction of the proposed Seasonal Garden Centre.
4. Be advised that Ontario Building Code regulations may require specific setback and construction types.
5. The variance have been written exactly as requested by the applicant. Season Garden Centres are not typically subject to Site Plan Control.

Development Engineering:

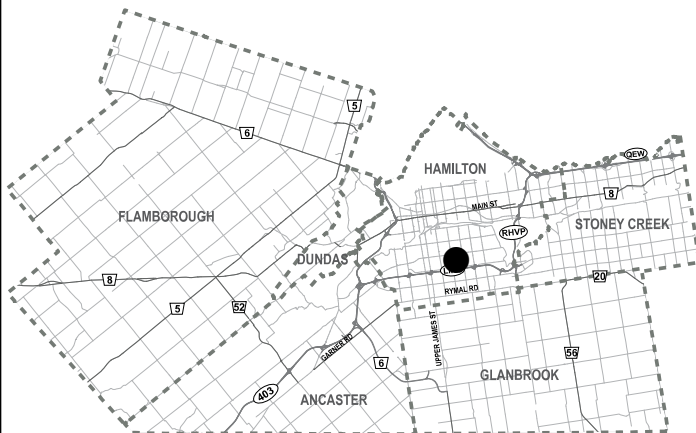
Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the variances.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



65 Mall Road, Hamilton
(Ward 7)

File Name/Number:

HM/A-19:260

Date:

June 29, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-19:280 (4 Glenview Crt., Hamilton)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-19:280 (4 Glenview Crt., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the minimum landscaped area of the front yard to be 30.0% of the gross area of the front yard, notwithstanding a minimum of 50.0% of the gross area of the front yard is to be used for a landscaped area.

The Notice of Hearing erroneously describes the proposal heard at the Committee of Adjustment Hearing of November 7, 2019. Please review comments from the Building Division – Zoning Section for reference. The following comments pertain to the above-noted proposal.

History

Minor Variance application HM/A-19:280 was initially heard on September 12, 2019, at which time the Committee tabled the application at the applicant's request in order to revise their proposal to alleviate staff's concerns. The initial application proposed a minimum landscaped area of the front yard to be 2.0% of the gross area of the front yard. Development Planning staff recommended denial of the application because the proposed reduced front yard landscaping did not maintain or enhance the streetscape and would not integrate compatibly.

A revised proposal was heard by the Committee of Adjustment at the hearing on November 7, 2019, and Development Planning staff were of the opinion that the proposed front yard landscaped area of 40% maintained the existing streetscape and recommended approval of the application. The applicant/owner was not in attendance and so the application was tabled by the Committee to the February 6, 2020 hearing. The application was tabled again in order to resolve a discrepancy between the applicant's calculation of landscaped area and that of the Building Division – Zoning Section.

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Single detached dwellings are permitted within the designation (Volume 1 – E.3.4.3).

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned Urban Protected Residential – One and Two Family Dwellings "D/S-263" District, to which the existing use complies, subject to the applicable provisions.

Variance 1

The intent of the front yard landscaped area is to improve the aesthetics from the public realm, and to provide permeable area for drainage purposes. Staff defers to Development Engineering Approvals for all drainage concerns. The proposed reduced front yard landscaping is compatible with the established pattern of paved areas and landscaping of the streetscape and will aid in improving the aesthetics from the public realm. Staff notes that both this proposal of 30% front yard landscaping and the previous proposal of 40% front yard landscaping represents an area of 19.7 sq. m of landscaping. The area was re-calculated in accordance with the Zoning By-law; however, the proposed area for landscaping has not changed. In the opinion of staff, the variance maintains the intent of the Official Plan and the Zoning By-law, and is desirable and minor in nature. Staff **supports** the variance.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that the requested variance maintains the purpose and intent of the Official Plan and the Zoning By-law. The variance is desirable for the appropriate development of the land, and hence minor in nature. Staff recommends that the requested variance, as outlined in the Notice of Hearing, be **approved**.

Building Division:

1. The variances should be altered to delete "The front yard landscaped area shall be a minimum of **40.0%** the gross area of the front yard instead of the minimum 50.0% required front yard landscaped area." and include "The front yard landscaped area shall be a minimum of **30.0%** the gross area of the front yard instead of the minimum 50.0% required front yard landscaped area."
2. The site plan submitted is lacking detail to determine all necessary variances. Fully scaled and dimensioned site plans showing the entire semi-detached dwelling with elevations and interior floor plans has not been provided. Therefore, only parking and front yard landscaping requirements have been reviewed for zoning compliance and a full zoning review could not be conducted. Be advised, further variances may be required at such time that a full zoning review is conducted.
3. An Order to Comply is outstanding, it is in regard to Zoning By-law Violation. Zoning By-law Violation 18-138103, dated October 4, 2018, remains outstanding. Please contact the Municipal Law Enforcement Section of the Licensing and By-law Services Division at (905) 546-2424 extension 2782 for further information.

July 9th, 2020

Development Engineering:

See attached for additional comments.

July 9th, 2020

From: [Sandra Cummings](#)
To: [Evans, Morgan](#)
Subject: Notice of public Hearing: Minor Variance
Date: July 7, 2020 10:15:27 AM

Re: Application no. HM/A-19:280
Subject property: 4 Glenview Crt. City of Hamilton
Zoning By-Law: 6593, as Amended
Sent from my iPad

To whom it may concern:

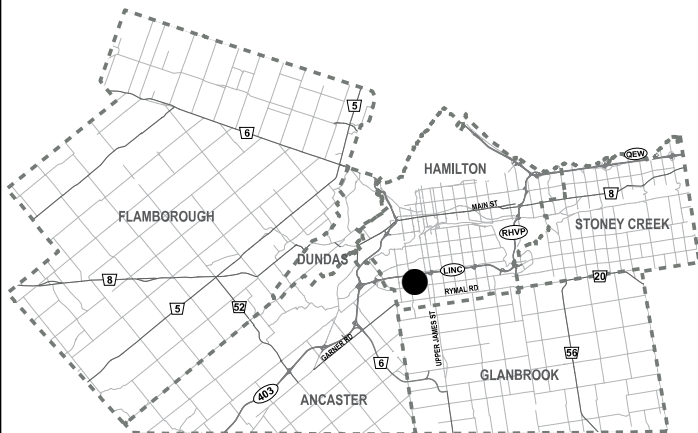
In regards to the above mentioned minor variance, we live at 16 Glenview crt and we have no problem with the front yard landscaping of #4 Glenview crt. This was done prior to the current owners and we believe they should not be penalized for this.

Sincerely,

Sandra Cummings
Peter Everett



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



4 Glenview Court, Hamilton
(Ward 8)

File Name/Number:

HM/A-19-280

Date:

June 29, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

DN/A-20:64 (12 Autumn Leaf Road, Dundas)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

DN/A-20:64 (12 Autumn Leaf Road, Dundas)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the establishment of a 5.1m² walk-in closet and storage area within the existing attached garage and to relocate the required parking space into the driveway.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” on Schedule E – Urban Structure and is designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, and E.3.4.3 amongst others, are applicable and permit a single detached dwelling.

Former Town of Dundas Zoning By-law 3581-86

The subject property is zoned Single Detached Residential “R2” Zone, to which the use complies.

Variance 1

The applicant is seeking a variance to permit a parking space to be located within the required front yard notwithstanding that a required parking space is not permitted to be located within the front yard.

The neighbourhood is comprised of single detached dwellings with cars that are parked close to the fronting street on driveways extending from private garages within the front yards. As such, the existing character of the neighbourhood will be maintained because the proposal to permit a parking space to be located in the required front yard is similar to the location of adjacent existing driveways and accessory garages along the street. The subject property has had parking located within the required front yard without issue since the subdivision was established. Therefore, the variance is minor in nature and appropriate for the development of the subject property. Accordingly, staff support the variance.

Variance 2

The applicant is seeking a variance to allow for maneuvering to be provided on-site instead of the minimum required 6.0m maneuvering space.

Staff note the use of the subject lands is a single detached dwelling located on a local road with minimal traffic. There is ~5.3 m from the property line to the curb line that will

be used for the additional maneuvering as it provides enough space from the property line to the curb, for a typical automobile to safely maneuver to and from the driveway. Therefore, the variance is minor in nature and appropriate for the development of the subject property. Accordingly, staff support the variance.

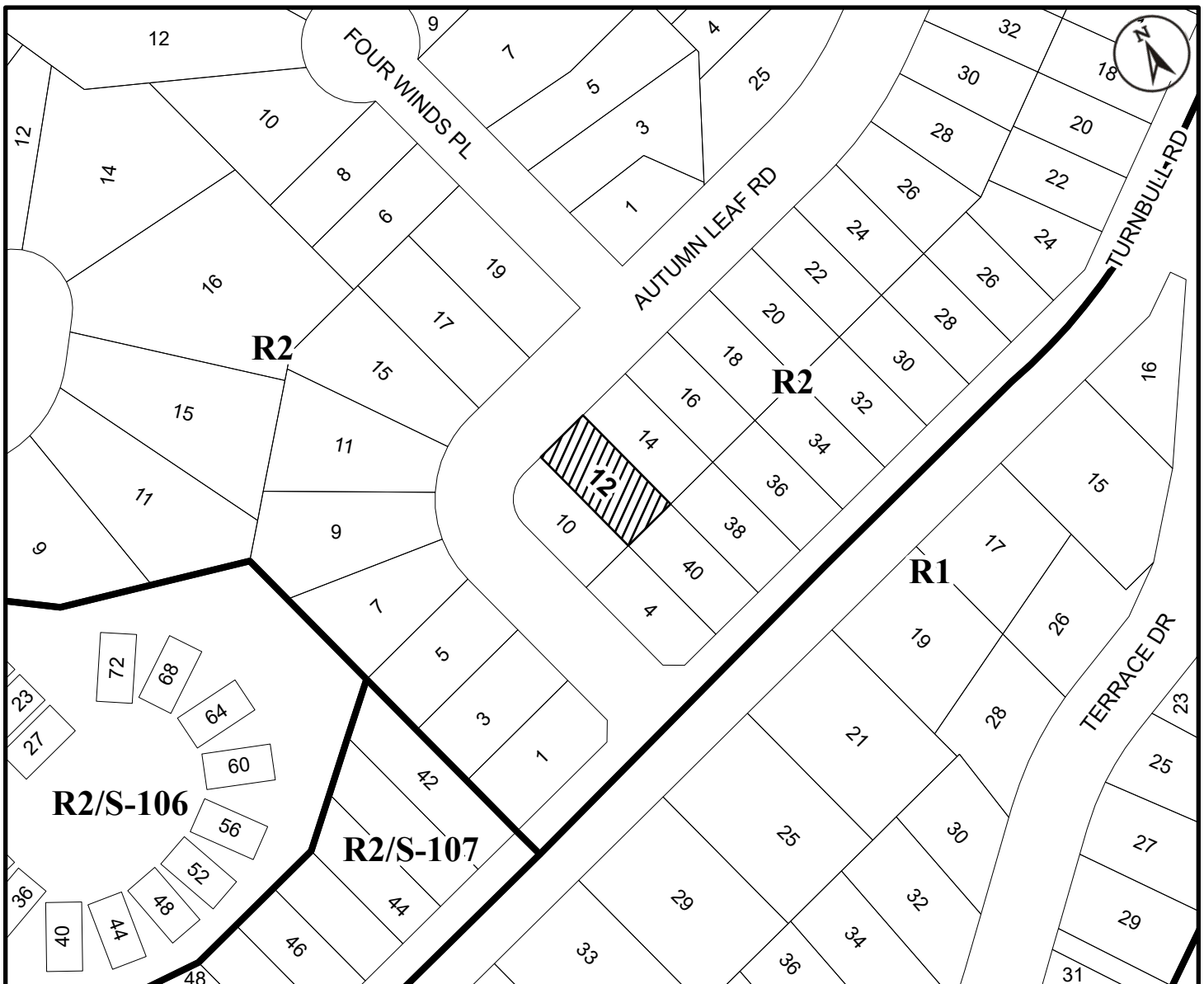
Recommendation

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and Former Town of Dundas Zoning By-law. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

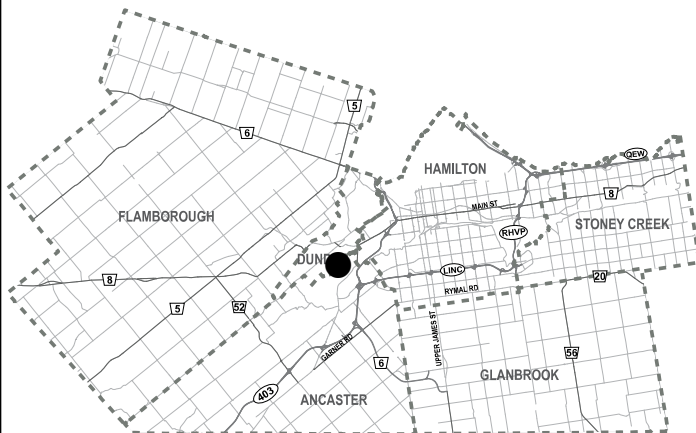
Building Division:

1. Order to Comply 19-148061 EN, dated October 3, 2019, is outstanding.
2. Construction of the proposed walk-in closet and storage area within the existing attached garage is subject to the issuance of a building permit in the normal manner.
3. Be advised that Ontario Building Code regulations may require specific setback and construction types.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



12 Autumn Leaf Road, Dundas
(Ward 13)

File Name/Number:

DN/A-20:64

Date:

June 29, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/B-20:16 (320 Neff's Ln., Flamborough)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should 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 hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
3. Approximately 6.0 metres are to be dedicated to the right-of-way, on Highway 8, as per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications. Highway 8 ultimate right-of-way is to be 36.576 metres to the satisfaction of Transportation Planning. A survey conducted by an Ontario Land Surveyor and at the applicant's expense will determine the ultimate dimensions for the road allowance widening(s).

FL/B-20:16 (320 Neff's Ln., Flamborough)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the conveyance of a parcel of land containing part of an existing shed to be added to property known as 262 Hwy 8.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Rural” in Schedule D - Rural Land Use Designations. The following policies, amongst others, are applicable:

- “F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:
- a) No new lots shall be created;
 - b) All resulting lots shall be:
 - i. A minimum of 0.4 hectares (1 acre), or such larger areas as may be required by Section C.5.1. Private Water and Wastewater Services of this Plan, except as permitted in F.1.14.2.7 d).
- F.1.14.2.6 Minor lot line adjustments and minor boundary adjustments may be considered for legal or technical reasons only provided:
- a) A separate lot is not created for a dwelling or any other non-farm use except in designated Rural Settlement Areas;
 - b) There is no increased fragmentation of a key natural heritage feature or hydrologic feature;
 - c) the land area of the lot adjustment does not exceed the land area required to address the legal or technical issue, meet the requirements of Section C.5.1, Private Water and Wastewater Services, and meet F. 1.14.2.6 b) above with as little acreage as possible taken out of agricultural use; and
 - d) the adjustments do not conflict with intent of the policies of this Plan.
- F.1.14.2.6 In addition to Policy F.1.14.2.6, minor lot additions may be permitted where additional land is required for existing undersized lots to meet the applicable requirements of Section C.5.1, Private Water and Wastewater Services, as determined by the City, for existing uses only, provided all of the following are met:

- a) no new lots are created;
- b) the resulting lots are both of a shape and dimension to not impair existing or potential agricultural operations;
- c) there is no increased fragmentation of a key natural heritage feature or key hydrologic feature;
- d) the lot being enlarged is not required to demonstrate conformity with Policy C.5.1.1 c), but should generally be a minimum of one acre in size following the lot addition; and,
- e) the land area of the minor lot addition does not exceed the land area needed to meet the requirements of Section C.5.1, Private Water and Wastewater Services, and F.1.14.2.7 b) and c) above with as little acreage as possible taken out of agricultural use.”

The proposed lot addition will add 352.9 square meters to the existing ~2,388 square meter residential property at 262 Highway 8 for a combined lot area of ~2,740 square metres (0.67 acres). The portion of the agricultural lands to be retained are not under agriculture production and represent manicured lawn area with a shed which is unused. As a result, the lot addition does not decrease the viability of the agricultural retained property to sustain agriculture. The lot addition meets the intent of the policies of this plan and no new lots will be created. Therefore, the proposal conforms to the RHOP.

Source Water Protection

Although the additional lot area conveyed to 262 Highway 8, Flamborough would still not meet the requirements for a minimum sustainable lot size according to RHOP C.5.1, new Rural Hamilton Official Plan policies allow for minor lot additions for existing and developed lots, provided the property conveying land (320 Neff's Lane) remains sustainable and represents an improvement to the existing situation. As a result, due to Rural Hamilton Official Plan policy F.1.14.2.7, Source Water Protection is able to support the minor lot addition.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Rural (A2) Zone.

Recommendation

Based on the preceding information, the requested lot addition maintains the general intent and purpose of the Rural Hamilton Official Plan and the resultant lots meet the City of Hamilton Zoning By-law 05-200. In conclusion, Staff recommends that the application be approved.

Building Division:

1. The lands to be conveyed/retained shall be merged in title with the lands to which they are to be added.
2. The subject property falls within the Niagara Escarpment Commission's Development Control Area. As such, the Niagara Escarpment Commission regulates development and the provisions contained within the City of Hamilton Zoning By-law 05-200 do not apply.
3. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with the Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.
4. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

CONDITIONAL UPON:

1. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
2. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).

Source Water Management:

1. If the application proposes to merge 262 Highway 8 with 320 Neff's Lane, thereby resulting in one large agricultural lot improving access to the agricultural lands, we have no comments.
2. If the application proposes to reduce the lot size of 262 Highway 8 (that contains a single family dwelling below the existing 0.59 acres, we would not support the application without more information, including but not limited to a satisfactory Hydrogeological Report to the satisfaction of Director, Hamilton Water. The existing lot size of 0.59 falls below the minimum lot size of 1 acre as stated in the Rural Hamilton Official Plan and we would not support any further reductions in lot size for this property.

Transportation Planning & Parking Division (Traffic):

1. Transportation Planning has no objection to the conveyance and retention of lands relating to this Committee of Adjustment Application relating to this Committee of Adjustment Application, provided the following conditions are met:
 - a. Approximately 6.0 metres are to be dedicated to the right-of-way, on Highway 8, as per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications. Highway 8 ultimate right-of-way is to be 36.576 metres. A survey conducted by an Ontario Land Surveyor and at the applicant's expense will determine the ultimate dimensions for the road allowance widening(s).

See attached for additional comments.



Sam Brush, Urban Forest Health Technician
City Centre, 77 James Street North, Suite 400
Hamilton, ON L8R 2K3
Phone (905) 546-2424 Ext. 7375, Fax (905) 546-4473
Email – Sam.Brush@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: April 7, 2020

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer
Development Planning
City Hall – 71 Main Street West – 5th Floor

From: Sam Brush – Urban Forestry Health Technician

Subject: 320 Neff Ln., Flamborough
File: FL/B-20:16

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, April 2, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.

No Landscape plan required.

Forestry has no concerns or conditions regarding this application.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY

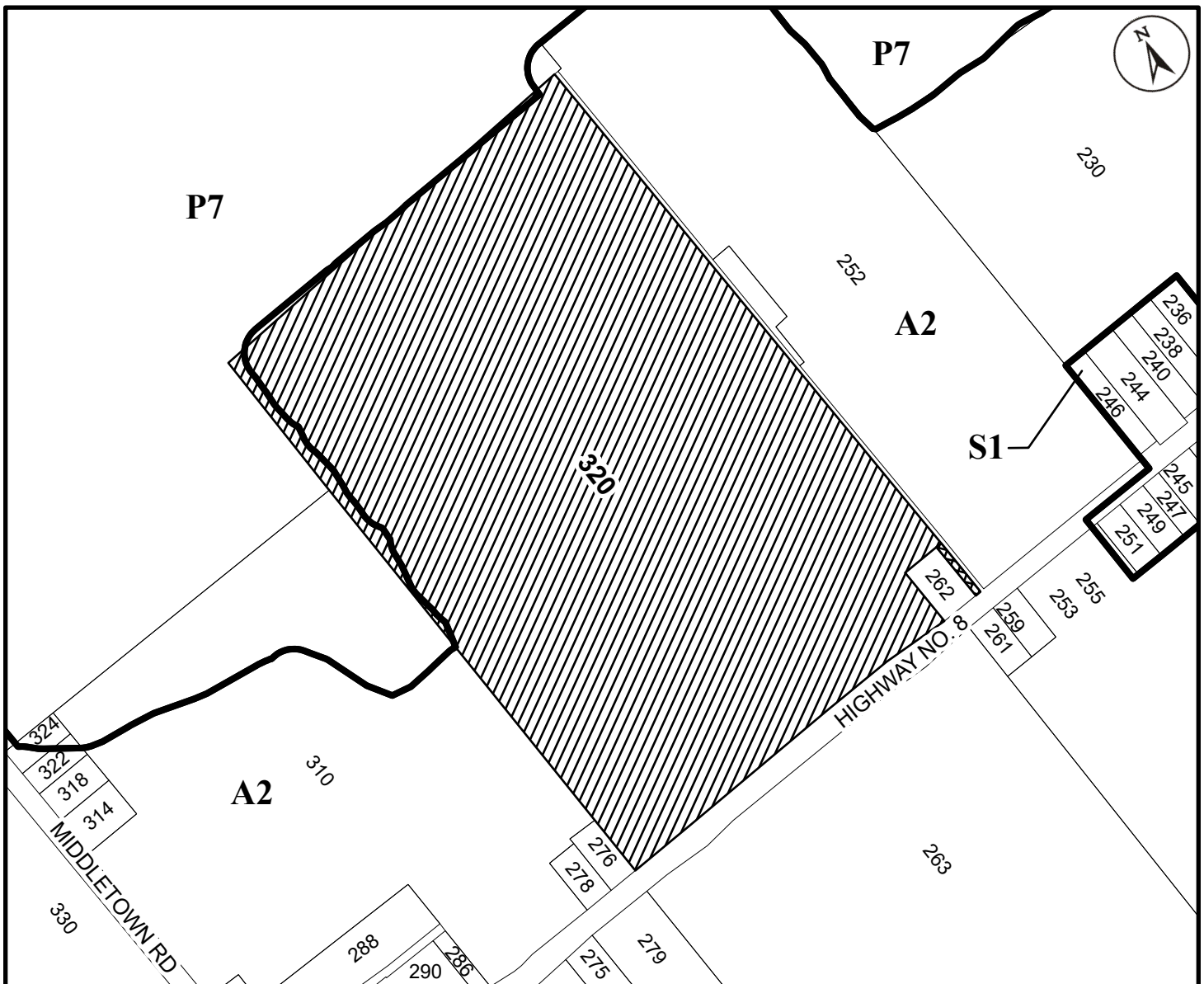
- There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.
- No Landscape plan required.
- Forestry has no concerns or conditions regarding this application.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 7375.

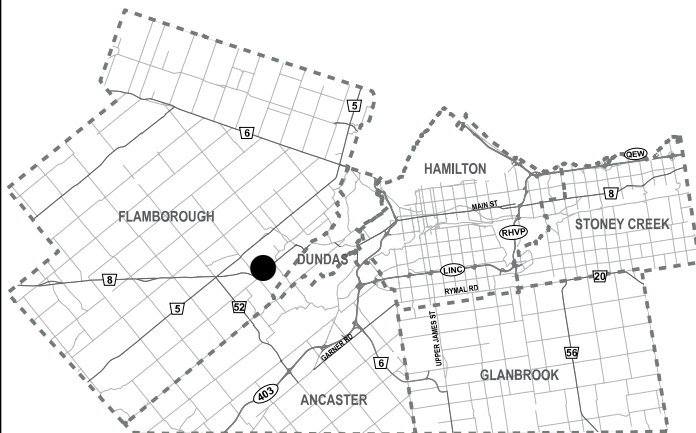
Regards,

A handwritten signature in black ink, appearing to read "Sam Brush". The signature is stylized with a large, looped "S" and a cursive "B".

Sam Brush
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

320 Neff's Lane, Flamborough (Ward 13)



Lands to be Retained



Lands to be Severed

File Name/Number:

FL/B-20:16

Date:

July 2, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-20:56 (2928 Governor's Rd., Ancaster)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

AN/A-20:56 (2928 Governor's Rd., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of new greenhouses comprising 4.1 hectares of gross floor area and a new farm labour residence. The proposed greenhouses which is an expansion of an existing greenhouse operation and a proposed farm labour residence (bunkhouse) are currently being reviewed under Site Plan Control application SPAR-18-196.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Agriculture” in Schedule D – Rural Land Use Designations, to which the use complies. The following policies amongst other apply:

“2.1.1.6 A farm labour residence may be permitted on the same lot as the primary farm use provided all the following conditions are met:

- a) The size and nature of the farm operation requires additional on-site employment for regular and extended periods of time in the annual production process such that additional accommodation is required for the viability and effective operation of the farm, as shown in a justification report deemed acceptable by the City; (OPA 5)
- b) A maximum of one farm labour residence may be permitted without an amendment to the Zoning By-Law, in the form of an accessory apartment attached to and forming part of the principal farm residence, or an accessory detached temporary dwelling, such as a mobile home or bunk house provided: (OPA 9)
 - i) The second unit shall be serviced by the same private sewer and water systems used by the principal farm residence and be in accordance with Section C.5.1, Sustainable Private Water and Wastewater Services policies of this Plan.
 - ii) Where a temporary dwelling is used as a farm labour residence, the owner shall remove the temporary dwelling from the subject farm if, in the opinion of the City, it is no longer required or used as a farm labour residence.

2.1.1.7 The severance of a lot for a farm labour residence shall not be permitted.”

City of Hamilton Zoning By-law No.05-200

The subject property is zoned “A1” (Agricultural) Zone, to which the use complies.

Variances 1 & 2

The applicant is seeking a variance to permit the minimum easterly side yard to be 7.9 metres instead of the required 15 metre side yard. The applicant is seeking a variance to permit the minimum westerly side yard to be 8.2 metres instead of the required 15 metre side yard.

The proposed greenhouses will be located within the rear portion of the existing agricultural operation. The property contains Core Areas (woodland, stream and unevaluated wetlands) and therefore an EIS was requested by the City and the Grand River Conservation Authority as part of the Site Plan application SPAR-18-196. As well, a hydrogeological study was also requested. To date, supporting information including these studies regarding impacts of the development and possible encroachment into the wetland and other issues such as storm water management have not yet been reviewed.

Staff cannot adequately evaluate the merits of all of the proposed variances until supporting information and studies have been submitted and reviewed. This includes a Hydrogeological Study and an Environmental Impact Assessment. Therefore, it is staff's opinion that the proposed variances are premature and cannot be fully and properly evaluated.

Variance 3

The applicant is seeking a variance to permit a farm labour residence (bunkhouse) to be provided within a distance of 400 metres from the existing farm dwelling, instead of the requirement for a farm labour residence to be located within a distance of 30 metres of a farm dwelling.

Generally, farm labour residences should be located within the farm cluster (which comprise the farm residence and the buildings of the agricultural operation). Staff consider that the proposed variance is premature until the relevant studies are completed including the EIS and the Hydrogeological Study.

Variance 4

The applicant is seeking a variance to permit a 7.5-metre-wide secondary driveway access, instead of the requirement for a farm labour residence to utilize the existing driveway access to the farm dwelling.

As discussed above, staff consider that the proposed variance is premature until the relevant studies are completed.

Variance 5

The applicant is seeking a variance to permit a farm labour residence to comprise 511 square metres of gross floor area instead of the maximum floor area of 116.2 square metres.

The applicant is requesting that the proposed farm labour residence have a maximum gross floor area of 511m² instead of the maximum permitted gross floor area of 116.2m². As discussed above, staff consider that the proposed variance is premature until the relevant studies are completed.

Recommendation

Staff received a Site Plan Application (SPAR-18-196) on January 31, 2019 which is associated with the minor variance application. In order to fully evaluate the requested variances, studies that were required to be submitted through the site plan application should be submitted and reviewed prior to making a decision on the application. Therefore, staff recommend that the application be tabled due to the premature nature of the application until further review is conducted on the associated Site Plan Control Application.

Building Division:

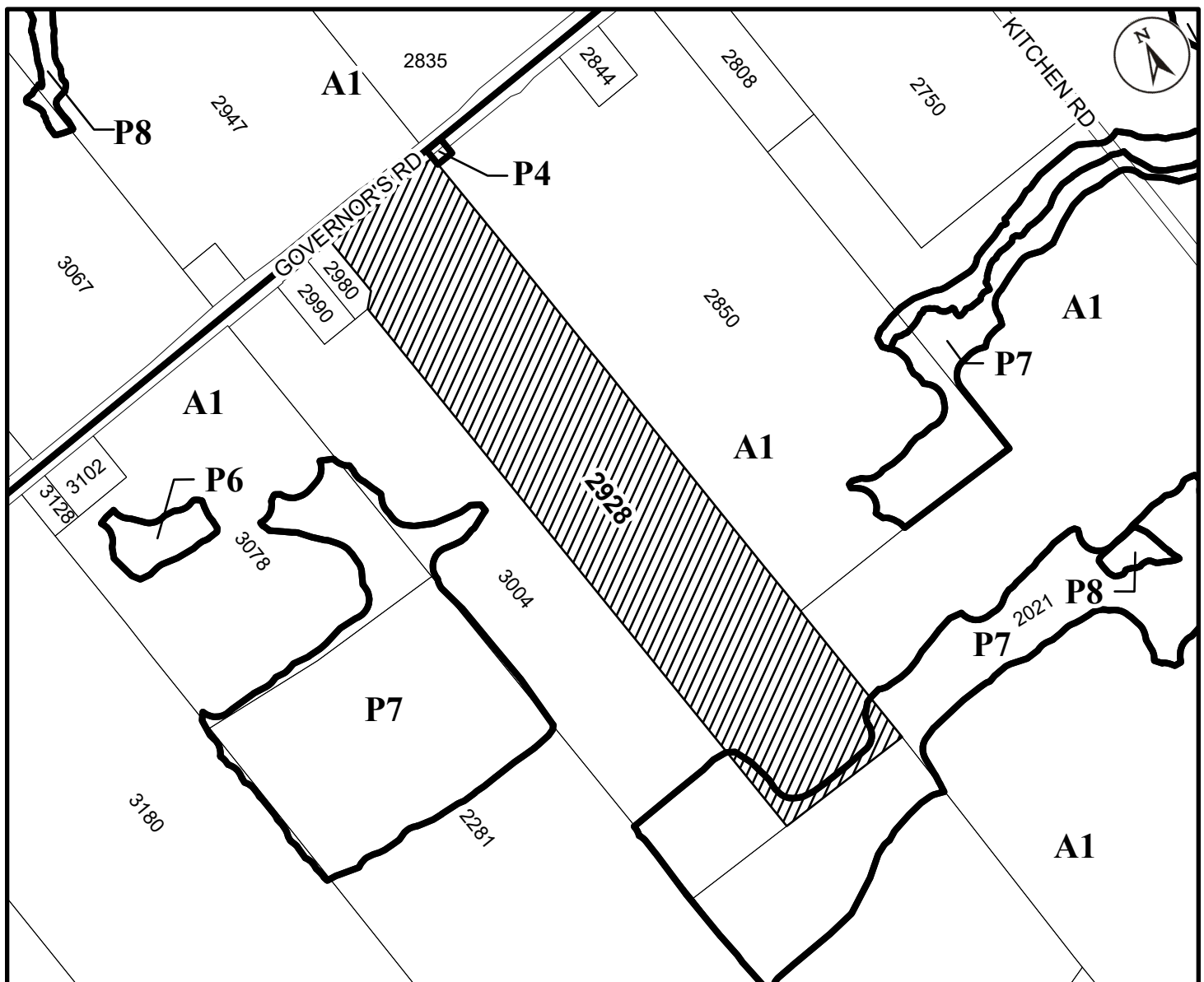
1. The proposed greenhouses and bunkhouse are currently under Site Plan Review for site plan application SPAR-18-196. The Site Plan has been revised to address the requested variances; however, it has not yet been formally submitted for further review. Therefore, additional variances may apply.
2. The property was the subject of a previous Committee of Adjustment decision for minor variances (AN/A-07:276) under the former Ancaster Zoning By-law to address increased lot coverage, reduced side yards and the construction of a parking area. These variances were obtained to facilitate Site Plan Application DA-07-196 for the greenhouses that are currently located in the building cluster near the front of the property.
3. The Zoning By-law defines a "Farm Labour Residence" as follows:

"Farm Labour Residence shall mean accommodation Accessory to Agriculture and on the same lot as an existing permanent principal farm Dwelling, provided for full-time farm labour where the size and nature of the farm operation requires additional employment, in the form of any of the following:

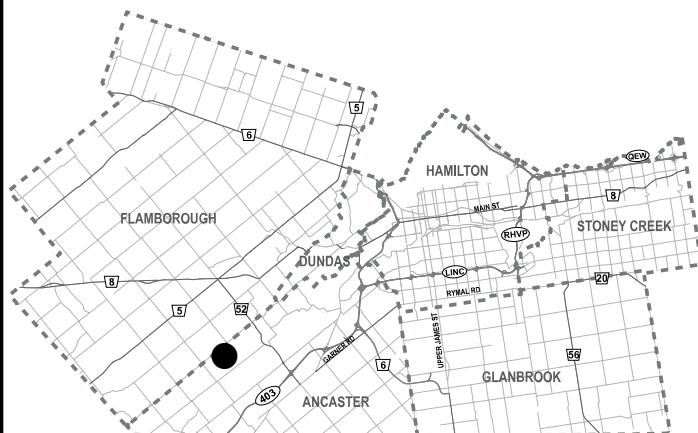
- a) *An Accessory apartment attached to and forming part of the principal farm Dwelling; or,*

- b) An Accessory detached dwelling of temporary construction, such as a mobile home; or,*
- c) An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared."*
4. The Zoning By-law would permit a maximum height of 10.5 metres for a farm labour residence (bunk house). As Elevation plans were not provided for review for the proposed one storey farm labour residence, the owner shall ensure that the building height is in compliance with this requirement or additional variances will be required.
 5. The site would not require additional parking for the proposed greenhouses and farm labour residence.
 6. The portion of the property where the new greenhouses are proposed are under the regulation of the Grand River Conservation Authority and may be subject to development permits. Please contact the Grand River Conservation Authority at (519) 621-2761 for further information.
 7. The southerly portion of the property along the rear property line is zoned "P7" (Conservation/Hazard) Zone but is outside of the area being developed for new greenhouses.
 8. The variances are generally written as requested by the applicant. The variances for side yards for the greenhouses have been written to reflect the setbacks shown on the revised site plan. In addition, the applicant has advised that the gross floor area of the proposed farm labour residence is 511 square metres. A further variance was included to address the second access driveway for the proposed farm labour residence.
 9. With respect to Variance #3, the applicant has advised that a portion of the proposed farm labour residence (bunkhouse) is within 400 metres of the existing farm dwelling.
 10. A building permit is required for the construction of the proposed farm labour residence (bunkhouse).
 11. As a separate tile bed is identified adjacent to the proposed farm labour residence, a building permit for a new private septic system is required.
 12. Be advised that Ontario Building Code regulations may require specific setback and construction types.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



2928 Governor's Road, Ancaster
(Ward 12)

File Name/Number:

AN/A-20:56

Date:

June 29, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/A-19:425 (2337 Guyatt Rd., Glanbrook)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

NOTE:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

GL/A-19:425 (2337 Guyatt Rd., Glanbrook)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to establish a two-storey accessory building in the rear yard of an agricultural use.

Please note that an “Order to Comply” had been issued on November 6, 2019. Construction of the accessory building had commenced without the required permit being issued, with the required action being the obtaining of a permit for all construction at the subject lands.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Agriculture” in Schedule D – Rural Land Use Designations.

The proposed use for a garage within the first storey and a leisure/recreation area within the second storey is not permitted as per the following:

“C.3.1.4.a) Except as permitted in Section D.2.1.1.4 and C.3.1.4.b) and c) of this Plan, a maximum of one dwelling per lot shall be permitted in designations where residential uses are permitted. The Zoning By-law shall limit permitted dwellings to a maximum of one residence per lot in a designation where residential uses are permitted.”

City of Hamilton Zoning By-law No.05-200

The subject property is zoned “A1” (Agricultural) Zone.

Archeology

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

Variance 1

The applicant is seeking a variance to recognize a minimum 3.0m rear yard setback instead of the required 15.0m minimum rear yard setback. Staff note that the accessory structure was built without a Building Permit prior to any consultation with City staff and for that reason an Order to Comply has been issued for the subject property.

The request to recognize an additional reduction in the required minimum setback building can be supported because the building is small in relation to the property which is about 95 acres in area and is adjacent to cultivated farmland. Therefore, it is in keeping with the general intent and purpose of the Hamilton Zoning By-law 05-200, and for that reason is minor in nature and is desirable for the appropriate use of the property, staff are in support of this variance.

Variance 2

The applicant is seeking a variance to recognize and permit the second level habitable room within the accessory building.

In consultation with the applicant, the specific purpose of the accessory structure is for a garage within the first storey and a sitting/recreation area within the second storey. As long as the accessory structure (first or second storey) is not going to be used as a second dwelling unit, staff have no concerns with the proposal. Therefore, the proposed variance does not maintain the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200. The variance is minor in nature and is desirable for the appropriate development of the lands, staff are in support of this variance.

Recommendation

Staff recommends that the variances be approved, as the variances maintain the general intent and purpose of the Rural Hamilton Official Plan and the Hamilton Zoning By-law No. 05-200. The variances are considered to be minor in nature and are desirable for the appropriate use of the property.

Building Division:

1. Variances have been written as requested by the applicant. The applicant shall ensure the primary use of the property is agriculture. Should the primary use of the property be for the primary use of a single detached dwelling, further variances will be required.
2. The site plan submitted is illegible/lacking detail to determine all necessary variances.

3. Building Permit 19-152315, under review, to construct a 74.32m² detached storage shed in the rear yard of the single family dwelling, remains not issued/finalized.
4. Order to Comply 19-152950, dated November 6, 2019, in regard to alterations to an accessory structure is outstanding.
5. A building permit is required for the construction of the proposed two-storey accessory building.
6. Be advised that Ontario Building Code regulations may require specific setback and construction types.
7. The lands are subject to Site Plan Control.
8. Please be advised that a portion of this property is under Conservation Management. Please contact Niagara Peninsula Conservation Authority (905) 788-3135 for further information.

See attached for additional comments.

From: [LS](#)
To: [Committee of Adjustment](#)
Cc: [Sheffield, Jamila](#)
Subject: 2337 Guyatt rd. - garage
Date: July 6, 2020 2:44:32 PM
Attachments: [A3 LAYOUT 2ND FLOOR july 3 2020-LAYOUT.pdf](#)

Hello Dear Jamila

The matter is going to be discussed at the upcoming meeting on July 9, 2020.

Item 2 indicates that we need variance for habitable space on second floor. This is not the case. It is a storage space. No habitable space is proposed.

Please advise how we can correct this?

We have provided the City with the revised drawing previously, but I dont think you have received it.

Thank you .

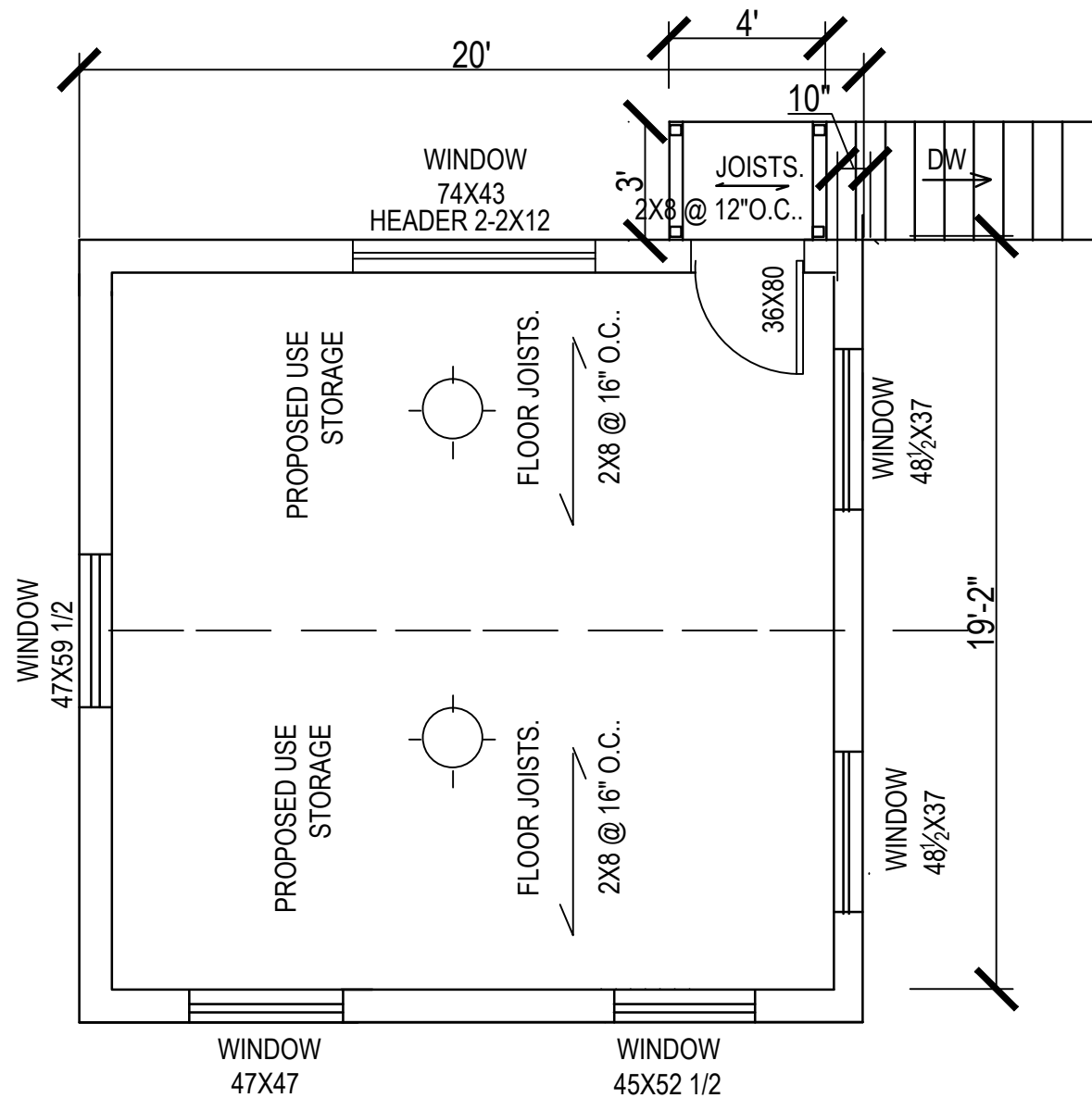
Regards,

Lucy Shaw,P.Eng.

LKS Consulting inc.

905-923-7932

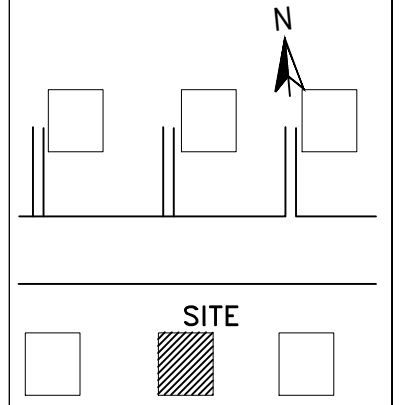
- SPECIAL CONDITIONS
1. ALL WORK SHALL COMPLY WITH THE OBC 2012.
 2. EXCAVATIONS SHALL BE FREE OF ALL TOP SOIL AND ORGANIC MATERIAL DIV B 9.12.1.1..
 3. ENGINEERED SLAB SHALL BE CONSTRUCTED AS PER ENGINEER'S STAMPED DESIGN AND SPECIFICATIONS..
 4. MANDATORY INSPECTION OF REBAR IS REQUIRED PRIOR TO POURING CONC. SLAB
 5. CONCRETE FOR GARAGE FLOOR SLAB SHALL BE MIN. 32 MPA C/W 5-8% AIR ENTRAINMENT. REF: DIV. B, 9.3.1.6 (1), (A), (2).
 6. GARAGE SHALL BE ANCHORED TO THE FOUNDATION TO RESIST UPLIFT, DIV. B, 9.23.6.
 7. ALL WOOD FRAMING SHALL BE INSTALLED A MIN 6" ABOVE FINISHED GRADE ..



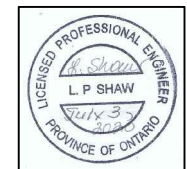
8. A LIGHTING OUTLET FIXTURE CONTROLLED BY A WALL SWITCH NEAR DOORWAY SHALL BE PROVIDED FOR THE GARAGE
9. 2.5" OF EACH BEAM SHALL BE PLACED ON THE POST.

10. WINDOW HEADERS 3- 2-10

2ND FLOOR LAYOUT



- NOTES A: **KEY PLAN**
1. CONTRACTOR NOT TO SCALE OF THIS DRAWING
 2. CONTRACTOR TO LOCATE ALL EXTERNAL SERVICES PRIOR TO CONSTRUCTION
 3. ALL CONSTRUCTION TO PROCEED IN ACCORDANCE WITH O.B.C. AND ALL REQUIRED SAFETY PROCEDURES
 4. CONTRACTOR TO FOLLOW ALL SAFETY REGULATIONS ASSOCIATED WITH CONSTRUCTION OF THIS STRUCTURE.
 5. GARAGE NOT TO BE USED FOR HUMAN HABITATION OR HOME BASED BUSINESS
 6. ALL WORK SHALL BE DONE IN ACCORDANCE WITH ENGINEERS STAMPED DESIGN AND SPECIFICATIONS

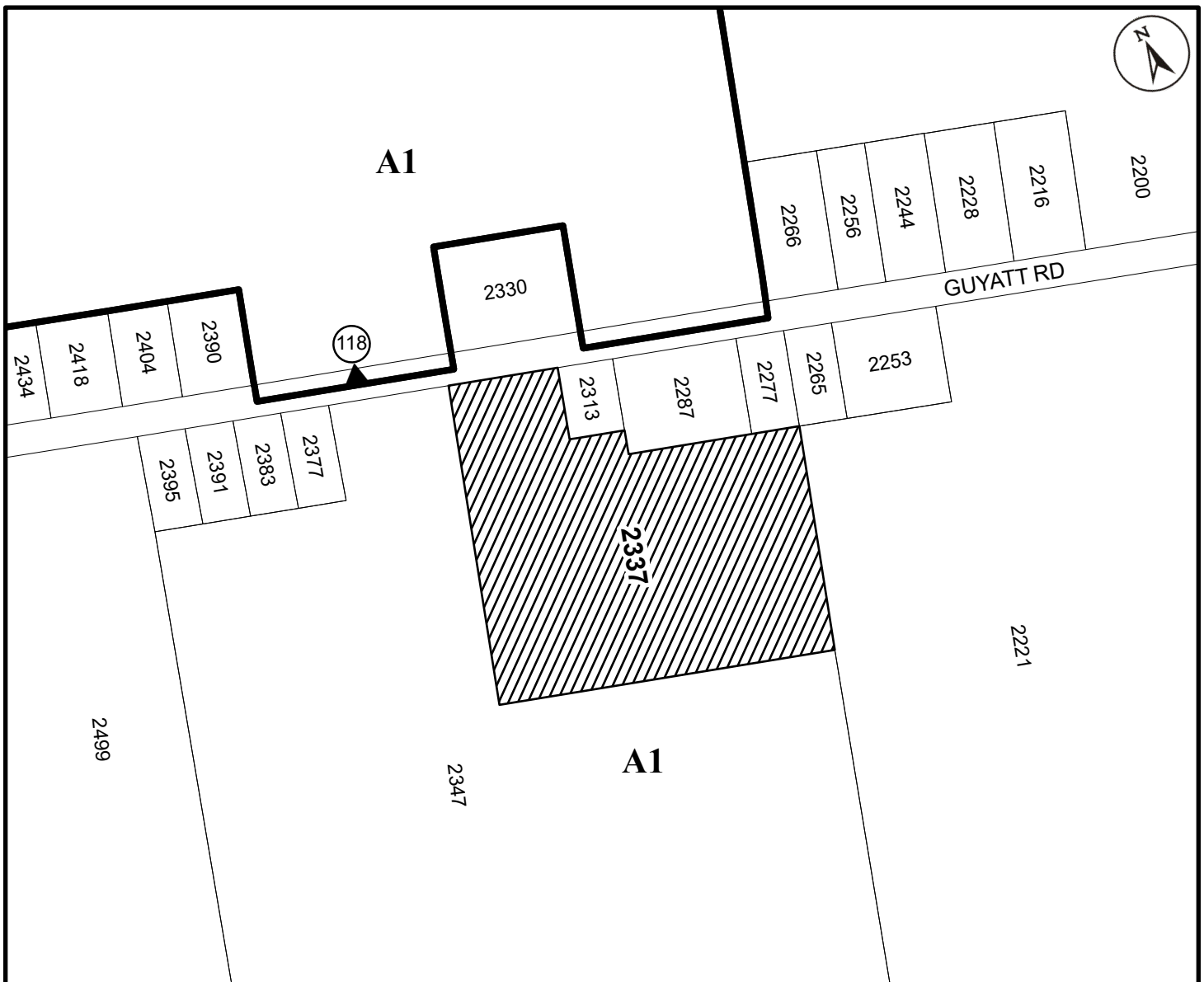


DISTANCES SHOWN ON THIS PLAN ARE "IMPERIAL" IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048
SCALE 1/4"=1'

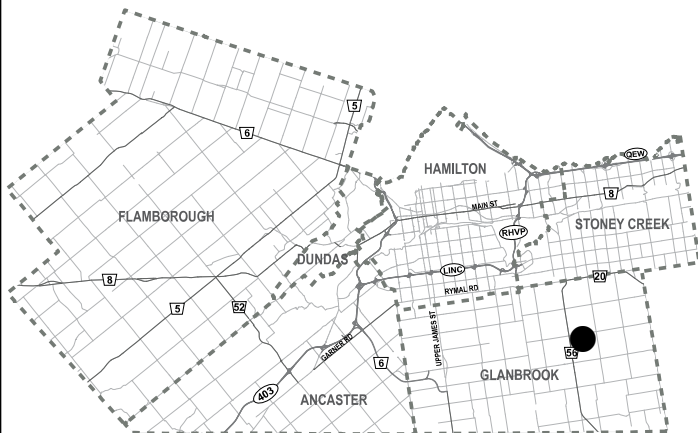
REV		
	LKS CONSULTING INC.	DESIGNED BY LS
	3405 MAIN ST. E.	CHECKED BY LS
	HAMILTON, ONTARIO	DATE: OCTOBER 28, 2019
	CELL: (905) 823-7932	PROJECT NO: 102819
	EMAIL: WINDSOFGARAGE@GMAIL.COM	

2337 GUYATT RD.
HAMILTON
ONTARIO

Drawing title: 2337 GUYATT RD. 2ND FLOOR LAYOUT Drw.No: A3



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



2337 Guyatt Road, Glanbrook
(Ward 11)

File Name/Number:

GL/A-19:425

Date:

June 29, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/A-20:66 (3659 Upper James St., Glanbrook)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

NOTE:

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

GL/A-20:66 (3659 Upper James St., Glanbrook)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a storage building (accessory building) which is accessory to the existing single detached dwelling.

Rural Hamilton Official Plan

The subject lands are designated “Agriculture” on Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP). Amongst others, the policies listed under E.3.4.3 permit a single detached dwelling as well as accessory buildings.

Generally, accessory structures should be accessory to the primary use, in this case being the single detached dwelling. Staff are concerned that the accessory structure is not subordinate to the primary use as it is two storeys tall and is proposed to contain a sink and bathroom on the ground floor. Staff would not support the application should the accessory structure be used as a second dwelling unit.

City of Hamilton Zoning By-law No.05-200

The subject property is zoned Rural “A2” Zone to which the use complies.

Archeology:

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy

Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

Variance 1

The applicant is seeking a variance to allow for a maximum lot coverage of 8.5% for all accessory buildings to be permitted instead of the maximum permitted lot coverage of 5% of the lot area.

Staff note that the increase in lot coverage is not minor as it will facilitate the proposed accessory structure which is excessive in both area and height. The proposed structure is not compatible with the surrounding neighbourhood and is not subordinate to the single detached dwelling. Therefore, the variance is not minor in nature and is not appropriate for the development of the subject property. Accordingly, staff do not support the variance.

Variance 2

The applicant is seeking a variance to allow for a maximum gross floor area of 302 square metres for all accessory buildings to be permitted instead of the maximum permitted gross floor area of 200 square metres for all accessory buildings.

The Zoning By-law states that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum gross floor area of 200 m². The subject lands have a total of 5 accessory structures that equal to approximately 302 m² of gross floor area, this does not include the addition of a basement and another storey to the proposed accessory structure, which would equal to a total accessory structure gross floor area of 398 m². In regard to evaluating the appropriateness of a large accessory structure the use of the accessory structures must be subordinate to the primary use, in this case being the single detached dwelling. Accordingly, due to the amount of gross floor area dedicated to the accessory structures being bigger than the area of the single detached dwelling, the proposed structures become larger than the principle use of the property and as such no longer meet the definition of being sub ordinate to the primary use. As such, the variance does not meet the 4 tests and staff do not support the variance.

Variance 2

The applicant is seeking a variance to allow for a maximum height of 9.0 metres to be permitted instead of the maximum permitted height of 6.0 metres for an accessory building.

Staff are concerned that the, 2 storey (9.0 m) height, of the accessory structure is excessive. Staff request that the proponent comply with the height requirement of 6.0 m to ensure the accessory structure maintains the perception that is secondary to the primary structure on the property. As such, the variance does not meet the 4 tests and staff do not support the variance.

Recommendation

Based on the preceding information, the requested variances do not maintain the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law. The variance is not considered to be minor in nature and is not desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be denied.

Building Division:

1. Variance 1 should be deleted and replaced with the following:

“A maximum lot coverage of 8.8% shall be permitted for all accessory buildings prior to the demolition of the “existing metal cladding buildings to be demolished” and a maximum lot coverage of 5.7% for all accessory buildings shall be provided upon demolition of the “existing metal cladding buildings to be demolished”, instead of the maximum permitted lot coverage of 5% of the total lot area for all accessory buildings;”

2. Variance 2 should be deleted and replaced with the following:

“A maximum gross floor area of 419.5 square metres shall be permitted for all accessory buildings prior to the demolition of the “existing metal cladding buildings to be demolished” and a maximum gross floor area of 303 square metres shall be provided for all accessory buildings upon demolition of the “existing metal cladding buildings to be demolished”, instead of the maximum permitted gross floor area of 200.0 square metres for all accessory buildings; and,”

3. The agent for the applicant has advised that the “existing metal cladding buildings to be demolished”, noted to provide a total area of 116.20 square metres, may not be demolished prior to the construction of the proposed accessory building. As such, the variances have been requested to reflect site conditions pre-demolition and post-demolition of such accessory buildings.

4. A building permit is required for the construction of the proposed accessory structure. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

5. A demolition permit(s) may be required for the demolition of the existing accessory buildings noted to be demolished.

6. The requested variances have been written for the use of an accessory building which is accessory to the existing single detached dwelling only. Accessory, as defined in the Zoning By-law, *shall mean, when used to describe a use of land, building or structure, shall mean a use which is commonly incidental, subordinate and exclusively devoted to the main use or main building situated on the same lot.* Please be advised, should the

intent be to utilize the proposed building for a use other than a building accessory to the existing single detached dwelling further approval will be required.

7. The applicant shall ensure the proposed building height has been provided in accordance with the definition of "*Building Height*" and "*Grade*" as defined within the Zoning By-law.

8. A further variance will be required if the eave and gutter of the proposed accessory building encroach greater than 0.6 metres into the required 1.0 metre northerly side yard setback.

9. The lot area of 3804 square metres obtained from GISNet has been used to determine the proposed lot coverage.

See attached for additional comments.

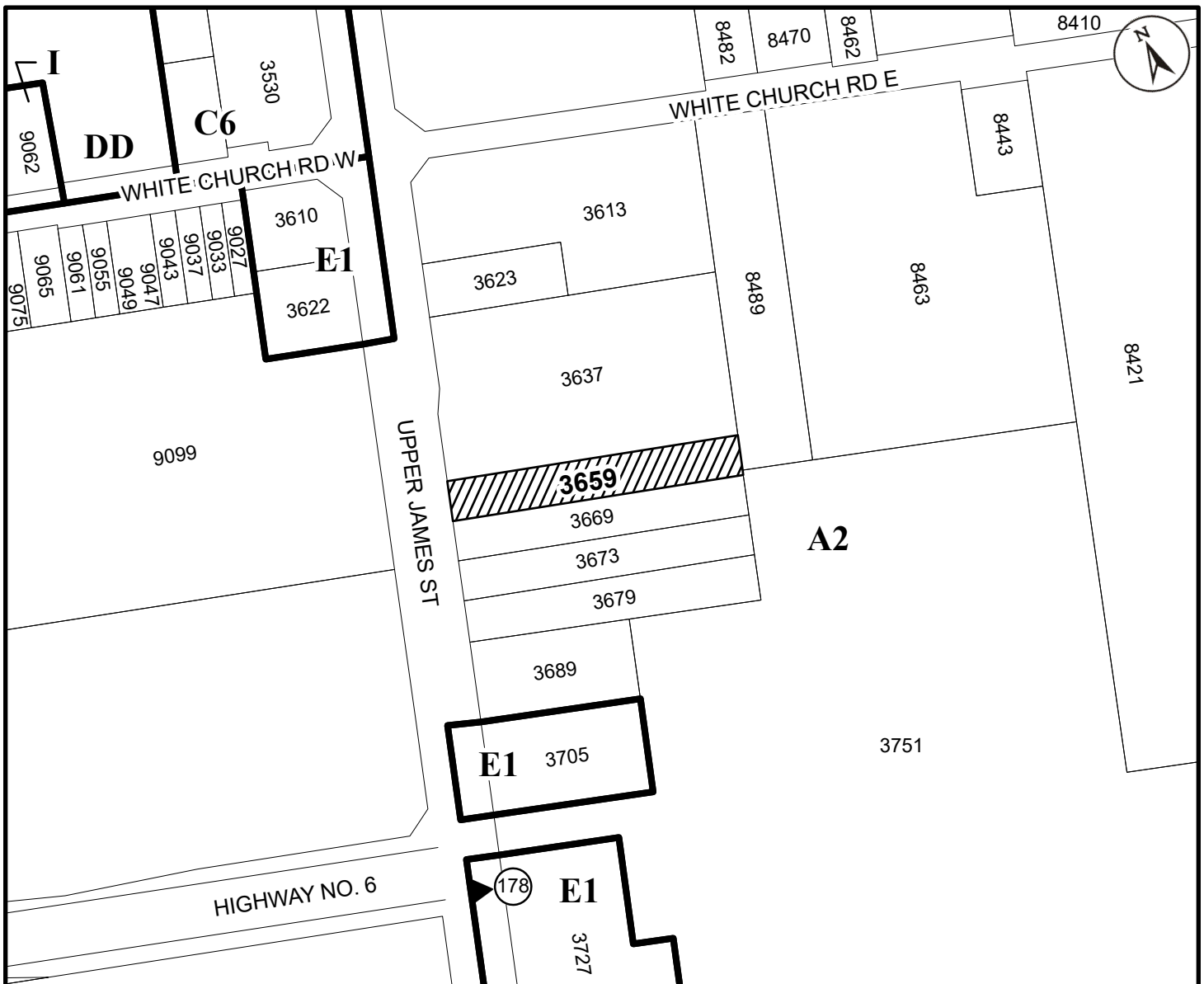
To the Committee of Adjustment,

I live at 3689 Upper James Street, and am writing to you in regards to building plans submitted by my neighbour at 3659 Upper James Street, application number: GL/A-20:66. I would like to voice my opposition to the construction of the proposed storage building on that lot. My family and I have been residents at 3689 Upper James Street for 25 years, and commercial businesses have slowly been surrounding us. These businesses generate an excess amount of noise, dirt and pollution, and traffic. Mr. Raposa's tiling business is beside my home, and my family and I are constantly woken up and disrupted by his trucks and workers at all hours of the night and early morning. The proposal letter I received claims that this storage building will be used to house his tile, and I fear that after construction of this proposed storage building is completed, we will experience an expansion of that same noise, pollution, and traffic.

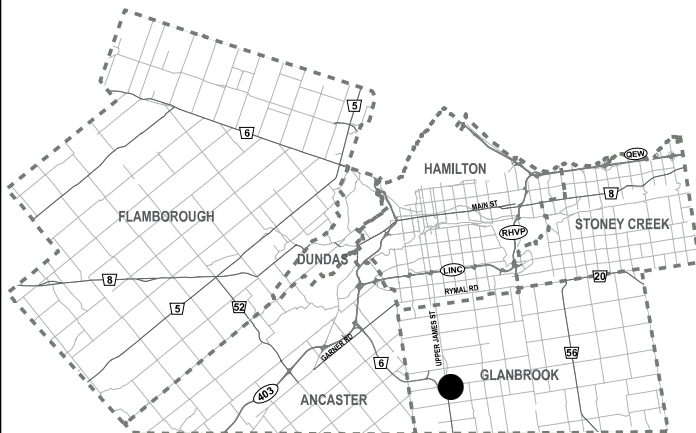
Thank you very much for your time, and for hearing my thoughts and concerns on this matter.

Kind regards,

Sergio Vassalli.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



3659 Upper James Street,
Glanbrook (Ward 11)

File Name/Number:

GL/A-20:66

Date:

June 30, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

DN/A-20:52 (260 MacNab St., Dundas)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

DN/A-20:52 (260 MacNab St., Dundas)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a new two-storey addition and roofed over unenclosed deck in the rear yard of the existing single detached dwelling.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” on Schedule E – Urban Structure and is designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, and E.3.4.3 amongst others, are applicable and permit a single detached dwelling.

Former Town of Dundas Zoning By-law 3581-86

The subject property is zoned “R2” Single Detached Residential Zone, to which the use complies.

Variance 1

The applicant is seeking a variance to allow for an easterly side yard of 0.0m to be provided instead of the minimum required 1.2m easterly side yard setback.

Staff note that the existing easterly side yard setback is 0.0m which is a pre-existing condition that is triggered because of the proposed two-storey addition and roofed over unenclosed deck in the rear yard of the existing single detached dwelling. Staff note that the variance is desirable for the development and minor in nature as no negative impacts to subject lands or adjoining properties are anticipated. Based on the foregoing, the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 2

The applicant is seeking a variance to allow for a westerly side yard to be 3.2m to be provided instead of the minimum required 5.0m westerly side yard setback.

As discussed above, staff note that the existing westerly side yard setback of 3.2m is a pre-existing condition. Staff note that the variance is desirable for the development and minor in nature as no negative impacts to adjoining properties are anticipated. Based on the foregoing, the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 3

The applicant is seeking a variance to allow for a rear yard to be 5.8m to be provided instead of the minimum required 7.5m rear yard setback.

The abutting properties consist of single detached dwellings and a semi-detached dwelling to the east of the subject lands. The abutting lots are of a similar size, some with deeper rear yards. The location of the proposed addition and covered deck is in the rear yard of the subject property. Staff are satisfied that the proposed rear setback will not have any negative affect on the neighbouring properties to the south or east, as the proposal is modest in nature and is of a similar area and size when compared to the existing single detached dwellings in the area. Therefore, the variance is minor in nature and appropriate for the development of the subject property. Accordingly, staff support the variance.

Recommendation

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and Former Town of Dundas Zoning By-law. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

Building Division:

1. Variance #3 shall be revised to replace the word “side” to “rear”. Therefore, the variance should read as follows:

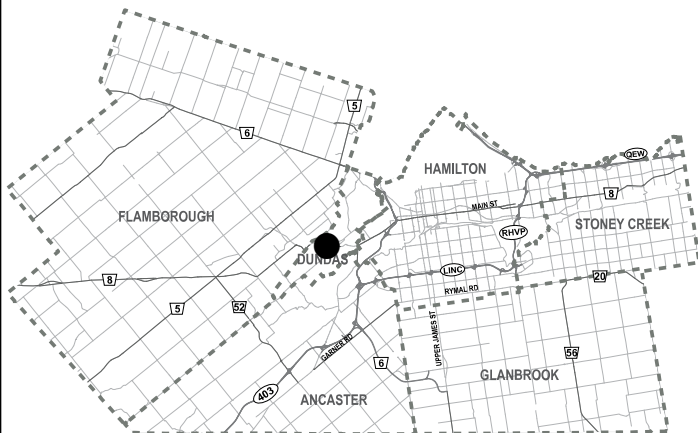
“A rear yard setback of 5.8m shall be provided instead of the minimum required 7.5m rear yard setback.”

2. Further variances have been requested by the applicant respecting eave and gutter projections and the proposed rear unenclosed deck. However, these features will conform as shown provided that variance #1 through #3 are approved.
3. The current R2 zone of Dundas Zoning By-law 3581-86 requires dwellings to provide a 1.2m side yard setback except that when there is no garage or carport, one side shall be setback at least 5.0m.
4. A building permit is required in the normal manner for the proposed construction.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



260 MacNab Street, Dundas
(Ward 13)

File Name/Number:

DN/A-20:52

Date:

June 30, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/A-20:46 (8149 English Church Rd., Glanbrook)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

NOTE:

“Acknowledgement: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).”

GL/A-20:46 (8149 English Church Rd., Glanbrook)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the demolition of an existing accessory building (hog barn) and construct a new accessory building (hog barn).

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Agriculture” in Schedule D – Rural Land Use Designations, to which the use complies.

The following policy was considered with this application. Policy D.2.1 states:

“D.2.1 Uses permitted in the Agriculture designation are limited to agricultural uses, agricultural-related commercial and agricultural-related industrial uses and on-farm secondary uses as set out in the following policies.”

In addition, Policy F.1.16 and F.1.16.1 state:

“F.1.16 The Minimum Distance Separation Formulae are a tool to establish distances between a livestock facility and another land use. The objective is to prevent land use conflicts as well as to minimize nuisance complaints.

F.1.16.1 New land uses, including the creation of lots, and new or expanding livestock facilities and expansion to existing uses permitted by the policies of the Plan shall comply with the Minimum Distance Separation (MDS) Formulae. The formulae for calculating required minimum distance separation between land uses shall be implemented in the Zoning By-law.”

The objective is to prevent land use conflicts as well as to minimize nuisance complaints. The formulae for calculating required minimum distance separation between land uses shall be implemented in the Zoning By-law. Staff have reviewed the proposed variance to the MDS requirements and are of the opinion that the variance is minor in nature and appropriate for the development of the subject lands.

City of Hamilton Zoning By-law No.05-200

The subject property is zoned Agriculture (A1) Zone at the north and west portion of the property and Conservation/Hazard Land – Rural) (P7 and P8) Zones in the middle and north east portion of the property adjacent to English Church Road. The applicant proposes the demolition and construction of the accessory building within the Agriculture (A1) zoned portion of the property, to which the use complies.

Archeology

The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In areas of pioneer EuroCanadian settlement; and,
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this variance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

“Acknowledgement: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).”

Cultural Heritage

The subject property is included in the City’s Inventory of Buildings of Architectural and/or Historical Interest. The subject property is also *adjacent* to the following

properties included on the City's Inventory of Buildings of Architectural and/or Historical Interest:

- 8010 Airport Road;
- 7220 Airport Road;
- 7374 English Church Road East;
- 8104 English Church Road East; and,
- 8250 English Church Road East.

Notwithstanding that the subject property is adjacent to a designated property, staff have reviewed the application and are of the opinion that the cultural heritage value of the property will be conserved and have no further comments on the application as submitted.

(Variance 1 and 2 are deleted)

Variance 3

The purpose of this variance is to permit an accessory building with livestock to be setback a minimum of 184m from a Type B land use (an existing golf course to the west) instead of maintaining the minimum required hog building setback of 566m for buildings with livestock from the Type B land use (golf course) as required by the Minimum Distance Separation II Report.

The intent and purpose of requiring that a livestock barn with livestock be separated from a golf course is to ensure that adequate separation is maintained between incompatible land uses and to avoid creating a noxious impact on neighbouring property owners and users. The proposal is to remove an existing hog barn and to replace the barn with the capacity for a moderate expansion in production capacity. The farmer advises that it is not economically feasible to locate the replacement barn at another location on the property. The owner wishes to expand the capability/capacity of the hog operation (from 243.2 nutrient units to 318.7 nutrient units) by demolishing an existing barn and replacing it in the same area as the decommissioned barn.

The proposed variance meets the intent and purpose of the Rural Hamilton Official Plan and Zoning By-law as there will be adequate separation between the proposed accessory structure and the neighbouring golf course. The existing farm cluster contains all of the buildings crucial to the farm operation, and the proposed livestock barn will be located within the cluster and replace the existing barn. Special Exception 164 (Hamilton Zoning By-Law 05-200) applies to the adjacent golf course (8475 English Church Road) and permits a club house to be set back a minimum of 900 m from the adjacent livestock building and manure facility within the subject lands (8149 English Church Road). Therefore, the existing barn was at this location prior to the existing golf course being developed and the club house facilities are located at least 900 m from the existing barns. Thus, there is an existing buffer area between the existing and proposed barn and the nearest golf course green and tee off area which is more than 300 m from the proposed barn.

The proposed barn addition will not decrease the existing separation between incompatible uses and will therefore not increase any noxious impacts on any abutting sensitive land uses.

Accordingly, staff consider this variance minor in nature and desirable for the appropriate use of the property as a hog farm. Accordingly, staff support this variance.

Recommendation:

Based on the above, the requested variance maintains the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200. This variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, staff recommend that the application be approved.

Building Division:

1. The variances should be altered to delete "The accessory building with manure storage shall be setback a minimum of 283m from Type A land uses instead of the minimum required setback of 355m for buildings with manure storage" and delete "The accessory building with manure storage shall be setback a minimum of 200m from Type A land uses instead of the minimum required setback of 709m for buildings with manure storage".
2. The required distances and accessory building setbacks were based on Minimum Distance Separation II report prepared by Chris Attema dated February 3, 2020.
3. Submitted plans were lacking details to determine the exact location of the proposed accessory building. The owner shall ensure the new accessory building is not located within the front yard. Section 3 states; Front Yard - shall mean a yard extending across the full width of a lot measured between the front lot line and the nearest part of a building on the lot.
4. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.
5. A demolition permit is required for the demolition of the existing hog barn.
6. A building permit is required for the construction of the proposed hog barn.
7. Be advised that Ontario Building Code regulations may require specific setback and construction types.

See attached for additional comments.

Minimum Distance Separation II

Apple Creek

Prepared By: Chris Attema, 5365 Concession Four Road

Description: Apple Creek Farms Inc.

Application Date: Monday, February 3, 2020

Municipal File Number:

Applicant Contact Information

c/o Rick Vandebos
Apple Creek Farms Inc.

Email: rjvdbos@gmail.com

Location of Subject Livestock Facilities

City of Hamilton
GLANFORD, Concession: 4, Lot: 8

Roll Number: 251890232052600

Calculation Name: *Apple Creek*

Description: 8149 English Church Road

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Total Maximum Number	Total Maximum Number (NU)	Estimated Livestock Barn Area
Liquid	Swine, Sows with litter, dry sows/boars	247	70.6	407	116.3	12,210 ft²
Liquid	Swine, Feeders (27 - 136 kg), Full Slats	854	162.7	1,010	192.4	10,404 ft²
Solid	Beef, Feeders (7 - 16 months), Confinement Bedded Pack	30	10.0	30	10.0	1,500 ft²

Manure Storage: V5. Liquid, inside, underneath slatted floor



Existing design capacity (NU): 243.2

Design capacity after alteration (NU): 318.7

$$\begin{array}{ccccccc}
 \text{Factor A} & \text{Factor B} & \text{Factor C} & \text{Factor D} & & \text{Building Base Distance 'F'} & \\
 (\text{Odour Potential}) & (\text{Size}) & (\text{Orderly Expansion}) & (\text{Manure Type}) & & (\text{minimum distance from livestock barn}) & \\
 1.08 & \times & 473.71 & \times & 0.6923 & \times & 0.8 = 283 \text{ m (929 ft)}
 \end{array}$$

$$\begin{array}{c}
 \text{Storage Base Distance 'S'} \\
 (\text{minimum distance from manure storage}) \\
 283 \text{ m (929 ft)}
 \end{array}$$

MDS II Setback Distance Summary

Description	Minimum Livestock Barn Setback Distance	Actual Livestock Barn Setback Distance	Minimum Manure Storage Setback Distance	Actual Manure Storage Setback Distance
Type A Land Uses	283 m 929 ft	428 m 1404 ft	283 m 929 ft	428 m 1404 ft
Type B Land Uses	566 m 1,857 ft	184 m 605 ft 	566 m 1,857 ft	184 m 605 ft 
Nearest lot line (side or rear)	28 m 93 ft	184 m 605 ft	28 m 93 ft	184 m 605 ft
Nearest road allowance	57 m 186 ft	437 m 1433 ft	57 m 186 ft	437 m 1433 ft

Preparer Information

Chris Attema
5365 Concession Four Road

Phone #1: 905 386-0272
Email: chrisattema@gmail.com

Signature of Preparer: Chris Attema
Chris Attema

Date: March 9, 2020

NOTE TO THE USER:

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

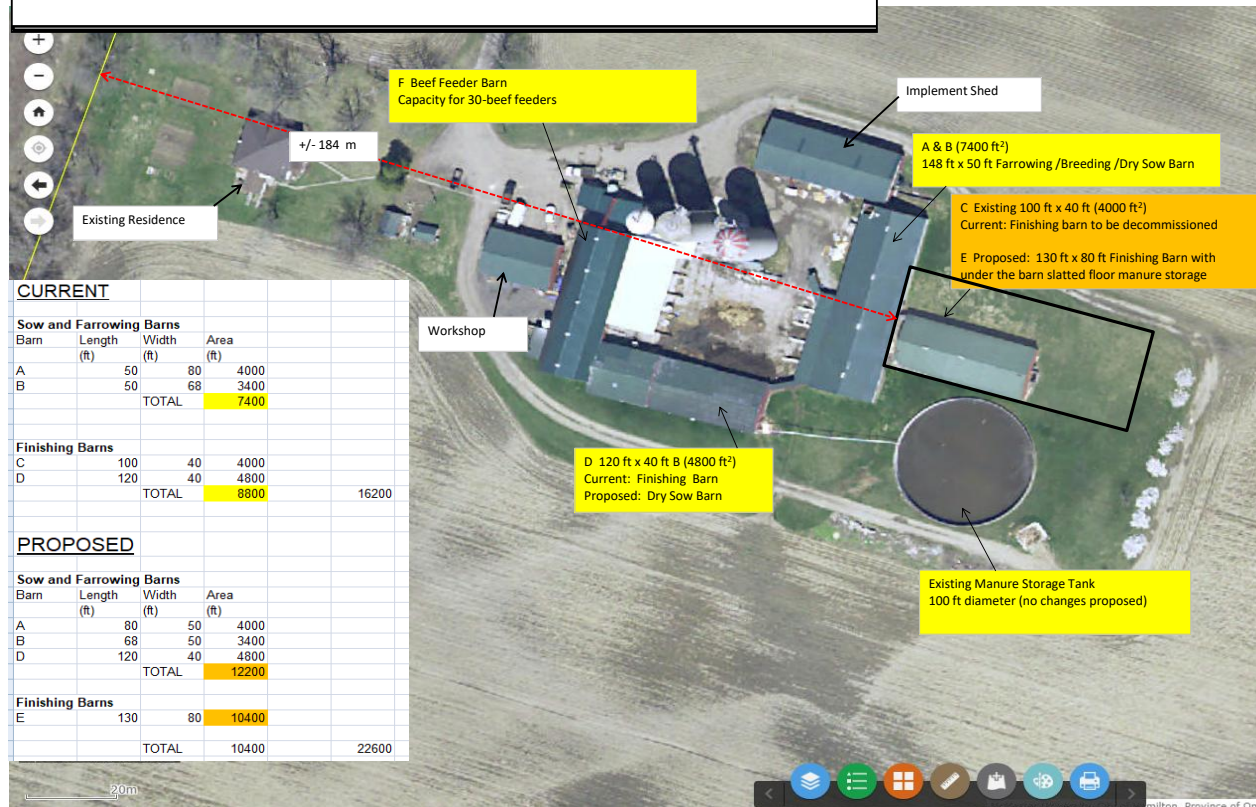
Description: Apple Creek Farms Inc.

Application Date: Monday, February 3, 2020

Municipal File Number:

Applicant Contact Information
c/o Rick Vandebos
Apple Creek Farms Inc.
Email: rjvdbos@gmail.com

Location of Subject Livestock Facilities
City of Hamilton
GLANFORD, Concession: 4, Lot: 8
Roll Number: 251890232052600



CURRENT

Sow and Farrowing Barns			
Barn	Length (ft)	Width (ft)	Area (ft²)
A	50	80	4000
B	50	68	3400
TOTAL			7400
Finishing Barns			
C	100	40	4000
D	120	40	4800
TOTAL			8800

PROPOSED

Sow and Farrowing Barns			
Barn	Length (ft)	Width (ft)	Area (ft²)
A	80	50	4000
B	68	50	3400
D	120	40	4800
TOTAL			12200
Finishing Barns			
E	130	80	10400
TOTAL			10400

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Total Maximum Number	Total Maximum Number (NU)	Estimated Livestock Barn Area
Liquid	Swine, Sows with litter, dry sows/boars	247	70.6	407	116.3	12,210 ft²
Liquid	Swine, Feeders (27 - 136 kg), Full Slats	854	162.7	1,010	192.4	10,404 ft²
Solid	Beef, Feeders (7 - 16 months), Confinement Bedded Pack	30	10.0	30	10.0	1,500 ft²

Manure Storage: V5, Liquid, inside, underneath slatted floor

Existing design capacity (NU): 243.2

Design capacity after alteration (NU): 318.7

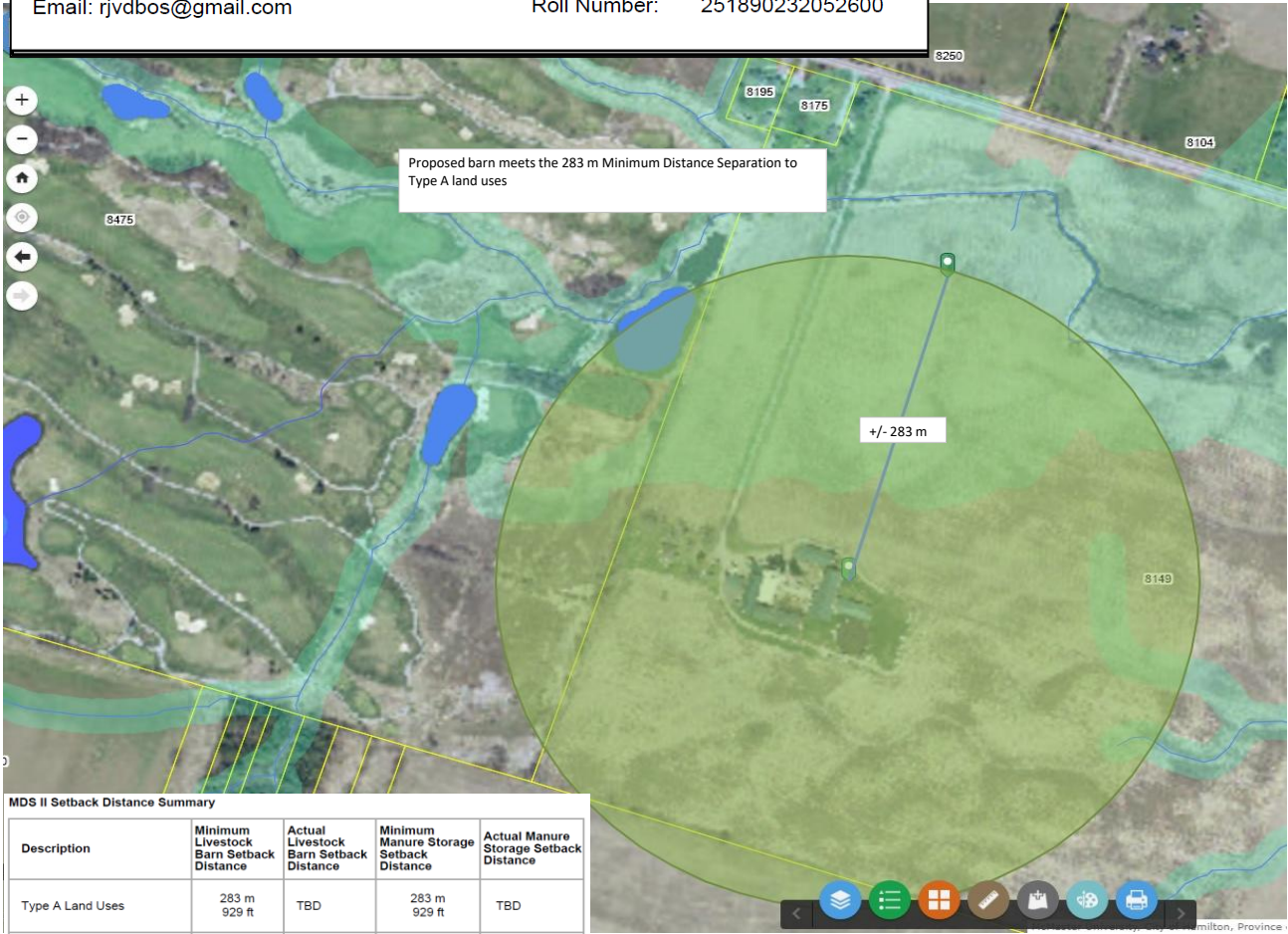
$$\begin{matrix} \text{Factor A} & \text{Factor B} & \text{Factor C} & \text{Factor D} & & \text{Building Base Distance 'F'} \\ \text{(Odor Potential)} & \text{(Size)} & \text{(Orderly Expansion)} & \text{(Manure Type)} & & \text{(minimum distance from livestock barn)} \\ 1.08 & \times & 473.71 & \times & 0.6923 & \times & 0.8 & = & 283 \text{ m (929 ft)} \end{matrix}$$

$$\begin{matrix} \text{Storage Base Distance 'S'} \\ \text{(minimum distance from manure storage)} \\ 283 \text{ m (929 ft)} \end{matrix}$$

MDS II Setback Distance Summary

Description	Minimum Livestock Barn Setback Distance	Actual Livestock Barn Setback Distance	Minimum Manure Storage Setback Distance	Actual Manure Storage Setback Distance
Type A Land Uses	283 m 929 ft	TBD	283 m 929 ft	TBD
Type B Land Uses	566 m 1,857 ft	TBD	566 m 1,857 ft	TBD
Nearest lot line (side or rear)	28 m 93 ft	TBD	28 m 93 ft	TBD
Nearest road allowance	57 m 186 ft	TBD	57 m 186 ft	TBD

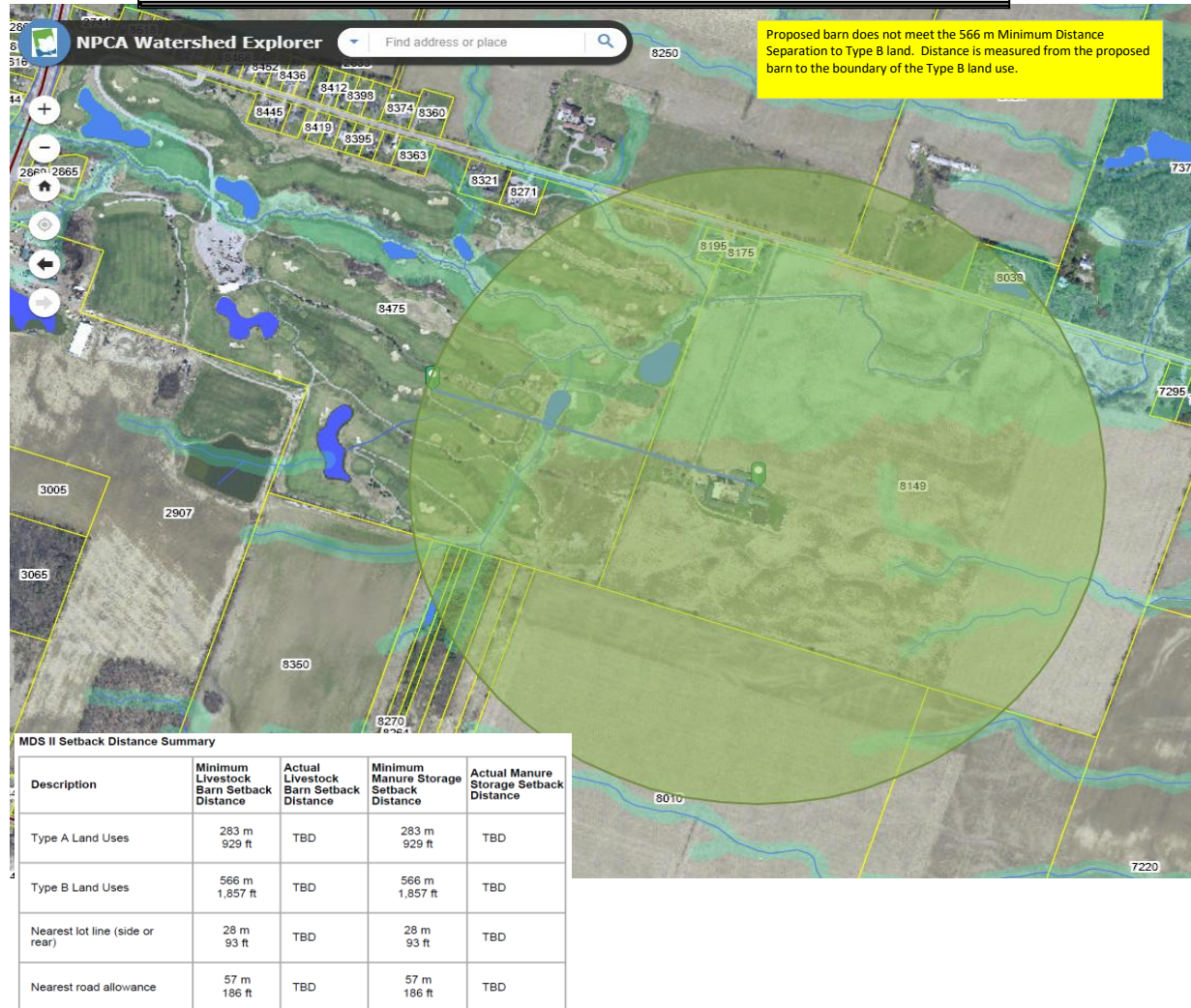
Description:	Apple Creek Farms Inc.		
Application Date:	Monday, February 3, 2020		
Municipal File Number:			
Applicant Contact Information	Location of Subject Livestock Facilities		
c/o Rick Vandebos	City of Hamilton		
Apple Creek Farms Inc.	GLANFORD, Concession: 4, Lot: 8		
Email: rjvdbos@gmail.com	Roll Number: 251890232052600		



MDS II Setback Distance Summary

Description	Minimum Livestock Barn Setback Distance	Actual Livestock Barn Setback Distance	Minimum Manure Storage Setback Distance	Actual Manure Storage Setback Distance
Type A Land Uses	283 m 929 ft	TBD	283 m 929 ft	TBD
Type B Land Uses	566 m 1,857 ft	TBD	566 m 1,857 ft	TBD
Nearest lot line (side or rear)	26 m 93 ft	TBD	26 m 93 ft	TBD
Nearest road allowance	57 m 186 ft	TBD	57 m 186 ft	TBD

Description:	Apple Creek Farms Inc.
Application Date:	Monday, February 3, 2020
Municipal File Number:	
Applicant Contact Information	Location of Subject Livestock Facilities
c/o Rick Vandebos	City of Hamilton
Apple Creek Farms Inc.	GLANFORD, Concession: 4, Lot: 8
Email: rjvdbs@gmail.com	Roll Number: 251890232052600



Description: Apple Creek Farms Inc.

Application Date: Monday, February 3, 2020

Municipal File Number:

Applicant Contact Information

c/o Rick Vandebos
Apple Creek Farms Inc.

Email: rjvdbos@gmail.com

Location of Subject Livestock Facilities

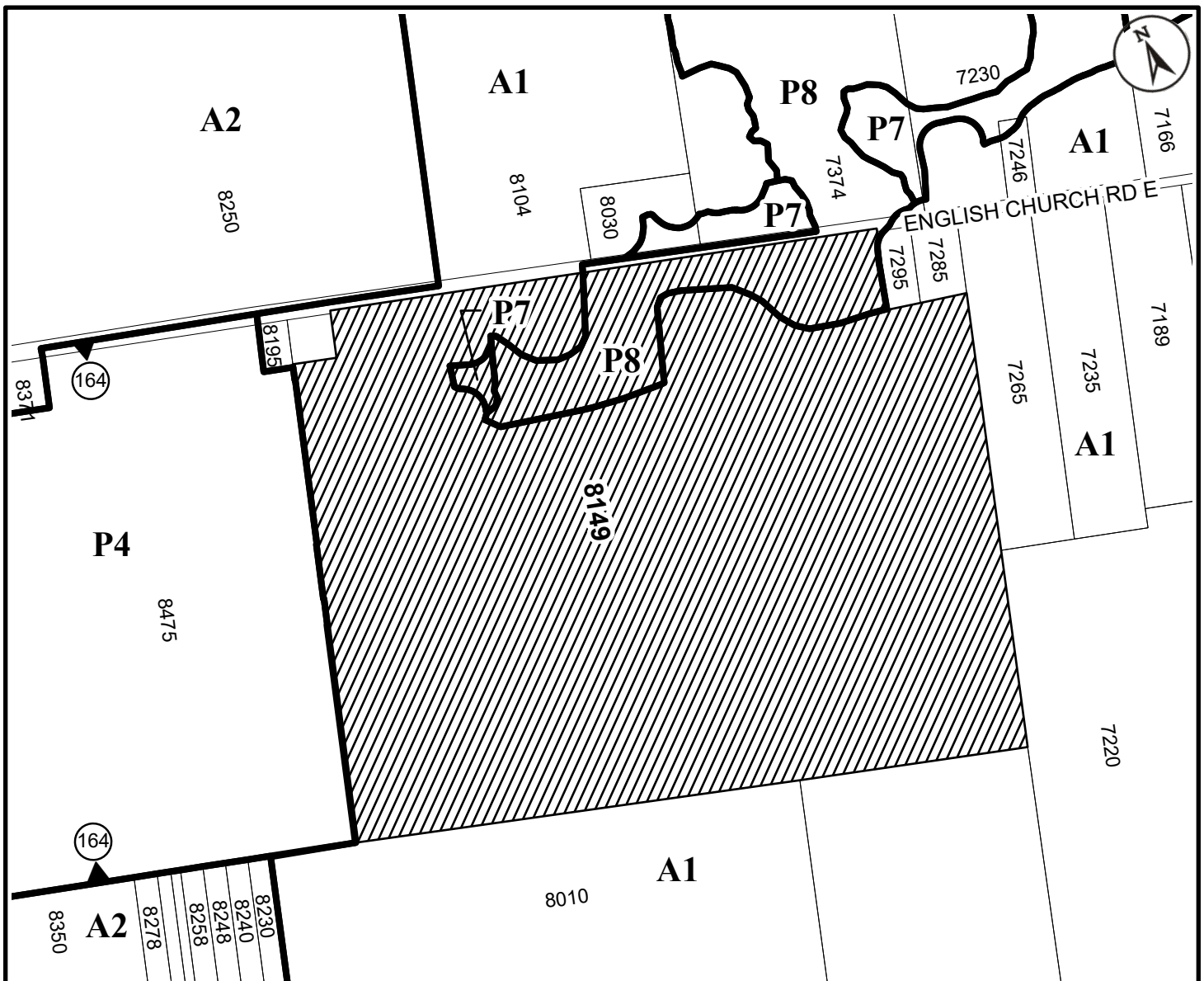
City of Hamilton
GLANFORD, Concession: 4, Lot: 8

Roll Number: 251890232052600

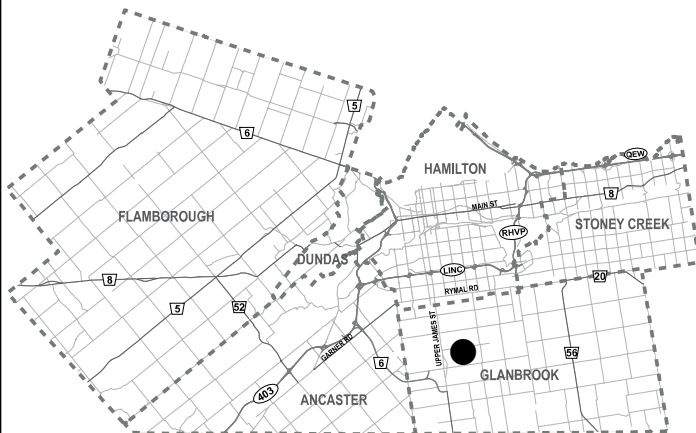
About Navigation Map Layers Markup & Printing

Select Map Layers Identify Search By Location Query Measure Distance Measure Area Erase Clear All Upload Data





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



8149 English Church Road,
Glanbrook (Ward 11)

File Name/Number:

GL/A-20:46

Date:

March 5, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-20:47 (14 Stonebury Pl., Flamborough)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

FL/A-20:47 (14 Stonebury Pl., Flamborough)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a detached garage (accessory building) which is accessory to the existing detached dwelling.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Rural” in Schedule D – Rural Land Use Designations, to which the use complies.

City of Hamilton Zoning By-law No.05-200

The subject property is zoned Rural (A2) Zone and Conservation/Hazard Land – Rural (P7) Zone. The applicant proposes the construction of the detached garage to be located within the Rural (A2) Zone, to which the use complies.

Variance 1

The applicant is seeking a variance to allow for an accessory building to be provided within the front yard whereas the Zoning By-law does not permit accessory buildings to be located within a front yard.

The proposed variance is to permit the addition of a detached garage to the side but within the front yard. The subject property and adjacent properties are long, narrow, rectangular properties. The proposed location of the proposed detached garage has an abundance of trees and vegetation which naturally screen the proposed detached garage from the streetscape. Locating the garage in the rear of the property is prohibited due to the Conservation/Hazard land which prohibits such development. Also, locating the proposed detached garage to the southerly side yard is not possible due to the existing septic bed. Locating the garage in the front is in keeping with the existing character of the lot and the streetscape of the neighbourhood. Therefore, the intent of the Zoning By-law is maintained, and the variance is minor in nature and appropriate for the development of the subject property. Accordingly, staff support the variance.

Recommendation:

Based on the above, the requested variance maintains the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200. This variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, staff recommend that the application be approved.

Building Division:

1. The applicant shall ensure the proposed building height has been provided in accordance with the definition of “*Building Height*” and “*Grade*” as defined within the Zoning By-law.
2. Construction of the proposed accessory structure is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
3. This property is located within the Source Water Protection Area. As such, written authorization from Source Protection Planning in the Hamilton Water Division is required prior to the application for any building permit.
4. The proposed accessory structure is shown to be located entirely within the portion of the lands subject to the “A2, Exception 234” Zone.

See attached for additional comments.

From: [Evans, Morgan](#)
To: [Sheffield, Jamila](#)
Subject: Fw: Application No: FL/A-20:47 (14 Stonebury Pl, Freelton)
Date: March 25, 2020 10:36:38 AM

From: Penelas, Nelson <Nelson.Penelas@bmo.com>
Sent: March 17, 2020 4:21 PM
To: Evans, Morgan
Subject: RE: Application No: FL/A-20:47 (14 Stonebury Pl, Freelton)

Hi Morgan

We have had discussions with the property owner and have come to a mutual agreement on how to proceed with the view. On this basis, I would like to formally withdraw my objection.

From: Evans, Morgan [mailto:Morgan.Evans@hamilton.ca]
Sent: March-06-20 12:31 PM
To: Penelas, Nelson
Subject: RE: Application No: FL/A-20:47 (14 Stonebury Pl, Freelton)

External Email: Use caution with links and attachments. | **Courriel externe :** Faites preuve de prudence en ce qui a trait aux liens et aux pièces jointes.

Hi Nelson,

The process is, an applicant applies, they attend the hearing, neighbours may attend and give input, or send a letter as you did. The Committee makes a decision. There is a 20 day appeal period for the file to be appealed to the LPAT. If it is appealed, it moves to the LPAT, if not, after the 20 day appeal period, they can move forward.

If you would like by-law specifics, the Planner in the area should be able to assist you.

Velimir Lazarevic, 905-546-2424 x5865

Thank you,

Morgan Evans | Development Clerk
Committee of Adjustment
Planning & Economic Development
City of Hamilton | City Hall
71 Main St. W. | 5th Floor
Hamilton, Ontario | L8P 4Y5
905-546-2424 ext. 4221

From: Penelas, Nelson <Nelson.Penelas@bmo.com>

Sent: Friday, March 6, 2020 12:23 PM

To: Evans, Morgan <Morgan.Evans@hamilton.ca>

Subject: Application No: FL/A-20:47 (14 Stonebury Pl, Freelon)

Hi Morgan,

I trust all is well and further to my voicemail.

This email serves as notice to my objection of the construction of a detached garage proposed by William Searle (Application No: FL/A-20:47 - 14 Stonebury Pl, Freelon).

I recently received a notice of public hearing for a minor variance relating to the proposal by William Searle (Application No: FL/A-20:47 - 14 Stonebury Pl, Freelon) to build a detached garage in his front yard. After reviewing the draft plan, the proposed construction/garage is in direct line of my view of the road and would materially impact both the visibility and aesthetics of the view from my house. Since my house angles in the direction of the building site, it impacts virtually every front window of my home.

I have attached photos from one of the many windows in my kitchen (I would be happy to share more). As shown in the photos, the site of the garage would line up directly in the middle of the window, thereby materially impacting the current view to that of the back of a garage.

At your convenience, please call me at 416-712-8579 as I would like to better understand the process and my rights under the bylaw.

Regards,

Nelson Penelas

18 Stoenbury Place

Freelon, Ontario

416-712-8579





July 6, 2020
Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor,
Hamilton, Ontario, L8P 4Y5

Attention:

Committee of Adjustments.

Re: 14 Stonebury Place, Freelton Ontario

FL/A-20:47

As a Flamborough resident and member of the immediate neighbourhood, I do not support the proposed variance.

Stonebury Place is a neighbourhood consisting of 12 executive homes located on a dead-end street in the outskirts of Carlisle. All the homes have meaningful setbacks from the street and are nestled on 2-6 acre lots. As the below noted image illustrates, the neighbourhood is very private and has been blessed with towering pines and greenery providing for an open and airy feeling. The rectangle illustrates approximately where the proposed accessory building is to be located. On the back end of the accessory building, running parallel with the property line, is my driveway. As the illustration clearly demonstrates, the proposed accessory building is not consistent both in practise and spirit of the original development.



As outlined in the Planning Act (PA), there are key statutory tests which must be considered by the Committee and satisfied by the applicant, before an application for zoning variance can succeed. As the Committee is aware, if the Application fails any of the key tests then the PA requires that the Application must fail. These tests, being created by statute, are mandatory and all must be met. For the purposes of simplicity, the following key tests have been highlighted below with reference to the proposed minor variance under discussion.

➤ *Is the variance minor?*

Based on the proposed application, the applicant is requesting a minor variance to allow the construction of an accessory building in the front yard whereas the Zoning

by Law does not permit accessory buildings to be located in the front yard. Based on the current drawings submitted by the applicant, the proposed size of the accessory building is 30' x 40' (1200 Sqft). For a variance to not be considered minor it must be considered too large or too important. Surely, the proposed size, by any standard, clearly determines the proposed request is in no way minor. However, more importantly is the impact and issues caused to abutting owners. The proposed dwelling will negatively impact the views, spacing and openness as a result from the mass, height and bulk of the proposed development.

While the impact of the proposed accessory building on neighbourhood aesthetics is of great concern, safety is another more pressing issue. My driveway runs parallel to the property line (approximately 10ft away) to which the back of the proposed accessory building is to be built. The location of the accessory building will completely obstruct the street view of oncoming traffic. With two young children, aged 4 and 6, the proposed accessory building would completely block line of sight of oncoming traffic until proximity to the street. This poses an extreme safety concern.

While I acknowledge that the applicant has certain restrictions from building a detached accessory building in his backyard or side of the home, the size of the proposed structure, while within the by-law relative to our A2 zoning, cannot be viewed in isolation when considering to relocate to the front yard.

➤ *Is the variance appropriate and desirable development for the area?*

As previously highlighted, Stonebury Place is an isolated community consisting of 12 executive homes on 2-6 acre lots. Homes are well setback from the street nestled by greenery. The construction of the accessory building in the front yard would not only create an eye sore and restrict views to abutting neighbours but also materially deviates from the neighbourhood uniformity and consistency. Several neighbourhood members agree that the proposed accessory building is neither appropriate nor desirable for the area – signatures can be provided to the Committee of Adjustments upon request.

➤ *Does the variance requested maintain the general intent and purpose of the zoning by-law and the Official Plan (OP)?*

Given the scope and scale of the proposed accessory building compounded but the existing By-Law restricting accessory buildings being located in the front yard – clearly the proposed minor variance does not maintain the general intent and purpose of what the original By-Law was intended to achieve. In addition, the proposed development is not compatible with existing houses in the neighbourhood with respect to size, set back and side yards and as a result is detrimental to the streetscape of the neighbourhood. As previously mentioned, I acknowledge that the applicant has certain restrictions from building a detached accessory building in his backyard or side of the home, the size of the proposed structure, while within the by-law relative to our A2 zoning, cannot be viewed in isolation when viewed in a front yard context. Lastly, the goal of the OP is to reinforce that development in established neighbourhoods will respect and reinforce the existing physical character including in particular... prevailing heights, massing, scale, density...of nearby

communities. The proposed minor variance is not sensitive to, or in harmony with, existing physical character of the neighbourhood. In addition, based on the size of the proposed accessory building, the application does not respect or reinforce the predominant characteristics of OP.

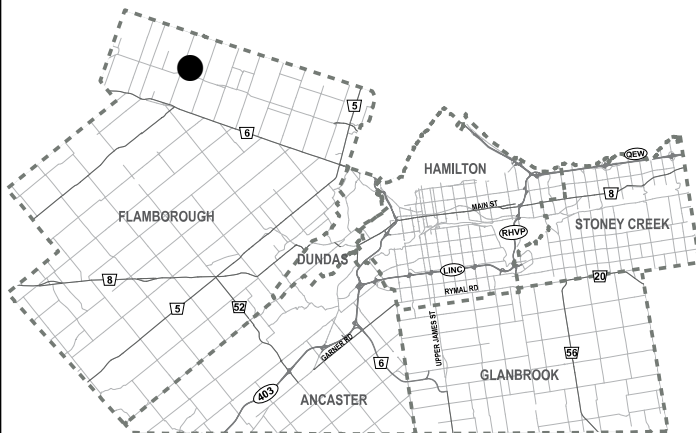
Based on the foregoing, I am opposed to the minor variance being proposed for 14 Stonebury Place, Freelton and request that the Application for the minor variance be denied.

Sincerely,

Nelson and Veronica Penelas
18 Stonebury Place,
Freelton, Ontario
L8B-oZ1



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



14 Stonebury Place,
Flamborough (Ward 15)

File Name/Number:

FL/A-20:47

Date:

March 5, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:53 (89 Paisley Ave. N., Hamilton)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

NOTE:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.212.8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.212.7499).”

HM/A-20:53 (89 Paisley Ave. N., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a one storey, rear addition to the existing single detached dwelling, notwithstanding the following variances.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

Archaeology

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) In areas of pioneer EuroCanadian settlement.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this variance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as per the caution note below.

Ainslie Wood Westdale Secondary Plan

The subject lands are designated “Low Density Residential 2” within the Ainslie Wood Westdale Secondary Plan. Policies B.6.2.5.3 c), B.6.2.5.4 a) i) and B.6.2.13.1 b) amongst others, are applicable and permit single detached dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-1361” and “C/S-1788” (Urban Protected Residential, Etc.) District, which permits single family dwellings.

Variance 1

The applicant is requesting a variance to allow a maximum floor area ratio of 0.85, notwithstanding the maximum permitted floor area ratio of 0.45. The general intent of the Urban Hamilton Official Plan and the Ainslie Wood Westdale Secondary Plan is to maintain the existing character of the neighbourhood and limit overbuilding on properties. The general intent of the Zoning By-law is to maintain the established residential character and to prevent overdevelopment of the site.

Paisley Avenue North has an established residential character with two and a half storey single detached dwellings with dormers. Policy B.6.2.5.3 c) and B.6.2.13.1 of the Ainslie Wood Westdale Secondary Plan encourages additions to existing buildings to complement the existing character of the surrounding area. Based on the submitted Elevations, Staff is of the opinion the proposed addition will not significantly alter the style of the existing single detached dwelling or the established character of the neighbourhood. As such, the proposed one storey, rear addition maintains the general intent of the Secondary Plan.

The maximum floor area ratio of 0.45 is a site specific provisions for the Ainslie Wood Westdale Neighbourhoods, established to prevent overdevelopment of properties that is out of character for the area. The proposed addition maintains the existing setbacks of the existing single detached dwelling and will not significantly increase the existing building footprint.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is maintained, the variance is desirable for the development and considered minor in nature; therefore, staff support the variance.

Recommendation:

Based on the preceding information, the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. The variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

CONDITIONS: (If Approved)

NOTE:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.212.8886). In the event that human remains are encountered

during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.212.7499)."

Building Division:

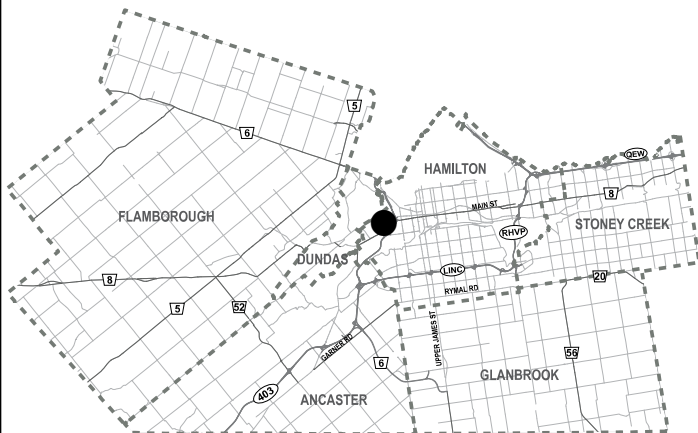
1. Construction of the proposed one-storey addition is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
2. The variance requested for the increased floor area ratio of 0.85 has been written as requested by the applicant. It should be noted that a gross floor area of 285.08 square metres is indicated to be proposed on the application; additionally, it appears the lot area may be greater than the lot area of 364.22 square metres indicated to be provided on the application.
3. It is unclear if the deductions permitted to be excluded from the Gross Floor Area calculation as provided in amending By-law 96-109 (S-1361) have been applied to the proposed gross floor area calculation.
4. The "Cover Sheet" submitted with this application does not accurately reflect the proposed alterations. Be advised, further variances will be required should the intent be to alter the existing dwelling as shown on the submitted "Cover Sheet".
5. Where an addition or an alteration to an existing single family dwelling does not result in greater than eight (8) habitable rooms being provided in the dwelling the existing parking conditions are permitted to be maintained. As such, the requested variance for a reduction in the number of parking spaces is not required as the submitted drawings indicate a total of eight (8) habitable rooms are proposed.
6. The requested variance to permit a maximum height of three (3) storeys is not required as the proposed addition does not exceed the maximum permitted height of two (2) storeys and 9.0 metres. Please be advised that the height of the existing dwelling is deemed to be legally established non-complying.

Development Engineering:

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



89 Paisley Avenue North, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:53

Date:

June 30, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:50 (52 Ottawa St. N., Hamilton)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

NOTE:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.212.8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.212.7499).”

HM/A-20:50 (52 Ottawa St. N. Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a six storey YMCA building containing a Community Centre / Place of Assembly / Social Services Establishment, Administrative Offices and a Multiple Dwelling containing a maximum of fifty dwelling units in order to facilitate Site Plan Application DA-18-043 and MDA-19-154, notwithstanding the following variances.

Site Plan Control application DA-18-043 received Conditional Approval on June 27, 2018 and received final approval on October 19, 2018. In September 2019, the applicant proposed minor changes to the approved Site Plan by way of Minor Site Plan application MDA-19-154.

The subject property was zoned “H/S-1747” (Community Shopping and Commercial, Etc.) District under Zoning By-law No. 6593 when DA-18-043 received final approval. Housekeeping Amending By-law No. 19-062 was passed by Council on March 27, 2019 which changed the existing zoning from “H/S-1747” to Mixed Use Medium Density (C5a, 710) Zone under Zoning By-law No. 05-200. As a result, the following variances to Zoning By-law 05-200 are required to facilitate Minor Site Plan application MDA-19-154.

Urban Hamilton Official Plan

The property is identified as “Secondary Corridor” in Schedule E– Urban Structure and is designated “Mixed Use - Medium Density” in Schedule E-1 – Urban Land Use Designations. Policies E.4.2.4, E.4.3.1, E.4.6.4, E.4.6.7, E.4.6.8 amongst others, are applicable and permit mixed use buildings containing the above noted uses.

Archaeology

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) In areas of pioneer EuroCanadian settlement; and,
- 2) Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this variance is

granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as per the caution note below.

Cultural Heritage

The subject property is included in the City's Inventory of Buildings of Architectural and/or Historical Interest. The subject property is also located within the Crown Point East Established Historical Neighbourhood, as described in the Urban Hamilton Official Plan (UHOP), Volume 1 section 3.4. and the Ottawa Street North Cultural Heritage Landscape. As set out in Policy 3.4.3.6, new construction and development within established historical neighbourhoods is to be sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, such as building setbacks, massing, and materials.

Staff are of the opinion that the proposed design of the new building is compatible to the character of the Established Historical Neighbourhood nor the Cultural Heritage Landscape and have no further comments on the application.

City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, which permits a mixed use building containing the above noted uses.

Variance 1

The applicant is requesting a variance to allow a minimum rear yard depth of 2.7 metres, notwithstanding the minimum required rear yard depth of 7.5 metres. The general intent of the Zoning By-law is to allow adequate space for grading and drainage, and to accommodate the necessary amenity area to satisfy the needs of the proposed mixed use building. Staff defers any grading or drainage concerns to Development Engineering Approvals.

The Building Division recognizes the subject property as a corner lot and the front lot line is considered the Dunsmure Road lot line, making the rear yard depth 2.7 metres. The variance is required because of the orientation of the proposed building which was approved in accordance with DA-18-043. The variance is maintaining the intent of the Zoning By-law as Staff is satisfied sufficient amenity area is being provided within the easterly side yard to satisfy the needs of the mixed use building. Staff are of the opinion the location of the amenity area is desirable for the development of the site as it will not be visible from the street, allowing for more privacy.

In addition, Staff acknowledge the orientation of the building allows the ground floor façade to extend along the entire width of the Ottawa Street North and Dunsmure Road street line, creating a pedestrian oriented streetscape in conformity with Section 10.5a.3 h) iii) of the Zoning By-law.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and considered minor in nature; therefore, staff support the variance.

Variance 2

The applicant is requesting a variance to allow the rooftop mechanical equipment to not be located or screened from view of the abutting streets, notwithstanding the requirement that rooftop mechanical equipment shall be located and / or screened from view of any abutting street. The general intent of the Zoning By-law is to screen mechanical equipment from the view of pedestrians and the public realm and to maintain a consistent streetscape.

Staff acknowledge the proposed mixed use building was not designed in accordance with this requirement, as DA-18-043 received final approval prior to the zoning being changed from "H/S-1747" District to the C5a, 710 Zone. Minor Site Plan application MDA-19-154 includes no changes to the rooftop mechanical equipment in accordance with DA-18-043. The applicant has provided renderings demonstrating the viewpoints from the abutting streets, where the rooftop mechanical equipment is visible. The rooftop mechanical equipment is visible from the corner of Ottawa Street North and Main Street East, and from Memorial Elementary School but is not visible directly across Ottawa Street North or along Dunsmure Road.

Staff are of the opinion the number of view points where the rooftop mechanical equipment is visible is minimal and Staff do not anticipate any negative impact on the surrounding streetscape as a result of the rooftop mechanical equipment not being entirely screened from view.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and considered minor in nature; therefore, staff support the variance.

Variance 3

The applicant is requesting a variance to allow a minimum of 36% of the area of the ground floor façade facing Ottawa Street North and a minimum of 32% of the area of the ground façade facing Dunsmure Road to be composed of doors and windows, notwithstanding the requirement that a minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows. The intent of the Zoning By-law is to maintain a consistent streetscape and create a pedestrian oriented environment.

The proposed building, in accordance with the submitted Elevation drawings, was not designed to accommodate a minimum of 60% of the area of the ground floor façade to be composed of windows and doors, as DA-18-043 received final approval prior to the zoning being changed from "H/S-1747" District to the C5a, 710 Zone.

The variance maintains the intent of the Zoning By-law as Staff are satisfied the building design and the layout of the site create a pedestrian friendly environment. The submitted Site Plan shows a number of street trees and the provision of street furniture along Ottawa Street North and Dunsmure Road which will help to improve the pedestrian experience along both streets.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and considered minor in nature; therefore, staff support the variance.

Variance 4

The applicant is requesting a variance to allow a parking space length of 5.7 metres to be permitted and reduced in length the area of the space occupied by a sign. The general intent of the Zoning By-law is to allow adequate space to accommodate a variety of vehicles.

The proposed parking spaces are 2.7 metres wide by 5.7 metres long except a “visitor parking space sign” is located within the parking spaces, reducing the length of the required parking spaces. Staff acknowledge that that bumpers are permitted within a parking space and are not considered an obstruction which reduces the length.

The variance is maintaining the general intent of the Zoning By-law as Staff is of the opinion the proposed signs will not impact the ability to accommodate a variety of vehicles within the proposed parking spaces.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and considered minor in nature; therefore, staff support the variance.

Variance 5 and 6

The applicant is requesting a variance to allow parking spaces and aisles to be located within 2.1 metres of the Ottawa Street North street line, notwithstanding the requirement that parking spaces and aisles, giving direct access to abutting parking spaces; excluding driveways extending directly from the street, shall not be located within 3.0 metres of the street line.

The applicant is also requesting a variance to allow a minimum 2.0 metre wide landscaped area to be provided between the Ottawa Street North street line and to allow the parking spaces and aisles and a column exceeding a maximum height of 0.6 metres to be located within this landscaped area, notwithstanding the requirement that a 3.0 metre wide planting strip shall be required and permanently maintained between the street line and the parking spaces or aisles and where a planting strip is provided, any architectural wall or feature within the planting strip shall be limited to a maximum height of 0.6 metres.

The general intent of the Zoning By-law is to ensure a variety of vehicles can safely access the required parking spaces with no obstructions.

The location and layout of the parking area was not designed to accommodate a 3.0 metre wide landscaped area nor to ensure the parking area was located a minimum of 3.0 metres from the street line because DA-18-043 received final approval prior to the zoning being changed from "H/S-1747" District to the C5a, 710 Zone.

A Right of Way dedication of 3.048 metres was taken along Ottawa Street North as a condition of Site Plan approval. As a result, there is a large Boulevard between Ottawa Street North and the proposed parking area which provides a sufficient buffer between the street and the parking area. The variances are maintaining the intent of the Zoning By-law as Staff do not anticipate any safety concerns as a result of the location of the parking area. In addition, Staff are of the opinion the column located within the landscaped area will not obstruct the view of any vehicle travelling to or from the proposed parking spaces.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the variances are desirable for the development and considered minor in nature; therefore, staff support the variances.

Variance 7

The applicant is requesting a variance to allow no short term bicycle parking to be provided on site, notwithstanding the minimum required five short term bicycle parking spaces to be provided at grade. The general intent of the Zoning By-law is to accommodate a variety of transportation options and to promote the use of active transportation.

The proposed layout of the subject property, in accordance DA-18-043 and MDA-19-154, has not been designed to accommodate short term bicycle parking as the application received final approval prior to the zoning being changed from "H/S-1747" District to the C5a, 710 Zone.

Staff acknowledge there is a Sobi Bike hub located at the northwest corner of the intersection of Dunsmure Road and Ottawa Street North. The general intent of the Zoning By-law is being maintained as the provision of no bicycle parking can be supplemented by utilizing the Sobi Bike Share service.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and considered minor in nature; therefore, staff support the variance.

Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

CONDITIONS: (If Approved)

NOTE:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.212.8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.212.7499).”

Building Division:

1. The variances are necessary to facilitate Site Plan File Numbers DA-18-043 and MDA-19-154.
2. Building Permit #18-134577, issued on May 6, 2019, to construct a sprinklered 6 storey apartment building and community centre “YWCA” remains not finalized.
3. Building Permit #18-149733, issued on December 21, 2018, for the excavation and installation of shoring to permit the development of a new building on the site, remains not finalized.
4. Building permit #20-14829, issued on April 22, 2020, to install a sprinkler system and standpipe system to serve the entire building, remains not finalized.

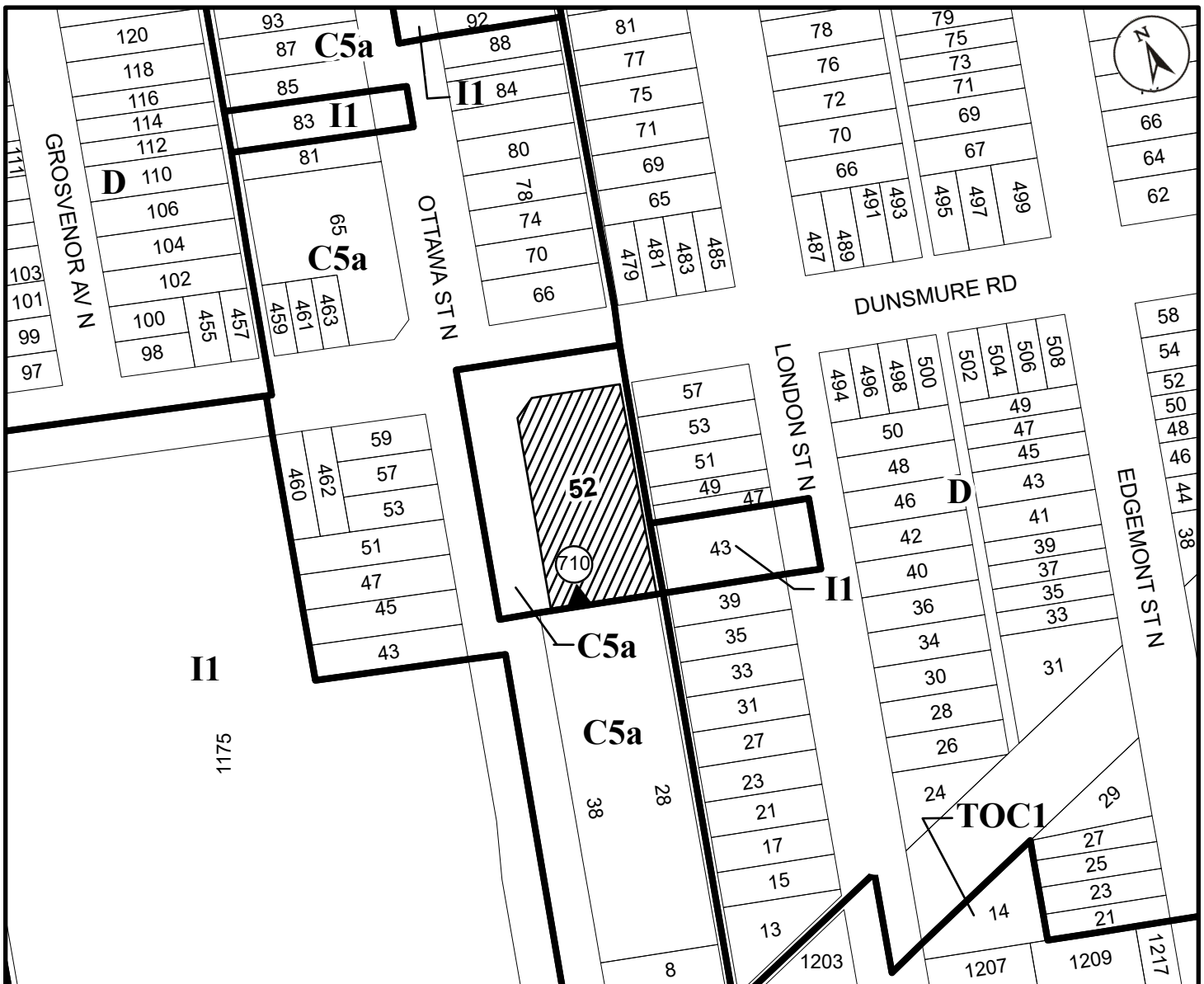
Development Engineering:

Transportation Planning & Parking Division (Traffic):

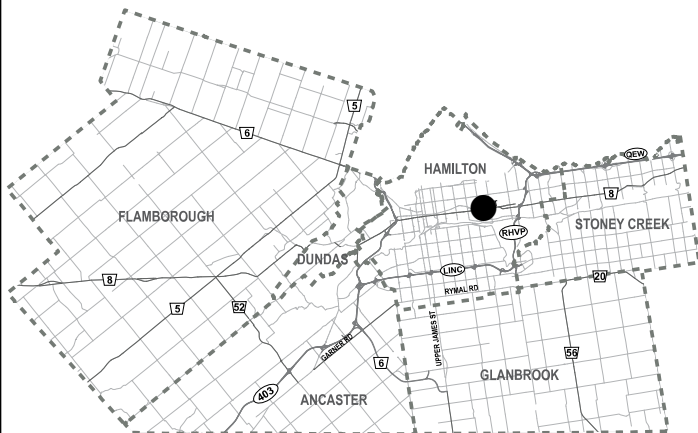
1. Transportation Planning have objections relating to this Committee of Adjustment Application provided, specifically:

- a. The provision of short-term bicycle parking is vital for this type of development as it encourages alternative transportation modes and is in keeping with the City's TDM measures and initiatives. Short-term bicycle parking can be accommodated on the property and it is for this reason Transportation Planning objects to variance #7 to remove the requirement for short-term bicycle parking.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



52 Ottawa Street North, Hamilton
(Ward 4)

File Name/Number:

HM/A-20:50

Date:

June 30, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:60 (69 Aikman Ave., Hamilton)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-20:60 (69 Aikman Ave, Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conversion of the existing triplex to contain four dwelling units in accordance with Section 19 (2), to permit the construction of a new open stair and balcony at the rear of the dwelling, and to replace the roof portion of the building identified as “existing addition” at the rear of the building which also functions as a balcony, notwithstanding the following variances.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3 and E.3.5.2 amongst others, are applicable and permits multiple dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District, which permits multiple dwellings.

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot area of 306.0 square metres and to allow no parking spaces to be provided on site, notwithstanding the minimum lot area of 450.0 square metres and the minimum required five parking spaces for a multiple dwelling containing four units. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow adequate area to accommodate the necessary landscaped area, amenity area, and parking to satisfy the needs of the tenants of the proposed multiple dwelling.

The proposed lot area is consistent with the surrounding properties and will maintain the existing lot pattern of the neighbourhood. However, the submitted Site Plan shows no parking spaces contained on the subject property. The variance for minimum lot area does not maintain the general intent of the Zoning By-law as the deficiency in the required number of parking spaces indicates the existing lot area of 306.0 square metres is not sufficient in size to satisfy the needs of the tenants for a multiple dwelling with four units.

Staff acknowledge there is approximately 6.3 metres of Boulevard between the front property line and the sidewalk which contains a paved driveway. Subject to receiving a Boulevard Parking Agreement, the existing driveway could function as one or two parking spaces for the proposed multiple dwelling. However, Staff are of the opinion a maximum of two parking spaces would still result in a significant parking deficiency for a multiple dwelling containing four units. The variance for the reduction in number of parking spaces

does not maintain the general intent of the Zoning By-law as Staff is not satisfied the parking needs of the tenants will be satisfied.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is not being maintained, the variances are not desirable for the appropriate use of the site nor minor in nature; therefore, staff do not support the variances.

Variance 3

The applicant is requesting a variance to allow the proposed new fire escape (open stair and balcony) to encroach the entire width of the required easterly side yard, notwithstanding the maximum permitted encroachment of 1.0 metre or one third the width of the required side yard, whichever is lesser.

After discussions with Staff, the applicant has provided clarification that the proposal includes removing and replacing the existing open stair and balcony (fire escape). The proposed new open stair and balcony will be located 0.7 metres from the easterly property line as opposed to the existing location of 0.18 metres from the easterly property line.

As such, the applicant is requesting a variance to allow the proposed open stair and balcony to encroach 0.7 metres into the required easterly side yard notwithstanding the maximum permitted encroachment of 1.0 metre or one third the width of the required side yard, whichever is lesser. The intent of the Zoning By-law is to allow adequate area for access and drainage and to avoid any impact on the enjoyment and privacy of the adjacent properties. Staff defer drainage concerns to Development Engineering Approvals.

Staff acknowledge the proposal to replace the existing open stair and balcony will improve the existing situation. Staff do not anticipate any negative impact on the subject property or surrounding area as a result of the location and layout of the proposed new open stair and balcony.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the variance is desirable for the appropriate use of the site and considered minor in nature; therefore, staff support the variance.

After discussions between the applicant and Staff, the following additional variances have been identified, in accordance with Building Division comments dated July 3, 2020.

Variance 4

The applicant is requesting a variance to allow the minimum floor area of the dwelling unit located in the basement of the existing building to be 53.1 square metres and the existing dwelling unit located in the attic of the existing building to be 30.9 square metres, notwithstanding the minimum required floor area of 65.0 square metre for each dwelling unit. The intent of the Zoning By-law is to ensure dwelling units provide adequate floor area for living accommodation purposes.

The applicant has submitted floor plans of the dwelling unit located in the basement and the dwelling unit located in the attic. Based on the submitted floor plans, Staff is satisfied sufficient floor area will be provided for living accommodation purposes, including a kitchen, living room, bathroom, bedroom and living space. Additionally, Staff acknowledge the size of the dwelling unit located in the attic is an existing condition that will remain unchanged as a result of this proposal. As such, the variance is maintaining the general intent of Zoning By-law 6593.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the variance is desirable for the appropriate use of the site and considered minor in nature; therefore, staff support the variance.

Variance 5

The applicant is requesting a variance to allow a 0.0 metre easterly side yard to be permitted for the replacement of the roof on the portion of the building identified as “existing addition” at the rear of the building which also functions as a balcony, instead of providing the minimum required side yard required by Section 11(3)(ii)(b) of the Zoning By-law.

The variance recognizes the existing side yard width of the “existing addition” as shown on the submitted plans. The variance is maintaining the intent of the Zoning By-law as Staff do not anticipate any impact on the surrounding properties as a result of continuing the existing setback for the portion of the roof being replaced. The variance is desirable for the development of the site and is considered minor in nature.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and considered minor in nature; therefore, staff support the variance.

Variance 6

The applicant is requesting a variance to allow a new open stair and balcony to be provided in the rear yard notwithstanding the Zoning By-law requires the external appearance and character of a converted building to be preserved. The intent of the Zoning By-law is to maintain the established residential character of the surrounding neighbourhood and to avoid any impact on the enjoyment and privacy of the adjacent properties.

Staff acknowledge the proposed new open stair and balcony does not differ significantly in size or location from the existing open stair and balcony existing in the rear yard. The variance is maintaining the general intent of the Zoning By-law as the proposed new open stair and balcony will remain in the rear yard and will not alter the established residential character of Aikman Avenue. Staff are satisfied the proposed changes to the open stair and balcony will not impact the enjoyment or privacy of the adjacent properties.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and considered minor in nature; therefore, staff support the variance.

Recommendation:

Based on the preceding information, Variance 3 to 6 maintain the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. Variance 3 to 6 are considered minor in nature and desirable for the appropriate use of the property.

Variance 1 and 2 do not maintain the general intent and purpose of the Urban Hamilton Official Plan or the former City of Hamilton Zoning By-law No. 6593. Variance 1 and 2 are not considered minor in nature nor desirable for the appropriate use of the property.

In conclusion, Staff recommends that Variance 3, 4, 5 and 6 be approved and Variance 1 and 2 be denied.

Building Division:

1. The PROPOSAL should be deleted and replaced with the following:

“To permit the conversion of the existing three family dwelling under Section 19(2) (Residential Conversion Requirements) of the Zoning By-law to contain four (4) dwelling units; to permit the construction of a new open stair and balcony at the rear of the dwelling; and, to replace the roof on the portion of the building identified as “existing addition” at the rear of the building which also functions as a balcony, notwithstanding”

2. Variance 1 should be altered to replace “360 square metres” to “306 square metres”, to read:

“A minimum lot area of 306 square metres shall be provided instead of the minimum required lot area of 450 square metres;”

3. The following additional variance should be included:

“A minimum floor area of 53.1 square metres shall be provided for the basement dwelling unit and a minimum floor area of 30.9 square metres shall be provided for the attic dwelling unit instead of each dwelling unit providing a floor area of 65 square metres;”

4. The following additional variance should be included:

“A 0.0 metre easterly side yard shall be permitted for the replacement of the roof on the portion of the building identified as “existing addition” at the rear of the building,

which also functions as a balcony, instead of providing the minimum required side yard required by Section 11(3)(ii)(b) of the Zoning By-law; and,

5. The following additional variance should be included:

“Alterations to the exterior of the existing building with the construction of a new open stair and balcony and roof replacement shall be permitted instead of preserving the external appearance of the existing dwelling.”

6. Conversion of the existing dwelling to contain four (4) dwelling units and construction of the new open stair and balcony and replacement of the existing roof are subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
7. The applicant shall ensure the minimum clear height as required by the Ontario Building Code is provided for the required floor area in each dwelling unit.
8. The requested variances for the location of the existing buildings are not required as these are existing conditions deemed to be legally established non-complying.
9. Details have not been provided to determine the minimum required easterly side yard which is required pursuant to Section 11(3)(ii)(b), which states:

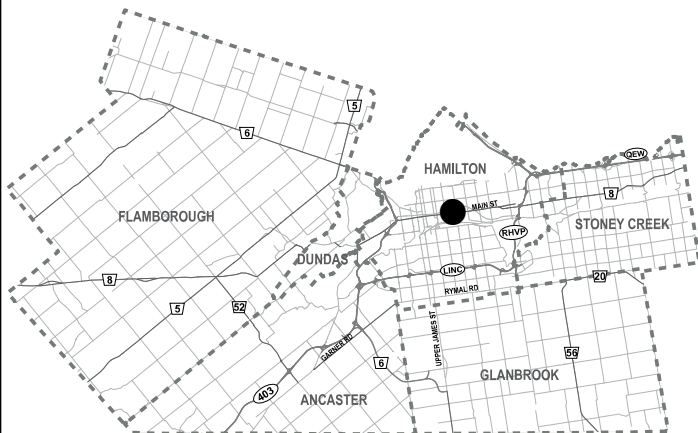
“for every other building or structure, along each side lot line a side yard of a width of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building by its length, less 1.5 metres where no balcony, sunroom or any window of a habitable room overlooks the side yard, but no such side yard shall have a width of less than 1.5 metres, and need not have a width of more than 9.0 metres, but plus 3.0 metres where any balcony, sunroom or window of a habitable room does overlook such side yard, but no such side yard shall have a width of less than 4.5 metres and need not have a width of more than 13.5 metres”

Development Engineering:

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



69 Aikman Avenue, Hamilton
(Ward 3)

File Name/Number:

HM/A-20:60

Date:

June 30, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:61 (106 Barnesdale Ave. N., Hamilton)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-20:61 (106 Barnesdale Ave. N., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conversion of the existing single detached dwelling to contain two dwelling units in accordance with Section 19(1), notwithstanding the following variances.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies B.3.2.4.4, E.3.2.3 and E.3.4.3 amongst others, are applicable and permit secondary dwelling units within a single detached dwelling.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C” (Urban Protected Residential) District, which permits the conversion of a single family dwelling to contain two units in accordance with Section 19(1).

Variance 1

The applicant is requesting a variance to allow a minimum lot area of 183.0 square metres, notwithstanding the minimum required lot area of 270.0 square metres. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow adequate area for access and maintenance and to accommodate a dwelling with two units with the necessary landscaped areas, amenity area, and parking to satisfy the needs of the tenants.

The proposed lot area is consistent with the surrounding properties and will maintain the existing lot pattern of the neighbourhood. The variance is maintaining the general intent of the Zoning By-law as sufficient landscaped and amenity area is being provided between the front porch and the rear yard to meet the needs of the tenants for a dwelling with two units. Staff acknowledge only one parking space will be provided on site, however Staff are satisfied the parking needs of the tenants will be satisfied, as discussed below.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 2

The applicant is requesting a variance to allow one parking space to be provided on site, notwithstanding the minimum required one parking space per Class A dwelling unit for a total of two parking spaces. The general intent of the Zoning By-law is to ensure the parking needs of the tenants are satisfied.

The subject property is serviced by HSR bus route No. 2 and 3 and is in close proximity to a number of amenities, including: Powell Park, Lucky Day Park, St. Ann Catholic Elementary School, Prince of Wales Elementary School, Tim Hortons Field, four Places of Worship and various commercial uses along Barton Street East. The general intent of the Zoning By-law is being maintained as the reduction in parking can be supplemented by utilizing public transit and active transportation.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

Building Division:

1. The variances are written as requested by the applicant.
2. The property is a corner lot. The frontage of the property is recognized as being along Barnesdale Avenue North and the flankage side is along Edward Street.
3. The proposed parking space is intended to be within an existing 3.7m x 7.3m garage which is accessible from Edward Street. The applicant's site plan does not identify a parking space but the garage would be of sufficient size to accommodate one parking space with the required minimum dimensions of 2.7m x 6.0m.
4. No manoeuvring space would be provided for the proposed parking space. However, this would be considered to comply with the Section 19 requirements which permits manoeuvring to be off-site for one of the required parking spaces.
5. A building permit is required for the creation of an accessory dwelling unit within the existing single detached dwelling.

6. Be advised that Ontario Building Code regulations may require specific setback and construction types.
7. The proposed dwelling units consist of one dwelling unit within the basement and first floor comprising 95.8 square meters and a second dwelling on the second floor and attic comprising 75 square meters. The proposed dwelling units comply with the minimum floor area requirement under Section 19 of the Zoning By-law which is 65 square metres.
8. A Boulevard Parking Agreement from the City of Hamilton would be required for the use of parking on adjacent City lands.

Development Engineering:

See attached for additional comments.

From: robert.coulthard
To: [Committee of Adjustment](#)
Cc: [Robert Coulthard](#)
Subject: Application HM/A-20:61
Date: June 25, 2020 12:35:40 PM

My name is Robert Coulthard. I live at 24 Edward Street.

I'd like to request that this application be denied. Our street already has insufficient street parking available. The spots on the street are often taken by people from other streets already. With most families in the area already have 2 cars, converting a single family dwelling to only have 1 space for 2 families will add potentially 3 cars to the street parking.

With the over crowding of parking on both sides of the street on lottridge, where traffic is constantly paused for cars to flow both directions. The potential of the city deciding to make parking on both sides of Barnsdale will probably happen causing further grid lock in what was a quiet family neighbourhood.

With the parking constricting traffic on Lottridge has also caused an increase of frustrated drivers on Edward Street. These drivers speed down the one block street putting the children on the street at risk. And the manoeuvring space will be restricted by the extra traffic.

Sent from my Samsung Galaxy smartphone.

From: [Dawn Novak](#)
To: [Committee of Adjustment](#)
Subject: 106 barnesdale ave n variance
Date: July 7, 2020 1:09:11 PM

Dear Jamila Sheffield

Re: HM/A-20:61

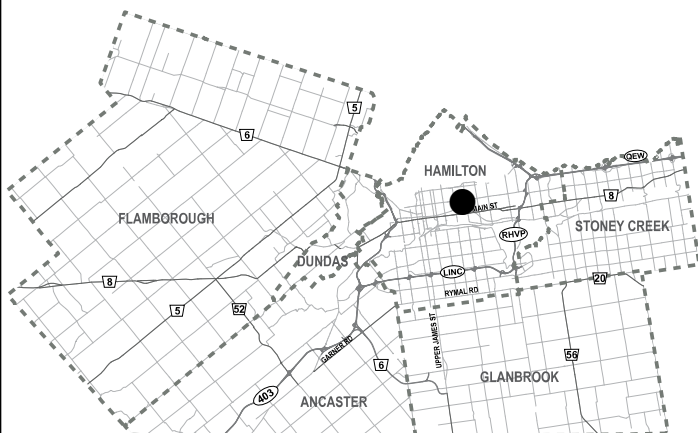
As the owner of 1 Edward st I do not agree with permitting this variance because of the reduced parking. Barnesdale and Edward st already have parking problems. Previous owners often parked 2 cars at the rear of the property.

Jennie Nowak & Ed Novak
705.385.2438

Sent from my iPhone



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



106 Barnesdale Avenue North,
Hamilton (Ward 3)

File Name/Number:

HM/A-20:61

Date:

June 30, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:13 (103 Whitney Ave., Hamilton)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-20:13 (103 Whitney Ave., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit an increase in the number of habitable rooms in the existing single detached dwelling from seven to ten, notwithstanding the following variance.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3 and E.3.4.3 amongst others, are applicable and permits a single detached dwelling.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C”, C/S-1335, C/S-1335a, C/S-720 and C/S-1788” (Urban Protected Residential, Etc.) District, Modified, which permits single family dwellings.

Variance 1

The applicant is requesting a variance to allow a minimum of 2.3 metres access width to be maintained, notwithstanding the minimum required access driveway having a width of 2.8 metres. The general intent of Zoning By-law is to ensure there is sufficient space for a variety of vehicles to safely access the required parking spaces.

The variance recognizes the existing driveway width used to access the parking spaces at the rear of the subject property. Staff acknowledge the required 6.0 metre manoeuvring aisle is being provided adjacent to each parking space allowing the vehicles to turn around prior to utilizing the driveway access to exit the subject property. Based on the submitted plans, Staff are satisfied there is sufficient space on site for vehicles to safely manoeuvre to and egress from the required parking spaces.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Recommendation:

Based on the preceding information, the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. The variance is considered to be minor in nature and desirable for the

appropriate use of the property. In conclusion, Staff recommends that the application be approved.

Building Division:

1. The Zoning By-law defines “habitable room” as:

“any room of a residential building or an institutional building, used or capable of being used by one or more persons for living, eating or sleeping, or as a kitchen serving a dwelling unit; but does not include a bathroom, water-closet compartment, laundry, serving or storage pantry, corridor or other space not for use frequently or during extended periods.”

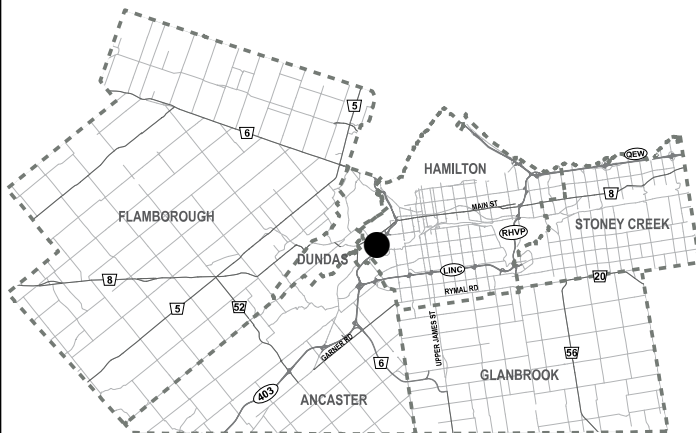
2. The Zoning By-law requires the provision of 2 parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room. The provision of 10 habitable rooms will require the provision of three (3) parking spaces. The applicant’s sketch identifies three (3) parking spaces with dimensions of 2.7m x 6.0m proposed along the rear lot line of the subject property.
3. The requested 2.3 metre wide access would apply to the existing driveway within the front yard and the westerly side yard.
4. Order to Comply #19-137509 was issued July 22, 2019 and remains outstanding.
5. Building Permit #19-158831 issued December 11, 2019 for modifications to the interior layout and the replacement of floors remains under review.
6. Property Standards Order 20-171391 was issued June 29, 2020 and remains outstanding.
7. The C/S-1335 and 1335a District zoning applicable to the subject property applies to C District lands within the Ainslie Wood neighbourhoods to limit the size of residential dwellings through special provisions for gross floor area, building height and maximum floor area ratio, among others.
8. The C/S-1788 District zoning applicable to the subject property provides modifications for Residential Conversions under Section 19 of the Zoning By-law.

Development Engineering:

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



103 Whitney Avenue, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:13

Date:

June 30, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:54 (50 Broadway Ave., Hamilton)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-20:54 (50 Broadway Ave. Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit alterations to the existing single detached dwelling to establish eleven habitable rooms, notwithstanding the following variances.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3 and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

Ainslie Wood Westdale Secondary Plan

The subject lands are designated “Low Density Residential 2” within the Ainslie Wood Westdale Secondary Plan. Policies B.6.2.5.3 c), B.6.2.5.4 a) i) and B.6.2.13.1 b) amongst others, are applicable and permit single detached dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C, C/S-1335, C/S-1335a and C/S-1788” (Urban Protected Residential, Etc.) District, Modified, which permits single family dwellings.

Variance 1

The applicant is seeking variances to allow a minimum of three parking spaces to be provided, notwithstanding the minimum required four parking spaces for a single family dwelling with eleven habitable rooms. The general intent of the Zoning By-law is to satisfy the parking needs of the single family dwelling.

While the proposed second storey addition is in keeping with the character of the surrounding area, there is insufficient space on site to accommodate the required number of parking spaces for the proposed number of habitable rooms. Based on the submitted Floor Plans, Staff is not satisfied the parking needs of the single detached dwelling will be accommodated. Staff recommends the applicant reduce the number of habitable rooms and comply with the parking requirements of the Zoning By-law.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is not maintained, the variance is not desirable for the development nor considered minor in nature; therefore, staff do not support the variance.

Variance 2 and 3

The applicant is seeking variances to allow no onsite manoeuvring space to be provided for two of the required parking spaces and to allow two of the required parking spaces to be obstructed, notwithstanding the minimum manoeuvring aisle width of 6.0 metres and the requirement that all required parking must be unobstructed and freely and readily accessible from within the lot. The general intent of the Zoning By-law is to ensure all vehicles can safely manoeuvre to and from the parking spaces and to maintain the existing character and streetscape of the neighbourhood.

The existing driveway on the subject property is long and narrow thus all proposed parking spaces are in tandem. Tandem parking with no manoeuvring space will cause jockeying of vehicles within the Broadway Avenue road allowance. Staff are concerned the number of vehicles using Broadway Avenue to manoeuvre from the subject property as a result of providing no manoeuvring aisle on site will pose a safety risk to other vehicles in the area.

Staff recognizes there is no alternative location on the subject property to provide a third parking space that conforms with the regulations of the Zoning By-law. This indicates the number of habitable rooms proposed is not appropriate for the subject property. Staff recommends the applicant reduce the number of habitable rooms and comply with the parking requirements of the Zoning By-law.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is not maintained, the variances are not desirable for the development nor considered minor in nature; therefore, staff do not support the variances.

Variance 4

The applicant is seeking a variance to allow a portion of the second required parking spaces to be located within the front yard, notwithstanding a maximum of one parking space is permitted to be provided within the front yard. The general intent of the purpose of the Zoning By-law requirement is to maintain the existing character and streetscape of the neighbourhood and to ensure sufficient landscaping, parking, and amenity space is available within the front yard.

The second parking space is proposed to be located on the existing driveway on the subject property. The general intent of the Zoning By-law is being maintained as no change is being proposed to the existing driveway thus maintaining the existing landscaped area, amenity area and streetscape. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Recommendation:

Based on the preceding information, Variance 4 maintains the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. The Variance 4 is considered to be minor in nature and desirable for the appropriate use of the property.

Variance 1, 2 and 3 do not maintain the general intent of Zoning By-law 6593, are not desirable for the development and are not considered minor in nature.

In conclusion, Staff recommends that the application be denied.

Building Division:

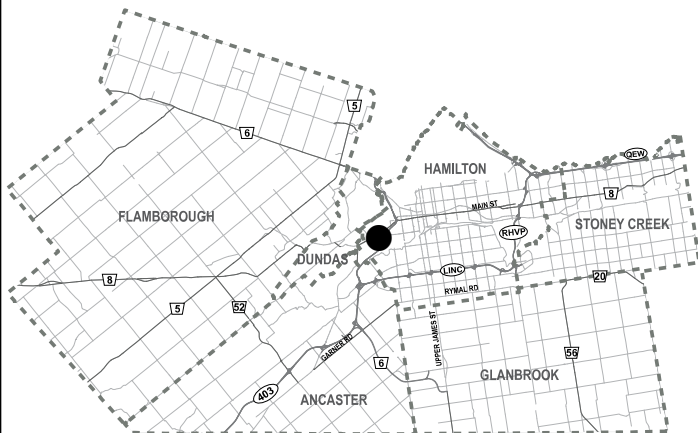
1. This site requires a minimum of four (4) parking spaces based on a total of eleven (11) habitable rooms.
2. The owner shall be made aware that a Lodging House is not a permitted use in the C/S-1335; C/S-1335a; C/S-1788 District. The variances have been written for a Single Family Dwelling only.
3. Building Permit 20-166494, submitted June 3, 2020 for alterations to the existing main floor and basement with a second storey addition remains not issued.
4. A building permit is required for the proposed alterations to the existing single family dwelling (noted above).
5. Be advised that Ontario Building Code (OBC) regulations may require specific setback and construction types. The OBC requires a clear height of 1.95m under beams and ducting in basement units.

Development Engineering:

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



50 Broadway Avenue, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:54

Date:

June 30, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:62 (7 Orchard Hill, Hamilton)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-20:62 (7 Orchard Hill, Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a 3.66 metre by 6.10 metre rear one storey addition to the existing single detached dwelling and to recognize the location of the existing accessory building (frame shed), notwithstanding the following variances.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E – Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3 and E.3.4.3 amongst others, are applicable and permit single family dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C” and “C/S-1335a” (Urban Protected Residential, Etc.) District, Modified, and “D/S-1787” (Urban Protected Residential – One and Two Family Dwellings. Etc.) District, Modified which permits a single family dwelling.

Variance 1

A westerly minimum side yard width of 0.6m shall be provided instead of the minimum required side yard width of 0.9m. The general intent of the Zoning By-law is to provide a consistent streetscape and to allow sufficient space for access and drainage. Staff defers any drainage concerns to Development Engineering Approvals.

The variance recognizes an existing condition. The variance maintains the general intent of the Zoning By-law as the existing side yard width is consistent with the surrounding properties. The variance is desirable for the development of the site and is minor in nature as no negative impact is anticipated to the subject lands or surrounding area from the continuation of the existing condition.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 2

The existing accessory building (frame shed) located in the rear yard shall be 0.0m from the easterly side lot line, the angled side lot line and the rear lot line instead of the requirement that every accessory building which is located entirely within the rear yard,

shall be distant at least 0.45 metres from the nearest lot line. The general intent of the Zoning By-law is to allow sufficient space for access and drainage to avoid any impact on the enjoyment and privacy of the adjacent properties. Staff defers any drainage concerns to Development Engineering Approvals.

The variance recognizes an existing condition. The variance maintains the general intent of the Zoning By-law as the existing accessory building as been in this location for some time with no know issues. However, as it has been identified that the existing accessory structure encroaches onto the neighbouring property, known municipally as 14 South Street, Staff recommends the applicant receive an encroachment agreement to allow the accessory building to remain in the existing location.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

Building Division:

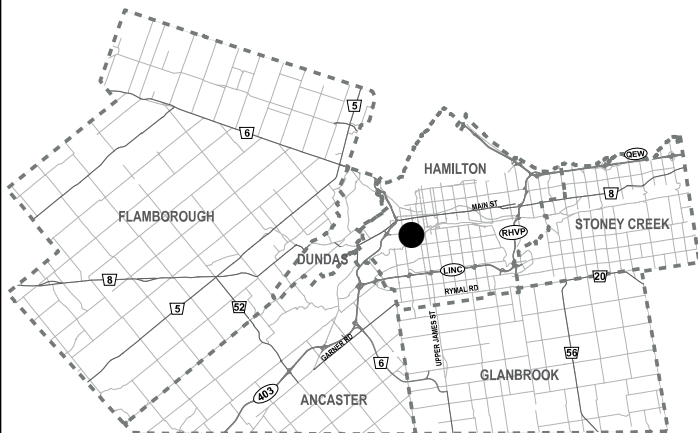
1. Construction of the proposed rear one-storey (sunroom) addition onto the existing single family dwelling is subject to the issuance of a building permit in the normal manner.
2. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



7 Orchard Hill, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:62

Date:

June 30, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:63 (87 Chedoke Ave., Hamilton)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

1. That the proposed rear addition is built in accordance with the submitted Elevation drawings to the satisfaction of the Manager of Development Planning, Heritage and Design.

NOTE:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.212.8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.212.7499).”

HM/A-20:63 (87 Chedoke Ave., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a third storey addition to the existing single detached dwelling and establish nine habitable rooms, notwithstanding the following variances.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3 and E.3.4.3 amongst others, are applicable and permits single detached dwellings.

Archaeology

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) In areas of pioneer EuroCanadian settlement.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this variance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as per the note included at the end of these comments.

Cultural Heritage

The subject property is located within the Kirkendall South Established Historical Neighbourhood, as described in the Urban Hamilton Official Plan (UHOP), Volume 1 section 3.4.

As set out in Policy 3.4.3.6, new construction and development within established historical neighbourhoods is to be sympathetic and complementary to existing cultural

heritage attributes of the neighbourhood, such as building setbacks, massing, and materials.

Staff are of the opinion that the proposed second storey addition to the rear of the original dwelling will not have an impact to the existing character of the streetscape. Staff have no further comments of the application as submitted.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C” (Urban Protected Residential, Etc.) District, which permits single family dwellings.

Variance 1 and 2

The applicant is requesting a variance to allow a minimum northerly side yard width of 0.6 metres and a minimum southerly side yard width of 2.3 metres, notwithstanding the minimum required side yard width of 2.7 metres. The intent of the Zoning By-law is to maintain the established residential streetscape and to avoid any impact on the enjoyment and privacy of the adjacent properties.

The variances recognize the existing northerly and southerly side yard setbacks of the existing single detached dwelling. Chedoke Avenue is characterized by two, and two and a half storey single detached dwellings. The proposed addition is at the rear of the existing single detached dwelling and based on the submitted Elevation drawings, Staff do not anticipate any impact the established residential character of the area. In addition, the submitted Elevation drawings show no windows above the second storey on the north and south elevations. As such, Staff is satisfied there will be no negative impact on privacy or enjoyment of the adjacent properties.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the variances are desirable for the development and minor in nature; therefore, staff support the variances with a condition.

Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved on condition.

CONDITIONS: (If Approved)

2. That the proposed rear addition is built in accordance with the submitted Elevation drawings.

NOTE:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.212.8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.212.7499).”

Building Division:

1. The zoning by-law permits a maximum height of 11.0m for a single family dwelling in the proposed district. The submitted drawings have not included elevations to confirm compliance with building height. The owner shall ensure that the height of the building has been measured from grade as defined in Hamilton Zoning By-law 6593; otherwise additional variances may be required.

Height: means the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure.

Grade: with reference to the height of a building or structure, wherever curb-level has been established, shall mean the elevation of curb level opposite the highest point of the building or structure, on a line perpendicular to the street line, or, wherever curb-level has not been established, or wherever the mean elevation of the ground adjoining the building or structure on all sides and within 4.5 metres of it is higher than curb-level opposite the highest point of the building or structure, then grade shall mean the mean elevation of all the ground adjoining the building of structure and within 4.5 metres of it,

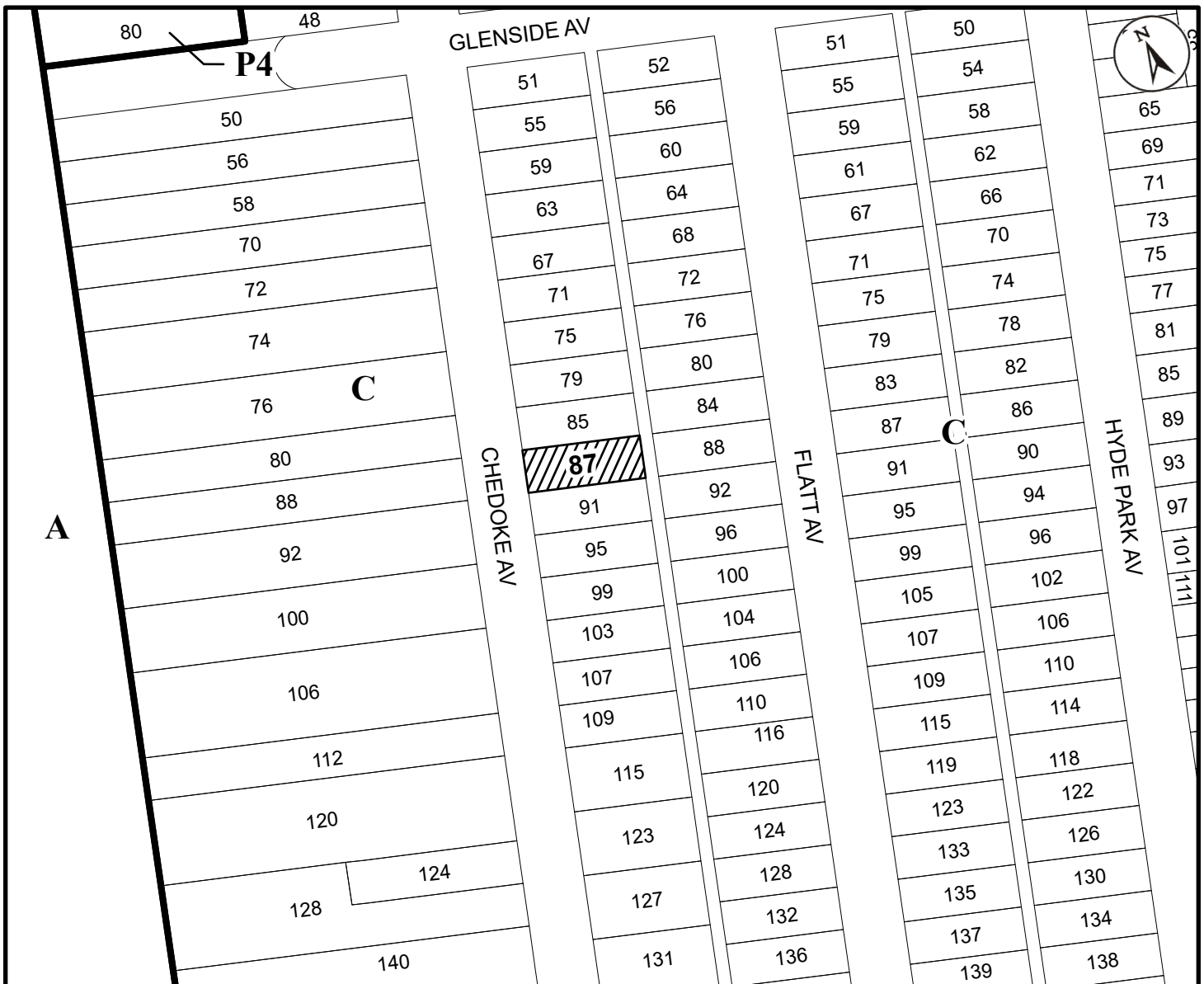
2. The Zoning By-law states that an eave/gutter may project into a side yard a maximum of one-half of its width or 1.0m whichever is the lesser. Therefore, eaves/gutters may project a maximum of 0.3m to the new 0.6m side yard width. No details were provided to confirm compliance; as such, further variances may be required.
3. Successful minor variance application HM/A-04:203 permitted two required parking spaces instead of the minimum required three parking spaces. As such, the existing parking area is deemed to comply, as the proposed alterations are not exceeding ten (10) habitable rooms.

Habitable Room: means any room of a residential building or an institutional building, used or capable of being used by one or more persons for living, eating or sleeping, or as a kitchen serving a dwelling unit; but does not include a bathroom, water-closet compartment, laundry, serving or storage pantry, corridor or other space not for use frequently or during extended periods.

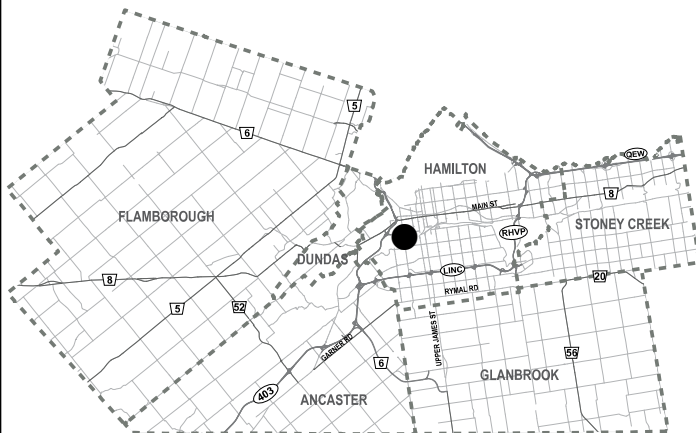
4. A building permit is required for the renovation of the proposed third storey addition.
5. Be advised that Ontario Building Code regulations may require specific setback and construction types.
6. The Ontario Building Code (OBC) prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2m in width. The OBC will regulate the type of construction permitted as the limiting distance is less than 0.6m.

Development Engineering:

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



87 Chedoke Avenue, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:63

Date:

July 2, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:68 (153 Haddon Ave. S., Hamilton)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

NOTE:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.212.8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.212.7499).”

HM/A-20:68 (153 Haddon Ave. S., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a 7.32 metre by 7.92 metre detached garage accessory to the existing single detached dwelling, notwithstanding the following variances.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3 and E.3.4.3 amongst others, are applicable and permit single detached dwellings and accessory buildings.

Archaeology

The subject property meets one of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody.

Notwithstanding current surface conditions, this criterion defines the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this variance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as per the note included at the end of these comments.

Ainslie Wood Westdale Secondary Plan

The subject lands are designated “Low Density Residential 2” within the Ainslie Wood Westdale Secondary Plan. Policies B.6.2.5.3 c), B.6.2.5.4 a) i) and B.6.2.13.1 b) amongst others, are applicable and permit single detached dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C, C/S-1335 and C/S-1335a” (Urban Protected Residential, Etc.) District, Modified, which permits single family dwellings.

Variance 1

The applicant is requesting a variance to allow a maximum height of 6.61 metres for an accessory building notwithstanding, the maximum permitted height for an accessory building is 4.0 metres. The general intent of the Zoning By-law is to maintain the established residential character of the area, to avoid any impact on the enjoyment and privacy of the adjacent properties, and to ensure the use and scale of the accessory building remain secondary to the primary use on the property.

This portion of Hadden Avenue South is characterized by one to one and a half storey single detached dwellings. The requested variance allows sufficient height to accommodate a second storey within the proposed accessory building. The proposed accessory building appears to be a similar height or taller than the surrounding single detached dwellings.

The variance is not maintaining the general intent of the Zoning By-law as the accessory building is not an appropriate scale to maintain the established low density residential character of the area or to be considered accessory to the one and half storey single detached dwelling on the subject property. Staff recommend the applicant reduce the height of the proposed accessory building to comply with requirements of the Zoning By-law.

Based on the foregoing, while the general intent of the Urban Hamilton Official Plan and Ainslie Wood Westdale Secondary Plan is being maintained, the general intent of the Zoning By-law is not maintained, the variance is not desirable for the development nor considered minor in nature; therefore, staff do not support the variance.

Variance 2

The applicant is requesting a variance to allow the eaves and gutters for the accessory building to project 0.3 metres into the required easterly side yard, as close as 0.15 metres to the easterly side lot line, notwithstanding eave and gutters may project into the required side yard not more than half the width of the side yard, being 0.225 metres in this case. The general intent of the Zoning By-law is to maintain a consistent streetscape and avoid any impact on the enjoyment and privacy of the adjacent properties.

Staff do not anticipate any negative impact on the subject property or the surrounding area as a result of the projection of the eaves and gutters into the easterly side yard. The variance maintains the general intent of the Zoning By-law as the proposed projection does not deviate significantly from the requirement in the Zoning By-law and will not make a significant difference to the design and character of the proposed detached garage.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan, Ainslie Wood Westdale Secondary Plan and Zoning By-law is being maintained, the variance is desirable for the development and considered minor in nature; therefore, staff support the variance.

Recommendation:

Based on the preceding information, Variance 2 maintains the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. The variance is considered to be minor in nature and desirable for the appropriate use of the property.

Variance 1 does not maintain the general intent of the Urban Hamilton Official Plan or City of Hamilton Zoning By-law 6593, it is not desirable for the development nor minor in nature.

In conclusion, Staff recommends that the application be denied.

NOTE:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.212.8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.212.7499).”

Building Division:

1. The detached garage shall not be used for human habitation, commercial or industrial purposes.
2. A building permit is required in the normal manner for the construction of the proposed detached garage.
3. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

See attached for additional comments.

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

July 7, 2020

Re: Application for Minor Variance HM/A-20:68 – 153 Haddon Ave. S., Hamilton

Members of the Committee of Adjustment,

As the resident property owner of 161 Haddon Avenue South, I am submitting these comments to assist the Committee in your deliberations concerning the above application for a Minor Variance at 153 Haddon Avenue South (the “subject property”). I understand that the property owner at the subject property, Mr. Stephen White (the “Applicant”), is seeking a variance under City of Hamilton Zoning by-law No. 6593 to permit the following:

- construction of a new two-vehicle, two-storey garage (“garage”) and associated parking driveway with space for an additional six vehicles, entailing an increase to the accessory building height from the by-law maximum of 4.0 m to 6.61 m;
- relaxing of the requirement for a 3.0 m lot line setback for buildings over 4.0 m; and
- projection of garage eaves and gutters into the easterly side lot line (the Application is unclear as to whether it is also seeking projection into the southerly lot line).

As an adjacent neighbouring property owner, my interest in this Application is as follows:

- the overall size and potential use of the proposed garage is not consistent with the form and character of any other garage in the neighbourhood;
- the proposed garage height at 6.6 m greatly exceeds the maximum height of 4.0 metres stipulated in the existing by-law and also entails development of a large driveway, reducing the quiet enjoyment and value of my property; and
- the creation on Haddon Avenue of driveway access to the proposed garage raises significant safety concerns that require mitigation prior to granting access.

1 BACKGROUND

The subject property is a 1.5-storey residential dwelling at the southeast corner of Haddon Avenue South and Westwood Avenue bordering the following properties:

- 55 Westwood Avenue (east of the subject property)
- 161 Haddon Avenue South (south of the subject property)

This single-family home was purchased by the Applicant in 2018 and since converted into a multi-unit rooming house (Figure 1). Salient features of the subject property include:

- Driveway access from Westwood Avenue, including two parking spaces
- Two (or three) rental units with a total of 8 (or more) bedrooms
- Residential building height of approximately 5.7 metres

Figure 1: 153 Haddon Avenue South



The subject property is located in the neighborhood of Ainslie Wood East, which is characterized by the following forms of residential development:

- single-storey and 1.5-storey single-family dwellings
- shared driveways on Haddon Avenue (and other north-south avenues)
- dedicated driveways on Westwood Avenue
- some single-vehicle garages on Haddon Avenue (and other north-south avenues)
- double-vehicle garages on fewer than 10% of all properties

Typical garages in the neighborhood within 60 metres of the subject property are illustrated in Figure 2. The double-vehicle garage shown below is directly opposite the proposed driveway of the garage contemplated in the Application, and provides a good precedent for an appropriate form (if not character) of a double-vehicle garage in this neighbourhood.

Figure 2: Typical Ainslie Wood East Garages

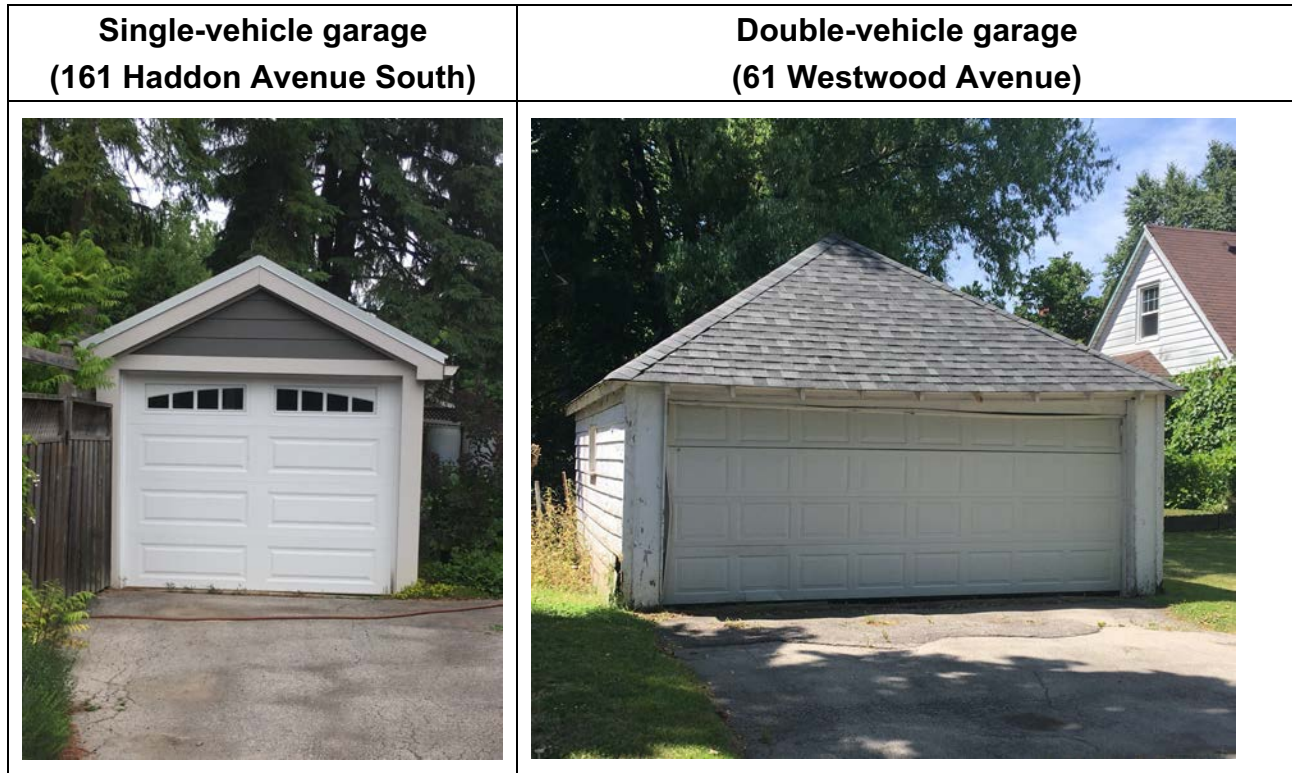


Table 1 summarizes the features of garages in the neighbourhood. Some key takeaways:

- two-thirds of the homes in the neighbourhood do not have any garage
- there are 11 single-vehicle garages, of which one is an attached garage
- there are 3 double-vehicle garages, none of which are attached garages
- no garage is wider than 6 metres (20 feet)
- no garage is higher than 4 metres (13 feet)

Table 1: Ainslie Wood East residential garages compared to subject property




Feature	No garage	Single-vehicle	Double-vehicle	Subject property
Width	--	3.05 m (10')	6.1 m (20')	7.3 m (24')
Length	--	6.7 m (22')	6.7 m (22')	7.9 m (26')
Height	--	3.05 m (10')	4.0 m (13)	6.6 m (21.7')
Total volume	--	45 m ³	105 m ³	205 m ³
Storage volume	--	5 m ³	25 m ³	120 m ³
Number	28	11	3	--
Frequency	67%	26%	7%	--

2 ISSUES

2.1 Proposed garage size and potential use

The overall size and potential use of the proposed garage is not consistent with the form and character of any other garage in the neighbourhood. As shown in Table 1 and i Figure 3, the proposed garage dwarfs all garages in the neighbourhood, including double-vehicle garages. Indeed, the garage would appear to be larger than most of the homes in Ainslie Wood East, and higher than the existing residential dwelling on the subject property.

Figure 3: Comparing neighbourhood garages to the proposed garage (to scale)

Single-vehicle garage	Double-vehicle garage	Proposed garage
		

Based on the drawings provided, the estimated total usable volume of the proposed garage is 205 m³. Excluding the volume required for two parked vehicles and the stairwell (est. 85 m³), the potential storage space within the proposed garage totals 120 m³, or nearly five times that of any other garage in the neighbourhood. Residential storage of this magnitude is not credible, and raises substantial concerns about the intended and eventual use of the proposed second storey of this garage for future habitation, commercial and industrial storage and other uses not permitted under existing by-laws.

Contrary to the assurances in the Application, the City of Hamilton has consistently demonstrated that it lacks sufficient resources to enforce the existing property standards by-law in Ainslie Wood East. While exterior building by-law violations can usually be observed by potential complainants, the conversion of the second storey of this garage to prohibited uses could be completed without observation by neighbours or by-law officials, precluding any meaningful enforcement.

2.2 Quiet enjoyment and property value

The proposed garage at 6.6 m would greatly exceed the by-law maximum height of 4.0 m, and the proposed driveway would provide parking for 8 additional vehicles, reducing the quiet enjoyment and value of my property.

The interior areas of most homes in Ainslie Wood East are modest. As such, homeowners make maximal advantage of outdoor space, including patios and yards. These amenities add a larger proportional value to the neighbourhood properties than in other neighbourhoods. Indeed, the Committee granted a variance in 2010 for construction of a front porch on my property consistent with another porch in the neighbourhood, enhancing my quiet enjoyment and property value while also improving neighbourhood character.

The proposed garage, in addition to being at odds with the form and character of the neighbourhood, would greatly exceed the height limit of 4.0 m stipulated in the by-law. The proposed second floor windows would allow neighbouring residents to view directly into my backyard, reducing my privacy and quiet enjoyment, an impact that is unmitigable due to the proposed height of the garage beyond permissible fence height.

The proposed driveway would provide space for two vehicles indoors and six additional vehicles outdoors, in addition to the two parking spots already on the property. This is inconsistent with all properties in the neighbourhood, including proximal rental properties:

- 61 Westwood – one unit, 6 rented bedrooms, 2 garage and 2 outdoor parking spaces
- 165 Haddon – one unit, 6 rented bedrooms, 2 outdoor parking spaces

The development of space for eight additional vehicles to park on the subject property does not appear justified for residential purposes based on neighbouring precedents, suggesting that the Applicant has other intentions for converting much of the subject property into a parking lot. As the Committee may be aware it is typical for absentee landlords to rent driveway space for vehicles to park in proximity to McMaster University. The result would be increased noise and emissions from a large parking lot immediately adjacent to my home, further reducing my quiet enjoyment and the value of my property.

The reduced value of my property as a result of the proposed garage and driveway is reasonably estimated to exceed 5% of the property value, or \$30,000. Even a 1% reduction is \$6,000.

2.3 Driveway access safety

The creation on Haddon Avenue of driveway access to the proposed garage raises significant safety concerns that require mitigation prior to granting access.

The primary route for vehicles travelling through the neighbourhood is shown in Figure 4. As a result of the prohibition of left-hand turns from Main Street into Ainslie Wood East between Cline Avenue and Bowman Street as well as the designation of this route as a cycling link between Westdale and the Hamilton-Brantford Rail Trail, vehicular and cycling traffic is much higher at this intersection than would otherwise be the case.

Figure 4: Intersection of Haddon and Westwood



Key considerations for traffic planning at this intersection include that:

- there is no stop sign on Westwood Avenue at Haddon Avenue South, which contrasts with Westwood Avenue at Gary Avenue where a driveway similar to the proposed driveway serves a home on the southeast corner of that intersection;
- the speed of vehicles travelling west on Westwood Avenue and turning south onto Haddon Avenue South frequently approaches 40 km/h (>10 m/s);
- parking is permitted on the east side of Haddon Avenue from the proposed driveway to the intersection (see the red vehicle parked on Haddon Avenue South in Figure 4); and
- there are currently four driveways in the immediate vicinity of the proposed driveway, serving five households and a dozen vehicles, which would increase to five driveways and potentially as many as 20 vehicles under the proposed Application.

One of these driveways exclusively serves my property, and is currently the closest driveway on the east side of Haddon to the intersection of Haddon and Westwood. This driveway was installed prior to my purchase of the property, and I no longer use this driveway. I found that safe exit from the driveway, even if I were to back into the driveway to permit forward exit, was not possible for the following reasons:

- my view of the intersection was obscured by vehicles parked on the east side of Haddon Avenue South between my driveway and the intersection;
- the view of my vehicle was obscured to vehicles traversing the intersection from Westwood onto Haddon as a result of parked vehicles, trees, landscaping and the house at 153 Haddon Avenue South (the subject property); and
- vehicles were not required to stop before turning left (south) onto Haddon from Westwood, and often travelled through the intersection at high speeds.

The proposed driveway would be located approximately 10 metres closer to the intersection compared to my driveway. While this may appear to be a short distance, it represents one less second of not more than three seconds for vehicles turning the corner from Westwood onto Haddon to observe and stop for a vehicle exiting the proposed obscured driveway.

The Committee needs to ensure, or needs to recommend that the City of Hamilton ensure, that any decision to allow a driveway as proposed in the Application considers appropriate means for ensuring safe exit and entrance from the proposed driveway. This may include the provision of a four-way stop at Haddon and Westwood and the prohibition of parking between the proposed driveway and that intersection.

3 OPPORTUNITIES

Despite these important issues, there remain considerable opportunities available to the Applicant to meet legitimate needs for storage and additional parking within the existing bylaws, to contribute to the form and character of the Ainslie Wood East neighbourhood and to respect the rights of neighbouring property owners. These opportunities include a redesigned single-storey garage, dedicated on-street parking for tenants, and house redesign to accommodate an attached garage and/or additional storage. Other less invasive and less costly methods currently employed by neighbouring rental property owners include appropriate selection of tenants in order to avoid the need for excessive vehicle parking and provision of offsite storage rental space as a paid service to tenants.

I look forward to discussing this Application with the Committee on Thursday.

Sincerely,

Richard Hendriks
Resident and Owner
161 Haddon Avenue South
Hamilton, Ontario

From: [Gavin Barringer](#)
To: [Committee of Adjustment](#)
Subject: Application for Variance at 153 Haddon Avenue South
Date: July 7, 2020 8:28:53 AM

Dear committee members;

I am writing to express my sincere and significant concerns regarding the application for variance for the property at 153 Haddon Avenue South. Although I am away on vacation, I have driven 30 minutes to find reliable cell reception so I could send this letter.

I am the next door neighbour to the east, at 55 Westwood Avenue, and I have already been negatively impacted by the state of the property in question since it was sold by the long time resident, Lynne Milne to the current landlord.

Lynne's husband, Jack, actually built that home as the first home built on the outskirts of the Stroud farm, and he and Lynne took exceptional care of their single family dwelling.

However, the current landlord has renovated their 3 bedroom home to create rooms for at least 8 students. There is a constant mess of garbage in the backyard, often overflowing to the front, and the once manicured front lawn has become a dirt and weed pile, and left that way for over a year, despite promises from the landlord to "clean it up, and make it really nice."

The result of this mess is a river of mud and garbage flowing from the property onto other neighbours' properties, and eventually into the sewers. This is despite the best efforts of many elderly neighbours who are forced to do garbage pick-up to try to mitigate the problem.

The eavestrough are filled with weeds and debris, and clearly the place is not being well looked after, which is, sadly, in keeping with many of the converted student dwellings in the Westdale Ainsliewood neighbourhood.

Clearly, then, when I see an application to allow for the construction of a two-storey garage, I am absolutely against it. First off, I do not believe it is safe to even access Haddon Avenue South from the entrance that would have to be created to access the garage. Due to the bend in the road there, and the close proximity to the intersection of Haddon and Westwood it would not be safe.

Second, while I am not otherwise opposed to a single car garage that would fit the neighbourhood, the second story of this proposed garage, and the likelihood that it would be used to house even more tenants on the already overcrowded property concerns me.

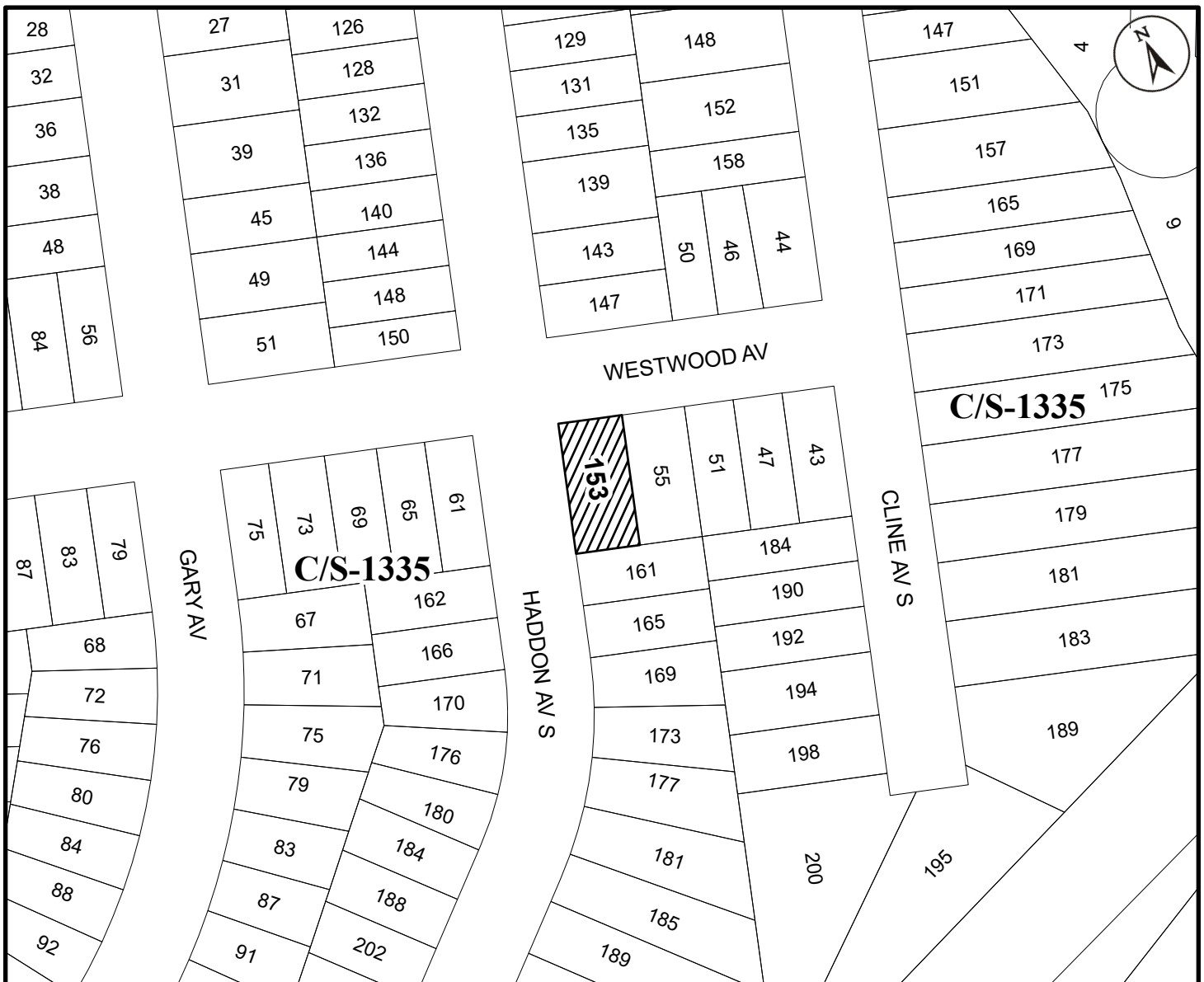
Third, the application calls for the eaves of the proposed garage to encroach upon our property line, and I am strongly opposed to any further encroachment than I already endure.

Fourth, we already have a significant problems with rodents (skunks, raccoons, rats) in our neighbourhood due to the abundance of human garbage/rodent food source, and I believe this proposed massive garage only creates the likelihood of further troubles.

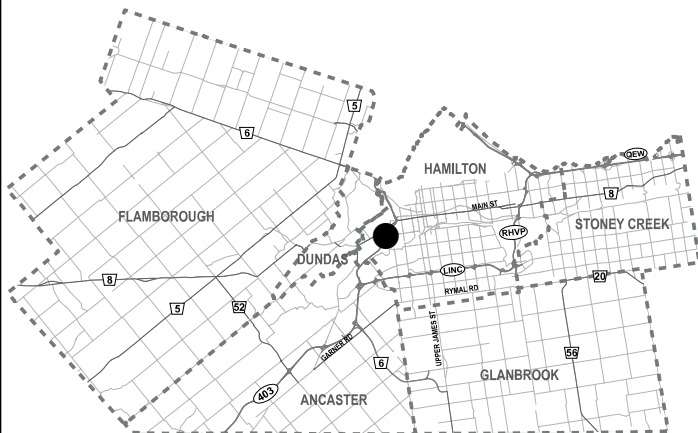
I thank the committee for your consideration into this matter, and for your countless hours of time and effort devoted to preserving and improving our neighbourhood.

Sincerely,

Gavin Barringer
Owner/Resident
55 Westwood Avenue



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



153 Haddon Avenue South,
Hamilton (Ward 1)

File Name/Number:

HM/A-20:68

Date:

July 2, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-19:259 (1579 Main St. W., Hamilton)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-19:259 (1579 Main St. W., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit a Seasonal Garden Centre, including tents, accessory to the existing Retail Store (Fortino's), notwithstanding the following variance.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” and “Secondary Corridor” in Schedule E– Urban Structure and is designated “District Commercial” in Schedule E-1 – Urban Land Use Designations. Policies E.4.7.2 amongst others, are applicable and permits retail stores.

Ainslie Wood Westdale Secondary Plan

The subject lands are designated “District Commercial” within the Ainslie Wood Westdale Secondary Plan. Policies B.6.2.8 amongst others, are applicable and permit retail stores.

City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned District Commercial (C6) Zone, which permits retail stores and permits a Garden Centre as an accessory use.

Variance 1

The applicant is requesting a variance to allow the Seasonal Garden Centre to occupy a maximum of 15.4% of the total number of parking spaces, notwithstanding the requirement that a Seasonal Garden Centre shall not occupy more than 10% of the total number of provided parking spaces. The general intent of the Zoning By-law is to ensure the parking needs of the retail store are satisfied.

The proposed Seasonal Garden Centre will occupy 87 parking spaces of the 567 parking spaces provided on the subject property. The submitted Site Plan indicates the existing retail store has a gross floor area of 8,412.00 square metres.

Amending By-law No. 17-240 was approved by Council on November 7, 2017 and is currently under appeal. In accordance with By-law No. 17-240, one parking space is required for every 50 square metres of gross floor area for retail stores within Commercial Mixed Use Zones that have a gross floor area of more than 4000.00 square metres. Therefore, under future policy direction, a total of 168 parking spaces would be required for the existing retail store.

Staff is of the opinion the remaining 480 parking spaces will satisfy the parking needs of the existing retail store while the Seasonal Garden Centre occupies 15.4% of the existing parking spaces.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the variance is desirable for the appropriate use of the site and is considered minor in nature; therefore, staff support the variance.

Recommendation:

Based on the preceding information, the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200. The variance is considered minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the requested variance be approved.

Building Division:

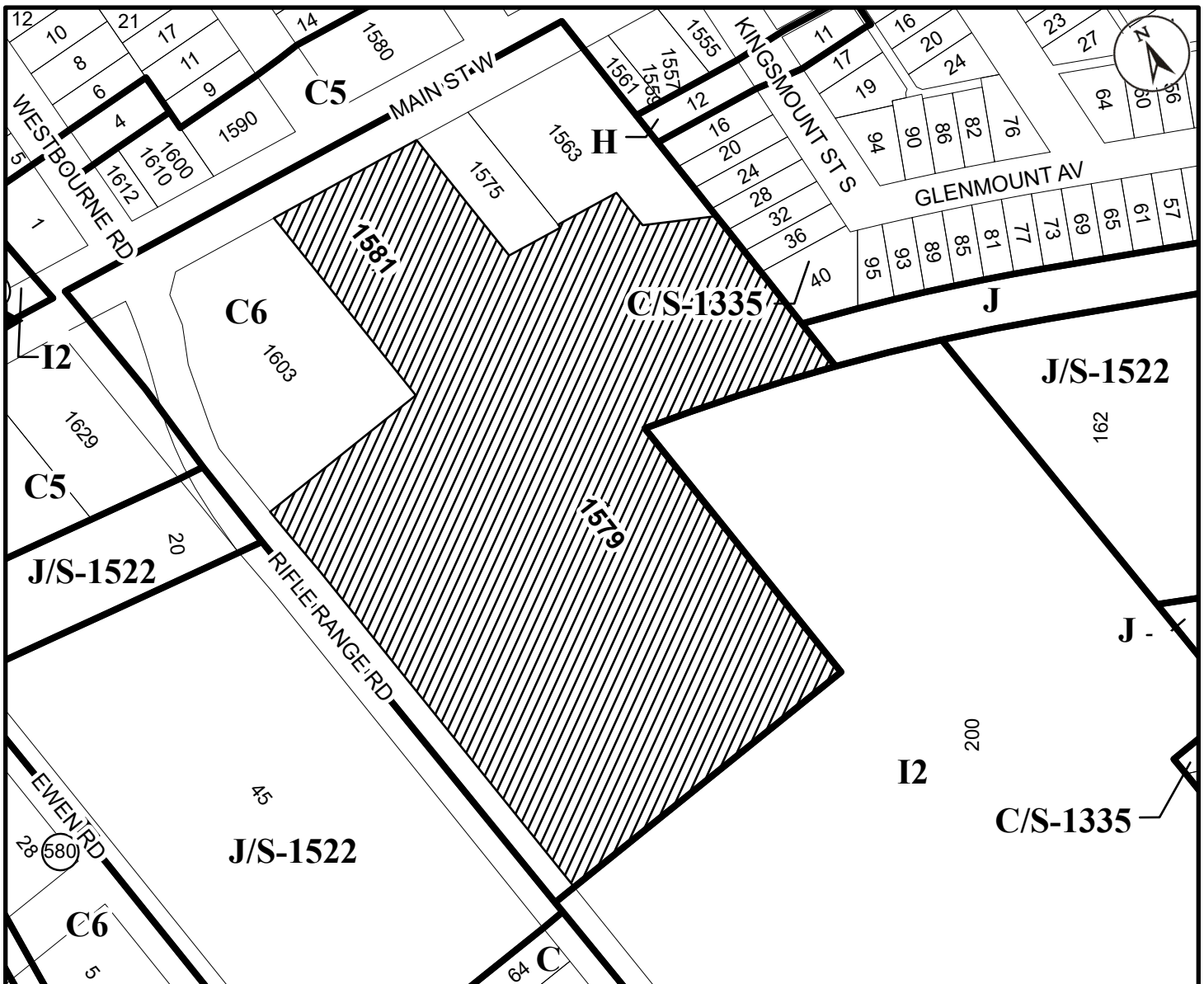
1. A building permit may be required for the temporary Seasonal Garden Centre if associated with any tents or structures.
2. Building Permit 20-159569, issued on May 6, 2020, "To erect the following two (2) temporary structures for the Fortinos seasonal garden centre from April 25 2020 to July 25 2020. One (1) 12.19 m x12.19m enclosed and one (1) 13.11 m x 18.29 m unenclosed." remains not finalized.
3. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

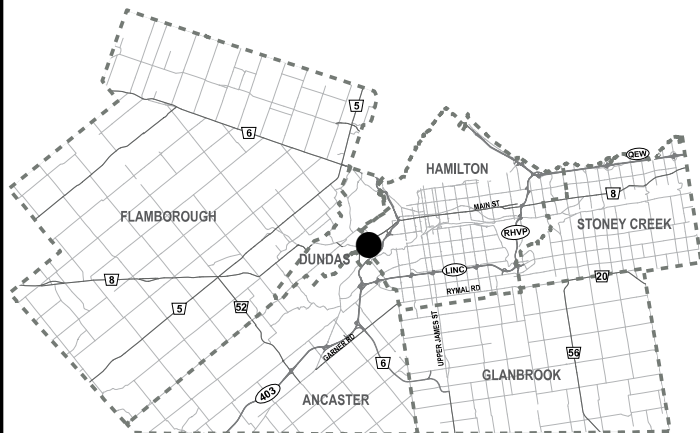
Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the variances.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



1579 Main Street West, Hamilton
(Ward 1)

File Name/Number:

HM/A-19:259

Date:

July 2, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT