

GL/A-20:74 (12 Solsbury Cre., 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:

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of an 18.1 square metre pavilion (accessory building) in the rear yard of the existing single detached dwelling, notwithstanding that variances are required to permit the proposed location and maximum lot coverage.

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 Mount Hope Secondary Plan and are designated “Low Density Residential 2” on Land Use Plan Map B.5.4-1 (UHOP – Volume 2). Policy B.5.4.2.2 applies, amongst others, and permits a single detached dwelling.

The secondary plan area is in the vicinity of John C. Munro International Airport. Section C.4.8 – Airport of Volume 1 applies to the secondary plan area, in accordance with Policy B.5.4.9.1 (Volume 2). The subject lands are identified within the “Airport Influence Area” on Schedule “F” – Airport Influence Area and are below the 25 NEF Contour on Appendix D – Noise Exposures Forecast. The proposal to erect a structure accessory to the existing single detached dwelling does not constitute a new residential development, and as such, staff is of the opinion that the proposal meets the requirements of Table C.4.8.1: Requirements for Development in the Vicinity of John C. Munro International Airport.

Based on the foregoing, staff is of the opinion that the proposal is consistent with the policies of the UHOP.

Former Township of Glanbrook Zoning By-law No. 464

The subject lands are zoned Residential “R4” Zone, which permits single detached dwellings and structures accessory thereto, subject to the applicable provisions. Accessory buildings in excess of 12 sq. m in gross floor area shall not be located in any minimum rear or side yard, and shall not be located less than 1 m from any lot line. A minimum rear yard of 7.5 m and a minimum side yard of 1.2 m are required by the “R4” zoning.

Variance 2

The accessory building (pavilion) is proposed to encroach 1.4 m into the minimum rear yard and 0.3 m into the minimum northerly side yard, whereas an accessory building in excess of 12 sq. m is not permitted to be located in any minimum rear or minimum side yard. The intent of the provision is to ensure that adequate space is provided for access, maintenance, drainage, and compatibility between uses. Staff is satisfied that the proposed setback provides adequate space for access and maintenance purposes. Staff defers to Development Engineering Approvals for all drainage concerns. Staff is satisfied that the proposed rear yard setback of 6.1 m is adequate for compatibility purposes.

The pavilion is orientated such that the north façade contains the stone veneer wall, although a portion of the north façade is open. There is an existing wooden fence with a height of 1.98 m along the side and rear lot lines. The pavilion conforms to the maximum building height. As a result, staff does not perceive any negative impacts to compatibility as a result of approval of this variance. 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.

Variance 1

The accessory building (pavilion) is proposed to be located 0.9 m from the northerly side lot line, whereas a minimum distance of 1.0 m to any lot line is required by the Zoning By-law. Based on the rationale provided for Variance 2 to permit the pavilion to encroach 0.3 m into the minimum northerly side yard, staff is satisfied that 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.

Variance 3

A maximum lot coverage of 36% is proposed, whereas a maximum lot coverage of 35% is permitted by the Zoning By-law. The intent of the provision is to allow for adequate drainage and to prevent the overdevelopment of land. Staff defers to Development Engineering Approvals with regards to all drainage concerns. The increase is proposed to accommodate an accessory structure to be used by the dwelling occupants as outdoor amenity space. Staff notes that a ±14.4 sq. m accessory structure would conform to the maximum lot coverage as the lot coverage of the dwelling is 31.6%. Staff is satisfied that this relatively small increase in coverage does not constitute overdevelopment. 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:

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**.

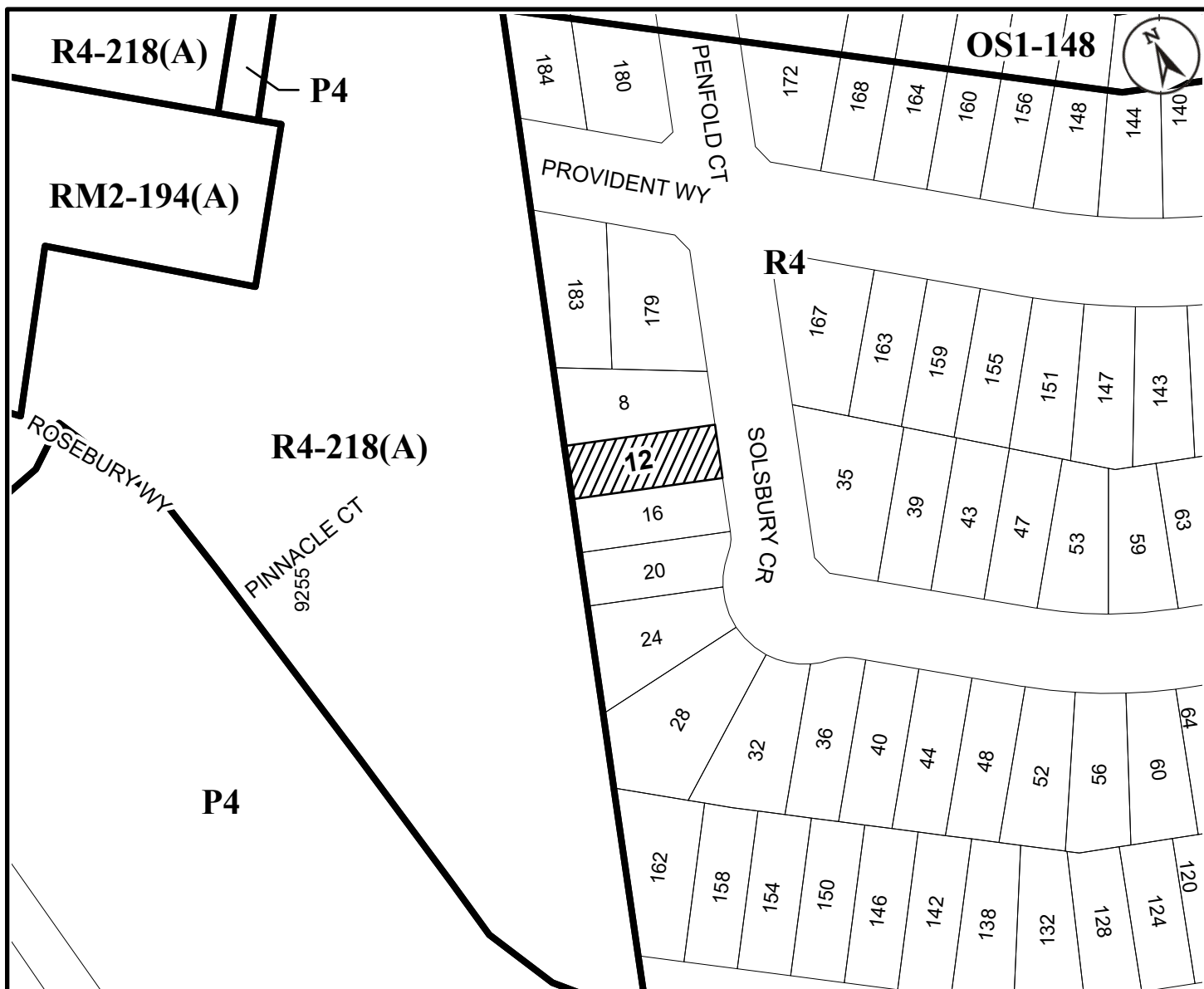
Building Division:

1. A building permit is required for the construction of the proposed accessory building. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
2. A lot area of 420.4 square metres and a total building area of 132.67 square metres has been obtained from building permit 04-229245 issued July 19, 2004 to construct a single detached dwelling.
3. The applicant shall ensure the proposed building height of 3.92 metres has been provided in accordance with the definition of "Height" as defined in the Zoning By-law.
4. A further variance will be required if the eave and gutter of the proposed accessory building encroaches greater than 30 centimetres into a minimum setback area.

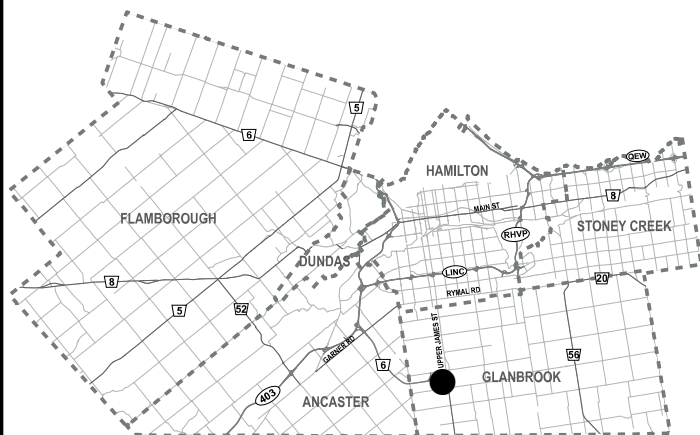
Development Engineering:

No comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



12 Solsbury Crescent, Glanbrook
(Ward 11)

File Name/Number:

GL/A-20:47

Date:

July 8, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:34 (1662 Upper James St., 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:

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the expansion of the legally established non-conforming medical clinic into a 97 square metre portion of the second storey that is currently used as a general office. The existing medical clinic occupies the remainder of the building.

Additionally, a parking area is proposed at the rear of the site to accommodate the additional parking required for the proposed expansion, and four (4) variances are necessary to permit the proposed parking arrangement.

Urban Hamilton Official Plan

The subject lands are identified as “Primary Corridors” on Schedule “E” – Urban Structure and designated “Arterial Commercial” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP).

A medical clinic 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 medical clinic is proposed to expand into the portion of the second storey previously used as general office with the addition of four medical clinic treatment rooms.

Policy F.1.12.9 applies, amongst others, and permits the expansion or enlargement of legal non-conforming uses provided they maintain the intent and purpose of the UHOP and the Zoning By-law.

The Arterial Commercial designation is intended to provide for a range of uses catering to the traveling or drive-by consumer, as well as a limited range of land extensive retail stores (E.4.8.1), including banquet halls, funeral homes, and vehicle sales. Medical clinics are not permitted within the designation. As a result, staff is of the opinion that the proposed expansion of the medical clinic does not maintain the intent of the Arterial Commercial designation.

Staff is unable to support the proposed parking arrangement in the rear yard, as noted below in the Zoning subsection. The subject lands are identified as a Primary Corridor,

and as such, a reduction in the parking requirements has been considered in order to support transit (E.2.4.17).

Staff is of the opinion that the required parking of a total of 19 spaces, being 13 spaces required for the existing medical office plus an additional 6 spaces for the proposed expansion, is inadequate. A previous Minor Variance decision (HM/A-11:215) allowed for a minimum of 13 parking spaces for the existing medical clinic; however, the site has always functioned with 17 parking spaces in the front. Hence, there is no evidence to support that 13 spaces are adequate. Based on the existing GFA of the medical clinic (389.8 sq. m) and the existing parking requirements, 24 parking spaces are required for the existing medical clinic, plus an additional 6 spaces for the proposed expansion for a total of 30. There was a road widening taken, and as a result, there remains 15 of the 17 original parking spaces in the front. Staff is of the opinion that a reduction from 30 spaces to 15 cannot be supported based on existing and proposed transit routes.

Staff is of the opinion that the proposed expansion, without the provision of additional parking, will adversely affect compatibility of the lands with the existing surrounding land uses as a result of overspill parking. Based on the foregoing, staff is of the opinion that the proposed expansion of the legal non-conforming medical clinic does not meet the intent of the UHOP. Staff **does not** support the expansion.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Arterial Commercial (C7) Zone, which permits a variety of arterial commercial uses, subject to the applicable provisions. A medical clinic is not permitted by the zoning. The existing medical clinic is legal non-conforming. It has been interpreted that the proposed parking at the rear is subject to the requirements of the Zoning By-law.

Variance 1

The expansion of a legal non-conforming use cannot be approved through a Minor Variance. Accordingly, staff recommends that the variance be **withdrawn**.

Variances 2 to 4

Variances 2 and 3 are requested to permit the proposed parking space size of 2.7 m by 5.4 m. Variance 4 is requested to permit the proposed 3.6 m manoeuvring aisle width for the 60-degree parking spaces, whereas the Zoning By-law requires a minimum of 5.5 m for two-way operation.

The intent of these provisions is to ensure safety. The proposed parking space size is inadequate, even for a compact car as per the Zoning By-law. The manoeuvring aisle width does not provide adequate space for vehicles to enter and exit in a forward motion. According, staff is of the opinion that the intent of the Zoning By-law is not maintained. Based on the foregoing, staff **does not** support the variances.

Variance 5

A variance to permit a reduction to zero accessible parking spaces is proposed, whereas a minimum of one accessible parking space is required by the Zoning By-law. One accessible space is required for up to 49 provided parking spaces. There are no existing accessible parking spaces provided in the front. An accessible parking space in the rear yard is not practical or desirable. Although there is an expansion proposed, staff has no concerns with the absence of one accessible parking space for this legal non-conforming use, particularly as even the existing second storey space is currently not accessible by an elevator. The variance meets the intent of the UHOP and the Zoning By-law, is desirable and minor in nature. Staff **supports** the variance.

Recommendation:

Having regard for the matters under subsection 45(2)(a) of the Planning Act, although staff is satisfied that the medical clinic is a legal non-conforming use, and that no enlargement beyond the limits of the lands used in connection therewith is proposed, staff is not satisfied that the purpose and intent of the Official Plan would be maintained, and that the requested permission will not adversely affect the site's compatibility with the existing surrounding land uses. Staff recommends that the requested permission to enlarge a legal non-conforming use be **denied**; and,

That **Variance 1 be withdrawn** as it is not required; and,

Having regard for the matters under subsection 45(1) of the Planning Act, staff is not satisfied that Variances 2, 3 and 4 maintain the purpose and intent of the Zoning By-law. In the opinion of staff, although the intent of the Official Plan is maintained, the variances are not desirable for the appropriate development of the land, nor minor in nature. Staff recommends that Variances 2, 3 and 4, as outlined in the Notice of Hearing, be **denied**.

Staff is satisfied that Variance 5 has regard for the matters under subsection 45(1) of the Planning Act and recommends **approval**.

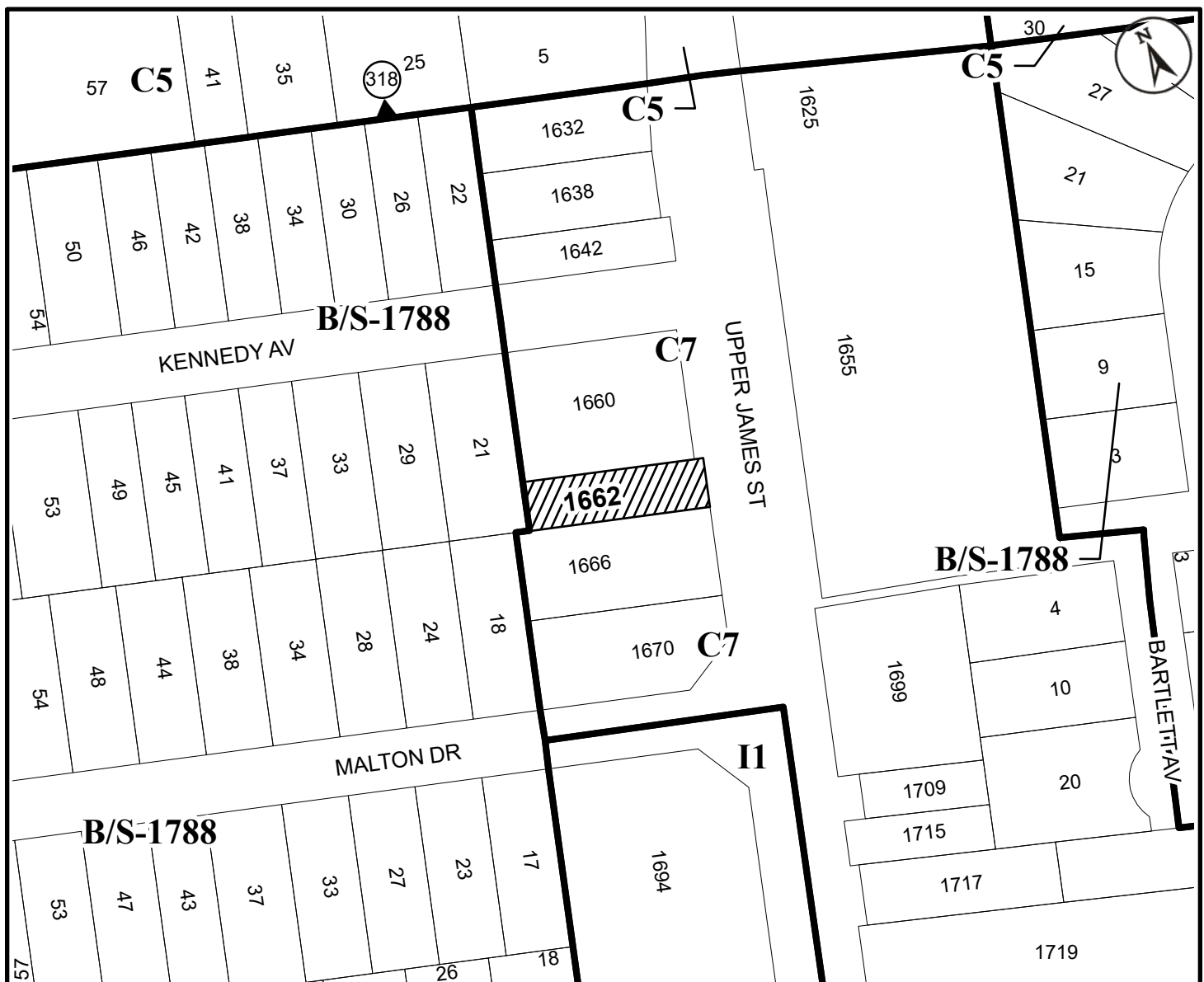
Building Division:

1. Subject to the issuance of a building permit in the normal manner.

Development Engineering:

No comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



1662 Upper James Street,
Hamilton (Ward 8)

File Name/Number:

HM/A-20:34

Date:

July 9, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-19:122 (1430 Upper Sherman 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 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 pdf 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 submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
4. That final and binding approval of Minor Variance application HM/A-19:438 be received, to the satisfaction of the Manager of Development Planning, Heritage and Design.
5. That any access driveway provided for Lot 2 be located such that a minimum separation distance of 3 metres is provided within the municipal right-of-way from the Canada Post Community Mailbox, to the satisfaction of the Manager of Development Planning, Heritage and Design.
6. The owner 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 – Plans Examination).
7. The owner shall submit survey evidence that the lands to be severed (Lot 2) and lands to be retained (Lot 1 and Lot 3), including the location of any existing structure(s), parking and landscaping, etc., conform to the requirements of the Zoning By-law 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).

8. That the Owner enters into with the City of Hamilton and registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; stormwater management, cash payment requirements for items such as trees, inspection of grading and services to be installed; replacement of existing private sewer and water drain connections (if required) and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction all to the satisfaction of the Manager of Engineering Approval Section.
9. The Owner shall provide an adequately sized 'hammerhead' driveway design for both the severed and retained parcels to prevent vehicles reversing onto a major arterial roadway (Upper Sherman Avenue), to the satisfaction of the Manager of Development Approvals.

NOTES:

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).

Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that Lot 1 will retain the address of 1430 Upper Sherman Avenue; Lot 2 will be assigned the address of 59 Beaverton Drive; and Lot 3 will be assigned the address of 1426 Upper Sherman Avenue.

HM/B-19:122 (1430 Upper Sherman Ave., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of these applications is to permit the conveyance of two parcels of land for the purpose of constructing a single detached dwelling on each parcel, and to retain a parcel of land containing an existing single detached dwelling which is proposed to remain, notwithstanding the variances below. Please see the table below for further details.

Proposed Lot	Proposed Lot Width (m)	Proposed Lot Area (sq. m)
“Lot 1” – Retained	15.9	448
“Lot 2” HM/B-19:122 – Severed	11.00	331.73
“Lot 3” HM/B-19:123 – Severed	14.23	406.96

History

These applications were tabled by the Committee of Adjustment on February 6, 2020, in order for the applicant to amend the proposal to revise the driveway design of Lot 3 in accordance with recommendations from Development Engineering Approvals. Development Planning staff recommended approval of the application because staff was of the opinion that the lots were suitable and the variances met the four tests of the Planning Act, save and except Variance 1. The applicant has provided a hammerhead driveway. The proposed consents have not been amended; however, there is an additional variance that is now required to permit the reduced front yard landscaping as a result of the hammerhead driveway. Additionally, Variances 5 and 6 for parking are now requested for all three lots whereas the initial proposal requested these variances for Lot 1 only.

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 single detached dwellings.

The proposal is defined as 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). In the opinion of staff, the proposed severances are compatible with the existing neighbourhood character as they would maintain and build upon the desirable established patterns. Staff notes that the proposed severances will facilitate development that will respect and enhance the

streetscape patterns. The provision of private outdoor amenity space on the proposed lots is compatible with the existing patterns of public and private amenity space.

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 do reflect the general scale and character of the established development pattern in terms of lot widths, lot areas, and privacy. Lot 2 is not in conformity with the minimum lot width and area required by the Zoning By-law; however, approval of a Minor Variance application would bring the lot into conformity. There are additional variances proposed for each lot to accommodate the parking requirements and to permit a reduced side yard for Lot 2, which are discussed further below. For this reason, staff recommends a condition that final and binding approval of Minor Variance application HM/A-19:438 be received. The proposed lots have frontage on public roads; however, the existing conditions within the municipal right-of-way pose some constraints on the provision of access to each lot.

Along Beaverton Drive, there is a Canada Post Community Mailbox coupled with a culvert adjacent to the proposed line of severance for Lot 2, which has an impact on the location of an access driveway for Lot 2. As a result, staff recommends a condition that the driveway to Lot 2 be located a minimum of 3 m west of the Community Mailbox. In addition, there appears to be a City Street Tree to the east of the Community Mailbox. The Mailbox and tree would have an impact on the location of an access driveway for Lot 1 were one proposed from Beaverton Drive.

Along Upper Sherman Avenue, there is a light standard and an HSR transit stop adjacent to the proposed line of severance for Lot 3. The light standard is located immediately south of the existing driveway as shown on the Land Division sketch, and the HSR transit stop is located immediately north of the existing driveway.

Although access to Lot 1 is proposed to be relocated to the south, closer to the corner, the relocated access would be located approximately 12 m north of the travelled portion of Beaverton Drive, providing adequate clearance. There is no opportunity to shift the proposed relocated access to Lot 1 further north from the corner as the proposed location appears to maintain the minimum 1.2 m separation from the existing light standard, which is necessary for manoeuvring and safe ingress and egress. The HSR transit stop must be relocated several metres south towards the light standard in order to provide vehicular access to Lot 3, with a minimum separation distance of 2 m between the driveway and the transit stop. As a result, staff recommends that any approvals be subject to a condition that the HSR transit stop be relocated, and that the access driveway to Lot 3 be located a minimum of 2 m north of the relocated HSR transit stop, all at the owner’s expense.

Cultural Heritage 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) In areas of pioneer EuroCanadian settlement; and
- 2) 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 these applications are approved, the proponent must be advised by the Committee of Adjustment of the note following the recommendation.

Staff is of the opinion that the proposed consent is consistent with the policies of the Urban Hamilton Official Plan, subject to the conditions following the recommendation, and that the lots to be retained and conveyed reflect the general scale and character of the established development. Based on the foregoing, staff is **supportive** of the proposed consents.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C” (Urban Protected Residential, Etc.) District, which permits single detached dwellings, subject to the applicable provisions. Lots 1 and 3 conform to the minimum lot width and minimum lot area requirements; however, variances are required to permit the proposed parking arrangement for each of Lots 1, 2 and 3 (Variances 5 and 6). Lot 2 does not meet the minimum lot width and minimum lot area requirements. Therefore, approval of Variances 2 and 3 are necessary to facilitate the consents.

Variance 1 – “Lot 2”

A minimum westerly and easterly side yard width of 0.9 m is proposed for Lot 2, whereas a minimum side yard width of 1.2 m is required by the Zoning By-law. The intent of the provision is to provide adequate space for access and maintenance, compatibility with abutting land uses, and to accommodate drainage. Staff defers to Development Engineering Approvals with regards to all drainage concerns. Side yard setbacks can also contribute to a consistent streetscape by defining the minimum spacing between buildings.

The Beaverton Drive streetscape consists of residential lots with lot widths between 9 and 10 m, and side yard widths of 1.2 m. The proposed reduced side yards would not maintain the neighbourhood character. The proposed lot width of 11.0 m coupled with the proposed reduced side yard widths would result in a front façade width that is not consistent with or complimentary to the established streetscape. Although the variance meets the intent of the Official Plan, it does not meet the intent of the Zoning By-law with respect to the

streetscape and character and it is not desirable or minor in nature. Accordingly, staff **does not** support the variance.

Staff notes that approval of this variance is not necessary to facilitate the proposed consents.

Variances 2 & 3 – “Lot 2”

A minimum lot area of 331 sq. m (Variance 2) and a minimum lot width of 11.0 m (Variance 3) is proposed for Lot 2, whereas a minimum lot area of 360 sq. m and a minimum lot width of 12.0 m are required by the Zoning By-law.

Lot width impacts lot area and the building envelope which aid in maintaining a consistent neighbourhood character and streetscape. Staff has evaluated the proposed reduced minimum lot area and lot width in this context and has found that they are consistent with the adjacent lots on Beaverton Drive. As a result, the proposal maintains the existing neighbourhood character and streetscape patterns. The requested variances maintain the intent of the Official Plan and the Zoning By-law, are desirable for the appropriate development of the lands, and hence are minor in nature. Staff **supports** the variances.

Variance 4 – Lot 3

A minimum 47.0% front yard landscaping is proposed for Lot 3, whereas a minimum of 50.0% is required by the Zoning By-law. 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 relatively small reduction is proposed in order to accommodate the hammerhead driveway design, which is a matter of public safety. The front yard landscaped area proposed is similar to that of the surrounding lots. Based on the foregoing, the variance maintains the intent of the Official Plan and Zoning By-law, and it is desirable and minor in nature. Staff **supports** the variance.

Variance 5 – Lots 1, 2 & 3

No on-site manoeuvring space is proposed to be provided for the two proposed parking spaces within the required front yard, whereas a minimum width of 6.0 m is required by the Zoning By-law. The intent of on-site manoeuvring space is to allow for manoeuvring and positioning of the vehicle prior to the vehicle entering the street.

Lot 1

There is an approximate width of 4 m from the property line to the sidewalk, and an additional 3 m width across the sidewalk and boulevard to the travelled portion of Upper Sherman Avenue that can aid in vehicular manoeuvring. Staff is of the opinion that safe ingress and egress can be provided.

Lot 2

The proposed parking arrangement is typical of the streetscape. There is an approximate width of 6 m from the property line to the travelled portion of Beaverton Drive that can aid in vehicular manoeuvring. Staff is of the opinion that safe ingress and egress can be provided.

Lot 3

The proposed parking arrangement is typical of the streetscape. Staff is uncertain as to whether the intent of the hammerhead design will be maintained with two parking spaces in the driveway. Staff defers to Development Engineering Approvals with regards to this safety issue.

Based on the foregoing, the variance maintains the intent of the Official Plan and Zoning By-law, and it is desirable and minor in nature. Staff **supports** the variance, subject to any safety recommendations from Development Engineering Approvals regarding the variance as it pertains to Lot 3.

Further, staff recommends that the variance be **amended** as it pertains to **Lot 2**, so that in addition, no on-site manoeuvring space is required for one parking space within the attached garage of the proposed dwelling.

Variance 6 – Lots 1, 2 & 3

Two required parking spaces for each of Lots 1, 2 and 3 are proposed to be provided within the required front yard, whereas no part of a required parking area is permitted within the required front yard. The intent of the zoning provision is to ensure that parking areas do not overwhelm the streetscape.

Lot 1

The remainder of the area within the front yard is proposed to remain as a landscaped area. Further, the parking area for Lot 3 will be situated at the northerly edge of that lot and so the alternating landscaped areas will aid in providing visual relief from the proposed double-wide driveway width. The front yard landscaped area conforms to the Zoning By-law.

Lot 2

The proposed driveway width and the provision of two parking spaces on the driveway within the required front yard is typical of the Beaverton Drive streetscape. The front yard landscaped area conforms to the Zoning By-law.

Lot 3

A hammerhead driveway design was recommended by Development Engineering Approvals at the February 6, 2020 hearing to ensure that egressing vehicles could enter the street in a forward motion, which has been implemented in this amended application. Staff is uncertain as to whether the intent of the hammerhead design will be maintained with two parking spaces in the driveway. Staff defers to Development Engineering Approvals with regards to this safety issue.

The proposed driveway width and the provision of two parking spaces on the driveway within the required front yard is typical of the Upper Sherman Avenue streetscape in this vicinity. The front yard landscaped area does not conform to the Zoning By-law; however, as discussed under Variance 4, staff is satisfied with the proposed reduction.

Based on the foregoing, the variance maintains the intent of the Official Plan and Zoning By-law, and it is desirable and minor in nature. Staff **supports** the variance, subject to any safety recommendations from Development Engineering Approvals regarding the variance as it pertains to Lot 3.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that **Variances 2, 3, 4, 5 and 6** 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, 3 and 4**, as outlined in the Notice of Hearing, be **approved**; and, subject to comments received from Development Engineering Approvals, staff recommends approval of **Variance 6**, and **Variance 5, as amended** above to include additional relief for one garage parking space as it pertains to **Lot 2**.

Further, staff recommends that **Variance 1**, as outlined in the Notice of Hearing, be **denied** on the basis that it does not maintain the intent of the Zoning By-law and would not be desirable for the appropriate development of the land or minor in nature.

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)

HM/B-19:122

1. That final and binding approval of Minor Variance application HM/A-19:438 be received, to the satisfaction of the Manager of Development Planning, Heritage and Design.
2. That any access driveway provided for Lot 2 be located such that a minimum separation distance of 3 metres is provided within the municipal right-of-way from the Canada Post Community Mailbox, to the satisfaction of the Manager of Development Planning, Heritage and Design.

NOTE (If Approved):

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).

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. Variances are required for lot area, lot width, side yard width(s) as shown on the proposed building envelopes for zoning compliance of the lands to be severed.
3. The construction of the proposed single family dwelling on Lot 2 is subject to the issuance of a building permit in the normal manner. The variances written for HM/A-19:438 are written based on a proposed building envelope only. Insufficient details (building plans, elevations, parking information, etc.) were provided from which to confirm all required variances for the intended single family dwelling on Lot 2. As such, compliance shall be determined at building permit stage. Additional variances may be required at such time that a full zoning review is conducted for the intended single family dwelling on Lot 2.
4. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

5. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.

CONDITIONAL UPON:

1. The owner shall receive final and binding approval of minor variance application HM/A-19:438.
2. The owner 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 – Plans Examination).
3. The owner shall submit survey evidence that the lands to be severed (Lot 2) and lands to be retained (Lot 1 and Lot 3), including the location of any existing structure(s), parking and landscaping, etc., conform to the requirements of the Zoning By-law 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).

Growth Planning:

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that Lot 1 will retain the address of 1430 Upper Sherman Avenue; Lot 2 will be assigned the address of 59 Beaverton Drive; and Lot 3 will be assigned the address of 1426 Upper Sherman Avenue.

Development Engineering:

According to our records, there is an existing 600mm diameter watermain, a 250mm diameter sanitary sewer, and a 450mm diameter storm sewer fronting the site on Upper Sherman Avenue and a 200mm watermain, 300mm sanitary sewer and 1050 storm sewer on Beaverton Drive to service both of the proposed new lots and continued servicing of the existing dwelling. The size of the existing water service presently serving the existing dwelling is only 13mm diameter according to our City records. This service will need to be replaced with a new service meeting City Standards if this is valid. The size of the existing private sanitary drain servicing the existing dwelling must also be verified by the applicant and if inadequate must be replaced to meet current City standards.

Both Upper Sherman Avenue and Beaverton Drive have sufficient road allowance widths at this location in accordance with the City of Hamilton Urban Official Plan.

Upper Shernan Avenue is classified as a minor arterial street within the City of Hamilton road network. Therefore, the proponent shall include a provision for a hammerhead in design of the driveway approach off Upper Sherman Avenue to provide for turning of a passing vehicle within the private lands to address our safety concerns.

The Owners will be required to enter into a Consent Agreement with the City in order to ensure that the future residential development on the new lot proceeds in a proper and orderly manner. The applicant will be required to demonstrate that drainage from this parcel will be contained and directed to an appropriate outlet without affecting adjacent properties. It is imperative that post severance drainage flows will not exceed pre-severance drainage flows. Please note that the Owner will be responsible for the relocation of any street furniture (i.e. CB's, fire hydrant, utility poles etc.) and to provide securities for any potential damages to the existing sidewalks, curbs or boulevard that may be required as a result of this development.

We note on the sketch that there is an existing 3.05m right of way [Inst. CD36729] located along the northerly limit of the property. This right of way may no longer be required and should be discharged from title.

Should this application be approved we recommend that it be subject to the following condition:

1. That the Owner enters into with the City of Hamilton and registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; stormwater management, cash payment requirements for items such as trees, inspection of grading and services to be installed; replacement of existing private sewer and water drain connections (if required) and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction all to the satisfaction of the Manager of Engineering Approval Section.
2. The Owner shall provide an adequately sized 'hammerhead' driveway design for both the severed and retained parcels to prevent vehicles reversing onto a major arterial roadway (Upper Sherman Avenue), to the satisfaction of the Manager of Development Approvals.

Transportation Planning:

1. Transportation Planning has no objection to the conveyance and retention of lands relating to this Committee of Adjustment Application.

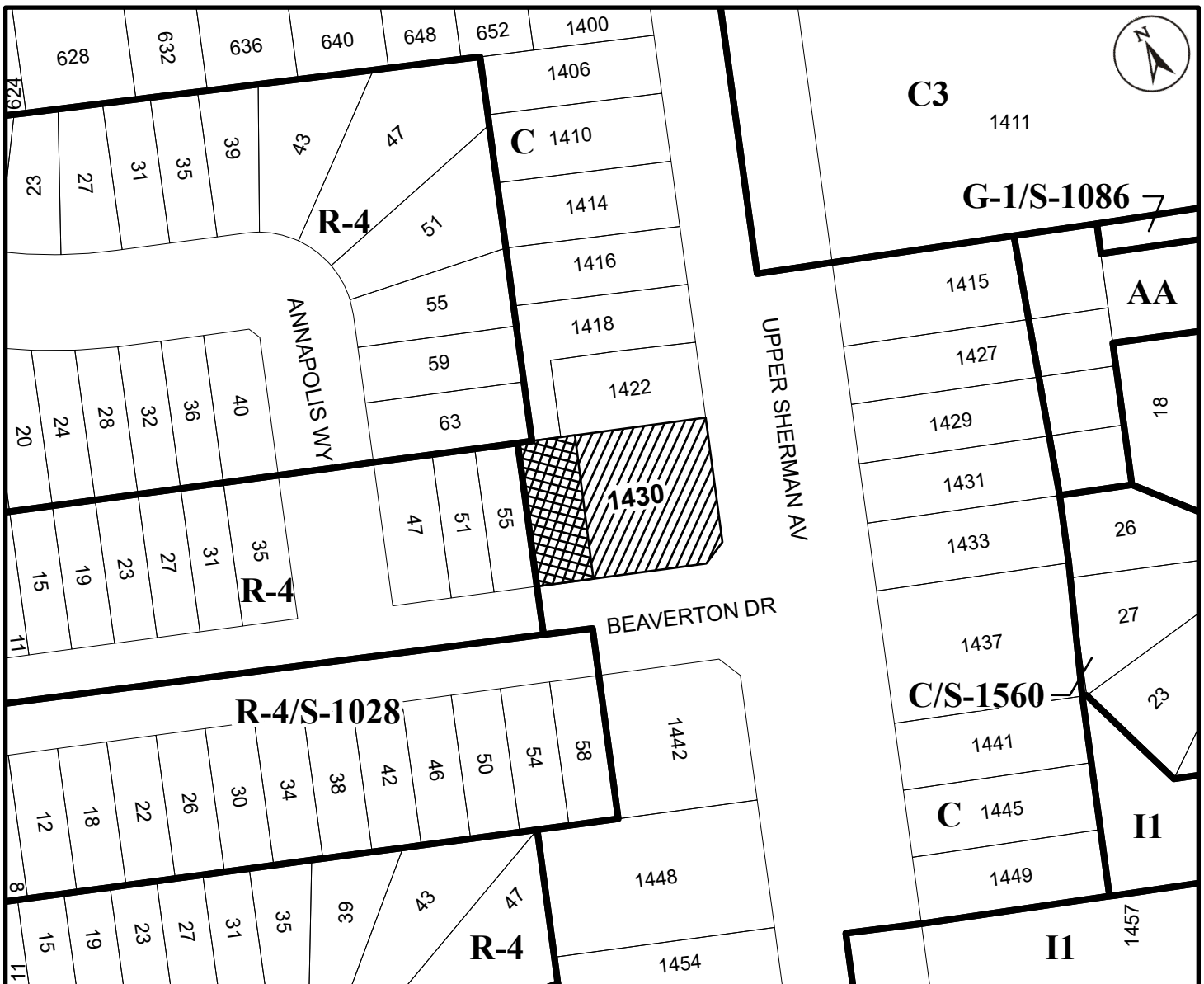
CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

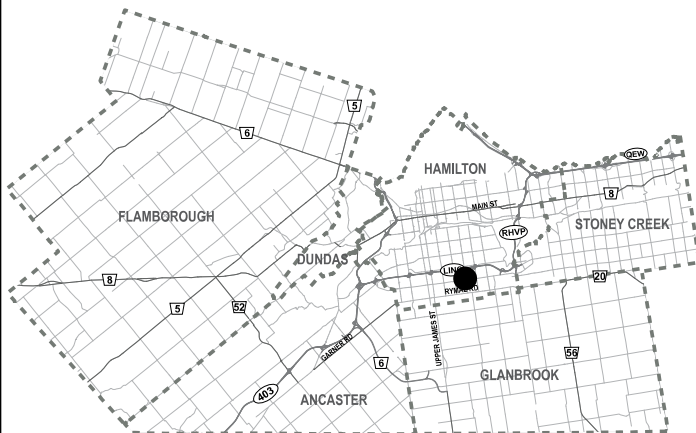
July 16, 2020

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

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

1430 Upper Sherman Avenue, Hamilton
(Ward 7)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-19:122

Date:

January 27, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-19:123 (1430 Upper Sherman 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 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 pdf 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 submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
4. That final and binding approval of Minor Variance application HM/A-19:438 be received, to the satisfaction of the Manager of Development Planning, Heritage and Design.
5. That the existing southbound HSR transit stop located on Upper Sherman Avenue adjacent to the subject lands be relocated for access purposes to "Lot 3", at the full expense of the owner, to the satisfaction of the Manager of Development Planning, Heritage and Design.
6. That any access driveway provided for Lot 3 be located such that a minimum separation distance of 2 metres is provided within the municipal right-of-way from the relocated HSR transit stop located on Upper Sherman Avenue adjacent to the subject lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.
7. The owner shall demolish an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division- Zoning Section). May be subject to a demolition permit issued in the normal manner.

8. The owner 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 – Plans Examination).
9. The owner shall submit survey evidence that the lands to be severed (Lot 3) and lands to be retained (Lot 1), including the location of any existing structure(s), parking and landscaping, etc., conform to the requirements of the Zoning By-law 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).
10. That the Owner enters into with the City of Hamilton and registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; stormwater management, cash payment requirements for items such as trees, inspection of grading and services to be installed; replacement of existing private sewer and water drain connections (if required) and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction all to the satisfaction of the Manager of Engineering Approval Section.

NOTE (If Approved):

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).

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that Lot 1 will retain the address of 1430 Upper Sherman Avenue; Lot 2 will be assigned the address of 59 Beaverton Drive; and Lot 3 will be assigned the address of 1426 Upper Sherman Avenue.

HM/B-19:123 (1430 Upper Sherman Ave., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of these applications is to permit the conveyance of two parcels of land for the purpose of constructing a single detached dwelling on each parcel, and to retain a parcel of land containing an existing single detached dwelling which is proposed to remain, notwithstanding the variances below. Please see the table below for further details.

Proposed Lot	Proposed Lot Width (m)	Proposed Lot Area (sq. m)
“Lot 1” – Retained	15.9	448
“Lot 2” HM/B-19:122 – Severed	11.00	331.73
“Lot 3” HM/B-19:123 – Severed	14.23	406.96

History

These applications were tabled by the Committee of Adjustment on February 6, 2020, in order for the applicant to amend the proposal to revise the driveway design of Lot 3 in accordance with recommendations from Development Engineering Approvals. Development Planning staff recommended approval of the application because staff was of the opinion that the lots were suitable and the variances met the four tests of the Planning Act, save and except Variance 1. The applicant has provided a hammerhead driveway. The proposed consents have not been amended; however, there is an additional variance that is now required to permit the reduced front yard landscaping as a result of the hammerhead driveway. Additionally, Variances 5 and 6 for parking are now requested for all three lots whereas the initial proposal requested these variances for Lot 1 only.

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 single detached dwellings.

The proposal is defined as 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). In the opinion of staff, the proposed severances are compatible with the existing neighbourhood character as they would maintain and build upon the desirable established patterns. Staff notes that the proposed severances will facilitate development that will respect and enhance the

streetscape patterns. The provision of private outdoor amenity space on the proposed lots is compatible with the existing patterns of public and private amenity space.

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 do reflect the general scale and character of the established development pattern in terms of lot widths, lot areas, and privacy. Lot 2 is not in conformity with the minimum lot width and area required by the Zoning By-law; however, approval of a Minor Variance application would bring the lot into conformity. There are additional variances proposed for each lot to accommodate the parking requirements and to permit a reduced side yard for Lot 2, which are discussed further below. For this reason, staff recommends a condition that final and binding approval of Minor Variance application HM/A-19:438 be received. The proposed lots have frontage on public roads; however, the existing conditions within the municipal right-of-way pose some constraints on the provision of access to each lot.

Along Beaverton Drive, there is a Canada Post Community Mailbox coupled with a culvert adjacent to the proposed line of severance for Lot 2, which has an impact on the location of an access driveway for Lot 2. As a result, staff recommends a condition that the driveway to Lot 2 be located a minimum of 3 m west of the Community Mailbox. In addition, there appears to be a City Street Tree to the east of the Community Mailbox. The Mailbox and tree would have an impact on the location of an access driveway for Lot 1 were one proposed from Beaverton Drive.

Along Upper Sherman Avenue, there is a light standard and an HSR transit stop adjacent to the proposed line of severance for Lot 3. The light standard is located immediately south of the existing driveway as shown on the Land Division sketch, and the HSR transit stop is located immediately north of the existing driveway.

Although access to Lot 1 is proposed to be relocated to the south, closer to the corner, the relocated access would be located approximately 12 m north of the travelled portion of Beaverton Drive, providing adequate clearance. There is no opportunity to shift the proposed relocated access to Lot 1 further north from the corner as the proposed location appears to maintain the minimum 1.2 m separation from the existing light standard, which is necessary for manoeuvring and safe ingress and egress. The HSR transit stop must be relocated several metres south towards the light standard in order to provide vehicular access to Lot 3, with a minimum separation distance of 2 m between the driveway and the transit stop. As a result, staff recommends that any approvals be subject to a condition that the HSR transit stop be relocated, and that the access driveway to Lot 3 be located a minimum of 2 m north of the relocated HSR transit stop, all at the owner’s expense.

Cultural Heritage 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:

- 3) In areas of pioneer EuroCanadian settlement; and
- 4) 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 these applications are approved, the proponent must be advised by the Committee of Adjustment of the note following the recommendation.

Staff is of the opinion that the proposed consent is consistent with the policies of the Urban Hamilton Official Plan, subject to the conditions following the recommendation, and that the lots to be retained and conveyed reflect the general scale and character of the established development. Based on the foregoing, staff is **supportive** of the proposed consents.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C” (Urban Protected Residential, Etc.) District, which permits single detached dwellings, subject to the applicable provisions. Lots 1 and 3 conform to the minimum lot width and minimum lot area requirements; however, variances are required to permit the proposed parking arrangement for each of Lots 1, 2 and 3 (Variances 5 and 6). Lot 2 does not meet the minimum lot width and minimum lot area requirements. Therefore, approval of Variances 2 and 3 are necessary to facilitate the consents.

Variance 1 – “Lot 2”

A minimum westerly and easterly side yard width of 0.9 m is proposed for Lot 2, whereas a minimum side yard width of 1.2 m is required by the Zoning By-law. The intent of the provision is to provide adequate space for access and maintenance, compatibility with abutting land uses, and to accommodate drainage. Staff defers to Development Engineering Approvals with regards to all drainage concerns. Side yard setbacks can also contribute to a consistent streetscape by defining the minimum spacing between buildings.

The Beaverton Drive streetscape consists of residential lots with lot widths between 9 and 10 m, and side yard widths of 1.2 m. The proposed reduced side yards would not maintain the neighbourhood character. The proposed lot width of 11.0 m coupled with the proposed reduced side yard widths would result in a front façade width that is not consistent with or complimentary to the established streetscape. Although the variance meets the intent of the Official Plan, it does not meet the intent of the Zoning By-law with respect to the

streetscape and character and it is not desirable or minor in nature. Accordingly, staff **does not** support the variance.

Staff notes that approval of this variance is not necessary to facilitate the proposed consents.

Variances 2 & 3 – “Lot 2”

A minimum lot area of 331 sq. m (Variance 2) and a minimum lot width of 11.0 m (Variance 3) is proposed for Lot 2, whereas a minimum lot area of 360 sq. m and a minimum lot width of 12.0 m are required by the Zoning By-law.

Lot width impacts lot area and the building envelope which aid in maintaining a consistent neighbourhood character and streetscape. Staff has evaluated the proposed reduced minimum lot area and lot width in this context and has found that they are consistent with the adjacent lots on Beaverton Drive. As a result, the proposal maintains the existing neighbourhood character and streetscape patterns. The requested variances maintain the intent of the Official Plan and the Zoning By-law, are desirable for the appropriate development of the lands, and hence are minor in nature. Staff **supports** the variances.

Variance 4 – Lot 3

A minimum 47.0% front yard landscaping is proposed for Lot 3, whereas a minimum of 50.0% is required by the Zoning By-law. 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 relatively small reduction is proposed in order to accommodate the hammerhead driveway design, which is a matter of public safety. The front yard landscaped area proposed is similar to that of the surrounding lots. Based on the foregoing, the variance maintains the intent of the Official Plan and Zoning By-law, and it is desirable and minor in nature. Staff **supports** the variance.

Variance 5 – Lots 1, 2 & 3

No on-site manoeuvring space is proposed to be provided for the two proposed parking spaces within the required front yard, whereas a minimum width of 6.0 m is required by the Zoning By-law. The intent of on-site manoeuvring space is to allow for manoeuvring and positioning of the vehicle prior to the vehicle entering the street.

Lot 1

There is an approximate width of 4 m from the property line to the sidewalk, and an additional 3 m width across the sidewalk and boulevard to the travelled portion of Upper Sherman Avenue that can aid in vehicular manoeuvring. Staff is of the opinion that safe ingress and egress can be provided.

Lot 2

The proposed parking arrangement is typical of the streetscape. There is an approximate width of 6 m from the property line to the travelled portion of Beaverton Drive that can aid in vehicular manoeuvring. Staff is of the opinion that safe ingress and egress can be provided.

Lot 3

The proposed parking arrangement is typical of the streetscape. Staff is uncertain as to whether the intent of the hammerhead design will be maintained with two parking spaces in the driveway. Staff defers to Development Engineering Approvals with regards to this safety issue.

Based on the foregoing, the variance maintains the intent of the Official Plan and Zoning By-law, and it is desirable and minor in nature. Staff **supports** the variance, subject to any safety recommendations from Development Engineering Approvals regarding the variance as it pertains to Lot 3.

Further, staff recommends that the variance be **amended** as it pertains to **Lot 2**, so that in addition, no on-site manoeuvring space is required for one parking space within the attached garage of the proposed dwelling.

Variance 6 – Lots 1, 2 & 3

Two required parking spaces for each of Lots 1, 2 and 3 are proposed to be provided within the required front yard, whereas no part of a required parking area is permitted within the required front yard. The intent of the zoning provision is to ensure that parking areas do not overwhelm the streetscape.

Lot 1

The remainder of the area within the front yard is proposed to remain as a landscaped area. Further, the parking area for Lot 3 will be situated at the northerly edge of that lot and so the alternating landscaped areas will aid in providing visual relief from the proposed double-wide driveway width. The front yard landscaped area conforms to the Zoning By-law.

Lot 2

The proposed driveway width and the provision of two parking spaces on the driveway within the required front yard is typical of the Beaverton Drive streetscape. The front yard landscaped area conforms to the Zoning By-law.

Lot 3

A hammerhead driveway design was recommended by Development Engineering Approvals at the February 6, 2020 hearing to ensure that egressing vehicles could enter the street in a forward motion, which has been implemented in this amended application. Staff is uncertain as to whether the intent of the hammerhead design will be maintained with two parking spaces in the driveway. Staff defers to Development Engineering Approvals with regards to this safety issue.

The proposed driveway width and the provision of two parking spaces on the driveway within the required front yard is typical of the Upper Sherman Avenue streetscape in this vicinity. The front yard landscaped area does not conform to the Zoning By-law; however, as discussed under Variance 4, staff is satisfied with the proposed reduction.

Based on the foregoing, the variance maintains the intent of the Official Plan and Zoning By-law, and it is desirable and minor in nature. Staff **supports** the variance, subject to any safety recommendations from Development Engineering Approvals regarding the variance as it pertains to Lot 3.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that **Variances 2, 3, 4, 5 and 6** 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, 3 and 4**, as outlined in the Notice of Hearing, be **approved**; and, subject to comments received from Development Engineering Approvals, staff recommends approval of **Variance 6**, and **Variance 5, as amended** above to include additional relief for one garage parking space as it pertains to **Lot 2**.

Further, staff recommends that **Variance 1**, as outlined in the Notice of Hearing, be **denied** on the basis that it does not maintain the intent of the Zoning By-law and would not be desirable for the appropriate development of the land or minor in nature.

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 final and binding approval of Minor Variance application HM/A-19:438 be received, to the satisfaction of the Manager of Development Planning, Heritage and Design.
2. That the existing southbound HSR transit stop located on Upper Sherman Avenue adjacent to the subject lands be relocated for access purposes to “Lot 3”, at the full expense of the owner, to the satisfaction of the Manager of Development Planning, Heritage and Design.
3. That any access driveway provided for Lot 3 be located such that a minimum separation distance of 2 metres is provided within the municipal right-of-way from the relocated HSR transit stop located on Upper Sherman Avenue adjacent to the

subject lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.

NOTE (If Approved):

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).

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. Demolition of an appropriate portion of the building straddling the proposed property line shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.
3. The construction of the proposed single family dwelling on Lot 3 is subject to the issuance of a building permit in the normal manner. The variances written for HM/A-19:438 are written based on a proposed building envelope only. Insufficient details (building plans, elevations, parking information, etc.) were provided from which to confirm all required variances for the intended single family dwelling on Lot 3. As such, compliance shall be determined at building permit stage. Additional

variances may be required at such time that a full zoning review is conducted for the intended single family dwelling on Lot 3.

4. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
5. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.

CONDITIONAL UPON:

1. The owner shall receive final and binding approval of minor variance application HM/A-19:438.
2. The owner shall demolish an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division- Zoning Section). May be subject to a demolition permit issued in the normal manner.
3. The owner 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 – Plans Examination).
4. The owner shall submit survey evidence that the lands to be severed (Lot 3) and lands to be retained (Lot 1), including the location of any existing structure(s), parking and landscaping, etc., conform to the requirements of the Zoning By-law 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).

Growth Planning:

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that Lot 1 will retain the address of 1430 Upper Sherman Avenue; Lot 2 will be assigned the address of 59 Beaverton Drive; and Lot 3 will be assigned the address of 1426 Upper Sherman Avenue.

Development Engineering:

Should this application be approved we recommend that it be subject to the following condition:

1. That the Owner enters into with the City of Hamilton and registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; stormwater management, cash payment requirements for items

such as trees, inspection of grading and services to be installed; replacement of existing private sewer and water drain connections (if required) and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction all to the satisfaction of the Manager of Engineering Approval Section.

Transportation Planning:

1. Transportation Planning has no objection to the conveyance and retention of lands relating to this Committee of Adjustment Application.

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.



Shannon Clarke, Urban Forest Health Technician
City Centre, 77 James Street North, Suite 400
Hamilton, ON L8R 2K3
Phone (905) 546-2424 Ext. 4219, Fax (905) 546-4473
Email – Shannon.Clarke@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: July 10, 2020

To: Jamila Sheffield, Committee of Adjustments Secretary/Treasurer
Development Planning Heritage and Design
City Hall – 71 Main St. W. – 5th Floor

From: Shannon Clarke, Urban Forest Health Technician

Subject: 1430 Upper Sherman Avenue, Hamilton
File: HM/B-19:123

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, July 16th, 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.

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

No Landscape plan required

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.

The Forestry & Horticulture Section requires that a **Tree Management Plan** be prepared by a **Registered Landscape Architect**. All trees within this proposed development area must be surveyed, identified and accurately plotted on the plan to determine ownership, including intentions regarding retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and 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 {compulsory}
- ❖ Proposed utility construction within individual driplines {compulsory}
- ❖ Proposed removals or relocations
- ❖ Proposed trees to be protected

If it is determined and verified that existing trees can remain, a Tree Protection Zone Detail with notes showing Tree Preservation Techniques shall be included on the submission as per the **Public Tree Preservation and Sustainability Policy**.

The determination of ownership of all trees is the responsibility of the applicant and any civil issues which may exist or arise between property owners with respect to trees, must be resolved by the applicant. The ownership of each individual tree inventoried must be clearly stated as municipal or private.

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**.

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 & Horticulture Section.

SUMMARY

- There are municipal tree assets on site; therefore a Tree Management Plan is required.
- No Landscape plan required
- **A permit will be issued upon approval of the Tree Management Plan and applicable fees.**

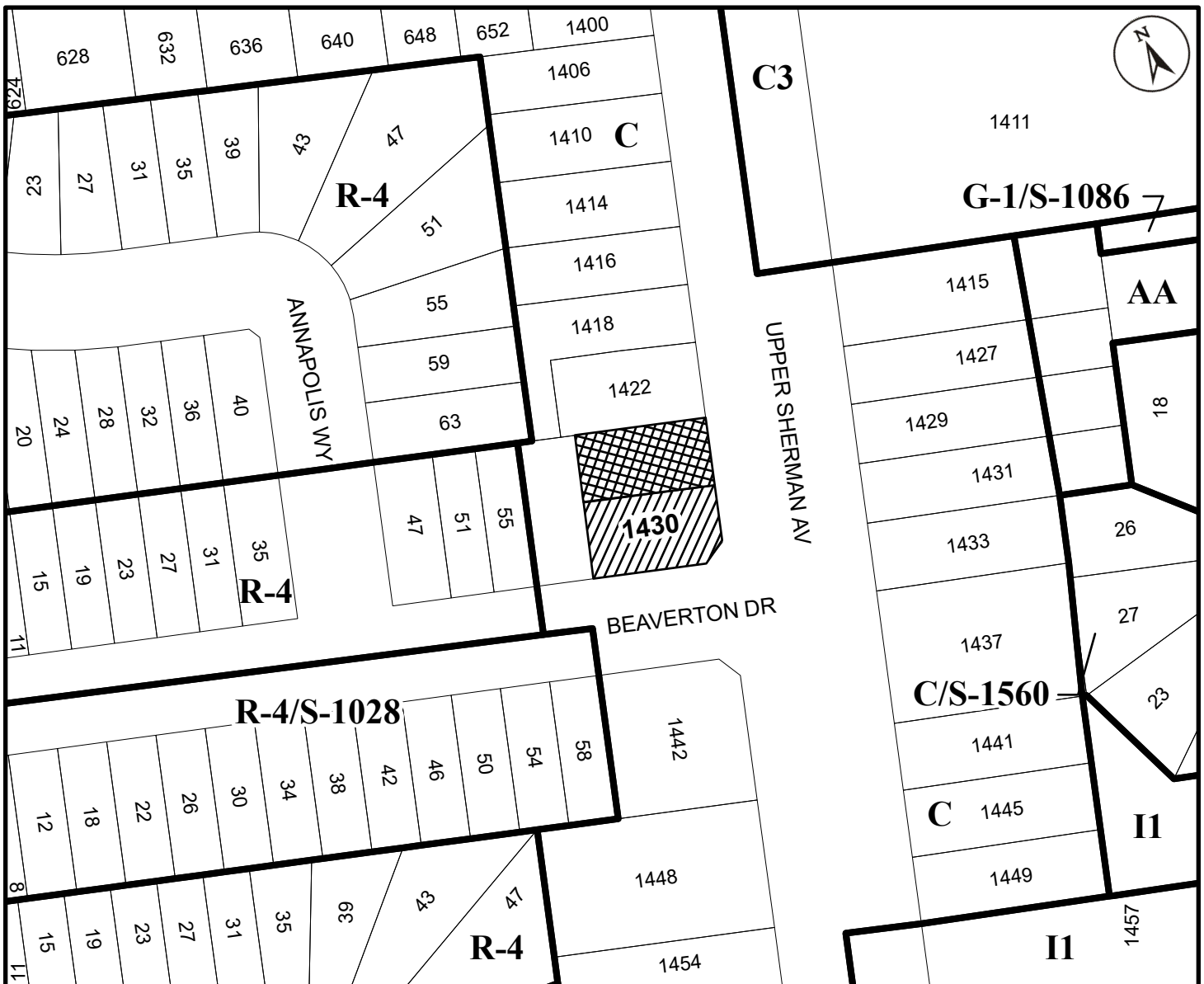
We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546-2424 Ext. 4219.

Regards,

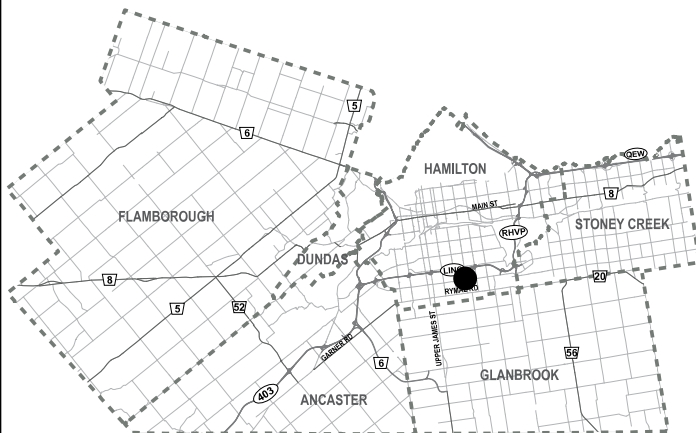
A handwritten signature in black ink, appearing to read "Shannon Clarke". The signature is fluid and cursive, with the first name "Shannon" and last name "Clarke" clearly distinguishable.

Shannon Clarke
Urban Forest Health Technician

HST # 22828-000100



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

1430 Upper Sherman Avenue, Hamilton
(Ward 7)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-19:123

Date:

January 27, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-19:438 (1430 Upper Sherman 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):

NOTE (If Approved):

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).

HM/A-19:438 (1430 Upper Sherman Ave., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning –Suburban

The purpose of these applications is to permit the conveyance of two parcels of land for the purpose of constructing a single detached dwelling on each parcel, and to retain a parcel of land containing an existing single detached dwelling which is proposed to remain, notwithstanding the variances below. Please see the table below for further details.

Proposed Lot	Proposed Lot Width (m)	Proposed Lot Area (sq. m)
“Lot 1” – Retained	15.9	448
“Lot 2” HM/B-19:122 – Severed	11.00	331.73
“Lot 3” HM/B-19:123 – Severed	14.23	406.96

History

These applications were tabled by the Committee of Adjustment on February 6, 2020, in order for the applicant to amend the proposal to revise the driveway design of Lot 3 in accordance with recommendations from Development Engineering Approvals. Development Planning staff recommended approval of the application because staff was of the opinion that the lots were suitable and the variances met the four tests of the Planning Act, save and except Variance 1. The applicant has provided a hammerhead driveway. The proposed consents have not been amended; however, there is an additional variance that is now required to permit the reduced front yard landscaping as a result of the hammerhead driveway. Additionally, Variances 5 and 6 for parking are now requested for all three lots whereas the initial proposal requested these variances for Lot 1 only.

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 single detached dwellings.

The proposal is defined as 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). In the opinion of staff, the proposed severances are compatible with the existing neighbourhood character as they would maintain and build upon the desirable established patterns. Staff notes that the proposed severances will facilitate development that will respect and enhance the

streetscape patterns. The provision of private outdoor amenity space on the proposed lots is compatible with the existing patterns of public and private amenity space.

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 do reflect the general scale and character of the established development pattern in terms of lot widths, lot areas, and privacy. Lot 2 is not in conformity with the minimum lot width and area required by the Zoning By-law; however, approval of a Minor Variance application would bring the lot into conformity. There are additional variances proposed for each lot to accommodate the parking requirements and to permit a reduced side yard for Lot 2, which are discussed further below. For this reason, staff recommends a condition that final and binding approval of Minor Variance application HM/A-19:438 be received. The proposed lots have frontage on public roads; however, the existing conditions within the municipal right-of-way pose some constraints on the provision of access to each lot.

Along Beaverton Drive, there is a Canada Post Community Mailbox coupled with a culvert adjacent to the proposed line of severance for Lot 2, which has an impact on the location of an access driveway for Lot 2. As a result, staff recommends a condition that the driveway to Lot 2 be located a minimum of 3 m west of the Community Mailbox. In addition, there appears to be a City Street Tree to the east of the Community Mailbox. The Mailbox and tree would have an impact on the location of an access driveway for Lot 1 were one proposed from Beaverton Drive.

Along Upper Sherman Avenue, there is a light standard and an HSR transit stop adjacent to the proposed line of severance for Lot 3. The light standard is located immediately south of the existing driveway as shown on the Land Division sketch, and the HSR transit stop is located immediately north of the existing driveway.

Although access to Lot 1 is proposed to be relocated to the south, closer to the corner, the relocated access would be located approximately 12 m north of the travelled portion of Beaverton Drive, providing adequate clearance. There is no opportunity to shift the proposed relocated access to Lot 1 further north from the corner as the proposed location appears to maintain the minimum 1.2 m separation from the existing light standard, which is necessary for manoeuvring and safe ingress and egress. The HSR transit stop must be relocated several metres south towards the light standard in order to provide vehicular access to Lot 3, with a minimum separation distance of 2 m between the driveway and the transit stop. As a result, staff recommends that any approvals be subject to a condition that the HSR transit stop be relocated, and that the access driveway to Lot 3 be located a minimum of 2 m north of the relocated HSR transit stop, all at the owner’s expense.

Cultural Heritage 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) In areas of pioneer EuroCanadian settlement; and
- 2) 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 these applications are approved, the proponent must be advised by the Committee of Adjustment of the note following the recommendation.

Staff is of the opinion that the proposed consent is consistent with the policies of the Urban Hamilton Official Plan, subject to the conditions following the recommendation, and that the lots to be retained and conveyed reflect the general scale and character of the established development. Based on the foregoing, staff is **supportive** of the proposed consents.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C” (Urban Protected Residential, Etc.) District, which permits single detached dwellings, subject to the applicable provisions. Lots 1 and 3 conform to the minimum lot width and minimum lot area requirements; however, variances are required to permit the proposed parking arrangement for each of Lots 1, 2 and 3 (Variances 5 and 6). Lot 2 does not meet the minimum lot width and minimum lot area requirements. Therefore, approval of Variances 2 and 3 are necessary to facilitate the consents.

Variance 1 – “Lot 2”

A minimum westerly and easterly side yard width of 0.9 m is proposed for Lot 2, whereas a minimum side yard width of 1.2 m is required by the Zoning By-law. The intent of the provision is to provide adequate space for access and maintenance, compatibility with abutting land uses, and to accommodate drainage. Staff defers to Development Engineering Approvals with regards to all drainage concerns. Side yard setbacks can also contribute to a consistent streetscape by defining the minimum spacing between buildings.

The Beaverton Drive streetscape consists of residential lots with lot widths between 9 and 10 m, and side yard widths of 1.2 m. The proposed reduced side yards would not maintain the neighbourhood character. The proposed lot width of 11.0 m coupled with the proposed reduced side yard widths would result in a front façade width that is not consistent with or complimentary to the established streetscape. Although the variance meets the intent of the Official Plan, it does not meet the intent of the Zoning By-law with respect to the

streetscape and character and it is not desirable or minor in nature. Accordingly, staff **does not** support the variance.

Staff notes that approval of this variance is not necessary to facilitate the proposed consents.

Variances 2 & 3 – “Lot 2”

A minimum lot area of 331 sq. m (Variance 2) and a minimum lot width of 11.0 m (Variance 3) is proposed for Lot 2, whereas a minimum lot area of 360 sq. m and a minimum lot width of 12.0 m are required by the Zoning By-law.

Lot width impacts lot area and the building envelope which aid in maintaining a consistent neighbourhood character and streetscape. Staff has evaluated the proposed reduced minimum lot area and lot width in this context and has found that they are consistent with the adjacent lots on Beaverton Drive. As a result, the proposal maintains the existing neighbourhood character and streetscape patterns. The requested variances maintain the intent of the Official Plan and the Zoning By-law, are desirable for the appropriate development of the lands, and hence are minor in nature. Staff **supports** the variances.

Variance 4 – Lot 3

A minimum 47.0% front yard landscaping is proposed for Lot 3, whereas a minimum of 50.0% is required by the Zoning By-law. 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 relatively small reduction is proposed in order to accommodate the hammerhead driveway design, which is a matter of public safety. The front yard landscaped area proposed is similar to that of the surrounding lots. Based on the foregoing, the variance maintains the intent of the Official Plan and Zoning By-law, and it is desirable and minor in nature. Staff **supports** the variance.

Variance 5 – Lots 1, 2 & 3

No on-site manoeuvring space is proposed to be provided for the two proposed parking spaces within the required front yard, whereas a minimum width of 6.0 m is required by the Zoning By-law. The intent of on-site manoeuvring space is to allow for manoeuvring and positioning of the vehicle prior to the vehicle entering the street.

Lot 1

There is an approximate width of 4 m from the property line to the sidewalk, and an additional 3 m width across the sidewalk and boulevard to the travelled portion of Upper Sherman Avenue that can aid in vehicular manoeuvring. Staff is of the opinion that safe ingress and egress can be provided.

Lot 2

The proposed parking arrangement is typical of the streetscape. There is an approximate width of 6 m from the property line to the travelled portion of Beaverton Drive that can aid in vehicular manoeuvring. Staff is of the opinion that safe ingress and egress can be provided.

Lot 3

The proposed parking arrangement is typical of the streetscape. Staff is uncertain as to whether the intent of the hammerhead design will be maintained with two parking spaces in the driveway. Staff defers to Development Engineering Approvals with regards to this safety issue.

Based on the foregoing, the variance maintains the intent of the Official Plan and Zoning By-law, and it is desirable and minor in nature. Staff **supports** the variance, subject to any safety recommendations from Development Engineering Approvals regarding the variance as it pertains to Lot 3.

Further, staff recommends that the variance be **amended** as it pertains to **Lot 2**, so that in addition, no on-site manoeuvring space is required for one parking space within the attached garage of the proposed dwelling.

Variance 6 – Lots 1, 2 & 3

Two required parking spaces for each of Lots 1, 2 and 3 are proposed to be provided within the required front yard, whereas no part of a required parking area is permitted within the required front yard. The intent of the zoning provision is to ensure that parking areas do not overwhelm the streetscape.

Lot 1

The remainder of the area within the front yard is proposed to remain as a landscaped area. Further, the parking area for Lot 3 will be situated at the northerly edge of that lot and so the alternating landscaped areas will aid in providing visual relief from the proposed double-wide driveway width. The front yard landscaped area conforms to the Zoning By-law.

Lot 2

The proposed driveway width and the provision of two parking spaces on the driveway within the required front yard is typical of the Beaverton Drive streetscape. The front yard landscaped area conforms to the Zoning By-law.

Lot 3

A hammerhead driveway design was recommended by Development Engineering Approvals at the February 6, 2020 hearing to ensure that egressing vehicles could enter the street in a forward motion, which has been implemented in this amended application. Staff is uncertain as to whether the intent of the hammerhead design will be maintained with two parking spaces in the driveway. Staff defers to Development Engineering Approvals with regards to this safety issue.

The proposed driveway width and the provision of two parking spaces on the driveway within the required front yard is typical of the Upper Sherman Avenue streetscape in this vicinity. The front yard landscaped area does not conform to the Zoning By-law; however, as discussed under Variance 4, staff is satisfied with the proposed reduction.

Based on the foregoing, the variance maintains the intent of the Official Plan and Zoning By-law, and it is desirable and minor in nature. Staff **supports** the variance, subject to any safety recommendations from Development Engineering Approvals regarding the variance as it pertains to Lot 3.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that **Variances 2, 3, 4, 5 and 6** 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, 3 and 4**, as outlined in the Notice of Hearing, be **approved**; and, subject to comments received from Development Engineering Approvals, staff recommends approval of **Variance 6**, and **Variance 5, as amended** above to include additional relief for one garage parking space as it pertains to **Lot 2**.

Further, staff recommends that **Variance 1**, as outlined in the Notice of Hearing, be **denied** on the basis that it does not maintain the intent of the Zoning By-law and would not be desirable for the appropriate development of the land or minor in nature.

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:

NOTE (If Approved):

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).

Building Division:

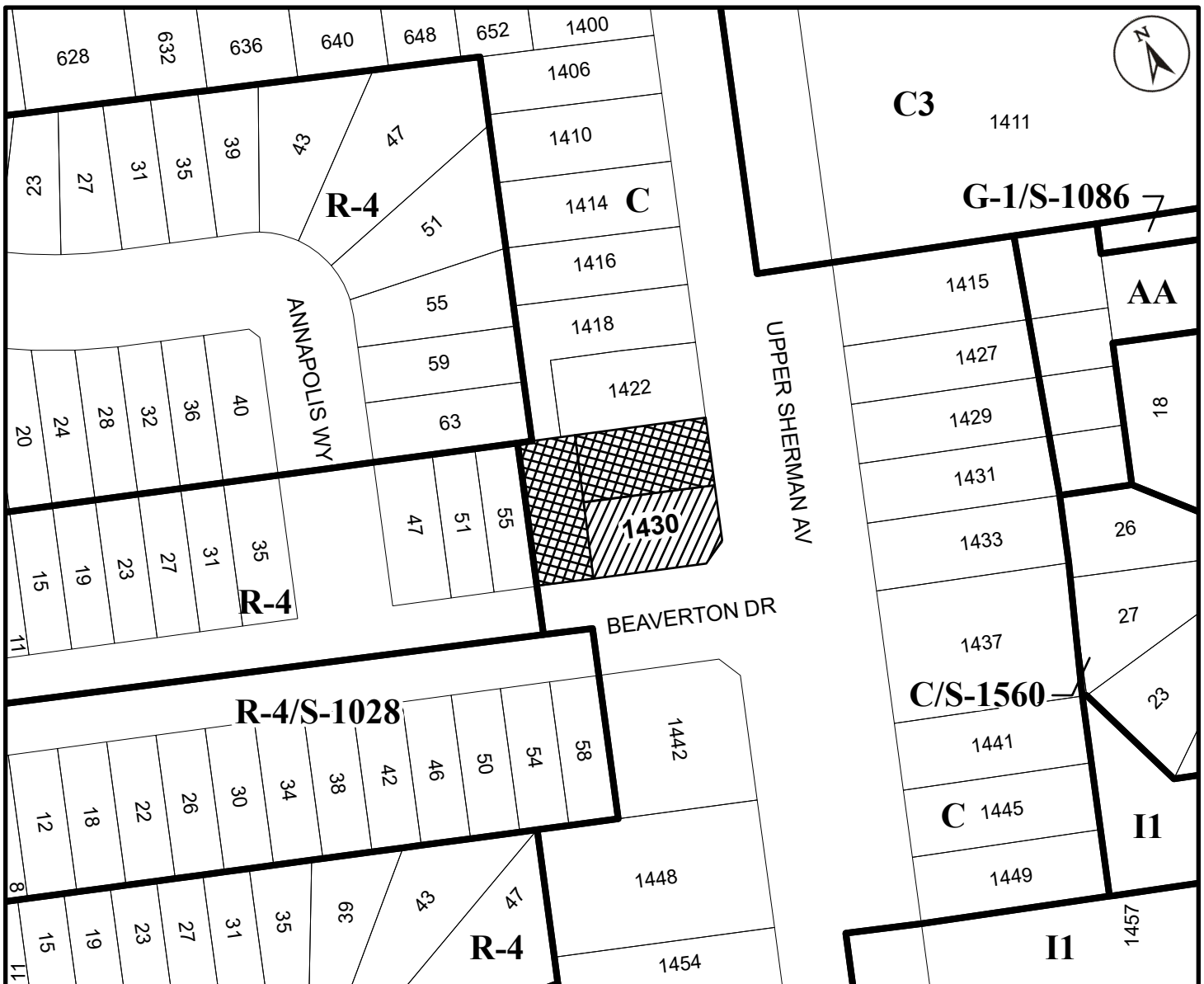
1. The site plan submitted is lacking detail to determine all necessary variances. The construction of the proposed single family dwelling(s) for Lot 2 and Lot 3 are subject to the issuance of a building permit in the normal manner. The variances written for HM/A-19:438 were written based on a proposed building envelope only. Insufficient details (building plans, elevations, etc.) were provided from which to confirm all required variances for the intended single family dwelling(s), as such compliance shall be determined at building permit stage. Additional variances may be required at such time that a full zoning review is conducted for the intended single family dwelling(s) on Lot 2 and Lot 3.
2. Applicant shall ensure the existing single family dwelling (Lot 1) is in compliance with Section 9(2) height requirements; no building shall exceed two and a half storeys, and no structure shall exceed 11.0 metres in height. Otherwise, additional variances will be required.
3. Applicant shall ensure the existing single family dwelling (Lot 1) has no less than 50% of the gross area of the front yard as landscaped area, excluding concrete, asphalt, gravel, pavers, or other similar material. Otherwise, additional variances will be required.
4. Applicant shall ensure the existing single family dwelling (Lot 1) has no less than 50% of the gross area of the side yard as landscaped area, excluding concrete, asphalt, gravel, pavers, or other similar material. Otherwise, additional variances will be required.
5. Applicant shall ensure a gravel or similar surface or other suitable paving shall be provided and maintained for every parking space and access driveway accessory to the single family dwelling (Lot 1). Otherwise, additional variances will be required.
6. A demolition permit is required for the demolition of the existing attached garage to the existing single family dwelling.
7. A building permit may be required for the alterations to the existing single family dwelling.

8. Be advised that Ontario Building Code (OBC) regulations may require specific setback and construction types. The OBC prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2m in width.

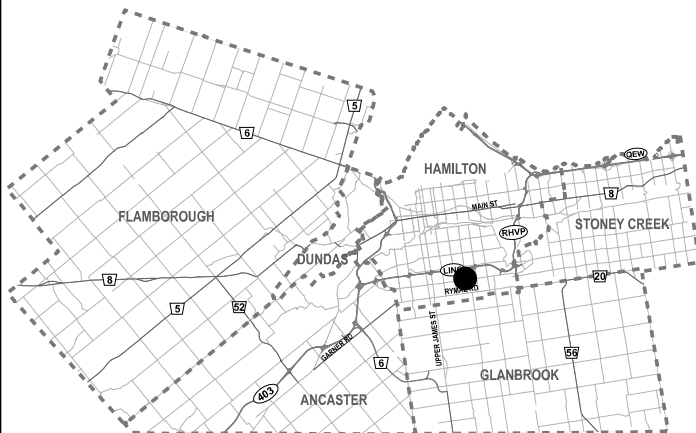
Development Engineering:

No comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

1430 Upper Sherman Avenue, Hamilton
(Ward 7)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/A-19:438

Date:

January 27, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-20:23 (50-52 Loconder Dr., 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 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 pdf 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 submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
4. The owner shall submit survey evidence that the location of the existing semi-detached dwelling conforms to the requirements of the Zoning By-law including but not limited to 50 % front yard landscaped area, 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).
5. The Owner is to verify that each semi-detached dwelling unit is to be serviced with independent municipal services to the satisfaction of the Manager of Engineering Approval Section.

HM/B-20:23 (50-52 Loconder Dr., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the conveyance of a ± 12 metre by ± 13.49 metre parcel of land having an area of 161 square metres, and to retain a ± 12 metre by ± 13.45 metre parcel of land having an area of 161 square metres. The subject lands contain a pair of semi-detached dwellings. The consent is proposed to facilitate the separate conveyance of each dwelling from the pair of semi-detached dwellings.

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 semi-detached dwellings. As such, staff is of the opinion that the proposal maintains the intent of the Official Plan.

There are no new dwelling units proposed, therefore the proposed consent is not considered to be residential intensification. 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 severance has regard for the design and compatibility with the existing neighbourhood. The lots have frontage onto a public road and are fully serviced.

Staff is of the opinion that the proposed consent is consistent with the policies of the Official Plan, and that the lots to be retained and conveyed are compatible with the character of the established development. Based on the foregoing, staff **supports** the proposed consent.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “R-4/S-1750” District (Small Lot Single Family Dwelling), which permits semi-detached dwellings, subject to the applicable provisions. A minimum lot width of 18.0 m and a minimum lot area of 320 sq. m are required for a pair of semi-detached dwellings. The existing dwelling conforms to the minimum lot width and lot area requirements. In accordance with subsection 6(4), the reduction of the minimum required lot widths and areas for the purpose of selling one semi-detached dwelling unit is permitted. The existing dwelling conforms to the yard requirements.

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 consent conforms to the Official Plan. Staff recommends that the proposed consent, as outlined in the Notice of Hearing, be **approved**.

Building Division:

1. A building permit was issued to construct a new semi-detached dwelling on the lot which remains not finalized. As a condition of consent, the applicant is required to demonstrate zoning compliance with regards to 50 % front yard landscaped area.
2. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay relevant fees.

CONDITIONAL UPON:

The owner shall submit survey evidence that the location of the existing semi-detached dwelling conforms to the requirements of the Zoning By-law including but not limited to 50 % front yard landscaped area, 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:

The Owner is to verify that each semi-detached dwelling unit is to serviced with independent municipal services otherwise no other comments. The applicant was required to provide the City of Hamilton with a road widening dedication as a condition of the previous consent [HM/B-19:53]. No further road widening dedications are required.

Transportation Planning:

1. Transportation Planning has no objection to this land severance application.

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.



Shannon Clarke, Urban Forest Health Technician
City Centre, 77 James Street North, Suite 400
Hamilton, ON L8R 2K3
Phone (905) 546-2424 Ext. 4219, Fax (905) 546-4473
Email – Shannon.Clarke@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: July 10, 2020

To: Jamila Sheffield, Committee of Adjustments Secretary/Treasurer
Development Planning Heritage and Design
City Hall – 71 Main St. W. – 5th Floor

From: Shannon Clarke, Urban Forest Health Technician

Subject: 50-52 Loconder Drive, Hamilton
File: HM/B-20:23

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, July 16th, 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 located on site; therefore a Tree Management Plan will not be required.

No Landscape Plan required.

Forestry has no concerns.

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

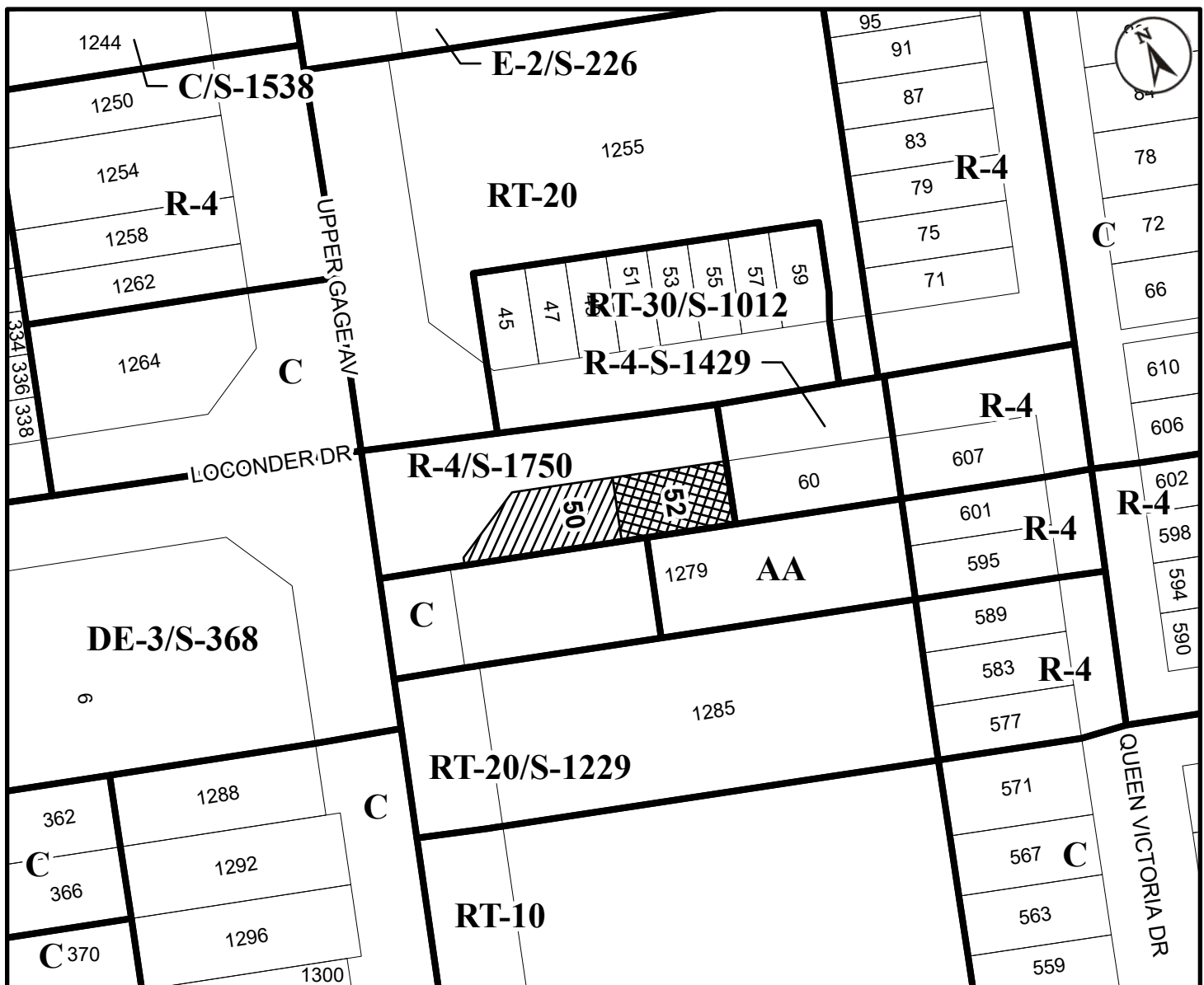
- There are no Municipal Tree Assets located on site; therefore Tree Management will not be required.
- No Landscape Plan required.

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. 4219.

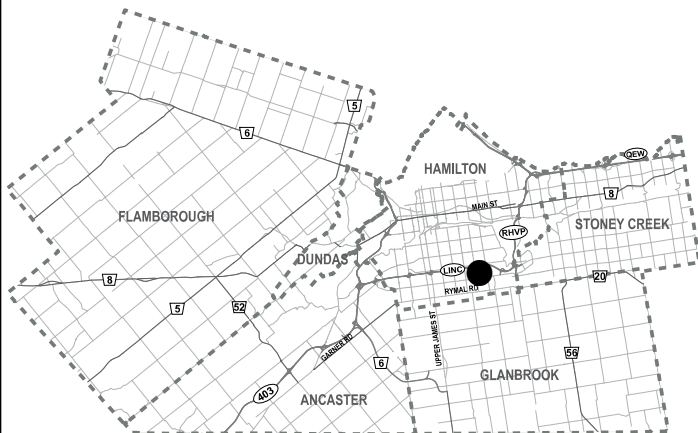
Regards,

A handwritten signature in black ink, appearing to read "Shannon Clarke". The signature is fluid and cursive, with the first name "Shannon" and last name "Clarke" clearly distinguishable.

Shannon Clarke
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

50 - 52 Loconder Drive, Hamilton (Ward 6)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-20:23

Date:

July 9, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-20:24 (1342 Stone Church Rd. E., 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 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 pdf 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 comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division - Building Engineering Section).
4. The owner shall provide confirmation of the existing uses on the lands to be retained in order to determine zoning compliance with the permitted uses of the M3 zone 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).
5. The owner shall submit survey evidence that the lands to be retained, including the location of any existing structures, parking, landscaping, outdoor areas used for storage, display and/or training, conform to the requirements of the Zoning By-law 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).

HM/B-20:24 (1342 Stone Church Rd. E., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the conveyance of an irregular parcel of land having an area of ± 1.5 acres, and to retain a ± 93.034 m by ± 252 m parcel of land having an area of ± 5.5 acres. The severed lands are proposed to be assembled with the property municipally known as 1320 Stone Church Road East.

The drawings submitted in support of this application do not show the dimensions of the subject lands. The dimensions of the lands proposed for severance are not provided. The location and dimensions of all existing buildings, including the setback measurements from the proposed line of severance, are also not provided.

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). Policy E.5.4.3 applies, amongst others, and permits uses which primarily support industry, such as the existing industrial office and training buildings.

The lands proposed to be retained and severed are developed and are subject to Site Plan Control applications (DA-04-065; DA-06-049). The severed lands are proposed to be assembled with 1320 Stone Church Rd E, which is developed and subject to a Site Plan Control application (DA-02-028). Site plan control is an important means of encouraging well-designed, functional development (F.1.7). No new applications for Site Plan Control for these properties have been received. The drawings submitted do not show the setbacks of the existing buildings, parking and site circulation of the retained lands in the context of the proposed severance. The existing landscaped areas on site are in accordance with the approved site plans. It is unclear how these will be maintained. There is a landscape strip abutting the rear lot line with 1320 Stone Church Rd E. It is unclear how access will be provided between this property and the severed parcel. In light of the foregoing, staff is of the opinion that this application is **premature** until such time as the proposed site plan of the reconfigured properties is received, circulated, and reviewed by staff.

The entirety of both the severed and retained lands, and the lands municipally known as 1320 Stone Church Rd E, are regulated by the Hamilton Conservation Authority. As a result, staff recommends that the Hamilton Conservation Authority be contacted to determine if they have any requirements with the proposed consent.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Prestige Business Park (M3) Zone which permits a variety of employment uses, subject to the applicable provisions. The proposed use of the severed lands was not provided.

Recommendation:

Having regard for the matters under subsection 51(24) of the Planning Act, staff is of the opinion that the proposed consent is premature, and that the interrelationship between the proposed consent and site plan control matters relating to the development on the land cannot be adequately assessed as a result. In addition, dimensions of the severed and retained lands have not been provided. Based on the above, staff recommends that the requested consent be **tabled** until such time as site plan control matters have been addressed.

Building Division:

1. The site plan submitted with this application is illegible. The applicant shall submit a site plan clearly delineating the lands to be conveyed and the lands to be retained, the location of all existing buildings, all existing parking areas, landscaped areas and any other outdoors areas which may be used for storage or training facilities.
2. The applicant shall provide confirmation of the existing uses on the lands to be retained, including the specific use of each individual building together with the gross floor area of each existing building.
3. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fee.
4. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
5. The lands to be conveyed shall be merged in title with the lands to which they area to be added.
6. The lands are subject to Conservation Management. Please contact the Hamilton Conservation Authority prior to any development.

CONDITIONS:

1. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division - Building Engineering Section).
2. The owner shall provide confirmation of the existing uses on the lands to be retained in order to determine zoning compliance with the permitted uses of the M3 zone 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).

3. The owner shall submit survey evidence that the lands to be retained, including the location of any existing structures, parking, landscaping, outdoor areas used for storage, display and/or training, conform to the requirements of the Zoning By-law 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:

This application proposes the conveyance of a parcel of land having an area of approximately 1.5 Ac. which is to be added to the adjacent property known as 1320 Stone Church Road East. Stone Church Road East has a sufficient road allowance width at this location in accordance with the City of Hamilton Urban Official Plan.

Transportation Planning:

1. Transportation Planning has no objection to this land severance application.

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.



Shannon Clarke, Urban Forest Health Technician
City Centre, 77 James Street North, Suite 400
Hamilton, ON L8R 2K3
Phone (905) 546-2424 Ext. 4219, Fax (905) 546-4473
Email – Shannon.Clarke@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: July 10, 2020

To: Jamila Sheffield, Committee of Adjustments Secretary/Treasurer
Development Planning Heritage and Design
City Hall – 71 Main St. W. – 5th Floor

From: Shannon Clarke, Urban Forest Health Technician

Subject: 1342 Stone Church Road East, Hamilton
File: HM/B-20:24

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, July 16th, 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 although it is determined that no impacts are anticipated therefore no Tree Management Plan is required.

No Landscape Plan required.

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 & Horticulture Section.

SUMMARY

- There are municipal tree assets on site although it is determined that no impacts are anticipated therefore no Tree Management Plan is required.
- No Landscape Plan required.

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. 4219.

Regards,

A handwritten signature in cursive script, appearing to read "Shannon Clarke".

Shannon Clarke
Urban Forest Health Technician

HEMPSTEAD DRIVE
BLOCK E

GEODETIC DATUM

CITY OF HAMILTON BENCHMARK NO. 23-02
No. 1290 STONE CHURCH ROAD EAST, PLAQUE SET ON THE NORTH FACE OF BUILDING,
0.15m. EAST OF THE NORTHWEST CORNER, 0.3m. ABOVE GROUND.
ELEVATION=145.341m. (640.303 FT.)

LEGAL DESCRIPTION

PART OF LOT 9, CONCESSION 8 IN THE SEIGRAPHS TOWNSHIP OF BARTON
ALSO KNOWN AS PART 6 & PART OF PART 9, PLAN 62R-14046 & PART 1, PLAN 62R-14544
& PART OF LOT 31 REGISTERED PLAN NO. M-227
ALL IN THE CITY OF HAMILTON, REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SITE PLAN NOTES

1. ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR, DEVELOPMENT AND REAL ESTATE DIVISION, PLANNING AND DEVELOPMENT DEPARTMENT.
2. FIRE ROUTE SIGNS AND 9-1111 FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
3. MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5M UNLESS OTHERWISE STATED.
4. ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5M SHALL BE WITHIN 5% MAXIMUM GRADE. THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
5. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
- BUILDING PERMIT - ROAD CUT PERMITS - SEWER AND WATER PERMITS - APPROACH APPROVAL PERMITS - EROSION CONTROL PERMITS - COMMITTEE OF ADJUSTMENT - ENCROACHMENT AGREEMENTS (IF REQUIRED)
- LOCATION OF SERVICES
6. ABANDONED ACCESSSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
7. FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE TO BE PROVIDED:
"METRE BY METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.80 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET."

CANADIAN

NATIONAL

RAILWAY

AREA TO BE SEVERED

FILE No. DA-06-049
UNDERTAKING

RE: 1342 Stone Church Road East, Hamilton

I, (We) _____ the owner(s) of the land, hereby undertake and agree without reservation,

(a) to comply with all the content of this plan and drawing and not to vary therefrom;

(b) to perform the facilities, works or matters mentioned in section 41(7)(a) of the Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated _____;

(c) to maintain to the satisfaction of the city and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(a) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways;

(d) in the event that the Owner does not comply with the plan dated _____ the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan;

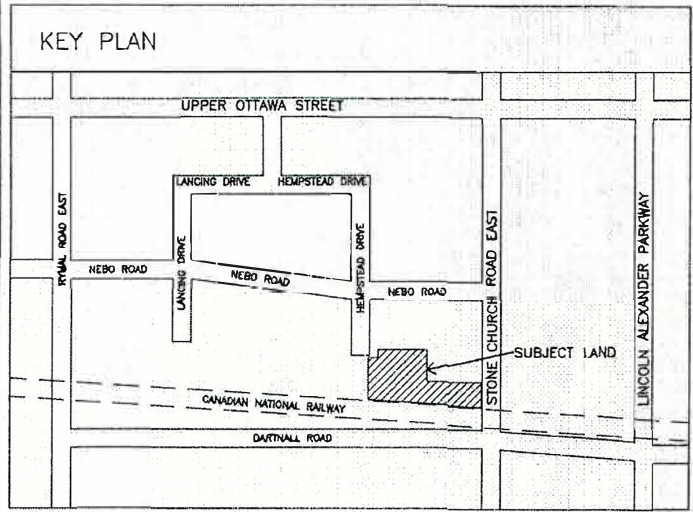
(e) To acknowledge that Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the electrical room and one or more conduits from the electrical room to street line.

Dated this _____ day of _____ 2006

Witness (signature) _____ Owner(s) (signature) _____ (seal)

Witness (print) _____ Owner(s) (print) _____

Address of Witness _____



LEGEND

- PROPOSED 2 STOREY ADDITION
- EXISTING BUILDING
- NEW ASPHALT PAVING
- EXISTING TREE TO REMAIN
- EXISTING LANDSCAPING TO REMAIN
- NEW MAN DOOR
- EX GRADE

DETAILS OF DEVELOPMENT

NET LOT AREA 28,558.3 m²

BUILDING COVERAGE
2102m²/28,558.3m² = 7.36%

EXISTING BUILDING HEIGHT - 6.0m
1 STOREY + MEZZ
EXISTING SOCIAL CLUB
BUILDING HEIGHT (2 STOREY) - 8.2 m

PROPOSED ADDITION BLDG AREA - 104m²
PROPOSED ADDITION GROSS FLOOR AREA - 201m²
PROPOSED ADDITION BLDG HT - 7.8m

EXISTING BUILDINGS AREA - 1990m²

NO. OF UNITS (max) NOT APPLICABLE

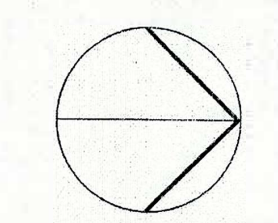
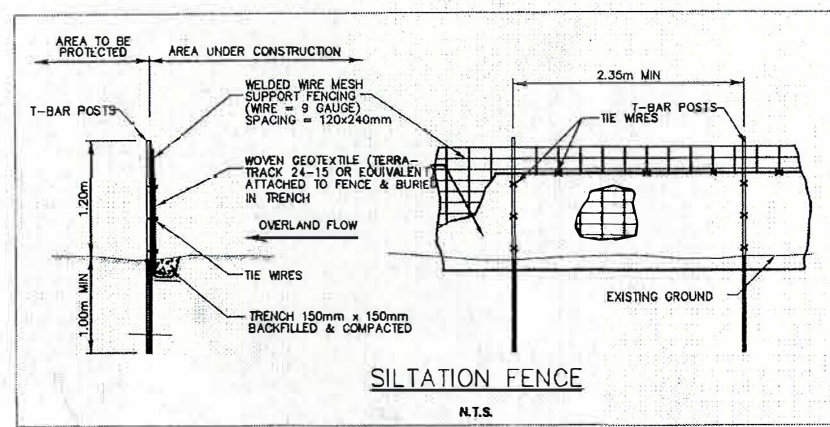
NO. OF PARKING SPACES - 112 EXISTING

NO. OF PARKING SPACES - 5 PROPOSED

NO. OF LOADING SPACES - NONE

EXISTING LANDSCAPED AREA - 18,750.3 m²

EXISTING ASPHALT AREA - 11,861 m²



7 July 2006 Revised for BPA
1 1342 Stone Church Rd E March 30, 2006
REVISIONS



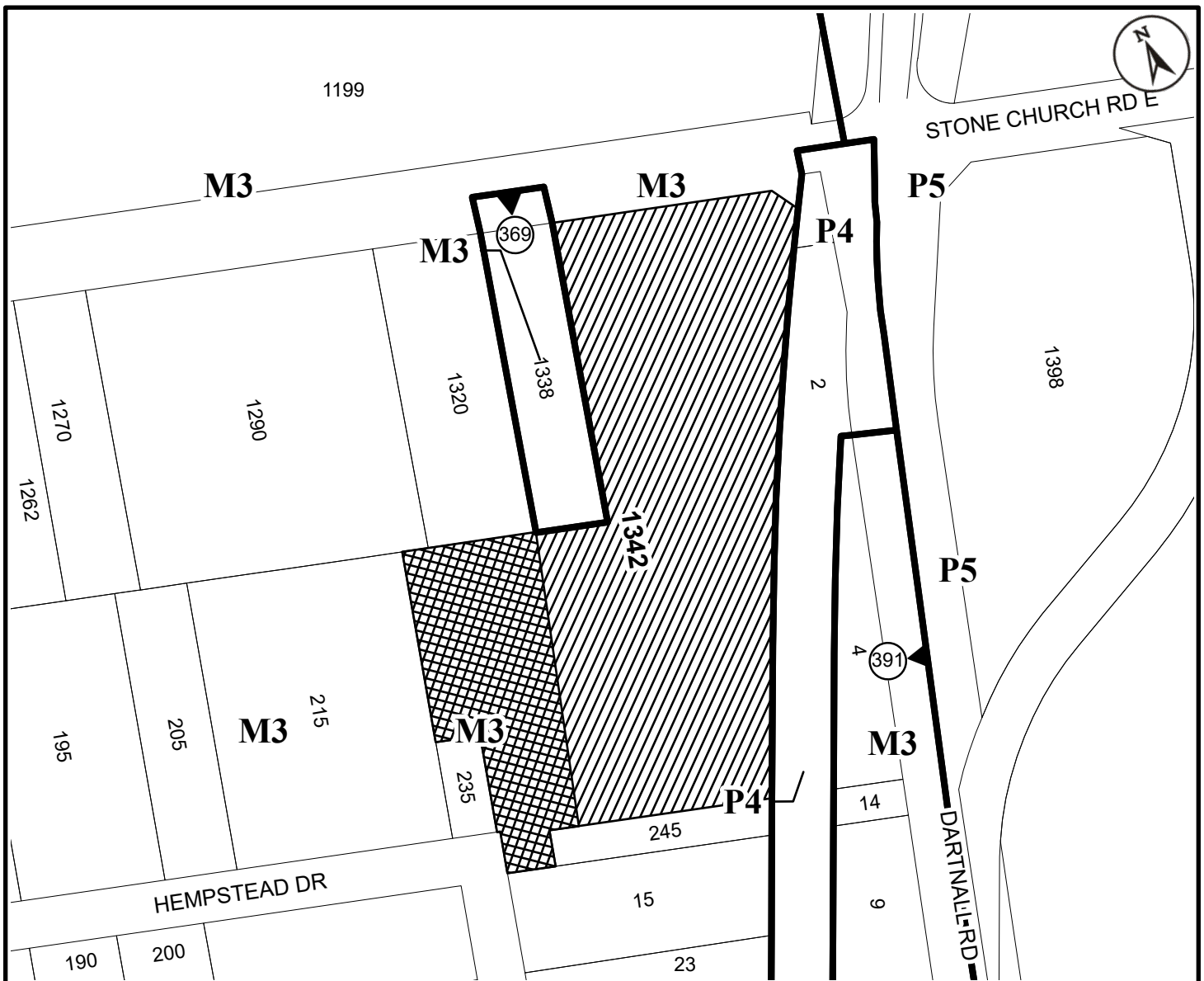
Seal

McCALLUM SATHER
Architects Inc.

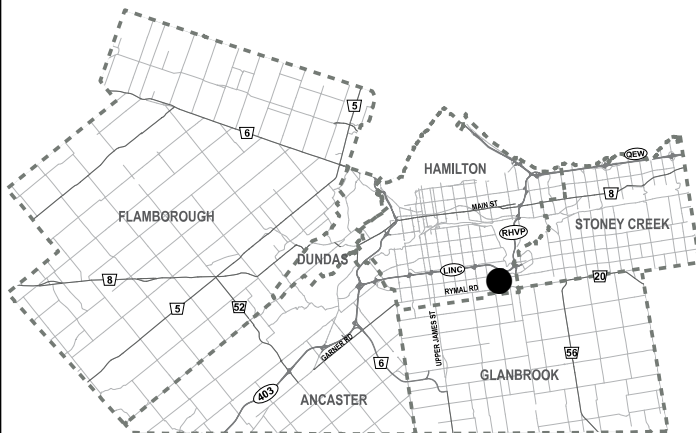
157 Catherine Street North
Hamilton, Ontario L8L 1S1
t: 905 526-0900 f: 905 526-0904

Project Name
Carpenters Union Hall
Office Addition
1342 Stone Church Rd E.
Hamilton, Ontario

Drawn By: MIA	Date: Mar 2006
Checked By: GB	Scale: 1:400
Proj. No.: 06-08	Drawing No.: A1
File Name:	



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

1342 Stone Church Road East, Hamilton
(Ward 6)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-20:24

Date:

July 9, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-20:82 (49 Millen Rd., 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:

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the existing accessory building (cabana) to remain in the front yard of the existing single detached dwelling, notwithstanding variances are required to permit the cabana to be located within the front yard and set back 0.1 metres from the front lot line.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” and “Open Space” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are within the Western Development Area Secondary Plan and are designated “Low Density Residential 2b” and “Natural Open Space” on Land Use Plan Map B.7.1-1 (UHOP – Volume 2). The existing dwelling and accessory structures are located within the lands designated Neighbourhoods and Low Density Residential 2b. Policy B.7.1.1.2 applies, amongst others, and permits a single detached dwelling. Based on the foregoing, staff is of the opinion that the proposal meets the intent of the UHOP.

The subject lands are regulated by the Hamilton Conservation Authority. Based on email correspondence from the HCA (February 19, 2020) the matter has been addressed and they have no further issues.

The applicant requested a variance to permit a fence with a maximum height of 2.4 m; however, fence height is regulated by the City of Hamilton Fence By-law 10-142. As a result, staff recommends that Municipal Law Enforcement be contacted to determine if they have any requirements regarding the fencing.

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, subject to the applicable provisions.

Variance 1

The existing cabana is proposed to remain in the front yard at a minimum distance of 0.1 m from the front lot line, whereas an accessory structure is not permitted to be located within the front yard and requires a minimum distance of 8.0 m to the front lot line. The intent of the provision is to maintain a desirable streetscape and to ensure adequate space is provided for landscaping, drainage, and sightlines. Staff defers to Development Engineering Approvals for all drainage concerns.

Although it may be suitable to provide private outdoor amenity space in the side yard for the subject lands in the context of the Natural Heritage features, staff is of the opinion that providing private outdoor amenity space in the front yard by way of the cabana and a 2.4 m high retaining wall with privacy fence along the front lot line, does not maintain the existing pattern of amenity space or a desirable streetscape. Further, staff is of the opinion that a 0.1 m setback does not provide adequate space for maintenance on private property. Based on the foregoing, although the intent of the Official Plan is maintained, staff is of the opinion that the variance is not desirable or minor and does not maintain the intent of the Zoning By-law. Accordingly, staff **does not** support the variance.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, although the variance maintains the intent and purpose of the Official Plan, staff is not satisfied that the requested variance maintains the purpose and intent of the Zoning By-law. 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 requested variance, as outlined in the Notice of Hearing, be **denied**.

Building Division:

1. A building permit is required for the construction of the proposed accessory structure. Be advised that Ontario Building Code regulations may required specific setbacks and construction types.
2. A portion of the lands are subject to Conservation Management. Please contact the Hamilton Conservation Authority prior to any development.
3. A further variance will be required should an eave and gutter projection along the southerly side of the proposed accessory structure projects greater than 0.25 metres into the required yard.
4. A further variance will be required should the height of the proposed accessory structure exceeds the maximum permitted height of 4.5 metres. The applicant shall ensure building height is provided in accordance with the definition of "*Height – Building*" and "*Grade*" as defined within the Zoning By-law.

5. The “New Porch to Replace Existing” and “New Two Storey Addition (Garage Below)”, as shown on the submitted site plan have not been reviewed for zoning compliance as it appears such alterations have been reviewed under Building Permit 16-119611.

Development Engineering:

No comments.

See attached for additional comments.

July 10, 2020

City of Hamilton
Planning and Economic Development Department
71 Main St W
Hamilton, Ontario
L8P 4Y5

Attention: Morgan Evans

File# SC/A:20-82

Re: 42 Millen Rd

In response to your correspondence dated July 7, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Existing overhead service and primary clearances may be in conflict with proposed Gazebo. Contact ICI department for options.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.

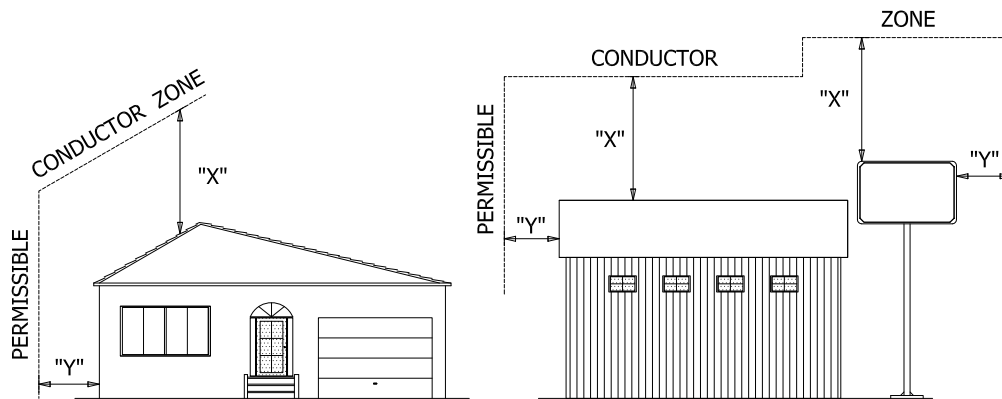
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-522-6611 ext: 4729 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.

SYSTEM VOLTAGE	MINIMUM HORIZONTAL CLEARANCE DIMENSION "Y"	MINIMUM VERTICAL CLEARANCE DIMENSION "X"
0 - 750 V*	2.0 m (SEE NOTE 1)	4.5 m (SEE NOTE 3)
OVER 750 - 50000 V	4.0 m (SEE NOTE 2)	7.0 m (SEE NOTE 4)

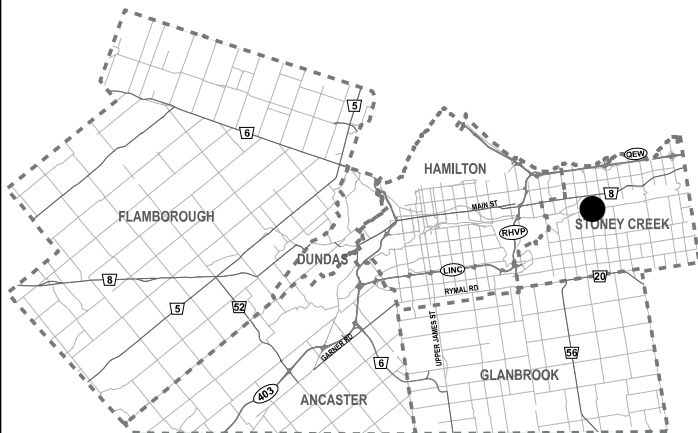
* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

1. THIS CLEARANCE IS MADE UP OF A 1.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING. WHERE CONDUCTOR PASS IN FRONT OF A WINDOW OR OTHER OPENING, THIS 2.0 m CLEARANCE SHOULD BE INCREASED TO 2.5 m. WHERE BUILDINGS EXCEED 3 STOREYS OR 15.0 m IN HEIGHT, THE 2.0 m CLEARANCE SHOULD BE INCREASED TO 3.0 m TO ALLOW FOR RAISING OF LADDERS BY THE LOCAL FIRE DEPARTMENT.
2. THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
3. THIS DIMENSION PROVIDES 1.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 1.5 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m)
4. THIS DIMENSION PROVIDES 3.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 2.0 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m).
5. THE ABOVE CLEARANCES ARE MINIMUM VALUES. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES ABOVE THOSE SHOWN, WHERE POSSIBLE. TO KEEP WORKMEN AND THEIR EQUIPMENT ON THE BUILDING ETC., AT THE MINIMUM CLEARANCE SHOWN, DIMENSION "X" AND "Y" ARE TO BE INCREASED BY THE REQUIRED WORKING DISTANCE.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



49 Millen Road, Stoney Creek
(Ward 10)

File Name/Number:

SC/A-20:82

Date:

July 9, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/B-20:25 (63 Orchard 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 pdf 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 submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
4. That the owner/applicant agree to include the following warning clause in the consent/development agreement and in all offers of purchase and sale and/or lease/rental agreements:

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment and Climate Change.",

to the satisfaction of the Manager of Development Planning, Heritage and Design.

5. That the owner receives final and binding approval of a Minor Variance application to permit the proposed minimum lot frontage for both the severed and retained lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.
6. That the owner shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil

disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

7. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
8. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
9. That the Owner enters into with the City of Hamilton and registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; stormwater management, urbanization costs including but not limited to future storm sewers and sidewalks, cash payment requirements for items such as trees, inspection of grading and services to be installed; and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction; and,
10. That the Owner provides a cash payment to the City of Hamilton for the future urbanization of the street based on the “New Road Servicing Rates” to the satisfaction of the Manager of Engineering Approval 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 (Part 1) will remain as **63 Orchard Drive, Hamilton (Ancaster)**, and the lands to be conveyed (Part 2) will be assigned the address of **67 Orchard Drive, Hamilton (Ancaster)**.

AN/B-20:25 (63 Orchard Dr., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the conveyance of a ±1046.6 square metre parcel of land (Part 2 on the Land Division Sketch) for the purpose of constructing a single detached dwelling, and to retain a ±1050 square metre parcel of land (Part 1 on the Land Division Sketch) for the purpose of constructing a single detached dwelling. A lot frontage of ±17.678 metres is proposed for both the severed and retained lots. The existing dwelling is proposed to be demolished.

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 single detached dwellings.

The proposal is defined as Residential Intensification, and accordingly, must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2. Staff notes that the proposed severance will allow for development that will enhance and build upon the existing character of the neighbourhood. The proposed lots are in keeping with and will maintain the character of the established neighbourhood, while allowing for development that will further enhance and build upon the existing streetscape.

The subject lands are in the vicinity of a major arterial road and a truck route, being Wilson Street West. As a result, road traffic noise may occasionally interfere with some activities of the dwelling occupants. Based on the foregoing, staff recommends that any approvals be subject to a noise warning clause condition.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the conditions of F.1.14.3.1. The lots to be retained and conveyed reflect the general scale and character of the established development. In addition, the lots are fully serviced by municipal water and wastewater systems (storm water services are available in accordance with C.5.4.9 (a)) and have frontage on a public road. The proposed lots do not meet the minimum lot frontage requirement of the Zoning By-law, and accordingly, staff recommends a condition that final and binding approval of a minor variance application to permit the reduced lot frontage be received prior to the consent being finalized. Staff is of the opinion that the proposal is consistent with the lot creation policies, subject to the condition following the recommendation.

Cultural Heritage
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 an area of sandy soil in areas of clay or stone

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 severance is granted, staff recommends that any approvals are subject to an archaeological assessment condition.

Staff is of the opinion that the lots to be retained and conveyed are compatible with the character of the established development, and that the proposed consent is consistent with the policies of the UHOP, subject to the conditions following the recommendation. Based on the foregoing, staff **supports** the proposed consent.

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

The subject lands are zoned Existing Residential “ER” Zone, which permits single detached dwellings, subject to the applicable provisions. Both the lot to be retained and the lot to be conveyed conform to the minimum lot area requirement; however, the proposed lot frontages of ±17.678 m do not conform to the minimum lot frontage requirement of 18 m. Staff has recommended a minor variance condition to ensure the lots are not created until they conform to the Zoning By-law.

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 consent conforms to the Official Plan, subject to the conditions outlined below. Staff recommends that the proposed consent, as outlined in the Notice of Hearing, be **approved**, subject to the following conditions:

CONDITIONS: (If Approved)

1. That the owner/applicant agree to include the following warning clause in the consent/development agreement and in all offers of purchase and sale and/or lease/rental agreements:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment and Climate Change.”,

to the satisfaction of the Manager of Development Planning, Heritage and Design.

2. That the owner receives final and binding approval of a Minor Variance application to permit the proposed minimum lot frontage for both the severed and retained lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.
3. That the owner shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

Building Division:

1. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
2. The applicant should obtain an appropriate municipal address for the proposed parcel to be severed from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
3. The provisions of the new ER Zone are now in full effect as of the July 11, 2019 LPAT Decision.
4. Demolition of all or an appropriate portion of the building straddling the proposed property line shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.
5. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

6. Demolition of all or an appropriate portion of the building straddling the proposed property line shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.
7. The lands are subject to Site Plan Control due to the ER Zoning.

CONDITIONS:

The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).

The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.

Development Engineering:

According to our records, there is an existing 150mm diameter watermain and a 250mm diameter sanitary sewer located on Orchard Drive. The size of the existing private water and sanitary drains servicing the existing dwelling are to be verified by the applicant and if inadequate must be replaced to meet current City standards.

Orchard Drive has a sufficient road allowance width at this location in accordance with the City of Hamilton Urban Official Plan. Currently, Orchard Drive has a rural cross section. Therefore, as a condition of approval the owner is required to provide a cash payment to the City of Hamilton for the future urbanization of the street based on the "New Road Servicing Rates.

The Owners will be required to enter into a Consent Agreement with the City in order to ensure that the future residential development on the new lot proceeds in a proper and orderly manner. The applicant will be required to demonstrate that drainage from this parcel will be contained and directed to an appropriate outlet without affecting adjacent properties. It is imperative that post severance drainage flows will not exceed pre-severance drainage flows. Please note that the Owner will be responsible for the relocation of any street furniture (i.e. CB's, fire hydrant, utility poles etc.) and to provide securities for any potential damages to the existing sidewalks, curbs or boulevard that may be required as a result of this development.

Should this application be approved we recommend that it be subject to the following condition:

1. That the Owner enters into with the City of Hamilton and registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; stormwater management, urbanization costs including but not limited to future storm sewers and sidewalks, cash payment requirements for items such as trees, inspection of grading and services to be installed; and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction; and,
2. That the Owner provides a cash payment to the City of Hamilton for the future urbanization of the street based on the "New Road Servicing Rates" to the satisfaction of the Manager of Engineering Approval Section.

Transportation Planning:

1. Transportation Planning has no objection to this land severance application.

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 (Part 1) will remain as **63 Orchard Drive, Hamilton (Ancaster)**, and the lands to be conveyed (Part 2) will be assigned the address of **67 Orchard Drive, 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 either the buildings or on signs in accordance with the City's sign By-law, in a manner that is clearly visible from the road

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 10, 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: 63 Orchard Dr., Ancaster
File: AN/B-20:25

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, July 16th, 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.

ANCASTER HERITAGE TREES

This property is within the Town of Ancaster, covered by the Ancaster Tree By-law which was not repealed when **The City of Hamilton Tree By-law 15-125** was enacted on May 13, 2015. The Forestry & Horticulture Section will request that a permit application be submitted for the removal of Private Heritage diameter trees {=>46 cm d.b.h.} which are located farther than 7.5 meters from the outer edge of an occupied structure.

All Private tree removals should be disclosed to the City of Hamilton's Forestry Conservation By-Law Officer, who can be contacted at mletrees@hamilton.ca. The outcome should then be reported back to Forestry and Horticulture.

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', with a stylized flourish at the end.

Sam Brush
Urban Forest Health Technician

From: [Leslie and Valda Farrington](#)
To: [Committee of Adjustment](#)
Subject: Re: Application for land severance at 63 Orchard Drive, Ancaster. App. # AN/B-20:25
Date: July 12, 2020 4:22:06 PM

It is our understanding, and confirmed by counsellor Ferguson's office, that there is a moratorium on such severance in Ancaster.

Why then is the City of Hamilton through the Committee of Adjustment even considering applications of this nature.

Our property is at 71 Orchard Drive, next to #63, and our concern is that if severance were to take place there would be a vacant lot next to our property which, if the current owner had any influence, could remain the storage area for dumping construction and other 'garbage' that it currently is and has been for the 41 years we have lived here and a constant source of extreme irritation between the current owner and ourselves.

Is the proposed purchaser requesting severance in order to erect 2 homes on the existing lot, which would be against the current moratorium, or intending to hold the severed lot vacant in the hope that the anti severance ruling will be rescinded sometime in the future allowing for a second home to be built at that time.

These are questions we would appreciate answers to.

Respectfully,

Leslie & Valda Farrington.

71 Orchard Drive,

Ancaster.

905-648-2095

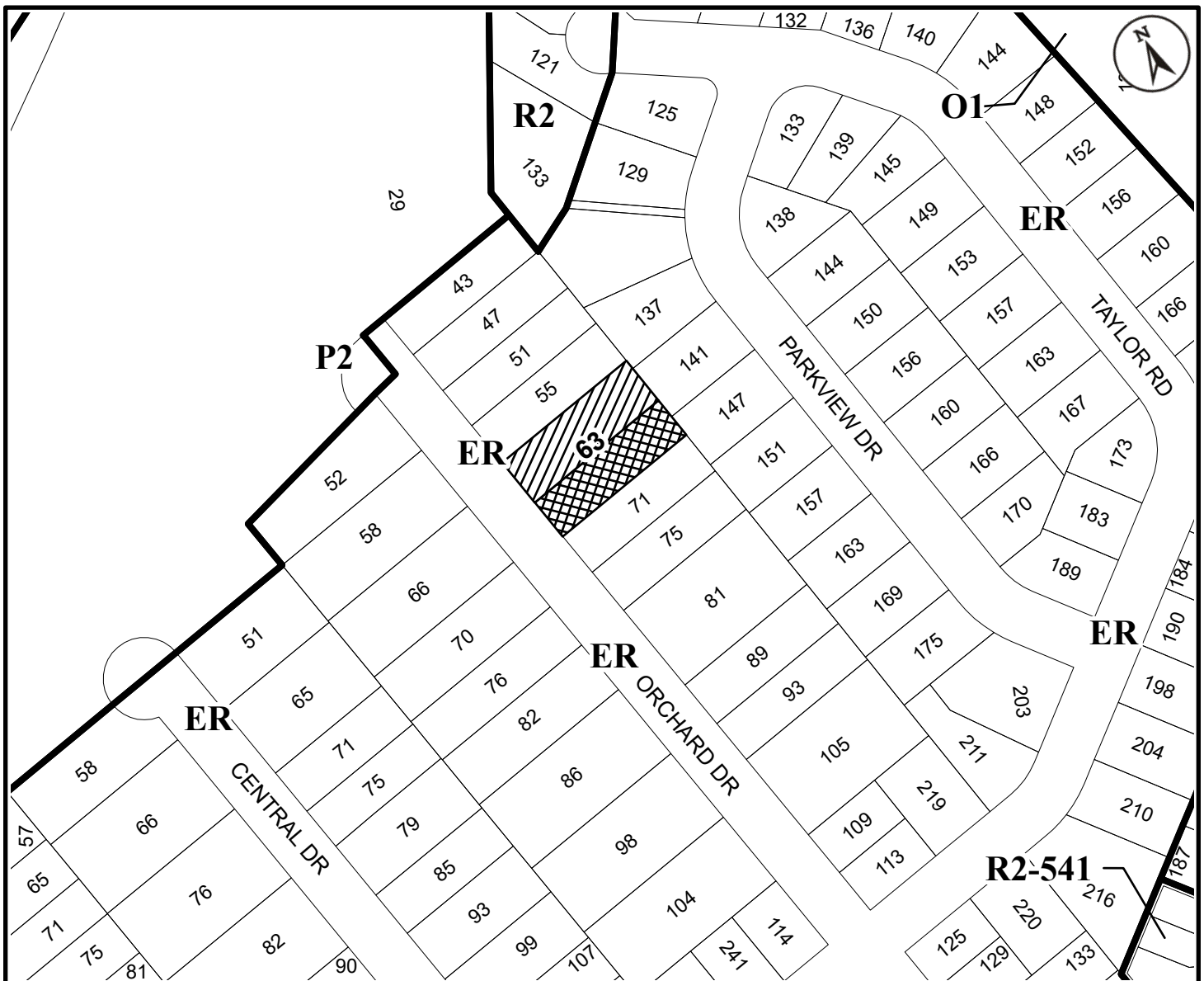
From: [M Adams](#)
To: [Committee of Adjustment](#)
Subject: Application for Land Severance at 63 Orchard Drive, Ancaster
Date: July 14, 2020 9:44:42 AM

Jamila Sheffield,
Secretary-Treasurer,
Committee of Adjustment,
City Hall, Hamilton
cofa@hamilton.ca

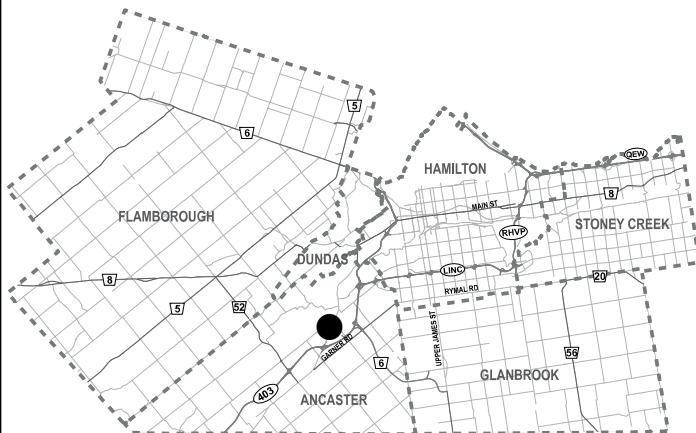
Re: Application for Consent/Land Severance at 63 Orchard Drive, Ancaster

Dear Madam,
We are the owners of the properties Lot 42, 43, 44 at the rear.
We request that no adjustments to the lot setbacks set out in Bill No.105 will be allowed on these lots in the future, and that this is registered on file as a condition of approval of severance.
Please confirm receipt of this email and notify us of the decision as we are unable to be present.
Thank you.

Yours sincerely,
Margaret Adams
Monsingh Adams
Manuchehr Adel
Elham Sabeti
Mary Hart



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

63 Orchard Drive, Ancaster (Ward 12)



Lands to be Retained



Lands to be Severed

File Name/Number:

AN/B-20:25

Date:

July 10, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-20:76 (11 Howard Blvd, 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:

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a single detached dwelling.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations and is identified as “Neighbourhoods” in Schedule E – Urban Structure.

The subject lands are located within an established subdivision. The applicant is proposing to demolish an existing one storey single family dwelling and construct a new single detached dwelling on the subject lands.

Town of Flamborough Zoning By-law No. 90-145-Z

The subject property is zoned Urban Residential (Single Detached) “R1-6” Zone to which the use complies.

Variance 1

The applicant is seeking a variance to permit a maximum lot coverage of 25% to be permitted instead of the maximum required lot coverage of 15%

The intent of the by-law to restrict lot coverage (percentage of the lot covered by buildings and structures) is to limit building massing, reduce the impact on the streetscape and maximize permeability on the property. Staff note that the property is large enough with adequately sized existing permeable areas to accommodate a dwelling of the proposed size. The proposed lot coverage is therefore meeting the intent of the Zoning By-law and the variance is minor and appropriate for the development of the subject property. Accordingly, 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 as well as the Former Town of

Flamborough Zoning By-law No.90-145-Z. 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. A demolition permit is required for the demolition of the existing single detached dwelling.
2. A building permit is required for construction of the proposed single detached dwelling.
3. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

No comments.

See attached for additional comments.

July 10, 2020

City of Hamilton
Planning and Economic Development Department
71 Main St W
Hamilton, Ontario
L8P 4Y5

Attention: Morgan Evans

File# FL/A:20-76

Re: 11 Howard Blvd

In response to your correspondence dated July 7, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.

- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-522-6611 ext: 4729 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital

July 7/20

Re: Application No. FL/A-20:76 for
11 Howard Blvd

Please be advised that I find this
request very unreasonable. Going from
15% lot coverage to 25% almost
doubles the coverage.

We already have 2 monster homes
in the neighbourhood. One just up from
11 Howard + the other on Berry Hill - 3
doors up from my property. These
residences do not fit into our
neighbourhood. They would be
better suited on a $\frac{1}{2}$ acre lot.

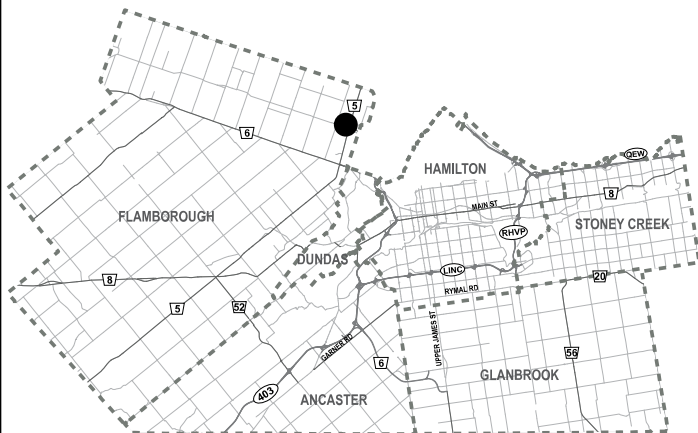
When approving these kinds of requests
does anyone even look at the neighbourhood?

Yours Truly

M. Walmsley



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



11 Howard Boulevard, Flamborough
(Ward 15)

File Name/Number:

FL/A-20:76

Date:

July 9, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-20:80 (61 Rockcliffe Rd., 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:

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the expansion and alteration of an existing single detached dwelling.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations and is identified as “Neighbourhoods” in Schedule E – Urban Structure. The following policies, amongst others, are applicable:

- “E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.

- E.3.4.3 Uses permitted in low density residential areas include single-detached, semidetached, duplex, triplex, and street townhouse dwellings.”

The subject lands are located within an established subdivision and the applicant is proposing to add an addition to the existing home. The addition is minor and is sympathetic to the prevailing character of the neighbourhood. As such staff are of the opinion that the intent of the Urban Hamilton Official Plan is maintained.

Former Town of Flamborough Zoning By-law No. 90-145-Z

The subject lands are zoned “R1-6” Urban Residential (Single Detached) Zone. To which the use complies.

Variance 1

The applicant is seeking a variance to allow for a lot coverage of 20% to be permitted instead of the required maximum lot coverage of 15%.

The intent of the By-law to restrict lot coverage (percentage of the lot covered by buildings and structures) is to limit building massing, reduce the impact on the streetscape and maximize permeability on the property. Staff note that the property is large enough with adequately sized existing permeable areas to accommodate a dwelling of the proposed size. The proposal is to construct a two storey dwelling is in keeping with the prevailing character in the surrounding neighbourhood which is currently experiencing gradual change. The proposed lot coverage of the proposed renovated dwelling is therefore meeting the intent of the Zoning By-law and the variance is minor 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 a maximum floor space of 448 square metres to be permitted instead of the required maximum floor space of 186 square metres.

As discussed above, the design of the proposed renovations of the single detached dwelling is in keeping with the character of the neighbourhood as it will maintain a similar height and size, comparable to the nearby single detached dwellings. Staff do not perceive a negative impact on any surrounding properties by permitting an increase from the maximum floor space provisions of the By-law. Therefore, the variance meets the intent of the Zoning By-law, is minor and appropriate for the development of the subject property. Accordingly, staff support the variance.

Variance 3

The applicant is seeking a variance to permit a building height of 9.3m to be provided instead of the maximum permitted 8.2m.

Staff note that many of the homes along Rockcliffe Road are two storeys and are of similar height. Staff note that the proposed dwelling will be constructed within a sloped area where the front of the dwelling will have an approximate height of 8.3m while the rear portion of the dwelling will have an approximate height of 11m, due to the significant declining grade of the lot. As per the Zoning By-law, the height shall mean the vertical distance between the grade of a building while the grade shall mean the average level of proposed ground adjoining a building at all exterior walls. Therefore, the front of the house is proposed at roughly 8.3m, while the rear is roughly 11m due to the significant grading, for that reason the average height of the dwelling is equal to 9.3m. Staff note that the front of the dwelling, which is the only visible portion of the dwelling from the streetscape, is only 0.01m taller than the maximum permitted height of 8.2m. As such, staff do not perceive a negative impact of the proposed height, considering that the dwelling will be

of a similar height as the abutting dwellings within this area. Therefore, the variance maintains the general intent and purpose 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 preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan as well as the Former Town of Flamborough Zoning By-law No.90-145-Z. 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 notice should be altered to include in the notes the following:

Variances have been written exactly as requested by the applicant. 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.

1. A portion of this property is within the area controlled by the Niagara Escarpment Planning and Development Act. For further information please contact:

Niagara Escarpment Commission
232 Guelph Street
Georgetown, ON
L7G 4B1
(905) 877-5191

2. The lands are located adjacent to an Environmentally Sensitive Area (ESA) and are subject to Site Plan Control. For further information, please contact the Development Planning Division at (905) 546-2424 extension 1355 or email pd.generalinquiry@hamilton.ca.
3. Subject to the issuance of a building permit from the Building Division.

Development Engineering:

No comments.

See attached for additional comments.

July 10, 2020

City of Hamilton
Planning and Economic Development Department
71 Main St W
Hamilton, Ontario
L8P 4Y5

Attention: Morgan Evans

File# FL/A:20-80

Re: 61 Rockcliff Rd

In response to your correspondence dated July 7, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Existing underground secondary service in conflict with proposed addition. Contact ICI department for new service relocation options.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.

- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-522-6611 ext: 4729 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



ASHENHURST NOUWENS & ASSOCIATES INC.

225 King William Street, Suite 204
Hamilton, Ontario
L8R 1B1

Tel: 905-529-6316

Fax: 905-529-6651

Email: anl@ashenhurstnouwens.com

March 12, 2020

City of Hamilton
Building Construction Services
71 Main St. W, 3rd Floor
Hamilton ON L8P 4Y5

Re: 61 ROCKCLIFFE ROAD, FLAMBOROUGH, CITY OF HAMILTON

We were hired by the Owner to prepare the grading plan of the property. The plan will ensure the Post-development Stormwater runoff levels will not exceed the Pre-redevelopment levels to the satisfaction of the Manager of Development Approvals.

Yours truly,

Ashenhurst Nouwens & Associates Inc.

Per:

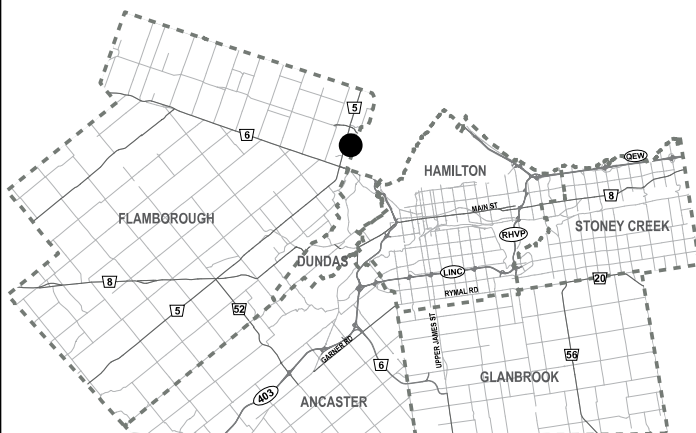
Amad Najm, P.Eng.

Cc: File no: 19079

ANA File: 19079



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



61 Rockcliffe Road, Flamborough
(Ward 15)

File Name/Number:

FL/A-20:80

Date:

July 9, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

DN/A-19:406 (56 York Rd., 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:

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a three-storey addition to the existing building in order to establish an eight (8) unit apartment as per Site Plan application DA-18-083.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Mixed Use – Medium Density” in Schedule E-1 – Urban Land Use Designations. The following policies, amongst others, are applicable:

- “F.1.12.7 Legally existing land uses which do not comply with the land use designations shown on Schedule E-1 - Urban land Use Designations or their related policies should cease to exist over time. Accordingly, such uses shall be deemed as legal non complying.
- F.1.12.8 Where appropriate, the City may amend the Zoning By-law to recognize the legal non-complying use as an existing use provided that all the following criteria shall be met:
- a) the Zoning By-law shall permit only the existing use and the associated performance standards;
 - b) the use does not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or by the traffic generated; and,
 - c) the use is in compliance with appropriate provincial and municipal regulations.”

Former Town of Dundas Zoning By-law No. 3581-86

The subject lands are zoned “RM2” (Low Density Multiple Dwelling) District. To which the use complies.

Variance 1 and 2

The applicant is seeking a variance to permit a minimum lot area of 1,339.0 m² instead of the minimum lot area of 1,380.0 m². As well, the applicant is seeking a variance to recognize a minimum lot frontage of 22.7 m instead of the minimum 30.0 m lot frontage requirement.

Staff note that the current lot area of 1339.0 m², as well as the current lot frontage of 22.7 m, has been an existing condition on the site prior to the approval of the Town of Dundas Zoning By-law 3581-86, and as such the lot area and frontage is an existing condition affecting the subject property. Accordingly, the variances meet the four tests and staff support Variances 1 and 2.

Variance 3

The applicant is seeking a variance to allow for no onsite loading space to be provided instead of the minimum one (1) loading space required.

Staff do not anticipate the size of the proposed development to warrant the need for a loading space since the proposed apartment building is relatively small with a total of only eight (8) proposed apartment units. Staff are also aware that residents will need to request a temporary street permit, issued by the Hamilton Municipal Parking Services, in order to facilitate future move-ins. In addition, staff anticipate that the “move-ins” that will happen from time to time will not place a burden on the use of the street and will be temporary in nature. As such, the request to remove the loading space can be supported. The variance maintains the general intent and purpose 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.

Variance 4

The applicant is seeking a variance to permit the roofed-over unenclosed porches to be permitted to be located as close as 3.0m from the southerly side lot line instead of the minimum 4.5m setback.

Staff note that the intent of the By-law is being maintained as the increased projection into the southerly side yard is still allowing for an adequate distance from the southern property line and sufficient landscape and amenity space within the side yard. In addition, staff note, that there are archeological restrictions which prevent the ground level area to be used as amenity space, for that reason the proposal includes roofed-over unenclosed porches in an effort to provide residents with a space which could be utilized for their leisure and which will enhance the livability of each individual unit. As such, staff note that the variance is desirable for the development and minor in nature, as no negative impact is anticipated to 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, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan as well as the Former Town of Dundas Zoning By-law No. 3581-86. 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. A building permit is required for the construction of the proposed eight (8) unit apartment building.
2. These variances are necessary to facilitate site plan application DA-18-083.
3. The revised elevation plans show “Juliet” style balconies along the northerly elevation. Therefore, the applicant shall ensure that the maximum 1.5m projection into a required side yard is not exceeded. Otherwise, further variances may be required.

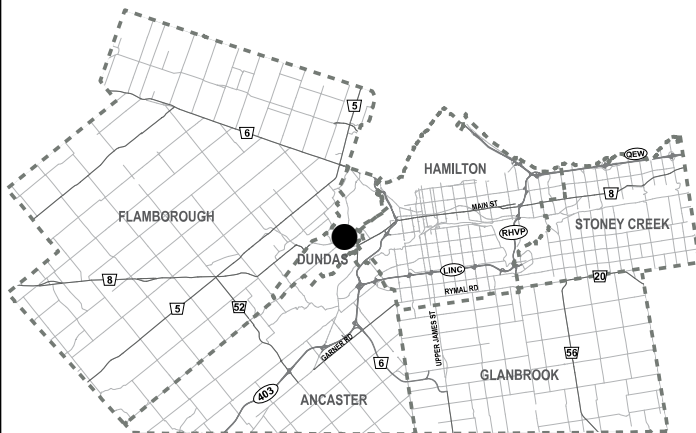
Development Engineering:

All related engineering related concerns were dealt with under DA-18-083. No further comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



56 York Road, Dundas
(Ward 13)

File Name/Number:

DN/A-19:406

Date:

July 9, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

DN/A-20:70 (58 Parkside Ave., 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:

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a garage addition and a full second storey addition to 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 a minimum front yard of 1.3m to be permitted to the dwelling and a minimum front yard of 0.6m to be permitted to the uncovered front porch instead of the minimum 6.0m front yard.

Staff note that the existing front yard setback is 1.3m, at the closest point between the dwelling and the southerly lot line, which is a pre-existing condition that is triggered as a technicality due to the proposal to construct a garage addition and a full second storey addition. The applicant is proposing to construct an uncovered front porch which is to be provided at the same southerly lot line, making it the closest point between the dwelling at a proposed front yard setback of 0.6m. Staff note that the building envelope will not encroach further into the front yard than what is currently (1.3m). In staff’s opinion, the proposed addition maintains the intent of the Zoning By-law and the variance is addressing a pre-existing condition which will not have any negative impact on the adjacent property and the surrounding neighbourhood. Accordingly, staff support the variance.

Variance 2

The applicant is seeking a variance to allow for no onsite manoeuvring to be provided instead of the minimum 6.0m manoeuvring space aisle width required.

Staff note the use of the subject lands is a single detached dwelling located on a local road which sees minimal traffic and that the variance is an existing condition on affecting the subject lands. It is common for single detached dwellings to have a driveway without a manoeuvring area on site. Also, there is ~10m of length from the property line to the curb line that can aid with the additional maneuvering. 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 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.

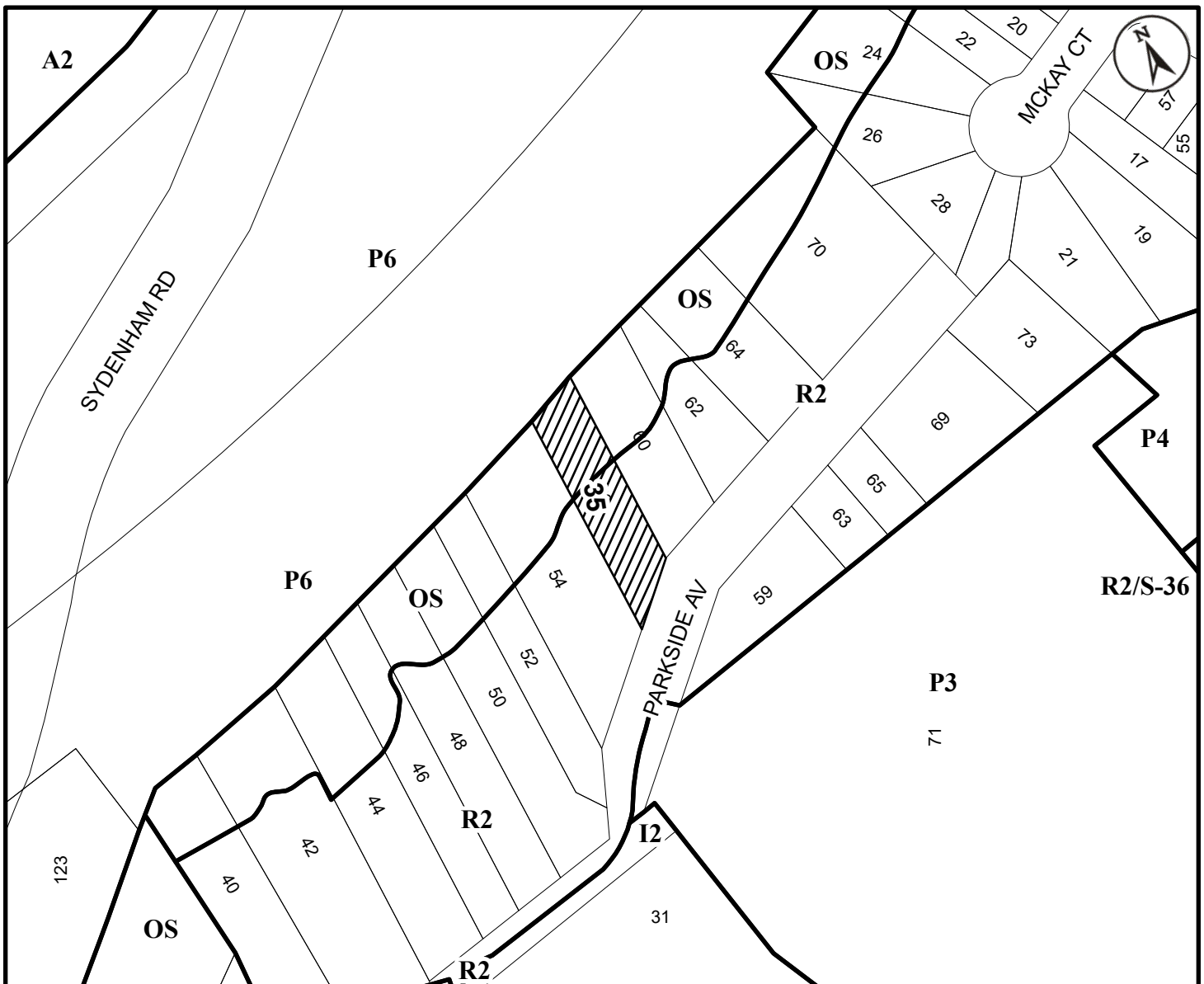
Building Division:

1. A building permit is required for the construction of the proposed garage addition and second storey addition to the existing dwelling.
2. The lands are located within or adjacent to an Environmentally Sensitive Area (ESA) and are subject to Site Plan Control.
3. The zoning By-law permits a maximum height of 10.5m. Please note that the elevation plan does not show height measured from grade. Therefore, the applicant shall ensure that the maximum permitted height is not exceeded; otherwise, further variances will be required.
4. The proposed additions and renovations to the existing dwelling are shown to be maintained entirely within the portion of the lands zoned "R2" (Single-Detached Residential) zone.

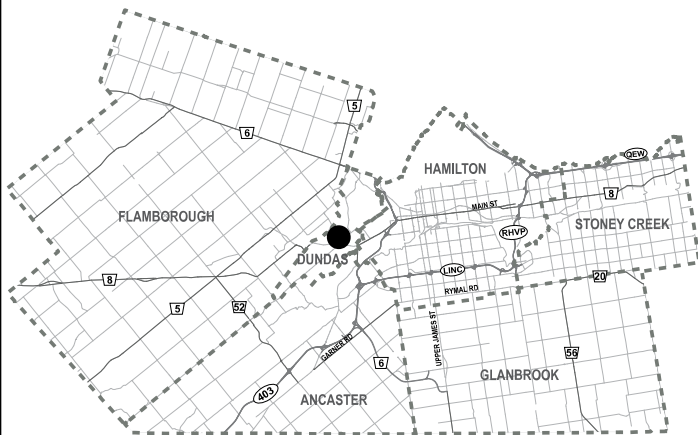
Development Engineering:

No comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



58 Parkside Avenue, Dundas
(Ward 13)

File Name/Number:

DN/A-20:70

Date:

July 9, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

DN/A-20:75 (81 York Rd., 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:

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the conversion of a single detached dwelling to allow for the creation of a second dwelling unit.

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule “E-1” – Urban Land Use Designations of the Urban Hamilton Official Plan (UHOP).

Policy E.3.2.3 states:

“The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 - Urban Land Use Designations:

a) residential dwellings, including second dwelling units and housing with supports.”

In accordance with the above policies, Policy E.3.2.1 and E.3.2.3 identifies single detached dwellings as a permitted use within the Neighbourhoods designation. As such, the proposed conversion to a second dwelling unit is a permitted use within the Urban Hamilton Official Plan and the variances do not seek to deviate from the residential use. Therefore, the variances meet the general intent and purpose of the Urban Hamilton Official Plan since the proposal is permitted.

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 the parking spaces to be permitted in a tandem arrangement whereas the Zoning By-law requires that parking be designed and located such that all vehicles can be parked and maneuvered entirely within the parking areas without moving any other vehicle within such parking area.

Staff note that the Zoning By-law requires a total of 3 parking spaces for a converted dwelling which contains an accessory apartment. The applicant can provide 2 parking spaces on site which are unobstructed for access and manoeuvring. The third parking space is proposed to be accommodated in a tandem arrangement on site. As the driveway is an existing condition and as it can efficiently accommodate 3 cars with additional extra room, the proposed parking arrangement will have minimal impact on the parking availability and maneuverability of vehicles to and from the property and minimal impact on adjacent properties. And therefore, conforms to the general intent and purpose of the UHOP. The general intent and purpose of the Zoning By-law is to ensure that vehicles can enter and exit the on-site parking spaces without obstruction. Staff are of the opinion that the parked vehicles can be manoeuvred to ensure unobstructed access to the parking space. 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 applicant is seeking a variance to allow for no manoeuvring spaces to be provided for the required parking spaces, whereas the Zoning By-law requires all manoeuvring spaces to be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces.

Staff note the use of the subject lands include a single detached dwelling with an accessory apartment which is situated on a local road that sees minimal traffic. As such, it is common for single detached dwellings to have a driveway without a manoeuvring area on site. However, staff note that the driveway is an existing condition, is large enough to accommodate 3 vehicles, with one of them being parked in tandem, and has enough space between the full length of the driveway and the property line which can aid with additional maneuvering. 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 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. The variance is written as requested by the applicant except a second variance has been included to address the removal of maneuvering spaces.
2. The existing single detached dwelling conforms to the requirements of the R2 Zone.

3. The Dundas Zoning By-law requires the provision of three (3) parking spaces for a converted dwelling which contains an accessory apartment. As noted, through the required variances, each parking space is required to be unobstructed for access and have a separate maneuvering space.
4. A building permit is required for the construction of the proposed second dwelling unit within the existing single detached dwelling.
5. Be advised that Ontario Building Code regulations may require specific setback and construction types

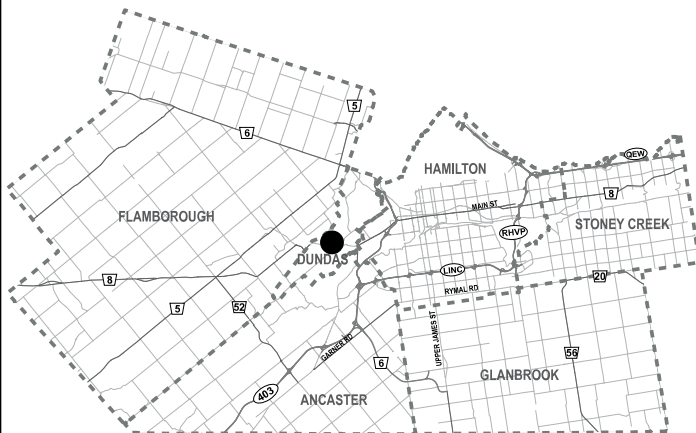
Development Engineering:

No comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



81 York Road, Dundas
(Ward 13)

File Name/Number:

DN/A-20:75

Date:

July 9, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-20:78 (2685 Jerseyville Rd. 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:

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

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

Rural Hamilton Official Plan:

The property is within the “Jerseyville Rural Settlement Area” and is designated as “Settlement Residential” in Volume 2: Map 3 Jerseyville Rural Settlement Area Plan. Policy A.2.3 to A.2.3.4 amongst others, is applicable and permits a single detached dwelling.

Hamilton Zoning By-law 05-200:

The subject property is zoned (S1) Settlement Residential Zone which permits a single detached dwelling.

Variance 1

The applicant is seeking a variance to permit an accessory building to be located within the front yard and as close as 4.1m from the front lot line whereas the Zoning By-law states that no accessory building shall be permitted to be located within a front yard and that a minimum setback of 7.5m shall be maintained from the front lot line for an accessory building exceeding 18.0m² in gross floor area.

The proposed variance is to permit the addition of a detached garage to be located within front yard of the lot, as close as 4.1m from the front lot line. The subject property is characterized by a long, narrow, triangular shape. Staff note, that the lot has a wide, but shallow, front yard with a frontage of ~254m. The westerly lot line is only about 9m deep while the easterly lot line is about 38m deep which defines the triangular characteristic of the subject lands. The location of the single detached dwelling makes up a significant portion of the eastern part of the lot while a septic bed is located west of the dwelling, roughly in the middle of the lot. As such, the shape and arrangement of the existing development within this lot gives the applicant only a small portion of land where the detached garage is proposed. Staff note the presence of a row of mature trees which provide a natural screening along the frontage, maintaining the existing character and

streetscape of the neighbourhood. Staff also note the presence of a City owned boulevard which has roughly a 10m buffer from the subject front property line to the curbside, therefore staff are of the opinion that the 4.1m setback is sufficient based on this observation. As such, staff note that the variance is desirable for the development and minor in nature, as no negative impact is anticipated to 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.

Variance 2

The applicant is seeking a variance to permit the proposed accessory structure to have an area of 112.0m² whereas the Zoning By-law states that no accessory building shall exceed 30% lot coverage of the yard in which the accessory buildings are located, including areas devoted exclusively to parking, to a maximum of 97 square metres.

Staff note that the proposed maximum area of 112.0 m² for the accessory garage is appropriate for the scale, use, and configuration of the proposed site plan. The lot is approximately 0.2 ha in size and the accessory garage is subordinate to the single detached dwelling. Staff are satisfied the proposed variance will have no impact on the neighbouring properties, nor reduce the liveability of the property. Therefore, the variance is minor in nature. Accordingly, staff support this variance.

Variance 3

The applicant is seeking a variance to permit a maximum building height of 5.7m to be provided instead of the maximum 5.0m building height.

The intent of this provision is to keep accessory structures subordinate to the single detached dwelling. In this case, the accessory structure is subordinate to the single detached dwelling. The height of the structure does not have an impact on the neighbouring properties and is compatible with the surrounding neighbourhood. 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 4

The applicant is seeking a variance to allow the height of 3.9m to be permitted for the underside/overhang or lower ends of the roof joists, rafters or trusses where the Zoning By-law states that the maximum height of the underside of any fascia eaves, overhang or the lower ends of the roof joists, rafters or trusses shall be 3.0 metres.

The intent of this provision is to keep accessory structures subordinate to the dwelling and to reduce the impacts on neighbouring properties. The height of the structure is compatible with the neighbourhood as it is subordinate to the single detached dwelling.

The variance maintains the general intent of the RHOP and Zoning By-law as the height of the accessory structure is subordinate to the single detached dwellings in the neighbourhood. The variance is minor in nature and appropriate for the development of the subject lands as there are no perceived impacts on the neighbouring properties. Staff support the variance.

Variance 5

The applicant is seeking a variance to allow for the accessory building to be permitted as close as 0.5m from the rear lot line instead of the minimum 7.5m setback required from the rear lot line, for an accessory building exceeding 18.0m² in gross floor area.

Staff note that the lot is unique in that it is very small and as such it is not possible to comply with the By-law, without compromising the footprint of the building or reducing the area of the driveway. Staff note that the setback is applicable to the shortest point, being the attached garage, and is not intended for the entire rear portion of the subject lands, thereby allowing for adequate amenity space for the single detached dwelling. 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 preceding information, the requested variances maintain the general intent and purpose of the Rural Hamilton Official Plan as well as 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.

Building Division:

1. A building permit is required for the construction of the proposed accessory building.
2. The applicant requested a variance to permit a rear yard of 5.1m from the easterly part of the accessory building to the rear lot line. However, this variance is not required as the setback is measured from the lot line to the closest part of the building. If the requested rear yard variance #5 is approved, then the location of the accessory building will conform with respect to the required rear yard.
3. The Zoning By-law states that where the driveway is provided in the front yard, all other portions of the front yard shall be landscaped area. Insufficient details were shown to confirm compliance.
4. The zoning By-law requires that parking spaces shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material, or crushed stone or gravel. No details were provided to confirm compliance; as such, further variances may be required.

5. The Zoning By-law states that where crushed stone or gravel is provided in accordance with Subsection 5.2 e) iii) a), the access driveway shall be designed such that a minimum of 10.0 metres extending from the street line shall be constructed and maintained with asphalt, concrete or other hard surfaced material, and shall be maintained in a dust free condition. No details were provided to confirm compliance; as such, further variances may be required.

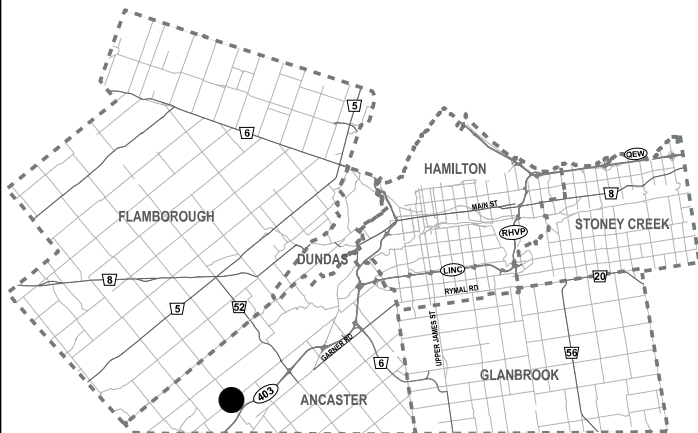
Development Engineering:

No comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



2685 Jerseyville Road West,
Ancaster (Ward 12)

File Name/Number:

DN/A-20:85

Date:

July 9, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

DN/A-20:85 (8 Comar Pl., 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:

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the existing single detached dwelling to be converted to add (1) accessory apartment.

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule “E-1” – Urban Land Use Designations of the Urban Hamilton Official Plan (UHOP).

Policy E.3.2.3 states:

“The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 - Urban Land Use Designations:

a) residential dwellings, including second dwelling units and housing with supports.”

In accordance with the above policies, Policy E.3.2.1 and E.3.2.3 identifies single detached dwellings as a permitted use within the Neighbourhoods designation. As such, the proposed conversion to a second dwelling unit is a permitted use within the Urban Hamilton Official Plan and the variances do not seek to deviate from the residential use. Therefore, the variances meet the general intent and purpose of the Urban Hamilton Official Plan since the proposal is permitted.

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 no on-site manoeuvring spaces to be provided for the two parking spaces, whereas the Zoning By-law requires a minimum of 6.0m aisle width manoeuvring space.

Staff note the use of the subject lands include a single detached dwelling with an accessory apartment which is situated on a local road that sees minimal traffic. As such, it is common for single detached dwellings to have a driveway without a manoeuvring area on site. However, staff note that the driveway is an existing condition, is large enough to accommodate 2 vehicles, with one of them being parked in tandem within the garage and has enough space between the full length of the driveway and the property line which can aid with additional maneuvering. 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 applicant is seeking a variance to allow for two of the required parking spaces located in the driveway to be permitted within the front yard, whereas the By-law requires that no parking space shall be located in a required 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 3

The applicant is seeking a variance to allow for the parking spaces in the driveway to be permitted to obstruct the parking space in the attached garage instead of the requirement that all required parking spaces shall be designed and located such that all vehicles using such spaces can be parked and manoeuvred entirely within the bounds of the parking areas without moving any other vehicle within such parking area and that all manoeuvring space shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces.

The general intent and purpose of the UHOP is to ensure that new development is compatible with the existing neighbourhood character. As the driveway is an existing condition, the proposed parking arrangement will have minimal impact on the neighbourhood character and therefore conforms to the general intent and purpose of the UHOP. The general intent and purpose of the Zoning By-law is to ensure that vehicles can enter and exit the on-site parking spaces without obstruction. Staff are of the opinion that the parked vehicles can be manoeuvred to ensure unobstructed access to the parking space. 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 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. The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units.
2. Be advised that Ontario Building Code regulations may require specific setback and construction types.
3. Building Permit # 20-154307, issued on March 11, 2020, (Alterations to the interior of the single-family dwelling to include finishing the basement) remains not finalized.
4. A building permit is required for the conversion of the existing single detached dwelling to be converted to add one (1) accessory dwelling unit.

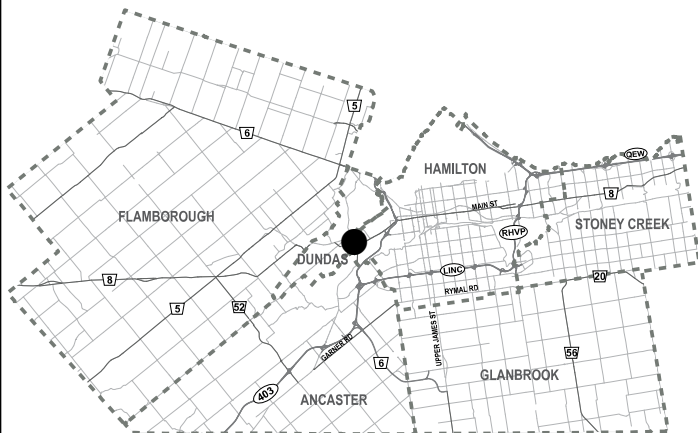
Development Engineering:

No comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



8 Colmar Place, Dundas
Ward 13)

File Name/Number:

DN/A-20:85

Date:

July 9, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/B-20:26 (13 Timberrun Crt., 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 pdf 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 lands shall be merged on title with the lands known as 15 Timberrun Crt.

FL/B-20:26 (13 Timberrun Crt., Flamborough)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the conveyance of a vacant parcel of land to be added to the property known as 15 Timberrun Crt.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the subject lands as “Rural” in Schedule D-1 – Rural Land Use Designations. The following policies, amongst others, are applicable:

- “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 key 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.
- 1.14.2.7 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.”

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

The subject lands are zoned “A2 – Exception 82” (Rural) Zone, “P6 – Exception 211” (Conservation/Hazard Land Rural) Zone, as well as “P6” (Conservation/Hazard Land Rural) Zone. The subject consent is within the “P6 – Exception 211” (Conservation/Hazard Land Rural) Zone.

Analysis:

As per the Rural Hamilton Official Plan, F.1.14.2.7, the proposed severance of the easterly portion of 13 Timberrun Court vacant lot, and the conveyance of these lands to the adjacent lands to the east at 15 Timberrun Court, is in keeping with Official Plan policies which permit minor lot additions for existing uses only. In addition, the proposal will not create any new lots, negatively existing or potential agricultural operations, and it will not create fragmentation of key natural heritage features. The proposal conforms to Official Plan policy as no new lots are created and no land is removed from agricultural uses. Staff are satisfied that the proposed application is in keeping with the general purpose and intent of the Rural Hamilton Official Plan.

Recommendation:

Based on the preceding information, the requested consent application maintains the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200. The severance 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. This Division has no concerns with the proposed application.
2. The lands to be conveyed shall be merged in title with the lands to which they are to be added.

Development Engineering:

No comments.

Transportation Planning:

1. Transportation Planning has no objection to this land severance application.

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 9, 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: 13 Timberrun Crt., Flamborough
File: FL/B-20:26

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, July 16, 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

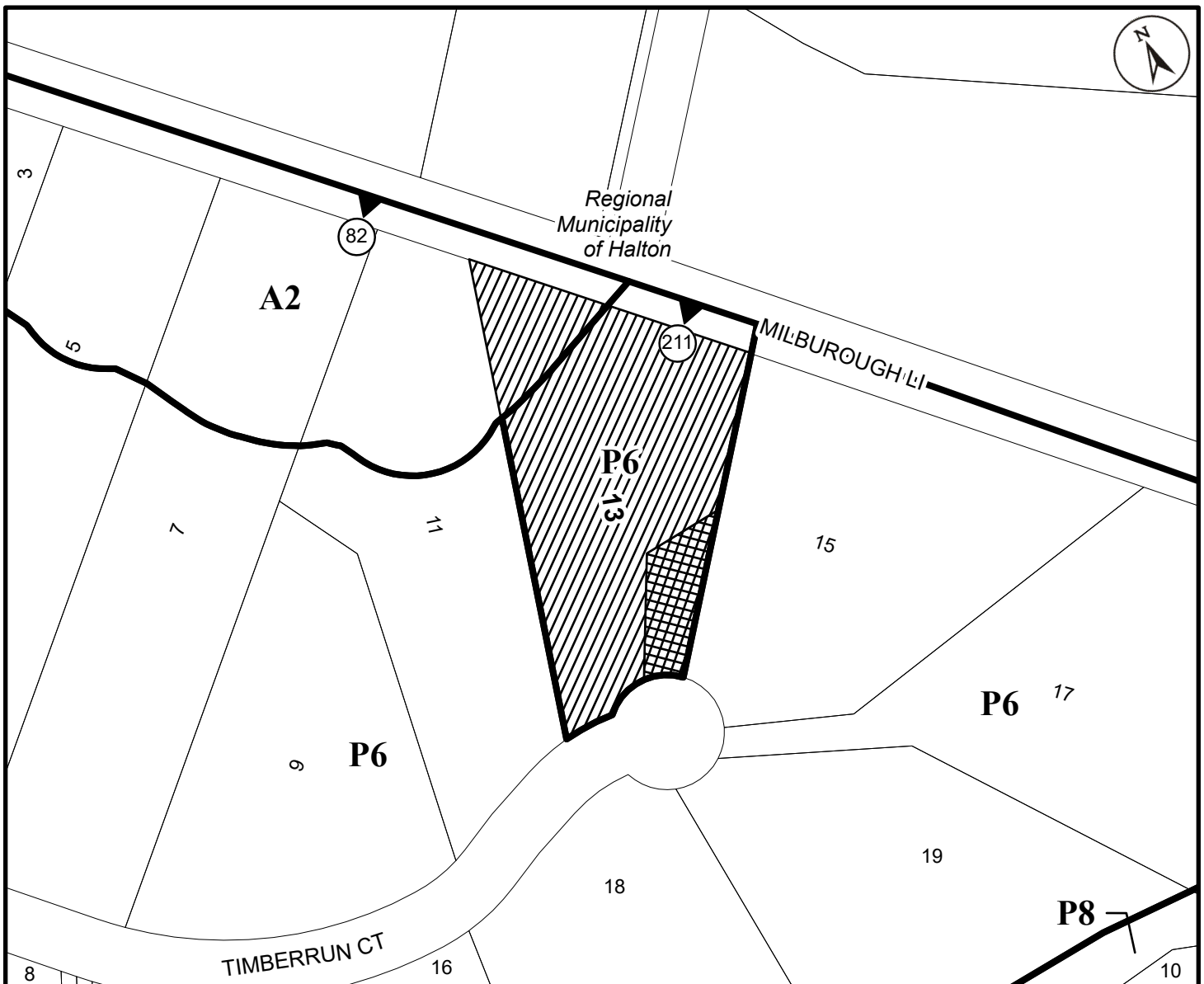
- There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.
- No Landscape plan required.
- Forestry has no concerns or conditions regarding this application.

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.

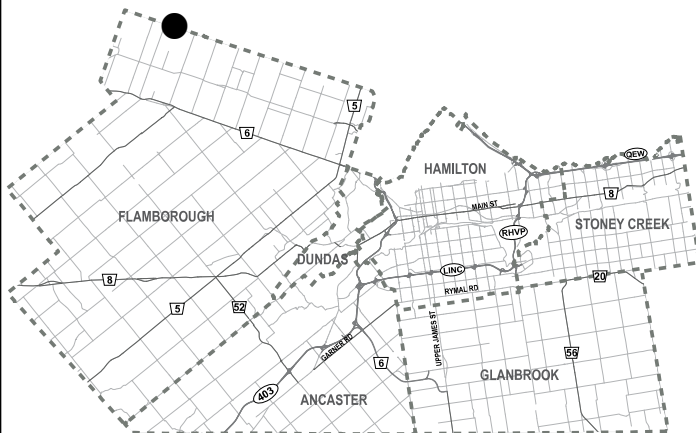
Regards,

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

13 Timberrun Court, Flamborough (Ward 15)



Lands to be Retained



Lands to be Severed

File Name/Number:

FL/B-20:26

Date:

July 10, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:77 (125 Mount Albion 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):

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-20:77 (125 Mount Albion Rd, Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the expansion of the legal non-conforming use of the existing six unit multiple dwelling. The expansion will consist of an addition to build out the third storey, increasing the Gross Floor Area from 643.1 square metres to 737.0 square metres, 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 multiple 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) 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.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C” (Urban Protected Residential, Etc.) District, which does not permit new multiple dwellings but recognizes multiple dwellings which legally existed on the date of the passing of the By-law.

Variance 1 – 5

The applicant is requesting variances to allow a loading space with a minimum width of 3.0 metres to be provided, no planting strip to be provided, a separate ingress and egress driveway to be provided with a combined width of 5.5 metres, the northerly parking area

to be located 1.5 metres from the common boundary between the multiple dwelling, and the “C” District and the southerly parking area to be located 0.0 metres from the common boundary between the multiple dwelling and the “C” District.

The variances are being requested notwithstanding the minimum required loading space width of 3.7 metres, the minimum required 3.0 metre wide planting strip between the boundary of the parking and loading area and an adjacent residential district, the minimum required separate ingress driveway and separate egress driveway, each having a width of at least 3.0 metres and each operated in a one way but opposite direction to each other, and the minimum 3.0 metres required between the common boundary between the district in which the multiple dwelling is located and the district that does not permit such uses.

The general intent of the Zoning By-law is to provide an appropriate distance separation between the adjacent “C” District to avoid any impact on the enjoyment and privacy of the adjacent residential properties, to provide a consistent streetscape, and to allow a variety of vehicles to safely manoeuvre to and egress from the parking areas.

The variances recognize existing conditions that will remain unchanged as a result of the proposed expansion to the existing building. While the applicant is proposing to increase the Gross Floor Area of the existing two and a half storey multiple dwelling by building out the third storey, the number of dwelling units within the multiple dwelling, being six, will remain.

To accommodate a loading space with a width of 3.7 metres, a 3.0 metre wide planting strip and a combined driveway aisle width of 6.0 metres, and to locate the northerly and southerly parking area a minimum of 3.0 metres from the common boundary between the subject property and the “C” District would require significant alterations to the existing layout of the site which would cause the applicant undue hardship.

The northerly and southerly parking areas have operated for some time with no known issues. The variances are considered minor in nature and desirable for the development as no negative impact is anticipated for the subject lands or surrounding area as a result of the maintaining the existing conditions.

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.

Variance 6

The applicant is requesting a variance to allow three storeys to be permitted, notwithstanding the maximum permitted height of two and a half storeys. The general intent of the Zoning By-law is to maintain the existing character of the area and maintain a consistent streetscape.

This portion of Mount Albion Road consists primarily of one to one and a half storey single detached dwellings with peaked roofs. The existing multiple dwelling building is two and a half storeys with a building height of 9.78 metres. While the building height will remain unchanged, the variance will allow for the full build out of the third storey.

The existing multiple dwelling building on the subject property is larger in scale and intensity than the surrounding residential properties. However, the architectural style of the existing multiple dwelling maintains the look and feel of a low density residential use. Based on the submitted Elevations, Staff are of the opinion the full build out of the third storey will not maintain the low density residential character of the area.

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

Recommendation:

Based on the preceding information, Variances 1 to 5 maintains 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.

Variance 6 does not maintain the general intent and purposes of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. The variance is not considered minor in nature or desirable for the appropriate use of the property.

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:

No comments.

Development Engineering:

No comments.

See attached for additional comments.

July 10, 2020

City of Hamilton
Planning and Economic Development Department
71 Main St W
Hamilton, Ontario
L8P 4Y5

Attention: Morgan Evans

File# HM/A:20-77

Re: 125 Mount Albion Rd

In response to your correspondence dated July 7, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Existing overhead service in conflict with proposed third storey addition. Contact ICI department for new service options.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.

- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-522-6611 ext: 4729 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital

From: [Bryan Cowell](#)
To: [Committee of Adjustment](#)
Cc: [Collins, Chad](#); [Bryan Cowell](#)
Subject: Regarding HM/A-20:77
Date: July 13, 2020 10:28:45 PM

Good day, As residents with concerns we would like to submit our comments to the committee or minor variance application number HM/A-20:77

First of all we would like to point out some clarifications on the plan.

-There is no mention on the plan but it appears that there will be the removal of more trees from the property. If the city has concerns about green space there have already been two healthy old growth black walnut trees removed off the property recently. Even one more makes even more of an impact on the environment considering this will be a parking lot.

-There is a utility pole in the northeast corner of the lot which is not documented on the plan. We have a pole on our property and there is an easement around it. We wanted to make sure that people were aware that that may be an issue.

-There is no mention of location of any garbage storage on the property. We had issues in the past with improper care and storage along our fence. Rats and other animals were an issue. The fact that this area is baking out in the hot sun all day would exacerbate the problems.

-On the plan on the east side of the property there is a note detailing an existing board fence. That fence does not exist at this point. What should be on the plan is a Proposed board fence. We and our immediate neighbour had an agreement with Kyle the site foreman that there would be a fence installed on the top of the new retaining wall with all parties agreeing on the height and design, and the removal of existing fences which are falling away because of the removal of earth and the installation of the retaining wall.

-We have concerns regarding the possibility of exhaust from the two parking spots (7&8) on the plan. We have had air quality issues with exhaust and running cars in the past.

In regards to the actual items in the proposal don't have any great issues with most however number three which states "Three (3) storeys shall be permitted instead of the maximum two and a half storeys required."

This change will have a direct impact on us. If the rationale allowing this change is due to the fact that this is grandfathering of the existence of an existing third-floor we would respectfully inform everyone that the top floor has been unoccupied except by raccoons for the past 20 years and the second floor has been vacant for at least 10 years.

Our biggest concern is privacy and security. Being a bungalow, our rooms are all on one floor which is at a lower elevation than the second floor of the building. The existing second storey windows afford a direct elevated view into our Master bedroom as well as a direct view of our Bathroom shower. The current 2-½ storey window placements allow a direct

view from above into our master bedroom. The additional third storey windows as indicated on the design plan would give the third floor apartment a direct view of approximately 50% of our bedroom floor space and wall space. There will be NO location in the master bedroom for the bed to be positioned to allow privacy. With Terri having MS and using a walker and wheelchair we don't have the luxuries of relocation to get dressed. We will be on full display; morning, noon and night.

As far as our yard is concerned, we have tried to add privacy curtains and a gazebo to try and block some of the visibility. With the top floors vacant we have been granted years of privacy on our patio and hot tub beside the house. The introduction of the third storey would eliminate all privacy in our backyard. Neighbours should be allowed some amount of private outdoor space. If privacy is an expectation that is available to be grandfathered we would request that we be grandfathered into our existing privacy. There will be a lot of flesh on display for the tenants.

The additional wall space on the third floor will increase the surface area by approximately 200% which in turn will reflect 200% more light back into our yards and patios. The recent removal of two healthy, old growth black walnut trees has removed all shade and made our backyards almost unusable. By reflecting more light into the yards for a longer period of the day, the small amount of shade we do get in the early day will be eliminated, making more of the area unusable. During the pandemic this was the only safe green space for our grandson to play but it was mostly unusable due to the intense sun during the day. This is the case now during the summer now as a result of the tree removal. Adding more reflected light will make the situation worse. The sun doesn't pass the building to eliminate this glare until approximately 4:30 PM. in the summer.

I know Toronto has guidelines for elements related to scale and character, massing, height and transition relative to sun, shadow and impacts on neighbouring streets, parks and open space, and adequate light and privacy for residents. Perhaps Hamilton has some similar guidelines.

We have issues with the general appearance of the third-floor in general. Other new developments in the area such as those on Redhill and at 50 Albright are keeping with the existing character and style of the community. Using sloped roofs with gables, dormers and decorative elements maintains the current character of the area. The addition of a flat wall and flat roof will alter the heritage aspect of this farmhouse which is the oldest house in the area. We feel it should look more like it's companion house further down the block.

We also have concerns about the illumination of the parking lot. Despite assurances that the illumination of the parking area will be "directed away from any adjacent use" there will still be an ambient light blanket in our entire backyard all night. Illumination into our bedroom windows will be an ongoing issue. We have our blinds open at night so we can open our windows for fresh air and the parking lot lights will be casting their glow into our bedrooms all night. Any porch lights above doors on the upper floors will also be illuminating our windows and yard. Simple things like plans of camping out in the backyard and watching the stars with our grandsons will be next to impossible with ambient parking

lot light in our backyard. If parking were at the front of the lot then there would not be a need to illuminate the back as much.

We love the area and have no plans of moving and our children and grandchildren will be living in this home long after we do.

We hope we have conveyed some of our issues to the committee and council so that at least some of these variances are denied.

Thank you for your time,

Sincerely,
Bryan and Terri Cowell
360 Montmorency Dr.
905-512-4470

From: [Mary McDonald](#)
To: [Committee of Adjustment](#)
Cc: debbie.loncar@outlook.com
Subject: Application No: HM/A-20:77 for 125 Mount Albion Rd
Date: July 13, 2020 7:04:00 PM

To Whom It May Concern:

My name is Debbie Loncar and myself and my family have owned and occupied the property located at 364 Montmorency Drive for 30+ years.

My property is directly to the rear of the building located at 125 Mount Albion Rd.

I have received the proposed variance regarding construction and parking for the property located at 125 Mount Albion Rd and am strongly opposed.

The proposed size of the dwelling structure

- leaves uncertainty regarding value and future re-sale potential of my home. As we have experience selling my in-laws home directly next door to our residence, many potential buyers were off put by the size of the dwelling and questions regarding future occupancy.
- Waste and recycling: from the proposed plans, I do not see where waste dumpsters and recycling bins will be set up. With any outdoor garbage disposal concerns over rodents/vermin and odour are prevalent.
- Noise pollution: with the addition of more units/residents as well as installation of additional HVAC units, we can expect our quiet street to be affected
- Infringes on the enjoyment of my home: the proposed structure would tower over my two storey home limiting my privacy and the ability to enjoy my backyard
- Aesthetics: the proposed structure would not flow with the current aesthetic of the neighbourhood
- Impact on future construction: should the proposed variance be approved, it will set precedent for future builds and remodels which is cause for concern regarding already very limited parking and green space in the area as well as rezoning, further diminishing property values.
- Rear Access/Fire Escape: upon reviewing the proposed drawings, it appears as the rear access (fire escape) of the building would be less than 10 feet from our property/fence line. Occupants of 125 Mount Albion Road would have very limited outdoor space, and one can only assume they would utilize their rear access. Occupants of 125 Mount Albion road would be looking directly in my backyard thus again limiting on my enjoyment of my home.
- Security: currently security cameras pointed directly in my backyard. We cannot enjoy our backyard and nor do I feel confident allowing my Grandchildren play in the backyard not knowing who has access to monitoring devices.
- Lighting: required outdoor lighting would affect and illuminate my property
- Parking: proposed parking does not provide adequate parking for residents of 125 Mount Albion Rd and their guests. No parking on Mount Albion is permitted which equates to residents of 125 Mount Albion Road utilizing the already very limited side street parking.

The top floor of 125 Mount Albion has been vacant for 20 years and the entire building has been vacant 5-7 years. In the last two years, construction has been minimal without much progress. The proposed plans would realistically involve two plus years of construction which myself and family would have to endure.

Already I have sustained damage to my property. My fence (Which is approximately 5 years old) that borders 125 Mount Albion was damaged by the install of the swell wall without any concrete indication when I can expect install of new fence. Myself and my neighbour were assured by the current owners of 125 Mount Albion, that the fence would be replaced. I do not see this included in the plans nor any estimated time frame on when we can expect replacement. The fence is currently being held up by wooden planks on the property located at 125 Mount Albion road. I would like to add, that we paid for the fence with no contribution from past or present owners of 125 Mount Albion Rd.

As being the owner/occupier of my home for 30+ years, I have experienced what it is like to have residents at 125 Mount Albion Road. We have had residents hop our fence, had beer bottles, drug paraphernalia and other debris thrown in our backyard. I have grave concerns for what the future in my home will feel like.

I implore you, dear Sirs and Madams, to consider my family and my neighbours and our future enjoyment of our home and potential economical loss we will endure via re-sell value should the proposed variance be approved. Myself and my husband take great pride in our home. We have recently retired and have devoted great time and money to the improvement to our home, so we can enjoy our "Golden Years".

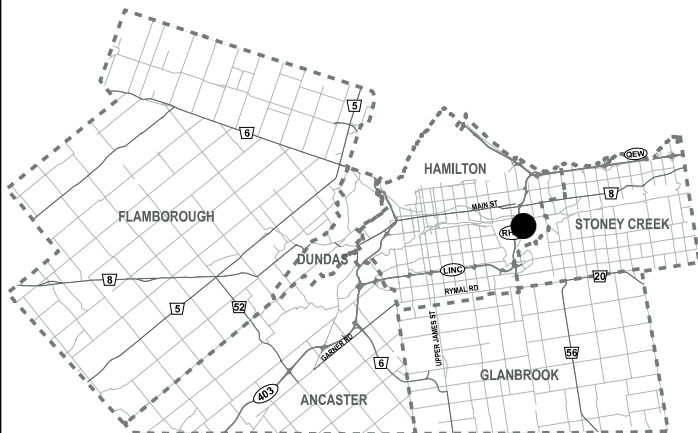
I can honestly say without any hesitation or doubt, that you would be hard pressed to find anyone that would be content to have proposed dwelling mere feet from their backyard.

Respectfully Yours

Debbie A. Loncar
364 Montmorency Dr.
Hamilton ON., L8k 5H4
905-560-3658



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



125 Mount Albion Road, Hamilton
(Ward 5)

File Name/Number:

HM/A-20:77

Date:

July 9, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-19:124 (130 Gibson 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. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
4. Approximately 1.75 metres are to be dedicated to the right-of-way on Gibson venue, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Local Roads (Gibson Avenue) are to be 20.117 metres.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

5. That the Owner enters into with the City of Hamilton and registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; stormwater management, urbanization costs including but not limited to future storm sewers and sidewalks, cash payment requirements for items such as trees, inspection of grading and services to be installed; and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction; and,
6. That the Owner submits a stormwater management plan prepared by a qualified professional to demonstrate that the 100 year post development flows from the severed and retained portion of the lands are controlled on the site to the maximum allowable discharge rate established based on the 2 year IDF parameters for the Mount Hope rainwater gauge station and runoff coefficient of 0.5 all to the satisfaction of the Manager of Engineering Approvals Section.

7. The applicant shall ensure compliance with Ontario Building Code requirements regarding separation distances to the satisfaction of the Planning and Economic Development Department (Building Services Division).
8. The owner shall receive final and binding approval of minor variance application HM/A-19:440.

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 (Part 1) will remain as 130 Gibson Avenue, Hamilton, and the lands to be conveyed (Part 2) will be assigned the address of 132 Gibson Avenue, Hamilton.

HM/B-19:440 (130 Gibson Ave., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conveyance of a parcel of land in order to create two lots for residential purposes. The retained lot will maintain the existing single detached dwelling and proposed new rear addition in order to establish a two family dwelling with a lot area of 201.77 square metres and the severed lot is proposed to be developed with a new duplex dwelling with a lot area of 225.79 square metres.

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, E.3.4.3 and F.1.14.3.1, amongst others, are applicable and permit duplex dwellings.

Cultural Heritage:

The subject property is located within the Gibson Neighbourhood, an established historic neighbourhood as described in 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 request that the applicant use façade materials sympathetic to the character of the surrounding area, such as brick cladding and that the massing, roof profile and front yard setback is consistent with the neighbouring homes within the established historical neighbourhood.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, which permits a two family dwelling.

Recommendation:

The proposal is for the severance of a parcel of land containing a single detached dwelling, with a proposed rear addition to establish a two family dwelling, on the retained lands and to facilitate the construction of a new two family dwelling on the severed lands. The severed and retained lot are fully serviced by municipal water and wastewater

systems, and front onto Gibson Avenue. The proposal to convey the subject lands to create two lots meets the intent of the Urban Hamilton Official Plan as the lots will maintain the existing established residential character and lot pattern of the neighbourhood.

Based on the preceding information, staff recommends that the severance be approved as the conveyance conforms to the intent of the Urban Hamilton Official Plan and the intent of the former City of Hamilton Zoning By-law 6593.

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
3. Variances for lot area, lot width, parking and side yards will be required for zoning compliance of the lands to be conveyed and the lands to be retained.

CONDITIONAL UPON:

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding separation distances to the satisfaction of the Planning and Economic Development Department (Building Services Division).
2. The owner shall receive final and binding approval of minor variance application HM/A-19:440.

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 (Part 1) will remain as 130 Gibson Avenue, Hamilton, and the lands to be conveyed (Part 2) will be assigned the address of 132 Gibson Avenue, Hamilton.

Development Engineering:

According to our records, there is an existing 150mm diameter watermain, 300mm combined sewer and a 600 storm sewer located on Gibson Avenue. The size of the existing private water and sanitary drains servicing the existing dwelling are to be verified by the applicant and if inadequate must be replaced to meet current City standards.

Gibson Avenue has a sufficient road allowance width at this location in accordance with the City of Hamilton Urban Official Plan. Access to both the lots are shown on the sketch from the rear alleyway.

The Owners will be required to enter into a Consent Agreement with the City in order to ensure that the future residential development on the new lot proceeds in a proper and orderly manner. We note that a 0.82m northerly side yard is proposed for the existing dwelling. The applicant will be required to demonstrate that drainage from this parcel will be contained and directed to an appropriate outlet without affecting adjacent properties. The proposed imperviousness on the site exceeds the original design assumptions for the adjacent sewers in accordance with the GUS info. The applicant will be required to demonstrate that drainage from this parcel will be retained and controlled on the site in accordance with the City criteria related to development within the area serviced by a combined sewer system. Please note that the Owner will be responsible for the relocation of any street furniture (i.e. CB's, fire hydrant, utility poles etc.) and to provide securities for any potential damages to the existing sidewalks, curbs or boulevard that may be required as a result of this development.

Should this application be approved we recommend that it be subject to the following condition:

1. That the Owner enters into with the City of Hamilton and registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; stormwater management, urbanization costs including but not limited to future storm sewers and sidewalks, cash payment requirements for items such as trees, inspection of grading and services to be installed; and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction; and,
2. That the Owner submits a stormwater management plan prepared by a qualified professional to demonstrate that the 100 year post development flows from the severed and retained portion of the lands are controlled on the site to the maximum allowable discharge rate established based on the 2 year IDF parameters for the Mount Hope rainwater gauge station and runoff coefficient of 0.5 all to the satisfaction of the Manager of Engineering Approvals Section.

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, provided the following conditions are met:
 - a. Approximately 1.75 metres are to be dedicated to the right-of-way on Gibson Avenue, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2.

Local Roads (Gibson Avenue) are to be 20.117 metres.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

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.



Shannon Clarke, Urban Forest Health Technician
City Centre, 77 James Street North, Suite 400
Hamilton, ON L8R 2K3
Phone (905) 546-2424 Ext. 4219, Fax (905) 546-4473
Email – Shannon.Clarke@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: July 10, 2020

To: Jamila Sheffield, Committee of Adjustments Secretary/Treasurer
Development Planning, Heritage and Design – Urban Team
City Hall – 71 Main St. W. – 5th Floor

From: Shannon Clarke, Urban Forest Health Technician

Subject: 130 Gibson Avenue, Hamilton
File: HM/B-19:124

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, July 16th, 2020, regarding the above subject area under discussion, the Forestry and 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 located on site; therefore a Tree Management Plan will not be required.

No Landscape Plan required.

Forestry has no concerns.

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

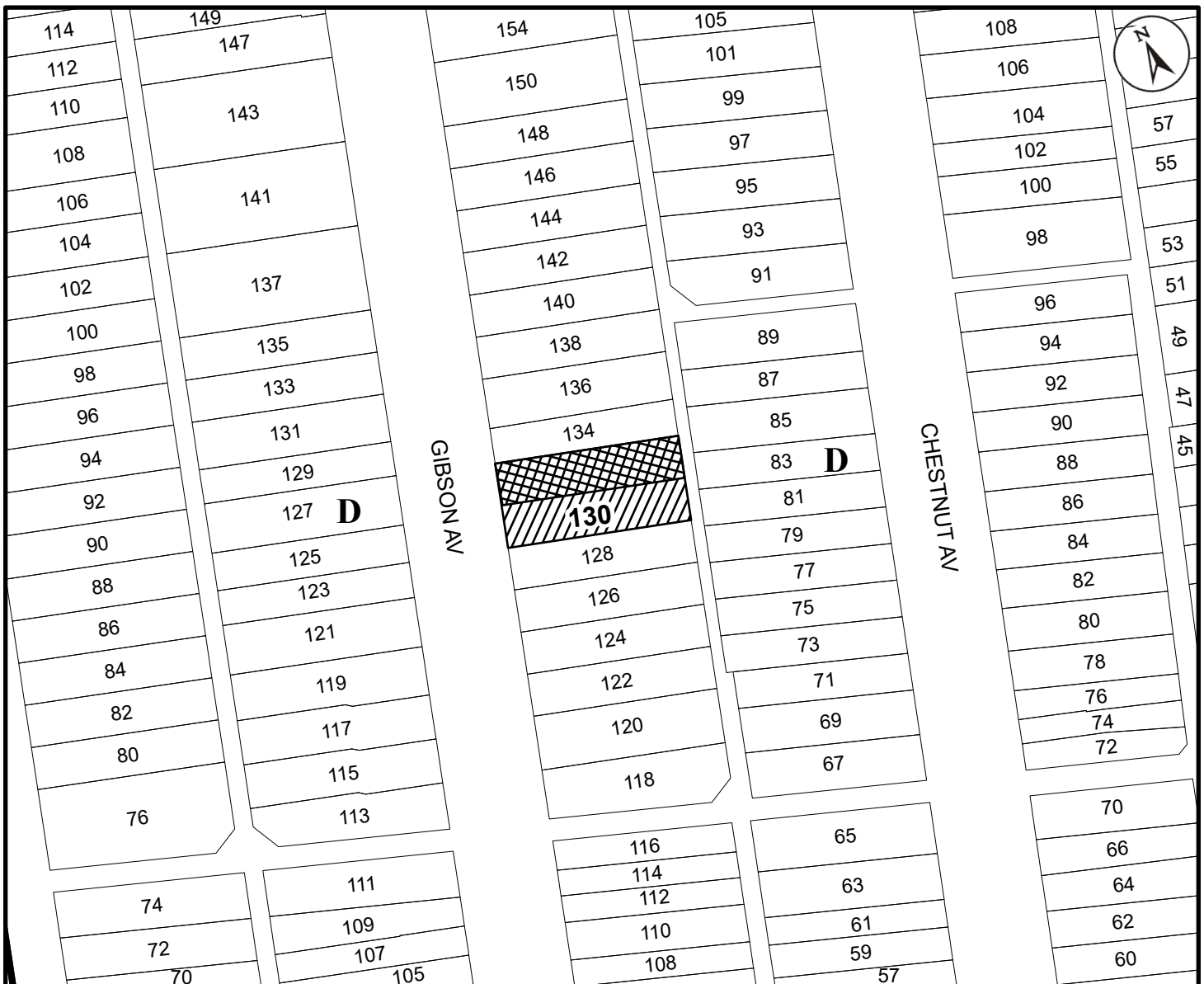
- There are no Municipal Tree Assets located on site; therefore Tree Management will not be required.
- No Landscape Plan required.

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. 4219.

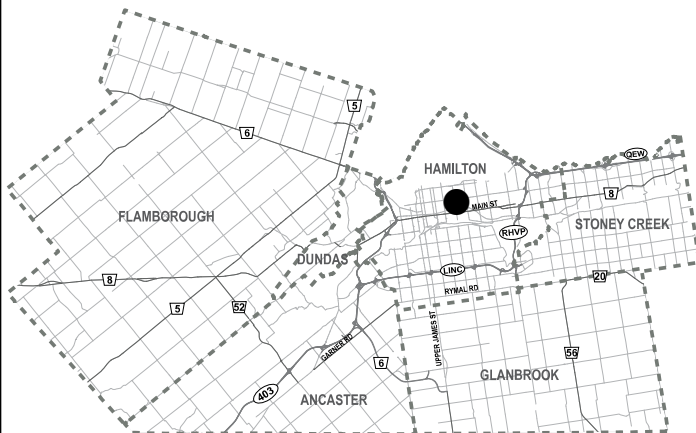
Regards,

A handwritten signature in black ink, appearing to read "Shannon Clarke". The signature is fluid and cursive, with the first name "Shannon" and last name "Clarke" clearly distinguishable.

Shannon Clarke
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

130 Gibson Avenue, Hamilton (Ward 3)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-19:124

Date:

July 10, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-19:440 (130 Gibson 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:

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to facilitate Consent application HM/B-19:124 which is being considered concurrently. The proposed variances are necessary to permit the construction of a new duplex dwelling on the severed lands and to permit a rear addition to the existing single detached dwelling in order to establish a two family dwelling on the retained lands.

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 duplex dwellings.

Cultural Heritage:

The subject property is located within the Gibson Neighbourhood, an established historic neighbourhood as described in 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 request that the applicant use façade materials sympathetic to the character of the surrounding area, such as brick cladding and that the massing, roof profile and front yard setback is consistent with the neighbouring homes within the established historical neighbourhood.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, which permits a two family dwelling.

Severed Lands

Variance 1

The applicant is requesting a variance to allow a minimum front yard depth of 3.5 metres notwithstanding the minimum required 6.0 metre front yard depth. The general intent of the Zoning By-law is to provide a consistent streetscape and allow sufficient space in the front yard to accommodate the necessary landscaped area.

The established residential streetscape on Gibson Avenue maintains a consistent front yard depth that ranges between approximately 2.0 - 3.5 metres. The variance is maintaining the intent of the Zoning By-law as the proposed front yard depth of 3.5 metres is consistent with the established residential streetscape. 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 and 3

The applicant is requesting a variance to allow a minimum lot width of 7.4 metres and a minimum lot area of 225.0 square metres, notwithstanding the minimum required lot width of 18.0 metre and minimum required lot area of 540.0 square metres. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow sufficient space to accommodate a dwelling with two units with the necessary landscaped areas, amenity area, and parking.

The proposed lot width and lot area are consistent with the surrounding properties and will maintain the existing lot pattern of the neighbourhood. The proponent has provided the required parking within the rear yard to satisfy the parking needs of a two family dwelling. In addition, Staff is satisfied sufficient landscaped and amenity area is being provided between the front yard, front porch, rear yard and rear porch to satisfy the needs of the tenants. The variances are considered minor in nature and desirable for the development of the site.

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

Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. The variances are considered minor in nature and desirable for the

appropriate use of the property. In conclusion, Staff recommends that the application be approved.

Retained Lands

Variance 1

The applicant is requesting a variance to allow a minimum front yard depth of 2.5 metres, notwithstanding the minimum required 6.0 metre front yard depth. The general intent of the Zoning By-law is to provide a consistent streetscape and allow sufficient space to accommodate the necessary landscaped area.

The established residential streetscape on Gibson Avenue maintains a consistent front yard depth that ranges between approximately 2.0 - 3.5 metres. The variance recognizes an existing condition. It maintains the intent of the Zoning By-law as the proposed front yard depth of 2.5 metres is consistent with the established residential streetscape. 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.

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 applicant is requesting a variance to allow a minimum northerly side yard width of 0.8 metres notwithstanding the minimum required side yard width of 1.2 metres. The intent of the provisions of the Zoning By-law is to provide a consistent streetscape, allow sufficient space for access and drainage, and to avoid any impact on the enjoyment and privacy of the adjacent properties.

The side yard widths vary along this section of Gibson Avenue, the majority being less than 1.0 metre. The variance maintains the general intent of the Zoning By-law as it is consistent with the established residential streetscape. 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.

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 3

The applicant is requesting a variance to allow a minimum rear yard depth of 6.6 metres notwithstanding the minimum required rear yard depth of 7.5 metres. The intent of the Zoning By-law is to allow for adequate area to accommodate the necessary amenity area for the needs of the tenants.

The proposed rear addition to the existing single detached dwelling will bring the rear yard depth out of conformity with the Zoning By-law. The rear yard will consist of one parking space with the remainder being amenity area. The variance is maintaining the general intent of the Zoning By-law as Staff is satisfied the needs of the tenants will be accommodated. The variance is desirable for the development of the site and minor in nature.

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 4

The applicant is requesting a variance to allow one parking space to be permitted on site, notwithstanding the minimum two parking spaces required. The general intent of the Zoning By-law is to ensure the parking needs of the tenants are satisfied.

The subject property is located approximately 500 metres north of King Street East which is part of the HSR BLAST network, intended for higher order transit. The subject property is serviced by HSR bus routes 1, 2 and 3 and is in close proximity to a Sobi bike share hub and a number of amenities, including: Powell Park, St. Ann Catholic Elementary school and various commercial uses along Barton Street East and King 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.

Variance 5

The applicant is requesting a variance to allow a minimum parking space size length of 6.6 metres notwithstanding the required length of 6.7 metres for a parallel parking space. The general intent of the Zoning By-law is to allow adequate space to accommodate a variety of vehicle sizes.

The applicant has revised the original drawing to remove the proposed parallel parking space. As such, Variance 5 is not necessary to facilitate the proposal.

Variance 6 and 7

The applicant is requesting a variance to allow a minimum lot area of 201.7 square metres and a minimum lot width of 6.6 metres notwithstanding the minimum required lot area of 540.0 square metres and minimum required lot width of 18.0 metres. The general intent of the Zoning By-law is to allow for adequate area to accommodate a dwelling with two

units with the necessary landscaped areas, amenity area, parking and to provide a consistent residential streetscape.

The proposed lot width and lot area are consistent with the surrounding properties and will maintain the existing lot pattern of the neighbourhood. The proponent is providing sufficient parking to satisfy the needs of a two family dwelling, as discussed above. In addition, Staff is satisfied sufficient landscaped and amenity area is being provided between the front porch and the rear yard to satisfy the needs of the tenants. The variances are considered minor in nature and desirable for the development of the site.

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

Variance 8

The applicant is requesting a variance to allow an eave / gutter to encroach the entire width of the northerly and southerly side yards of the existing dwelling, excluding the addition, located as close as 0.0 metres to the side lot line, notwithstanding the Zoning by-law permits an eave / gutter to project into a required side yard a maximum of half its width or 1.0 metres, whichever is the lesser. The general intent of the Zoning By-law is to provide a consistent streetscape and maintain the character of the existing neighbourhood.

The variance is maintaining the general intent of the Zoning By-law as it is in character with the established residential streetscape for the eaves and gutters to project into the side yard. 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.

Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. The variances are considered 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 construction of the proposed two-family dwelling and the construction of the

proposed rear addition to the existing dwelling is subject to the issuance a building permit.

2. The variances are necessary to facilitate Consent Application HM/B-19:124.
3. No elevation plans were provided in order to confirm compliance. Therefore, further variances may be required.
4. The applicant shall ensure that requested variance #2 for the retained lot has been measured from the proposed side lot line to the closest part of the building. Otherwise, further variances will be required.
5. The zoning By-law requires a minimum 50.0% of the gross area of the front yard to be provided as landscaping. Insufficient information was provided to confirm compliance; as such, further variances may be required.
6. The zoning By-law permits an eave or gutter to project into a required side yard a maximum of $\frac{1}{2}$ of its width or 1.0m whichever is the lesser. Insufficient details respecting the eaves/gutter projection was provided for the severed lot from which to confirm compliance; as such, further variances may be required.

Development Engineering:

No comments.

See attached for additional comments.

July 10, 2020

City of Hamilton
Planning and Economic Development Department
71 Main St W
Hamilton, Ontario
L8P 4Y5

Attention: Morgan Evans

File# HM/A:19-440

Re: 130 Gibson Ave

In response to your correspondence dated July 7, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.

- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-522-6611 ext: 4729 in our Engineering Design Department.

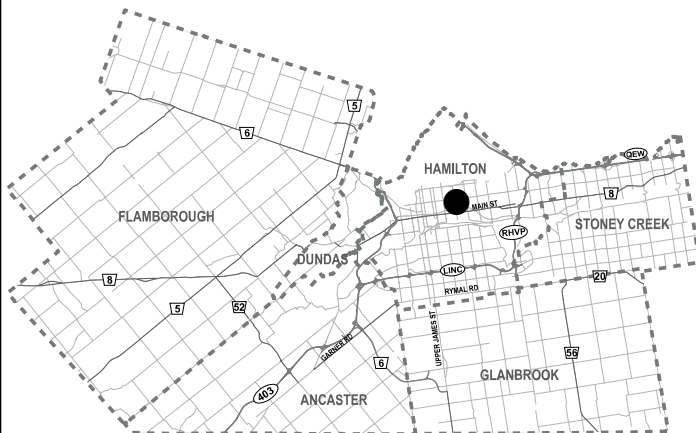
Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

130 Gibson Avenue, Hamilton (Ward 3)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/A-19:440

Date:

July 10, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:79 (9 Roanoke 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:

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a one storey, 15.1 square metre, rear addition to the existing single detached dwelling, 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 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-1364 and C/S-1788” (Urban Protected Residential, Etc.) District, Modified, which permits a single family dwelling.

Variance 1

The applicant is requesting a variance to allow a floor area ratio of 0.62 and a maximum gross floor area of 200.6 square metres, notwithstanding the maximum permitted floor area ratio of 0.45 and a maximum gross floor area of 145.6 square metres.

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. The general intent of the Zoning By-law is to maintain the established residential character and to prevent overdevelopment of the site. Staff is of the opinion the proposed one storey addition will not alter the established character of the area as it will not be visible from Roanoke Road and the new building footprint will be consistent with the surrounding

properties. The variance is minor in nature and desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area.

Based on the foregoing, the general intent of the Official Plan, the Ainslie Wood Westdale Secondary 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, the Ainslie Wood Westdale Secondary 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. Variance 1 should be altered to replace “**0.62**” to “**0.63**” and to replace “**200.6 square metres**” to “ **203.9 square metres**”, to read...

“A floor area ratio of 0.63 shall be applied allowing a maximum gross floor area of 203.9 square metres instead of applying the maximum permitted floor area ratio of 0.45 allowing a maximum gross floor area of 145.6 square metres.”

2. A building permit is required for the construction of the proposed addition. Be advised that Ontario Building Code regulations may require specific setbacks and construction types
3. A lot area of 323.7 square metres obtained from GISNet has been applied to determine the maximum permitted gross floor area.
4. It is unclear if the gross floor area deductions permitted by By-law 96-125 have been applied to determine the maximum proposed gross floor area.
5. The applicant shall ensure the area of the enclosed porch at the front of the dwelling has been included in the total proposed gross floor area.
6. A further variance will be required if a ceiling height in excess of 4.6 metres is provided for any portion of the dwelling.
7. A further variance will be required if the eave and gutter on the proposed addition encroach greater than 0.4 metres into the required easterly side yard.

8. Details regarding the number of habitable rooms proposed for the dwelling have not been provided to determine zoning compliance regarding Parking. A further variance(s) will be required if greater than eight (8) habitable rooms are proposed to be provided.

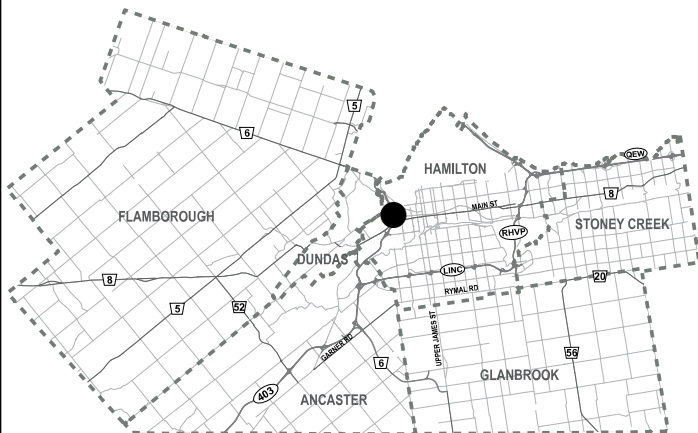
Development Engineering:

No comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



9 Roanoke Road, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:79

Date:

July 9, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:81 (27 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):

1. The applicant obtains a Boulevard Parking Agreement to supplement the proposed parking space length to the satisfaction of the Manager of Development Planning, Heritage and Design.

HM/A-20:81 (27 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, 4.5 metre by 5.3 metre, rear addition and a one storey, 2.1 metre by 2.3 metre, front addition (enclosed porch) 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.

Cultural Heritage:

The subject property is located within the Westdale Original Subdivision Cultural Heritage Landscape (CHL) and is also subject to the policies of the Ainslie Wood Secondary Plan. Policy 6.2.14.2(b) of the Ainslie Wood Secondary Plan provides that cultural heritage landscapes shall be conserved and protected with the intent of retaining major characteristics through the review of planning applications.

Staff have reviewed the proposed rear addition and front porch alteration and are of the opinion that the proposal will not have an adverse impact the character of the Westdale Original Subdivision Cultural Heritage Landscape.

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-1361 and C/S-1788” (Urban Protected Residential, Etc.) District, Modified, which permits a single family dwelling.

Variance 1

The applicant is requesting a variance to allow a front yard depth of 4.6 metres, notwithstanding the minimum required front yard depth of 6.0 metres. The general intent of the Zoning By-law is to provide a consistent streetscape and allow sufficient space in the front yard to accommodate the necessary landscaped area.

The applicant is proposing to enclose the existing roofed-over, but otherwise unenclosed front porch. The variance recognizes the existing projection of the front porch, however, once enclosed the porch would be considered an addition to the existing single detached dwelling. Therefore, the minimum required front yard depth of 6.0 metres will apply instead of the regulations under Section 18(3)(vi) of the Zoning By-law for projections into the front yard.

The variance is maintaining the intent of the Zoning By-law as the proposed front yard depth of 4.6 metres is consistent with the established residential streetscape. Additionally, the proposal will only result in minor changes to the existing landscaped area in the front yard. 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 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 an easterly side yard width of 0.0 metres, notwithstanding the minimum required side yard width of 1.2 metres. The general intent of the Zoning By-law is to provide a consistent streetscape, avoid any impact on the enjoyment and privacy of the adjacent properties, and to allow sufficient space for access and drainage. Staff defers any drainage concerns to Development Engineering Approvals.

The variance recognizes the existing side yard width of the single detached dwelling. The applicant is proposing to construct the rear addition, maintaining the existing side yard width of 0.0 metres. The subject property is a corner lot with the easterly side lot line adjacent to North Oval. As such, the proposed variance will not result in any negative impact to a neighbouring property. The intent of the Zoning By-law is being maintained as Staff do not anticipate any negative impact on the existing residential streetscape or the surrounding properties as a result of continuing the existing side yard width for the proposed rear addition.

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 of the site and considered minor in nature; therefore, staff support the variance.

Variance 3

The applicant is requesting a variance to allow a maximum floor area ratio of 0.80, notwithstanding the maximum permitted floor area ratio of 0.45. The general intent of the Zoning By-law is to maintain the established residential character and to prevent overdevelopment of the site.

Staff is of the opinion the proposed one storey addition will maintain the established character of the area and the new building footprint will be consistent with the surrounding properties. Staff acknowledge the existing floor area ratio is approximately 0.72 and the proposed addition will not significantly increase gross floor area of the existing single detached dwelling. The variance is minor in nature and desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area as the addition is adjacent to North Oval and is aligned with the existing easterly side façade and rear façade.

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.

Variance 4

The applicant is requesting a variance to allow no manoeuvring to be provided on site, notwithstanding the Zoning By-law requires a minimum manoeuvring aisle width of 6.0 metres abutting and accessory to each required parking space, provided and maintained on the lot. The general intent of the Zoning By-law is to ensure all vehicles can safely manoeuvre to and from the parking spaces.

The variance is recognizing an existing condition that will not change as a result of the proposed addition. The parking is located in the rear yard and has direct access onto North Oval. The intent of the Zoning By-law is being maintained as the road provides sufficient space to aide the moving of a vehicle to and from the site, with adequate visibility. 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 Urban Hamilton 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.

Variance 5

The applicant is requesting a variance to allow a parking space size of 2.5 metres by 4.5 metres, notwithstanding the minimum required parking space size of 2.7 metres by 6.0 metres. The general intent of the Zoning By-law is to allow adequate space to accommodate a variety of vehicle sizes.

The dimensions of the proposed parking spaces have not been provided on the submitted Site Plan. It appears the existing driveway can accommodate a parking space width of 2.7 metres. Staff recommend the applicant revise the Site Plan to provide the required parking space width in accordance with the regulations of Zoning By-law No. 6593.

While Staff is satisfied the existing driveway, which measures approximately 9.5 metres in length, is sufficient to accommodate a variety of vehicle sizes, Staff notes

approximately 5.0 metres of the length of the driveway is within the North Oval road allowance. Staff are not satisfied that the remaining 4.5 metres can accommodate a variety of vehicles without utilizing the portion of the driveway which is located within the North Oval road allowance. In order to utilize this portion of the driveway for parking, the applicant must obtain a Boulevard Parking Agreement.

Subject to the applicant obtaining a Boulevard Parking Agreement, Staff is satisfied the proposed parking space length of 4.5 metres will be sufficient to accommodate a variety of vehicles as additional length can be supplemented with the Boulevard Parking Agreement.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan is maintained. The variance as it relates to the parking space length maintains the general intent of the Zoning By-law, is desirable for the development and is considered minor in nature; therefore, staff support the variance as it relates to the proposed parking space length, on condition.

The variance as it relates to the proposed parking space width does not maintain the general intent of the Zoning By-law, is not desirable for the development nor considered minor in nature; therefore, staff do not support the variance as it related to the proposed parking space width.

Recommendation:

Based on the preceding information, Variances 1 to 4 and 5 as it relates to the parking space length, maintain the general intent and purpose of the Urban Hamilton Official Plan, the Ainslie Wood Westdale Secondary 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.

Variances 5, as it relates to the parking space width, does not maintain the general intent and purpose of the Urban Hamilton Official Plan, the Ainslie Wood Westdale Secondary Plan or the former City of Hamilton Zoning By-law No. 6593. The variance is not considered to be minor in nature nor desirable for the development.

In conclusion, Staff recommends that Variance 1 to 4 and 5 as it relates to the parking space length be approved, on condition and Variance 5 as it relates to the parking space width be denied.

CONDITIONS: (If Approved)

1. The applicant obtain a Boulevard Parking Agreement to supplement the proposed parking space length to the satisfaction of the Manager of Development Planning, Heritage and Design.

Building Division:

1. The number of required parking spaces for a single family dwelling is calculated at a rate of two (2) parking spaces for the first eight (8) habitable rooms plus an additional 0.5 spaces for each additional habitable room. Based on the drawings provided, a total of 8 habitable rooms are shown, as such a minimum of 2 parking spaces are required to be provided. Please note that additional parking spaces will be required for any future alterations or additions which create additional habitable rooms.
2. A boulevard parking agreement is required for the parking spaces located on the road allowance.
3. A building permit is required in the normal manner for the construction of the proposed addition.
4. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

Development Approvals has no comments if the existing drainage pattern is maintained.

See attached for additional comments.

July 10, 2020

City of Hamilton
Planning and Economic Development Department
71 Main St W
Hamilton, Ontario
L8P 4Y5

Attention: Morgan Evans

File# HM/A:20-81

Re: 27 Paisley Ave N

In response to your correspondence dated July 7, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Existing overhead service in conflict with proposed rear addition. Contact ICI department for new service options.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.

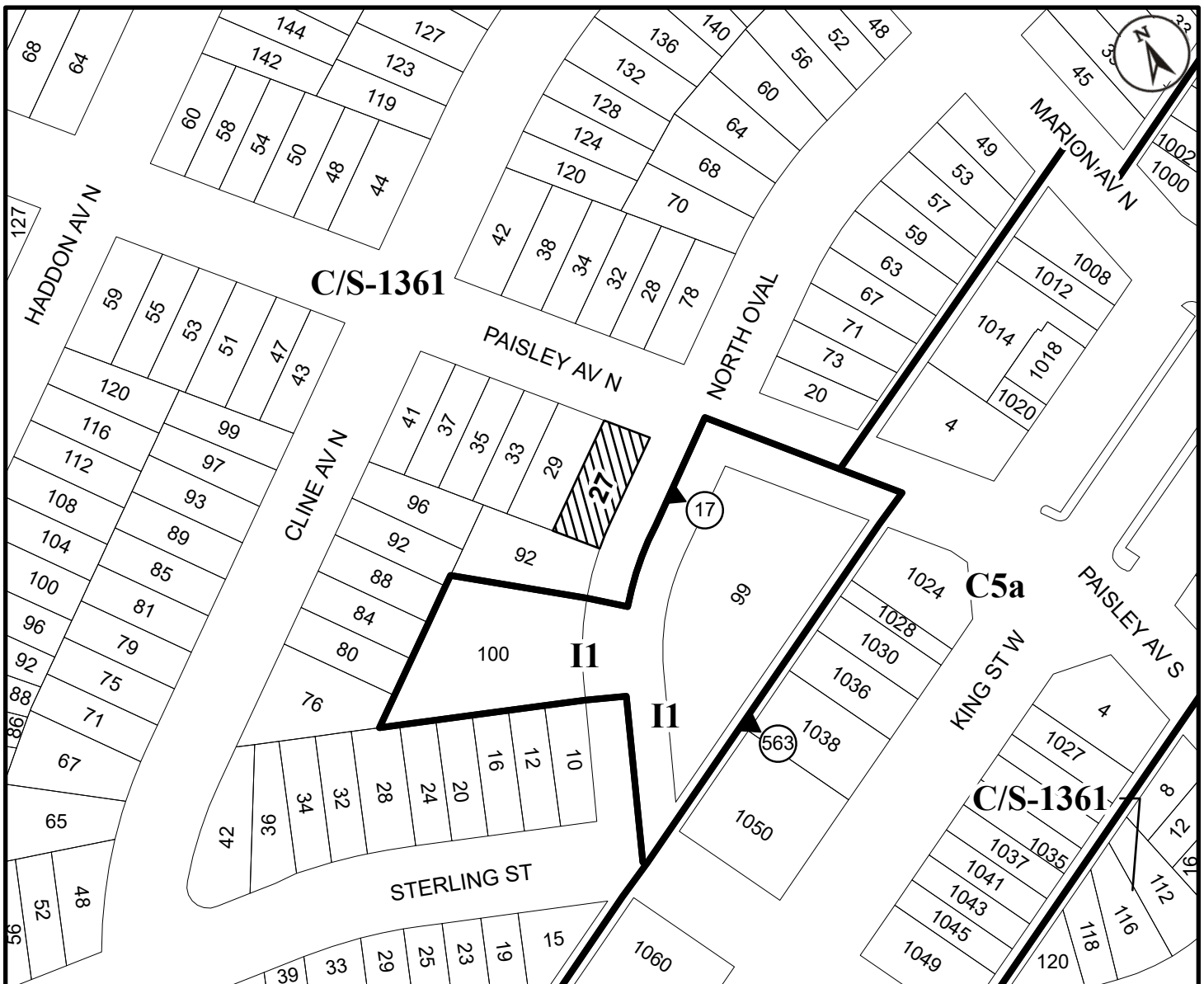
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-522-6611 ext: 4729 in our Engineering Design Department.

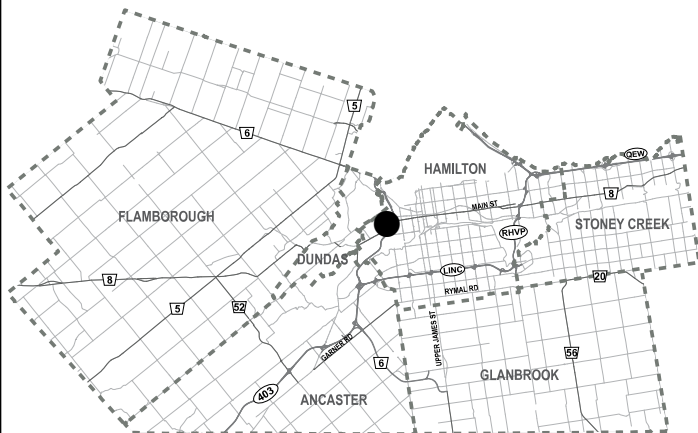
Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



27 Paisley Avenue North, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:81

Date:

July 9, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:83 (191 Longwood Rd. 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):

1. That the applicant revise the submitted Site Plan to show a 3.0 metre wide planting strip along the Longwood Road South street line with the exception of the proposed pedestrian pathway to the satisfaction of the Manager of Development Planning Heritage and Design.

HM/A-20:83 (191 Longwood Rd. S., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a building containing a Planned Business Centre in order to facilitate Site Plan File No. SPA-19-177, notwithstanding the following variances.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Business Park” in Schedule E-1 – Urban Land Use Designations. Policies E.5.4.1 and E.5.4.3 amongst others, are applicable and permits research and development, and office uses.

Archaeology:

Staff have provided comments on the proposal through SPA-19-177 and have no further comments on this application.

Cultural Heritage:

Staff have provided comments on the proposal through SPA-19-177 and have no further comments on this application.

West Hamilton Innovation District Secondary Plan

The subject lands are designated “Employment Area – Research District”, “Special Policy Area A” on Map B.6.4-2 within the West Hamilton Innovation District Secondary Plan. Policy B.6.4.3.3, B.6.4.4.2, B.6.4.4.4 a) and c), and B.6.4.10.1 amongst others, are applicable and permit research, science and innovation facilities, and offices.

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

The subject lands are zoned Research and Development (M1, 7) Zone, Modified, which permits an office, a Research and Development Establishment, and Laboratory.

Variance 1

The applicant is requesting a variance to allow a maximum yard abutting a street of 2.5 metres to be provided for the ground floor of the building, notwithstanding the maximum yard abutting a street of 2.0 metres for the ground floor of a building. The general intent of the West Hamilton Innovation District Secondary Plan is to maintain a consistent street edge. The general intent of the Zoning By-law is to maintain a consistent streetscape and create a pedestrian oriented environment.

The proposed setback for the ground floor of the building, being 2.5 metres from the Longwood Road South property line, is aligned with the adjacent building north of the subject property. The variance is maintaining the general intent of the West Hamilton Innovation District Secondary Plan and Zoning By-law as the proposed location of the ground floor will create a consistent street edge along Longwood Road South.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan, West Hamilton Innovation District Secondary 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 2

The applicant is requesting a variance to allow a minimum of one parking space for each 57.0 square metres of gross floor area for a Planned Business Centre, notwithstanding the minimum required one parking space for each 50.0 square metres of gross floor area for a Planned Business Centre in an industrial zone. The general intent of the Zoning By-law is to ensure the parking needs of the building are being satisfied.

The applicant has submitted a Parking Generation Estimate Report prepared by Paradigm Transportation Solutions Ltd. The report estimated an average parking demand of approximately 0.50 – 0.54 spaces per person. In addition, the cover letter from A.J. Clarke and Associates dated March 9, 2020 notes the McMaster Innovation Park has operated with a parking surplus with utilizations rates of 55 to 60 percent. Staff is satisfied the proposed parking ratio is sufficient to satisfy the parking needs of the proposed Planned Business Centre.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan, West Hamilton Innovation District Secondary 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 3

The applicant is requesting a variance to allow no planting strip to be provided between the Longwood Road South street line and the parking spaces and aisles, notwithstanding the requirement that a 3.0 metre wide planting strip is required and permanently maintained between the street line and the said parking spaces or aisle. The general intent of the Zoning By-law is to provide an area devoted solely to landscaping to provide a buffer between the subject lands and the street, and to provide a consistent streetscape and create a pedestrian oriented environment.

Based on the submitted Site Plan it appears that there is sufficient space to provide a 3.0 wide planting strip along Longwood Road South, between the street line and the parking spaces and aisles with the exception of the proposed 1.8 metre pedestrian pathway which connects the bicycle parking to the sidewalk.

The variance to provide no planting strip along Longwood Road South does not maintain the intent of the Zoning By-law, as it would not contribute to a consistent streetscape. However, Staff acknowledge the only portion of the Longwood Road South frontage where no planting strip can be provided is the proposed 1.8 metre wide pedestrian pathway which allows for pedestrian connectivity between the sidewalk and the proposed bicycle parking, thus creating a pedestrian oriented environment. As such, Staff would be supportive of allowing the required planting strip to include the proposed pedestrian pathway instead of being solely dedicated to landscaping.

As such, Staff have included the following condition requiring a 3.0 metre planting strip be provided where possible.

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

Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan, West Hamilton Innovation District Secondary 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.

CONDITIONS: (If Approved)

1. That the applicant revise the submitted Site Plan to show a 3.0 metre wide planting strip along the Longwood Road South street line with the exception of the proposed pedestrian pathway to the satisfaction of the Manager of Development Planning Heritage and Design.

Building Division:

1. The following additional variance is required:

“No maximum yard abutting a street shall be required for accessory buildings and structures instead of the maximum yard abutting a street of 2.0m for the ground floor of a building.”

2. Variance No. 2 shall be varied by adding the words “for the Planned Business Centre” after the words “shall be provided” in the 1st line so that Variance No. 2 shall now read:

“A minimum of one (1) parking space for each 57m² of gross floor area shall be provided for the Planned Business Centre instead of the minimum required one

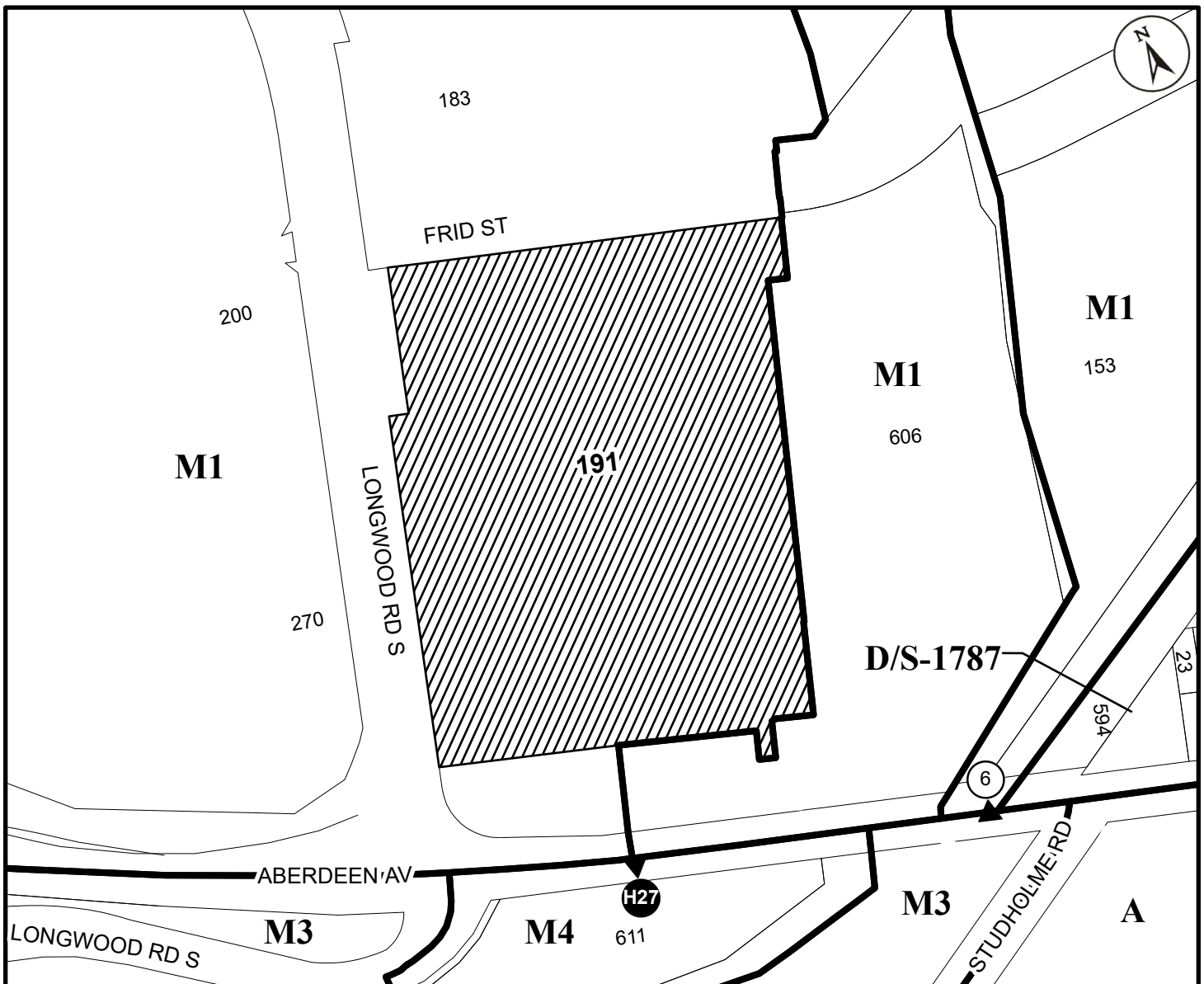
(1) parking space for each 50m² of gross floor area for a Planned Business Centre in an Industrial zone.”

3. Based on the existing parking regulation for a Planned Business Centre, a minimum of one hundred and seventy (170) parking spaces are required for a gross floor area of 8,507m². If Variance No. 3 is granted, a minimum of one hundred and forty-nine (149) parking spaces will be required and the Site Plan shows a total of one hundred and fifty-two (152) parking spaces which will conform.
4. The uses proposed within the building shall conform to those uses permitted pursuant to the “M1, 7” site-specific zone.
5. The variances are necessary to facilitate Site Plan Application File No. SPA-19-177.
6. Please be advised that a portion of this property is under Conservation Management. Please contact the Hamilton Conservation Authority for further information.
7. This property is listed in the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit www.hamilton.ca/heritageplanning for further information.
8. Be advised that Ontario Building Code regulations may require specific setback and construction types.
9. A building permit is required for construction of the proposed building.

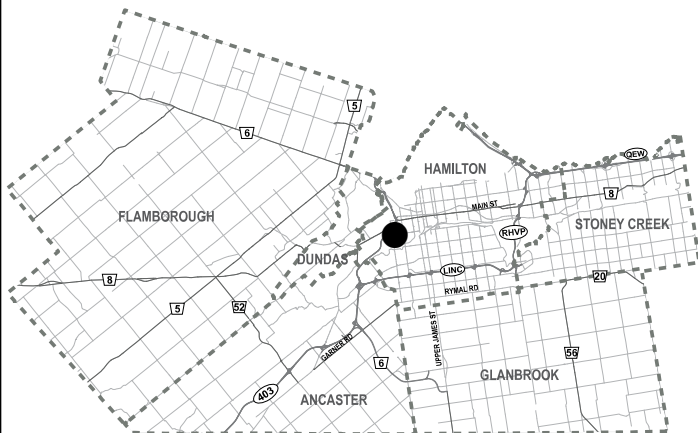
Development Engineering:

All related engineering related concerns were dealt with under DA-19-177. No further comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



191 Longwood Road South,
Hamilton (Ward 1)

File Name/Number:

HM/A-20:83

Date:

July 9, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:86 (42 Franklin 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:

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a second storey addition to the existing single detached dwelling and the establishment of nine habitable rooms, with a one storey addition at the rear of 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 permits single detached dwellings.

Cultural Heritage:

The subject property is located within the Westdale North neighbourhood, an established historic neighbourhood as described in 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 satisfied that the proposed second storey addition is consistent with the character of the established historic neighbourhood and have no concerns with the proposal.

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 and C/S-1364" (Urban Protected Residential, Etc.) District, Modified, which permits single family dwellings.

Variance 1, 2 and 5

The applicant is requesting a variance to allow a front yard depth of 4.8 metres, to allow a westerly side yard width of 0.9 metres, and to allow an accessory building, used as a storage shed, to be located within the required side yard, 0.0 metres from the easterly side lot line, notwithstanding the minimum required front yard depth of 6.0 metres, the minimum required side yard width of 1.2 metres and that the Zoning By-law does not permit an accessory building to be constructed in a required side yard.

The intent of the Zoning By-law is to allow adequate space for access and drainage, to maintain the established residential streetscape, and to avoid any impact on the enjoyment and privacy of the adjacent properties. Staff defers any access or drainage concerns to Development Engineering Approvals.

The variances recognize existing conditions that will remain unchanged as a result of the second storey addition. The general intent of the Zoning By-law is being maintained as the existing setbacks are consistent with the residential character of the surrounding area. In addition, the accessory building has been located within the required side yard for some time with no known issues. The variances are considered minor in nature and desirable for the development of the site as no negative impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Official Plan, the Ainslie Wood Westdale Secondary Plan and Zoning By-law is maintained, the variances are desirable for the development and minor in nature; therefore, staff support the variances.

Variance 3

The applicant is requesting a variance to allow a maximum floor area ratio of 0.50, 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. The general intent of the Zoning By-law is to maintain the established residential character and to prevent overdevelopment of the site.

Staff is of the opinion the proposed one storey addition will maintain the established character of the area and the new building footprint will be consistent with the surrounding properties. The variance is minor in nature and desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area.

Based on the foregoing, the general intent of the Official Plan, the Ainslie Wood Westdale Secondary Plan and Zoning By-law is 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 maximum building height of 9.1 metres, notwithstanding the maximum permitted building height of 9.0 metres. The general intent of the Urban Hamilton Official Plan and the Ainslie Wood Westdale Secondary Plan and the Zoning By-law is to maintain the existing character of the neighbourhood.

This portion of Franklin Avenue is characterized by one to two storey single detached dwellings. Based on the submitted Elevation drawings, Staff are satisfied the provision of a second storey will maintain the character of the area. However, Staff is of the opinion the maximum permitted height of 9.0 metres is sufficient to accommodate the second storey addition. Staff recommends the applicant revise the submitted Elevation drawings to conform with the regulations of Zoning By-law No. 6593.

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 6

The applicant is requesting a variance to allow one parking space to be provided, notwithstanding the minimum required three parking spaces for a single detached dwelling containing nine habitable rooms. The general intent and purpose of the Zoning By-law requirements are to ensure the parking needs of the single detached dwelling are satisfied.

The submitted floor plans indicate that the proposed use of the dwelling will remain for the habitation of one family. As such, Staff is satisfied the parking needs of the existing single detached dwelling will not increase as a result of the proposed second storey addition. Staff are satisfied that the proposed one parking space will satisfy the parking needs of the single detached dwelling.

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

Variance 7

The applicant is requesting a variance to allow no manoeuvring space to be provided on site, notwithstanding the requirement that a 6.0 metre manoeuvring space abutting and accessory to each required parking space shall be provided and maintained on the lot. The general intent of the Zoning By-law is to ensure all vehicles can safely manoeuvre to and from the parking spaces.

Th variance recognizes an existing condition. The intent of the Zoning By-law is being maintained as Franklin Avenue provides sufficient space to aide the moving of a vehicle

to and from the site. 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, the Ainslie Wood Westdale Secondary 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, Variances 1, 2, 3, 5, 6, and 7 maintain the general intent and purpose of the Urban Hamilton Official Plan, the Ainslie Wood Westdale Secondary 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.

Variance 4 does not maintain the general intent and purpose of the Urban Hamilton Official Plan, the Ainslie Wood Westdale Secondary Plan or the former City of Hamilton Zoning By-law No. 6593. The Variance is not considered to be minor in nature nor desirable for the appropriate use of the property.

In conclusion, Staff recommends that Variances 1, 2, 3, 5, 6, and 7 be approved and Variance 4 be denied.

Building Division:

1. GFA has been written at the applicant's request. No dimensioned floor plans were provided with which to ensure the GFA calculations are accurate. If GFA exceeds 50%, further variances will be required.
2. Applicant shall ensure the minimum front yard landscaping has been calculated, as defined. No dimensions were provided with which to ensure the front yard landscaping calculations are accurate. If front yard landscaping is less than 50%, further variances will be required.
3. Be advised that Ontario Building Code (OBC) regulations may require specific setback and construction types. The Ontario Building Code 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. The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units.
4. A building permit is required for the alteration of the proposed single family dwelling.

Development Engineering:

No comments.

See attached for additional comments.

July 16th, 2020

July 10, 2020

City of Hamilton
Planning and Economic Development Department
71 Main St W
Hamilton, Ontario
L8P 4Y5

Attention: Morgan Evans

File# HM/A:20-86

Re: 42 Franklin Ave

In response to your correspondence dated July 7, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Existing overhead service in conflict with proposed full two storey addition. Contact ICI department for new service options.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.

- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-522-6611 ext: 4729 in our Engineering Design Department.

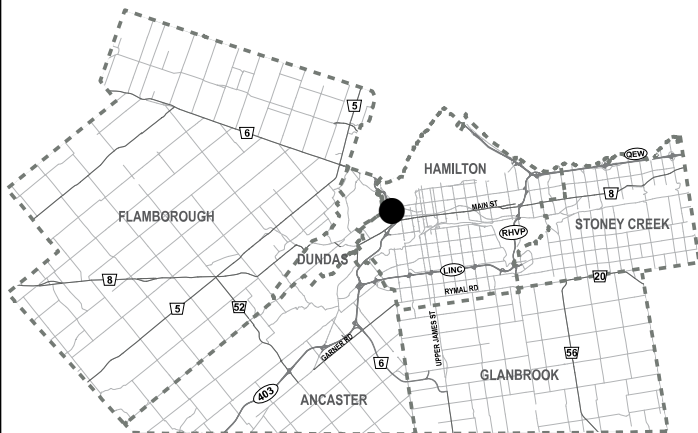
Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



42 Franklin Avenue, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:86

Date:

July 9, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:73 (82 Ferguson 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:

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a new two storey Place of Worship having a total gross floor area of 723.4 square metres to facilitate Site Plan Control application DA-17-105, notwithstanding the following variances.

Site Plan Control application DA-17-105 received Conditional Approval on November 9, 2017, prior to the new Downtown Hamilton Secondary Plan and Downtown Zoning (May 9, 2018) being in force and effect.

The subject property was rezoned from the Downtown Local Commercial (D4) Zone to the Downtown Residential (D5) Zone in accordance with By-law No. 18-114 which was approved by Council on May 9, 2018.

Minor Variance application HM/A-18:100 for variances under the D4 Zone was approved by the Committee of Adjustment on May 24, 2018 to facilitate DA-17-105. While the previous Minor Variance application was considered after Council approval, By-law 18-114 was appealed to the Local Planning Appeal Tribunal and did not come into force and effect until August 16, 2019. As the decision occurred after the date By-law No. 18-114 was approved by Council, the Transitional Provision Section 1.12 of Zoning By-law 05-200 does not apply and approval for the variances under D5 Zone is required. Minor Variance application HM/A-18:100 included modifications to Section 5: Parking for parking stall size, and barrier free parking stall size, these approvals are still valid and Variances 5 and 6 of this application are not necessary as a result.

Urban Hamilton Official Plan

The property is identified as “Downtown Urban Growth Centre” in Schedule E– Urban Structure and is designated “Downtown Mixed Use” in Schedule E-1 – Urban Land Use Designations. Policies E.4.4.1, E.4.4.4 b), E.4.4.9 and E.4.4.10 amongst others, are applicable and permits Places of Worship.

Archaeology:

Staff have provided comments on the proposal through DA-17-105 and have no further comments on this application.

Cultural Heritage:

Staff have provided comments on the proposal through DA-17-105 and have no further comments on this application.

Downtown Hamilton Secondary Plan

The subject lands are designated “Downtown Residential” “Low-rise 2” within the Downtown Hamilton Secondary Plan. Policies B.6.1.4.26, B.6.1.4.27, B.6.4.40, B.6.4.41, and B.6.1.5 b) amongst others, are applicable and permits local commercial uses on the ground floor of buildings containing multiple dwellings, however this does not include a Place of Worship. Staff acknowledge a Place of Worship was a permitted use on the subject property at the time of Conditional Approval.

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

The subject lands are zoned D5 (District Commercial) Zone, which permits a Place of Worship.

Variance 1 and 2

The applicant is requesting variances to allow a front yard setback of 8.4 metres, and to allow a side yard setback of 9.3 metres, notwithstanding the maximum permitted front yard setback of 4.5 metres, and the maximum permitted side yard setback of 7.5 metres. The intent of the Zoning By-law is to create a pedestrian oriented environment and to maintain the established streetscape.

The applicant is proposing to reconstruct the existing Place of Worship with minimal changes to the existing location and building footprint. In accordance with DA-17-105, the applicant will also be replacing the existing parking area along Ferguson Avenue North with an open public realm. The proposed front yard setback will allow space for parishioners of the proposed Place of Worship to gather between services. In addition, the existing driveway access will be removed along Wilson Street and replaced with sodding and street trees.

The variances maintain the intent of the Zoning By-law as the existing building street line will remain, while making significant improvements to the existing streetscape and creating a more comfortable environment for pedestrians.

Based on the foregoing, the general intent of the 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.

Variance 3

The applicant is requesting a variance to allow a minimum rear yard setback of 1.5 metres, notwithstanding the minimum required rear yard setback of 7.5 metres. The intent of the Zoning By-law is to maintain the established streetscape and to provide sufficient amenity area for the use of the site.

The subject property is considered a corner lot and the Ferguson Avenue North property line is considered the front lot line. Therefore, the rear yard setback acts like a side yard setback for the adjacent single detached dwelling.

The intent of the Zoning By-law is being maintained as Staff is satisfied that the setback of 1.5 metres will maintain the existing streetscape and is sufficient to respect the privacy and enjoyment of the adjacent single detached dwelling to the east. Staff note the east elevation drawings shows no windows on the upper levels and the windows on the first floor are labelled with translucent materials. Staff is satisfied sufficient amenity area will be provided within the front yard.

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.

Variance 4

The applicant is requesting a variance to allow no visual barrier to be provided, notwithstanding the By-law requires a Visual Barrier to be provided along the lot line of an abutting property zoned D5. The intent of the Zoning By-law is to ensure any impact to the privacy of the abutting uses is minimized.

Staff note the east elevation drawings shows no windows on the upper levels and the windows on the first floor are labelled with translucent materials. The variance is maintaining the general intent of the Zoning By-law as Staff do not anticipate any impact on the privacy or enjoyment of the adjacent property as a result of providing no Visual Barrier. The variance is desirable for the development and minor in nature.

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.

Variance 5 and 6

The applicant is requesting variances to allow a parking space size of 2.6 metres by 5.5 metres to be provided, a barrier free parking space size of 4.4 metres by 5.5 metres, notwithstanding the minimum required parking space size of 3.0 metres by 5.8 metres and the minimum required barrier free parking space size of 4.4 metres by 5.8 metres. The general intent of the Zoning By-law is to allow adequate space to accommodate a variety of vehicle sizes.

The proposed layout of the site including the parking layout, received Conditional Approval on November 9, 2017 and By-law No. 17-240 was approved by Council on November 7, 2017 and is currently under appeal. The Committee of Adjustment approved Minor Variance application HM/A-18:100 on May 24, 2018, one of the variances was to allow the proposed parking space size. Staff acknowledge this variance was approved against the regulations of By-law No. 17-240 and therefore it has been determined that Variances 5 and 6 of this application are not necessary as approval was received through the previous application.

Variance 7

The applicant is requesting a variance to allow no bicycle parking to be provided on site, notwithstanding the minimum required five bicycle parking 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-17-105, has not been designed to accommodate bicycle parking as the application received Conditional Approval prior to the zoning being changed from D4 to D5.

Staff acknowledge there are two Sobi Bike hubs within 250 metres of the subject property. 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, Downtown Hamilton Secondary 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.

Building Division:

1. A setback shall be measured from the property line to the nearest part of any building, exclusive of any permitted yard projection. As such, variance #2 should be revised in order to reflect the southerly side yard setback being measured to the nearest part of the principal building rather than the projecting exterior stairway as originally written.

As per the above, Variance #2 should be revised by replacing 9.3m with 10.6m and shall now read as follows;

“A southerly side yard setback of 10.6m shall be provided instead of the maximum permitted side yard setback of 7.5m.”

2. These variances are necessary to facilitate Site Plan Control Application No. DA-17-105.
3. The construction of the proposed Place of Worship is subject to the issuance of a building permit in the normal manner.
4. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

All related engineering related concerns were dealt with under DA-17-105. No further comments.

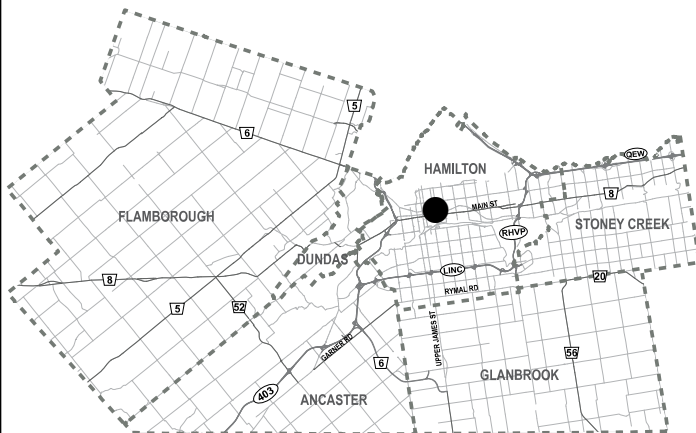
Transportation Planning & Parking Division (Traffic):

1. Transportation Planning does not support the variance request for the reduction/removal of short-term bike parking. Transportation Planning previously approved site plan under DA-17-105, showing 3 short term bike parking spaces, and cleared the TDM condition.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



82 Ferguson Avenue North,
Ward 2 (Hamilton)

File Name/Number:

HM/A-20:73

Date:

July 9, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:45 (246 Bowman St., 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-20:45 (246 Bowman St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conversion of a single detached dwelling to contain two dwelling units in accordance with Section 19(1) and to permit the construction of a 2.44 metre by 6.99 metre roofed over, one storey front porch at the first storey and a 6.58 metre by 6.76 metre “L-shaped” roofed over, one storey rear porch at the first storey, 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.

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) 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. If this consent is approved, the proponent must be advised by the Committee of Adjustment as per the caution note below.

Cultural Heritage:

The subject property is within the Burke Survey Cultural Heritage Landscape and is also subject to the policies of the Ainslie Wood Secondary Plan.

Policy 6.2.14.2(b) of the Ainslie Wood Secondary Plan provides that cultural heritage landscapes shall be conserved and protected with the intent of retaining major characteristics through the review of planning applications.

Staff have reviewed the proposed rear yard L-shaped covered porch addition and covered front porch addition and are of the opinion that the proposal will not have an adverse impact the character of the Burke Survey Cultural Heritage Landscape. Staff have no further comments on this application.

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 duplex dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-720”, C/S-1335, C/S-1335a and C/S-1788 (Urban Protected Residential, Etc.) 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 the external appearance to be altered by adding new windows and enlarging existing windows and by the construction of front and rear roofed-over unenclosed one storey porches at the first storey, notwithstanding the requirement that the external appearance and character of a converted dwelling be preserved. The intent of the Zoning By-law is to maintain the established residential character of the neighbourhood and to maintain a consistent streetscape.

This portion of Bowman Street is characterized by one and a half to two storey single detached dwellings. Siding is the predominate building material used in the area, however the residential streetscape consists of a variety of architectural styles.

Based on the submitted Elevation drawings, Staff is of the opinion the proposed changes to the external appearance of the existing single detached dwelling will not negatively impact the existing residential character of the area and will maintain a consistent streetscape.

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.

Variance 2

The applicant is requesting a variance to allow a minimum northerly side yard width of 0.9 metres, notwithstanding the minimum required side yard width of 1.2 metres. The intent of the Zoning By-law is to allow adequate space for access and drainage and to avoid any impact on the enjoyment and privacy of the adjacent properties. Staff defers any access or drainage concerns to Development Engineering Approvals.

The variance recognizes the existing side yard width of the single detached dwelling. The applicant is proposing to construct a front porch that maintains the existing setback of 0.9 metres. 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 to the proposed front porch. 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 not being maintained, the variance is not desirable for the appropriate use of the site nor minor in nature; therefore, staff support the variance.

Variance 3

The applicant is requesting a variance to allow tandem parking to be permitted for the two parking spaces within the driveway, notwithstanding the requirement that every parking space shall be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking space and that all manoeuvring spaces shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces. The general intent of the Zoning By-law is to provide independent parking spaces for each dwelling unit.

The independent spaces shall allow residents to access their own parking spaces without impacting other tenants. As the proposal is to facilitate a second dwelling unit, the proposal to allow tandem parking with no manoeuvring aisle does not respect the intent of the Zoning By-law. Tandem parking spaces would cause jockeying of vehicles within the Bowman Street 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.

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

Recommendation:

Based on the preceding information, Variance 1 and 2 maintain the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. Variance 1 and 2 are considered minor in nature and desirable for the appropriate use of the property.

Variance 3 does not maintain the general intent and purpose of the Urban Hamilton Official Plan or former City of Hamilton Zoning By-law No. 6593. Variance 3 is not considered minor in nature nor desirable for the appropriate use of the property.

In conclusion, Staff recommends that Variance 1 and 2 be approved, and Variance 3 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 preamble should be revised to include the following words “and to recognize the location of the existing detached accessory building (garage)” before the words “notwithstanding that” so that the preamble shall now read:

“So as to permit the conversion of a single family dwelling to contain two (2) dwelling units and to permit the construction of a 2.44m (8’) and 6.99m (22’11”) roofed-over one storey front porch at the first storey and a 6.58m (21’7”) x 6.76m (22’2) “L-shaped” roofed-over one storey rear porch at the first storey and to recognize the location of the existing detached accessory building (garage) notwithstanding that:”

2. An additional variance is required to recognize an existing building setback for the existing detached accessory building (garage). As such, the following variance shall be added:

“The existing detached accessory building (garage) located in the southerly side yard shall be distant at least 0.45m from the southerly side lot line instead of the requirement that an accessory building shall be not located within the required 1.2m side yard”

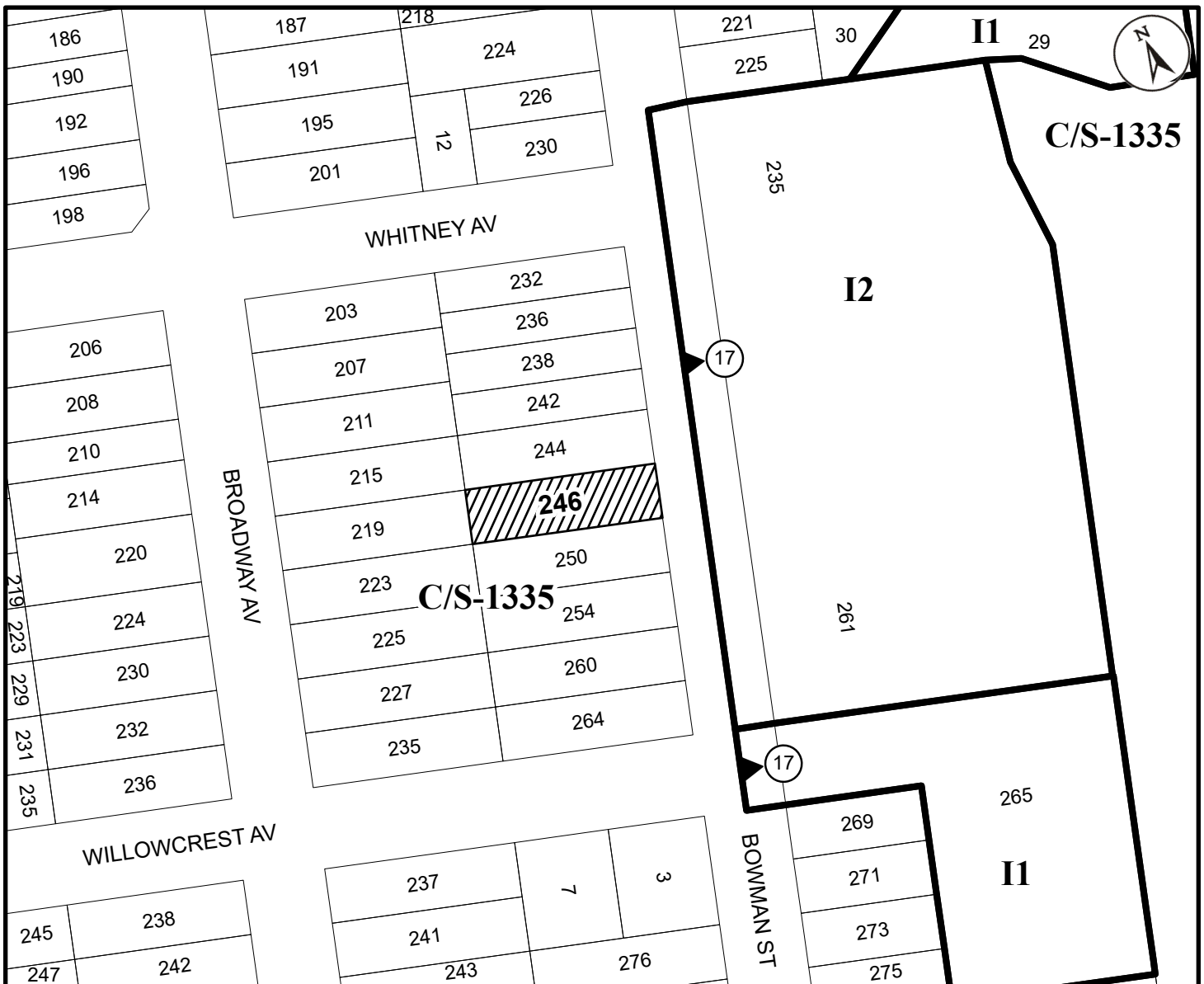
3. Drawing Numbers A3.01 and A4.01 attached to the Notice are not the most recent revised Plans submitted by the applicant. Further, Drawing Nos. A5.01, A6.01, A7.01 and A8.01 submitted by the applicant were not attached to the Notice.
4. The Applicant confirmed that the “garage” is intended for storage of residential items for the dwelling and is not used for the parking of vehicles.

5. The direction of the North sign shown on the Site Plan is incorrect and should be revised. North is to the top of the Site Plan as Bowman Street runs North/South.
6. The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units.
7. Be advised that Ontario Building Code regulations may require specific setback and construction types.
8. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2m in width.
9. Order to Comply [Folder Number 19-142353], dated August 20, 2019, is outstanding.
10. A building permit is required for construction of the porches and conversion of the single family dwelling to add an additional dwelling unit.

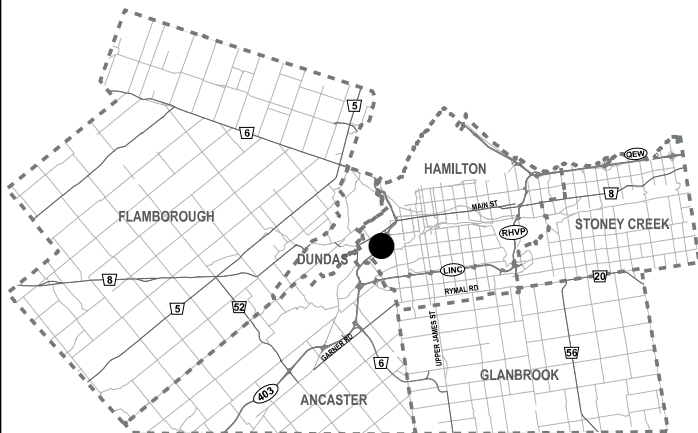
Development Engineering:

No comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



246 Bowman Avenue, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:45

Date:

July 9, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-20:07 (70 & 72 Picton 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):

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
4. That the Owner enters into with the City of Hamilton and registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; stormwater management, urbanization costs including but not limited to future storm sewers and sidewalks, cash payment requirements for items such as trees, inspection of grading and services to be installed; and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction;
5. That the Owner submits a stormwater management plan prepared by a qualified professional to demonstrate that the 100 year post development flows from the severed and retained portion of the lands are controlled on the site to the maximum allowable discharge rate established based on the 2 year IDF parameters for the Mount Hope rainwater gauge station and runoff coefficient of 0.5 all to the satisfaction of the Manager of Engineering Approvals Section.
6. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
7. The owner shall receive final and binding approval of Minor Variance Application File No. HM/A-20:24.

8. The owner shall demolish all or an appropriate portion of the wood deck straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
9. The owner shall submit survey evidence that the location of the dwelling on the lands to be retained, once the wood deck has been removed, and parking conforms to the requirements of the Zoning By-Law 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 1:

Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Part 1) will remain as 72 Picton Street West, Hamilton, and the lands to be conveyed (Part 2) will be assigned the address of 70 Picton Street West, Hamilton.

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

NOTE 2:

“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/B-20:07 (70 & 72 Picton St. W., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to facilitate Consent application HM/B-20:07 to permit the creation of a total of two residential lots. The retained lands will have a lot area of 157.0 square metres and contain the existing single detached dwelling; the severed lands will have a lot area of 216.94 square metres and contain the proposed new single detached dwelling, notwithstanding the following variances.

Urban Hamilton Official Plan

The subject property is located within the West Harbour Setting Sail Secondary Plan Area which is subject to Ontario Municipal Board Non-Decision No. 113. The Regional Official Plan and City of Hamilton Official Plan are referred to in evaluating this application.

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) In areas of pioneer EuroCanadian settlement; and,
- 2) 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 consent is approved, the proponent must be advised 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 located within the West Harbour Secondary Plan area.

As set out in Policy A.6.3.3.3.4. of the Secondary Plan, new development adjacent to heritage buildings or in areas containing heritage buildings is to be sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, such as building setbacks, massing, and materials.

Staff do not have concerns with the proposed lot severance and potential construction of a new dwelling attached to the existing dwelling at 72 Picton Street South.

Staff request that the applicant use façade materials sympathetic to the character of the surrounding area, such as brick cladding or siding. The massing and roof profile of the new dwelling must be sympathetic to the existing dwelling, such as the use of a side gable roof. Additionally, the front yard setback should be comparable to the setback of the existing home to prevent the new dwelling from overwhelming the existing home and to be consistent with prevailing character established along Picton Street West.

Setting Sail Secondary Plan

The subject property is designated “Low Density Residential” on Schedule M-2: General Land Use and is identified as a “Stable Area” on Schedule M-1: Planning Area and Sub-Areas. Policy A.6.3.3.1.12 amongst others, is applicable and permits single detached dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D” (Urban Protected Residential – One and Two Family Dwellings Etc.) District, which permits single family dwellings.

Lands to be Retained (72 Picton Street West)

Variance 1

The applicant is requesting a variance to allow a minimum easterly side yard width of 0.9 metres, notwithstanding the minimum required side yard width of 1.2 metres. The intent of the Zoning By-law is to provide a consistent streetscape, allow sufficient space for access and drainage, and avoid any impact on the enjoyment and privacy of the adjacent properties. Staff defers any drainage concerns to Development Engineering Approvals staff.

The side yard widths vary along this portion of Picton Street West and Bay Street North, the majority being less than 1.0 metre. The variance maintains the general intent of the Zoning By-law as it is consistent with the established residential streetscape. 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.

Based on the foregoing, the general intent of the Official Plan, West Harbour Setting Sail Secondary 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 and 3

The applicant is requesting a variance to allow a minimum lot width of 7.8 metres and a minimum lot area of 157.0 square metres, notwithstanding the minimum required lot width of 12.0 metres and minimum required lot area of 360.0 square metres. The general intent of the Zoning By-law is to allow for adequate area to accommodate a single detached

dwelling with the necessary landscaped areas, amenity area, parking, and to provide a consistent residential streetscape.

The existing lot pattern of the neighbourhood contains a wide variety of lot widths and lot areas. The proposed lot width and lot area are consistent with the surrounding properties.

The subject property is a corner lot and the front lot line is considered Picton Street West. While the existing easterly side yard provides opportunity to function as a rear yard and provide amenity area for the existing single detached dwelling, Staff acknowledge a fence has existed along the proposed new easterly side lot line for some time, indicating the existing easterly side yard has functioned as a vacant lot. The proposed severance will allow for infill development on the vacant lands (conveyed lands).

The retained lands will continue to function as they have for some time. The variances are maintaining the general intent of the Zoning By-law as Staff is of the opinion the needs of the single detached dwelling are being satisfied. The parking needs of the single detached dwelling are being satisfied, as discussed below, and additional amenity area can be supplemented by utilizing the various parks near the subject property, including Bayfront Park and Pier 4 Park.

Based on the foregoing, the variances maintain the general intent of the Official Plan, West Harbour Setting Sail Secondary Plan and Zoning By-law, the variances are not desirable for the development and considered minor in nature; therefore, staff support the variances.

Variance 4

The applicant is requesting a variance to allow one parking space to be provided on site, notwithstanding the minimum required two parking spaces for a single detached dwelling with eight or less habitable rooms. The general intent of the Zoning By-law is to ensure the parking needs of the single detached dwelling are satisfied.

The subject property is serviced by HSR bus route Nos. 4 and 20 and is in close proximity to a number of amenities including: Benetto Elementary School and Recreation Centre, Pier 4 Park, Bayfront Park, West Harbour GO Station and a variety of commercial uses along James Street North. The single detached dwellings along this portion of Picton Street West and Bay Street North are characterized by having one parking space or no parking on site. 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 and it is in character with the surrounding area.

Additionally, Staff acknowledge street parking is permitted on both sides Picton Street West and Bay Street North and no street parking permit is necessary. As such, the reduction in parking can also be supplemented by on-street parking.

Based on the foregoing, the general intent of the Official Plan, West Harbour Setting Sail Secondary 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 5

The applicant is requesting a variance to allow no on-site aisle width manoeuvring space to be provided, notwithstanding the minimum required aisle width manoeuvring space width of 6.0 metres. The general intent of the Zoning By-law is to ensure all vehicles can safely egress from the parking spaces.

The parking is proposed to be in the rear yard with direct access onto Bay Street North. The intent of the Zoning By-law is being maintained as the road provides enough space to aide the moving of a vehicle to and from the site, with adequate visibility. 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, West Harbour Setting Sail Secondary 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 6

The applicant is requesting a variance to allow the existing frame shed to be a minimum of 2.5 metres from the westerly side lot line, notwithstanding the minimum setback of 6.0 metres from the westerly side 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 staff.

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.

Based on the foregoing, the general intent of the Official Plan, West Harbour Setting Sail Secondary 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 for the portion of lands to be retained maintain the general intent and purpose of the Official Plan, West Harbour Setting Sail Secondary 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 as it relates to the lands to be retained.

Lands to be Conveyed (70 Picton Street West)

Variance 1

The applicant is requesting a variance to allow a minimum front yard depth of 3.0 metres, notwithstanding the minimum required front yard depth of 6.0 metres. The general intent of the Zoning By-law is to provide a consistent streetscape and allow sufficient space in the front yard to accommodate the necessary landscaped area.

The front yard depths range from approximately 0.0 metres to 4.5 metres along this portion of Picton Street West and Bay Street North. The variance maintains the intent of the Zoning By-law as the proposed front yard depth of 3.0 metres is consistent with the established residential streetscape. The variance is desirable for the development of the site and considered minor in nature a no negative impact is anticipated to the subject lands or surrounding area.

Staff acknowledge a mature tree is located in the front yard of the conveyed lands. It does not appear that the proposed new single detached dwelling will result in the removal of the mature tree, however, Staff defer any concerns to Urban Forestry.

Based on the foregoing, the general intent of the Official Plan, West Harbour Setting Sail Secondary 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 a minimum westerly side yard width of 0.0 metres and a minimum easterly side yard width of 0.9 metres, notwithstanding the minimum required side yard width of 1.2 metres. The intent of the provisions of the Zoning By-law is to provide a consistent streetscape, allow sufficient space for access and drainage, and to avoid any impact on the enjoyment and privacy of the adjacent properties.

The side yard widths vary along this portion of Picton Street West and Bay Street North, the majority being less than 1.0 metre. The variance, as it relates to the easterly side yard width, maintains the general intent of the Zoning By-law as it is consistent with the established residential streetscape and will provide sufficient space for access and maintenance. 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.

However, the proposed westerly side yard width does not maintain the general intent of the Zoning By-law as it does not allow sufficient space for access for maintenance without trespassing onto the adjacent property (the retained lands). Staff is of the opinion a larger westerly side yard width can be accommodated on the conveyed lands.

Based on the foregoing, the variance, as it relates to the easterly side yard width, is maintaining the general intent of the Official Plan, West Harbour Setting Sail Secondary

Plan and Zoning By-law, the variance is not desirable for the development and minor in nature; therefore, staff support the variance as it relates to the easterly side yard width.

The variance, as it relates to the westerly side yard width, is not maintaining the general intent of the Official Plan, West Harbour Setting Sail Secondary Plan and Zoning By-law, the variance is not desirable for the development nor minor in nature; therefore, staff do not support the variance as it relates to the westerly side yard width.

Variance 3

The applicant is requesting a variance to allow a minimum rear yard depth of 3.0 metres, notwithstanding the minimum required front yard depth of 7.5 metres. The intent of the Zoning By-law is to allow adequate area for grading and drainage, to accommodate the necessary amenity area for the needs of the single detached dwelling and to avoid any impact on the enjoyment and privacy of the adjacent properties. Staff differ grading and drainage concerns to Development Engineering Approvals staff.

The rear yard depths in the surrounding area range between approximately 2.0 metres and 24.0 metres. While the size of the proposed rear yard is consistent with other rear yards in the surrounding area, Staff are of the opinion the proposed rear yard depth of 3.0 metres will not provide sufficient separation between the proposed single detached dwelling and the adjacent property known as 428 Bay Street North. The variance is not maintaining the intent of the Zoning By-law as Staff anticipate the reduction in rear yard depth will impact the enjoyment and privacy of the adjacent property.

Staff recommend the proponent reduce the rear footprint of the proposed single detached dwelling to provide a larger distance separation between the proposed single detached dwelling and the adjacent property known as 428 Bay Street North.

Staff note no Elevation drawings were submitted with the severance and minor variance application.

Based on the foregoing, while the variance maintains the general intent of the Official Plan, West Harbour Setting Sail Secondary Plan, the variance does not maintain the general intent of the Zoning By-law. The variance is not desirable for the development nor considered minor in nature; therefore, staff do not support the variance.

Variance 4 and 5

The applicant is requesting a variance to allow a minimum lot width of 8.5 metres and a minimum lot area of 157.0 square metres, notwithstanding the minimum required lot width of 12.0 metres and minimum required lot area of 360.0 square metres.

The existing lot pattern of the neighbourhood contains a wide variety of lot widths and lot areas. The proposed lot width and lot area are consistent with the surrounding properties.

The variances are maintaining the general intent of the Zoning By-law as Staff is of the opinion the needs of a single detached dwelling are being satisfied. The submitted Site Plan shows enough amenity area for a single detached dwelling which can be supplemented with the numerous parks in the area, as discussed above, and the provision of no parking can be supplemented by utilizing street parking, public transit and active transportation, as discussed below.

Based on the foregoing, the variances maintain the general intent of the Official Plan, West Harbour Setting Sail Secondary Plan and Zoning By-law, the variances are not desirable for the development and considered minor in nature; therefore, staff support the variances.

Variance 6

The applicant is requesting a variance to allow no parking to be provided on site, notwithstanding the minimum required two parking spaces for a single detached dwelling with less than 8 habitable rooms. The general intent of the Zoning By-law is to ensure the parking needs of the single detached dwelling are satisfied.

The subject property is serviced by HSR bus route Nos. 4 and 20 and is in close proximity to a number of amenities including: Benetto Elementary School and Rec Centre, Pier 4 Park, Bayfront Park, West Harbour GO Station and a variety of commercial uses along James Street North. The single detached dwellings along this portion of Picton Street West and Bay Street North are characterized by having one parking space or no parking on site. 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 and it is in character with the surrounding area.

Additionally, Staff acknowledge street parking is permitted on both sides Picton Street West and Bay Street North and no street parking permit is necessary. As such, the reduction in parking can also be supplemented by on-street parking.

Based on the foregoing, the general intent of the Official Plan, West Harbour Setting Sail Secondary 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, Variances 1, 4, 5, 6 and 2, as it relates to the easterly side yard width, for the lands to be conveyed maintain the general intent and purpose of the Official Plan, West Harbour Setting Sail Secondary 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.

Variance 3 and 2 as it relates to the westerly side yard width does not maintain the general intent and purpose of the Official Plan, West Harbour Setting Sail Secondary Plan or the

former City of Hamilton Zoning By-law No. 6593. The variances are not considered to be minor in nature nor desirable for the appropriate use of the property.

In conclusion, Staff recommends that Variances 1, 4, 5, 6 and 2, as it relates to the easterly side yard width, be approved and Variances 3 and 2, as it relates to the westerly side yard width, 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 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 applicant has confirmed that the portion of the existing wood deck at the rear of the existing single family dwelling (known municipally as 72 Picton Street West) on the lands to be retained which is presently shown to encroach into the proposed parking space and is shown to encroach over the new easterly side lot line will be removed. If the rear wood deck is not removed, further variances shall be required. Demolition of all or an appropriate portion of the building straddling the proposed property line shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.
3. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
4. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
5. Minor Variance File No. HM/A-20:24 is being heard concurrently with this application and is intended to facilitate this Consent Application.

CONDITIONAL UPON:

1. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
2. The owner shall receive final and binding approval of Minor Variance Application File No. HM/A-20:24.
3. The owner shall demolish all or an appropriate portion of the wood deck straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
4. The owner shall submit survey evidence that the location of the dwelling on the lands to be retained, once the wood deck has been removed, and parking conforms to the requirements of the Zoning By-Law 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:

According to our records, there is an existing 300mm diameter watermain and 300mm combined sewer located on Picton Street West and a 150mm watermain and a 300 combined sewer located on Bay Street North.

No road widening is required from the subject lands in accordance with Schedule C-2 of the current UHOP. The land dedication to establish adequate daylight triangle at the intersection of Picton Street West and Bay Street North is not feasible due to the existing dwelling, to remain. We note that in case the existing dwelling is removed a minimum of 4.5x4.5m daylight triangle will be required to be dedicated to the City of Hamilton.

The Owners will be required to enter into a Consent Agreement with the City in order to ensure that the future residential development on the new lot proceeds in a proper and orderly manner. We note that a 0.9m easterly side yard is proposed for the existing dwelling instead of the required minimum 1.2m. and a 3.0m rear yard instead of the minimum required rear yard depth of 7.5m on the proposed new lot. The proposed imperviousness on the site exceeds the original design assumptions for the adjacent sewers in accordance with the GUS info. The applicant will be required to demonstrate that drainage from this parcel will be retained and controlled on the site in accordance with the City criteria related to development within the area serviced by a combined sewer system.

Please note that the Owner will be responsible for the relocation of any street furniture (i.e. CB's, fire hydrant, utility poles etc.) and to provide securities for any potential damages to the existing sidewalks, curbs or boulevard that may be required as a result of this development.

Should this application be approved we recommend that it be subject to the following condition:

1. That the Owner enters into with the City of Hamilton and registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; stormwater management, urbanization costs including but not limited to future storm sewers and sidewalks, cash payment requirements for items such as trees, inspection of grading and services to be installed; and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction;
2. That the Owner submits a stormwater management plan prepared by a qualified professional to demonstrate that the 100 year post development flows from the severed and retained portion of the lands are controlled on the site to the maximum allowable discharge rate established based on the 2 year IDF parameters for the Mount Hope rainwater gauge station and runoff coefficient of 0.5 all to the satisfaction of the Manager of Engineering Approvals Section.

Transportation Planning & Parking Division (Traffic):

1. Transportation Planning has no objections to this land severance application. Without setting precedent, Transportation Planning will waive the daylighting triangle requirement for this land severance. Should the property be redeveloped in the future, the full daylighting triangle will be required.

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 (Part 1) will remain as 72 Picton Street West, Hamilton, and the lands to be conveyed (Part 2) will be assigned the address of 70 Picton Street West, Hamilton.

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 or on signs in accordance with the City's sign By-law, in a manner that is clearly visible from the road.

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 9, 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: 70-72 Picton Street West, Hamilton
File NO. HM/B-20:07

PREAMBLE

In response to your Memorandum July 16, 2020, regarding the subject area, the Forestry and Horticulture Section has reviewed the Application and provides the following comments within.

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.

A **Landscape Plan** is required by to the Forestry and Horticulture Section, depicting the street tree planting scheme for the proposed development. In some cases, the requirement for a Landscape Plan may be waived. Request for waiver must be made to the Urban Forestry Health Technician.

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

It shall be noted that forestry does not support the removal of the 91cm City tree asset. Although the proposal would significantly impact the tree and retention would not be a viable option either. Loss of canopy fees will be required if this development is approved.

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.

The Forestry & Horticulture Section requires that a **Tree Management Plan** be prepared by a **Registered Landscape Architect**. All trees within this proposed development area must be surveyed, identified and accurately plotted on the plan to determine ownership, including intensions regarding retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and 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 {compulsory}
- ❖ Proposed utility construction within individual driplines {compulsory}
- ❖ Proposed removals or relocations
- ❖ Proposed trees to be protected

If it is determined and verified that existing trees can remain, a Tree Protection Zone Detail with notes showing Tree Preservation Techniques shall be included on the submission as per the **Public Tree Preservation and Sustainability Policy**.

The determination of ownership of all trees is the responsibility of the applicant and any civil issues which may exist or arise between property owners with respect to trees, must be resolved by the applicant. The ownership of each individual tree inventoried must be clearly stated as municipal or private.

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**.

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

The Forestry & Horticulture Section requires that a detailed Landscape Planting Plan prepared by a **Registered Landscape Architect**, showing the placement of trees on internal/external City property be provided.

The City of Hamilton's Public Tree Preservation and Sustainability Policy in conjunction with the Tree By-Law 15-125 requires new developments to provide payment of \$644.89 plus HST per tree for road allowance street trees. All street tree plantings shall be planted by the City of Hamilton, as approved through the review of a proposed street tree planting scheme. All trees shown on municipal road allowance shall be identified as 'Trees to be planted by City of Hamilton Forestry Section.

Urban Forest Health Technician from the Forestry Section shall be notified post construction, when final grade has been achieved, to facilitate the scheduling of the street tree planting(s). Otherwise, all sites will be monitored annually by Forestry to determine when site is suitable for the following planting season.

The Landscape Plan should specifically outline 50mm caliper size and the species of trees to be planted as well as identify hard surface and soft surface areas on the site. Individually planted trees in new sidewalk installations shall include a detail showing 21 m³ of soil, and a grouping of 2 or more trees in a soil bed shall include 16m³ of soil per tree. New sidewalks, paving or asphaltting shall allow 1.5m² of breathing space for tree roots.

An option to allow forestry to determine tree species is permitted and plan shall reflect that decision by denoting on plan 'City of Hamilton forestry department to determine species'. Please note; all private trees on plan shall have species denoted.

Tree species selection should take into account cultivars {fruitless etc.} salt and heat tolerance, mature tree size, public visibility and daylight triangles, as well as potential pest concerns. Spacing guidelines for trees are ten (10) metres on centre for larger species and seven (7) metres on centre for smaller species.

Guidelines for species diversity shall ensure no single species shall make up more than 20% of the total street tree population. No coniferous trees will be permitted on City of Hamilton road allowance. Any identified street tree species on plan will be subject to change at time of planting due to but limited to; on site conditions, in stock availability and compatibility with approved species by City of Hamilton. Although utility conflicts may change specific planting locations, every opportunity will be made to keep with the intent of the design. Trees planted on the road allowance will have a minimum approximate caliper of 50 mm.

Forestry's mission to increase urban canopy through new development encourages any opportunity for planting locations.

All efforts to maximize street tree planting must be made. Minimum tree placement is 8 to 10 metres apart.

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.**
- A Landscape Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, depicting the street tree planting scheme for the proposed development.

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

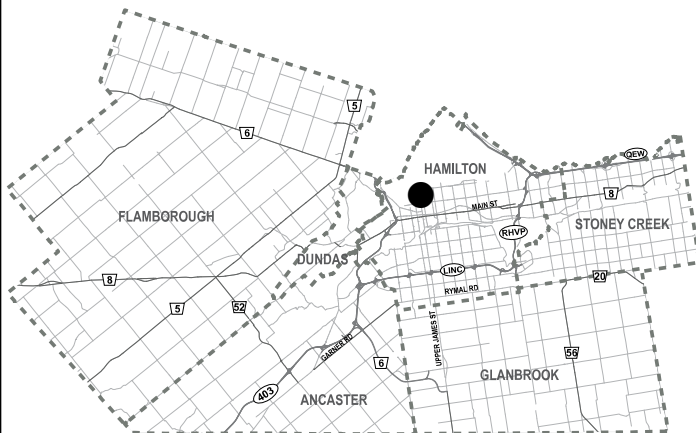
Regards,

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

Sam Brush
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

72 Picton Street West, Hamilton



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-20:07

Date:

July 10, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:24 (70 & 72 Picton 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):

NOTE 1:

Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Part 1) will remain as 72 Picton Street West, Hamilton, and the lands to be conveyed (Part 2) will be assigned the address of 70 Picton Street West, Hamilton.

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

NOTE 2:

“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-20:24 (70 & 72 Picton St. W., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to facilitate Consent application HM/B-20:07 to permit the creation of a total of two residential lots. The retained lands will have a lot area of 157.0 square metres and contain the existing single detached dwelling; the severed lands will have a lot area of 216.94 square metres and contain the proposed new single detached dwelling, notwithstanding the following variances.

Urban Hamilton Official Plan

The subject property is located within the West Harbour Setting Sail Secondary Plan Area which is subject to Ontario Municipal Board Non-Decision No. 113. The Regional Official Plan and City of Hamilton Official Plan are referred to in evaluating this application.

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) In areas of pioneer EuroCanadian settlement; and,
- 2) 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 consent is approved, the proponent must be advised 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 located within the West Harbour Secondary Plan area.

As set out in Policy A.6.3.3.3.4. of the Secondary Plan, new development adjacent to heritage buildings or in areas containing heritage buildings is to be sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, such as building setbacks, massing, and materials.

Staff do not have concerns with the proposed lot severance and potential construction of a new dwelling attached to the existing dwelling at 72 Picton Street South.

Staff request that the applicant use façade materials sympathetic to the character of the surrounding area, such as brick cladding or siding. The massing and roof profile of the new dwelling must be sympathetic to the existing dwelling, such as the use of a side gable roof. Additionally, the front yard setback should be comparable to the setback of the existing home to prevent the new dwelling from overwhelming the existing home and to be consistent with prevailing character established along Picton Street West.

Setting Sail Secondary Plan

The subject property is designated “Low Density Residential” on Schedule M-2: General Land Use and is identified as a “Stable Area” on Schedule M-1: Planning Area and Sub-Areas. Policy A.6.3.3.1.12 amongst others, is applicable and permits single detached dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D” (Urban Protected Residential – One and Two Family Dwellings Etc.) District, which permits single family dwellings.

Lands to be Retained (72 Picton Street West)

Variance 1

The applicant is requesting a variance to allow a minimum easterly side yard width of 0.9 metres, notwithstanding the minimum required side yard width of 1.2 metres. The intent of the Zoning By-law is to provide a consistent streetscape, allow sufficient space for access and drainage, and avoid any impact on the enjoyment and privacy of the adjacent properties. Staff defers any drainage concerns to Development Engineering Approvals staff.

The side yard widths vary along this portion of Picton Street West and Bay Street North, the majority being less than 1.0 metre. The variance maintains the general intent of the Zoning By-law as it is consistent with the established residential streetscape. 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.

Based on the foregoing, the general intent of the Official Plan, West Harbour Setting Sail Secondary 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 and 3

The applicant is requesting a variance to allow a minimum lot width of 7.8 metres and a minimum lot area of 157.0 square metres, notwithstanding the minimum required lot width of 12.0 metres and minimum required lot area of 360.0 square metres. The general intent

of the Zoning By-law is to allow for adequate area to accommodate a single detached dwelling with the necessary landscaped areas, amenity area, parking, and to provide a consistent residential streetscape.

The existing lot pattern of the neighbourhood contains a wide variety of lot widths and lot areas. The proposed lot width and lot area are consistent with the surrounding properties.

The subject property is a corner lot and the front lot line is considered Picton Street West. While the existing easterly side yard provides opportunity to function as a rear yard and provide amenity area for the existing single detached dwelling, Staff acknowledge a fence has existed along the proposed new easterly side lot line for some time, indicating the existing easterly side yard has functioned as a vacant lot. The proposed severance will allow for infill development on the vacant lands (conveyed lands).

The retained lands will continue to function as they have for some time. The variances are maintaining the general intent of the Zoning By-law as Staff is of the opinion the needs of the single detached dwelling are being satisfied. The parking needs of the single detached dwelling are being satisfied, as discussed below, and additional amenity area can be supplemented by utilizing the various parks near the subject property, including Bayfront Park and Pier 4 Park.

Based on the foregoing, the variances maintain the general intent of the Official Plan, West Harbour Setting Sail Secondary Plan and Zoning By-law, the variances are not desirable for the development and considered minor in nature; therefore, staff support the variances.

Variance 4

The applicant is requesting a variance to allow one parking space to be provided on site, notwithstanding the minimum required two parking spaces for a single detached dwelling with eight or less habitable rooms. The general intent of the Zoning By-law is to ensure the parking needs of the single detached dwelling are satisfied.

The subject property is serviced by HSR bus route Nos. 4 and 20 and is in close proximity to a number of amenities including: Benetto Elementary School and Recreation Centre, Pier 4 Park, Bayfront Park, West Harbour GO Station and a variety of commercial uses along James Street North. The single detached dwellings along this portion of Picton Street West and Bay Street North are characterized by having one parking space or no parking on site. 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 and it is in character with the surrounding area.

Additionally, Staff acknowledge street parking is permitted on both sides Picton Street West and Bay Street North and no street parking permit is necessary. As such, the reduction in parking can also be supplemented by on-street parking.

Based on the foregoing, the general intent of the Official Plan, West Harbour Setting Sail Secondary 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 5

The applicant is requesting a variance to allow no on-site aisle width manoeuvring space to be provided, notwithstanding the minimum required aisle width manoeuvring space width of 6.0 metres. The general intent of the Zoning By-law is to ensure all vehicles can safely egress from the parking spaces.

The parking is proposed to be in the rear yard with direct access onto Bay Street North. The intent of the Zoning By-law is being maintained as the road provides enough space to aide the moving of a vehicle to and from the site, with adequate visibility. 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, West Harbour Setting Sail Secondary 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 6

The applicant is requesting a variance to allow the existing frame shed to be a minimum of 2.5 metres from the westerly side lot line, notwithstanding the minimum setback of 6.0 metres from the westerly side 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 staff.

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.

Based on the foregoing, the general intent of the Official Plan, West Harbour Setting Sail Secondary 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 for the portion of lands to be retained maintain the general intent and purpose of the Official Plan, West Harbour Setting Sail Secondary 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 as it relates to the lands to be retained.

Lands to be Conveyed (70 Picton Street West)

Variance 1

The applicant is requesting a variance to allow a minimum front yard depth of 3.0 metres, notwithstanding the minimum required front yard depth of 6.0 metres. The general intent of the Zoning By-law is to provide a consistent streetscape and allow sufficient space in the front yard to accommodate the necessary landscaped area.

The front yard depths range from approximately 0.0 metres to 4.5 metres along this portion of Picton Street West and Bay Street North. The variance maintains the intent of the Zoning By-law as the proposed front yard depth of 3.0 metres is consistent with the established residential streetscape. The variance is desirable for the development of the site and considered minor in nature as no negative impact is anticipated to the subject lands or surrounding area.

Staff acknowledge a mature tree is located in the front yard of the conveyed lands. It does not appear that the proposed new single detached dwelling will result in the removal of the mature tree, however, Staff defer any concerns to Urban Forestry.

Based on the foregoing, the general intent of the Official Plan, West Harbour Setting Sail Secondary 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 a minimum westerly side yard width of 0.0 metres and a minimum easterly side yard width of 0.9 metres, notwithstanding the minimum required side yard width of 1.2 metres. The intent of the provisions of the Zoning By-law is to provide a consistent streetscape, allow sufficient space for access and drainage, and to avoid any impact on the enjoyment and privacy of the adjacent properties.

The side yard widths vary along this portion of Picton Street West and Bay Street North, the majority being less than 1.0 metre. The variance, as it relates to the easterly side yard width, maintains the general intent of the Zoning By-law as it is consistent with the established residential streetscape and will provide sufficient space for access and maintenance. 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.

However, the proposed westerly side yard width does not maintain the general intent of the Zoning By-law as it does not allow sufficient space for access for maintenance without trespassing onto the adjacent property (the retained lands). Staff is of the opinion a larger westerly side yard width can be accommodated on the conveyed lands.

Based on the foregoing, the variance, as it relates to the easterly side yard width, is maintaining the general intent of the Official Plan, West Harbour Setting Sail Secondary Plan and Zoning By-law, the variance is not desirable for the development and minor in nature; therefore, staff support the variance as it relates to the easterly side yard width.

The variance, as it relates to the westerly side yard width, is not maintaining the general intent of the Official Plan, West Harbour Setting Sail Secondary Plan and Zoning By-law, the variance is not desirable for the development nor minor in nature; therefore, staff do not support the variance as it relates to the westerly side yard width.

Variance 3

The applicant is requesting a variance to allow a minimum rear yard depth of 3.0 metres, notwithstanding the minimum required front yard depth of 7.5 metres. The intent of the Zoning By-law is to allow adequate area for grading and drainage, to accommodate the necessary amenity area for the needs of the single detached dwelling and to avoid any impact on the enjoyment and privacy of the adjacent properties. Staff differ grading and drainage concerns to Development Engineering Approvals staff.

The rear yard depths in the surrounding area range between approximately 2.0 metres and 24.0 metres. While the size of the proposed rear yard is consistent with other rear yards in the surrounding area, Staff are of the opinion the proposed rear yard depth of 3.0 metres will not provide sufficient separation between the proposed single detached dwelling and the adjacent property known as 428 Bay Street North. The variance is not maintaining the intent of the Zoning By-law as Staff anticipate the reduction in rear yard depth will impact the enjoyment and privacy of the adjacent property.

Staff recommend the proponent reduce the rear footprint of the proposed single detached dwelling to provide a larger distance separation between the proposed single detached dwelling and the adjacent property known as 428 Bay Street North.

Staff note no Elevation drawings were submitted with the severance and minor variance application.

Based on the foregoing, while the variance maintains the general intent of the Official Plan, West Harbour Setting Sail Secondary Plan, the variance does not maintain the general intent of the Zoning By-law. The variance is not desirable for the development nor considered minor in nature; therefore, staff do not support the variance.

Variance 4 and 5

The applicant is requesting a variance to allow a minimum lot width of 8.5 metres and a minimum lot area of 157.0 square metres, notwithstanding the minimum required lot width of 12.0 metres and minimum required lot area of 360.0 square metres.

The existing lot pattern of the neighbourhood contains a wide variety of lot widths and lot areas. The proposed lot width and lot area are consistent with the surrounding properties.

The variances are maintaining the general intent of the Zoning By-law as Staff is of the opinion the needs of a single detached dwelling are being satisfied. The submitted Site Plan shows enough amenity area for a single detached dwelling which can be supplemented with the numerous parks in the area, as discussed above, and the provision of no parking can be supplemented by utilizing street parking, public transit and active transportation, as discussed below.

Based on the foregoing, the variances maintain the general intent of the Official Plan, West Harbour Setting Sail Secondary Plan and Zoning By-law, the variances are not desirable for the development and considered minor in nature; therefore, staff support the variances.

Variance 6

The applicant is requesting a variance to allow no parking to be provided on site, notwithstanding the minimum required two parking spaces for a single detached dwelling with less than 8 habitable rooms. The general intent of the Zoning By-law is to ensure the parking needs of the single detached dwelling are satisfied.

The subject property is serviced by HSR bus route Nos. 4 and 20 and is in close proximity to a number of amenities including: Benetto Elementary School and Rec Centre, Pier 4 Park, Bayfront Park, West Harbour GO Station and a variety of commercial uses along James Street North. The single detached dwellings along this portion of Picton Street West and Bay Street North are characterized by having one parking space or no parking on site. 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 and it is in character with the surrounding area.

Additionally, Staff acknowledge street parking is permitted on both sides Picton Street West and Bay Street North and no street parking permit is necessary. As such, the reduction in parking can also be supplemented by on-street parking.

Based on the foregoing, the general intent of the Official Plan, West Harbour Setting Sail Secondary 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, Variances 1, 4, 5, 6 and 2, as it relates to the easterly side yard width, for the lands to be conveyed maintain the general intent and purpose of the Official Plan, West Harbour Setting Sail Secondary 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.

Variance 3 and 2 as it relates to the westerly side yard width does not maintain the general intent and purpose of the Official Plan, West Harbour Setting Sail Secondary Plan or the former City of Hamilton Zoning By-law No. 6593. The variances are not considered to be minor in nature nor desirable for the appropriate use of the property.

In conclusion, Staff recommends that Variances 1, 4, 5, 6 and 2, as it relates to the easterly side yard width, be approved and Variances 3 and 2, as it relates to the westerly side yard width, 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 variances are necessary to facilitate Consent Application File No. HM/B-20:07.
2. The applicant has confirmed that the portion of the existing wood deck at the rear of the existing single family dwelling (known municipally as 72 Picton Street West) which is presently shown to encroach into the proposed parking space and is shown to encroach over the new easterly side lot line will be removed. If the rear wood deck is not removed, further variances shall be required. A demolition permit may be required for demolition of this deck.
3. As no alterations to the front, rear and westerly side yards are intended for the existing single family dwelling on the lands to be retained, these yards are considered legally established non-conforming.
4. The variances requested for the lands to conveyed are based on the “limit of the building envelope” shown on the surveyed Site Plan submitted.
5. Yard encroachment details for the proposed single family dwelling on the lands to be conveyed have not been shown and shall conform to the regulations contained in Section 18.(3)(vi) of Hamilton Zoning By-law No. 6593. If zoning compliance cannot be achieved, further variances may be necessary.

6. The applicant has advised that both the existing single family dwelling on the lands to be retained and the proposed single family dwelling on the lands to be conveyed will contain 8 or less habitable rooms.
7. An Encroachment Agreement with the City of Hamilton's Public Works Department may be required for the portion of the existing single family dwelling on the lands to be retained encroaching onto the Bay Street North road allowance.
8. This property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit www.hamilton.ca/heritageplanning for further information.
9. Be advised that Ontario Building Code regulations may require specific setback and construction types.
10. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2m in width and will regulate the type of construction permitted as the limiting distance is less than 0.6m.
11. A building permit is required for the construction of the proposed single family dwelling on the lands to be conveyed/severed.

Development Engineering:

No comments.

Transportation Planning & Parking Division (Traffic):

2. Transportation Planning has no objections to this land severance application. Without setting precedent, Transportation Planning will waive the daylighting triangle requirement for this land severance. Should the property be redeveloped in the future, the full daylighting triangle will be required.

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 (Part 1) will remain as 72 Picton Street West, Hamilton, and the lands to be conveyed (Part 2) will be assigned the address of 70 Picton Street West, Hamilton.

We ask that the following be noted to the applicant:

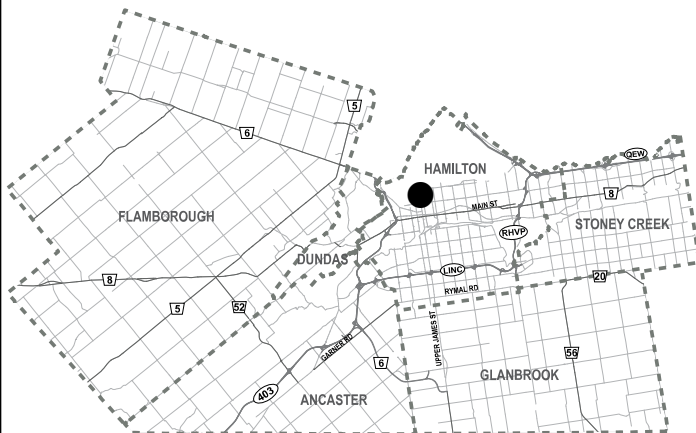
July 16th, 2020

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

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

72 Picton Street West, Hamilton



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/A-20:24

Date:

July 10, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:113 (1375 King St. E., 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):

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a 33.0 square metre commercial outdoor patio associated with an existing restaurant, notwithstanding the following variance.

An Encroachment Acknowledgment, EAL-19-002, was issued on April 30, 2019 to allow tables and chairs, a serving table, flower planters and a waste receptacle to be located within the Balmoral Avenue South road allowance to function as an outdoor patio for this existing restaurant on the subject property. The applicant then received approval for the Outdoor Boulevard Café agreement on March 4, 2020 to allow the outdoor patio to be situated within City property. The requested variance was not identified by the Building Division until the applicant applied for a Liquor License.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Mixed Use – Medium Density” in Schedule E-1 – Urban Land Use Designations. Policies E.4.6.5, E.4.6.16, E.4.6.17 amongst others, are applicable and permits restaurants.

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

The subject lands are zoned Neighbourhood Commercial (C2) Zone, which permits a restaurant and associated outdoor patio.

Variance 1

The applicant is requesting a variance to allow the proposed outdoor patio to be located on a lot that abuts a Residential Zone, notwithstanding the requirement that an outdoor patio shall be located on a lot where the lot lines do not abut a Residential Zone, Downtown D5, or Downtown D6 Zone. The general intent of the Zoning By-law is to avoid any impact on the enjoyment and privacy of the adjacent residential properties.

The proposed patio will be located adjacent to 39 Balmoral Avenue South which contains a multiple dwelling. There is an existing tree located within the southerly side yard of 39 Balmoral Avenue South which acts as a privacy screen for the balconies of the units facing Balmoral Avenue South. As such, Staff do not anticipate any negative impact on the privacy of the adjacent property as a result of the proposed patio.

The subject property is located along King Street East which is classified as Major Arterial within Schedule C – Functional Road Classification in the Urban Hamilton Official Plan. The patio will only contain four tables as shown on the submitted Site Plan. As such, Staff do not anticipate the patio will result in significant noise, in addition to the existing conditions along King Street East.

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.

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. 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.

Building Division:

1. Construction of the proposed commercial outdoor patio 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.
3. Specific details regarding the seated capacity of the proposed outdoor patio have not been provided to confirm compliance with Section 4.20(b).
4. The proposed outdoor patio is to comply with Section 4.20(b) and Section 4.20(d) of Hamilton Zoning By-law 05-200.

Development Engineering:

No comments.

See attached for additional comments.

From: [pstacey1](#)
To: [Committee of Adjustment](#)
Subject: [****POSSIBLE SPAM]Committ of Adjustment
Date: July 10, 2020 3:00:53 PM

Application No. HM/A-20:113
1375 King Street East

My name is Patricia Stacey, 436 Maple Avenue, Hamilton. Tel. 905 547 5511

Comments as follows:

I am not a supporter of this patio at 1375 King Street East. There is already a patio at Buddies Restaurant across the road which causes trouble with unruly customers.

The sketch of this proposed patio does not Indicate the number of customers propised

Will social distancing apply?

Hours of operation not mentioned

Big problem will be noise pollution especially inthe evening when it gets louder due to echo effect.

If this application does go ahead, which it looks likely as the owner has already installed a railing

Around the patio, it would be appreciated to receive a Bye Law Office telephone number where one can call 24 hours a day.

In closing I would like to mention there are others in this neighbourhood who feel the same way. It used to be a nice RESIDENTIAL area. Now its going to be getting like Hess Street!!!!

Many thanks for taking the time to read this preamble!!!

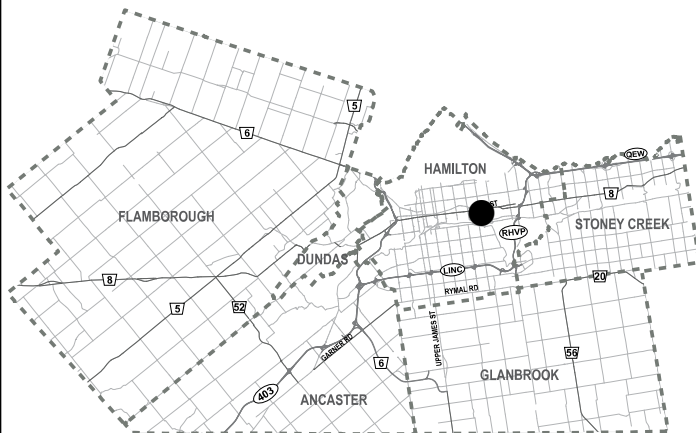
Patricia Stacey
436 Maple Avenue, Hamilton

905 547 5511

Sent from Samsung tablet



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



1375 King Street East, Hamilton
(Ward 3)

File Name/Number:

HM/A-20:113

Date:

July 9, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT