

FL/B-20:46 (13 Herbert Pl., Flamborough

Consolidation Report

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

Should the Committee 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. An Archaeological Assessment of the portion of the property conveyed.
3. The owner shall submit survey evidence that the lands to be severed and retained, including the location of any existing structure, parking and landscaping 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).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division –Building Engineering Section).
5. The applicant must enter into and register on title of the lands, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time).
6. That the Owner submits a Geotechnical and Hydrogeological Report(s) to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view to the satisfaction of the

Source Water Protection Section staff and the Manager of the Engineering Approvals Section.

7. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
8. The owner submits to the Committee of Adjustment office an administration fee of \$20.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.

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 **13 Herbert Place, Hamilton (Flamborough)**, and the lands to be conveyed (Part 2) will be assigned the address of **11 Hauser Place, Hamilton (Flamborough)**.

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

FL/B-20:46 (13 Herbert Pl., Flamborough)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to sever the existing residential lot into two parcels, the severed lands will be a residential building lot and the retained lands will contain the existing dwelling and accessory structures.

Severed lands:

45.00m± x 92.7m± and an area of 4176.4m²±

Retained lands:

40.39m± x 92.7m± and an area of 4425.4m² ±

Greenbelt Plan

The subject property is located within the Greensville (Rural Settlement Areas) designation of the Greenbelt Plan. The Greenbelt Plan states that, “Hamlets, as identified in municipal official plans and within their approved boundaries as they existed on the date this Plan came into effect, continue to be governed by municipal official plans and related programs or initiatives and are not subject to the policies of this Plan, save for the external connections policies of section 3.2.5. This Plan permits infill and *intensification* of Hamlets subject to appropriate water and sewage services.”

It is staff's understanding that the proposed severance conforms to the Greenbelt Plan.

Rural Hamilton Official Plan

The subject property is designated “Rural Settlement Area” on Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan and “Settlement Residential” on Map 8a - Greensville Rural Settlement Area.

F.1.14.2.1 b) Severances that create a new lot(s) may be permitted for only the following purposes:

- iv) severances within designated Rural Settlement Areas in Accordance with Policies F.1.14.2.1 c), d), and e), Policy F.1.14.2.4, and Section C.5.1, Private Water and Wastewater Services.

The following policies also apply for lot creation within designated Rural Settlement Areas:

F.1.14.2.4 Within designated Rural Settlement Areas, all proposed severances that create a new lot and proposed lot additions shall:

- a) comply with the policies of this Plan including a rural settlement area plan where one exists;
- b) be compatible with and not hinder surrounding agricultural operations;
- c) conform to the Zoning By-law;
- d) be permitted only when both severed and retained lots have frontage on a public road;
- e) meet Minimum Distance Separation requirements; and,
- f) meet the requirements of Section C.5.1, Private Water and Wastewater Services.

The subject lands are designated "Settlement Residential" within the Greensville Rural Settlement Area. Please note the following policies from "Volume 2, Chapter A, Rural Settlement Areas":

"1.2 General Policies

1.2.4 Development in Rural Settlement Areas shall proceed in accordance with the specific policies and designations for each Rural Settlement Area and subject to the following conditions:

- a) Within the Rural Settlement Areas, development shall be a height, density, area and nature to be compatible with the existing built environment;

1.2.8 To maintain and protect the distinct form and historical character of Rural Settlement Areas designated in this Plan, any application pursuant to the Planning Act or other legislation shall seek to conserve cultural heritage resources, cultural heritage landscapes, areas of archaeological potential, archaeological sites and the overall settlement character.

3.1.4.2 Lots created by severance may hook into the communal water system; alternatively, said lot(s) may be served by an individual well, subject to approval by the City and the Province."

Based on the preceding information, the severance maintains the intent of the Rural Hamilton Official Plan as well as with respect to Section C.5 regarding source water protection.

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

The subject property is zoned Settlement Residential "S1" Zone, in the City of Hamilton Zoning By-law No. 05-200. A single detached dwelling is a permitted use within the S-1 zone and the intent of both the retained and conveyed lots will be for the occupation of a detached dwelling.

Both the retained and conveyed lands exceed the minimum lot area requirement of the S1 zone. The retained lot is ± 0.44 hectares and the severed lot is proposed to be ± 0.41 hectares, and the minimum lot size required for a single detached dwelling is 0.4 ha. Furthermore, the minimum lot width of 30.0 metres for a detached dwelling is exceeded for both the retained and severed lands and the retained lands is proposed to have a lot width of ± 40.39 m and the severed lands is proposed to have a lot width of ± 45.0 m. Based on the above, the proposed severance is consistent with the City of Hamilton Zoning By-law.

Cultural Heritage

The subject property meets two, one primary and one secondary criteria, 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.

“Condition: That the proponent shall carry out an archaeological assessment of the portion of the property conveyed 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).”

Recommendation

Based on the above, the proposed severed and retained lands maintain the general intent and purpose of the Rural Hamilton Official Plan and comply with the City of Hamilton Zoning By-law 05-200. In conclusion, Staff recommends that the application be approved.

CONDITION:

1. An Archaeological Assessment of the portion of the property conveyed.

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. No dimensions for the existing accessory structure (“shed”) on the lands to be retained (“Part 1”) have been shown on the submitted survey; therefore, this Division cannot confirm zoning compliance.
3. In order to clear conditions, the applicant will be required to make an application for a Zoning Compliance Review and pay the relevant fees.
4. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with The Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.

CONDITIONAL UPON:

If the application is approved, we request the following condition(s):

The owner shall submit survey evidence that the lands to be severed and retained, including the location of any existing structure, parking and landscaping 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).

The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division –Building Engineering Section).

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 **13 Herbert Place, Hamilton (Flamborough)**, and the lands to be conveyed (Part 2) will be assigned the address of **11 Hauser Place, Hamilton (Flamborough)**.

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

Source Management:

For the application that proposes a severance of approximately 1 acre relying on private water and wastewater services at the address above, we offer the following comments: Based on hydrogeological reporting submitted for this application to date and external peer review from Cambium Inc., Hamilton Water can not support the proposed severance at this time as it would not meet the sustainable servicing policies within Chapter C.5.1 of the Rural Hamilton Official Plan. While the RHOP states that no newly created lot shall be less than 1 acre, other considerations (such as local soils, impervious surfaces, background nitrate concentrations, etc) within Chapter C.5.1 often require this minimum lot size to be larger. Based on our desktop review of local soils and the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services, our minimum lot size requirement would be at minimum, **0.74 hectares (1.83 acres)**. Further, the City-Council approved Greensville/Mid-Spencer Creek Subwatershed Study (2016) has recommended minimum lot sizes in Greensville ranging from 0.7 to 0.82 hectares.

To date, the applicant has completed some tasks required to satisfy the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services. However, the key deficiency in their submission to date is that their Water Quality Impact Risk Assessment for the proposed private sewage disposal system does not conform with the guidelines and as a result is incomplete. This assessment and associated calculations are a key component in arriving at the recommended minimum lot size for a single family dwelling, to ensure that septic system pollution will be below the Ontario Drinking Water Quality Standard of nitrate (10 mg/L) at the property boundary to promote safe drinking water for groundwater users nearby. Based on the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services, nitrate concentrations are predicted to be at least 14 mg/L, notably exceeding the drinking water quality standard.

In order to reduce septic system pollution, the applicant has proposed the use of a "tertiary" treatment sewage system which aims to reduce nitrate pollution in the final effluent. The advance treatment systems are considered under the Ontario Building Code for certain parameters only (namely Total Suspended Solids and carbonaceous biological oxygen demand). Nitrate is not a recognized parameter in Table 8.6.2.2.A of the Ontario Building Code and therefore the ability of the system to consistently reduce nitrates has no regulatory context. It is the position of Building Division and the City of Hamilton Chief Building Official that they can not enforce parameters that are not part of Table 8.6.2.2.A. Furthermore, The City of Hamilton has no regulatory ability to enforce performance of the system for parameters outside the OBC.

A nitrate reducing wastewater treatment technology cannot justify an undersized lot to sustainably manage pollution from septic systems. Undersized lots increase health risks to nearby well owners and the natural environment. Sufficient land area to manage and dilute septic system pollution is the best way to ensure development proceeds sustainably long-term, regardless of whatever septic system technology is employed.

If for any reason Committee decides to grant approval, the City would require a satisfactory Hydrogeological Report be completed to the satisfaction of Director, Hamilton Water. However, Committee should be aware that with the proposed lot size, successfully obtaining approval from Hamilton Water may be difficult to achieve.

I have attached the latest set of comments of an external peer review completed by Cambium Inc. for Committee's consideration.

Development Engineering:

Information:

1. There are no municipal sanitary sewer, storm sewer, and watermain that currently fronts the site on Herbert Place or along Hauser Place. There is an existing dwelling on the property that is serviced by a private well and septic system to our understanding. Therefore, the proponent shall submit Hydrogeological and Geotechnical Reports to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view.
2. According to our records, both the subject section of Herbert Place and Hauser Place are classified as a local roadways with an ultimate right-of-way width of 20.117m in accordance with the Rural Hamilton Official Plan (RHOP). The current right of way width of the subject sections of Herbert Place and Hauser Place is $\pm 20.0\text{m}$. Development Engineering will not require a road widening dedication or a daylight triangle dedication for the site. Final road widening dedications to be determined by Transportation Planning.

Recommendation:

1. The applicant must enter into and register on title of the lands, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time).
2. That the Owner submits a Geotechnical and Hydrogeological Report(s) to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view to the satisfaction of the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objections to the land severance application.

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: September 25, 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 Herbert Pl., Flamborough
File: HM/B-20:46

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, October 1, 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 they are insignificant and shall be removed without the requirement of a permit or fees, therefore no tree management plan is required.

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

TREE MANAGEMENT

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

LANDSCAPE PLAN

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

SUMMARY

- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

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

Regards,

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

Sam Brush
Urban Forest Health Technician



Environmental

Geotechnical

Building Sciences

Construction
Monitoring

Telephone

(866) 217.7900
(705) 742.7900

Facsimile

(705) 742.7907

Website

cambium-inc.com

Mailing Address

P.O. Box 325
52 Hunter Street East
Peterborough, ON
K9H 1G5

Locations

Peterborough
Kingston
Barrie
Oshawa

Laboratory

Peterborough



August 11, 2020

Hamilton Water Division – Source Protection Planning
77 James Street North, Suite 400
Hamilton, ON L8R 2K3

Attn: Mike Christie, Project Manager

Re: Peer Review: Hydrogeological Investigation, 13 Herbert Place, Hamilton (Dundas), Ontario

Cambium Ref No.: 5888-001

Dear Mr. Christie,

Cambium Inc. (Cambium) reviewed the document titled “Hydrogeological Investigation, 13 Herbert Place, Hamilton (Dundas), Ontario” (Peto Macallum Ltd., April 2019) and provided comments to the City of Hamilton (COH) in the form of a letter report dated May 31, 2019.

Peto Macallum Ltd. (PML) responded to Cambium’s peer review comments in a letter dated August 21, 2019. Cambium provided follow-up comments in a letter dated September 10, 2019 to which PML responded in a letter dated March 13, 2020.

The following section provides a summary of PML’s most recent comments and Cambium’s response.

COMMENTS FROM CAMBIUM

Cambium’s comment provided in the September 10, 2019 letter are outlined below and are followed by PML’s most recent response. Cambium’s updated responses are also outlined below.

Cambium Response 1 (September 10, 2019 Letter):

The approach is warranted and acceptable to avoid analytical costs prior to some comfort in the development proceeding, however; the development cannot be supported without demonstrating a sustainable source of potable water. When providing this information for future review, the data should be summarised in a table, identifying any exceedance of applicable ODWQS limits. Where health related parameters are exceeded the source may require further sampling or require an alternate source be established (alternate well depth, location, screened interval etc.). Where aesthetic or operational limits are exceeded, a discussion of proposed treatment should be included.

PML Comment 1 – Potable Water Quality (March 13, 2020 Letter):

PML collected groundwater samples from the existing supply well at the Site and from a neighboring property (151 Highway 8). The concentrations of chloride, sodium, hardness, TDS and turbidity were reported in excess of the ODWQS criteria from the Site supply well. There were no ODWQS exceedances reported from the supply well that services 151 Highway 8.



Environmental

Geotechnical

Building Sciences

Construction
Monitoring

Telephone

(866) 217.7900
(705) 742.7900

Facsimile

(705) 742.7907

Website

cambium-inc.com

Mailing Address

P.O. Box 325
52 Hunter Street East
Peterborough, ON
K9H 1G5

Locations

Peterborough
Kingston
Barrie
Oshawa

Laboratory

Peterborough



August 11, 2020

The water quality was deemed acceptable.

Cambium Response:

The results of the sampling complete by PML is considered satisfactory. No further work is considered necessary.

Cambium Response 3 (September 10, 2019 Letter):

Cambium disagrees with PML regarding the interpreted infiltration rate of the soils in the area of the proposed septic bed. The soil in the area of the septic bed comprises mostly of silt, with varying portions of clay, sand and gravel (but mostly sand). Chapter 4, Table 3 of the document titled "MOEE Hydrogeological Technical Information Requirements for Land Development Applications, April 1995" indicates that soils ranging in texture between silt and silty sand to sandy silt have associated groundwater recharge rates that vary between 125 mm/yr – 200 mm/yr.

Further, the document titled "Tier 3 Water Budget and Local Area Risk Assessment for the greensville Groundwater Municipal System, Updated Risk Assessment Report" (Earthfx, 2017) includes estimates for groundwater infiltration in the area of the site. The estimated groundwater infiltration rate for the site is less than 200 mm/yr. The Teir 3 Water Budget was considerably more comprehensive and refined from a recharge perspective than its predecessor study referenced in the PML response.

Cambium interprets the groundwater infiltration rate for the Site to be less than 200 mm/yr. Nitrate loading calculations should be re-computed using and infiltration of less than 200 mm/yr. The statement referring to overall site infiltration volumes remaining unchanged post development based on an absence of storm water infrastructure was not supported. In the absence of LID features, designed in consideration of site specific observed infiltration potential, impermeable areas should be removed from the potential area of infiltration for mass balance calculations.

Cambium defers comment on the proposed use of tertiary treatment to the COH as the current accepted guidance for development on private services does not currently accept tertiary treatment as a means of reducing lot sizes.

Cambium considers the wealth of experience PML has in the area with regards to Nitrate concentrations a benefit to understanding the potential impacts from existing septic systems in the area and an indication of the conservancy of the predictive assessment provided. Where data is referenced to support the current status of groundwater quality in the area, it would be useful to provide a figure showing the locations of the samples as well as details pertaining to the well construction of each location and a summary table indicating dates and results for each sample.

PML Comment 3 – Predictive Assessment vs. Monitoring Data (March 13, 2020 Letter):

The response from PML is quoted below:



Environmental

Geotechnical

Building Sciences

Construction
Monitoring

Telephone

(866) 217.7900
(705) 742.7900

Facsimile

(705) 742.7907

Website

cambium-inc.com

Mailing Address

P.O. Box 325
52 Hunter Street East
Peterborough, ON
K9H 1G5

Locations

Peterborough
Kingston
Barrie
Oshawa

Laboratory

Peterborough

August 11, 2020

"PML has been extensively involved in hydrogeological assessment for the properties in the area and has accumulated monitoring data for nitrate concentrations in the groundwater spanning 30 years. The monitoring data indicates nitrate concentrations in the range of < 0.01 to 7.6 mg/L, thus demonstrating no health risks or off-site impacts. When the nitrate concentration determined using the predictive assessment calculation is compared to the site specific measurements of actual nitrate concentrations in wells within the vicinity of the Site, the predictive assessment/theoretical computation is shown to be conservative, as demonstrated in the difference in concentrations. Based on the above rationale, the lot severance is not likely to have an impact on the ground water resource.

The historic sample locations are depicted on the Well Location Plan as Drawing 1. Refer to Table 1, appended for a compilation of historical data"

Cambium Response:

The nitrate sampling results provided by PML indicate that existing on-site wastewater treatment system have had varying impact on groundwater resources located hydraulically down-gradient of the property. PML indicates the development of an additional wastewater source will not likely impact off-site groundwater resources. The initial peer review comments included a request to undertake the predictive assessment using inputs consistent with the City of Hamilton's guidance material, and those parameters included in the MOEE Hydrogeological Technical Information Requirements for Land Development Applications, April 1995. The updated letter did not include an updated calculation as requested. While there is water quality data indicating the existing systems in the vicinity of the site are capable of maintaining nitrate concentrations below the ODWQS, the data also indicates a variable range with concentrations increasing with depth in the adjacent lot to the west and concentrations reaching half the allowable concentration in the supply aquifer and greater in the overlying overburden aquifer. As such, a re-calculated predictive assessment is warranted to gauge potential impacts of intensifying development on private servicing at the site.

CLOSING

Please feel free to contact the undersigned at your convenience to discuss or clarify any of our comments.

Best regards,





Environmental

Geotechnical

Building Sciences

Construction
Monitoring

Telephone

(866) 217.7900

(705) 742.7900

Facsimile

(705) 742.7907

Website

cambium-inc.com

Mailing Address

P.O. Box 325
52 Hunter Street East
Peterborough, ON
K9H 1G5

Locations

Peterborough
Kingston
Barrie
Oshawa

Laboratory

Peterborough



August 11, 2020

Cambium Inc.

Mike Bingham, P.Geo.
Hydrogeologist

Cameron MacDougall, P.Geo
Environmental Specialist

MEB/cjm

C:\Users\mike_bingham\AppData\Local\Microsoft\Windows\NetCache\Content.Outlook\20ZDJL5U\2020-08-11 13 Herbert Place.docx

FL/B-19:133 (1806 8th Con. Rd. W., 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. A Site Plan will be required for all of the new lots since they are within 120 metres of Core Areas.
3. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, 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).
5. The applicant must enter into and register on title of the lands, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, etc. and include warning clauses related to the future purchase and sale agreements.
6. That the Owner submits a Geotechnical and Hydrogeological Report(s) to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view to the satisfaction of the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.

7. Given the lot sizes conform with Chapter C.5.1 of the Rural Hamilton Official Plan, as a condition of approval to the satisfaction of Director, Hamilton Water the applicant shall complete a Scoped Hydrogeological Report that demonstrates the applicant's private water servicing is sustainable.
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
9. The owner submits to the Committee of Adjustment office an administration fee of \$60.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
10. Approximately 8.0 metres are to be dedicated to the right-of-way on 8th Concession Road West, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (8th Concession Road West) are to be 36.0 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).

Growth Management:

Note: Based on these applications being approved and all the conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **1806 8th Concession Road West, Hamilton (Flamborough)**, and the lands to be conveyed lots will be assigned the addresses of **1816 8th Concession Road West, Hamilton (Flamborough) (Lot 1)**, **1820 8th Concession Road West, Hamilton (Flamborough) (Lot 2)**, and **1824 8th Concession Road West, Hamilton (Flamborough) (Lot 3)**.

FL/B-19:133 (1806 8th Con. Rd. W., Flamborough)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the conveyance of a parcel of land for residential purposes. To be heard in conjunction with FL/B-19:134.

Severed lands (Lot 2):

40.9 m x varies and an area of 2.0 ha

Retained lands (Lot 1 & 3):

180.6m x varies and an area of 2.23 ha.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Kirkwall Rural Settlement Area” and “Agriculture” in Schedule D - Rural Land Use Designations. The Kirkwall Rural Settlement Area Plan designates the property as “Settlement Residential” and “Natural Open Space (Hazard Lands)” in Map 9. The following policies, amongst others, are applicable:

- “1.2.4 The *development* shall comply with the Natural Heritage System Policies, Section C.2.0 Volume 1 of the Plan.

- 1.7.1 Natural Open Space (Hazard Lands) designated on Map1 through Map 19 are lands which have inherent environmental hazards such as flooding, erosion susceptibility, soil instability or any other physical conditions which are severe enough to cause property damage or potential loss of life on the subject lands, or to upstream or downstream lands within the watershed, if these lands were to be used or developed or *site alteration* takes place inappropriately.

- 1.7.3 No *development*, including the placement or removal of fill, new buildings and structures or other works associated with flood or erosion control, shall be permitted without the written approval of the appropriate Conservation Authority.

- 3.6.3.3 The City shall not support any land severances and/or subdivision applications to create new lots in the Kirkwall Rural Settlement Area until such time as it has been demonstrated through the appropriate studies, that the lands to be developed can be adequately serviced by both private water and septic services.

- 3.6.4.1 In the area east of Kirkwall Road, north and south of the Concession Road between Concession 7 and 8, new residential lots shall have a minimum area of 0.5 hectares (1.25 acres) and shall comply with the provisions of Section C.5.1, Sustainable Private Water and Wastewater Services, of Volume 1 of this Plan.”

Hamilton Zoning By-law No. 05-200

The subject property is zoned Settlement Residential S1 (53) Zone, Conservation/Hazard Land Rural (P8) Zone and Agriculture (A1) Zone. A Single Detached Dwelling is permitted in the S1 and A1 zones.

The proposal is to sever the 5 ha (12.5 acre) S1 Zoned parcel into three lots in the portion of the property designated as “Kirkwall Rural Settlement Area” and retain the portion of the property designated “Agriculture”. A single detached dwelling will be constructed on each newly created lot. This application is in conjunction with the associated severance application on the same property (FL/B-19:134).

There is no proposal to construct a single detached dwelling on the A1 Zoned portion of the property designated “Agriculture”. Two of the lots will be accessed through an existing driveway off of Concession 8 West. The driveway is to be shared by the two proposed residences by a shared driveway agreement. The remaining lot will be accessed by another existing driveway, further east, off of Concession 8 West. The subject lands are currently vacant and contain a Provincially Significant Wetland and woodlot.

Natural Heritage

This application is to sever three lots within the Kirkwall Rural Settlement Area. The property contains Core Areas (Provincially Significant Wetland, stream, and Significant Woodland). Policies require that no new development or site alteration are permitted unless it can be shown, through an Environmental Impact Statement, that there will be no negative impacts on the ecological features or functions of the Core Areas. Since new development (lot creation) was proposed, staff requested an Environmental Impact Statement (EIS). An EIS was prepared by Natural Resource Solutions and was reviewed by Natural Heritage Planning staff and the City’s environmental advisory committee, ESAIEG. Through the review process, additional changes were made to the lot configuration to address environmental concerns. ESAIEG and City staff are now satisfied with the EIS report.

Therefore, Natural Heritage is satisfied that the proposed three lots will not negatively impact the Core Areas. However, the applicants should be aware that in the future, each of the three lots will be subject to minor site plan control and the following studies will be required:

- Tree Protection Plan; and,
- Landscape Plan/Habitat Restoration.

Cultural Heritage

The archaeological condition has been cleared with report P344-0338-2019.

Analysis

Based on the preceding information, staff note that the application was previously tabled as a result of concerns from Natural Heritage staff and a request for an Environmental Impact Statement. Staff note that an EIS was prepared by Natural Resource Solutions and was reviewed by Natural Heritage Planning staff and the City's environmental advisory committee, ESAIEG. Through the review process, additional changes were made to the lot configuration to address environmental concerns. ESAIEG and City staff are now satisfied with the EIS report. As such, staff are now satisfied that the proposed three lots will not negatively impact the Core Areas. However, the applicants should be aware that in the future, each of the three lots will be subject to minor site plan control and the following studies will be required:

- Tree Protection Plan; and,
- Landscape Plan/Habitat Restoration.

In addition, staff are satisfied that the applicant has submitted an archeological assessment and staff are in support of the severance application.

Recommendation

Based on the above, the proposed severed and retained lands maintain the general intent and purpose of the Rural Hamilton Official Plan and comply with the City of Hamilton Zoning By-law 05-200. In conclusion, Staff recommends that the application be approved.

CONDITION:

1. A Site Plan will be required for all of the new lots since they are within 120 metres of Core Areas.

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. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
3. Legally established rights of ways shall be properly registered on title to provide access between properties (lands to be conveyed and retained).

4. The “S1, 53” zoning district permits only limited residential uses. The applicant may wish to ensure that the proposed uses for the lands to be conveyed/retained are permitted.
5. Please be advised that a portion of this property is within an area regulated by Grand River Conservation Please contact (519) 621-2761 prior to any development.
6. The land is subject to site plan control.

CONDITIONAL UPON:

1. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
2. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, 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 Management:

Note: Based on these applications being approved and all the conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **1806 8th Concession Road West, Hamilton (Flamborough)**, and the lands to be conveyed lots will be assigned the addresses of **1816 8th Concession Road West, Hamilton (Flamborough) (Lot 1)**, **1820 8th Concession Road West, Hamilton (Flamborough) (Lot 2)**, and **1824 8th Concession Road West, Hamilton (Flamborough) (Lot 3)**.

Source Water Protection:

Given the lot sizes conform with Chapter C.5.1 of the Rural Hamilton Official Plan, as a condition of approval to the satisfaction of Director, Hamilton Water the applicant shall complete a Scoped Hydrogeological Report that demonstrates the applicant's private water servicing is sustainable.

The applicant shall submit a scoped Hydrogeological Report conducted by a qualified professional (P.Eng, P.Geo) that demonstrates a private water supply wells can support the proposed uses, both from a quantity and quality perspective. This report shall conform to requirements set out in the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services with respect to water servicing, which can

be found here: <https://www.hamilton.ca/develop-property/policies-guidelines/guidelines-hydrogeological-studies-and-technical-standards>

1. Water Well Records shall be submitted for each well. A pumping test and the use of monitoring wells (whether it be onsite or offsite) shall be conducted to ensure the wells can support the proposed uses, as well as have negligible impacts on groundwater users nearby. Pumping test methodology shall follow requirements within the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services.
2. In order to assess the raw groundwater quality of the proposed new well(s), through a qualified professional the applicant shall test water quality parameters stated in the Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines (MOECC 2003) including Tables 1, 2 and 4, the Radiological Parameters to be tested shall be only Gross Alpha and Gross Beta. A copy of the Chain of Custody shall be provided with the sampling results. A modified parameter list can be considered for two of the three wells if they all target the same aquifer. If there are exceedances in the sampling results, the proponent should provide recommendations for water treatment. Source Protection Planning and Public Health can review the recommendations.
3. A revised site plan shall delineate the location of all wells, septic system components, and other relevant features to ensure the development conforms to Ontario Building Code Part 8 minimum clearance distance requirements.
4. A revised site plan shall also delineate the location of a reserve septic bed as per Rural Hamilton Official Plan requirements.

Development Engineering:

1. There are no municipal sanitary sewer, storm sewer, and watermain that currently fronts the site on Concession 8 West. Therefore, the proponent shall submit Hydrogeological and Geotechnical Reports to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view.
2. According to our records, the subject section of Concession 8 West is classified by the new Hamilton Rural Official Plan as a Collector Roadway with an ultimate road allowance right-of-way width of 36.0m, in accordance with the City of Hamilton Rural Official Plan (RHOP). The current right-of-way width of the subject sections of Concession 8 West is $\pm 20.0\text{m}$. According to RHOP, a road widening dedication to the City of Hamilton to establish the street line at 18.0m from the original centerline of this roadway will be required (approximately 8.0m road widening dedication). Final road widening dedications shall be determined by Transportation Planning.

3. It appears that Lot 2 and 3 shown on the sketch are going to be serviced by a mutual driveway. Therefore, the owner will be required to include in the future purchase and sale agreements provision to establish an adequate private agreement to address the maintenance of the shared driveway.
4. The info provided on the sketch and on our GIS system shows that there is an existing environmental sensitive area on the subject lands under jurisdiction of Grand River Conservation Area. Therefore, until the proponent completes all required studies to delineate the developable area and establish appropriate buffer to the satisfaction of the grand Rive Conservation Authority our office recommends that he application **be tabled.**

If the Committee decide to grant approval of the severance the following conditions should be included:

1. The applicant must enter into and register on title of the lands, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, etc. and include warning clauses related to the future purchase and sale agreements.
2. That the Owner submits a Geotechnical and Hydrogeological Report(s) to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view to the satisfaction of the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the land severance application, provided the following conditions are met:

- a. Approximately 8.0 metres are to be dedicated to the right-of-way on 8th Concession Road West, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (8th Concession Road West) are to be 36.0 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).

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: September 22, 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: 1806 Concession 8 West., Flamborough
File: FL/B-19:133
FL/B-19:134

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday October 1, 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 due to the use of existing driveways for access and large distance from city trees to proposed development. Therefore, no Tree Management Plan is required.

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

TREE MANAGEMENT

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

LANDSCAPE PLAN

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

SUMMARY

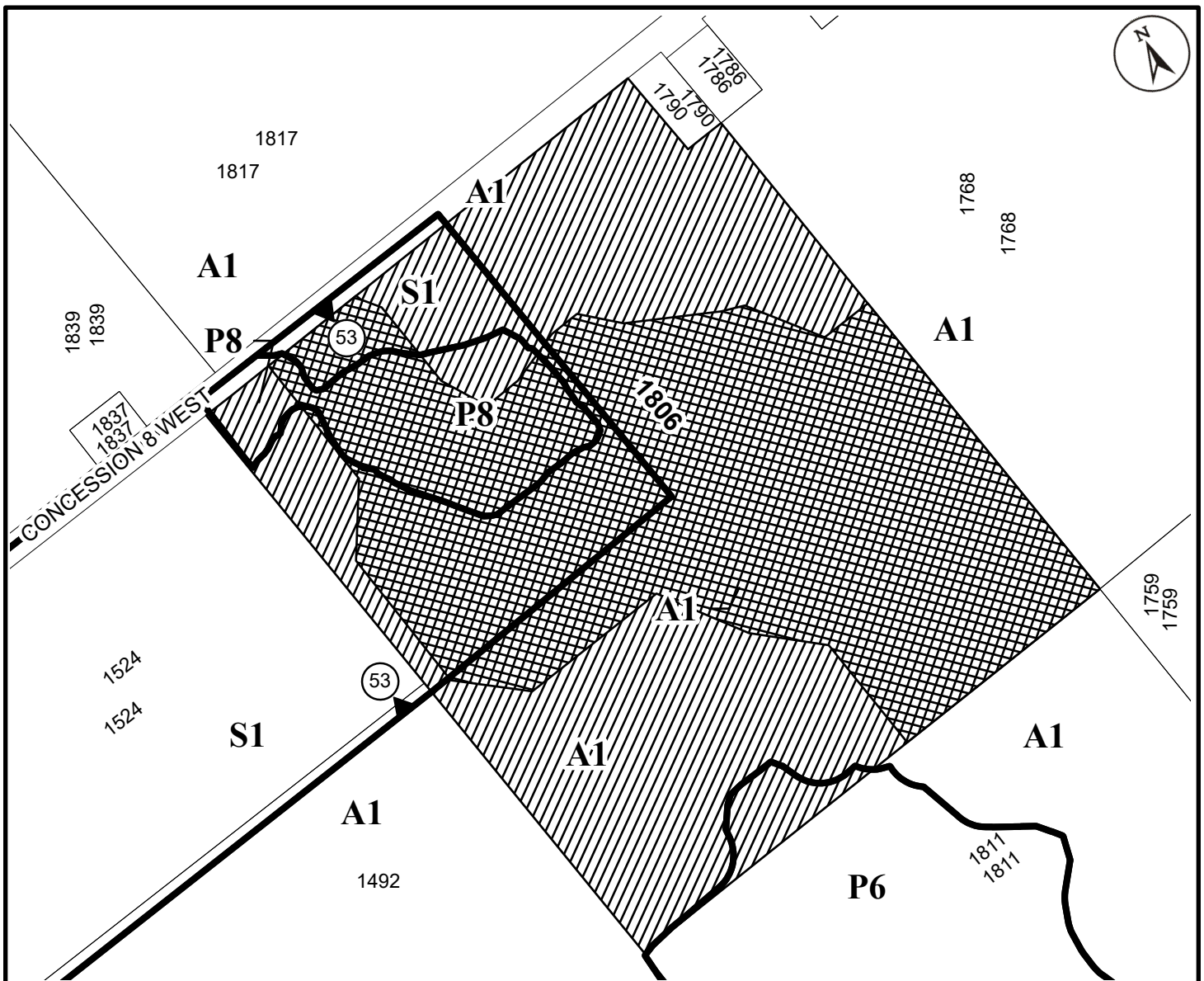
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

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

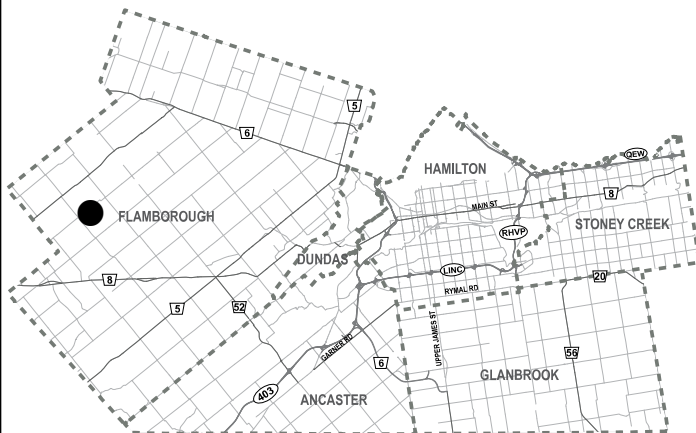
Regards,

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

Sam Brush
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

1806 8th Concession Road West,
Flamborough (Ward 13)



Lands to be Retained



Lands to be Severed

File Name/Number:

FL/B-19:133

Date:

September 22, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/B-19:134 (1806 8th Con. Rd. W., 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. A Site Plan will be required for all of the new lots since they are within 120 metres of Core Areas.
3. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence that the [input either lands to be severed and/or the lands to be retained], including the location of any existing structure(s), parking and landscaping [include any other regulations which may be applicable for determining zoning compliance], 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).
5. The applicant must enter into and register on title of the lands, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, etc. and include warning clauses related to the future purchase and sale agreements.
6. That the Owner submits a Geotechnical and Hydrogeological Report(s) to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view to the satisfaction of the Source Water Protection Section staff and the Manager of the Engineering Approvals Section

7. Given the lot sizes conform with Chapter C.5.1 of the Rural Hamilton Official Plan, as a condition of approval to the satisfaction of Director, Hamilton Water the applicant shall complete a Scoped Hydrogeological Report that demonstrates the applicant's private water servicing is sustainable.
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
9. The owner submits to the Committee of Adjustment office an administration fee of \$60.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
10. Approximately 8.0 metres are to be dedicated to the right-of-way on 8th Concession Road West, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (8th Concession Road West) are to be 36.0 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).

Growth Management:

Note: Based on these applications being approved and all the conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **1806 8th Concession Road West, Hamilton (Flamborough)**, and the lands to be conveyed lots will be assigned the addresses of **1816 8th Concession Road West, Hamilton (Flamborough) (Lot 1)**, **1820 8th Concession Road West, Hamilton (Flamborough) (Lot 2)**, and **1824 8th Concession Road West, Hamilton (Flamborough) (Lot 3)**.

FL/B-19:134 (1806 8th Con. Rd. W., Flamborough)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the conveyance of a parcel of land for residential purposes. To be heard in conjunction with application FL/B-19:133.

Severed lands:

221.7m x varies and an area of 4.2 ha

Retained lands:

222m x varies and an area of 18.4 ha.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Kirkwall Rural Settlement Area” and “Agriculture” in Schedule D - Rural Land Use Designations. The Kirkwall Rural Settlement Area Plan designates the property as “Settlement Residential” and “Natural Open Space (Hazard Lands)” in Map 9. The following policies, amongst others, are applicable.

- “1.2.4 The *development* shall comply with the Natural Heritage System Policies, Section C.2.0 Volume 1 of the Plan.

- 1.7.1 Natural Open Space (Hazard Lands) designated on Map1 through Map 19 are lands which have inherent environmental hazards such as flooding, erosion susceptibility, soil instability or any other physical conditions which are severe enough to cause property damage or potential loss of life on the subject lands, or to upstream or downstream lands within the watershed, if these lands were to be used or developed or *site alteration* takes place inappropriately.

- 1.7.3 No *development*, including the placement or removal of fill, new buildings and structures or other works associated with flood or erosion control, shall be permitted without the written approval of the appropriate Conservation Authority.

- 3.6.3.3 The City shall not support any land severances and/or subdivision applications to create new lots in the Kirkwall Rural Settlement Area until such time as it has been demonstrated through the appropriate studies, that the lands to be developed can be adequately serviced by both private water and septic services.

- 3.6.4.1 In the area east of Kirkwall Road, north and south of the Concession Road between Concession 7 and 8, new residential lots shall have a minimum area of 0.5 hectares (1.25 acres) and shall comply with the provisions of Section C.5.1, Sustainable Private Water and Wastewater Services, of Volume 1 of this Plan.”

Hamilton Zoning By-law No. 05-200

The subject property is zoned Settlement Residential S1 (53) Zone, Conservation/Hazard Land Rural (P8) Zone and Agriculture (A1) Zone. A Single Detached Dwelling is permitted in the S1 and A1 zones.

The proposal is to sever the 5 ha (12.5 acre) S1 zoned parcel into three lots in the portion of the property designated as “Kirkwall Rural Settlement Area” and retain the portion of the property designated “Agriculture”. A single detached dwelling will be constructed on each newly created lot. There is no proposal to construct a single detached dwelling on the A1 Zoned portion of the property designated “Agriculture”. Two of the lots will be accessed through an existing driveway off of Concession 8 West. The driveway is to be shared by the two proposed residences by a shared driveway agreement. The remaining lot will be accessed by another existing driveway, further east, off of Concession 8 West. The subject lands are currently vacant and contain a Provincially Significant Wetland and woodlot. This application is in conjunction with the associated severance application on the same property (FL/B-19:133).

Natural Heritage

This application is to sever three lots within the Kirkwall Rural Settlement Area. The property contains Core Areas (Provincially Significant Wetland, stream, and Significant Woodland). Policies require that no new development or site alteration are permitted unless it can be shown, through an Environmental Impact Statement, that there will be no negative impacts on the ecological features or functions of the Core Areas. Since new development (lot creation) was proposed, staff requested an Environmental Impact Statement (EIS). An EIS was prepared by Natural Resource Solutions and was reviewed by Natural Heritage Planning staff and the City’s environmental advisory committee, ESAIEG. Through the review process, additional changes were made to the lot configuration to address environmental concerns. ESAIEG and City staff are now satisfied with the EIS report.

Therefore, Natural Heritage is satisfied that the proposed three lots will not negatively impact the Core Areas. However, the applicants should be aware that in the future, each of the three lots will be subject to minor site plan control and the following studies will be required:

- Tree Protection Plan; and,
- Landscape Plan/Habitat Restoration.

Cultural Heritage

The archaeological condition has been cleared with report P344-0338-2019.

Analysis

Based on the preceding information, staff note that the application was previously tabled as a result of concerns from Natural Heritage staff and a request for an Environmental Impact Statement. Staff note that an EIS was prepared by Natural Resource Solutions and was reviewed by Natural Heritage Planning staff and the City's environmental advisory committee, ESAIEG. Through the review process, additional changes were made to the lot configuration to address environmental concerns. ESAIEG and City staff are now satisfied with the EIS report. As such, staff are now satisfied that the proposed three lots will not negatively impact the Core Areas. However, the applicants should be aware that in the future, each of the three lots will be subject to minor site plan control and the following studies will be required:

- Tree Protection Plan; and,
- Landscape Plan/Habitat Restoration.

In addition, staff are satisfied that the applicant has submitted an archeological assessment and staff are in support of the severance application.

Recommendation

Based on the above, the proposed severed and retained lands maintain the general intent and purpose of the Rural Hamilton Official Plan and comply with the City of Hamilton Zoning By-law 05-200. In conclusion, Staff recommends that the application be approved.

CONDITIONS:

1. A Site Plan will be required for all of the new lots since they are within 120 metres of Core Areas.

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

3. The “S1, 53” & “A1” zoning district permits only limited residential uses. The applicant may wish to ensure that the proposed uses for the lands to be conveyed are permitted.
4. Variances for lot area will be required for zoning compliance of the lands to be retained.

CONDITIONAL UPON:

1. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
2. The owner shall submit survey evidence that the [input either lands to be severed and/or the lands to be retained], including the location of any existing structure(s), parking and landscaping [include any other regulations which may be applicable for determining zoning compliance], 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 Management:

Note: Based on these applications being approved and all the conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **1806 8th Concession Road West, Hamilton (Flamborough)**, and the lands to be conveyed lots will be assigned the addresses of **1816 8th Concession Road West, Hamilton (Flamborough) (Lot 1)**, **1820 8th Concession Road West, Hamilton (Flamborough) (Lot 2)**, and **1824 8th Concession Road West, Hamilton (Flamborough) (Lot 3)**.

Source Water Protection:

Given the lot sizes conform with Chapter C.5.1 of the Rural Hamilton Official Plan, as a condition of approval to the satisfaction of Director, Hamilton Water the applicant shall complete a Scoped Hydrogeological Report that demonstrates the applicant’s private water servicing is sustainable.

The applicant shall submit a scoped Hydrogeological Report conducted by a qualified professional (P.Eng, P.Geo) that demonstrates a private water supply wells can support the proposed uses, both from a quantity and quality perspective. This report shall conform to requirements set out in the City’s Guidelines for Hydrogeological Studies and Technical Standards for Private Services with respect to water servicing, which can be found here: <https://www.hamilton.ca/develop-property/policies-guidelines/guidelines-hydrogeological-studies-and-technical-standards>

1. Water Well Records shall be submitted for each well. A pumping test and the use of monitoring wells (whether it be onsite or offsite) shall be conducted to ensure the wells can support the proposed uses, as well as have negligible impacts on groundwater users nearby. Pumping test methodology shall follow requirements within the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services.
2. In order to assess the raw groundwater quality of the proposed new well(s), through a qualified professional the applicant shall test water quality parameters stated in the Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines (MOECC 2003) including Tables 1, 2 and 4, the Radiological Parameters to be tested shall be only Gross Alpha and Gross Beta. A copy of the Chain of Custody shall be provided with the sampling results. A modified parameter list can be considered for two of the three wells if they all target the same aquifer. If there are exceedances in the sampling results, the proponent should provide recommendations for water treatment. Source Protection Planning and Public Health can review the recommendations.
3. A revised site plan shall delineate the location of all wells, septic system components, and other relevant features to ensure the development conforms to Ontario Building Code Part 8 minimum clearance distance requirements.
4. A revised site plan shall also delineate the location of a reserve septic bed as per Rural Hamilton Official Plan requirements.

Development Engineering:

Information:

1. There are no municipal sanitary sewer, storm sewer, and watermain that currently fronts the site on Concession 8 West. Therefore, the proponent shall submit Hydrogeological and Geotechnical Reports to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view.
2. According to our records, the subject section of Concession 8 West is classified by the new Hamilton Rural Official Plan as a Collector Roadway with an ultimate road allowance right-of-way width of 36.0m, in accordance with the City of Hamilton Rural Official Plan (RHOP). The current right-of-way width of the subject sections of Concession 8 West is $\pm 20.0\text{m}$. According to RHOP, a road widening dedication to the City of Hamilton to establish the street line at 18.0m from the original centerline of this roadway will be required (approximately 8.0m road widening dedication). Final road widening dedications shall be determined by Transportation Planning.

3. It appears that Lot 2 and 3 shown on the sketch are going to be serviced by a mutual driveway. Therefore, the owner will be required to include in the future purchase and sale agreements provision to establish an adequate private agreement to address the maintenance of the shared driveway.
4. The info provided on the sketch and on our GIS system shows that there is an existing environmental sensitive area on the subject lands under jurisdiction of Grand River Conservation Area. Therefore, until the proponent completes all required studies to delineate the developable area and establish appropriate buffer to the satisfaction of the Grand River Conservation Authority our office recommends that the application **be tabled**.

If the Committee decide to grant approval of the severance the following conditions should be included:

1. The applicant must enter into and register on title of the lands, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, etc. and include warning clauses related to the future purchase and sale agreements.
2. That the Owner submits a Geotechnical and Hydrogeological Report(s) to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view to the satisfaction of the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the land severance application, provided the following conditions are met:

- a. Approximately 8.0 metres are to be dedicated to the right-of-way on 8th Concession Road West, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (8th Concession Road West) are to be 36.0 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).

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: September 22, 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: 1806 Concession 8 West., Flamborough
File: FL/B-19:133
FL/B-19:134

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday October 1, 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 due to the use of existing driveways for access and large distance from city trees to proposed development. Therefore, no Tree Management Plan is required.

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

TREE MANAGEMENT

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

LANDSCAPE PLAN

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

SUMMARY

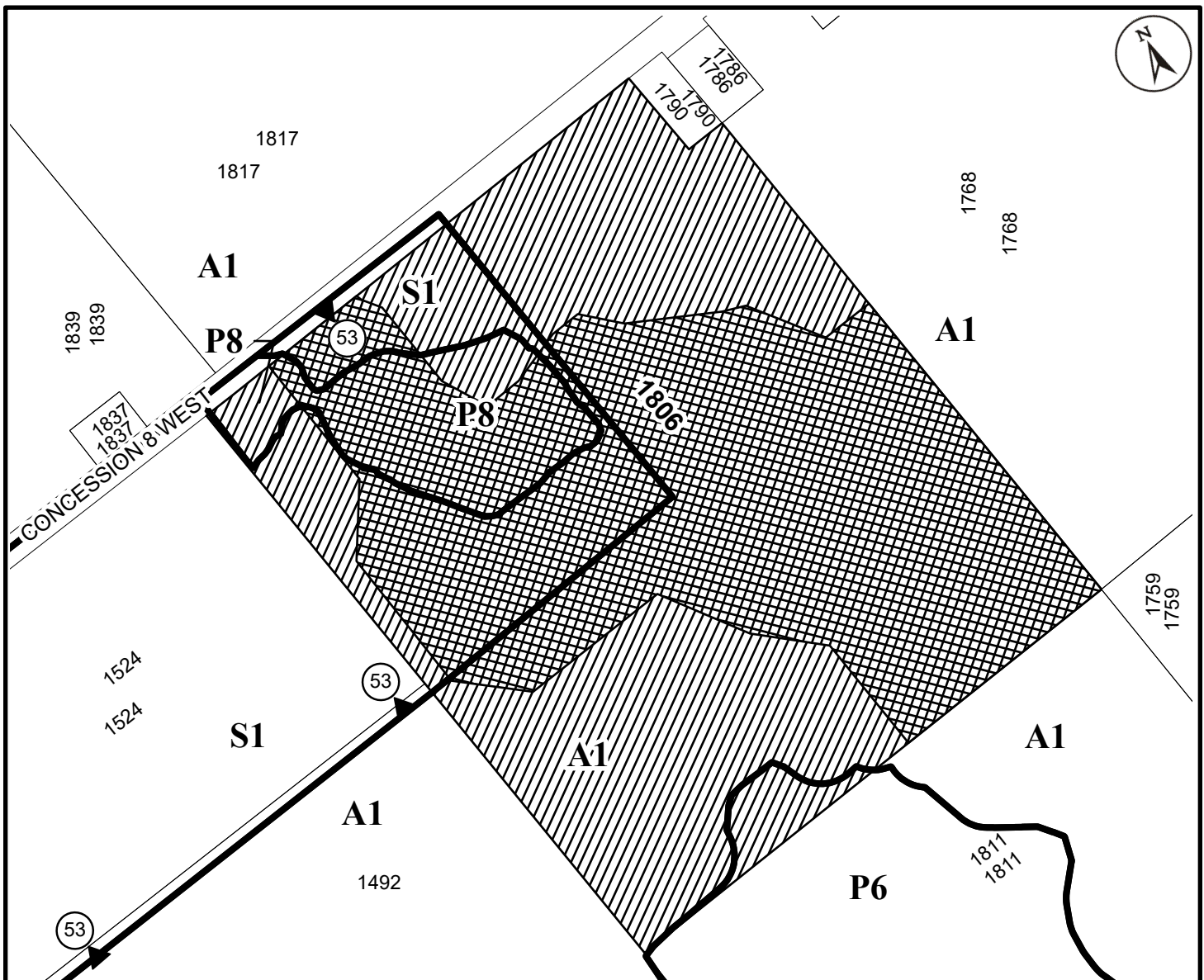
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

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

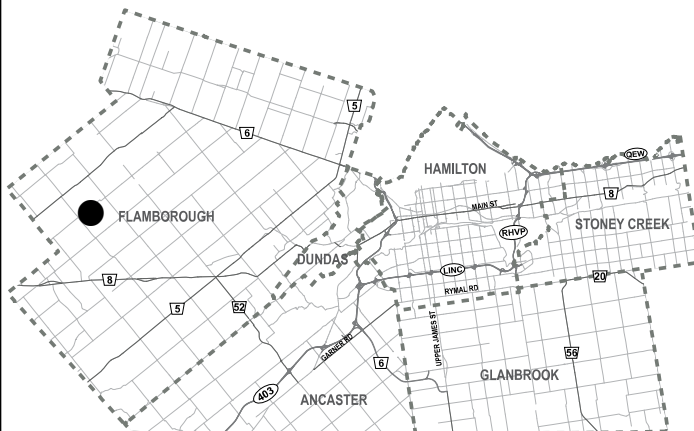
Regards,

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

Sam Brush
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

1806 8th Concession Road West,
Flamboy (Ward 13)



Lands to be Retained



Lands to be Severed

File Name/Number:

FL/B-19:134

Date:

September 22, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

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

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

Rural Hamilton Official Plan

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

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

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

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

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

Archeology

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

Variance 1

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

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

Recommendation

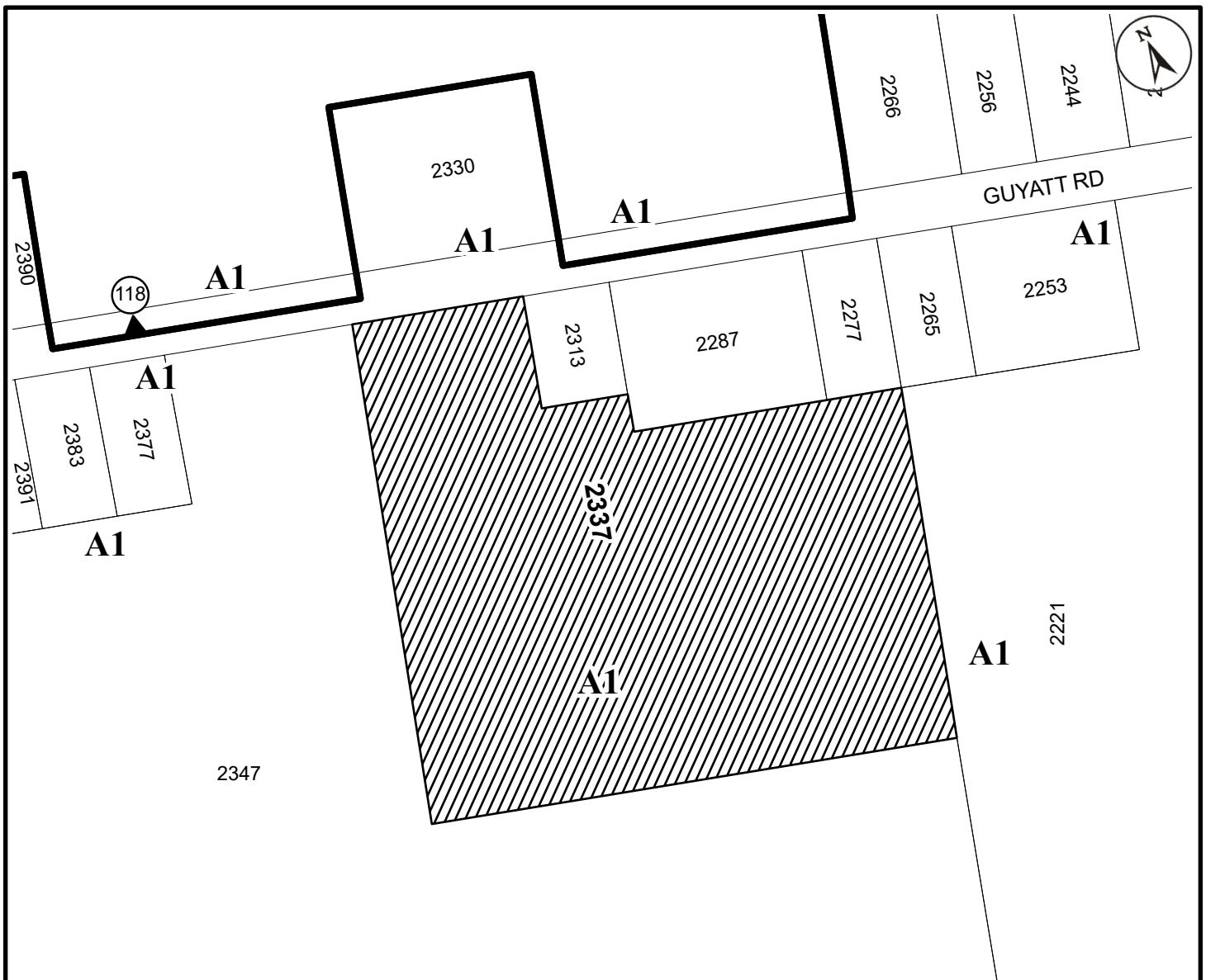
Staff recommends that the variance be approved, as the variance maintains the general intent and purpose of the Rural Hamilton Official Plan and the Hamilton Zoning By-law No. 05-200. The variance is considered to be minor in nature and is desirable for the appropriate use of the property.

Building Division:

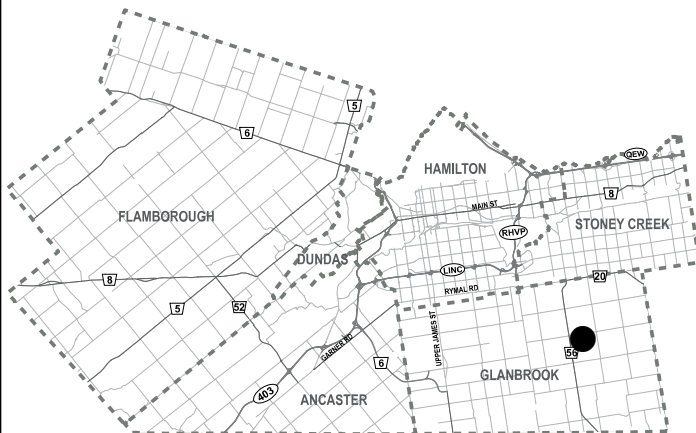
1. A building permit is required for the construction of the proposed accessory building.
2. The applicant shall ensure that the primary use of the property is for agriculture purposes. Please note that if the primary use of the property is for other than agriculture, further variances will be required.
3. Human habitation is prohibited within an accessory building. The accessory building shall only be used for incidental uses associated with the principle use. Any use or storage not associated with the principle use is not permitted.
4. A portion of the lands is located within Niagara Peninsula Conservation. Please contact Niagara Peninsula Conservation Authority at 905-788-3135 for further information.
5. An Order to Comply is outstanding, it is in regard to construction without a permit for alterations to an accessory structure.
6. Building Permit 19-152315, under review, to construct a 74.32m² detached storage shed in the rear yard of the single-family dwelling, remains not issued/finalized.
7. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



2337 Guyatt Road, Glanbrook
(Ward 11)

File Name/Number:

GL/A-19:425

Date:

September 22, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/A-20:168 (3005 Trinity Church Rd., Glanbrook)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of an accessory structure/building in the rear yard.

Rural Hamilton Official Plan

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

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

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

The subject property is zoned Rural “A1” Zone to which the use complies.

Variance 1

The applicant is seeking a variance to allow for a maximum gross floor area of 222.97m² and a maximum of 11.67% lot coverage shall be permitted for all buildings accessory to the single detached dwelling instead of the requirement that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum gross floor area of 200m² and a total 5% lot coverage.

Staff note that the variance will be amended by the Building Department since the applicant is requesting that an existing accessory structure, of ±102m², is kept on the property in addition to the proposed accessory structure, of ±223m², resulting in a total Ground Floor Area of ±325m² for existing and proposed accessory structures within the subject lands. In addition, the Building Department has confirmed that the resulting lot coverage will remain at 11.67%. Staff note that the Zoning requirement is that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum gross floor area of 200m² and a total 5% lot coverage.

Staff note that the increase in lot coverage is not minor as it will facilitate the proposed accessory structure which is excessive in GFA and lot coverage. The proposed structure

is not compatible with the surrounding neighbourhood and is not subordinate to the single detached dwelling. In regard to evaluating the appropriateness of a large accessory structure the use of the accessory structures must be subordinate to the primary use, in this case being the single detached dwelling. Accordingly, due to the amount of GFA and lot coverage dedicated to the accessory structures being bigger than the area of the single detached dwelling, the proposed structures become larger than the principle use of the property and as such no longer meet the definition of being subordinate to the primary use. Therefore, the variance is not minor in nature and is not appropriate for the development of the subject property. Accordingly, staff do not support the variance.

Recommendation

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

Building Division:

1. A building permit is required for the construction of the proposed accessory structure/building. Be advised that Ontario Building Code regulations may require specific setback and construction types.
2. The variance(s) should be altered as follows:

"A maximum gross floor area of **326m²** and a maximum of **11.70%** lot coverage shall be permitted for all buildings accessory to the single detached dwelling instead of the requirement that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum gross floor area of 200m² and a total 5% lot coverage."
3. Building Permit No. 20-174547 for a storage barn for farm and residential implements remains not finalized.
4. Order to Comply No. 20-176829, dated August 4, 2020, is outstanding.
5. No elevation drawings were included as part of this application. The applicant shall ensure that the height of the proposed accessory structure/building has been provided in accordance with the definition of height provided in Hamilton Zoning By-law No. 05-200.

Development Engineering:

No Comment

See attached for additional comments.

From: [Joyce Jagt](#)
To: [Committee of Adjustment](#)
Cc: [Rob Jagt](#)
Subject: Notice of Public Hearing - Application no. GL/A-20:168
Date: September 22, 2020 7:23:46 PM

To whom it may concern:

We received a Notice of Public Hearing regarding the above application and we are next door neighbours to the applicant.

As per the instructions provided in the letter, we are submitting the following comments and concerns regarding the proposed building plan.

First: Construction began on the long weekend of August and we see the following that concerns us:

- building is framed for 2 large overhead doors (10 to 12 feet each) which indicates to us that this might be for business purposes, rather than personal use. We would like to confirm that no business will be run out of this proposed building.

- will the height of the building meet Ontario Building code regulations? Our concern is that the present structure, without trusses, already looks quite high. Adding the trusses will be an eye sore for our back yard view.

note: if you require pictures of current structure, we can take some and send them to you.

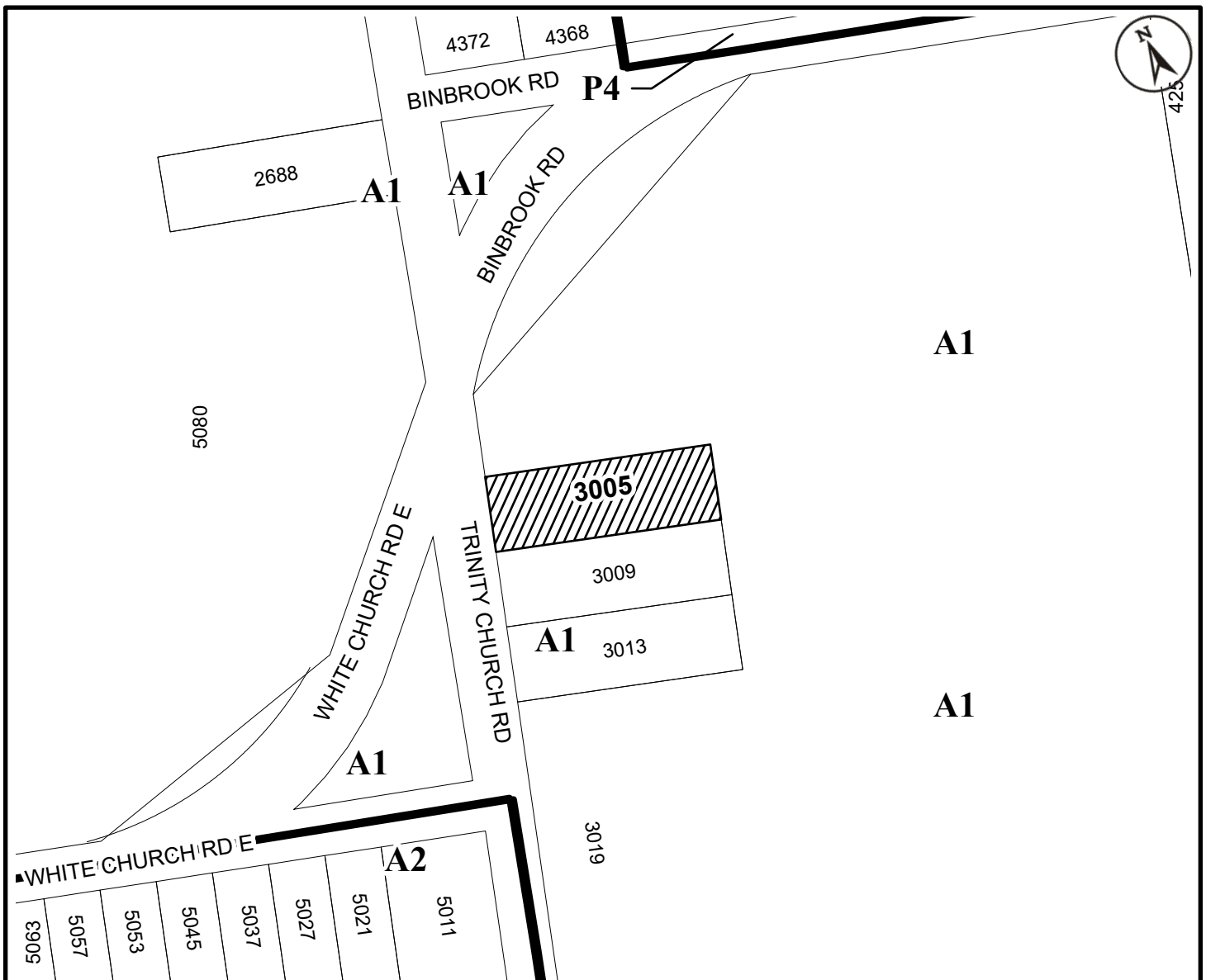
Second: What are the grading plans? Currently, our property sits lower than the applicants which causes water problems every spring on our side. With the new building, sheeting water will cause more water problems. Will proper drainage and grading be done on applicant's side to resolve this? We would like to view the grading plans to prove that water will be drained properly and that we will stop receiving water from applicant's property.

Thank you for your attention to our concerns. Please advise what more we need to do before the hearing.

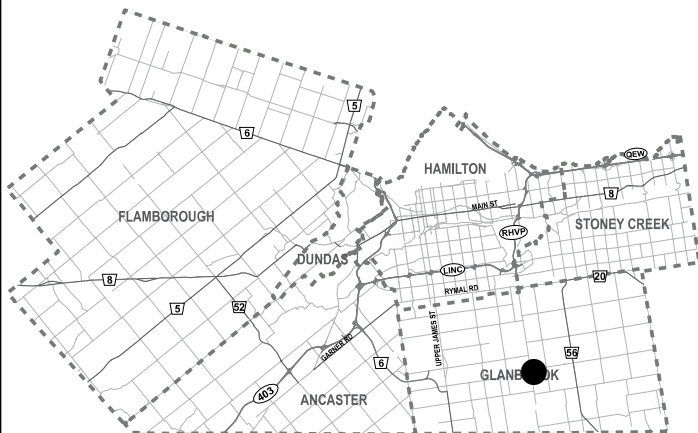
Also, the date of the hearing is written as: Thursday, September October 1st, 2020. Can we assume that it should read: Thursday, October 1st, 2020?

Regards,
Rob and Joyce Jagt
3009 Trinity Church Road

PS If you need to reach out, please call Rob at 905-971-1150 (cell).



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



3005 Trinity Church Road,
Glanbrook (Ward 11)

File Name/Number:

GL/A-20:168

Date:

September 22, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-20:167 (372 Dundas St. E., Flamborough)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit upgrades to the existing sewage pumping station including the installation of an ornamental security fence.

Staff note that the proposal is associated with the approved Minor Site Plan, MDA-20-004 where the applicant proposed upgrades to the existing sewage pumping station with proposed extensions of the asphalt area, installation of two concrete pads and a sampling manhole overflow pipe with associated grading works.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Utility” on Map B.4.3.1 – Waterdown South Secondary Plan. Policies under Volume 2, B.4.3.9 of the Waterdown South Secondary Plan, are applicable and permit the existing sewage pumping station.

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

The subject lands are zoned “A” Agriculture Zone, 2. The intended use is permitted pursuant to Section 5.23, Uses Permitted in All Zones:

5.23 Uses Permitted in All Zones #92-34-Z

Nothing in this By-law shall prevent the use of any lot or the erection or use of any building or structure in any zone for the provision of the following public utilities, provided that the use complies with the provisions of Section 5 of this By-law:

- (b) facilities essential to the operation of any public utility as specified in the Public Utilities Act, R.S.O. 1990, Chapter P.54, as amended from time to time, or in the Power Corporation Act, R.S.O. 1990, Chapter P.18, as amended from time to time, including any associated utility service building or structure, but excluding any building used for retail commercial or office purposes;

Variance 1

The applicant is seeking a variance for a fence or wall to be permitted to have a maximum height of 2.0 metres, instead of the requirement that within any front yard, the maximum height of a fence or wall within six (6) metres of the front lot line shall be one (1) metre.

Staff note that the existing pumping station requires a fence which is proposed at 2m in height, and which will provide security for the pumping station and City assets. In addition, the proponent has indicated that the fence will be an ornamental security fence, consistent with other City of Hamilton water & wastewater pumping stations. Staff note that the provision of the by-law relate to the "A" Agriculture Zone and since such utility uses are permitted within all zones, as per Section 5.23 of Zoning By-law No. 90-145-Z, it would be inappropriate to apply such regulations to the existing proposal. In addition, staff note that the lot frontage is significantly set back from the road allowance, approximately 16 to 18 metres. As such, staff do not perceive any negative affect on the property, streetscape, or the neighbourhood. Therefore, the variance is minor in nature and appropriate for the development of the subject property. Accordingly, staff support the variance.

Recommendation

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

Building Division:

1. Construction of the proposed fence is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
2. The applicant shall ensure that the height of the fence has been provided in accordance with the definition of height as provided in Flamborough Zoning By-law No. 90-145-Z.
3. Specific details regarding the screening/enclosure of the proposed mechanical equipment have not been provided to confirm compliance with Section 5.2.3. Additional variances may be required if compliance with Section 5.2.3 cannot be achieved.
4. Please be advised that a portion of this property is under Conservation Management. Please contact Conservation Halton at 905-336-1158 prior to any development.
5. The lands are located within or adjacent to an Environmentally Sensitive Area (ESA) and are subject to Site Plan Control.
6. Building Permit No. 20-156078, issued on May 11, 2020, for alterations to the existing sewage pumping station, remains not finalized.
7. This variance is necessary to facilitate Site Plan Application No. 20-145890.

Development Engineering:

No Comment

See attached for additional comments.

From: [Ola Panczyk](#)
To: [Evans, Morgan](#)
Subject: RE: COA - Virtual Hearing - October 1st
Date: September 16, 2020 3:18:25 PM
Attachments: [RE 372 Dundas St E, Hamilton - MDA-20-004 - CH Comments.pdf](#)

Hello Morgan,

Thank you for sharing this link. While Item 2.6 (372 Dundas St E) is regulated by CH, staff previously noted that CH's review is not required given the variance is only dealing with an ornamental fence (fencing is normally considered exempt from permission required under *Ontario Regulation 162/06*).

As such, CH will not be commenting on this Minor Variance Application.

If you have any questions, please let me know.

Regards,
Ola

From: Evans, Morgan <Morgan.Evans@hamilton.ca>
Sent: September 15, 2020 2:03 PM
To: Committee of Adjustment <CofA@hamilton.ca>
Subject: COA - Virtual Hearing - October 1st

Good Afternoon,

Please follow the link for our agenda package, posted later today: <https://www.hamilton.ca/council-committee/council-committee-meetings/committee-adjustment>

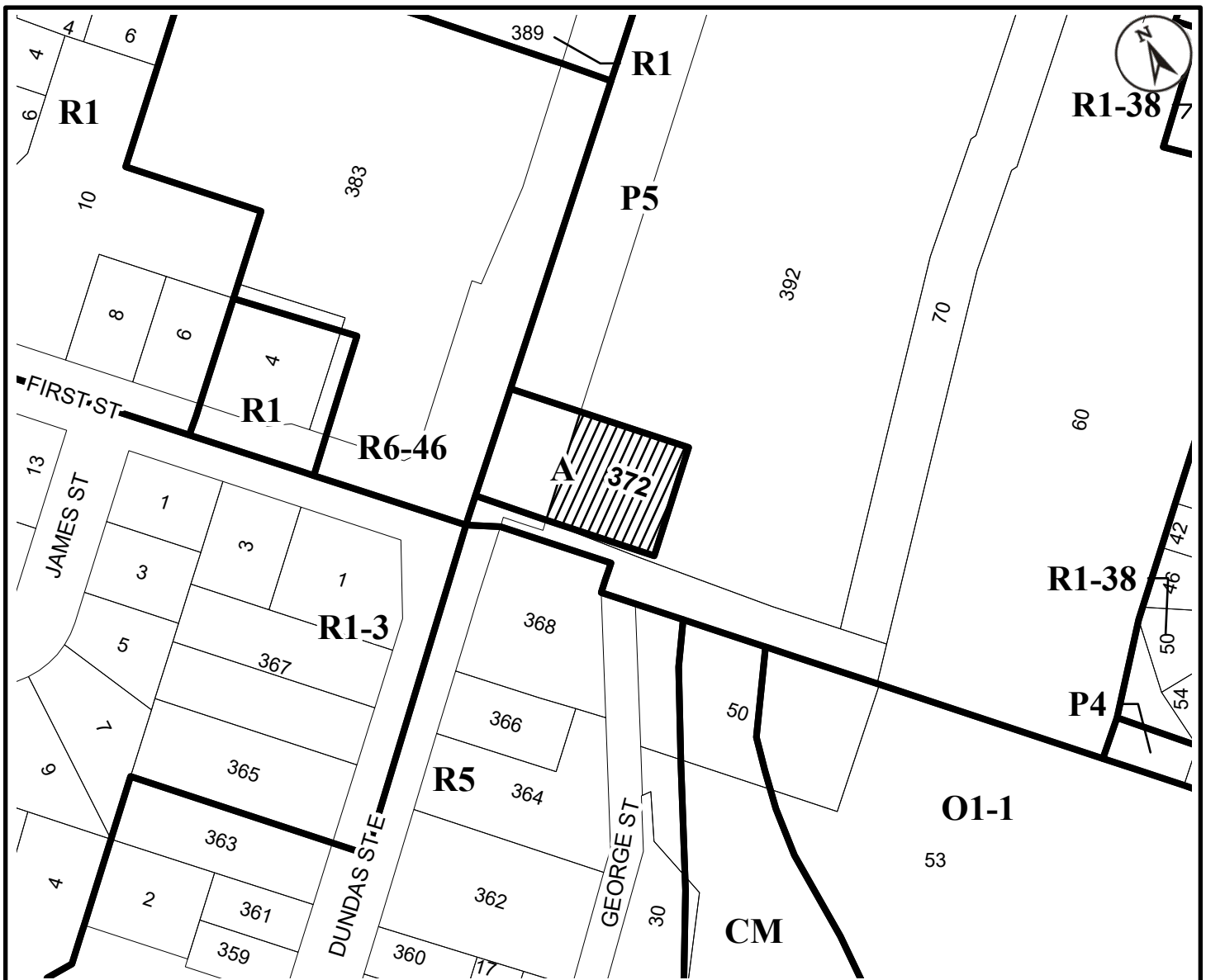
Comments should be sent to cofa@hamilton.ca before noon on September 25th.

If you would like to attend, please register by email cofa@hamilton.ca

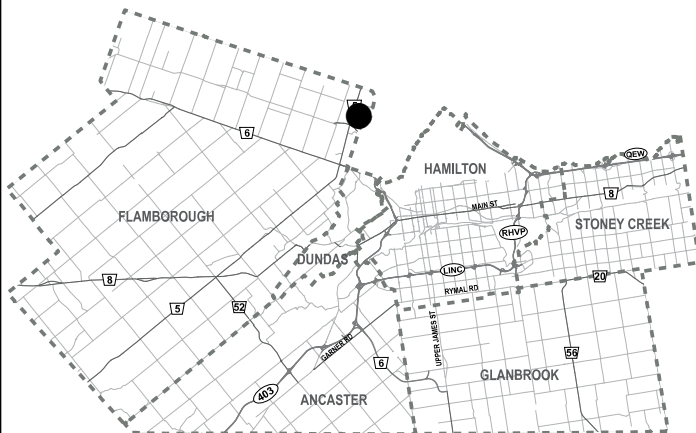
Thank you,

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

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



372 Dundas Street East,
Flamborough (Ward 15)

File Name/Number:

FL/A-20:167

Date:

September 23, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/B-20:39 (3011 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:

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 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).
3. The owner shall submit survey evidence that the either lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, 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).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division –Plan Examination Section).
5. To the satisfaction of Director Hamilton, the applicant shall provide a revised site plan that shows a reserve area septic bed to conform to Rural Hamilton Official Plan requirements.
6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
7. The owner submits to the Committee of Adjustment office an administration fee of \$20.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.

Growth Management:

Note: The lands subject to the Consent application appears to be located at 2943 Jerseyville Road West.

AN/B-20:39 (3011 Jerseyville Rd. W., Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the conveyance of a parcel of land containing an existing dwelling and accessory structures and to retain lands containing an existing grain elevator. The two parcels are the result of an inadvertent merger.

Provincial Policy Statement

The application has been reviewed against the policies that speak to lot creation within agricultural areas, namely Section 2.3.4.1 which speaks to farm severances as a result of surplus farm dwelling severances.

“2.3.4.1 Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:

- c) *a residence surplus to a farming operation* as a result of farm consolidation, provided that:
 - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
 - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective;”

Greenbelt Plan:

For lands falling within the Protected Countryside, the following policies shall apply:

“4.6 Lot Creation

- f) The severance of a residence surplus to a farming operation as a result of a farm consolidation, on which a habitable residence was an existing use, provided that:
 - i. The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and

- ii. The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered.”

Rural Hamilton Official Plan:

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

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

- a) Severances that create a new lot for the following purposes shall be prohibited:
 - i) Residential uses except in accordance with:
 - 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,

F.1.14.2.8 An existing farm dwelling that is a residence surplus to a farming operation as a result of a farm consolidation may be severed provided all of the following conditions are met:

All Lands

- a) In all cases where surplus farm dwellings are to be severed the following shall apply:
 - i) The farm consolidation shall have been completed prior to the time of application.
 - ii) The farm dwelling shall be determined to be surplus to the farm operation for no reason other than the farm dwelling is surplus to the needs of the farm consolidation. Farm dwellings that have been determined to be surplus to a farm operation prior to December 16, 2004 and prior to the acquisition of the additional farm parcel(s), or as a result of changing

agricultural operations, are deemed not to be surplus farm dwellings for the purposes of Section F.1.14.2.8.

- iii) The proposed surplus farm dwelling:
 - 1) shall have been built on or before December 16, 2004; and,
 - 2) shall be habitable on the date of the application for the surplus farm dwelling severance and shall meet the City's standards for occupancy without requiring substantial demolition and new construction.
- iv) The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan. The maximum size of the surplus dwelling lot shall be the size required for servicing in accordance with Section C.5.1, with as little acreage as possible taken out of agricultural production;
- v) A private water well and private sewage disposal system shall be provided in accordance with Section C.5.1, Private Water and Wastewater Services of this Plan;
- vi) The shape and dimensions of the surplus farm dwelling lot shall:
 - 1. not impair agricultural operations on the retained land; and
 - 2. generally not exceed a depth of 122 metres (400 feet);
- vii) The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purpose
- viii) Where a barn or other farm building exists within the immediate vicinity of the surplus residence, the City may require demolition of the barn.

Lands Merged in Title

- b) In cases of a farm dwelling made surplus as a result of merging in title of abutting parcels of land into one ownership on which farm operations are conducted, applications for severance shall comply with the following conditions:
 - i) The owner and operator of the farm maintains another existing dwelling on land that has been merged in title;
 - ii) In cases where one of the farm parcels does not contain an existing farm dwelling, Policy F.1.14.2.8 b) i) shall not apply.
 - iii) The area of the merged farm parcel after the surplus farm dwelling lot is severed shall generally be a minimum of 8.1 hectares (20 acres) in size for lands designated Specialty Crop on Schedule D - Rural Land Use Designations, or 16.2 hectares (40 acres) in size for lands designated Agriculture or Rural on Schedule D - Rural Land Use Designations; and
 - iv) The lot to be created for the surplus farm dwelling shall comply with the provisions of Section F.1.14.2.8 a) of this Plan.

Analysis

Staff note that the subject lands are an agricultural operation with a total area of 79.48 ha which is owned and operated by Miller Farms. Upon acquisition in November 2019 by Miller Farms, the 6.34 ha lot municipally known as 2943 Jerseyville Road, was merged on title with the abutting 73.14 ha lot municipally known as 3011 Jerseyville Road. Staff note that the subject lands are now one lot with a total area of 79.48 ha and two municipal addresses, 2943 and 3011 Jerseyville Road.

The proposed severance is not supportable, as per policy F.1.14.2.8, b), i), which states that in order to consider a surplus farm dwelling severance, the owner and operator of the farm maintains another existing dwelling on land that has been merged in title. Staff note that 3011 Jerseyville Road does not have an existing dwelling and as a result of the lands which merged in title, staff cannot support a severance within this designation since the proposal cannot be considered as a surplus farm dwelling. The subject application is considered a residential severance which is not supported by policies within the Rural Hamilton Official Plan, as per F.1.14.2.1, a), i). Therefore, the proposed severance does not meet the intent of the Rural Hamilton Official Plan. The proposed severance is not appropriate for the development of the property and is not permitted within the PPS, Greenbelt Plan, and the Rural Hamilton Official Plan. Accordingly, staff do not support the severance.

Hamilton Zoning By-law No. 05-200:

The subject lands are zoned A1 (Agriculture) Zone to which the existing uses comply.

Recommendation

Based on the preceding information, the severance application does not meet the general intent and purpose of the Rural Hamilton Official Plan or Zoning By-law since the applicant is proposing to sever a residential use within the Agricultural designation within the RHOP. The severance is not minor in nature and is not desirable for the appropriate development of the lands. Staff recommend that the severance be **denied**.

Building Division:

1. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
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. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with The Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.

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 submit survey evidence that the either lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, 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).
3. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and

Economic Development Department (Building Division –Plan Examination Section).

Growth Management

Note: The lands subject to the Consent application appears to be located at 2943 Jerseyville Road West.

Source Water Protection:

1. To the satisfaction of Director Hamilton, the applicant shall provide a revised site plan that shows a reserve area septic bed to conform to Rural Hamilton Official Plan requirements.
2. To the satisfaction of Building Division, the applicant shall demonstrate that septic system components meet the minimum clearance distances as described in Part 8 of the Ontario Building Code.

Development Engineering:

No Comment

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the land severance application, provided the following conditions are met:

- a. Approximately 3.0 metres are to be dedicated to the right-of-way on Jerseyville Road West, as per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications. Jerseyville Road (Shaver Rd to City Boundary) is to be 26.213 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).

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: September 22, 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: 3011 Jerseyville road west, Ancaster
File: AN/B-20:39

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, October 1, 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 as no proposed construction is identified, as a result, no Tree Management Plan is required at this time.

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

TREE MANAGEMENT

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

LANDSCAPE PLAN

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

SUMMARY

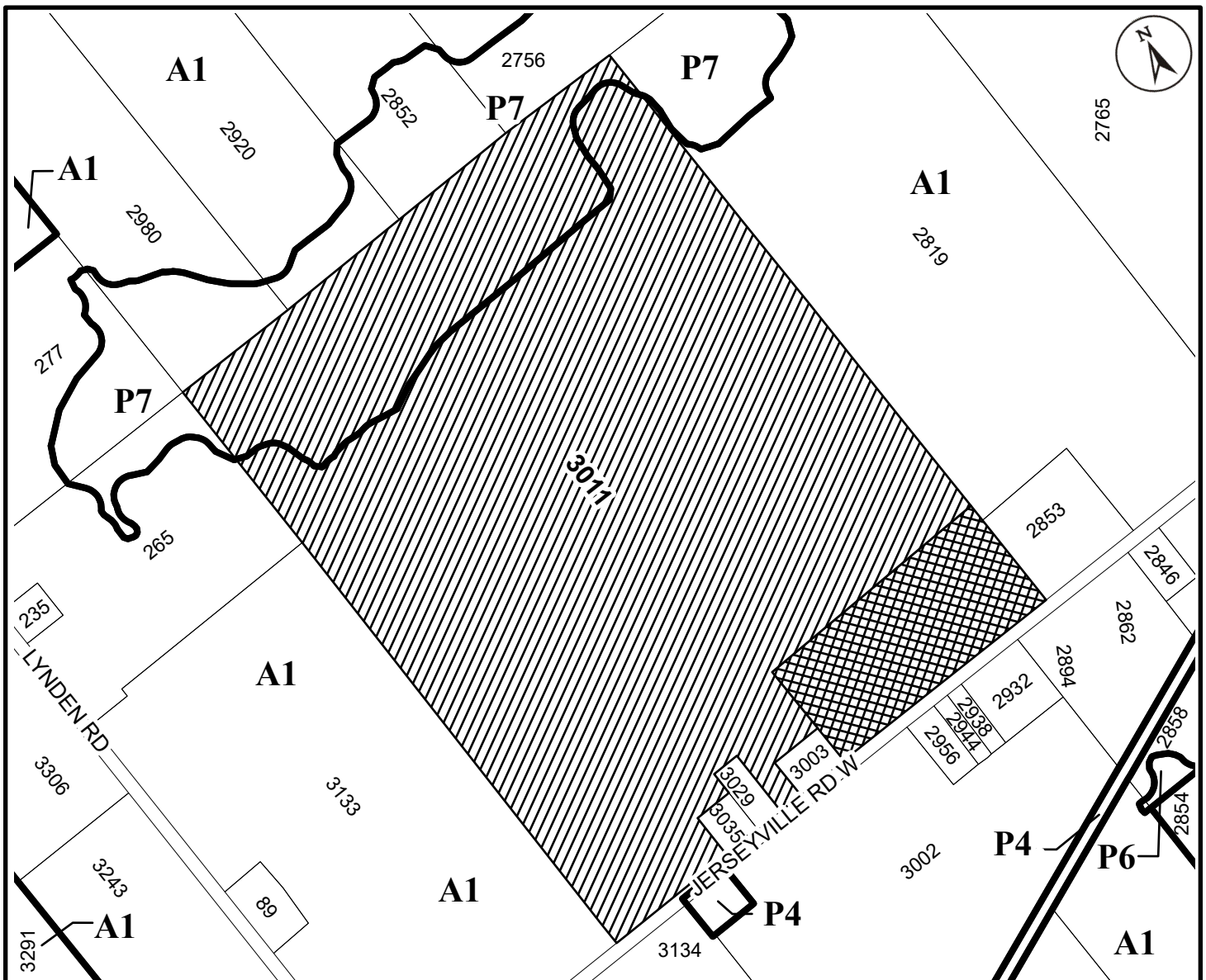
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

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

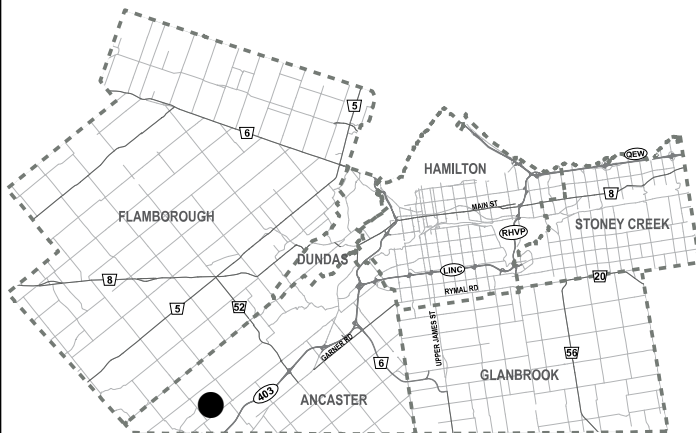
Regards,

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

Sam Brush
Urban Forest Health Technician



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

3011 Jerseyville Road West, Ancaster
(Ward 12)

-  Lands to be Retained
-  Lands to be Severed

File Name/Number:

AN/B-20:39

Date:

September 23, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/B-20:57 (1030 Sulphur Springs Rd., Ancaster

Consolidation Report

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

Should the Committee 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 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).
3. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
4. To the satisfaction of Director Hamilton, the applicant shall provide a revised site plan that shows a reserve area septic bed to conform to Rural Hamilton Official Plan requirements.
5. To the satisfaction of Building Division, the applicant shall demonstrate that septic system components meet the minimum clearance distances as described in Part 8 of the Ontario Building Code.
6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
7. The owner submits to the Committee of Adjustment office an administration fee of \$20.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.

AN/B-20:57 (1030 Sulphur Springs Rd., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the conveyance of a vacant parcel of land to be added to the property known as 998 Sulphur Springs Road, and to create appropriate access easements. No new construction is proposed.

Greenbelt Plan (2017)

The Greenbelt Plan designates the subject property as “Niagara Escarpment Plan Area”. The Greenbelt Plan defers to the Niagara Escarpment Plan with respect to lands that are located within the Niagara Escarpment Plan Area,

As per Section 2.2 Lands within the Niagara Escarpment Plan Area:

“4.6 For lands falling within the Protected Countryside, the following policies shall apply:

“The requirements of the NEP, established under the Niagara Escarpment Planning and Development Act, continue to apply and the Protected Countryside policies do not apply, with the exception of section 3.3.”

Niagara Escarpment Plan (2017)

The Niagara Escarpment Plan designates the subject property as “Escarpment Protection Area”. Section 1.4.4 of the Plan outlines the Lot Creation policies for lands located within the NEPA. This section states that new lots may be created subject to the following criteria:

1. Conformity with the policies of Section 1.4.4.
2. Conformity with the applicable policies in Part 2 of the NEP.
3. Conformity with local municipal official plans.
4. Conformity with zoning by-laws that are not in conflict with the NEP.

Planning staff defers comments to the Niagara Escarpment Commission.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Natural Heritage Feature – Core Area” and as “Niagara Escarpment Plan Area” in Schedule B – Natural Heritage Systems. The following policies, amongst others, are applicable:

“1.1.3 On lands located within Rural Hamilton and identified as Niagara Escarpment Plan Protection Area on Schedule A - Provincial Plans, the following policies shall apply:

- c) Where lands are designated Rural on Schedule D – Rural Land Use Designations, the policies in Section D.4, Rural Designation of this Plan shall apply;

1.1.6 To minimize the impact and further encroachments in the Escarpment environment, for those lands located within the Niagara Escarpment Plan Area identified on Schedule A - Provincial Plans, the following policies shall apply:

- c) No new lots shall be created in Escarpment Natural or Protection Areas unless such lot creation is for the purposes of correcting conveyances, enlarging existing lots or acquisition by a public body or authority, and to allow surplus farm dwelling severances in the Escarpment Protection or Escarpment Rural Areas;”

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

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

- d) All proposed lot additions shall:
 - i) comply with the policies of this Plan including rural settlement area plans where one exists;
 - ii) be compatible with and not hinder surrounding agricultural operations;
 - iii) conform to the Zoning By-law;
 - iv) only be permitted when both lots will retain frontage on a public road;

- v) meet the requirements of Section C.5.1, Private Water and Wastewater Services, including the requirement for submission of a hydrogeological study regarding existing or proposed private water and wastewater services prior to or at the time of application, except as permitted in F.1.14.2.7 d).

1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:

- a) No new lots shall be created;
- b) All resulting lots shall be:
 - i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan, except as permitted in F.1.14.2.7 d); and,
 - ii) be compatible with and not hinder surrounding agricultural operations.
- c) For lands within the Agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).
- d) For lands within the Specialty Crop designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 16.2 hectares (40 acres).
- e) For lands within the Rural designation where a lot addition will result in the creation of a non-agricultural lot, any existing building or structure for an established residential, commercial or industrial use shall be located on the proposed non-agricultural lot;
- f) The minimum lot size requirements in F.1.14.2.5 b), c), and d) may also include lands designated as Open Space on Schedule D – Rural Land Use Designations, or identified as within the Natural Heritage System on Schedule B – Natural Heritage System.
- g) The maximum lot size for lot additions outside of designated Rural Settlement Areas, except lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.

- h) The lands to be severed and conveyed are added to and merged on title with an abutting property or properties.”

Analysis

Staff note that the subject lands do not have frontage on a public road but are accessible by a right-of-way. Staff note that the proposed lot line adjustment will not change or exasperate the lack of existing frontage for the two existing residential lots. In addition, the two lots are a pre-existing condition and were legally established without frontage on a public road. As such, staff confirm that no new lots will be created and that the pre-existing condition, and the lack of frontage, will not negatively impact the surrounding area. In addition, policy F.1.14.2.1 d) iv), requires the resultant lots of a proposed lot addition to retain frontage on a public road. Staff note that the policy in question specifies that both of the resultant lots should “retain” frontage on a public road; whereas in this instance, neither of the legally established lots have frontage to “retain”. Based on the above, staff support the lot line adjustment and the proposal conforms to the policies of the Rural Hamilton Official Plan.

Hamilton Zoning By-law No. 05-200

The subject property is zoned “P6” (Conservation/Hazard Land Rural) Zone. The proposed lots do not conform to Section 4.3 of the By-law as the lots do not have frontage on a public road. However, a Minor Variance application will not be required since the subject lands are within the Niagara Escarpment Commission’s Area of Development Control where local municipal Zoning regulations are not applicable law.

Natural Heritage

The properties contain Core Areas (Significant Woodland, Environmentally Significant Area, and stream) shown on Schedule B of the Rural Hamilton Official Plan. The proposal is to sever a portion of 1013 Sulphur Springs Road and add the remainder of the lands to 998 Sulphur Springs Road. Since no new lots are being created, this would not be defined as “development”, and there is no site alteration proposed. There will not be any increased fragmentation of Core Areas.

Therefore, Natural Heritage staff are satisfied that the proposed severance and easement for access will not negatively impact Core Areas. Natural Heritage staff do not have any concerns related to this proposal.

Recommendation

Based on the above, the proposed lot line adjustment maintains the general intent and purpose of the Rural Hamilton Official Plan and are within the Niagara Escarpment Commission’s Area of Development Control where local municipal Zoning regulations are not applicable law. In conclusion, Staff recommends that the application be approved.

Building Division:

1. The subject property falls within the Niagara Escarpment Commission's Development Control Area. As such, the Niagara Escarpment Commission regulates development and the provisions contained within Hamilton Zoning By-law 05-200 do not apply.
2. The lands are located within or adjacent to an Environmentally Sensitive Area (ESA) and are subject to Site Plan Control.
3. The lands are subject to Conservation Management. Please contact the Hamilton Conservation Authority prior to any development.
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. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with the Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.

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

Source Water Protection:

1. To the satisfaction of Director Hamilton, the applicant shall provide a revised site plan that shows a reserve area septic bed to conform to Rural Hamilton Official Plan requirements.
2. To the satisfaction of Building Division, the applicant shall demonstrate that septic system components meet the minimum clearance distances as described in Part 8 of the Ontario Building Code.

Development Engineering:

No Comment

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection the land severance application and creation of an easement access.

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: September 22, 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: 1030 Sulphur Springs Road., Ancaster
File: AN/B-20:57

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, September 10, 2020 regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

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

No Landscape plan required.

Forestry has no concerns or conditions regarding this application.

TREE MANAGEMENT

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

LANDSCAPE PLAN

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

SUMMARY

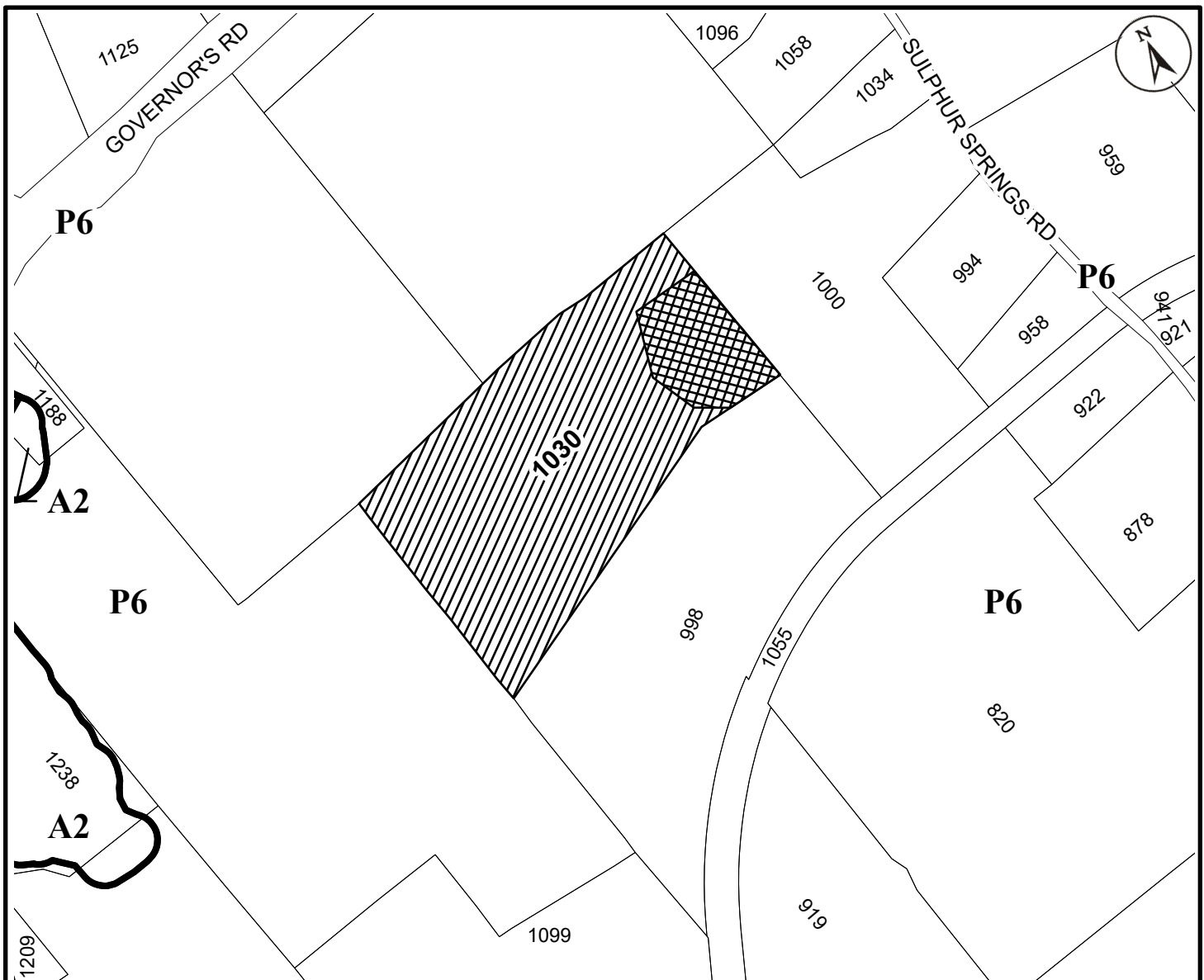
- There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.
- No Landscape plan required.
- Forestry has no concerns or conditions regarding this application.

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

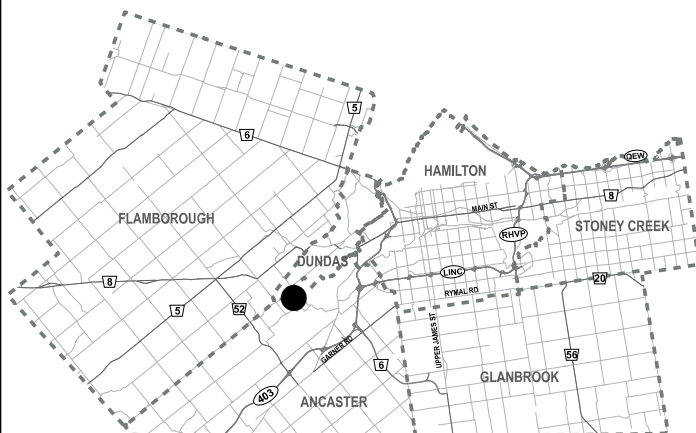
Regards,

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

Sam Brush
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

130 Sulphur Springs Road, Ancaster (Ward 12)



Lands to be Retained



Lands to be Severed

File Name/Number:

AN/B-20:57

Date:

September 23, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/B-20:59 (2016 2nd Con. Rd. W., 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 receive final and binding approval of minor variance applications FL/A-20:181 and FL/A-20:182.
3. The owner shall submit survey evidence that the lands to be severed (and merged with 148 Lynden Road) and the lands to be retained, including the location of any existing structure (s), conform to the requirements of the Zoning By-Law or alternatively apply for an receive final approval of any variances from the requirements of the Zoning By-Law as determine necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner/applicant shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be retained, to the satisfaction of the Planning and Economic Development Department (Building Division –Building Engineering Section).
5. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).
6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
7. Notwithstanding the Official Plan requirement of 36.0 metres on 2nd Concession Road West, Transportation Planning will accept a reduction in right-of-way, in order to achieve a right-of-way of 26.213 metres. This would be a right-of-way dedication of about 3.0 metres, keeping in line with previously acquired right-of-way dedications on 2nd Concession Road. 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).

FL/B-20:59 (2016 2nd Con. Rd. W., Flamborough)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to sever a rear portion of vacant land to be added to the adjacent lands known as 148 Lynden Road.

Severed lands:

10.53 ha±

Retained lands:

20.22 ha±

The purpose of this application is to convey a parcel of land (10.53 ha.) for agricultural uses for the purpose of merging the lands on title with the farm property located at 148 Lynden Road. The applicant will be retaining a parcel of land having an area of 20.22 ha. for agricultural purposes.

Greenbelt Plan

The subject lands are designated “Protected Countryside” within the Greenbelt Plan. Amongst others, Policy 4.6.1 applies:

“4.6.1 For lands falling within the Protected Countryside, the following policies shall apply:

1. Lot creation is discouraged and may only be permitted for:
 - e) minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature.”

The purposes of the lot addition is to merge the conveyed lands on title with an existing 28 ha. farm operation. No new lots are created and the consent will ensure that the lands are farmed. The intent of the Greenbelt Plan is met.

Rural Hamilton Official Plan

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

"F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:

- a) No new lots shall be created;
- b) All resulting lots shall be:
 - i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan, except as permitted in F.1.14.2.7 d); and,
 - ii) be compatible with and not hinder surrounding agricultural operations.
- c) For lands within the Agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).
- d) For lands within the Specialty Crop designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 16.2 hectares (40 acres).
- e) For lands within the Rural designation where a lot addition will result in the creation of a non-agricultural lot, any existing building or structure for an established residential, commercial or industrial use shall be located on the proposed non-agricultural lot;
- f) The minimum lot size requirements in F.1.14.2.5 b), c), and d) may also include lands designated as Open Space on Schedule D – Rural Land Use Designations, or identified as within the Natural Heritage System on Schedule B – Natural Heritage System.
- g) The maximum lot size for lot additions outside of designated Rural Settlement Areas, except lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.
- h) The lands to be severed and conveyed are added to and merged on title with an abutting property or properties."

The proposal will not create any new lots and it is intended that the lands are to be merged on title with the farm at 148 Lynden Road. The proposal is to add additional land (±10 ha.) to the existing farm at 148 Lynden Road to expand the area of the farm operation. At the same time, the land that is being added to the farm at 148 Lynden Road is decreasing the lot size of the agriculture lot at 2016 Concession 2 Road. The applicant stated in their application that the lands will continue to be used for Agriculture purposes.

The proposed consent application does not meet Policy F.1.14.2.5 c). The lands are designated under the Agriculture designation, which indicates that the lands are comprised of prime agricultural land. The RHOP requires that if a lot addition were to occur, both of the lands must have a resulting lot size of greater than 40.4 ha (100 ac.). This intent of this policy is to ensure that both properties can continue to be agriculturally viable in the future. Though staff would be satisfied that the lot at 148 Lynden Road would be agriculturally viable as it would result in a lot greater than 40.4 ha. (100 ac.) it would be as a result of the diminished size of the existing agricultural parcel at 2019 Concession 2 Road E. The application indicates that the proposed use of the lot at 2016 Concession Road 2 would continue to be for Agricultural Purposes.

Based on the above, staff are of the opinion that the lot addition would not meet policy F.1.14.2.5 c) above, and as a result, the intent of the RHOP is not maintained in this instance and an OPA would be required to facilitate the proposal.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Agriculture (A1) Zone. Agriculture uses are permitted.

Recommendation

Based on the preceding information, the proposal does not maintain the general intent and purpose of the Rural Hamilton Official Plan and the resultant lot would not meet the minimum lot size of the By-law. The proposal does not have regard to the matters listed under Section 51 (24) of the *Planning Act*. In conclusion, Staff recommends that the application be denied.

Building Division:

1. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
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. The dimensions and setbacks of existing buildings on the parcel to be retained has not been provided on the submitted sketch. The applicant advises further that there are no buildings situated near new property lines.

4. The lands to be conveyed comprising 10.53 ha shall be merged in title with the lands to which they are to be added (148 Lynden Road) to create a 38.8 hectare agricultural parcel.
5. Variances for minimum lot area for the parcel to be retained and the parcel to which the severed parcel is to be merged (148 Lynden Road) are required for zoning compliance as the lots are less than the required 40.0 ha for agricultural uses. The Vacuum Clause contained in Section 4.12(d) of Zoning By-law 05-200 to recognize existing lots in the A1 Zone as being deemed to comply with the lot area regulation, (amongst others), would not apply to parcels which are modified as the result of a severance.
6. The applicant as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in a compliance with the Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the the lands to be retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.

CONDITIONAL UPON:

1. The owner shall receive final and binding approval of minor variance applications FL/A-20:181 and FL/A-20:182.
2. The owner shall submit survey evidence that the lands to be severed (and merged with 148 Lynden Road) and the lands to be retained, including the location of any existing structure (s), conform to the requirements of the Zoning By-Law or alternatively apply for an receive final approval of any variances from the requirements of the Zoning By-Law as determine necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
3. The owner/applicant shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be retained, to the satisfaction of the Planning and Economic Development Department (Building Division –Building Engineering Section).
4. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).

Source Water Protection:

As information, the property falls within Wellhead Protection Area “D” of the Lynden municipal drinking water system. If future development proposals are considered for the area, the applicant should be aware of Source Protection and sustainable private

servicing policies as stated in the Rural Hamilton Official Plan. No further comments at this time.

Development Engineering:

No Comment

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the land severance application, provided the following conditions are met:

- a. Notwithstanding the Official Plan requirement of 36.0 metres on 2nd Concession Road West, Transportation Planning will accept a reduction in right-of-way, in order to achieve a right-of-way of 26.213 metres. This would be a right-of-way dedication of about 3.0 metres, keeping in line with previously acquired right-of-way dedications on 2nd Concession Road. 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).

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: September 22, 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: 2016 2nd Concession Road West, Flamborough
File: FL/B-20:59

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, October 1st, 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.

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

TREE MANAGEMENT

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

LANDSCAPE PLAN

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

SUMMARY

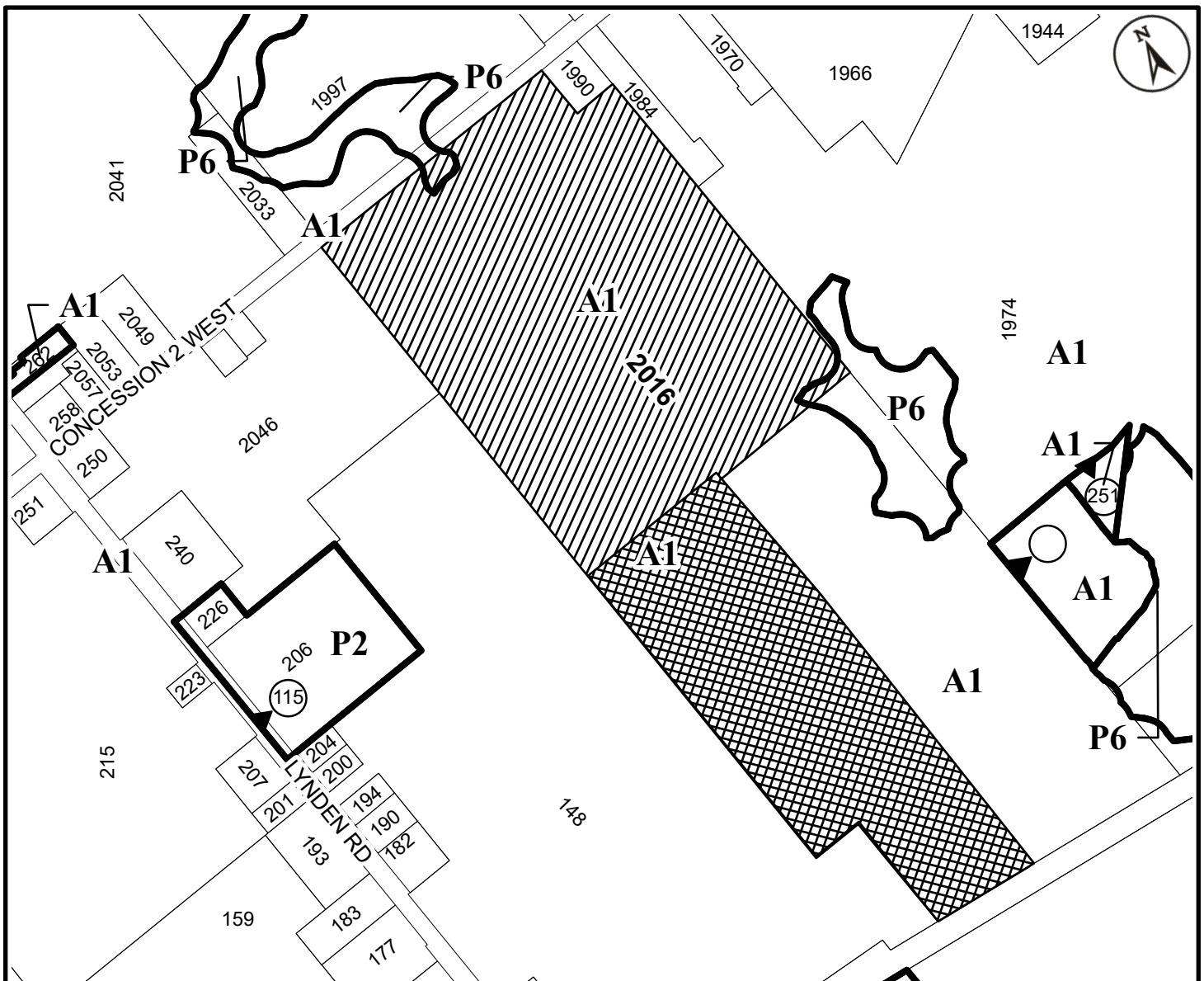
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

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

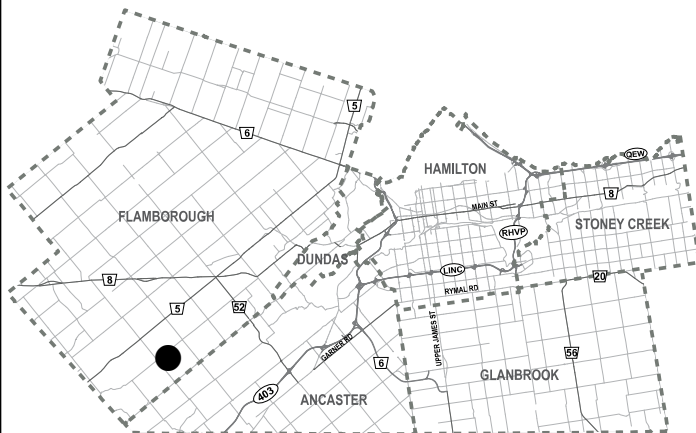
Regards,

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

Sam Brush
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

2016 2nd Concession Road West,
Flamborough (Ward 12)



Lands to be Retained



Lands to be Severed

File Name/Number:

FL/B-20:59

Date:

September 23, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-20:181 (148 Lynden Rd., Flamborough)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the use of an expanded parcel of land for agricultural purposes.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the properties as “Agriculture” in Schedule D – Rural Land Use Designations to which the use complies. However, the subject variance is associated with severance application FL/B-20:59, staff note that the severance application cannot be supported as per the following RHOP policy:

- “F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:
- c) For lands within the Agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).”

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Agriculture (A1) Zone. Agriculture uses are permitted.

Variance 1

The applicant is seeking a variance for the minimum lot area of the subject property in A1 zone to be used for agricultural purposes (i.e. agriculture and veterinary services – farm animals) and to be 38.8 hectares instead of the minimum required 40 hectares.

Staff note that the associated severance application, FL/B-20:59, cannot be supported since the proposal does not meet Policy F.1.14.2.5 c). The lands are designated under the Agriculture designation, which indicates that the lands are comprised of prime agricultural land. The RHOP requires that if a lot addition were to occur, both of the lands must have a resulting lot size of greater than 40.4 ha (100 ac.).

Staff note that the subject variance is pre-mature and cannot be supported since the variance is written with the assumption that the associated severance application, FL/B-20:59, will be supported. As previously discussed, staff note that the associated severance application cannot be supported. Therefore, the proposed variance does not maintain the general intent and purpose of the Rural Hamilton Official Plan and the City

of Hamilton Zoning By-law 05-200. The variance is not minor in nature and is not desirable for the appropriate development of the lands.

Recommendation

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

Building Division:

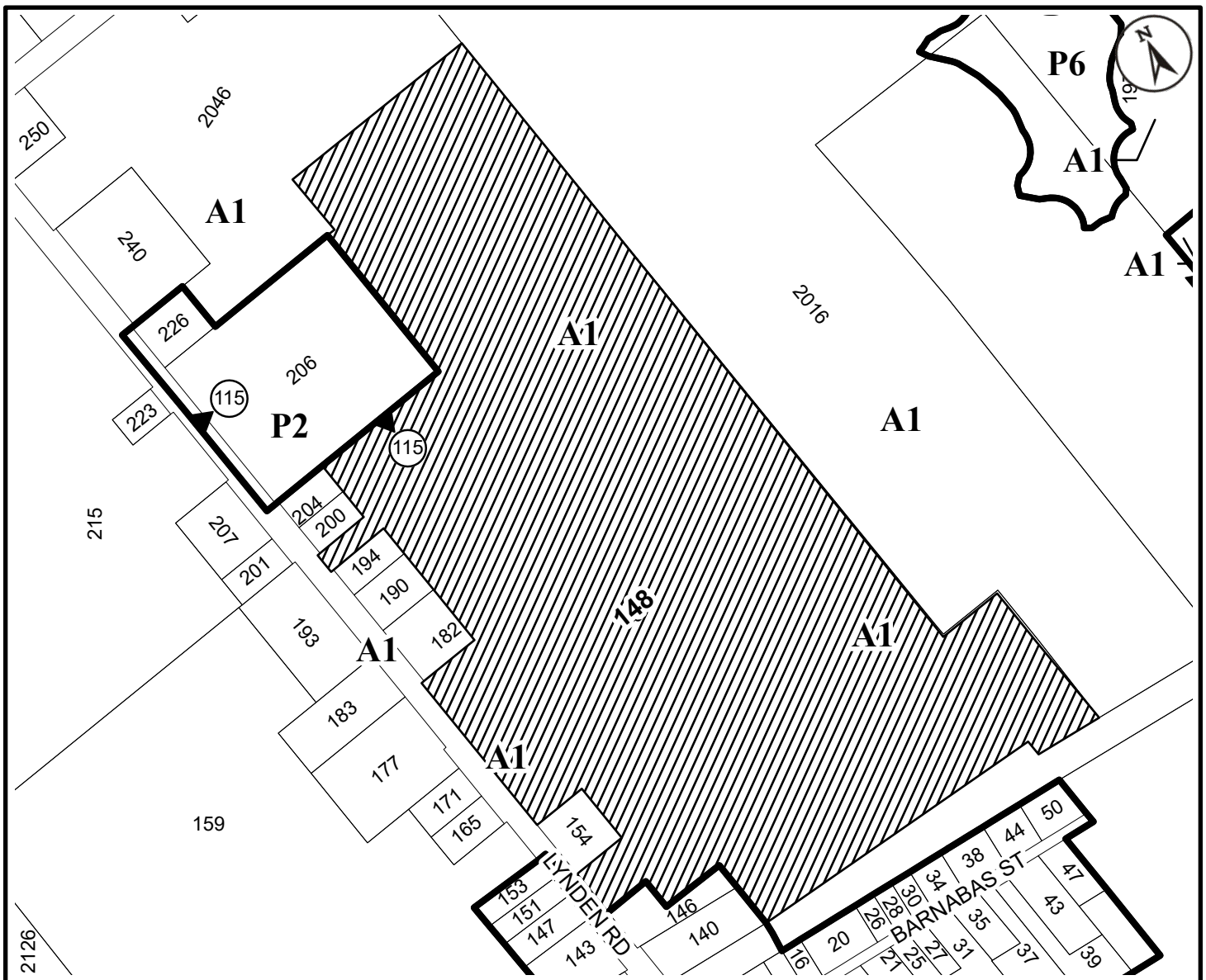
1. The property at 148 Lynden Road is currently an existing agricultural property comprising 28.32 hectares and is being expanded through the conveyance of a 10.53 hectare remnant parcel from property located at 2016 2nd Concession Road West through Consent Application FL/B-20:059. Consent Application FL/B-20:059 is required to replace Consent Application FL/B-19:048 which has lapsed.
2. The variance is required for minimum lot area because the lot is less than the required 40.0 ha for agricultural uses. The Vacuum Clause contained in Section 4.12(d) of Zoning By-law 05-200 to recognize existing lots in the A1 Zone as being deemed to comply with the lot area regulation, (amongst others), would not apply to parcels which are modified as the result of a severance.
3. The subject property is used for Agricultural uses. The Zoning By-law defines "Agriculture" as,

"Agriculture shall mean the growing of crops, including Nursery and horticultural crops; raising of livestock; raising, boarding and training of horses; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; aquaponics; apiaries; agro-forestry; maple syrup production; greenhouse operations; Cannabis Growing and Harvesting Facilities; hydroponics; and other such accessory uses as are customarily and normally associated with agriculture, including limited value retention uses required to make a commodity grown primarily as part of the farm operation salable, such as, but not limited to, grain drying, washing, sorting, grading, treating, storing, packing and packaging, feed mill, or grain mill, and selling of agricultural products primarily grown as part of the farm operation, and associated on-farm buildings and structures, including one Single Detached farm dwelling and a Farm Labour Residence".
4. The Zoning By-law permits a maximum lot coverage for agricultural uses of 20% and a maximum coverage of 70% for greenhouses. The lot coverage was not provided on the submitted plan. Therefore, if the lot coverage exceeds 20% of the expanded agricultural parcel (for farm buildings), additional variances would be required.
5. The variance was written as requested by the applicant.

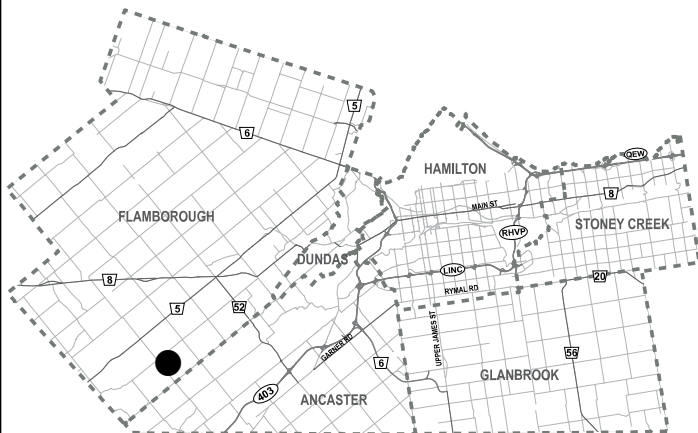
6. A variance to address the minimum lot area for agricultural uses is also being heard concurrently for property located at 2016 2nd Concession Road West (FL/A-20:182).
7. Be advised that Ontario Building /code regulation may require specific setbacks and construction types.
8. The property has been the subject of Site Plan applications in 2015 to permit a farm help house (application FHH-15-001) and in 2016 for a 2,810.8 square metre greenhouse (application SPAR-16-014).

Development Engineering:

No Comment



Site Location



City of Hamilton

Committee of Adjustment

Subject Property



148 Lynden Road, Flamborough
(Ward 12)

File Name/Number:

FL/A-20:181

Date:

September 23, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-20:182 (2016 2nd Con. Rd. W., Flamborough)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the use of a reduced parcel of land for agricultural purposes.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the properties as “Agriculture” in Schedule D – Rural Land Use Designations to which the use complies. However, the subject variance is associated with severance application FL/B-20:59, staff note that the severance application cannot be supported as per the following RHOP policy:

- “F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:
- c) For lands within the Agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).”

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Agriculture (A1) Zone. Agriculture uses are permitted.

Variance 1

The applicant is seeking a variance for the minimum lot area of the subject property in A1 zone to be used for agricultural purposes (i.e. agriculture and veterinary services – farm animals) and to be 20.2 hectares instead of the minimum required 40 hectares.

Staff note that the associated severance application, FL/B-20:59, cannot be supported since the proposal does not meet Policy F.1.14.2.5 c). The lands are designated under the Agriculture designation, which indicates that the lands are comprised of prime agricultural land. The RHOP requires that if a lot addition were to occur, both of the lands must have a resulting lot size of greater than 40.4 ha (100 ac.).

Staff note that the subject variance is pre-mature and cannot be supported since the variance is written with the assumption that the associated severance application, FL/B-20:59, will be supported. As previously discussed, staff note that the associated severance application cannot be supported. Therefore, the proposed variance does not maintain the general intent and purpose of the Rural Hamilton Official Plan and the City

of Hamilton Zoning By-law 05-200. The variance is not minor in nature and is not desirable for the appropriate development of the lands.

Recommendation

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

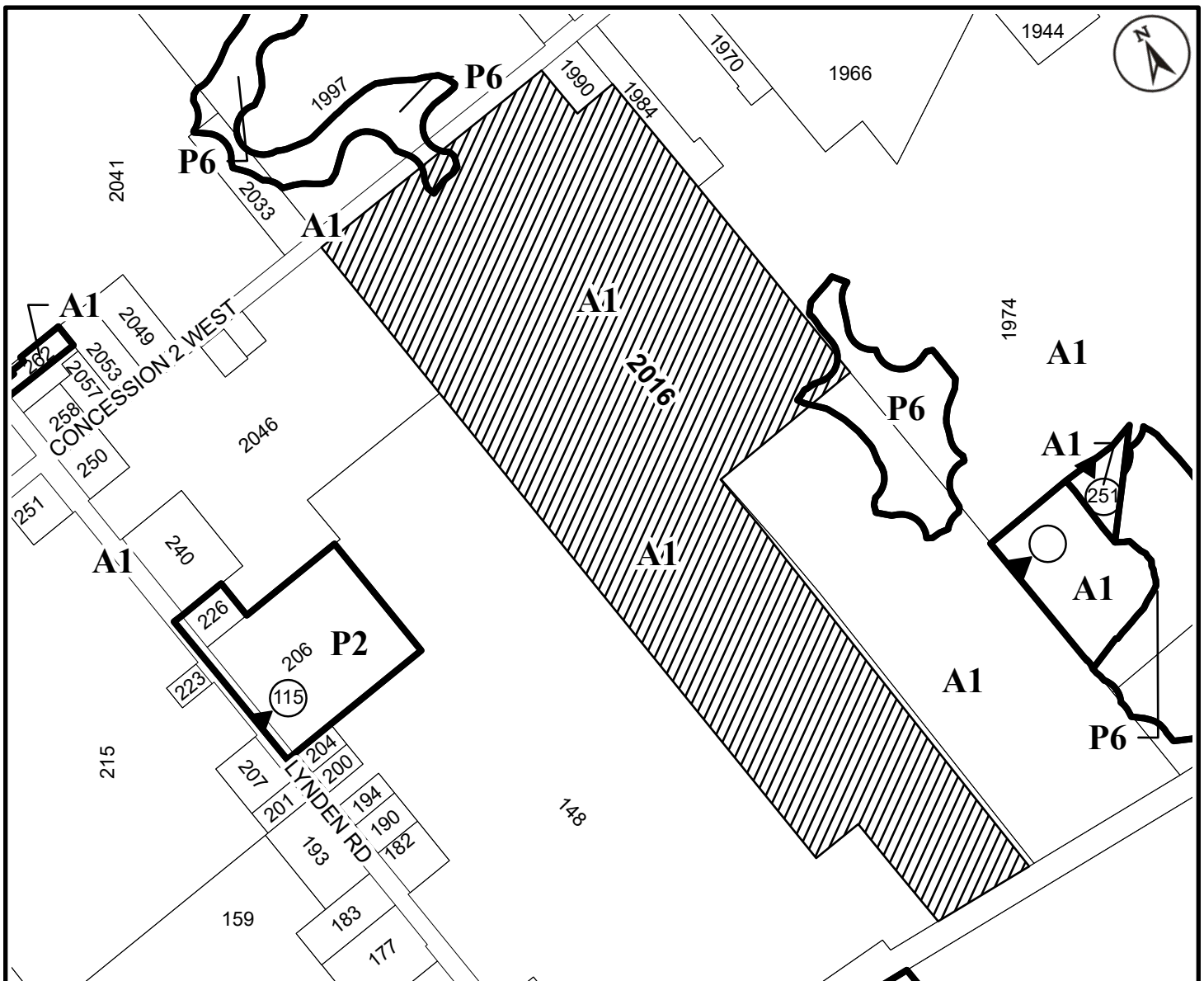
Building Division:

1. The property at 2016 2nd Concession Road West is currently an existing agricultural property used for horse breeding, comprising 30.73 hectares and is being reduced through the conveyance of a 10.53 hectare remnant parcel which is to be added to lands located at 148 Lynden Road through Consent Application FL/B-20:059. Consent Application FL/B-20:059 is required to replace Consent Application FL/B-19:048 which has lapsed.
2. The variance is required for minimum lot area because the lot is less than the required 40.0 ha for agricultural uses. The Vacuum Clause contained in Section 4.12(d) of Zoning By-law 05-200 to recognize existing lots in the A1 Zone as being deemed to comply with the lot area regulation, (amongst others), would not apply to parcels which are modified as the result of a severance.
3. The property is used for agriculture. The Zoning By-law defines "Agriculture" as
"Agriculture shall mean the growing of crops, including Nursery and horticultural crops; raising of livestock; raising, boarding and training of horses; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; aquaponics; apiaries; agro-forestry; maple syrup production; greenhouse operations; Cannabis Growing and Harvesting Facilities; hydroponics; and other such accessory uses as are customarily and normally associated with agriculture, including limited value retention uses required to make a commodity grown primarily as part of the farm operation salable, such as, but not limited to, grain drying, washing, sorting, grading, treating, storing, packing and packaging, feed mill, or grain mill, and selling of agricultural products primarily grown as part of the farm operation, and associated on-farm buildings and structures, including one Single Detached farm dwelling and a Farm Labour Residence".
4. The Zoning By-law permits a maximum lot coverage for agricultural uses of 20%. The lot coverage was not provided on the submitted plan but appears to comply.
5. The variance was written as requested by the applicant.

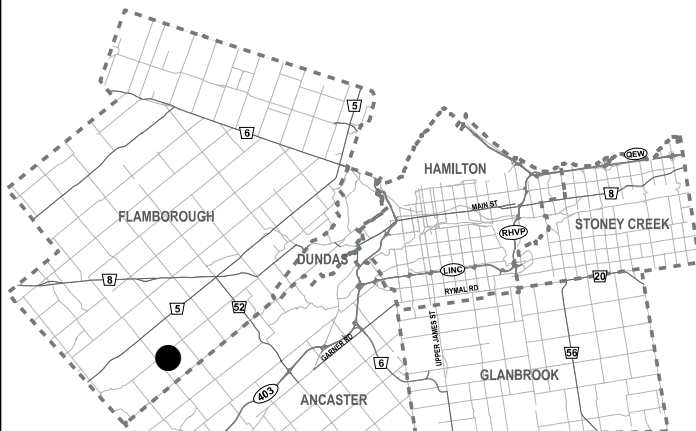
6. A variance to address the minimum lot area for agricultural uses is also being heard concurrently for property located at 148 Lynden Road FL/A-20:181.
7. The P6 Zone applies to a very small portion of the property close to Concession 2 Road West.
8. Be advised that Ontario Building /code regulation may require specific setbacks and construction types.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



2016 2nd Concession Road West,
Flamborough (Ward 12)

File Name/Number:

FL/A-20:182

Date:

September 23, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:169 (234 Napier 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):

1. That the owner provides confirmation of the Encroachment Agreement.

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-20:169 (234 Napier St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a new roofed-over unenclosed porch in the front yard of the existing dwelling containing two units, 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 permit duplex dwellings.

Archaeology:

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

- 1) In areas of pioneer EuroCanadian settlement;
- 2) In the vicinity of distinctive or unusual landforms; and,
- 3) Within 250 metres of known archaeological sites.

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.

Strathcona Secondary Plan

The subject lands are designated “Low Density Residential 3” within the Strathcona Secondary Plan. Policy B.6.6.5.3 amongst others, are applicable and permit duplex dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D/S-1787” (Urban Protected Residential – One and Two Family Dwellings) District, Modified, which permits a two family dwelling.

Variance 1

The applicant is requesting a variance to allow the roofed-over unenclosed porch to project a maximum of 6.0 metres into the required front yard and provide a minimum setback of 0.0 metres from the front lot line, notwithstanding the maximum permitted projection of 3.0 metres and the minimum required setback of 1.5 metres from the front lot line. The intent of the Zoning By-law is to provide an appropriate distance separation from the porch and the street, and to provide a consistent residential streetscape.

The front façade of the existing dwelling is located right along the front lot line. An existing front porch and landscaped retaining wall is located between the front façade and the sidewalk within the road allowance of Napier Street. The new roofed-over, unenclosed porch will not project past the existing landscaped retaining wall which is proposed to remain.

Staff acknowledge an Encroachment Agreement, dated July 22, 2020, has been registered between the owner and the City of Hamilton to allow the front porch and landscaping retaining wall to encroach onto the road allowance of Napier Street.

There is no predominant architectural style along this portion of Napier Street, however numerous dwellings maintain a roofed-over unenclosed front porch. The variance is maintaining the general intent of the Zoning By-law as Staff is satisfied the proposed front porch is in keeping with the residential streetscape and is an improvement to the existing condition.

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.

Recommendation:

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

CONDITIONS: (If Approved)

1. That the owner provides confirmation of the Encroachment Agreement.

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. A building permit is required in the normal manner for the construction of the proposed front porch.
2. The current zone requires a minimum front yard depth of 6.0m.

Development Engineering:

Being that the proponent has submitted a copy of an executed Encroachment Agreement with the City and that there are no identified road widenings in Schedule C-2 of the Urban Hamilton Official Plan for Napier Street, we have no concerns with the Minor Variance as proposed.

See attached for additional comments.

September 22, 2020

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

Attention: Morgan Evans

File# HM/A-20:169

Re: 234 Napier St

In response to your correspondence dated September 15, 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:

- 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.
- Proposed front covered deck may be in conflict with existing overhead primary conductor required clearances.

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.

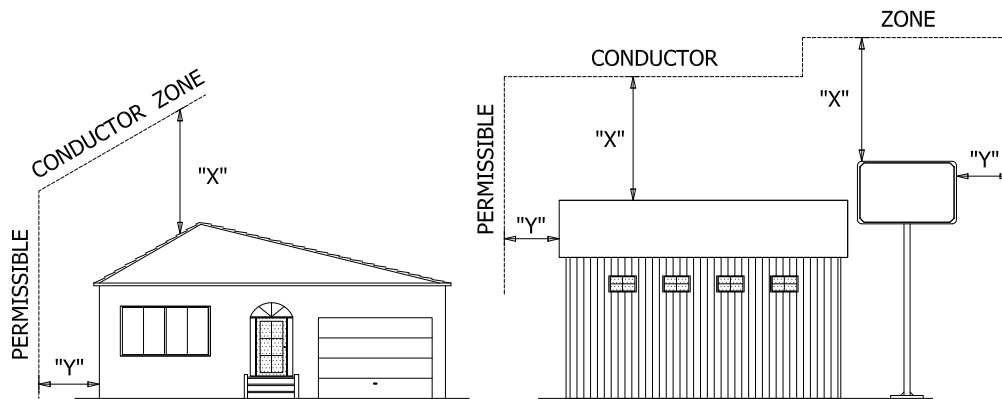
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - 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



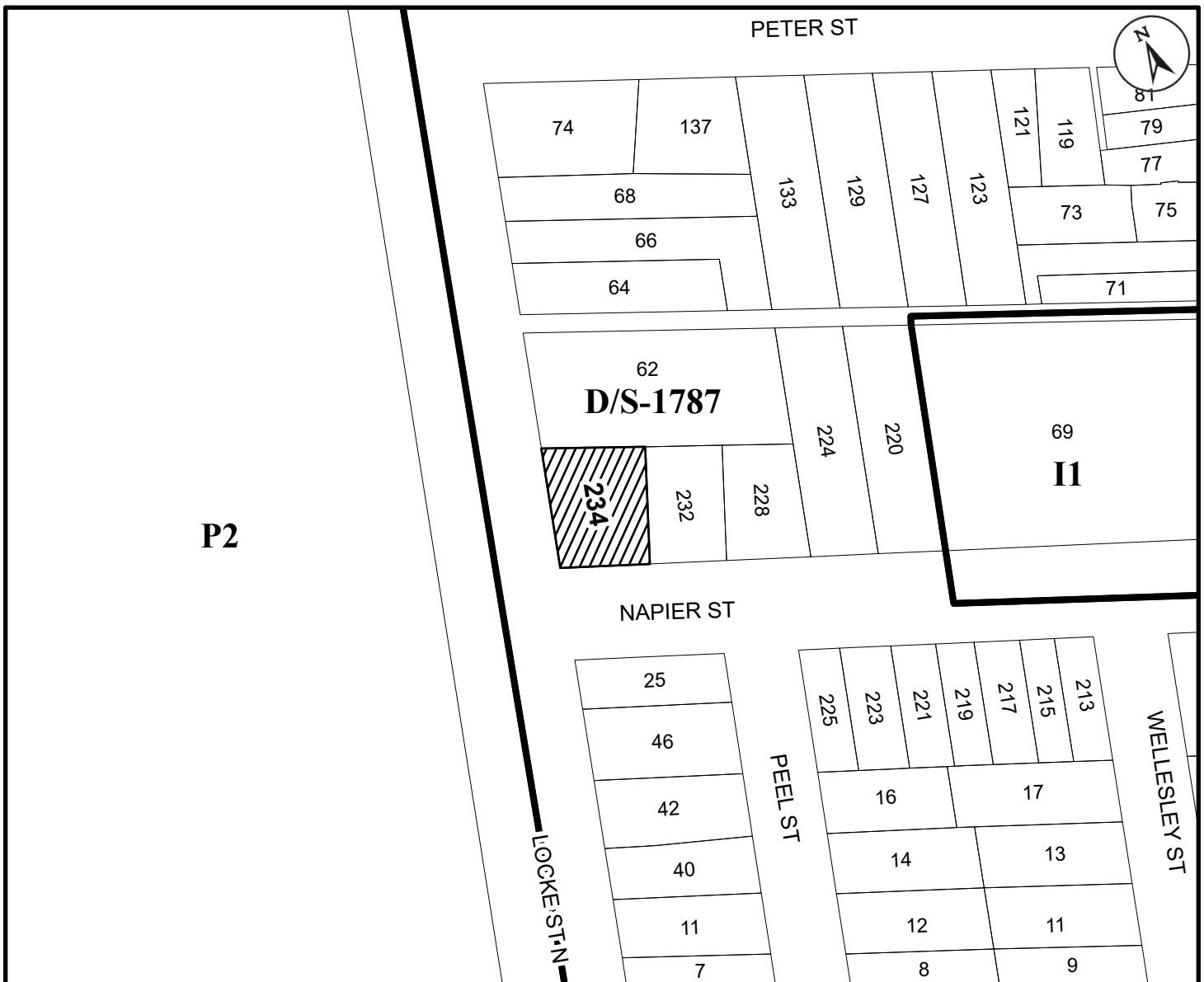
- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.

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)

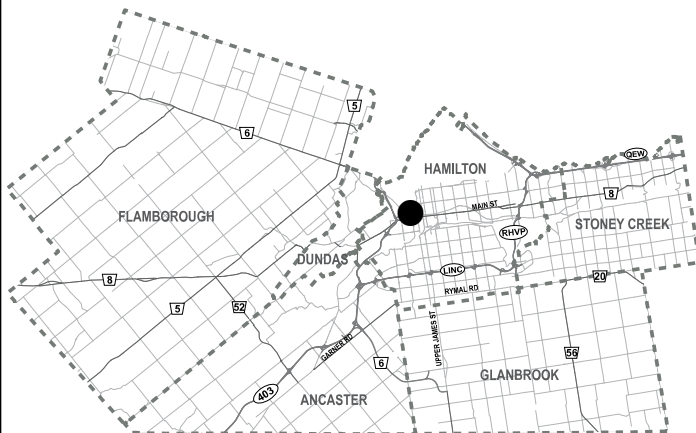
* - INCLUDES MULTI-GROUNDED NEUTRALS

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



234 Napier Street, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:169

Date:

September 16, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

HM/A-20:179 (460 Dundurn St. 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:

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-20:179 (460 Dundurn St. S., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conversion of the existing single detached dwelling to contain two dwelling units in accordance with Section 19(1) and the construction of a one storey addition to the rear of the existing 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 duplex dwellings.

Archaeology:

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

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

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this consent is approved, the proponent must be advised 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” and “C/S-1787” (Urban Protected Residential) District, modified, which permits a dwelling containing two units in accordance with Section 19(1).

Variance 1

The applicant is requesting a variance to allow a minimum southerly side yard width of 0.8 metres, notwithstanding the minimum required side yard width of 2.7 metres. The

intent of the Zoning By-law is to maintain the consistent streetscape, 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 drainage concerns to Development Engineering Approvals.

The variance recognizes the existing southerly side yard width of the single detached dwelling. The proposed addition is located at the rear of the existing single detached dwelling and is not visible from Dundurn Street South. As such, Staff do not anticipate any impact the established residential streetscape.

The submitted elevation drawings show no windows on the southerly side elevation. As such, Staff is satisfied there will be no negative impact on privacy or enjoyment of the adjacent properties. In addition, Staff acknowledge the proposed rear addition maintains the minimum required rear yard depth of 7.5 metres.

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 2

The applicant is requesting a variance to allow the eaves and gutters to encroach the entire width of the required southerly side yard, notwithstanding the Zoning By-law permits eaves and gutter to project into a required yard no more than one half its required width, being 0.4, in this case. The general intent of the Zoning By-law is to maintain a consistent streetscape and avoid any impact on the enjoyment and privacy of the adjacent properties.

Based on the submitted elevation drawings, the applicant is proposing to allow the eaves and gutters to encroach approximately 0.394 metres into the southerly side yard. Staff recommend the requested variance be amended to allow the eaves and gutters to encroach 0.4 metres into the required southerly side yard.

While no elevation drawing of the front façade were submitted, it appears the variance recognizes the existing eave and gutter projection of the existing single detached dwelling that will be continued onto the proposed addition. Staff also note the proposed addition is located at the rear of the existing single detached dwelling and is not visible from Dundurn Street South. As such, Staff do not anticipate any negative impact on the subject property or surrounding streetscape.

The variance maintains the general intent of the Zoning By-law as the proposed projection does not deviate significantly from the requirement in the Zoning By-law and will not make a significant difference to the design and character of the single detached dwelling.

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, as amended.

Variance 3

The applicant is requesting a variance to allow a minimum access driveway width of 2.3 metres to be provided, notwithstanding the minimum required access driveway of 2.8 metres. The general intent of Zoning By-law is to ensure there is sufficient space for a variety of vehicles to safely access the required parking spaces.

The variance recognizes the existing driveway width used to access the parking spaces at the rear of the subject property. While the manoeuvring space has not been labelled on the submitted site plan, Staff acknowledge the existing driveway located behind the single detached dwelling, perpendicular to access driveway, provides sufficient space for vehicles to turn around prior to utilizing the driveway access to exit the subject property. Based on the submitted plans, Staff are satisfied there is sufficient space on site for vehicles to safely manoeuvre to and from the required parking spaces.

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 4

The applicant is requesting a variance to allow the existing dwelling to be altered, notwithstanding the Zoning By-law requires the external appearance and character of a converted building to be preserved. The intent of the Zoning By-law is to maintain the established residential character of the surrounding neighbourhood and to avoid any impact on the enjoyment and privacy of the adjacent properties.

The variance is maintaining the general intent of the Zoning By-law as the proposed one storey addition and exterior stairway are located in the rear yard of the subject property and therefore Staff is satisfied the established residential character of Dundurn Street South will not be altered. In addition, Staff do not anticipate any impact on the enjoyment or privacy of the adjacent properties as a result of the proposed exterior modifications.

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.

Recommendation:

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

NOTE:

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

Building Division:

1. An additional variance should be included, to read,

“A minimum lot width of 10.9 metres (35.92 feet) shall be permitted instead of the minimum required lot width of 12.0 metres”
2. The additional variance requested for a reduced lot width is required as this lot is not a Lot of Record (as shown on Plan 62R-2832 dated February 10, 1976).
3. A further variance will be required should the intent be to provide a parking space in the access driveway as shown on the submitted site plan.
4. A further variance will be required if a minimum of two (2) parking spaces with a minimum width of 2.7 metres and a minimum length of 6.0 metres is not provided.
5. A further variance will be required if an unobstructed manoeuvring space width of 6.0 metres is not provided abutting upon and accessory to each required parking space.
6. A further variance will be required if gravel or similar surface or other suitable paving is not provided for every parking space, manoeuvring space and access driveway.
7. As shown on the submitted elevation drawings, the existing dwelling is deemed to be three storeys; as such a minimum side yard of 2.7 metres is required, pursuant to Section 18(2) of the Zoning By-law.

8. Please be advised that By-law 19-307 amends Section 19 of the Zoning By-law to remove the requirement of Section 19(1)(i) which requires a minimum area to be contained within each dwelling unit.
9. Conversion of the existing dwelling to a two family dwelling and construction of the proposed addition is subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
10. The applicant shall ensure the minimum clear height as required by the Ontario Building Code is provided for the required floor area in each dwelling unit.
11. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2 metres in width.

Development Engineering:

The proposed southerly side yard width of 0.80m does not meet the minimum 0.9m required width to construct a drainage swale. However, because the proposed addition follows the projection of the wall of the existing dwelling and provided that the existing drainage pattern is maintained, we have no issue with the Minor Variances as proposed.

See attached for additional comments.

LETTER OF SUPPORT

RE: 460 DUNDURN ST., Hamilton
APPLICATION No.: HM/A-20:179

City Planners & Committee of Adjustment Member, I/We have no concerns regarding the proposed conversion of the existing single family dwelling to a two family dwelling under Section 19 (Residential Conversion Requirements) of the Zoning By-law and to permit the construction of a one-storey addition to the rear of the existing dwelling. Please accept this letter as our full support.

I/We can be reached at the following number if you have any questions regarding our support.

Phone Number: 647-622-6963 Email: g.alexandrajade@gmail.com

DATED this 24 day of Sept, 2020.

454 Dundurn St., Hamilton

Address

Alexandra Graham

Name(s)

AG

Signature(s)

LETTER OF SUPPORT

RE: 460 DUNDURN ST., Hamilton
APPLICATION No.: HM/A-20:179

City Planners & Committee of Adjustment Member, I/We have no concerns regarding the proposed conversion of the existing single family dwelling to a two family dwelling under Section 19 (Residential Conversion Requirements) of the Zoning By-law and to permit the construction of a one-storey addition to the rear of the existing dwelling. Please accept this letter as our full support.

I/We can be reached at the following number if you have any questions regarding our support.

Phone Number:

Email:

DATED this 27 day of SEPT., 2020.

462 DUNDURN ST. S.
Address

ANGELINA BALDIN
Name(s)

Angeline Baldin
Signature(s)

LETTER OF SUPPORT

RE: 460 DUNDURN ST., Hamilton
APPLICATION No.: HM/A-20:179

City Planners & Committee of Adjustment Member, I/We have no concerns regarding the proposed conversion of the existing single family dwelling to a two family dwelling under Section 19 (Residential Conversion Requirements) of the Zoning By-law and to permit the construction of a one-storey addition to the rear of the existing dwelling. Please accept this letter as our full support.

I/We can be reached at the following number if you have any questions regarding our support.

Phone Number: 647-622-6963 Email: g.alexandrajade@gmail.com

DATED this 24 day of Sept, 2020.

454 Dundurn St., Hamilton

Address

Alexandra Graham

Name(s)



Signature(s)

LETTER OF SUPPORT

RE: 460 DUNDURN ST., Hamilton
APPLICATION No.: HM/A-20:179

City Planners & Committee of Adjustment Member, I/We have no concerns regarding the proposed conversion of the existing single family dwelling to a two family dwelling under Section 19 (Residential Conversion Requirements) of the Zoning By-law and to permit the construction of a one-storey addition to the rear of the existing dwelling. Please accept this letter as our full support.

I/We can be reached at the following number if you have any questions regarding our support.

Phone Number:

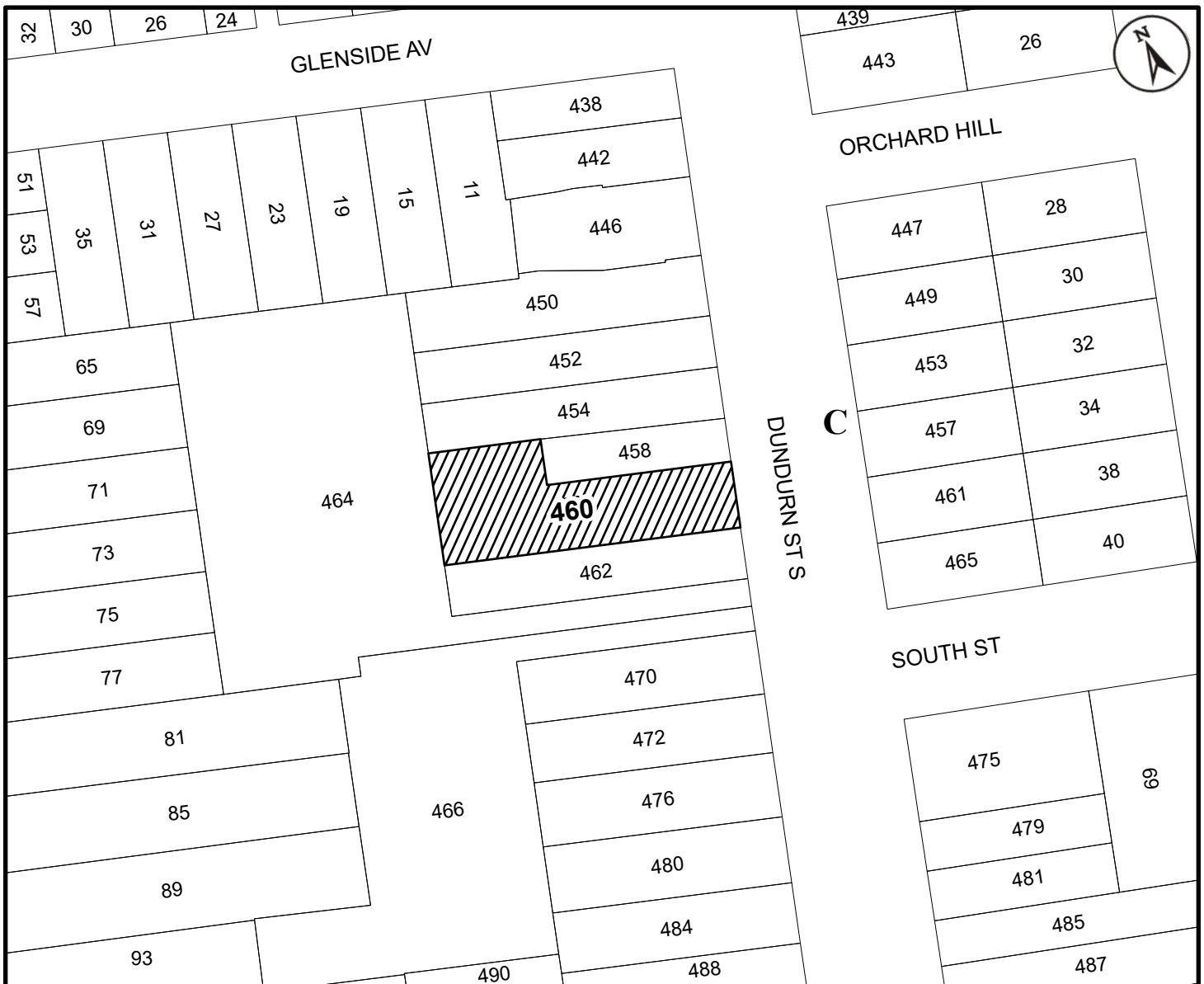
Email:

DATED this 27 day of SEPT., 2020.

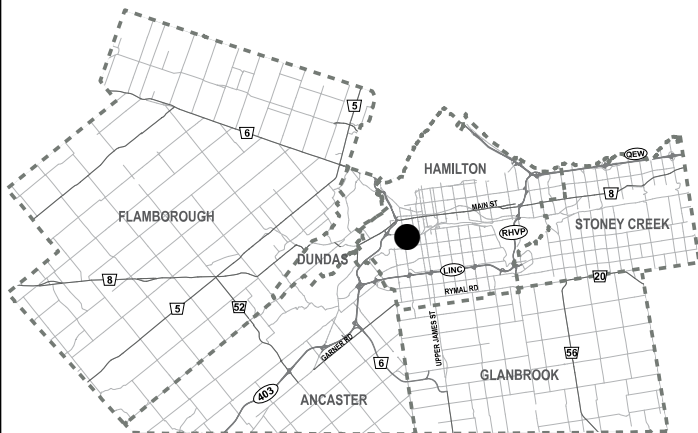
462 DUNDURN ST. S.
Address

ANGELINA BALDIN
Name(s)

Angeline Baldin
Signature(s)



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



460 Dundurn Street South, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:179

Date:

September 16, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-20:56 (291 & 293 Jackson 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 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 Owners of 291 and 293 Jackson Street West register an easement on title for access and maintenance on 293 Jackson Street West.
3. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
4. The owner submits to the Committee of Adjustment office an administration fee of \$20.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
5. The applicant/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 – Plan Examination Section).
6. That the Owner provide proof of separate independent sewer and water services to both the severed and retained parcels, to the satisfaction of the City's Manager of Development Approvals.
7. The applicant/owner shall receive final and binding approval of minor variance application HM/A-20:174.

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/B-20:56 (291 & 293 Jackson St. W., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conveyance of one half of a single detached dwelling (293 Jackson St. W.) and to retain one half of a semi detached dwelling (291 Jackson St. W.). The severed lands will have a lot area of 246.0 square metres and a lot width of 7.92 metres and the retained lands will have a lot area of 270.0 square metres and a lot width of 8.7 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 and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

The proposed severance will allow the single detached dwelling and the half of the existing semi detached dwelling to be on located a separate lots with separate ownership. The severed and retained lot are fully serviced by municipal water and wastewater systems and have frontage onto Jackson Street West. The proposal is consistent with the established lot pattern and residential character of the neighbourhood. As such, the general intent of the Urban Hamilton Official Plan is being maintained.

Former City of Hamilton Zoning By-law No. 6593

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

Lands to be Conveyed (293 Jackson Street West):

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot width of 7.9 metres and a minimum lot area of 245.0 square metres, notwithstanding the minimum required lot width of 12.0 metres and the minimum required lot area of 360.0 square metres. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow adequate area to accommodate the necessary landscaped area, amenity area, and parking to satisfy the needs of the tenants of the residential dwellings.

The proposed lot area is consistent with the surrounding properties and maintains the existing lot pattern of the neighbourhood. Staff acknowledge no change to the existing conditions on site is being proposed as a result of the proposed lot creation. The variance is maintaining the general intent of the Zoning By-law as sufficient amenity area is being

provided in the rear yard to satisfy the needs of the single detached dwelling. While no parking is being provided on site, Staff acknowledge the provision of one parking space between the two dwellings at 291 and 293 Jackson Street West is an existing condition. Staff is of the opinion the reduction in parking can be supplemented by utilizing public transit and active transportation as discussed below. The variances are desirable for the development of the site and considered minor in nature.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the 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 easterly side yard width of 0.0 metres, notwithstanding the minimum required side yard width of 1.2 metres. The intent of the Zoning By-law is to maintain the consistent streetscape, 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 drainage concerns to Development Engineering Approvals.

No change to the existing conditions on site is being proposed as a result of the proposed lot creation. The variance is maintaining the existing distance separation between the two dwellings known as 291 and 293 Jackson Street West. The general intent of the Zoning By-law as no impact to the existing streetscape or the adjacent properties is anticipated.

The proposed side yard setback of 0.0 metres is not sufficient in size to allow adequate space for access and maintenance purposes. Staff recognize the location of the proposed lot line was chosen so the entirety of the existing parking space / driveway would be located on the severed lands. Staff recommend the applicant register an easement on title to satisfy the access and maintenance needs of the single detached dwelling.

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, on condition.

Variance 4

The applicant is requesting a variance to allow no parking spaces to be provided for a single detached dwelling containing up to eight habitable rooms, notwithstanding the minimum required two parking spaces. The intent of the Zoning By-law is to ensure the parking needs of the single detached dwelling are being satisfied.

While no parking is being provided on site, Staff acknowledge the provision of one parking space between the two dwellings at 291 and 293 Jackson Street West is an existing

condition. Staff are satisfied the provision of no on-site parking will continue to satisfy the parking needs of the single detached dwelling.

The subject property is located approximately 100 metres south of Main Street West which is part of the HSR BLAST network, intended for higher order transit. The subject property is serviced by HSR bus routes 1, 5, 7, 10 and 51 and is in close proximity to a Sobi bike share hub and a number of amenities, including: Hill Street Park, Victoria Park, Ryerson Elementary School and Recreation Centre, a number of and Places of Worship and various commercial uses along Main Street West, King Street West and Locke Street South. 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 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.

Recommendation:

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

CONDITIONS: (If Approved)

1. The Owners of 291 and 293 Jackson Street West register an easement on title for access and maintenance on 293 Jackson Street West.

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. In order to clear conditions, the applicant/owner will be required to make application for Ontario Building Code Compliance and pay the relevant fees.

CONDITIONAL UPON:

1. The applicant/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 – Plan Examination Section).
2. The applicant/owner shall receive final and binding approval of minor variance application HM/A-20:174.

Development Engineering:

Information:

According to our GIS records, the subject section of Jackson Street West is classified as a local roadway with an ultimate road allowance right-of-way width of 20.117m by the Urban Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Jackson Street West is ± 15.2 m. The City recognizes that in older urban built up areas there are existing road right-of-way widths significantly less than 20.117 metres. Notwithstanding the other road right-of-way widening policies of the Urban Hamilton Official Plan, it is the intent of the City to increase these existing road rights-ofways to a minimum of 15.24 metres instead of the minimum required 20.117 metre road rightof-way width, provided all the required road facilities, municipal sidewalks and utilities can be accommodated in this reduced road right-of-way width. Therefore, a widening dedication will not be required.

According to our GIS records, the existing municipal services front the subject property as follows:

Jackson Street West

- 300mm \varnothing Combined Sewer
- 1650mm \varnothing Storm Sewer
- 150mm \varnothing Watermain

The proponent will be required to provide proof of separate independent sewer and water services to both the severed and retained parcels.

Recommendation:

1. That the Owner provide proof of separate independent sewer and water services to both the severed and retained parcels, to the satisfaction of the City's Manager of Development Approvals.

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objections to the land severance application.

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: September 18, 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: 291 and 293 Jackson St. W. Hamilton
File: HM/B-20:56

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, October 1, 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.

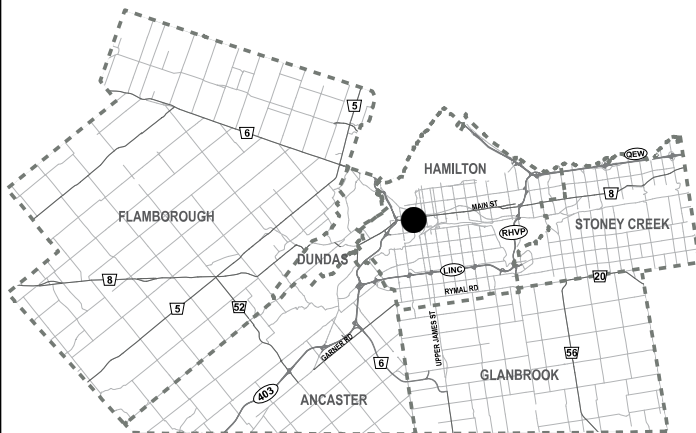
Regards,

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

Sam Brush
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

291 & 293 Jackson Street West, Hamilton
(Ward 1)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-20:56

Date:

September 16, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:174 (291 & 293 Jackson St. W., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conveyance of one half of a single detached dwelling (293 Jackson St. W.) and to retain one half of a semi detached dwelling (291 Jackson St. W.). The severed lands will have a lot area of 246.0 square metres and a lot width of 7.92 metres and the retained lands will have a lot area of 270.0 square metres and a lot width of 8.7 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 and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

The proposed severance will allow the single detached dwelling and the half of the existing semi detached dwelling to be on located a separate lots with separate ownership. The severed and retained lot are fully serviced by municipal water and wastewater systems and have frontage onto Jackson Street West. The proposal is consistent with the established lot pattern and residential character of the neighbourhood. As such, the general intent of the Urban Hamilton Official Plan is being maintained.

Former City of Hamilton Zoning By-law No. 6593

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

Lands to be Conveyed (293 Jackson Street West):

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot width of 7.9 metres and a minimum lot area of 245.0 square metres, notwithstanding the minimum required lot width of 12.0 metres and the minimum required lot area of 360.0 square metres. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow adequate area to accommodate the necessary landscaped area, amenity area, and parking to satisfy the needs of the tenants of the residential dwellings.

The proposed lot area is consistent with the surrounding properties and maintains the existing lot pattern of the neighbourhood. Staff acknowledge no change to the existing

conditions on site is being proposed as a result of the proposed lot creation. The variance is maintaining the general intent of the Zoning By-law as sufficient amenity area is being provided in the rear yard to satisfy the needs of the single detached dwelling. While no parking is being provided on site, Staff acknowledge the provision of one parking space between the two dwellings at 291 and 293 Jackson Street West is an existing condition. Staff is of the opinion the reduction in parking can be supplemented by utilizing public transit and active transportation as discussed below. The variances are desirable for the development of the site and considered minor in nature.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the 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 easterly side yard width of 0.0 metres, notwithstanding the minimum required side yard width of 1.2 metres. The intent of the Zoning By-law is to maintain the consistent streetscape, 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 drainage concerns to Development Engineering Approvals.

No change to the existing conditions on site is being proposed as a result of the proposed lot creation. The variance is maintaining the existing distance separation between the two dwellings known as 291 and 293 Jackson Street West. The general intent of the Zoning By-law as no impact to the existing streetscape or the adjacent properties is anticipated.

The proposed side yard setback of 0.0 metres is not sufficient in size to allow adequate space for access and maintenance purposes. Staff recognize the location of the proposed lot line was chosen so the entirety of the existing parking space / driveway would be located on the severed lands. Staff recommend the applicant register an easement on title to satisfy the access and maintenance needs of the single detached dwelling.

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, on condition.

Variance 4

The applicant is requesting a variance to allow no parking spaces to be provided for a single detached dwelling containing up to eight habitable rooms, notwithstanding the minimum required two parking spaces. The intent of the Zoning By-law is to ensure the parking needs of the single detached dwelling are being satisfied.

While no parking is being provided on site, Staff acknowledge the provision of one parking space between the two dwellings at 291 and 293 Jackson Street West is an existing condition. Staff are satisfied the provision of no on-site parking will continue to satisfy the parking needs of the single detached dwelling.

The subject property is located approximately 100 metres south of Main Street West which is part of the HSR BLAST network, intended for higher order transit. The subject property is serviced by HSR bus routes 1, 5, 7, 10 and 51 and is in close proximity to a Sobi bike share hub and a number of amenities, including: Hill Street Park, Victoria Park, Ryerson Elementary School and Recreation Centre, a number of and Places of Worship and various commercial uses along Main Street West, King Street West and Locke Street South. 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 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.

Recommendation:

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

CONDITIONS: (If Approved)

1. The Owners of 291 and 293 Jackson Street West register an easement on title for access and maintenance on 293 Jackson Street West.

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. These variances are necessary to facilitate land severance application No. HM/B-20:56.
2. Please be advised that floor plans are not available for the property known as 293 Jackson Street West. As such, the number of habitable rooms cannot be determined in order to confirm the minimum number of required parking spaces.
3. A minimum of one (1) parking space is required to be provided for one half of a semi-detached dwelling (291 Jackson Street West), which shall be at least 2.7m x 6.0m in size. Parking details have not been provided for this property however it appears sufficient space is available on the existing driveway to accommodate the one (1) required parking space. The applicant shall be advised that if one (1) parking space cannot be provided on-site, further variances will be required.
4. Variances have been requested to permit a reduced minimum lot width and a reduced minimum lot area for the property known as 291 Jackson Street West (retained lands). However, pursuant to subsection 6(4) of Hamilton Zoning By-law 6593, variances to these provisions are not required for one-half of a semi-detached dwelling.

Development Engineering:

Being that the dwellings on the severed and retained parcels are existing and no new construction is proposed, we have no issues with the Minor Variances as proposed.

See attached for additional comments.

September 22, 2020

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

Attention: Morgan Evans

File# HM/A-20:174

Re: 174 Beach Blvd

In response to your correspondence dated September 15, 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.

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.

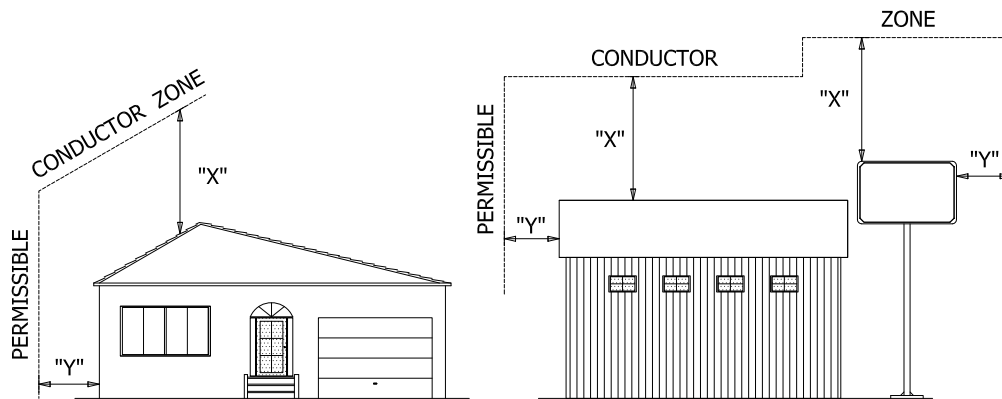
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 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)

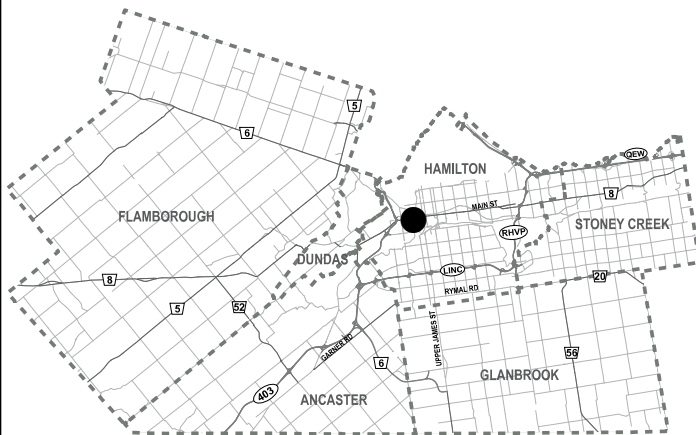
* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

- 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.
- THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
- 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)
- 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).
- 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

291 & 293 Jackson Street West, Hamilton
(Ward 1)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/A-20:174

Date:

September 16, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:170 (79 Essling Ave., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the interior alternations 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.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C” (Urban Protected Residential) District, which permits a single family dwelling.

Variance 1

The applicant is requesting a variance to allow two parking spaces to be located within the front yard, notwithstanding the maximum one parking space permitted to be located within the front yard. The general intent of the purpose of the Zoning By-law requirement is to maintain the existing character and streetscape of the neighbourhood and to ensure sufficient landscaping, parking, and amenity space is available within the front yard.

The two parking spaces shown on the submitted site plan drawing are located within the existing driveway on the subject property. The variance recognizes an existing condition that will remain unchanged as a result of the interior alternations to the existing single detached dwelling. As no change is being proposed to the existing driveway, the established streetscape and landscaped area is being maintained. 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.

Recommendation:

Based on the preceding information, the requested variance maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning

By-law No. 6593. The variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

Building Division:

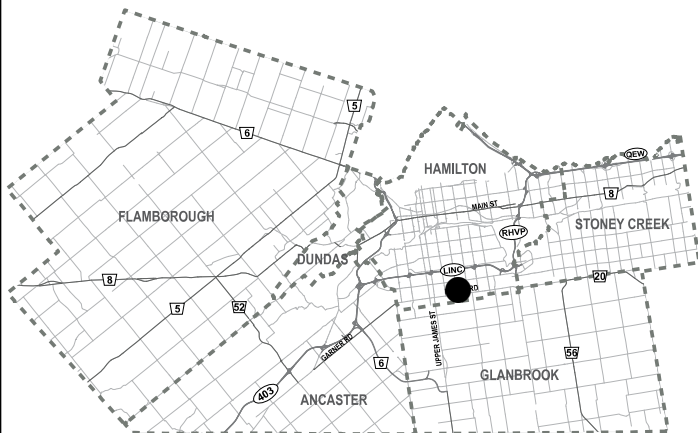
1. The variance has been requested for a single-family dwelling only. Further variances will be required should a use other than a single-family dwelling be proposed.
2. Details regarding the number of habitable rooms have not been provided. A further variance will be required should the proposed alterations result in greater than 10 habitable rooms.
3. Details regarding front yard landscaping have not been provided. A further variance will be required if a minimum of 50% of the gross area of the front yard is not provided as landscaped area, in accordance with the requirements of the Zoning By-law.
4. A building permit from the Building Division is required for the proposed interior alterations. Be advised that the Ontario Building Code may require specific setbacks and construction types.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



79 Essling Avenue, Hamilton
(Ward 7)

File Name/Number:

HM/A-20:170

Date:

September 16, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:171 (590 Main St. E., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conversion of an existing multiple dwelling from four to six dwelling units in accordance with Section 19(3), notwithstanding the following variances.

Urban Hamilton Official Plan

The property is identified as “Primary Corridor” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.2.4.3, E.2.4.6, E.3.2.3 and E.3.5.2 amongst others, are applicable and permit multiple dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “H” (Community Shopping and Commercial) District, which permits the conversion of any building to contain a maximum of ten dwelling units.

Variance 1

The applicant is requesting a variance to allow the minimum radial separation distance to be 33.0 metres, notwithstanding the minimum required radial separation distance of 180.0 metres between converted buildings in the “H” District. The intent of the Official Plan and Zoning By-law is to maintain predominately commercial uses along the Main Street East and within the “H” District.

The subject lands contain a multiple dwelling with a total of four residential dwelling units and no commercial units. The modifications are entirely internal to the building and the additional units are a result of splitting existing units into two separate dwelling units. The variance is maintaining the general intent of the Zoning By-law as the applicant is not proposing to remove any commercial uses from the subject property or commercial district. Staff are satisfied the existing multiple dwelling can accommodate two additional residential dwelling units for a total of six residential dwelling units.

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.

Recommendation:

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

Building Division:

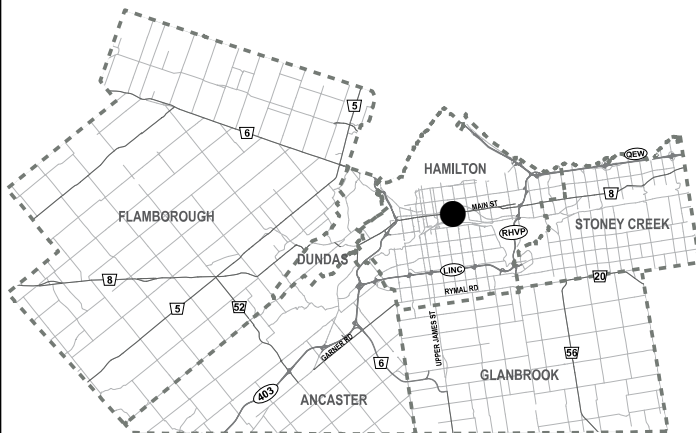
1. The H District conversion policies in Section 19(3) which apply, allow for the conversion of the entire building to residential units without requirements for parking subject to the minimum separation distance requirements being maintained. The requested variance is required for the radial separation distance and does not apply to parking requirements.
2. The subject property is within the 180m radial separation distance of 600 Main Street East, located 33m to the east. A second converted dwelling is also shown to be located at 630 Main Street East, 115m east of the subject property.
3. The building located on the subject property was constructed in 1940 and is recognized as an existing multiple dwelling.
4. The variance has been written as requested by the applicant.
5. Building Permit #20-171276 issued July 29, 2020 for interior renovations and new exterior cladding remains under review. The interior renovations involve the conversion of two of the apartment dwelling units to create four new apartment dwelling units for a total of six dwelling units.

Development Engineering:

Development Engineering has no comments regarding the Minor Variance Application as proposed.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



590 Main Street East, Hamilton
(Ward 3)

File Name/Number:

HM/A-20:171

Date:

September 21, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:172 (12 Wood 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):

1. That the applicant submits and implement a Cultural Heritage Impact Assessment to the satisfaction and approval of the Manager of Development Planning, Heritage and Design prior to any Minor Variance approval.

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-20:172 (12 Wood St. E., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the demolition of the existing single detached dwelling and the construction of a new two storey, duplex 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 Local Planning Appeal Tribunal Non-Decision No. 113. The Regional Official Plan is referred to in evaluating this application.

Hamilton – Wentworth Regional Official Plan

The subject property is designated “Urban Area” on Map 1 of the Hamilton – Wentworth Regional Official Plan. Policies A.2.1.1 amongst others are applicable and permits low density residential development.

City of Hamilton Official Plan

West Harbour 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. Policies B.6.5.3.14 amongst others are applicable and permit low density residential development.

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;

- 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; and,
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this consent is approved, the proponent must be advised by the Committee of Adjustment as per the caution note below.

Cultural Heritage:

The subject property comprises a single detached dwelling built circa 1880 and is included in the City's Inventory of Buildings of Architectural and/or Historical Interest.

Additionally, the subject property is located within the North End West Established Historical Neighbourhood.

The City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest.

These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.

Although not formally recognized under the *Ontario Heritage Act* through registration or designation, the subject property is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the building and are contextually appropriate.

The subject property is also located within the West Harbour Secondary Plan area. The following section of the West Harbour Secondary Plan, UHOP Volume 2, applies:

"B.6.5.6.2 Section B.3.4 – Cultural Heritage Resource Policies of Volume 1 shall apply to all lands within the West Harbour Secondary Plan area."

Accordingly, policies B.3.4.1.3, B.3.4.2.1 g), B.3.4.2.1 h) and B.3.4.2.21 b) of the Urban Hamilton Official Plan, Volume 1, apply.

Staff are of the opinion that proposed demolition of the subject dwelling may impact the heritage value of the subject property and the surrounding North End West Established Historical Neighbourhood.

As a result, in accordance with B.3.4.2.12 b), staff require that a Cultural Heritage Impact Assessment (CHIA) be submitted to the satisfaction and approval of the Manager of Development Planning, Heritage and Design prior to the final approval of Minor Variance application HM/A-20:172. The CHIA shall be prepared to evaluate the proposed development and site alteration to demonstrate how any identified heritage attributes of the on-site and adjacent heritage resources will be conserved through mitigative measures and/or alternative development approaches as required. The CHIA shall be prepared according to City's Heritage Impact Assessment guidelines.

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot width of 7.1 metres and a minimum lot area of 431.8 square metres, notwithstanding the minimum required lot width of 18.0 metres and the 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 adequate area to accommodate the necessary landscaped area, amenity area, and parking to satisfy the needs of the tenants for a dwelling with two units.

The lot area is consistent with the surrounding properties and maintains the existing lot pattern of the neighbourhood. Staff acknowledge sufficient amenity area is being provided in the rear yard to satisfy the needs of the tenants. While the minimum required two parking spaces is being provided on site, the location of the parking spaces, within the front yard and the proposed garage is not supported by staff as it does not maintain the general character of the area and does not allow for independent parking spaces for each unit. As such, Staff are not satisfied the necessary parking spaces can be accommodated on site.

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.

Variance 3 and 4

The applicant is requesting a variance to allow a minimum of 31.2% of the front yard to be used for landscaped area and to allow one of the required parking spaces to be located in the required front yard, notwithstanding the requirement that no less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel or other similar materials and that the Zoning By-law states that no part of

the required parking area in a residential district shall be located in a required front yard. The general intent of the purpose of the Zoning By-law requirement is to maintain the existing character and streetscape of the neighbourhood and to ensure sufficient landscaping and amenity space is available within the front yard.

The majority of the single detached dwellings along this portion of Wood Street West are built close to the property line with front yards ranging from 0.0 metres to approximately 2.8 metres. The majority of the dwelling along Wood Street West maintain fully landscaped front yards, with minimal paving. Staff acknowledge some of the properties on the south side Wood Street West, have paved driveways in front of the dwelling.

The proposed variances to establish a driveway in the front yard is not in keeping with the character of the area or the established streetscape on the north side of Wood Street West. As such the variances do not maintain the general intent of the Zoning By-law.

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

Variance 5 and 6

The applicant is requesting a variance to allow no manoeuvring to be provided on site and to allow the accessibility to one of the required parking spaces (in garage) to be obstructed by the parking space on the driveway, 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 and the Zoning By-law states that sufficient spaces additional to each required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space. The general intent of the Zoning By-law is to provide independent parking spaces for each dwelling unit.

The independent spaces allows residents to access their own parking spaces without impacting other tenants. As the proposal is to permit two dwelling units on the subject lands, 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 road allowance of Wood Street West. Staff are concerned the number of vehicles using Wood Street West 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 variances are not desirable for the appropriate use of the site nor minor in nature; therefore, staff do not support the variances.

Recommendation:

Based on the preceding information, the requested variances do not maintain the general intent and purpose of the Urban Hamilton Official Plan or the former City of Hamilton Zoning By-law No. 6593. The variances are not considered to be minor in nature nor desirable for the appropriate use of the property. In conclusion, Staff recommends that the variances be denied.

CONDITIONS: (If Approved)

1. That the applicant submits and implement a Cultural Heritage Impact Assessment to the satisfaction and approval of the Manager of Development Planning, Heritage and Design prior to any Minor Variance approval.

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 notice should be altered to delete from Variance # 2 the number 580.0 m² and replace it with the number 540.0 m².

The variance should read as follows:

A minimum lot area of 431.8 m² shall be provided instead of the minimum required lot area of 540.0 m²; and

2. The notice should be altered to include the following in the notes: An uncovered porch which does not extend more than 1.0 m above the floor level of the first storey, may project into a required yard, if distant at least 0.5 m from the nearest side lot line. No details have been provided for the uncovered porches located on the westerly side lot line; therefore, further variances may be required.

3. A demolition permit is required for the demolition of the existing single detached dwelling.
4. A Building Permit is required for the construction of the proposed new 2 family dwelling.

Development Engineering:

Provided that the existing drainage pattern is maintained, we have no issues with the Minor Variances as proposed.

See attached for additional comments.

CITY OF HAMILTON GUIDELINES: CULTURAL HERITAGE IMPACT ASSESSMENTS

1.0 PURPOSE

A Cultural Heritage Impact Assessment (CHIA) is a report that documents a clear and traceable evaluation of the effects of a proposed new development or redevelopment on cultural heritage resources and/or their setting. If there are demonstrated adverse effects, the CHIA must describe the means by which the adverse effects can be minimized, mitigated or avoided. The primary goal of a CHIA is to ensure that the cultural heritage value of the property is conserved.

Under the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan (RHOP), a CHIA shall be required where the proposed development, site alteration, or redevelopment of lands has the potential to adversely affect the following cultural heritage resources through displacement or disruption:

- Properties designated under any part of the *Ontario Heritage Act* or adjacent to properties designated under any part of the *Ontario Heritage Act*;
- Properties that are included in the City of Hamilton *Register of Property of Cultural Heritage Value or Interest* (the Register) or *adjacent* to properties included in the Register;
- A registered or known archaeological site or areas of archaeological potential;
- Any area for which a cultural heritage conservation plan statement has been prepared; or,
- Properties that comprise or are contained within cultural heritage landscapes that are included in the City of Hamilton's Municipal *Register of Property of Cultural Heritage Value or Interest*.

The UHOP and RHOP also identify that CHIA reports may be required where the proposed development, site alteration, or redevelopment of lands has the potential to adversely affect properties listed on the City's *Inventory of Properties of Cultural Heritage Value or Interest*.

The UHOP also identifies that there may be cultural heritage properties that are not yet included in the City's *Register of Property of Cultural Heritage Value or Interest*, nor designated under the *Ontario Heritage Act*, but have cultural heritage interest. The City shall ensure these non-designated and non-registered cultural heritage properties are identified, evaluated, and appropriately conserved.

Guidelines: Cultural Heritage Impact Assessments

New development, site alteration or redevelopment may create disturbances or disruptions including, but not limited to:

- Demolition, removal, or any other damaging effects to buildings or structures of cultural heritage value or interest;
- Disruption of the setting, context, landscape or layout of the cultural heritage resource; and,
- Development of lands adjacent to cultural heritage resources that is not sympathetic to the adjacent property's cultural heritage attributes.

2.0 CONTENT

Planning staff will inform the proponent during the Formal Consultation phase of any development application, whether the submission of a CHIA will be required prior to the submission of any subsequent applications under the *Planning Act*. The Assessment shall be undertaken by a qualified professional with demonstrated expertise in cultural heritage assessment, mitigation and management, excluding the project architect or any other professional with a stake in the development, and shall contain the following:

a) Introduction to the Development Site

- A location plan showing and describing the contextual location of the site.
- An existing site plan and current floor plans of built structures where appropriate.
- A concise written and visual description of the site identifying significant features, buildings, landscapes and views including any yet unidentified potential cultural heritage resources and making note of any heritage recognition of the property (ie. National Historic Site, Municipal Designation, etc.).
- A concise written and visual description of the context including adjacent properties and their recognition (as above) and any yet unidentified potential cultural heritage resource(s).
- Present owner and contact information.

b) Background Research and Analysis

- For the subject property:
 - Comprehensive written and visual research and analysis of the cultural heritage value or interest of the site (both identified and not yet identified): physical or design. historical or associative, and contextual.

Guidelines: Cultural Heritage Impact Assessments

- Development history of the site including original construction, additions, and alterations with substantiated dates of construction; and,
- Relevant research material, including historic maps, drawings, photographs, sketches/renderings, permit records, land records, assessment rolls, Vernon's directories, etc.
- For adjacent properties:
 - Concise written and visual research and analysis of the cultural heritage value or interest of the adjacent properties, predominantly physical or design and contextual value.

c) Statement of Significance

- A Statement of Cultural Heritage Value or Interest identifying the cultural heritage attributes. This statement will be informed by current research and analysis of the site as well as pre-existing heritage descriptions. This statement is to follow the provincial guidelines set out in the *Ontario Heritage Tool Kit*. The statement of cultural heritage value or interest will be written in a way that does not respond to or anticipate any current or proposed interventions. The City may, at its discretion and upon review, reject or use the statement of cultural heritage value or interest, in whole or in part, in crafting its own statement of cultural heritage value or interest (Reasons for including on Register or Designation) for the subject property.

d) Description of the Proposed Development or Site Alteration

- A written and visual description of the proposed development or site alteration.

e) Impact of Proposed Development or Site Alteration

- Description of the negative impacts upon the cultural heritage resource(s) by the proposed development or site alteration as identified in the *Ontario Heritage Tool Kit*, including but not limited to:
 - Destruction of any, or part of any, significant heritage attributes or features;
 - Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance;
 - Shadows created that alter the appearance of a heritage attribute or change the viability of an associated natural feature or plantings, such as a garden;
 - Isolation of a heritage attribute from its surrounding environment, context or a significant relationship;
 - Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features;
 - A change in land use (such as rezoning a church to a multi-unit residence) where the change in use negates the property's cultural heritage value; and,

Guidelines: Cultural Heritage Impact Assessments

- Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect a cultural heritage resource, including archaeological resources.

f) Alternatives or Mitigation Measures

- A description of the alternatives or mitigation measures necessary to mitigate the adverse impacts of the development and/or site alteration upon the cultural heritage resource(s), including:
 - The means by which the existing cultural heritage resources shall be integrated within the proposed development and/or site alteration; and,
 - The manner in which commemoration of cultural heritage resources to be removed shall be incorporated within the proposed development and/or site alteration.

g) Conservation Strategy

- The preferred strategy recommended to best protect and enhance the cultural heritage value and heritage attributes of the on-site and adjacent cultural heritage resource(s) including, but not limited to:
 - A mitigation strategy including the proposed methods;
 - A conservation scope of work including the proposed methods; and
 - An implementation and monitoring plan.
 - Recommendations for additional studies/plans related to, but not limited to: conservation; site specific design guidelines; interpretation/commemoration; lighting; signage; landscape; stabilization; additional record and documentation prior to demolition; and long-term maintenance.
 - Referenced conservation principles and precedents.

h) Cited Materials

Any required CHIA report shall be submitted for review by Planning staff and the Hamilton Municipal Heritage Committee prior to acceptance of the report as being complete or the clearance of any conditions on any development approvals.

2.1 SCOPED ASSESSMENTS

At the discretion of Planning staff, the content of a CHIA may be scoped as follows:

- a) Where it has been adequately demonstrated that the conservation, rehabilitation and reuse of cultural heritage resources that have not yet been included in the City's *Register of Property of Cultural Heritage Value or Interest*, nor designated under the *Ontario Heritage Act*, is not viable, the City may require that the affected resources be thoroughly documented for archival purposes at the expense of the applicant prior to demolition or removal.

Guidelines: Cultural Heritage Impact Assessments

- b) Where cultural heritage resources may be affected and staff is of the opinion that the potential impacts will be minor, the discussion of impacts to cultural heritage resources may be integrated into an Urban Design Brief or Urban Design Study.

Note: Where a property is designated under Part IV or Part V of the Ontario Heritage Act, a Heritage Permit is required to be submitted prior to the issuance of a Building Permit. Accordingly, Planning staff recommend that the proponent consults with staff following the submission of a Formal Consultation application to determine the appropriate course of action to proceed with the proposal.

September 22, 2020

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

Attention: Morgan Evans

File# HM/A-20:172

Re: 12 Wood St W

In response to your correspondence dated September 15, 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.

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.

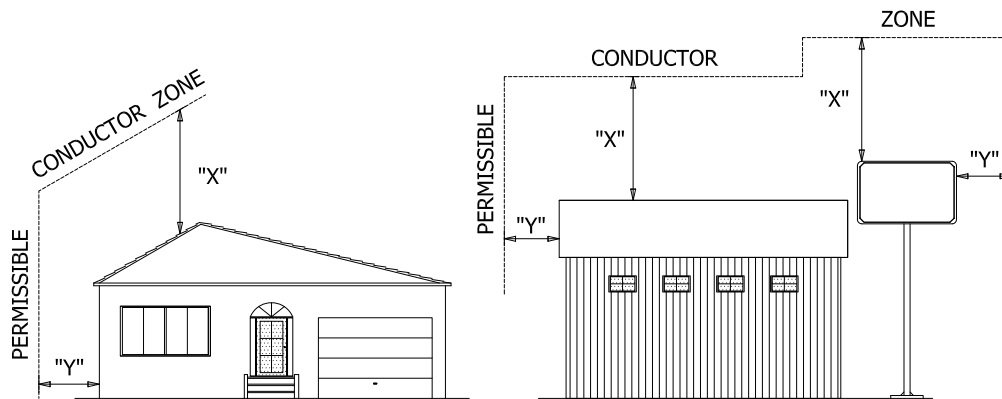
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 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)

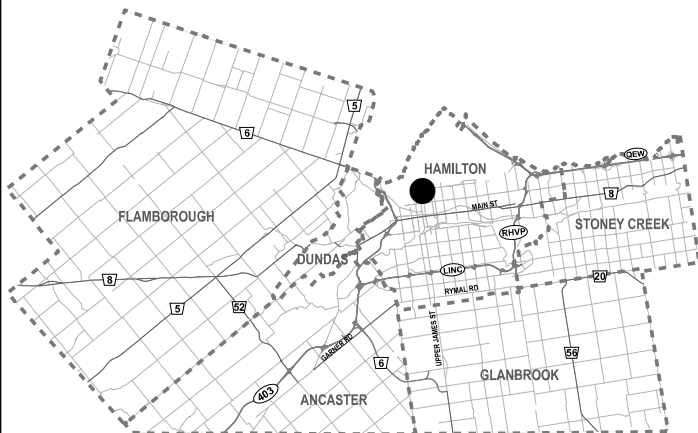
* - INCLUDES MULTI-GROUNDED NEUTRALS

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



12 Wood Street West, Hamilton
(Ward 2)

File Name/Number:

HM/A-20:172

Date:

September 21, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:173 (51 Park Row 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. That the Owner provide a scaled and fully dimensioned site plan drawing of the subject property to the satisfaction of the Manager of Development Planning, Heritage and Design.

NOTE:

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

HM/A-20:173 (51 Park Row N., 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) 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 permit duplex dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D” (Urban Protected Residential – One and Two Family Dwellings) District, which permits a dwelling containing two units in accordance with Section 19(1).

Variance 1

The applicant is requesting a variance to allow a minimum lot area of 232.26 square metres, notwithstanding the minimum required lot area of 270.0 square metres. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow adequate area to accommodate the necessary landscaped area, amenity area, and parking to satisfy the needs of the tenants for a dwelling with two units.

The lot area is consistent with the surrounding properties and maintains the existing lot pattern of the neighbourhood. The variance is maintaining the general intent of the Zoning By-law as it appears sufficient amenity area is being provided between the front yard and the rear yard to satisfy the needs of the tenants and the minimum required two parking spaces is being provided on site.

Staff acknowledge the proposed parking will be located in the rear yard, reducing the amount of space in the rear yard that can be utilized as amenity area. Based on the dimensions included in the submitted site plan drawing, Staff is satisfied the rear yard is sufficient in size to accommodate two parking spaces and the necessary amenity area to satisfy the needs of the tenants. However, Staff note the submitted site plan drawing does not appear to be to scale and does not accurately depict the proportion of the rear yard that will be dedicated to parking. Staff request the applicant provide a scaled and fully

dimensioned site plan drawing to verify the location and size of the proposed parking spaces in relation to the rest of the subject property.

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

Variance 2

The applicant is requesting a variance to allow no manoeuvring to be provided for the two required parking spaces, 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 provide independent parking spaces for each dwelling unit.

The proposed parking spaces are located in the rear yard and have direct access onto the adjacent laneway. The intent of the Zoning By-law is being maintained as the applicant is not proposing to establish tandem parking which would cause jockeying of vehicles in the laneway. The independent spaces will allow residents to access their own parking spaces without impacting other tenants.

Based on the dimensions included in the submitted site plan drawing, the proposed parking area is approximately 7.9 metres (26 feet) in length. The required parking space length is 6.0 metres, thus leaving approximately 1.9 metres of on site manoeuvring space adjacent to the proposed parking spaces. Staff note the adjacent laneway is approximately 3.0 metres in width.

Staff is satisfied the 3.0 metre wide laneway and the 1.9 metres of manoeuvring space 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.

Staff request the applicant provide a scaled and fully dimensioned site plan drawing to verify the location and size of the proposed parking spaces.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the variances are desirable for the appropriate use of the site 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 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 variances be approved with a condition.

CONDITIONS: (If Approved)

2. That the Owner provide a scaled and fully dimensioned site plan drawing of the subject property to the satisfaction of the Manager of Development Planning, Heritage and Design.

NOTE:

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

Building Division:

1. A building permit is required for the conversion of the existing single family dwelling into a two family dwelling. Be advised that Ontario Building Code regulations may require specific setback and construction types.
2. The variance(s) should be altered to include an additional variance to Section 18A(9) as follows:

“The manoeuvring space for both of the required parking spaces may be provided off-site instead of being provided and maintained only on the lot on which the principle use, building or structure is located”.
3. Detailed plans (elevation drawings, site plan, floor plan) were not submitted as part of this application, and therefore a full review of the proposal for zoning compliance could not be completed.
4. Building Permit No. 19-107999 for alterations to the interior of the single family dwelling to finish 74 m2 of the basement remains not finalized.
5. Building Permit No. 20-154687 for change of use to convert the existing single family dwelling to a two family dwelling remains not finalized.

Development Engineering:

Development Engineering has no comments regarding the Minor Variance Application as proposed.

From: [Kyla Makela](#)
To: [Committee of Adjustment](#)
Cc: [Rob Green](#)
Subject: Public Hearing Input Regarding Application HM/A-20:173
Date: September 29, 2020 10:07:37 AM

Dear Committee of Adjustment,

We are writing to express our concern for the proposed Variance to permit a single-family dwelling conversion at 51 Park Row N.

Our home is adjacent to the property in question.

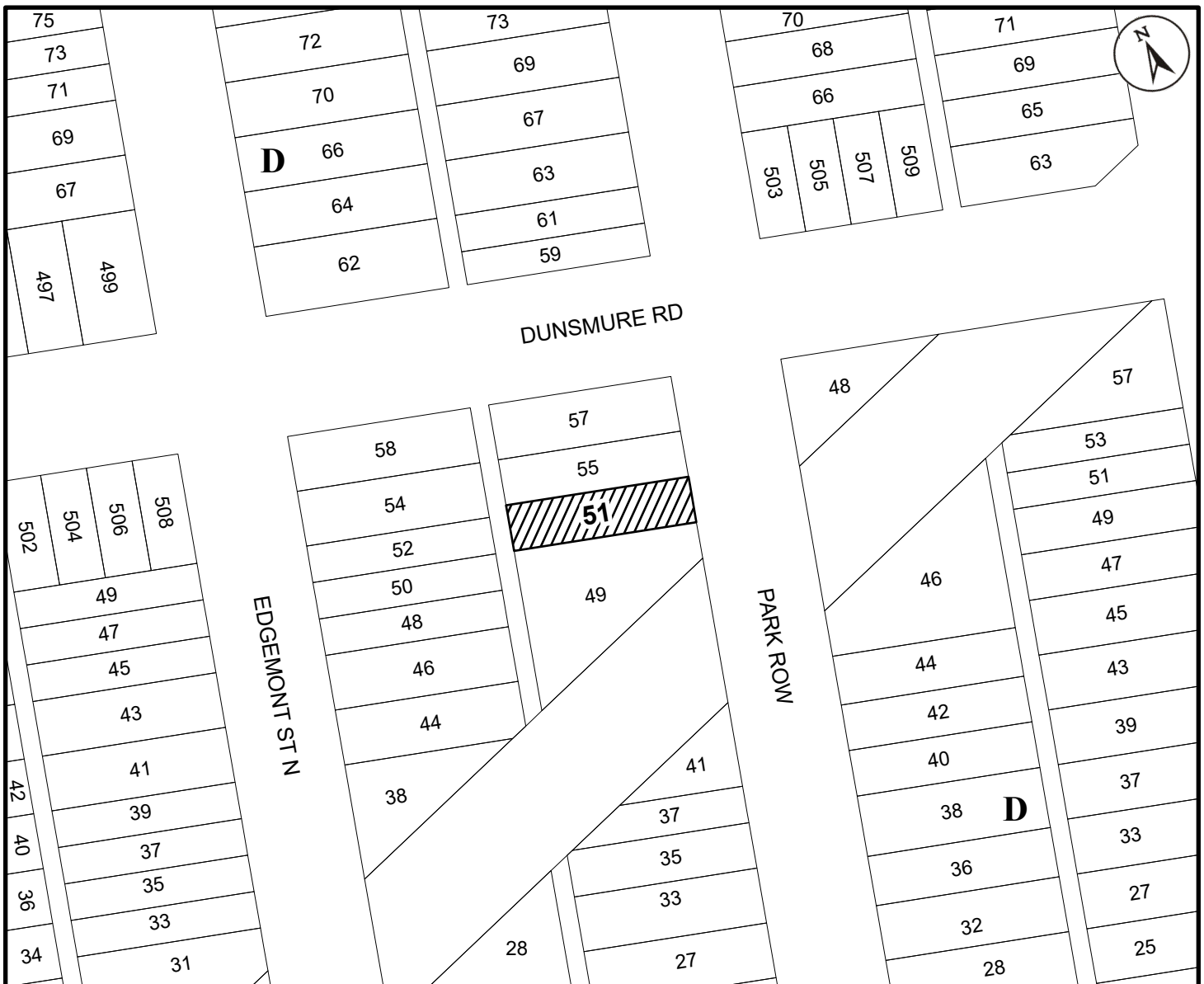
Summary of concerns:

1. The proposed parking solution: There is currently very limited parking available on the streets surrounding the property. Further, the two proposed parking spots must be accessed via the narrow alleyway behind the property. Maneuverability is currently difficult, so residents use street parking.
2. The dwelling in question is a very small home and property, 38 square metres smaller than the code requires, and not conducive to becoming a multi-unit property.

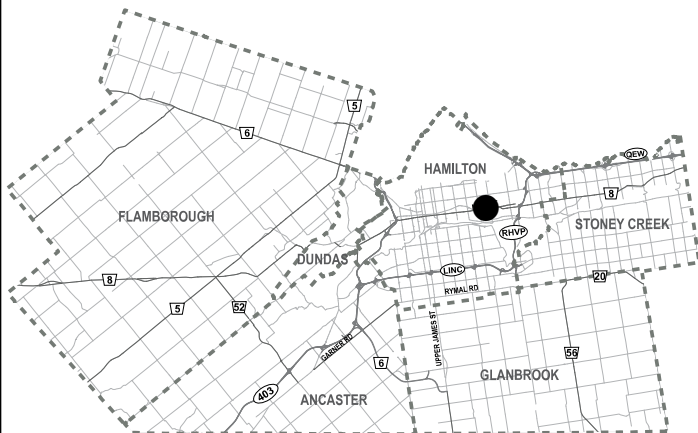
As concerned community members, we thank you for the opportunity to provide input.

Sincerely,

Kyla Makela
Robert Green
647.787.4556



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



51 Park Row North, Hamilton
(Ward 4)

File Name/Number:

HM/A-20:173

Date:

September 21, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:184 (129 Parkdale Ave. S., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conversion of one half of an existing semi-detached dwelling to contain two dwelling units subject to Section 19 of the Zoning By-law, 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 second dwelling units within semi 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) District, which permits semi detached dwellings but does not permit the conversion of one half a semi detached dwelling to contain two dwelling units.

Variance 1

The applicant is requesting a variance to allow the conversion of half of a semi-detached dwelling to contain two dwelling units, notwithstanding the conversion of half a semi detached dwelling is not permitted in accordance with Section 19 of the Zoning By-law.

Section 19 (1) the Zoning By-law states any single family detached dwelling in a "D" District, amongst other districts, may be converted to contain not more than two dwellings. Section 19(1) does not apply to semi detached dwellings as an additional unit would result in a total of three units within the existing semi detached dwelling. Therefore, establishing an additional unit within one half of a semi detached dwelling is not in scope to be considered by the Committee of Adjustment as a Minor Variance application.

In order to establish a third unit within the existing semi-detached dwelling a Zoning By-law Amendment application would be required. The rezoning application would need to be approved by Council.

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 considered minor in nature; therefore, staff do not support the variance.

Variance 2

The applicant is requesting a variance to allow a minimum northerly side yard width of 0.0 metres, notwithstanding the minimum required side yard width of 1.2 metres. The intent of the Zoning By-law is to maintain the consistent streetscape, to allow adequate space for access and drainage, and to avoid any impact on the privacy and enjoyment of the adjacent properties. Staff defers any drainage concerns to Development Engineering Approvals.

The variance recognizes an existing condition and no exterior renovations are being proposed to the existing semi detached dwelling. The variance is maintaining the general intent of the Zoning By-law as Staff do not anticipate any impact the established residential streetscape or the privacy and enjoyment of the adjacent property as a result of maintaining existing conditions.

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 3

The applicant is requesting a variance to allow a minimum of 39.0% of the front yard to be used for landscaped area, notwithstanding the requirement that no less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel or other similar materials. The general intent of the Zoning By-law is to maintain the existing character and streetscape of the neighbourhood.

The variance recognizes an existing condition. The existing proportion of landscaped area in the front yard will be maintained; therefore, Staff do not anticipate any impact the established streetscape. `

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 4

The applicant is requesting a variance to allow a minimum parking space size width of 2.5 metres to be provided, notwithstanding the minimum required parking space width of 2.7 metres. The intent of the Zoning By-law is to allow adequate space to accommodate a variety of vehicles.

The variance recognizes the existing condition of the driveway on the subject property. Staff is satisfied the existing driveway is sufficient in size to contain two parking spaces that will safely accommodate a variety of vehicles.

However, Staff acknowledge only one parking space is required for half of a semi detached dwelling. As establishing an additional unit within one half of a semi detached dwelling is not scope to be considered as a minor variance application, Variance 4 is not necessary to ensure compliance with the Zoning By-law. If the applicant chooses to pursue establishing an additional unit, the size of the parking space can be addressed through the Zoning By-law Amendment application.

Based on the foregoing, Variance 4 is not necessary to ensure the subject property complies with the Zoning By-law.

Recommendation:

Based on the preceding information, Variances 2 and 3 maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. The variances are considered to be minor in nature and desirable for the appropriate use of the property.

Variances 1 does not maintain the general intent and purpose of the Urban Hamilton Official 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.

Variance 4 is not necessary to ensure the subject property complies with the Zoning By-law.

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

Building Division:

1. The notice should be altered to include an extra variance. The variance should read as follows:

A 1.0 m side yard width shall be maintained on the southerly side lot line instead of the minimum required 1.2 m; and

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

Development Engineering:

Development Engineering has no comments regarding the Minor Variance Application as proposed.

See attached for additional comments.

From: [Jacqueline Bishop](#)
To: [Committee of Adjustment](#)
Subject: Application number HM/A-20:184 (129 parkdale ave)
Date: September 22, 2020 12:08:36 AM

Hello,

We received today a letter in the mail regarding a “Notice of public hearing” – Minor Variance.
Regarding address 129 Parkdale.

We would like to let you know that we do approve of the renovations to the property as well as the house its self. We fully support the home owners in their plans.

If you have any further questions please feel free to email this email address, as this is the best way to communicate with us.

Home owner: Adam Peristy, (wife) Jacqueline Bishop
Home address: 121 Glencarry Ave, Hamilton, ON , L8K 3R5
Phone (Adam Peristy): (905)638-5490
Phone (Jacqueline Bishop): (905)-928-6163

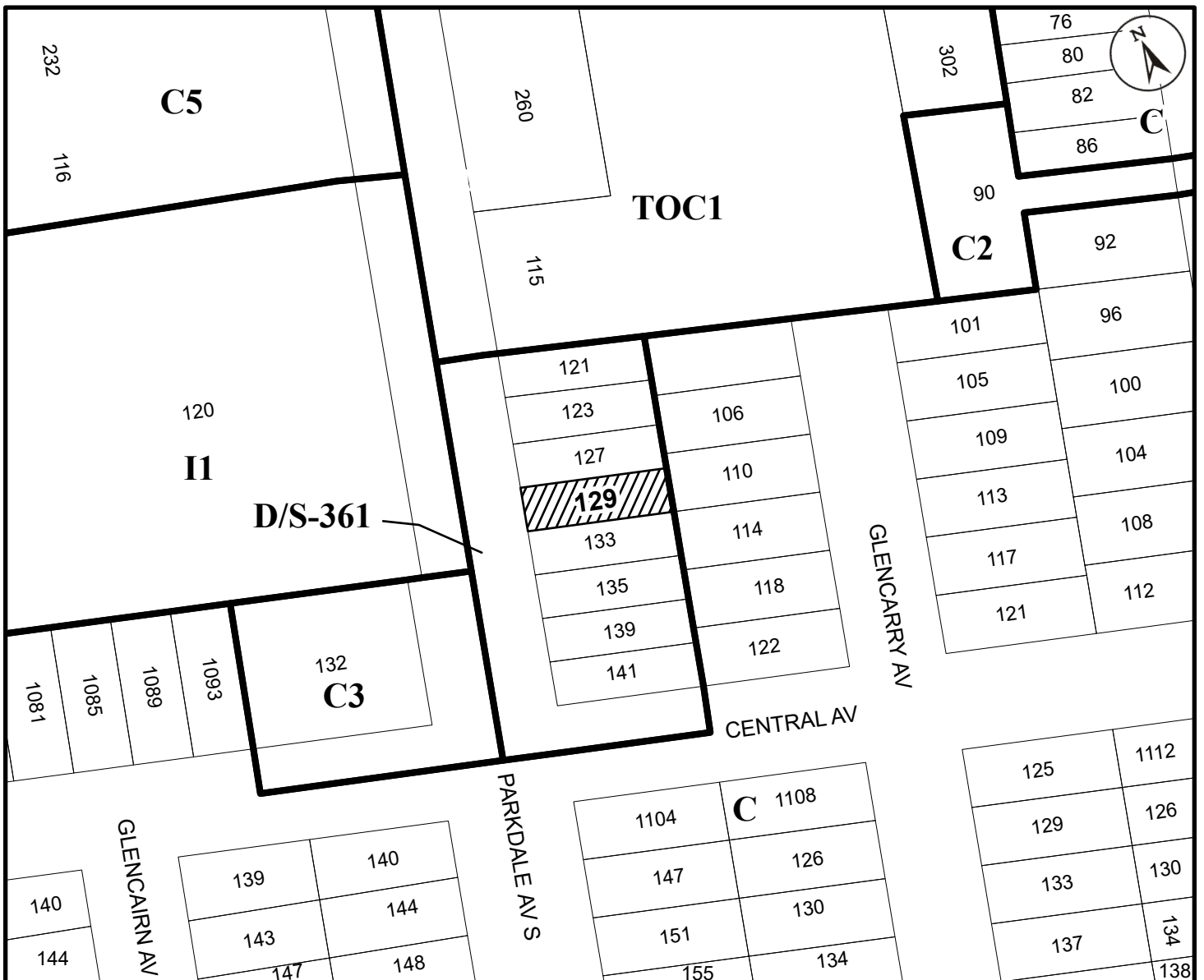
The Public hearing is scheduled for Octorber 1st, but we will not be attending as we have our own personal commitments.

HOWEVER, we would like to say, we approve of the plans .

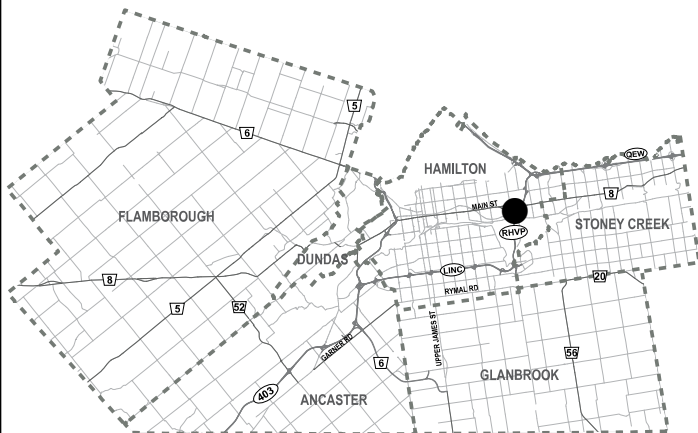
Thank you,

Adam & Jacqueline

Sent from [Mail](#) for Windows 10



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



129 Parkdale Avenue South,
Hamilton (Ward 4)

File Name/Number:

HM/A-20:184

Date:

September 21, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:175 (174 Beach Blvd., 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:

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-20:175 (174 Beach Blvd., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to allow the existing single detached dwelling to be lifted and to permit the construction of a two storey addition to the existing single detached dwelling notwithstanding the following variance. Site Plan Control application DAB-19-151 has been submitted for the proposal but has not received conditional approval to date.

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.2.4.2.2 d), B.3.3.2.6 b), d) and e), B.3.3.3.4, B.3.4.2.1 h), B.3.4.3.6, B.3.4.3.7, E.2.6.7, E.3.2.3, E.3.2.4, E.3.2.7 b), E.3.3.2 and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

Archaeology:

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

- 1) Within 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 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 site plan is approved, Staff requires that a written caution be added to the Site Plan as per the caution note below.

Cultural Heritage:

The subject property is located within the Hamilton Beach Strip Cultural Heritage Landscape (CHL).

Staff have an interest in ensuring that proposed new construction, alterations or additions within CHLs are compatible with the character of the existing landscape. When assessing

compatibility, key considerations include the visual and physical impacts to landscape features such as: building fabric, building set-backs, lot patterning, streetscape features, and significant vistas.

Section B.3.4.2.1 (h) of the Urban Hamilton Official Plan, Volume 1, speaks to the conservation of CHLs.

The Hamilton Beach Strip Cultural Heritage Landscape is characterized by low-density, one to two and a half storey, cottage-style dwellings. Any new construction and landscaping should be consistent with the streetscape and built-form character of the area. Staff are of the opinion the proposed building height of 11.71 metres is not consistent with the established character of the area, as discussed below.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-1436” and “C/S-1436b” (Urban Protected Residential) District, Modified, which permits a single family dwelling.

Variance 1

The applicant is requesting a variance to allow a minimum building height of 11.71 metres, notwithstanding the maximum building height of 11.0 metres. The general intent of the Official Plan and Zoning By-law is to maintain the existing character of the neighbourhood and to avoid an overdevelopment of the site.

The Hamilton Beach Strip Cultural Heritage Landscape is characterized by low density, one to two and a half storey, cottage style dwellings. The other dwellings on the bay side of Beach Boulevard, adjacent to the subject property, are approximately 9.0 metres in height or lower. Staff note the tallest dwelling in the surrounding area appears to be 10.95 metres in height, located across the street at 187 Beach Boulevard.

The general intent of the Urban Hamilton Official Plan is to ensure the height and massing of all development is compatible with the adjacent residential uses and is sympathetic to existing cultural heritage attributes within the cultural heritage landscape (Policies B.2.4.2.2 d), B.3.3.2.6 b), d) and e), B.3.3.3.4, B.3.4.2.1 h), B.3.4.3.6, B.3.4.3.7, E.2.6.7). The variance is not maintaining the general intent of the Urban Hamilton Official Plan as the proposed building height is significantly taller than the other dwellings in the surrounding area. Staff are of the opinion the proposal is not consistent with the established streetscape in terms of height and massing.

The Zoning By-law specifies a maximum building height of 11.0 metres and two and a half storeys. The requested variance will allow the single detached dwelling to have the appearance of a three storey building. There are no other three storey buildings in the surrounding area and therefore the proposed height is not in keeping with the character

of the area. The variance is not minor in nature nor desirable for the appropriate development of the site.

Staff recommend that the applicant reduce the proposed height by revising the design of the home including reducing the significant height of the front entrance. The height may also be reduced by decreasing the pitch of the roof.

Staff note proposed development is subject to Site Plan Control, in accordance with DAB-19-151. This application has not received Conditional Approval to date.

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.

Recommendation:

Based on the preceding information, the requested variance does not maintain the general intent and purpose of the Urban Hamilton Official 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 the variances 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).”

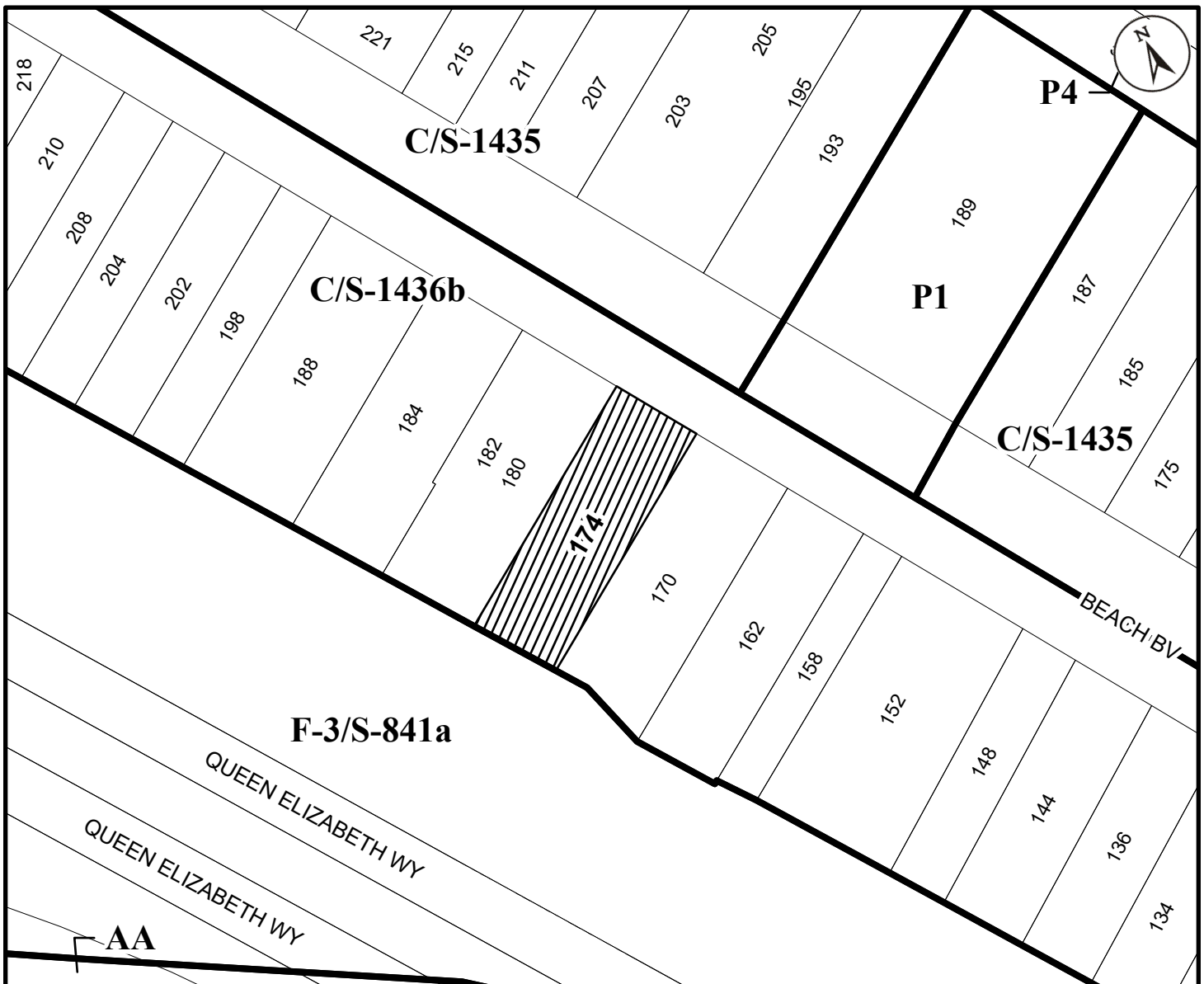
Building Division:

1. The variance has been written exactly as requested by the applicant. This property is subject to Site Plan Control; please be advised that the proposed development has been significantly modified since zoning compliance comments were provided for DAB-19-151. As such, a zoning compliance review has not been conducted the new proposed site plan. Further variances may be required at such time that a formal zoning review is conducted on the revised site plan.
2. The applicant shall ensure building height has been provided in accordance with the definition of “Height” and “Grade” as defined within the Zoning By-law.

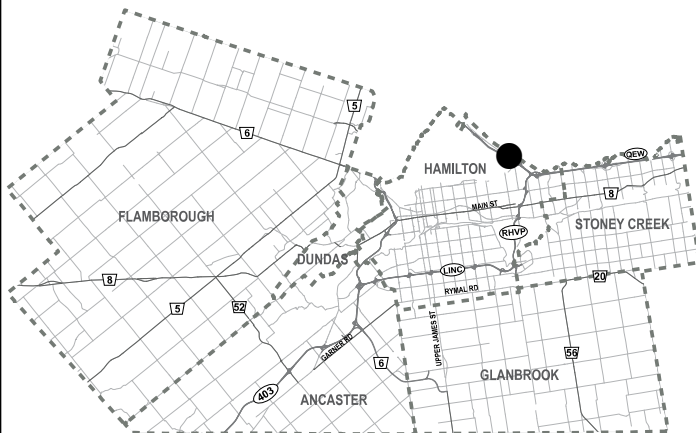
3. Construction of the proposed addition is subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



174 Beach Boulevard, Hamilton
(Ward 5)

File Name/Number:

HM/A-20:175

Date:

September 22, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-19:464 (12 West 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:

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-19:464 (12 West Ave. N., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a combined deck and carport over the parking area at the rear of the existing multiple dwelling notwithstanding the following variance.

The deck/carport is a self-supporting structure attached to the existing building by way of a staircase, therefore it is considered to be part of the principle building.

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 multiple dwellings.

Archaeology:

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

- 1) In areas of pioneer EuroCanadian settlement;
- 2) Along historic transportation routes; and,
- 3) Within 250 metres of known archaeological sites.

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 comprises a dwelling built circa 1900 and is included in the City's Inventory of Buildings of Architectural and/or Historical Interest.

Additionally, the subject property is located within the Landsdale Established Historical Neighbourhood and King Street East Cultural Heritage Inventory.

The proposed deck and carport to the rear of the existing dwelling will not have an adverse impact on the heritage character of the area and staff have no concerns with the proposal.

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1

The applicant is requesting a variance to allow the proposed deck/carport to encroach the entire length of the rear yard and be located 0.0 metres from the rear lot line, notwithstanding the minimum required rear yard of 7.5 metres. The intent of the Zoning By-law is to allow adequate area to allow for sufficient space for access, maintenance, grading and drainage, to accommodate the necessary amenity area for the needs of the tenants and to avoid any impact on the enjoyment and privacy of the adjacent properties. Staff differ grading and drainage concerns to Development Engineering Approvals.

The entire rear yard is currently used as parking for the multiple dwelling, therefore having no landscaped or amenity area in the rear yard is an existing condition. The proposed deck over the carport will allow for the provision of amenity area for the multiple dwelling.

The applicant has addressed Staff’s concerns for overlook onto the adjacent property by revising the proposal to include a visual barrier comprised of a fence and hedge. Staff therefore do not anticipate any adverse impacts on the enjoyment and privacy of the adjacent property, 10 West Avenue North, due to the proposed raised deck.

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

Recommendation:

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

NOTE:

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

notified immediately (416.212.8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.212.7499)."

Building Division:

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

Development Engineering:

Development Engineering Approvals requires a grading plan that demonstrates compliance with the City's Lot Grading Policy. Stormwater run-off from the subject lands must be self contained and not negatively impact the neighbouring lands. As such, we recommend the Minor Variance Application be **tabled**.

See attached for additional comments.

From: [Stephanie Logue](#)
To: [Committee of Adjustment](#)
Cc: [Howard Kiewe](#); [Allen, Jennifer](#)
Subject: Neighbour's Support for Variance Application HM/A-19:464
Date: September 15, 2020 5:35:54 PM

Dear City of Hamilton planning staff and Committee of Adjustment members,

I own [10 West Avenue North](#), Hamilton, which immediately neighbours on [12 West Avenue North](#).

I have spoken with Mr. Howard Kiewe regarding his proposal to construct a combined deck and carport at the rear of this property and have reviewed his revised submission, entitled "Additional Information, Variance Application HM/A-19:464."

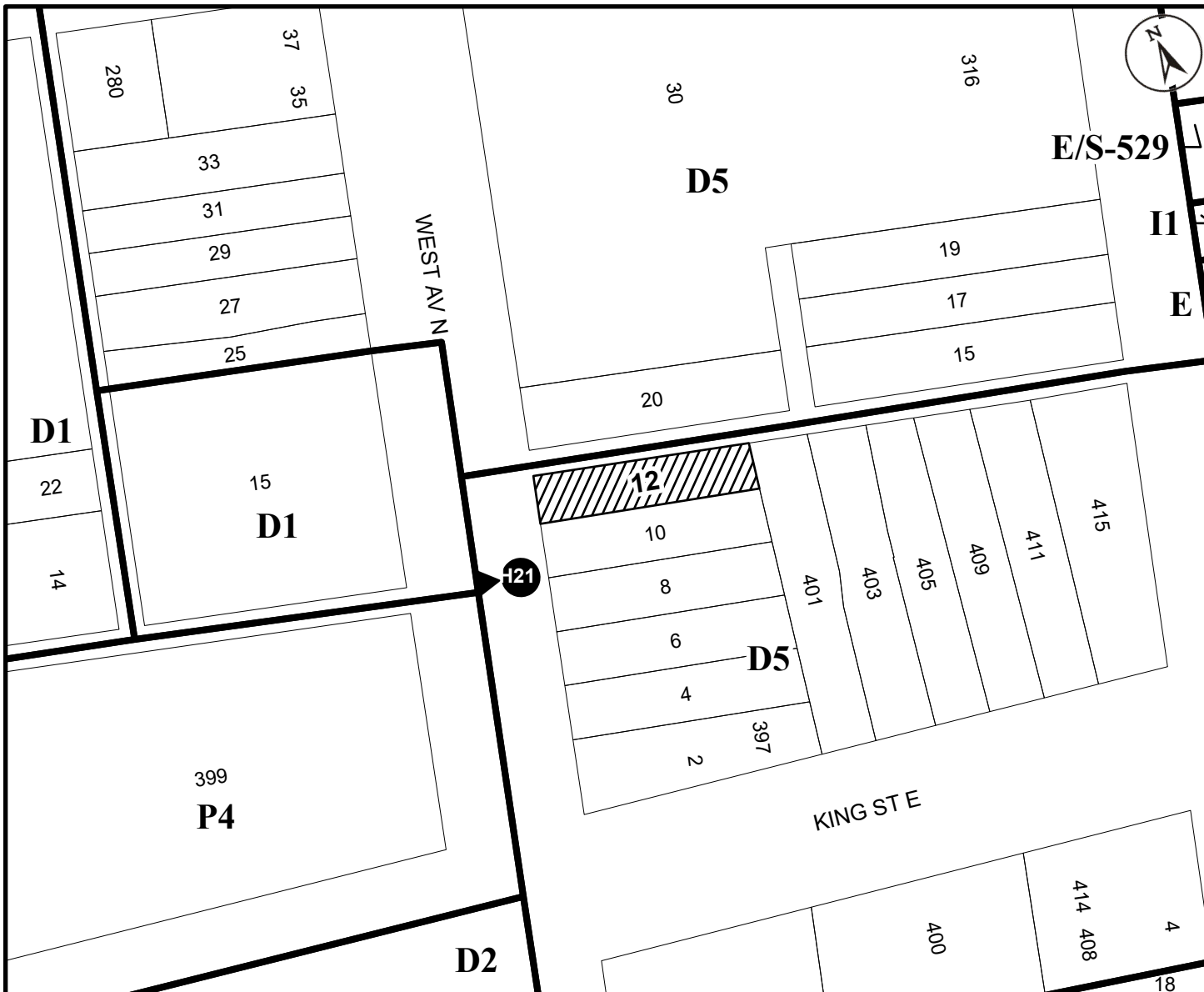
I feel the proposed visual barrier, which includes a high hedge, is sufficient to ensure our backyard privacy while adding greenery to the space. Therefore, I fully support the project.

If you require any additional information, feel free to reply to this email.

Regards,

Stephanie Logue
[10 West Avenue North](#)
[Hamilton, ON](#)

Sent from my iPhone



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



12 West Avenue North,
Hamilton (Ward 3)

File Name/Number:

HM/A-19:464

Date:

September 22, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/A-20:178 (127 Greti Dr., Glanbrook)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of a 41.6 square metre one-storey addition in the rear yard of the existing single detached dwelling, notwithstanding a variance is required to permit the proposed rear yard of 7.3 metres instead of the minimum required 7.5 metre rear yard setback.

Urban Hamilton Official Plan

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

Former Township of Glanbrook Zoning By-law No. 464

The subject lands are zoned Residential “R3-187” Zone, which permits single detached dwellings, subject to the applicable provisions.

Variance 1

A minimum rear yard setback of 7.3 m is proposed for the addition, whereas a minimum of 7.5 m is required by the Zoning By-law. The intent of the provision is to maintain compatibility with adjacent properties and to allow for adequate access, maintenance, drainage and amenity space along the rear yard. Staff defers to Development Engineering Approvals for all drainage concerns. The proposed rear yard setback of 7.3 m is adequate for access and maintenance purposes, and adequate outdoor amenity space is remaining in the opinion of staff. There is a Hydro corridor abutting to the rear, and as such, staff does not perceive any negative privacy or visual impacts as a result of the variance. The proposed reduction by 0.2 m is minor. In the opinion of staff, the variance meets the intent of the Official Plan and the Zoning By-law, is desirable and minor in nature. Staff **supports** the variance.

Recommendation:

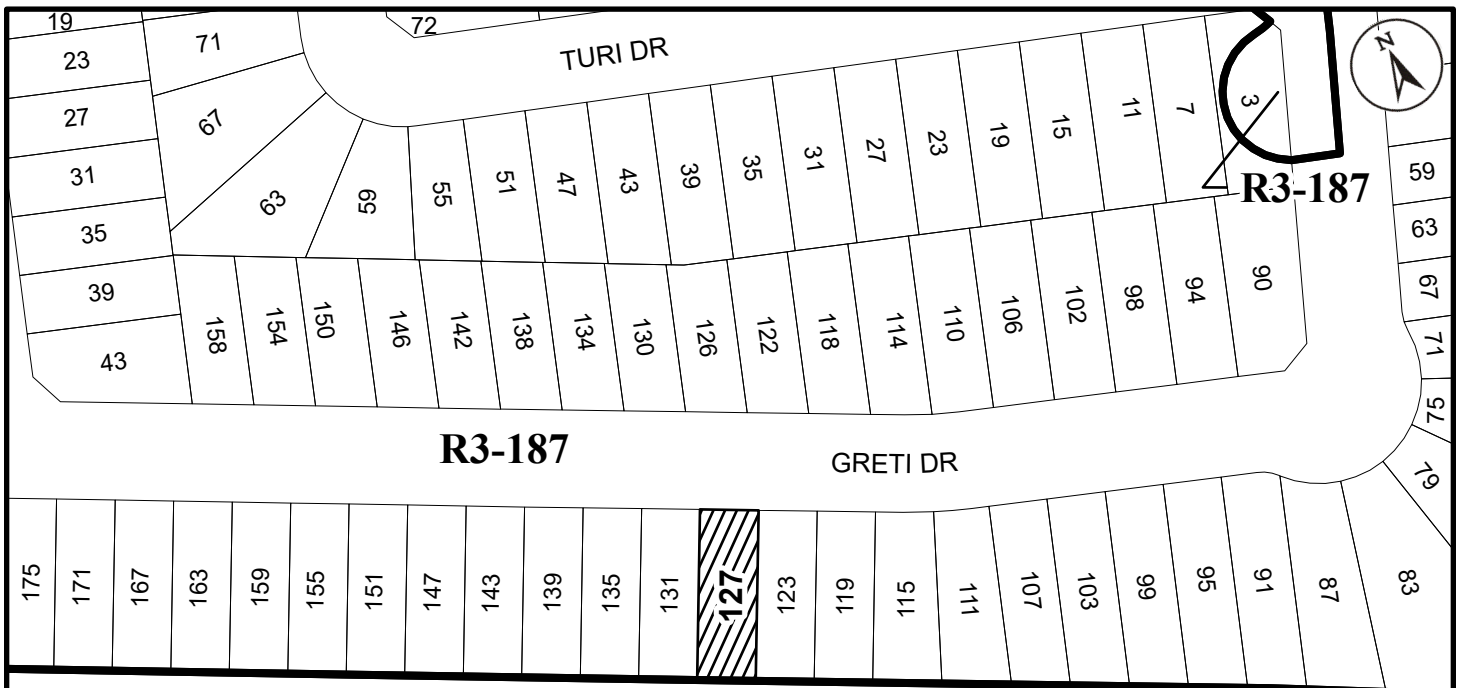
Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that the requested variances maintain the purpose and intent of the Official Plan and the Zoning By-law. The variances are desirable for the appropriate development of the land, and hence minor in nature. Staff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

Building Division:

1. Please be advised that a variance was requested to permit a lot coverage of 43.6% however pursuant to GL/A-10:253, a variance to permit a maximum lot coverage of 45% was previously granted. As such, a further variance to this provision does not appear to be necessary at this time.
2. The swimming pool equipment is required to be at least 0.6m from the side lot line. Further variances will be required if compliance with this provision cannot be achieved.
3. The roof projection of the proposed addition will conform to the yard encroachment provisions of Section 7.26 provided that Variance #1 is granted.
4. A building permit is required in the normal manner for the construction of the proposed addition and pool.

Development Engineering:

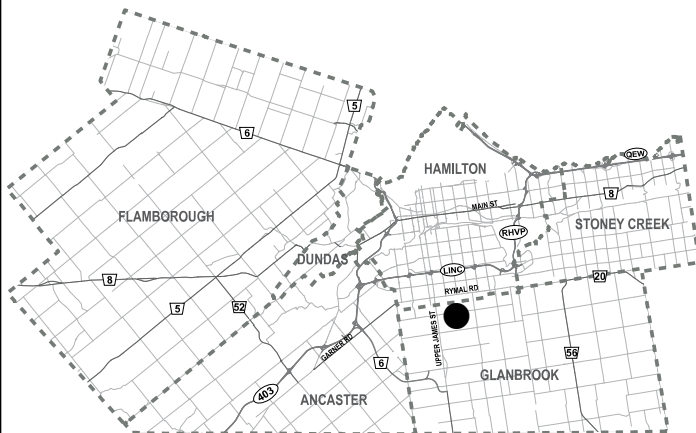
No Comment



A1

A1

● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



127 Greti Drive, Glanbrook (Ward 11)

File Name/Number:

GL/A-20:178

Date:

September 24, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:176 (63 Sherwood Rise, Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the location of the existing 10 square metre accessory structure in the front yard of the single detached dwelling, notwithstanding a variance is required to permit the structure to be located in the front yard.

Staff notes that the applicant requested a variance for a “fence in front yard”; however, fencing is not regulated under the *Planning Act* and is instead regulated by City of Hamilton Fence By-law No. 10-142. The Committee of Adjustment is not empowered to grant variances from the Fence By-law.

Urban Hamilton Official Plan

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

Fencing

The applicant requested a variance to permit the existing fence to remain in the front yard; however, the Committee is not empowered to grant variances from the Fence By-law. It appears that the fencing may exceed the maximum height permitted by the By-law in proximity to the front lot line. There is an approximate distance of ± 4.2 m from the sidewalk to the southerly lot line based on aerial imagery (GISNet). The drawing indicates the fencing is set back 5.5 ft. (1.68 m) from the southerly lot line and so therefore it is located on City property. This is shown in the image below taken during a site visit conducted on September 23, 2020:



Subject lands from the southwest – looking east

The fencing appears to be within the visibility triangle of the driveway of 81 Sherwood Rise. There appears to be two City street trees enclosed behind the fencing. In light of the above, staff recommends that Municipal Law Enforcement be contacted to determine if they have any requirements regarding the fencing, and that Forestry and Horticulture be contacted to determine if they have any requirements with regards to the City street trees.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C” District (Urban Protected Residential, Etc.) which permits single detached dwellings, subject to the applicable provisions.

Variance 1

The accessory building is proposed within the front yard, whereas accessory buildings are not permitted within the front yard by the Zoning By-law. 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.

The structure is not recessed behind the front or the side façade of the dwelling and is proposed to remain at a setback of ± 1 m from the westerly lot line and ± 4 m from the southerly lot line. The existing dwellings along the street provide front yard setbacks of 6 m or greater, and as a result, the structure does not maintain the built street edge along either leg of Sherwood Rise which is not desirable for the streetscape. This is shown in the images below.



Subject lands from the south – looking north (September 23, 2020)



From southeast of the subject lands – looking west (September 23, 2020)

The structure is obtrusive in this location and is not compatible with the neighbourhood character, and as a result, staff is of the opinion that the variance is not minor in nature. It is not desirable to permit development that negatively affects the streetscape or is out of the neighbourhood character. Based on the foregoing, while staff is of the opinion that while the variance maintains the intent of the UHOP, the variance does not maintain the intent of the Zoning By-law, and it is not minor or desirable for the appropriate development of the lands.

Recommendation:

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

Building Division:

1. The subject property is a corner lot. On corner lots where there are two street lines, the Zoning By-law permits an owner to determine the front property line. Based on the issuance of the building permit in 1962 and the compliance of yard requirements, the front property line is considered to be the southerly property line and the westerly property line is the flankage yard.

2. The application is written as requested by the applicant to address an existing accessory structure.
3. The application did not include an Elevation Plan. Therefore, if the accessory structure is greater in height than 4.0 metres, an additional variance shall be required.
4. The Zoning By-law requires that in a residential district, no accessory building /structure shall be erected on a corner lot at a distance from the street line less than the depth of front yard required for a dwelling on the adjoining lot, except where such accessory building is separated from the adjoining lot by a distance at least as great as the depth of the required rear yard, in which case it need not be further from the street line than the width of the required side yard. Based on the sketch provided and available information, the accessory structure would be separated from the adjoining lot by a distance greater than the required rear yard and would therefore comply to this requirement.
5. Building Action Request (Permit #20-175951) determined that a Building Permit is not required for the proposed accessory structure because the area is less than the required 10 square metres (108 square feet). The matter is therefore being addressed under the Zoning By-law for the requested variance.

Development Engineering:

Development Engineering has no comments regarding the Minor Variance Application as proposed provided the existing drainage patterns are maintained.

See attached for additional comments.

From: [Flynn, Sanja](#)
To: [Mignano, Martha](#)
Subject: FW: FW: 63 Sherwood Rise
Date: September 28, 2020 9:19:39 AM

Hi Martha,

Can this email be added to the above file? It is being heard on October 1, 2020 and I was waiting for a response back from Traffic. I have also forwarded a copy for the homeowner (applicant).

Thanks,
Sanja

From: Joe Didionisio <joepeterdidionisio@gmail.com>
Sent: September 27, 2020 4:01 PM
To: Flynn, Sanja <Sanja.Flynn@hamilton.ca>
Subject: Re: FW: 63 Sherwood Rise

Hey i really need to get this information to the Committee how do i do this ?

On Sun., Sep. 27, 2020, 2:16 p.m. Joe Didionisio, <joepeterdidionisio@gmail.com> wrote:

Anyway to get this to the Committee members before Thursday??

On Fri., Sep. 25, 2020, 1:40 p.m. Flynn, Sanja, <Sanja.Flynn@hamilton.ca> wrote:

Hi Joe,

I received this today from the Traffic Department and thought you may want a copy of it.

Sanja

From: Krantz, Ryan <Ryan.Krantz@hamilton.ca>
Sent: September 25, 2020 8:46 AM
To: Flynn, Sanja <Sanja.Flynn@hamilton.ca>
Cc: Rynar, Lee <lee.rynar@hamilton.ca>
Subject: RE: 63 Sherwood Riseo

Good morning Sanja,

I went out to Sherwood Rise yesterday to review the sightlines around the fence. Based on the sightlines available at the location, Roadway Safety does not have any concerns with the placement of the fence. I know you had mentioned the possibility of parking restrictions along the inner curve to keep sightlines clear – this may be a good idea. I don't know the demand for on-street parking along this section, but sightlines could be an issue with vehicles parked on the

curve. However, this is due more to the sharpness of the curve and not the fence.

Regards,

Ryan Krantz, C.E.T.

Project Manager, Roadway Safety (Acting)
Public Works
Transportation Operations & Maintenance, City of Hamilton
(905) 546-2424 Ext. 5663

The City of Hamilton encourages physical distancing and increased handwashing. Learn more about the City's response to COVID-19 www.hamilton.ca/coronavirus

From: Flynn, Sanja <Sanja.Flynn@hamilton.ca>

Sent: Friday, September 18, 2020 2:59 PM

To: Krantz, Ryan <Ryan.Krantz@hamilton.ca>

Cc: Rynar, Lee <lee.rynar@hamilton.ca>

Subject: 63 Sherwood Rise

Good Afternoon Ryan,

I received your contact information from my co-worker, Sharla Armstrong.

I attended a meeting last night with the complainants and Councillor Jackson. I am requesting that if possible could you please attend to assist if the fence in question is in a violation. According to our fence by-law for the visibility and the measurements we use it complies.

I would be willing to meet you out there so I may learn from you. We are looking for another opinion on this.

Thank you,

Sanja Flynn
Zoning Examiner/Enforcement Officer
Municipal Law Enforcement
Licencing and By-law Services Division
City of Hamilton
77 James Street North, Suite 250
Hamilton, Ontario
L8R 2K3
Phone: (905) 546-2424 ext. 2942
Cell: (905) 973-0680
Fax: (905) 643-1198
sanja.flynn@hamilton.ca

From: [Joe Didionisio](#)
To: [Committee of Adjustment](#)
Subject: 63 sherwood rise
Date: September 21, 2020 11:00:03 AM

First picture is of 72 sherwood rise were the complaint says my structure is blocking his line of site. This picture was taken from the sidewalk directly in front of his driveway.

Second picture is 68 sherwood rise were the complaint also says that my structure is blocking there line of site. This picture was taken from the sidewalk directly in front of there driveway.

As you can clearly see my family's gazebo structure is in no way blocking any of the complaints line of site.

They both have clear line of site in both directions of traffic.

Also have more letters from residents on my street who have commend us for finally being able to turn our home 63 sherwood rise into a fantastic live environment not just for us as a family but for our community. Thank you for your time and consideration

Joesph and Rebecca Didionisio

From: [Joe Didionisio](#)
To: [Committee of Adjustment](#)
Subject: Re: 63 sherwood rise Hamilton l8t1p1
Date: September 21, 2020 11:32:41 AM

This is a letter from my daughters therapist. My daughter suffers from a mid lever autism. This structure was build so that over covid lock down she was able to do her therapy outdoors were it was safe.

On Mon., Sep. 21, 2020, 11:14 a.m. Joe Didionisio, <joeypeterdidionisio@gmail.com> wrote:
| Added letter from my community neighbor

From: [null GREER](#)
To: [Committee of Adjustment](#)
Cc: [Jackson, Tom](#); [Rogers, Sara](#)
Subject: Notice of public hearing application HM/A-20:176
Date: September 25, 2020 10:09:30 AM
Importance: High

We have received notice of the public hearing in regards to the application **# HM/A-20:176 (63 Sherwood Rise)** that is scheduled on Thursday, October 1 at 3:15pm

I would appreciate clarification on the application prior to the cut off for the hearing written submissions which would be Tuesday, September 29th, as the response received may impact our participation in the hearing (written or verbal).

The notice of the public hearing clearly indicates the proposal is for “ to permit a ten square meter accessory structure (gazebo) for a single family dwelling” . However the application from the homeowner in item #6 indicates: “ shed and fence in front yard”.

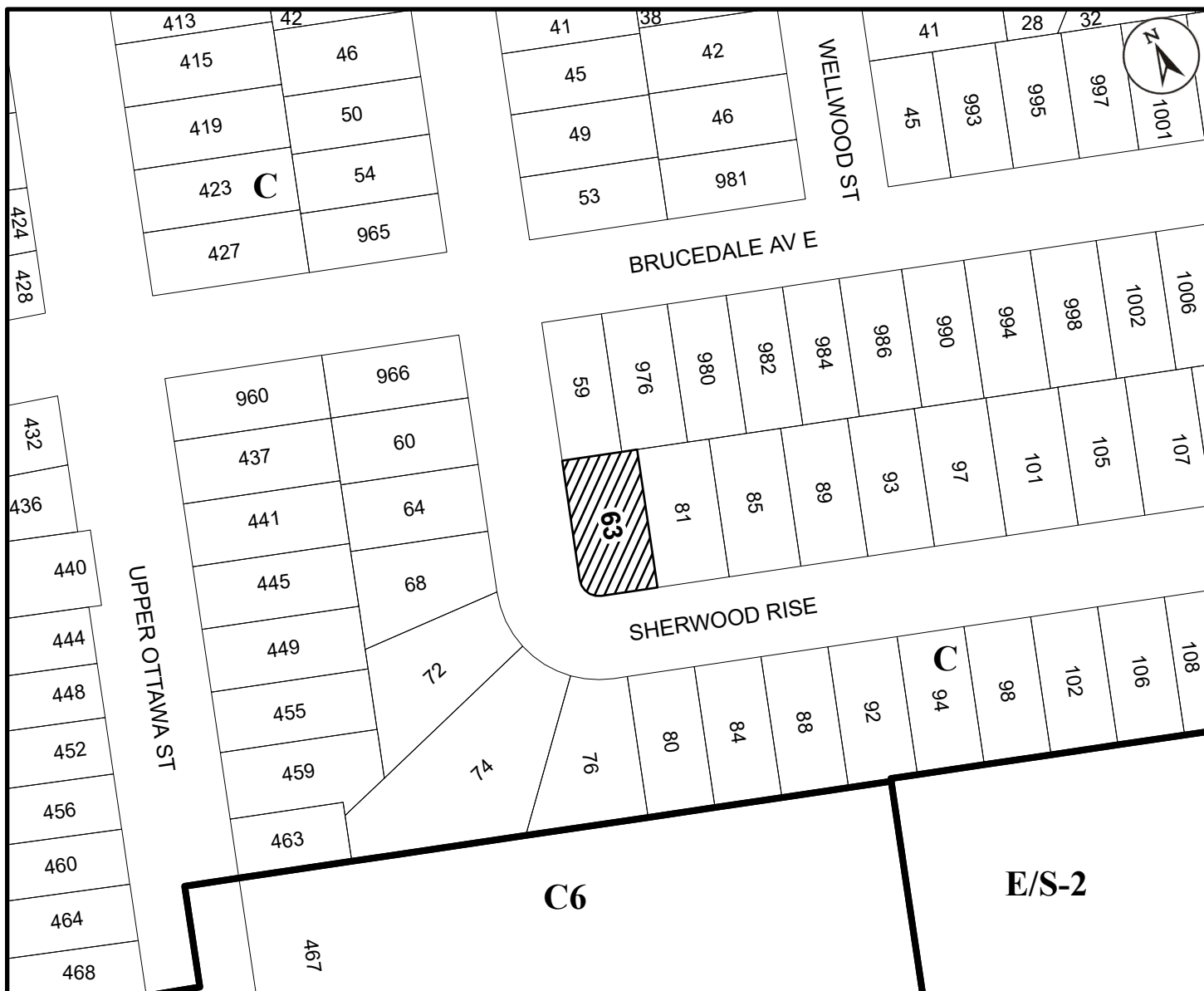
We have concerns with the current fence configuration that has been recently build in the front, side and back yard, and have been in contact with City of Hamilton Bylaw as well as our councilor Tom Jackson to seek clarification concerning the safety implications of the fence structure that has been constructed on a corner lot.

Prior to the cut off for the hearing (Tuesday Sept 29th) , I would like to confirm that the hearing is in regards to only the structure and not the front and side/back yard fence (location, height etc) . It appears that the structure is currently attached to the fence and we would not expect that this committee’s decision would impact the outstanding concerns in regards to the fence.

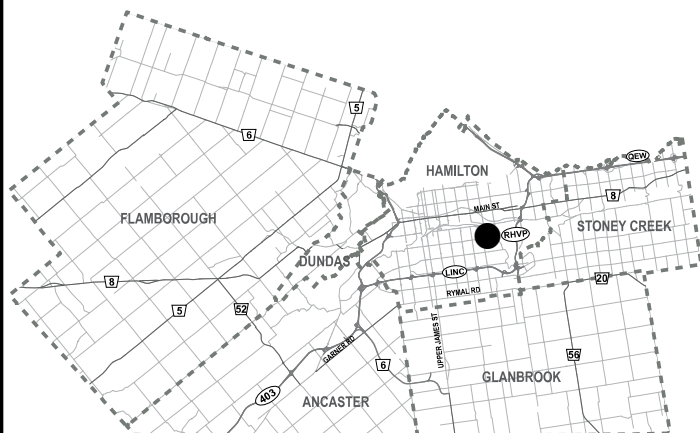
We may be contacted by email at greerb@rogers.com or by phone 905-574-7184

Thank you for your assistance

Bruce and Lisa Greer
72 Sherwood Rise
Hamilton



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



63 Sherwood Rise, Hamilton
(Ward 11)

File Name/Number:

HM/A-20:176

Date:

September 24, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT