

FL/A-20:260 – 143 Rockcliffe Rd., Flamborough

Consolidation Report

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

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

1. The production of a Vegetation Preservation Plan (VPP) to the satisfaction of the Niagara Escarpment Commission (NEC) and the City of Hamilton prior to building permit issuance.
 - The plan must show the limit of work. Grading within the area of DC cannot be altered; grading must be limited to the area of work and the existing grades must be retained at the limit of work.
2. Tree protection fencing must be installed across the width of the site to protect the trees within the area of Development Control to the satisfaction of the NEC.
 - Where there is insufficient space to adequately install tree protection fencing to be inline with the City of Hamilton's guidelines (particularly at the southeast corner of the proposed dwelling), the use of mats and/or plywood must be used to alleviate soil compaction within the dripline.

FL/A-20:260 – 143 Rockcliffe Rd., Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a new 2 storey single detached dwelling.

Urban Hamilton Official Plan

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

- “E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.
- E.3.4.3 Uses permitted in low density residential areas include single-detached, semidetached, duplex, triplex, and street townhouse dwellings.”

The subject lands are located within an established subdivision and the applicant is proposing to demolish the existing dwelling and to construct a new 2 storey single detached dwelling. The proposal is sympathetic to the prevailing character of the neighbourhood. As such staff are of the opinion that the intent of the Urban Hamilton Official Plan is maintained.

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

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

Cultural Heritage

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

- 1) Within 250 metres of known archaeological sites;

- 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) In the vicinity of distinctive or unusual landforms.

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

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

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

Variance 1

The applicant is seeking a variance to allow for a maximum space of 406.2 square metres to be permitted instead of the required maximum floor space of 372 square metres.

Staff note that the proposal is to construct a new 2 storey single detached dwelling, which is in keeping with the prevailing character in the surrounding neighbourhood and is experiencing gradual change. Staff do not perceive a negative impact on any surrounding properties by permitting an increase from the maximum floor space provisions of the By-law. Therefore, the variance meets the intent of the Zoning By-law,

is minor and appropriate for the development of the subject property. Accordingly, staff **support** the variance.

Recommendation:

Based on the preceding information, the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan as well as the Former Town of Flamborough Zoning By-law No.90-145-Z. The 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. A demolition permit is required for the demolition of the existing single detached dwelling.
2. A building permit is required for the construction of the proposed 2 storey single detached dwelling.

Development Engineering:

No comments.

See attached for additional comments.

From: [Loiacono, Johnpaul \(MNR\)](#)
To: [Costa, Samantha](#)
Cc: [Committee of Adjustment](#)
Subject: RE: January 21st 2021 Agenda Available!
Date: January 19, 2021 9:52:53 AM
Attachments: [image004.png](#)

Good morning,

NEC staff have reviewed the agenda for the upcoming meeting on January 21, 2021.

The following items pertain to lands that are subject to the policies of the Niagara Escarpment Plan (NEP).

-21 Summit Avenue (HM/A-19:427)

21 Summit Avenue is located within the NEP area and it is designated Urban Area, however it is outside the area of Development Control (DC). The building envelope/height is not being altered and no further visual impact is being introduced to the Escarpment. NEC staff have no objections to this application.

-143 Rockcliffe Road (FL/A-20:260)

NEC staff has concerns with this application. The site is located within NEP area and within the area of Development Control (DC). The (approximate) front third of the site is designated Urban Area and the rear is designated Escarpment Natural Area. The Escarpment Natural Area is also under DC, which requires a development permit if this section of the site is altered. The proposed two-storey dwelling does not directly alter the area of DC, however the setback at the rear, from the proposed deck, is less than 0.5 metres from the area of DC. The NEC would be supportive of this application if the rear yard setback were increased to provide better protection of the vegetation (policies 1.7.5.4 & 1.7.5.9.a). The increased setback would diminish the impact to the Escarpment Natural Area that may be disturbed to accommodate the proposal. There are concerns about compacting the soil that could injure or kill the trees.

Provided the rear yard setback is increased, to provide more appropriate protection of the Escarpment Natural Area, the NEC would have no objection to the application subject to the following conditions:

- The production of a Vegetation Preservation Plan (VPP) to the satisfaction of the NEC and the City of Hamilton prior to building permit issuance.
 - The plan must show the limit of work. Grading within the area of DC cannot be altered; grading must be limited to the area of work and the existing grades must be retained at the limit of work.
- Tree protection fencing must be installed across the width of the site to protect the trees within the area of Development Control
 - Where there is insufficient space to adequately install tree protection fencing to be inline with the City of Hamilton's guidelines (particularly at the southeast corner of the proposed dwelling), the use of mats and/or plywood must be used to alleviate soil compaction within the dripline.

Thank you,
Johnpaul

Johnpaul Loiacono

Senior Planner

Niagara Escarpment Commission

232 Guelph Street | Georgetown, ON | L7G 4B1

Tel: 289-924-1315 | **Website:** www.escarpment.org

Please let me know if you require communication supports or alternate formats.

In order to ensure a safe and secure environment for staff and clients and in response to recommendations by health professionals, the NEC offices are closed to the public until further notice. The NEC is continuing to provide services via email and telephone. Updates can be found on our website: <https://www.escarpment.org/Commission/COVID19>

January 12, 2021

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

Attention: Samantha Costa

File# FL/A-20:260

Re: 143 Rockcliffe Rd

In response to your correspondence dated January 5, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.

From: [Michelle Caissie](#)
To: [Sheffield, Jamila](#); [Committee of Adjustment](#)
Cc: [Ola Panczyk](#)
Subject: Minor Variance - FL/A-20:260 (143 Rockcliffe Road)
Date: January 13, 2021 9:25:55 AM

Good Morning:

We are in receipt of the above noted circulation. Please note that Conservation Halton does not regulate the property and have no concerns with the proposed development. We will not be providing formal comment.

Regards
Michelle

Michelle Caissie
Service Coordinator – Planning & Regulations
Conservation Halton
2596 Britannia Road
Burlington, ON L7P 0G3
905-336-1158 x.2227
www.conservationhalton.ca

X: 588927.12321
Y: 4796925.90478

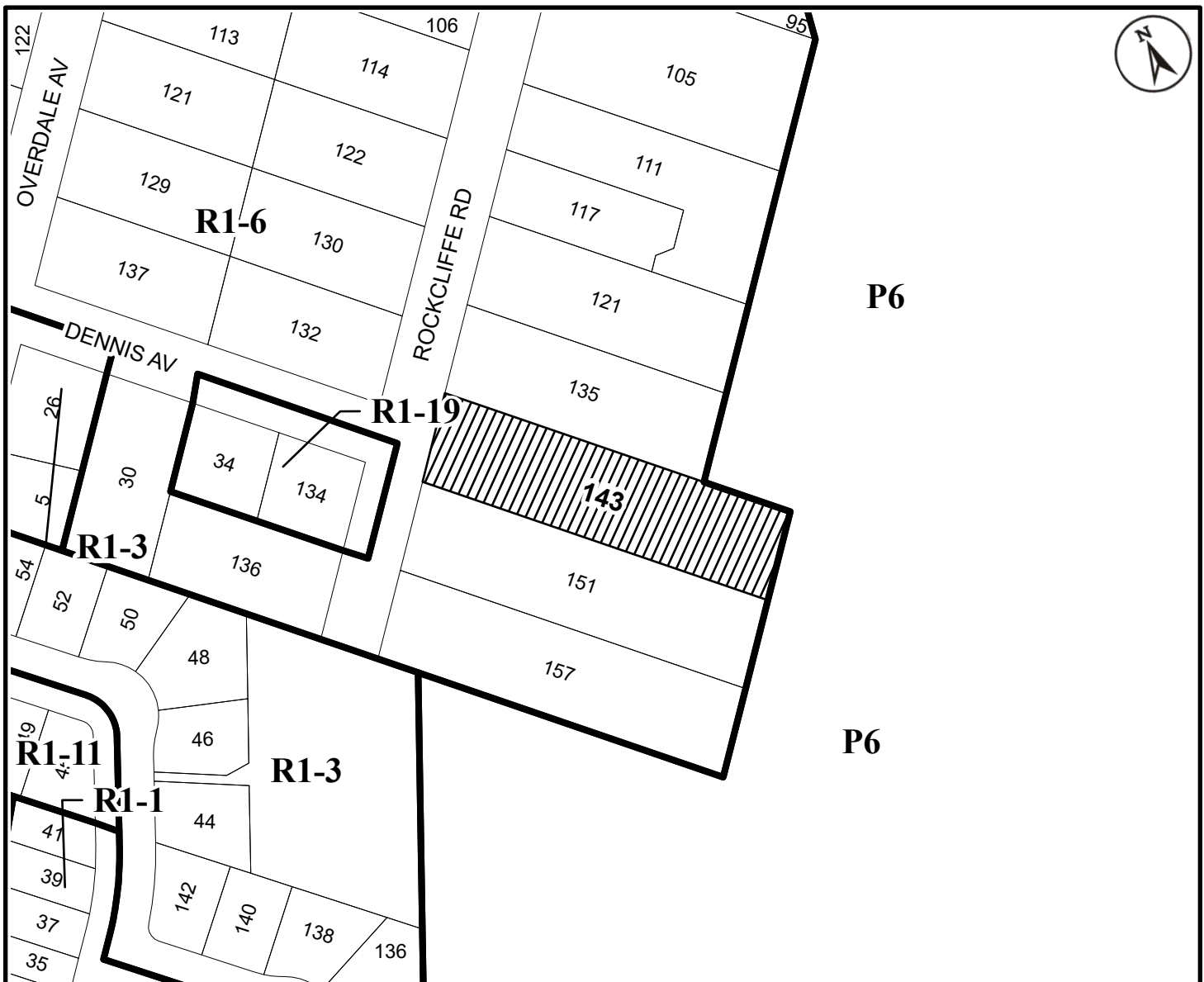
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

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

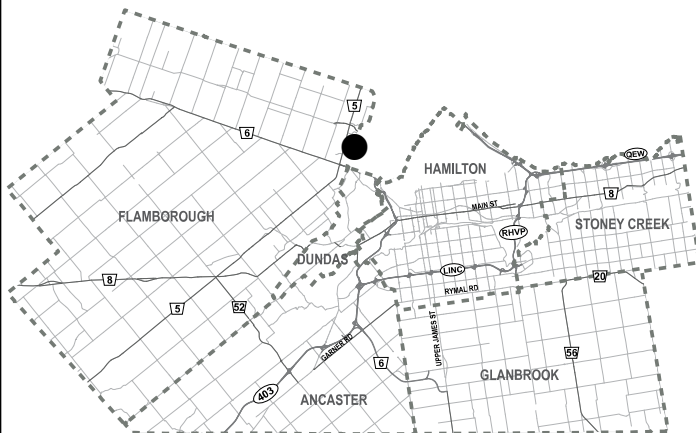
Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



143 Rockcliffe Road, Flamborough
(Ward 15)

File Name/Number:

FL/A-20:260

Date:

January 12, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

DN/A-20:253 – 34 Ann St., Dundas

Consolidation Report

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

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

DN/A-20:253 – 34 Ann St., Dundas

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a proposed 1 storey addition including stairs to the existing single-detached dwelling.

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). Policies E.3.4.3, amongst others, are applicable and permit a single detached dwelling.

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

The subject lands are zoned "R2" (Single Detached Residential) in the Town of Dundas Zoning By-law No. 3581-86, to which the use complies.

Variance 1

The applicant is seeking a variance for a minimum front yard setback of 0.4 m to be provided instead of the minimum required 6.0 m front yard setback.

The proposed variance facilitates the construction of a 1 storey addition including stairs to the existing single-detached dwelling. Staff are satisfied that the subject property is large enough to accommodate the proposed addition and that the 0.4m front yard is a minor reduction given that the majority of the setback along that frontage is over 6m wide. Also, the proposed addition is within an area where the distance from the house is closest to the property line, which is a pre-existing condition, and which is a common occurrence among other lots where the building envelope is closer to the front lot line. In addition, there is also a 6m City boulevard between the front property line and the road allowance which provides for a deeper setback for the proposed addition. Staff are satisfied the proposed variance will have no impact on the neighbouring properties, nor reduce the liveability of the property. Therefore, the variance is minor in nature. Accordingly, **staff support** this variance.

Variance 2

The applicant is seeking a variance for the eaves and gutters to be permitted to encroach the entire depth of the front yard and be 0.0 m from the front lot line instead of the maximum permitted encroachment of 1.5 m into a required front yard while providing a minimum distance of 1.5 m to the front lot line.

Staff note that the proposed variance facilitates the construction of the 1 storey addition to the existing single detached dwelling. Staff are aware that due to the irregular shape of the lot, and the angular position of the existing dwelling, the proponent must seek the subject variance in order to construct the proposed addition, as such staff consider this situation as a pre-existing condition. Furthermore, the 1 storey addition happens to be at the closest point between the dwelling and the front lot line which is a pre-existing condition and as such the eaves and gutters will encroach at 0.0m of the front yard. In addition, the irregularities in the positioning of dwellings with respect to the front lot line are a common occurrence within this neighbourhood and in regard to the streetscape, staff do not foresee issues with the proposed variance. In staff's opinion, the proposed 1 storey addition maintains the intent of the Zoning By-law and the variance is addressing a pre-existing condition which will not have any negative impact on the adjacent property and the surrounding neighbourhood. Accordingly, **staff support** the variance.

Variance 3

The applicant is seeking a variance for a minimum of 49 % front yard landscaped area to be provided instead of the minimum required 50 % landscaped area.

Staff note that in spite of the proposal to include an addition within the front yard of the existing single detached dwelling, the applicant still provides a sufficient amount of front yard landscaped area, with the landscaping making up 49% of the front yard. Staff note that this is only 1% lower than what the By-law permits and as such, the variance is minor in nature and appropriate for the development of the subject property and is compatible with the character of the neighbourhood. Accordingly, **staff support** the variance.

Variance 4

The applicant is seeking a variance for no parking to be provided on site instead of the minimum required 1.0 space per dwelling unit.

Staff note that the subject variance is triggered as a technicality, due to the proposed addition, and is considered as a pre-existing condition within the property. Staff note that the property does not enough space to accommodate parking within the front yard without encroaching into the City owned boulevard. Staff recognize that this is a common occurrence within the subdivision and regard this as a pre-existing condition. Therefore, the variance is minor and appropriate for the development of the subject property. Accordingly, **staff support** the variance.

Recommendation

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and Former Town of Dundas Zoning By-law. The variances are considered to be minor in nature and desirable for the

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

Building Division:

1. A building permit is required for the construction of the proposed addition.

Development Engineering:

No comments.

See attached for additional comments.

January 12, 2021

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

Attention: Samantha Costa

File# DN/A-20:253

Re: 34 Ann St.

In response to your correspondence dated January 5, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Existing location and height of meter base is in conflict with proposed side planter and patio stair location. Meter base will have to be raised to meet standard height. Contact ICI department for requirements prior to construction.

We would also like to stipulate the following:

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

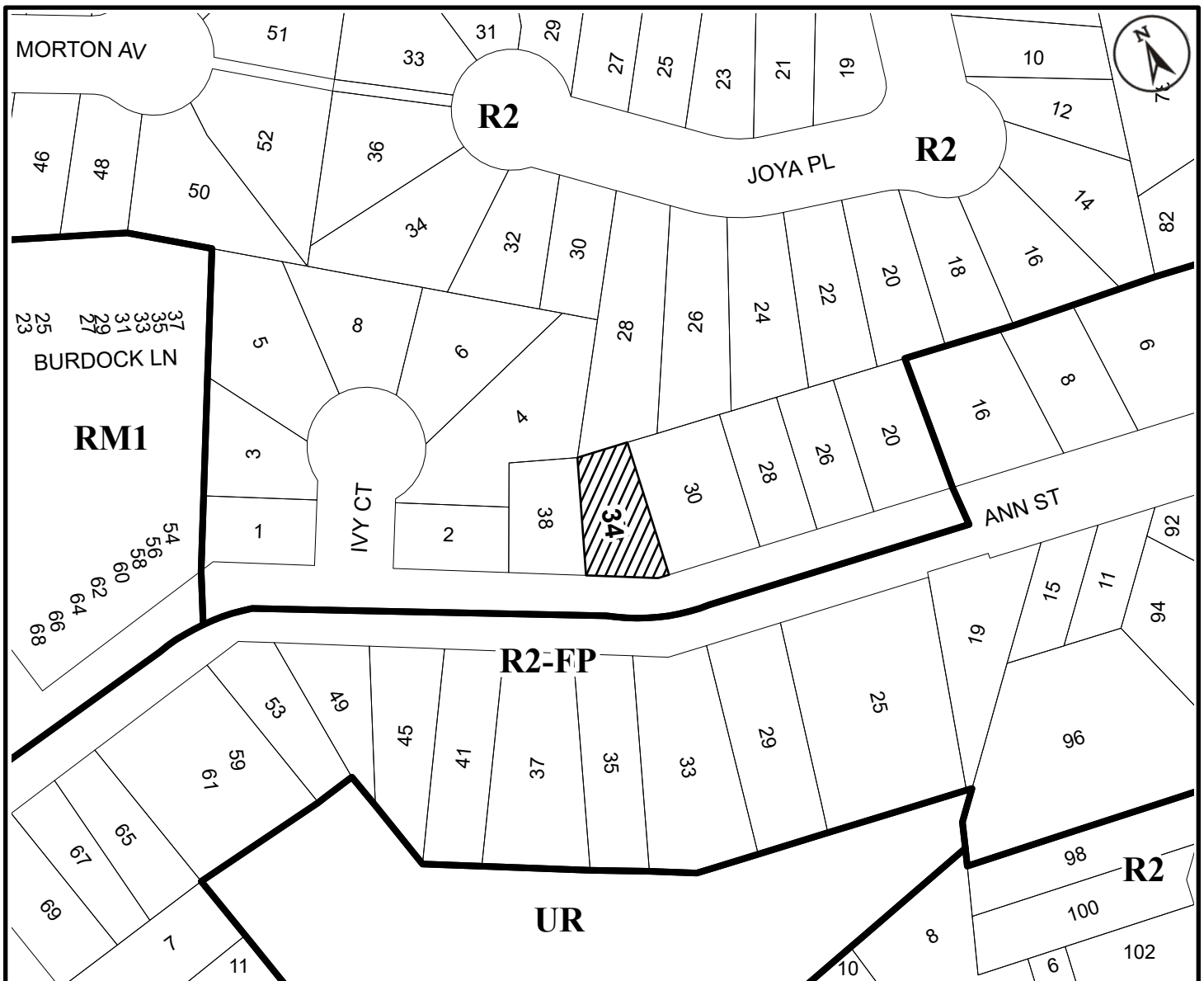
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section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

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

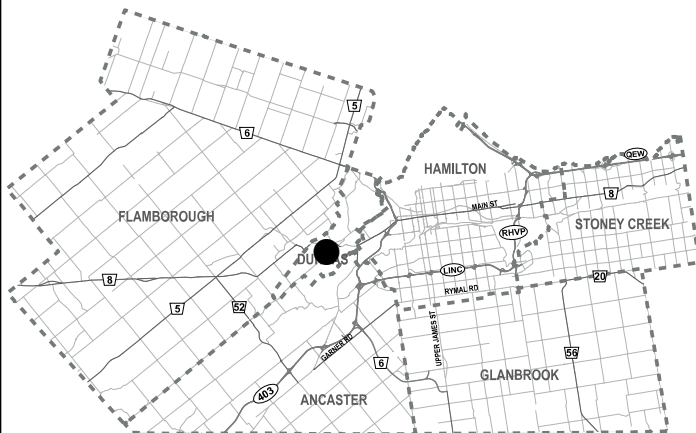
Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



34 Ann Street, Dundas (Ward 13)

File Name/Number:

DN/A-20:253

Date:

January 12, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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

Consolidation Report

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

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

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

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

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

Provincial Policy Statement

Staff have reviewed the proposal against the PPS (2020). The following policies, amongst others, are applicable.

“1.1.5.8 Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices should be promoted and protected in accordance with provincial standards. “

The applicant operates an existing greenhouse operation on the subject property and is proposing to add an expansion to the existing operation through Site Plan Control application SPAR-18-196. The operation is labour intensive, and they require on-site labour for growing, packaging and shipping purposes. Therefore, the existing and proposed greenhouse operation will be facilitated by this proposal. The proposed expansion will enable the continuing agricultural viability of agriculture. Based on the above, the proposal is consistent with the policies of the PPS.

Greenbelt Plan

The subject lands are designated “Protected Countryside” in the Greenbelt Plan. The following policies, amongst others, are applicable:

“3.1.4.2 Rural lands may contain existing agricultural operations

As the existing agricultural operation is being expanded, the use is permitted and promoted within the Rural Lands in the Greenbelt Plan. The proposed agricultural greenhouse operation and associated farm labour residence is permitted as they constitute agricultural uses within the definition of Agricultural uses in the Greenbelt Plan.

Rural Hamilton Official Plan

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

“2.1.1.3 Farm greenhouses are greenhouses used primarily for the growing of crops for off-site wholesale. Farm greenhouses may be permitted provided the following conditions are met: (OPA(R)-5)

- a) Site Plan approval shall be required to address appropriate building location, storm water management and drainage; and
- b) Any goods or materials offered for sale shall be limited to small scale retailing of products grown and produced primarily on site in accordance with the policies of Section D.2.1.3.2 c) of this Plan for on-farm secondary uses.”

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

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

Farm Labour Residence: means secondary accommodations provided for full-time farm labour where the size and nature of the farm operation requires additional employment in the form of either of the following:

- a) An accessory apartment attached to and forming part of the principal farm residence; or

- b) An accessory detached dwelling of temporary construction, such as a mobile home or bunk house, located in close proximity to the farm cluster (OPA(R)-9)

Currently, staff are processing a Site Plan Control application in order to permit the construction of an addition to an existing Greenhouse operation as well as the construction of a farm labour residence in order to house seasonal farm workers on-site. The RHOP outlines policies for farm labour residences including the provision that the size and nature of the farm operation justifies the size of the farm labour residence.

According to the applicant, the farm operation requires 25 additional migrant workers in order to address peak demand. In order to address this issue and to keep up with demand, the farm operation requires seasonal farm workers. The applicant has indicated that accommodation for approximately 25 workers is required and as such a farm labour residence having a gross floor area of 511 square metres is required. The proposed type of farm labour residence being proposed is a bunk house and not a single detached dwelling or a mobile home.

Staff are satisfied that the size and nature of the operation requires a farm labour residence and the location on the site of the farm labour residence as well as appropriate sustainable private servicing will be implemented through the Site Plan Control application review. Overall, the proposal increases the economic viability of the agricultural operation. Accordingly, the intent of the Rural Hamilton Official Plan is maintained.

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

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

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

- a) An Accessory apartment attached to and forming part of the principal farm Dwelling; or,
- b) An Accessory detached dwelling of temporary construction, such as a mobile home; or,
- c) An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared.”

Variances 1 & 2

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

The applicant is requesting a reduction for various side yards on the subject property to facilitate both the existing and proposed Greenhouse on the subject property instead of the minimum requirement for a 15m side yard as required by the By-law. Due to the long and narrow shape of the lot, the proposed expansion of the greenhouse operation will encroach within the side yard setbacks, in order to sustain the growing demands of the greenhouse business. The variances partially recognize the existing Greenhouse Operation that has been established for some time. The decrease in side yard is not expected to negatively impact drainage, however, staff defer to Development Approvals for comment. Accordingly, there is no perceived negative impact on the neighbouring properties, the variances meet the intent of the RHOP and Zoning By-law No. 05-200. The variances are therefore minor and appropriate for the development of the subject property. Accordingly, **staff support** the variances.

Variance 3

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

The intent of the provision is to locate the proposed Farm Labour Residence in proximity to and part of the farm cluster and for the Farm Labour Residence to use the same septic system as the primary dwelling. In this case, Source Water Protection staff confirm that the applicant has submitted a satisfactory Hydrogeological Study which considers a separate septic bed that will accommodate the proposed Farm Labour Residence. The applicant has submitted supporting studies as part of the associated Site Plan application (SPAR-18-196). In addition, due the narrow shape of the lot, as well as the existing greenhouse buildings and proposed expansion that are located in the mid portion of the site (with the farm dwelling at the front of the site), there is no room to locate the farm labour residence near the farm dwelling and is best located towards the rear of the site before the SWM pond and Core Area (Woodland, wetland and stream) boundary. There are Core Area (and natural features which are present and dissect the property and locating the proposed Farm Labour residence within 30 metres of the existing farm dwelling cannot be achieved without negatively impacting the existing natural features. As well, the proposed farm labour residence will be located generally where most of the farm activity is taking place and staff are satisfied that the Farm Labour Residence will be located within this farm cluster.

As such, the proposed location of the Farm Labour Residence is appropriate given the characteristics of the subject lands. Accordingly, the variance meets the intent of the RHOP and Zoning By-law No. 05-200. The variance is therefore minor and appropriate for the development of the subject property. Accordingly, **staff support** the variance.

Variance 4

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

As the proposed greenhouse expansion has necessitated a reconfiguration of the site, Staff acknowledge that in order for the site to operate efficiently, a secondary driveway access is required in order to provide access to the proposed Farm Labour Residence as well as the proposed greenhouse buildings. The intent of the by-law is to keep the farm labour residence generally within the farm cluster of the operation and will contribute to the safety of the workers and the residents of the farm.

As such, the variance meets the intent of the RHOP and Zoning By-law No. 05-200. The variance is therefore minor and appropriate for the development of the subject property. Accordingly, **staff support** the variance.

Variance 5

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

The proposed size is required to accommodate the 25 farm labour workers that the farm operation requires in order to meet the demands of the operation. The proposed structure will be in the form of a bunkhouse and have two floors and a basement. In order to house the workers comfortably, the applicant is moving above and beyond the minimum federal regulated requirement of 8.35m³ per worker. The greenhouse operation wishes to house workers in a safe and comfortable work environment and staff are satisfied that the size of the bunk house is appropriate in order to accommodate the number of workers that is intended for. The size of the proposed Farm Labour Residence will facilitate the comfortable living and accommodation for the temporary accommodation of workers. Therefore, the variance meets the intent of the RHOP and Zoning By-law No. 05-200 by supporting the needs of the farm operation. The proposed size of the structure does not have a perceived impact on any adjacent rural properties. The variance is therefore minor and appropriate for the development of the subject property. Accordingly, **staff support** the variance.

Recommendation

Based on the preceding information, the requested variances maintain the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning

By-law 05-200. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application **be approved**.

Building Division:

1. The proposed greenhouses and bunkhouse are currently under Site Plan Review for site plan application SPAR-18-196. The Site Plan to address the requested variances has been recently reviewed.
2. The variances are generally written as requested by the applicant. The variances for side yards for the greenhouses have been written to reflect the setbacks shown on the revised site plan. In addition, the applicant has advised that the gross floor area of the proposed farm labour residence is 511 square metres. A further variance was included to address the second access driveway for the proposed farm labour residence.
3. The property was the subject of a previous Committee of Adjustment decision for minor variances (AN/A-07:276) under the former Ancaster Zoning By-law to address increased lot coverage, reduced side yards and the construction of a parking area. These variances were obtained to facilitate Site Plan Application DA-07-196 for the greenhouses that are currently located in the building cluster near the front of the property.
4. The Zoning By-law defines a "Farm Labour Residence" as follows:

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

- a) *An Accessory apartment attached to and forming part of the principal farm Dwelling; or,*
 - b) *An Accessory detached dwelling of temporary construction, such as a mobile home; or,*
 - c) *An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared."*
5. The Zoning By-law would permit a maximum height of 10.5 metres for a farm labour residence (bunk house). It has been determined that the proposed farm labour residence is below this requirement.

6. The number of persons to be accommodated within the proposed farm labour residence has been confirmed to be 25 persons.
7. The site would not require additional parking for the proposed greenhouses and farm labour residence.
8. The portion of the property where the new greenhouses are proposed are under the regulation of the Grand River Conservation Authority and are subject to development permits.
9. The southerly portion of the property along the rear property line is zoned "P7" (Conservation/Hazard) Zone but is outside of the area being developed for new greenhouses.
10. Be advised that Ontario Building Code regulations may require specific setback and construction types.
11. A building permit is required for the construction of the proposed farm labour residence, greenhouse and associated accessory buildings.

Development Engineering:

For the information of the Committee, all issues relating to the grading/drainage and servicing of this property will be dealt with under the Site Plan Review for site plan application SPAR-18-196. No comments.

See attached for additional comments.

Real Estate Comments – CoA January 21, 2021

2928 Governor's Road, Ancaster



Applicants Proposal: To permit the construction of a new greenhouse comprising of 4.1 hectares of gross floor area and a new farm labor residence.

Variances for Property:

- **Easterly Side Yard:** The minimum easterly side yard shall be 7.9m instead of the 15.m side yard.
- **Residence:** A farm labour residence shall be permitted to be located within a distance of 400m from the existing farm dwelling instead of the requirement it be located within 30m of the farm dwelling.
- **Farm Dwelling Access:** The existing farm dwelling shall utilize a secondary driveway instead of the requirement to utilize the existing driveway.

Impacts: There are no impacts expected from this development as all proposed development takes place on a portion of their property wherein the City does not have a shared lot line. There is no development proposed within proximity to the adjacent City-owned cemetery.

Recommendations: Real Estate has no objection to this application.

Justification for bunkhouse size:

I will start with some background on where we are as a business, and why we need bunkhouses to house our workers. We are a 20 year old business that has undergone several expansions over the years. We are currently 5 acres of greenhouse, and have 6 fulltime employees, plus several students and part time employees. Once phase 1 and 2 are completed, we will have around an additional 21 acres of greenhouses and will require around 25 additional migrant workers. As a rule, we do everything we can to hire local workers first. We grow cucumbers, which is very labour intensive, which is why we need so many employees. Cucumbers need to be picked, wrapped and packed every day. We also will require additional local employees (supervisors, growers, secretary, truckers, sales, etc). These positions tend to be local jobs and no housing is required for them.

We absolutely rely on our migrant workers to get our work completed. The entire horticulture industry is reliant on our workers. In fact, here is part of the new mandate for our federal minister of agriculture, which we fully agree and support. *"Support the Minister of Employment, Workforce Development and Disability Inclusion to continue to fully support and protect workers who are vulnerable to COVID-19 and secure labour to fill workforce gaps in farming and food processing."*

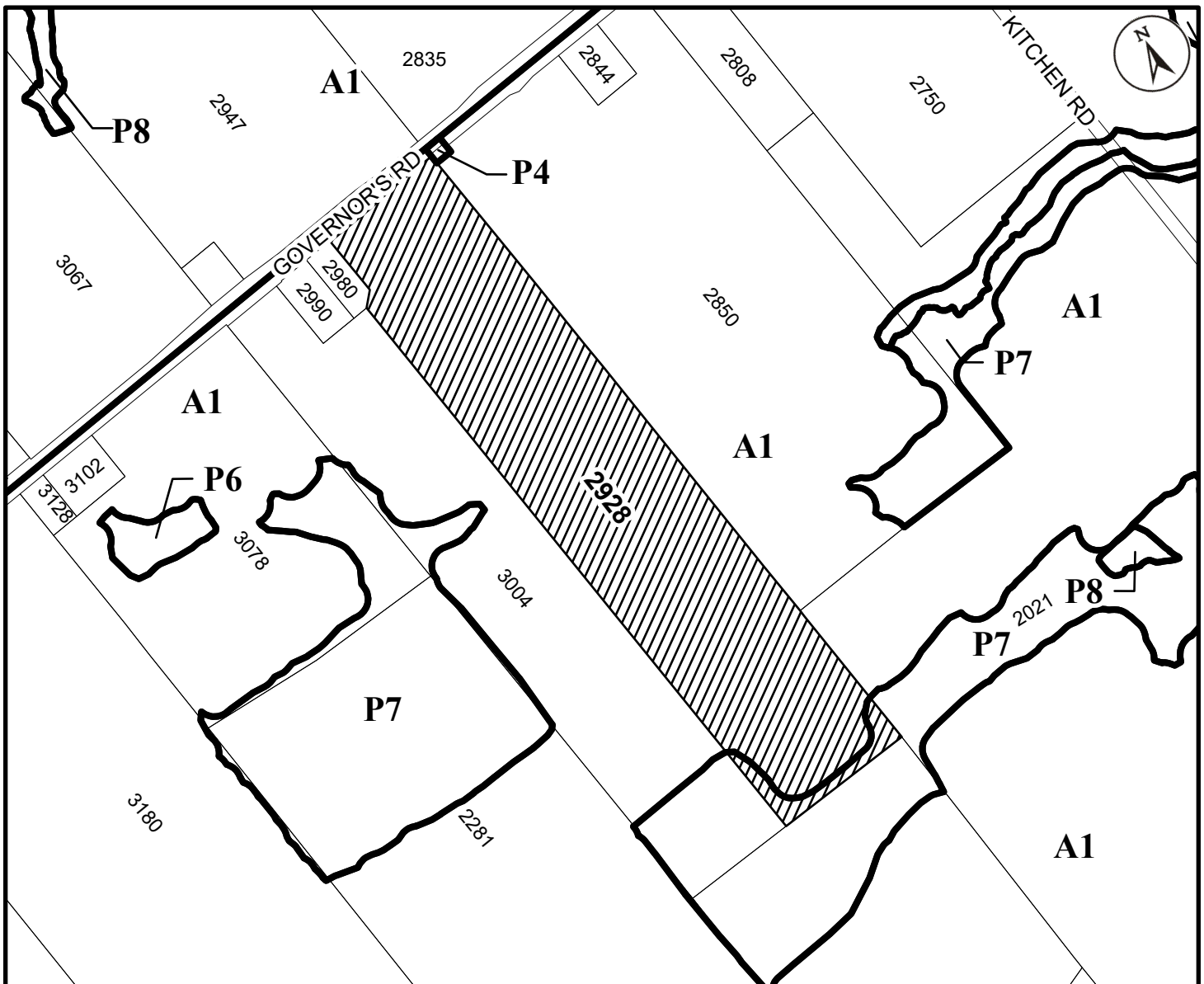
There are two reasons, why we are proposing a bunkhouse of this size. The first reason, is that we want our workers to have a living space that is comfortable, sizable and up to Canadian standards of living. In order to do this, our goal is to give as much space and privacy as possible. We are basically a year round business. Some of our workers will be here for 2 years straight (if they choose). So we want to make it as comfortable as possible for them. We can also justify spending the extra money on housing, seeing it will be used 12 months of the year as well. We would like to make common areas large enough to allow activities (pool tables, ping pong, foosball etc.) to keep our workers busy and from getting bored. Boredom causes problems unfortunately.

Our second reason for needing a bunkhouse this size, is that the federal government is changing the rules. There were a few instances of covid getting onto farms, and 3 migrant workers passed away due to covid in 2020. This also highlighted some of the problems in our bunkhouses in Canada. Therefore the federal government has started a consultation process to improve the bunkhouses for migrant workers. The rules are changing, we just don't quite know where they will end up. However, here are a list of a few changes that the federal government is likely to mandate.

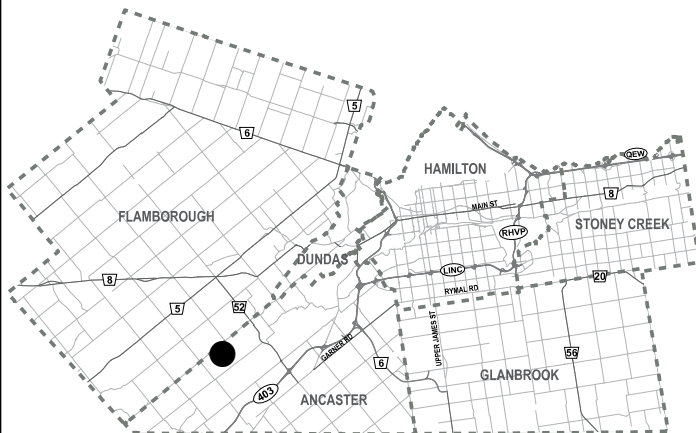
- Minimum amount of furniture required will increase
- increasing the amount of common area square footage per employee (min 80 sq ft)
- bedrooms will have a max 4 workers per room (bunkbeds likely may be phased out) and a min 2 m distance between beds
- each bedroom will need a desk, padded chair and min closet space.
- increase of ratio of toilets, showers and sinks per employee (it was 10 per, and dropping to 4 employees per toilet, sink and shower
- increased stove/kitchen space per employee
- increased dining area per employee
- dining area cannot count as common area, so couches and lounge area is all extra
- increased number of washer/dryers
- increased refrigeration cubic feet for employee, so more refrigerators

As an FYI, I do sit on a federal housing committee, that was set up for consultation with the federal government. That is why, I have some extra insight in to where the minimum standards are heading. This will be a phased in approach, but we really do not want to do renovations and additions 2 years down the road. As I mentioned earlier, our goal is not to meet the minimum standards, but they are to exceed them. As an additional FYI, if we were to build to the minimum standards (which many of my colleagues have been doing), we would be approximately \$8000 per employee. This plan will cost us around \$23,000 per employee. However, we believe having comfortable, happy employees, is worth the investment.

- James Neven



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



2928 Governor's Road, Ancaster
(Ward 12)

File Name/Number:

AN/A-20:56

Date:

June 29, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/B-20:86 – 173 Highway 52, 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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
4. 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).
5. The owner shall submit survey evidence that the lands to be severed and retained, including the location of any existing structure, lot coverage etc., conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
6. 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).
7. The owner shall demolish the existing farm buildings on the retained residential lot, to the satisfaction of the Planning and Economic Development Department.

8. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
9. The applicant shall submit and receive final and binding approval of an Official Plan Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
10. The owner must merge the severed agricultural lot (19.22 ha) with the vacant agricultural lot at 1372 Concession 2 W., to the satisfaction of the Manager, Development Planning Heritage & Design.

FL/B-20:86 – 173 Highway 52, Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to sever agricultural lands to be added to the adjacent agricultural lands (1372 Concession 2 W.) and to retain lands containing an existing single detached dwelling.

Severed lands:

62m± x 811m± and an area of 19.22 ha±

Retained lands:

140m± x 117m± and an area of 1.15 ha±

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,

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).

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.

Analysis

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 severance was to occur, the agricultural lands must have a resulting lot size of greater than 40.4 ha (100 ac.). This intent of this policy is to ensure that the severed agricultural property can continue to be

agriculturally viable in the future. Staff note that the subject severance would create a fragmented agricultural lot resulting in 19.22 ha, for that reason and as per Policy F.1.14.2.5 c), staff cannot support the proposal.

In addition, staff confirm that the referenced lots, 173 Highway 52 and 1372 Concession 2 W., do not qualify in regard to a “surplus farm dwelling severance”, as per policy F.1.14.2.8.

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. As such, the proposed severance is not minor in nature and is not desirable for the appropriate development of the lands. Accordingly, staff **do not support** the severance.

Hamilton Zoning By-law No. 05-200:

The subject lands are zoned A1 (Agriculture) Zone. The subject proposal does not conform to the policies of the City of Hamilton Zoning By-law No.05-200. The minimum lot area for an Agriculture (A1) Zone is 40.4 ha, the retained lands are proposed at 1.15 ha while the severed lands are proposed at 19.22 ha. As such, the proposed severance is not minor in nature and is not desirable for the appropriate development of the lands. Accordingly, staff **do not support** the severance.

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**.

CONDITION:

Should the Committee approve the application, staff require the following conditions be added to the application:

1. The owner shall demolish the existing farm buildings on the retained residential lot, to the satisfaction of the Planning and Economic Development Department.
2. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
3. The applicant shall submit and receive final and binding approval of an Official Plan Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.

4. The owner must merge the severed agricultural lot (19.22 ha) with the vacant agricultural lot at 1372 Concession 2 W., to the satisfaction of the Manager, Development Planning Heritage & Design.

Building Division:

1. Demolition of all or an appropriate portion of the existing accessory structure ("barn") straddling the proposed property line shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.
2. The lands to be conveyed shall be merged in title with the lands to which they are to be added.
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 retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.
4. In order to clear conditions, the applicant will be required to make an application for a Zoning Compliance Review and pay the relevant fees.
5. Variances for lot area will be required for zoning compliance of the lands to be conveyed.
6. Subject to the Minimum Distance Separation requirements for livestock facilities within agricultural areas as set out in the Zoning By-Law.

CONDITIONAL UPON:

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

1. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
2. 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).
3. The owner shall submit survey evidence that the lands to be severed and retained, including the location of any existing structure, lot coverage etc., conform to the

requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

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).

Development Engineering:

Information:

It appears that the proposed severance application is for land assembly purposes only and that new construction is not proposed. Therefore, the Owner must be advised that if the future intent is to develop any of the lands in the future, the lands in question will be subject to an applicable Development Application with and to the satisfaction of the Manager Development Engineering Approvals.

Municipal Services

According to our GIS records, there are no existing municipal services that front the subject property.

Right-of-way Widening

According to our GIS records, the subject section of Highway 52 is classified as an arterial roadway with an ultimate road allowance right-of-way width of 30.480m by Schedule C-1 of the Rural Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Highway 52 ranges between $\pm 30.3\text{m}$ to $\pm 44.3\text{m}$. Therefore, Development Engineering will not require a road widening dedication.

Recommendations:

The Development Approvals Section has no requirements with respect to the proposed severance for land assembly purposes only.

Growth Planning:

No comments.

Transportation Planning:

1. Transportation Planning has no objections to the land severance application.

Source Water Protection Planning:

Given the retained lot will be greater than 1 ha in area, it would meet the sustainable servicing policies of the Rural Hamilton Official Plan and as a result, we can support the application.

We would recommend that Building Division confirm the proposed severance meets minimum clearance distances of Part 8 of the Ontario Building Code as it pertains to the septic system on the retained lot.

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: January 13, 2021

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: 173 Highway 52, Flamborough
File: FL/B-20:86

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, January 21, 2021, 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



PLAN REVIEW REPORT: City of Hamilton
Jamila Sheffield, Secretary Treasurer

DATE: January 15, 2021

YOUR FILE: FL/B-20:86

RE: **Application for Consent FL/B-20:86**
173 Highway 52, Flamborough, City of Hamilton
J & C DeJong

GRCA COMMENT:*

The Grand River Conservation Authority (GRCA) has no objection to the proposed consent application.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that the proposed severed and merged lands contain watercourses, floodplain, wetlands and the regulated allowances adjacent to these features.

The lands to be retained do not contains any features of interest to the GRCA.

2. Legislative/Policy Requirements and Implications:

The features noted above are identified as natural hazard and natural heritage features by the Provincial Policy Statement (PPS, 2020).

The proposed application will merge the severed parcel with the adjacent agricultural lands and the existing agricultural uses are proposed to continue. Based on the above, GRCA staff do not anticipate any negative impacts to the natural hazard and natural heritage features as a result of the proposed lot line adjustment.

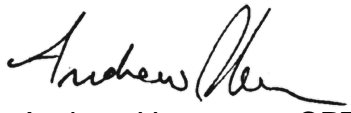
Due to the presence of the above-noted features, portions of the subject lands are regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated area will require prior written approval from the GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

3. Additional Information/Suggestions provided in an advisory capacity:

We wish to acknowledge receipt of the applicable plan review fee in the amount of \$420.00.

Should you have any questions or require further information, please contact me at 519-621-2763 ext. 2228.

Yours truly,

A handwritten signature in black ink, appearing to read "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

Encl.

****These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.***

cc: Jacob and Cassidy DeJong (via email only)
Don Robertson (via email only)

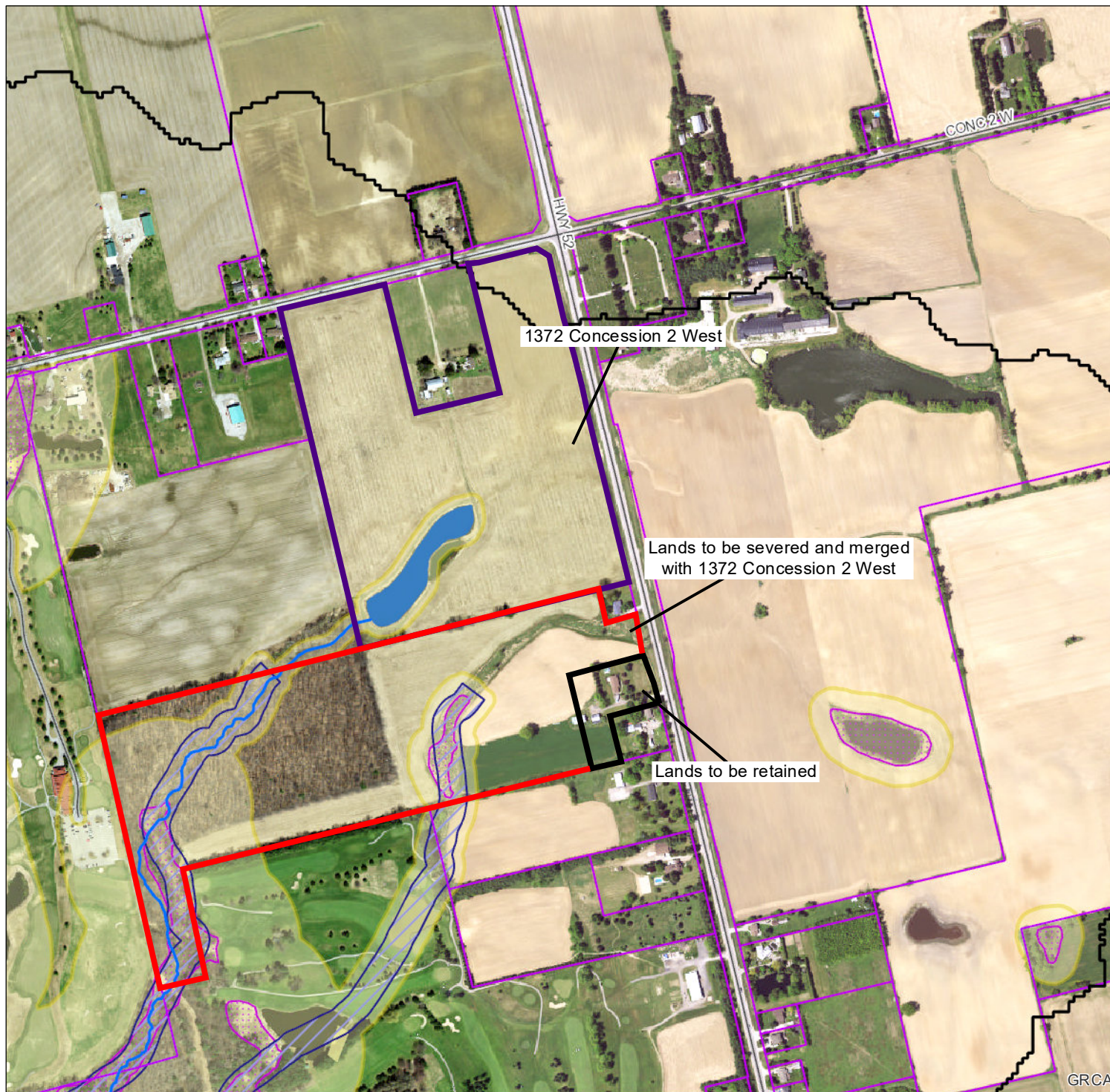
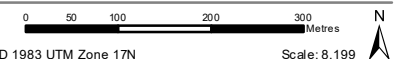


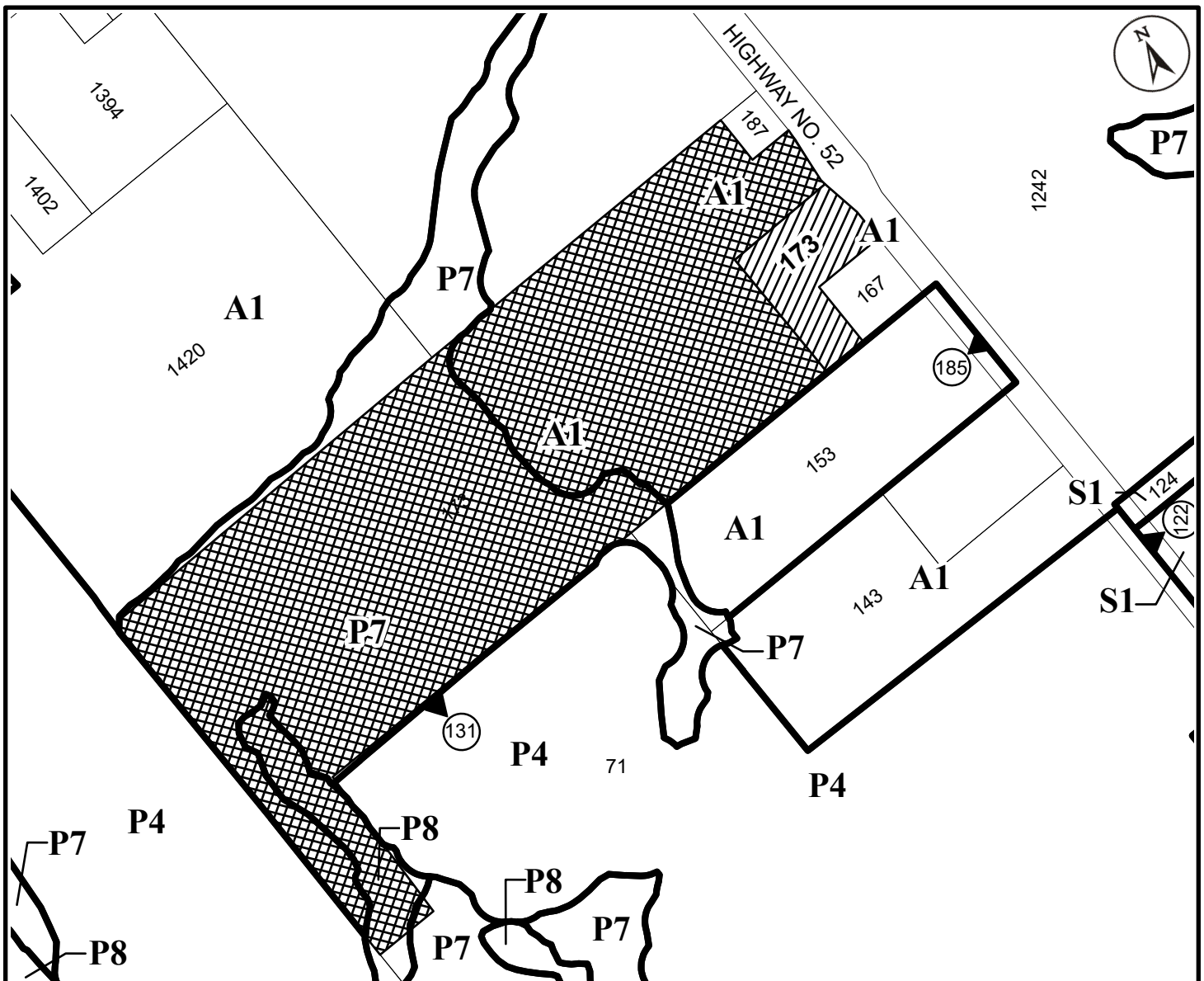
Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
 - Special Policy Area
- Slope Valley (GRCA)
 - Steep
 - Oversteep
 - Steep
- Slope Erosion (GRCA)
 - Oversteep
 - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

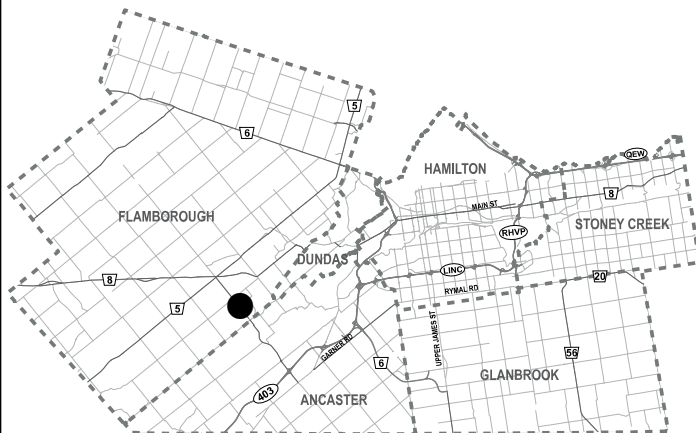
This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

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Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.
The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

173 Highway 52, Flamborough (Ward 12)



Lands to be Retained



Lands to be Severed

File Name/Number:

FL/B-20:86

Date:

January 12, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/B-20:92 (2484 2nd Conc. 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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. A Permit to injure or remove municipal trees is a requirement of this application. Therefore, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

FL/B-20:92 (2484 2nd Conc. W., Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to establish an access easement and utility easement on a parcel of agricultural land.

Access Driveway lands (Parts 5, 6, 9, 13, 14):

4.5m \pm x variable and an area of 4,933m² \pm

Overhead Utility Easement lands (Parts 7, 8, 10, 11, 14):

6m \pm x variable and an area of 2,955m² \pm

Access Driveway lands (Part 2):

4.5m \pm x 307m \pm and an area of 2800m² \pm

Overhead Utility Easement lands (Part 1):

6m \pm x 242m \pm and an area of 1453m² \pm

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Open Space” 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)."

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 access and utility easement will not change or exasperate the lack of existing frontage for the subject agricultural lot. In addition, the lot is a pre-existing condition and is 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, staff note that the sole purpose of the subject application is to establish an access easement and utility easement on a parcel of agricultural land. Based on the above, staff support the intent to establish an access easement which conforms to the policies of the Rural Hamilton Official Plan.

Hamilton Zoning By-law No. 05-200

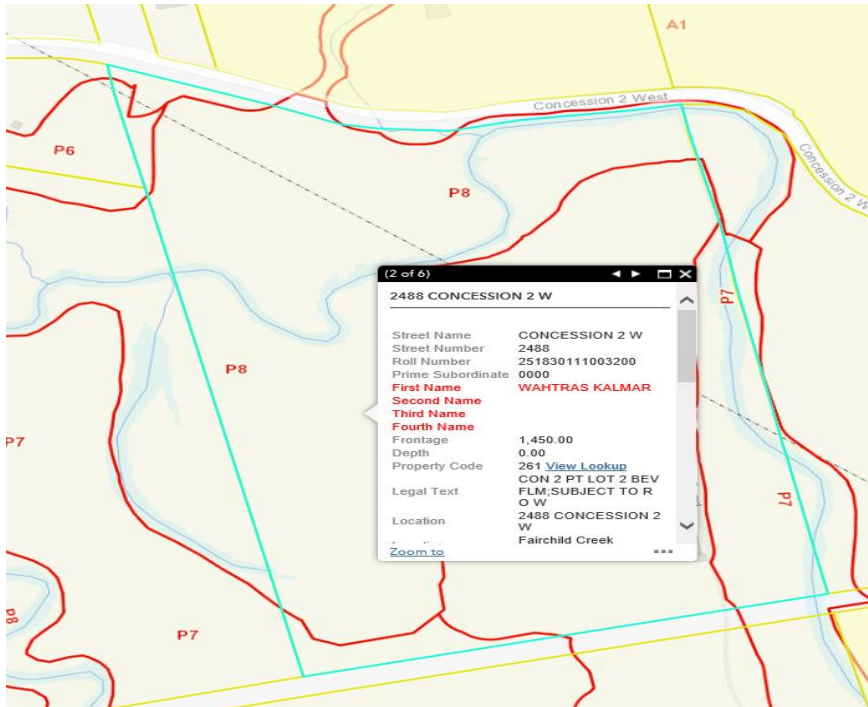
The subject property is zoned Conservation/Hazard Land "P7" Zone, Conservation/Hazard Land "P8" Zone and Agricultural "A1" Zone. The existing agricultural use complies with the Zones.

Recommendation

Based on the above, the proposed establishment of an access easement and utility easement maintains the general intent and purpose of the Rural Hamilton Official Plan as well as the City of Hamilton Zoning By-law 05-200. In conclusion, staff recommends that the application **be approved**.

Building Division:

1. This Division has no concerns with the proposed application.
2. Be advised that this property is known as 2488 2nd Concession West and is Assessment Roll Number 2518-301-110-03200-0000. Please see the GIS Map below:



Development Engineering:

No comments.

Growth Planning:

No comments.

Transportation Planning:

1. Transportation Planning has no objection to the land severance application. Without setting precedent, we will waive the right-of-way dedications required for 2nd Concession Road West.
2. Confirmation of a legal agreement/easement is recommended to ensure continued shared use if/when either property is under new ownership/management.

Source Water Protection Planning:

No comments

See attached for additional comments.



Hamilton

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

Date: January 13, 2021

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

From: Sam Brush, Urban Forest Health Technician

Subject: 2484 2nd Concession West, Flamborough
File NO. FL/B-20:92
FL/B-20:93

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, January 21, 2021, 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

The information provided is inconclusive in determining if City tree assets are impacted by the proposal. Detailed locations of where Driveway and Utility easements cross the City of Hamilton right of way are required. Upon receiving this information, the tree management plan condition may be waived.

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

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

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

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

TREE MANAGEMENT

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

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

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

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.

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

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

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

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

A \$278.80 plus HST permit fee, payable to the City of Hamilton is required prior to the permit issuance.

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

SUMMARY OF FORESTRY CONDITIONS

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

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

Regards,

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

Sam Brush
Urban Forest Health Technician

Real Estate Comments – CoA January 21, 2021

2484 Concession 2 West, Flamborough



Applicants Proposal: To sever the existing lands to permit an access and utility easement

Variances for Property:

- N/a

Impacts: N/a

Recommendations: N/a



PLAN REVIEW REPORT: City of Hamilton
Jamila Sheffield, Secretary Treasurer

DATE: January 15th, 2021

YOUR FILE: FL/B-20:92 and 93

RE: **Application for Consent/Land Severance**

2484 2nd Concession West, Flamborough Ward, City of Hamilton

GRCA COMMENT:*

The Grand River Conservation Authority (GRCA) has no objection to the proposed consent applications.

BACKGROUND:

1. Resource Issues:

Information in our office indicates that the proposed easement follows a portion of existing road/lane. Features present within the easement are a watercourse (Fairchild Creek), floodplain associated with the watercourse, valley slope, erosion slope and is adjacent to a wetland (Fairchild Creek Provincially Significant Wetland Complex).

2. Legislative/Policy Requirements and Implications:

The features on the property are identified as natural hazard and natural heritage features by the Provincial Policy Statement (PPS, 2020). The application is to create an easement for the existing lane and the utility lines. Therefore the GRCA staff does not anticipate a negative impact on the above-noted feature as a result of this application.

Any future development or site alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

3. Additional Information/Suggestions provided in an advisory capacity:

The GRCA's review and comment fees have been paid.

Should you have any questions or require further information, please contact me at 519-621-2763 ext. 2237.

Yours truly,



Nathan Garland
Resource Planner
Grand River Conservation Authority

Encl.

****These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.***

cc:

Gary Caldwell
2464 Concession 2 West
RR 1 Lynden ON L0R 1T0
caldwell@silomail 519 647-3504

January 11, 2021

The Committee of Adjustment
The City of Hamilton
71 Main Street West, Hamilton L8P 4Y5
Via E-Mail to cofaa@hamilton.ca

Dear Members of the Committee:

**Re: Wahtras Application for Access Easement
Application Number FL/B-20:92**

This letter is to express my support of a favourable granting of the application submitted and referenced in the mailing dated January 5th 2021 as a Notice of Public Hearing.

I am the neighbour with the property fronting onto the “Mud Road” and laying on the east adjoining property of the subject driveway. For twenty-five years now I have visited my Wahtras neighbours passing over the driveway in question without realizing that due property recording was not in effect. It is my only way into the old stone house by automobile. From conversation with older neighbours, I understand that this laneway has been the means of access for the Wahtras family for some seventy years, and that it was the access route in 1950 and prior thereto. I understand that the house has been there since the mid-1800s.

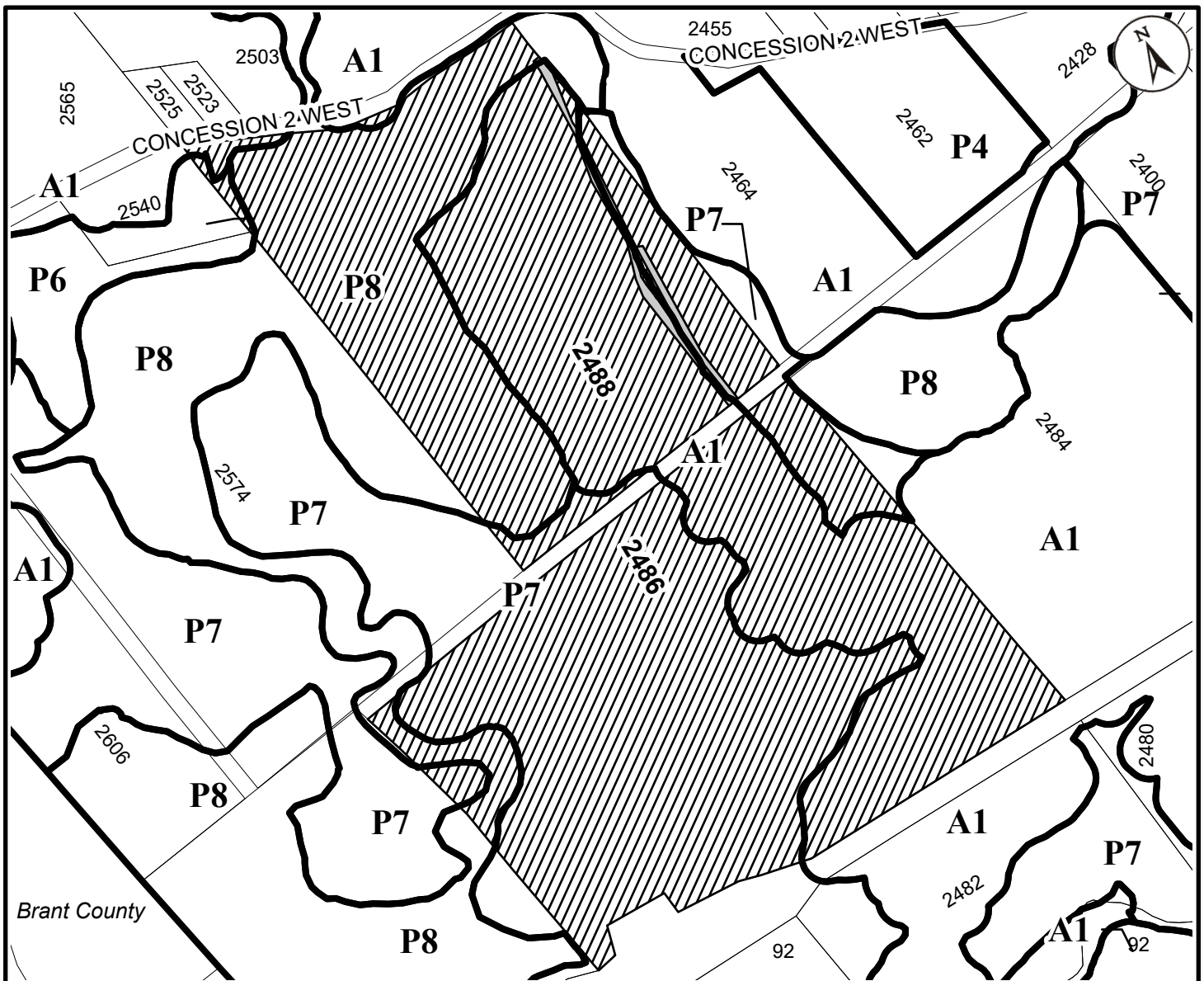
It appears to me that this action is a correction of municipal errors of decades ago, even as properties have changed ownership. In fairness, I would assume that The City of Hamilton would not only grant the application, but also waive any fees associated with the transaction.

I encourage the Committee to see the obvious injustice if the application were not approved.

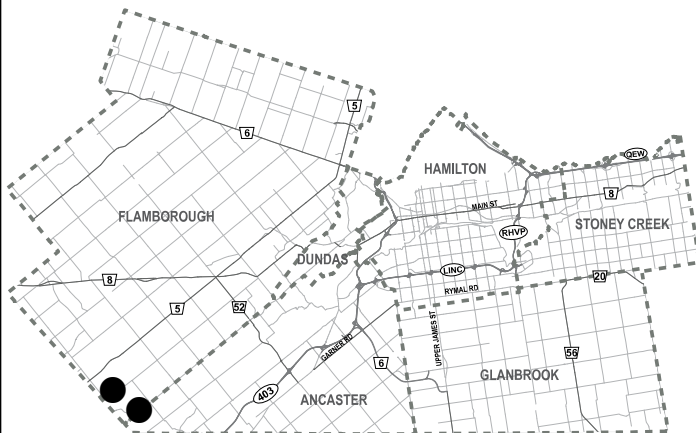
Respectfully submitted,



Gary D. Caldwell
City Property Tax Roll # 25 18 301 110 03800 0000



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

2484 2nd Concession West, Flamborough
(Ward 12)



Lands to be Retained



Lands for Easement

File Name/Number:

FL/B-20:92

Date:

January 12, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/B-20:93 – 2484 2nd Conc. 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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. A Permit to injure or remove municipal trees is a requirement of this application. Therefore, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

FL/B-20:93 – 2484 2nd Conc. W., Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to establish an access easement and utility easement on a parcel of agricultural land.

Access Driveway lands (Parts 5, 6, 9, 13, 14):

4.5m \pm x variable and an area of 4,933m² \pm

Overhead Utility Easement lands (Parts 7, 8, 10, 11, 14):

6m \pm x variable and an area of 2,955m² \pm

Access Driveway lands (Part 2):

4.5m \pm x 307m \pm and an area of 2800m² \pm

Overhead Utility Easement lands (Part 1):

6m \pm x 242m \pm and an area of 1453m² \pm

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Open Space” 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)."

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 access and utility easement will not change or exasperate the lack of existing frontage for the subject agricultural lot. In addition, the lot is a pre-existing condition and is 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, staff note that the sole purpose of the subject application is to establish an access easement and utility easement on a parcel of agricultural land. Based on the above, staff support the intent to establish an access easement which conforms to the policies of the Rural Hamilton Official Plan.

Hamilton Zoning By-law No. 05-200

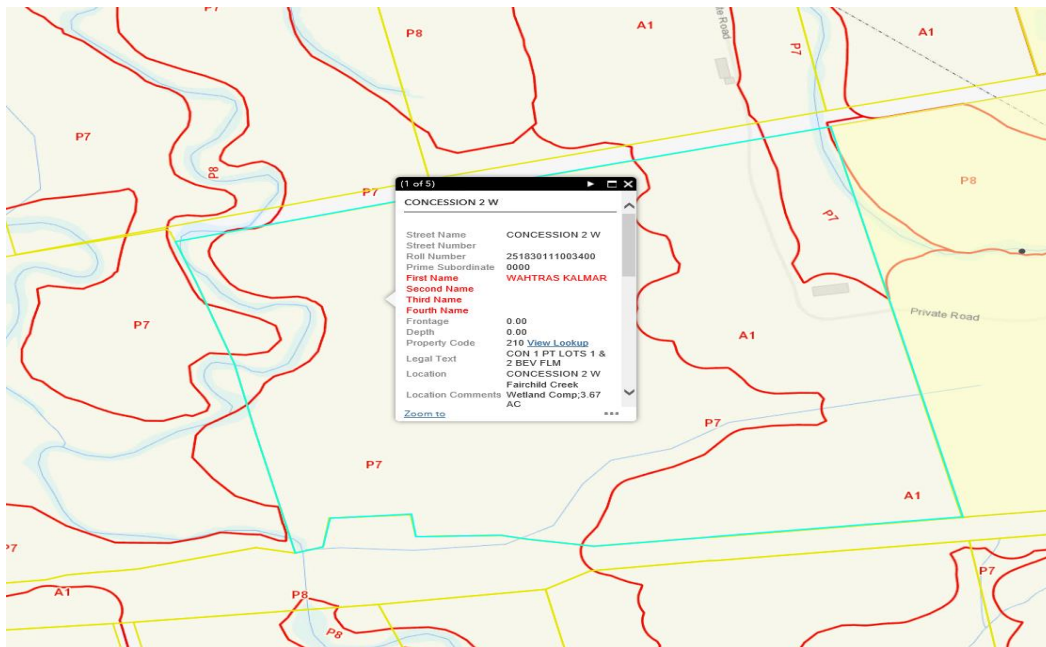
The subject property is zoned Conservation/Hazard Land "P7" Zone, Conservation/Hazard Land "P8" Zone and Agricultural "A1" Zone. The existing agricultural use complies with the Zones.

Recommendation

Based on the above, the proposed establishment of an access easement and utility easement maintains the general intent and purpose of the Rural Hamilton Official Plan as well as the City of Hamilton Zoning By-law 05-200. In conclusion, staff recommends that the application **be approved**.

Building Division:

3. This Division has no concerns with the proposed application.
4. Be advised that this property is known as 0 Concession 2 West and is Assessment Roll Number 2518-301-110-03400-0000. Please see the GIS Map below:



Development Engineering:

No comments.

Growth Planning:

No comments.

Transportation Planning:

1. Transportation Planning has no objection to the land severance application. Without setting precedent, we will waive the right-of-way dedications required for 2nd Concession Road West.

2. Confirmation of a legal agreement/easement is recommended to ensure continued shared use if/when either property is under new ownership/management.

Source Water Protection Planning:

No comments

See attached for additional comments.



Hamilton

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

Date: January 13, 2021

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

From: Sam Brush, Urban Forest Health Technician

Subject: 2484 2nd Concession West, Flamborough
File NO. FL/B-20:92
FL/B-20:93

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, January 21, 2021, 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

The information provided is inconclusive in determining if City tree assets are impacted by the proposal. Detailed locations of where Driveway and Utility easements cross the City of Hamilton right of way are required. Upon receiving this information, the tree management plan condition may be waived.

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

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

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

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

TREE MANAGEMENT

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

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

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

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.

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

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

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

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

A \$278.80 plus HST permit fee, payable to the City of Hamilton is required prior to the permit issuance.

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

SUMMARY OF FORESTRY CONDITIONS

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

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

Regards,

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

Sam Brush
Urban Forest Health Technician

Real Estate Comments – CoA January 21, 2021

2484 Concession 2 West, Flamborough



Applicants Proposal: To sever the existing lands to permit an access and utility easement

Variances for Property:

- N/a

Impacts: N/a

Recommendations: N/a



PLAN REVIEW REPORT: City of Hamilton
Jamila Sheffield, Secretary Treasurer

DATE: January 15th, 2021

YOUR FILE: FL/B-20:92 and 93

RE: **Application for Consent/Land Severance**

2484 2nd Concession West, Flamborough Ward, City of Hamilton

GRCA COMMENT:*

The Grand River Conservation Authority (GRCA) has no objection to the proposed consent applications.

BACKGROUND:

1. Resource Issues:

Information in our office indicates that the proposed easement follows a portion of existing road/lane. Features present within the easement are a watercourse (Fairchild Creek), floodplain associated with the watercourse, valley slope, erosion slope and is adjacent to a wetland (Fairchild Creek Provincially Significant Wetland Complex).

2. Legislative/Policy Requirements and Implications:

The features on the property are identified as natural hazard and natural heritage features by the Provincial Policy Statement (PPS, 2020). The application is to create an easement for the existing lane and the utility lines. Therefore the GRCA staff does not anticipate a negative impact on the above-noted feature as a result of this application.

Any future development or site alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

3. Additional Information/Suggestions provided in an advisory capacity:

The GRCA's review and comment fees have been paid.

Should you have any questions or require further information, please contact me at 519-621-2763 ext. 2237.

Yours truly,

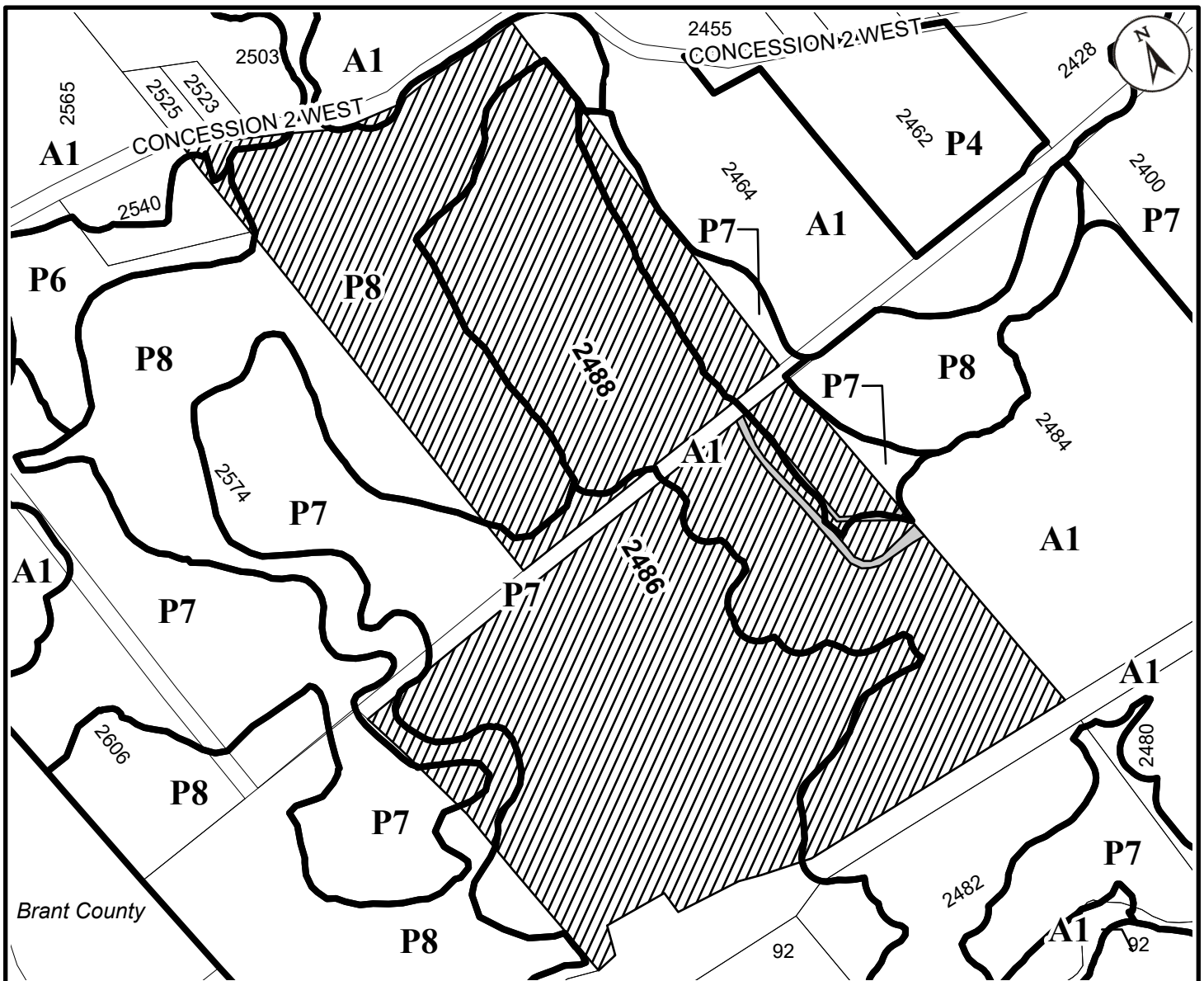


Nathan Garland
Resource Planner
Grand River Conservation Authority

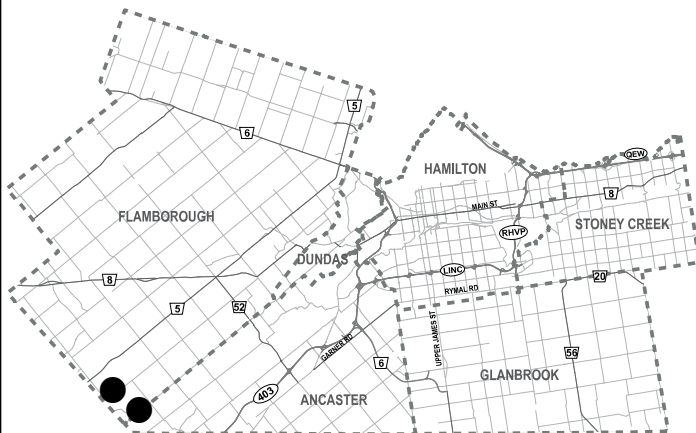
Encl.

****These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.***

cc:



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

2484 2nd Concession West, Flamborough
(Ward 12)



Lands to be Retained



Lands for Easement

File Name/Number:

FL/B-20:93

Date:

January 12, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/A-20:199 (Amended) – 5020 Tyneside Rd., Glanbrook

Consolidation Report

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

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

1. The owner shall demolish the existing barn (accessory structure) on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department.
2. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.

GL/A-20:199 (Amended) – 5020 Tyneside Rd., Glanbrook

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the conveyance of land containing an existing single detached dwelling in accordance with GL/B:20-61.

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:

- c) All proposed severances that create a new lot shall:
 - i) comply with the policies of this Plan including a rural settlement area plan where one exists;
 - ii) be compatible with and not hinder surrounding agricultural operations;
 - iii) conform to the Zoning By-law;
 - iv) **only be permitted when both severed and retained lots have frontage on a public road; and,**

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:

- ix) 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
- x) Where a barn or other farm building exists within the immediate vicinity of the surplus residence, the City may require demolition of the barn.”

Hamilton Zoning By-law No. 05-200:

The subject lands are zoned A1 (Agriculture) Zone, Conservation/Hazard Land – Rural (P7) Zone and Conservation/Hazard Land – Rural (P8) Zone.

Variance 1 and 2

The applicant is seeking a variance for a lot width of 0.0m to be provided (on the lands to be severed) instead of the minimum required lot width of 30.0m. The applicant is also seeking a variance for no lot frontage to be provided (on the lands to be severed) whereas the by-law requires a lot to abut a street for a minimum of 4.5m.

Staff cannot support this variance as it is not in keeping with the Rural Hamilton Official Plan policies which state that all proposed severances (GL/B:20-61) that create new lots shall only be permitted when both severed and retained lots have frontage on a public road, as per RHOP, Chapter F, 1.14.2.1.c.iv). Staff are aware that the subject lands do have legal access to Tyneside Road, however the legal access which was established between the owner of the subject lands and the neighbor does not constitute frontage and for that reason staff cannot support this variance as it is not in compliance with Rural Hamilton Official Plan policies. Therefore, the variance is not minor in nature and is not appropriate for the development of the subject property. Accordingly, **staff do not support the variance.**

Variance 3

The applicant is seeking for the use of a Single Detached Dwelling to be permitted on the lands to be severed.

As previously mentioned, staff are not in support of the subject severance (GL/B-20:61) as it would create a landlocked parcel which is not fronting onto a Right of Way, but instead has legal access which is owned by the abutting property (6229 Chippewa Road East), staff note that legal access does not constitute frontage. In conclusion, the associated severance does not conform to the policies of the Rural Hamilton Official Plan

and for that reason, staff are not in support of recognizing the existing single detached dwelling as a permitted use within the area which is proposed for a severance (GL/B-20:61). Therefore, staff have determined that the proposed variance does not comply with the Zoning By-law nor the Rural Hamilton Official Plan policies, 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 variances are not considered to be minor in nature and are not desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be **denied.**

CONDITION:

Should the Committee approve the application, staff require the following conditions be added to the application:

1. The owner shall demolish the existing barn (accessory structure) on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department.
2. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.

Building Division:

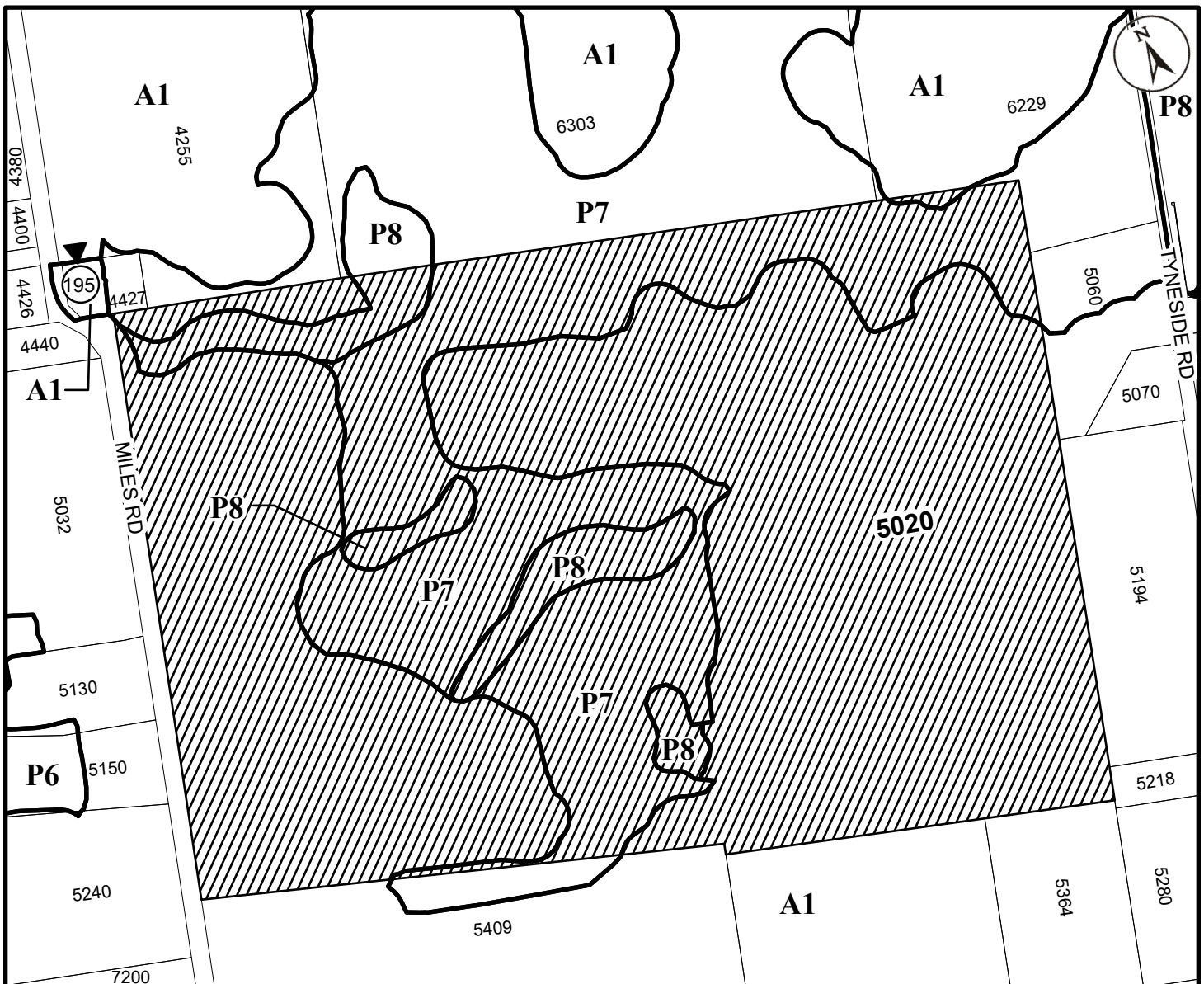
1. These variances are necessary to facilitate consent application GL/B-20:61.
2. The current 'P7' zone of the lands being severed permits the use of 'existing' Single Detached Dwellings. As a result of the proposed severance, the existing status of this dwelling is effectively lost as it is located on a newly created lot. Variance #3 is necessary in order to permit the continued use of the Single Detached Dwelling.
3. A single detached dwelling requires a minimum of one (1) parking space to be provided on site. Such parking shall be provided in accordance with Section 5 of Hamilton Zoning By-law 05-200. Insufficient information has been provided in order to determine zoning compliance. As such, further variances may be required.

4. The existing farm buildings on the lands to be retained shall be setback a minimum 15.0m from the proposed new lot line. Insufficient information has been provided in order to determine zoning compliance. Alternatively, the owner shall receive the necessary variances to permit the existing location of these buildings in relation to the new lot lines or demolish the buildings in the normal manner.
5. Be advised that a portion of this property is under Conservation Management. Please contact Niagara Peninsula Conservation Authority for further information.

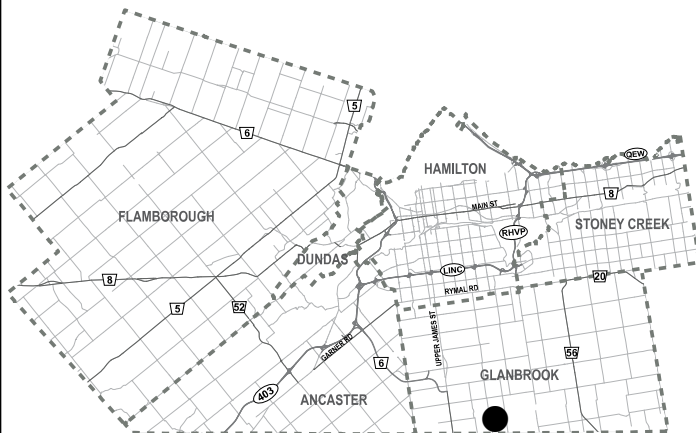
Development Engineering:

No comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



5020 Tyneside Road, Glanbrook
(Ward 11)

File Name/Number:

GL/A-20-199

Date:

January 12, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/B-20:61 (Amended) – 5020 Tyneside Rd., Glanbrook

Consolidation Report

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

Should the Committee 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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
5. The owner shall receive final and binding approval of minor variance application GL/A-20:199.
6. The owner shall submit survey evidence that the lands to be conveyed and retained, including any existing structure(s), and parking 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).
7. The owner shall demolish the existing "farm buildings" on the lands to be retained to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or alternatively, the owner shall demonstrate that the existing farm buildings conform to the requirements of Hamilton Zoning By-law 05-200 in relation to their location to the proposed property lines. (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.

8. 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).
9. The owner shall demolish the existing barn (accessory structure) on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department.
10. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
11. That the Owner dedicate to the City of Hamilton by deed, sufficient land along the frontage of the remnant parcel fronting on Miles Road in order to establish the property line 18.28mm (60 feet) from the original centreline of this roadway to the satisfaction of Manager Engineering Approvals Section.

GL/B-20:61 (Amended) – 5020 Tyneside Rd., Glanbrook

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 two agricultural barns and to retain a parcel of vacant land for agricultural purposes.

Severed lands:

15m± x 234m± and an area of 3.71ha±

Retained lands:

646m± x 1,000m± and an area of 63.29ha±

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:
 - ii) Residential uses except in accordance with:
 - 2) 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,
- b) Severances that create a new lot(s) may be permitted for only the following purposes:
 - i) Agricultural uses in accordance with Policies F.1.14.2.1, F.1.14.2.2, and F.1.14.2.3;
 - ii) Agricultural-related uses in accordance with Policies F.1.14.2.1, F.1.14.2.2, and F.1.14.2.3;

- iii) Severance of a surplus farm dwelling made surplus as a result of a farm consolidation in accordance with Policies F.1.14.2.1 and F.1.14.2.8;
 - iv) Severances within designated Rural Settlement Areas in accordance with Policy F.1.14.2.1 c), Policy F.1.14.2.4, and Section C.5.1, Private Water and Wastewater Services;
 - v) Acquiring land for infrastructure, petroleum resource extraction, and mineral aggregate resource extraction purposes in accordance with Policy F.1.14.2.1 g);
 - vi) Facilitating conveyances of land to a public body or approved private land trust in accordance with Policy F.1.14.2.1 h);
 - vii) In the Rural designation only, non-agricultural uses which may only be permitted in accordance with Sections D.4.1, F.1.14.2.1, and F.1.14.2.3;
- c) All proposed severances that create a new lot shall:
- v) comply with the policies of this Plan including a rural settlement area plan where one exists;
 - vi) be compatible with and not hinder surrounding agricultural operations;
 - vii) conform to the Zoning By-law;
 - viii) only be permitted when both severed and retained lots have frontage on a public road; and,**
 - ix) meet the requirements of Section C.5.1, Private Water and Wastewater Services.

- 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:
 - xi) The farm consolidation shall have been completed prior to the time of application.
 - xii) 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.
 - xiii) 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.
 - xiv) 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;

- xv) 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;
- xvi) 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);**
- xvii) 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
- xviii) Where a barn or other farm building exists within the immediate vicinity of the surplus residence, the City may require demolition of the barn."

Analysis

The subject lands have frontage only on Miles Road, staff note that the owner has legal access to Tyneside Road which was established by an agreement with the neighbouring 6229 Chippewa Road East.

As such, staff are not in support of the subject severance as it would create a landlocked parcel which is not fronting onto a Right of Way, but instead has legal access which is owned by the abutting property (6229 Chippewa Road East), staff note that legal access does not constitute frontage. Therefore, staff cannot support this proposal as it is not compliant with the Rural Hamilton Official Plan, Chapter F – Implementation, which states:

- "1.14.2.1 c) All proposed severances that create a new lot shall:
- iv) only be permitted when both severed and retained lots have frontage on a public road."

Staff are also concerned with how the retained agricultural lot will be farmed and how farm machinery will access the retained agricultural lot. It appears that the current access

of farm machinery is through Tyneside Road, and ultimately the private road which leads to the lands which are proposed for a severance. Staff are concerned that the only way for farm machinery to access the agricultural lot will be through the newly severed residential lot, this would negatively impact the proposed residential use, should the severance be approved.

In addition, the Rural Hamilton Official Plan policies state that the shape and dimensions of the surplus farm dwelling shall generally not exceed a depth of 122 metres, the proposed surplus lot has a proposed depth of approximately 290 metres which does not conform with the aforementioned Rural Hamilton Official Plan policy. Therefore, the proposed severance does not meet the intent of 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, Conservation/Hazard Land – Rural (P7) Zone and Conservation/Hazard Land – Rural (P8) Zone. The proposed severance is within the A1 and P7 Zone.

Natural Heritage

Natural Heritage has reviewed this proposal to sever an existing home from a farm parcel. The property contains Core Areas (Significant Woodland, Provincially Significant Wetland, Environmentally Significant Area and stream) shown on Schedule B of the Rural Hamilton Official Plan. The property is also within the Greenbelt Plan Natural Heritage System and portions are regulated by the Niagara Peninsula Conservation Authority.

The proposed severance will separate an existing residence from an existing agricultural parcel. Both the retained and severed parcels would have Core Areas on them. The existing uses will continue. However, because the Core Areas will now be on two lots, there will be increased fragmentation of Core Areas in the Greenbelt Natural Heritage System. However, the policy related to this refers to severances to a public body for conservation, (F.1.14.2.1 h ii), and not for agricultural purposes.

Therefore, Natural Heritage is satisfied that the proposed severance will not negatively impact the Core Areas.

Cultural Heritage

Please note that as a part of Formal Consultation meeting (FC-20-055), staff required the submission of an archaeological assessment for the area to be severed as follows:

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

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) Local knowledge associates areas with historic events/activities/occupations; and
- 3) In areas of pioneer EuroCanadian settlement

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 and Staff require that an Archaeological Assessment be completed within the area to be severed and submitted with any future application.

Should this application be approved, staff require the submission of the archaeological assessment as a condition of approval.

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**.

CONDITION:

Should the Committee approve the application, staff require the following conditions be added to the application:

1. The owner shall demolish the existing barn (accessory structure) on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department.
2. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
3. The applicant shall submit and receive final and binding approval of an Official Plan Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
4. The applicant shall submit and receive approval for an archeological assessment, for the area to be severed, to the satisfaction of the Manager, Development Planning Heritage & Design.

Building Division:

1. The owner should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department.
2. In order to clear conditions, the owner will be required to make application for Ontario Building Code Compliance and pay the relevant fees.
3. In order to clear conditions, the owner will be required to make application for a Zoning Compliance Review and pay the relevant fees.
4. The owner, 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.
5. The lands to be conveyed are intended to be used for residential purposes (single detached dwelling), which is permitted. All other existing structures situated on the conveyed lands are said to be intended as being accessory structures to the residential use. As such, these accessory buildings are required to be reviewed against the requirements of Section 4.8.2 of Hamilton Zoning By-law 05-200.
6. The lands to be conveyed does not have frontage along a public street. As such, a legally established right of way shall be property registered on title to provide access to the property.
7. The current 'P7' zone of the lands being severed permits the use of 'existing' Single Detached Dwellings. As a result of the proposed severance, the existing status of this dwelling is effectively lost as it is located on a newly created lot. As such, a variance is necessary in order to permit the continued use of the Single Detached Dwelling
8. A variance is also required to permit a lot having no frontage along a public street (conveyed lands) will be required for zoning compliance.

CONDITIONAL UPON:

1. The owner shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).

2. The owner shall receive final and binding approval of minor variance application GL/A-20:199.
3. The owner shall submit survey evidence that the lands to be conveyed and retained, including any existing structure(s), and parking 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 demolish the existing “farm buildings” on the lands to be retained to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or alternatively, the owner shall demonstrate that the existing farm buildings conform to the requirements of Hamilton Zoning By-law 05-200 in relation to their location to the proposed property lines. (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
5. 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).

Development Engineering:

There is no municipal water or sewer infrastructure on Miles Road or Tyneside Road as this subject parcel is situated within the rural designated area of Glanbrook.

Chippewa Creek traverses along the easterly limit of the lands to be severed. The existing rural residential dwelling is shown to be approximately 9m higher than the creek.

The subject parcel fronts onto Miles Road and does **not** front onto Tyneside Road according to the City’s GIS records, however, there is a private right-of-way/driveway that intersects through the adjacent property known as 6229 Chippewa Road East to Tyneside Road. [Inst. GL570B- registered on September 4, 1865.

A right-of-way widening is applicable to the subject property on Miles Road as per the Rural Official Plan, Chapter C – City Wide Systems and Designations, Section 4.5.2 b) and is described below:

Existing Right-of-Way Widths

- Tyneside Road – **12.2m**
- Miles Road – **20.3m**

Future Right-of-Way Width

- Tyneside Road – 26.213m – **PARCEL DOES NOT FRONT ONTO TYNESIDE, THEREFORE, LAND DEDICATION NOT APPLICABLE**
- Miles Road – 36.576m - **LAND DEDICATION REQUIRED**

Daylighting Triangle Requirements

- Not applicable

According to our records, the subject section of Miles Road is classified as a Collector roadway with an ultimate road allowance right-of-way width of 36.576m in accordance with Rural Official Plan. The proponent will be required to submit a deposited R-Plan and land transfer deed in accordance with the City of Hamilton Road Widening Procedural Guide as a condition of approval. With regards to using the deeded right-of-way to Tyneside Road, Development Engineering Approvals will defer to the Planning Department for approval and/or comments.

Provided the existing drainage patterns are maintained and there are no changes to the existing residential and farming lands, we have no further comments.

Growth Planning:

No comments.

Transportation Planning:

1. Transportation Planning has no objection to the land severance application. We waived right-of-way dedications through FC-20-055.

Source Water Protection Planning:

Our previous comments still apply: We would recommend that Building Division confirm the proposed severance meets minimum clearance distances of Part 8 of the Ontario Building Code as it pertains to the septic system on the retained lot.

See attached for additional comments.



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

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: January 13, 2021

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

From: Shannon Clarke, Urban Forest Health Technician

Subject: 5020 Tyneside Road, Glanbrook
File: GL/B-20:61

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, January 21, 2021, 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

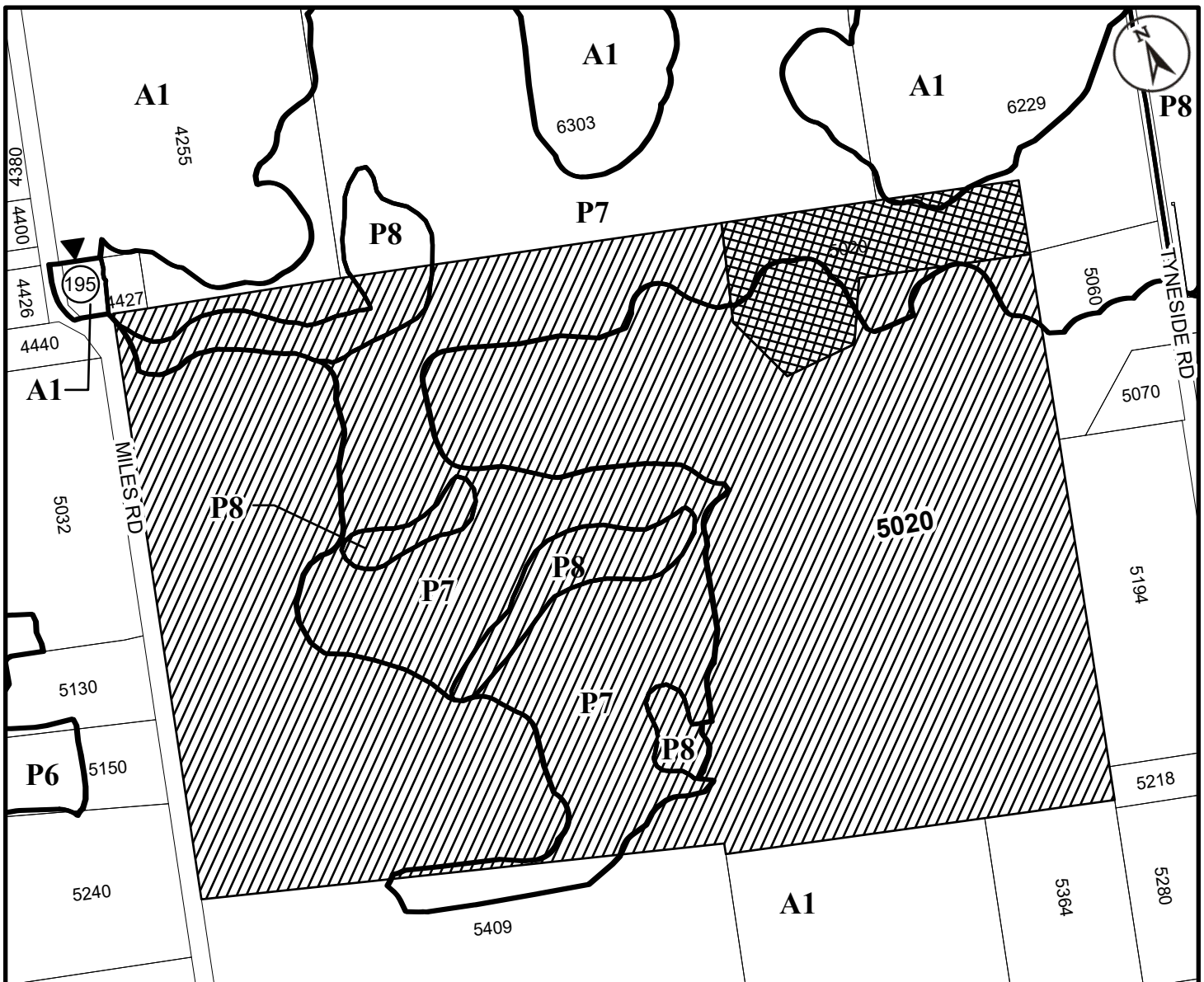
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

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.

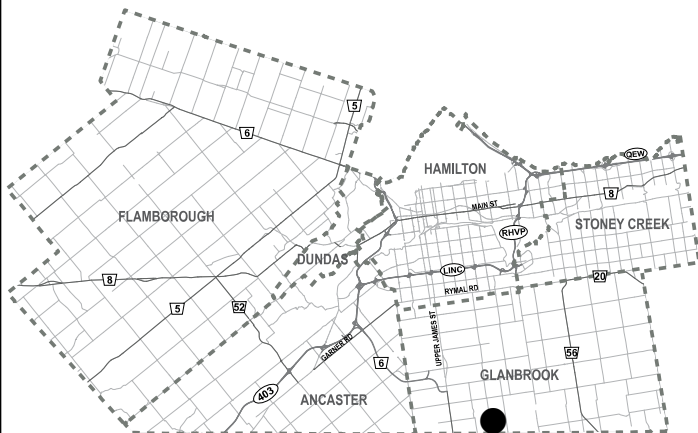
Regards,

A handwritten signature in black ink, appearing to read "Shannon Clarke". The signature is written in a cursive, flowing style.

Shannon Clarke
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

5020 Tyneside Road, Glanbrook (Ward 11)



Lands to be Retained



Lands to be Severed

File Name/Number:

GL/B-20-61

Date:

October 8, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-20:262 - 118 Lexington Ave., Stoney Creek

Consolidation Report

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

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

SC/A-20:262 – 118 Lexington Ave., Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a new one (1) storey addition in the rear yard of the existing single detached dwelling.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the subject lands as “Neighbourhoods” in Schedule E-1 - Urban Land Use Designations. The subject property is also designated as “Low Density Residential 1” in the Trinity West Secondary Plan – Land Use Plan Map B.7.7-1. Policy B.7.7.3.4, amongst others, is applicable and permits a single detached dwelling.

Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned Single Residential “R3-41” Zone, to which the use complies.

Variance 1

The applicant is seeking a variance to permit the construction of a new one (1) storey addition in the rear yard of the existing single detached dwelling.

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

Recommendation

Based on the preceding information, the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan as well as the Stoney Creek Zoning By-law No.3692-92. 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 proposed addition is intended to contain an enclosed swimming pool.
2. Specific building details of the proposed addition have not been provided at this time. As such, variances have been written as requested by the applicant/owner. All other requirements of the Stoney Creek Zoning By-law 3692-92 shall apply and further variances may be required.
3. A variance was also requested to permit an increased lot coverage. Please be advised that pursuant to amending By-law #16-102, the maximum lot coverage requirement for principal buildings does not apply for the R3-41 zone.
4. Building Permit #18-132956, issued on August 27, 2018, for the construction of a 4.5m² rear deck remains not finalized.
5. A building permit is required for the construction of the proposed addition in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.

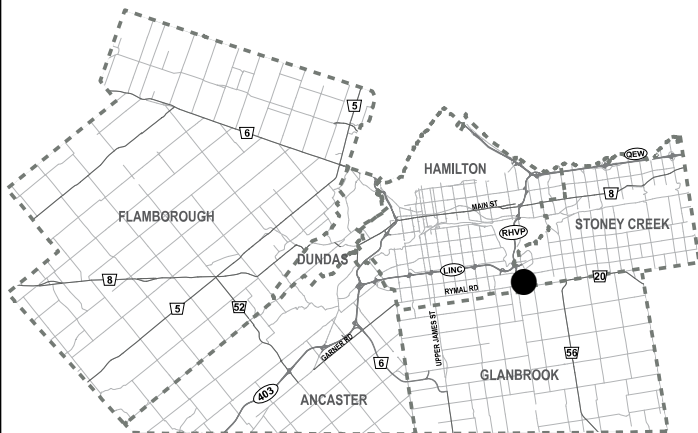
Development Engineering:

No comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



118 Lexington Avenue, Stoney Creek
(Ward 9)

File Name/Number:

SC/A-20:262

Date:

January 13, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/A-20:254 – 111 Cutts Cres., Glanbrook

Consolidation Report

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

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

GL/A-20:254 – 111 Cutts Cres., Glanbrook

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The applicant is seeking a variance to permit the construction of a patio deck at the rear of the existing single detached dwelling.

Urban Hamilton Official Plan

The subject properties are designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations. In reference to Map “B.5.1-1” – Binbrook Village Secondary Plan Land Use Plan the subject lands are designated “Low Density Residential 2e”. Policy B.5.1.4.5.b), amongst others, is applicable and permits a single detached dwelling.

Township of Glanbrook Zoning By-law No. 464

The subject lands are zoned Residential “R4-279” Zone, to which the use complies.

Variance 1 & 2

The applicant is seeking a variance to permit a minimum 0.9m setback to be provided from an interior side lot line instead of the minimum 1.0m setback required from an interior side lot line. In addition, the applicant is seeking a variance to permit a minimum 0.9m setback to be provided from the rear lot line instead of the minimum 3.0m setback required from the rear lot line.

Staff are satisfied that the proposed patio deck is an appropriate addition for the subject lands. The intent and purpose of the UHOP is to maintain the character of established neighbourhoods. As it appears that the proposed structure is characteristic in this particular neighbourhood and increases the liveability of the property, the intent and purpose of the UHOP is being upheld. Staff are not concerned about the privacy issue since there is an existing wooden fence which separates and provides privacy to the subject lands as well as the abutting lots. As such, the intent and purpose of the Zoning by-law is being upheld. With regard to drainage, staff defer to Development Engineering Approvals. The proposed variance is minor in nature and is an appropriate form of development for the subject lands. Staff are **in support** of this variance.

Recommendation

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan as well as the Township of Glanbrook Zoning By-law No. 464. The variances are considered to be minor in nature and desirable

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

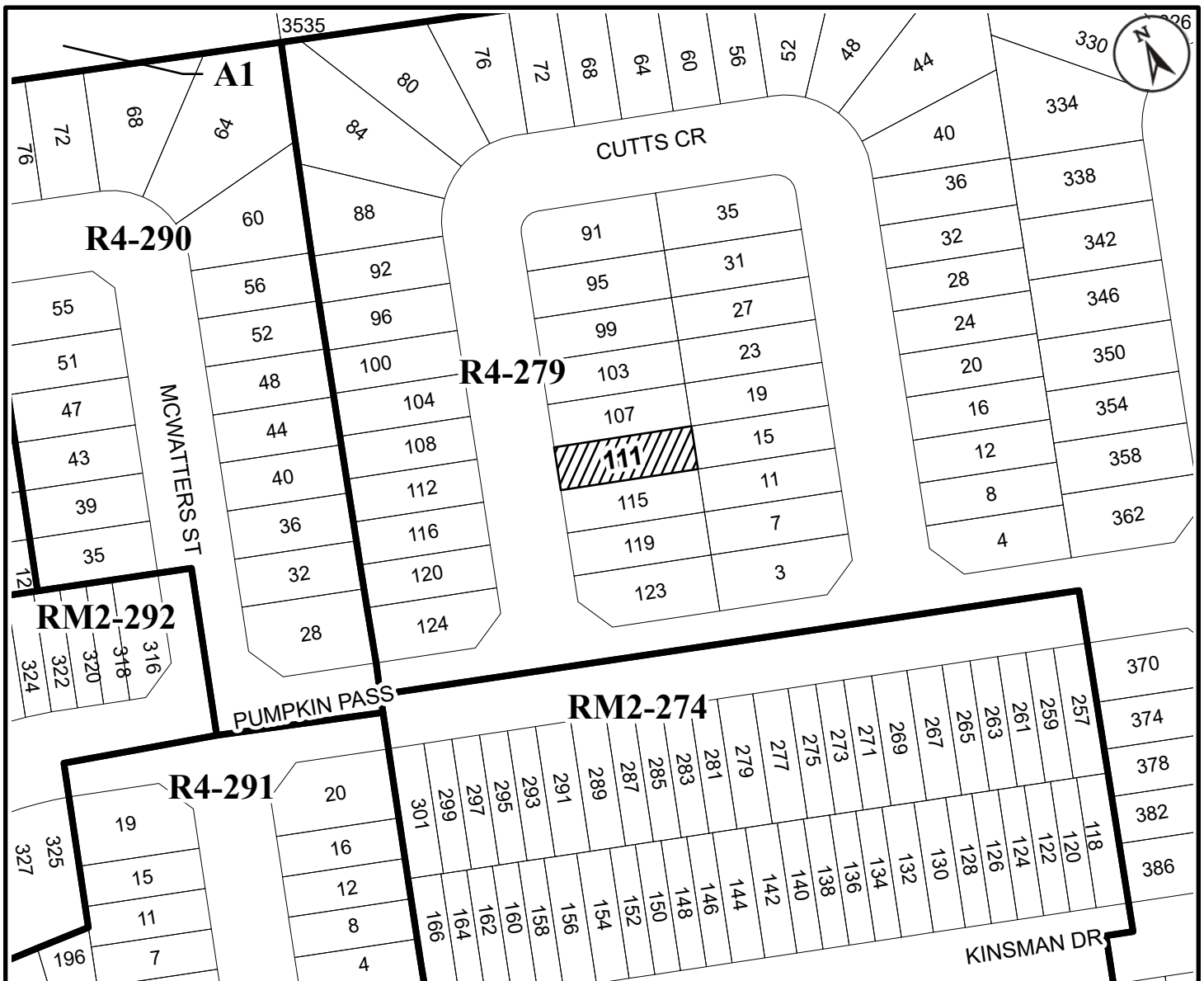
Building Division:

1. A building permit is required for the construction of the proposed rear yard deck.

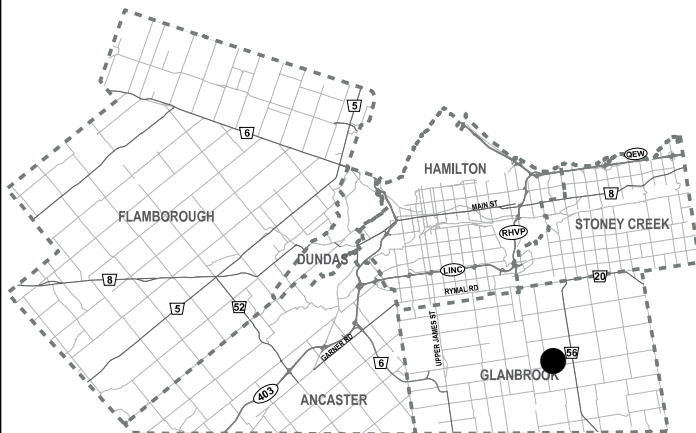
Development Engineering:

No objections to the variance requests. The proposed patio deck at the rear of the dwelling will be constructed on sona tube posts above grade so it does not appear that there will any adverse drainage impacts on the abutting residential lands.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



111 Cutts Crescent, Glanbrook
(Ward 11)

File Name/Number:

GL/A-20:254

Date:

January 13, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:258 – 1575 Upper Ottawa 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):

HM/A-20:258 – 1575 Upper Ottawa St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit a maximum combined gross floor area for retail of 2,150 sq. m for each lot for the existing shopping centre instead of the maximum 1,500 sq. m, and to permit the minimum number of required parking spaces to be based on the “shopping centre” regulations instead of being based on individual uses as required.

Urban Hamilton Official Plan

The subject lands are identified as “Secondary Corridors” on Schedule “E” – Urban Structure and designated “Arterial Commercial” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). A range of arterial commercial uses are permitted, including land extensive retail stores such as a home improvement supply store, but does not include retail uses in general (E.4.8.2).

Official Plan Amendment No. 66 applied the Urban Site Specific Policy “UHC-5” to the subject lands, which permits retail uses to a maximum of 1,500 sq. m, office uses to a maximum of 1,767 sq. m, personal services, and financial establishments in addition to Arterial Commercial uses (Policies 1.0 and 1.1 of UHC-5, Chapter C, Volume 3).

OPA No. 66 was initiated by the owner in order to permit a greater range of commercial uses within the “Arterial Commercial” designation. These additional uses were all existing on the subject lands and were permitted in the former Zoning By-law, prior to the lands being brought into Zoning By-Law No. 05-200.

In the staff report (PED16190), it was noted that the “lands have developed into a shopping, service commercial, and office hub...rather than functioning as a regional or highway commercial use”. However, the intent of the UHOP is for the lands to be redeveloped for arterial commercial uses and so caps for the maximum combined gross floor area for retail and office uses were proposed so as not to preclude arterial commercial uses being developed on the subject lands. Staff were supportive of the OPA as it would not allow for the expansion of non-arterial uses but would rather recognize existing non-arterial uses while protecting for the full range of permitted arterial commercial uses.

With the foregoing in mind, the proposal to permit the expansion of the non-arterial retail use does not maintain the intent of the UHOP.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Arterial Commercial (C7, 600) Zone, which permits a range of arterial commercial uses, subject to the applicable provisions. In addition to the permitted uses of the C7 Zone, Special Exception 600 permits retail, personal services, and financial establishments, but restricts the combined maximum gross floor area for retail and office uses to 1,500 sq. m and 1,767 sq. m respectively, for each lot.

Variance 1

A maximum combined gross floor area for retail of 2,150 sq. m for each lot is proposed, whereas a maximum of 1,500 sq. m is permitted by the Zoning By-law. The intent of the provision is to permit some flexibility by allowing the retail use while ensuring that there is opportunity for a greater range of commercial uses, including arterial commercial uses. In the opinion of staff, the variance would narrow the range of commercial uses on site and therefore does not maintain the intent of the Zoning By-law. Staff notes that personal services and financial establishments are permitted by Special Exception 600 and the GFA is not capped, which provides flexibility for these additional non-arterial uses. As noted previously, the variance does not maintain the intent of the UHOP. The variance is not desirable or minor, as it would decrease the GFA available for arterial commercial uses which diverges from the intent of the UHOP and Zoning. Based on the foregoing, staff **does not** support the variance because the intent of the UHOP and Zoning By-law is not maintained, it is not desirable or minor in nature.

Variance 2

A variance is requested to permit the minimum number of required parking spaces to be based on the “shopping centre” regulations instead of being based on individual uses as required by the Zoning By-law.

The parking regulations of the Zoning By-law were amended through the Commercial and Mixed Use (CMU) Zoning By-law amendment; however, many of these regulations remain under appeal at the Local Planning Appeal Tribunal (LPAT, formerly the OMB) and are therefore not yet final. Once final and binding, the Zoning By-law will require the minimum number of parking spaces to be in accordance with the “shopping centre” regulations.

There are 263 existing parking spaces. The “shopping centre” regulations would require a minimum of 234 parking spaces. The existing number of parking spaces will be in conformity with the Council adopted parking space regulations of the CMU Zoning when it becomes final and binding. As a result, staff is of the opinion that the variance meets the intent of the Zoning By-law.

The variance meets the intent and purpose of the UHOP and the Zoning By-law, is desirable, and minor in nature. Accordingly, staff **supports** the variance.

Recommendation:

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

Staff recommends that **Variance 2**, as outlined in the Notice of Hearing, be **approved**, because Variance 2 maintains the purpose and intent of the Official Plan and the Zoning By-law, is desirable and minor in nature.

Building Division:

1. Be advised that Amending By-law No. 17-240 was passed on November 8, 2017 which changed the zoning of this property from “M-11” and “M-12” under Hamilton Zoning By-law No. 6593 to “C7, 600” under Hamilton Zoning By-law No. 05-200. However, there are portions of Amending By-law No. 17-240 which are still under appeal to the Local Appeal Planning Tribunal (LPAT); therefore, it is not yet final. As such, the proposed development is reviewed under the regulations contained within Hamilton Zoning By-law 05-200, except where portions of these regulations are still under appeal by By-law No. 17-240 both the existing and proposed Zoning By-law regulations will be examined with the more restrictive zoning regulation being applied. An exception to this policy is for Building Permits, which are reviewed under the former existing Zoning and/or Zoning By-law regulation until such time that Amending By-law No. 17-240 comes fully into force. Once By-law No. 17-240 is approved in its entirety by the Local Appeal Planning Tribunal (LPAT), the zoning and regulations under this By-law will be applicable.
2. If Variance # 2 is approved, a minimum of two hundred and thirty-four (234) parking spaces will be required for the total gross floor area of 5,261m² for Building A (being 3,558m²), Building B (being 1,409m²) and Building C (being

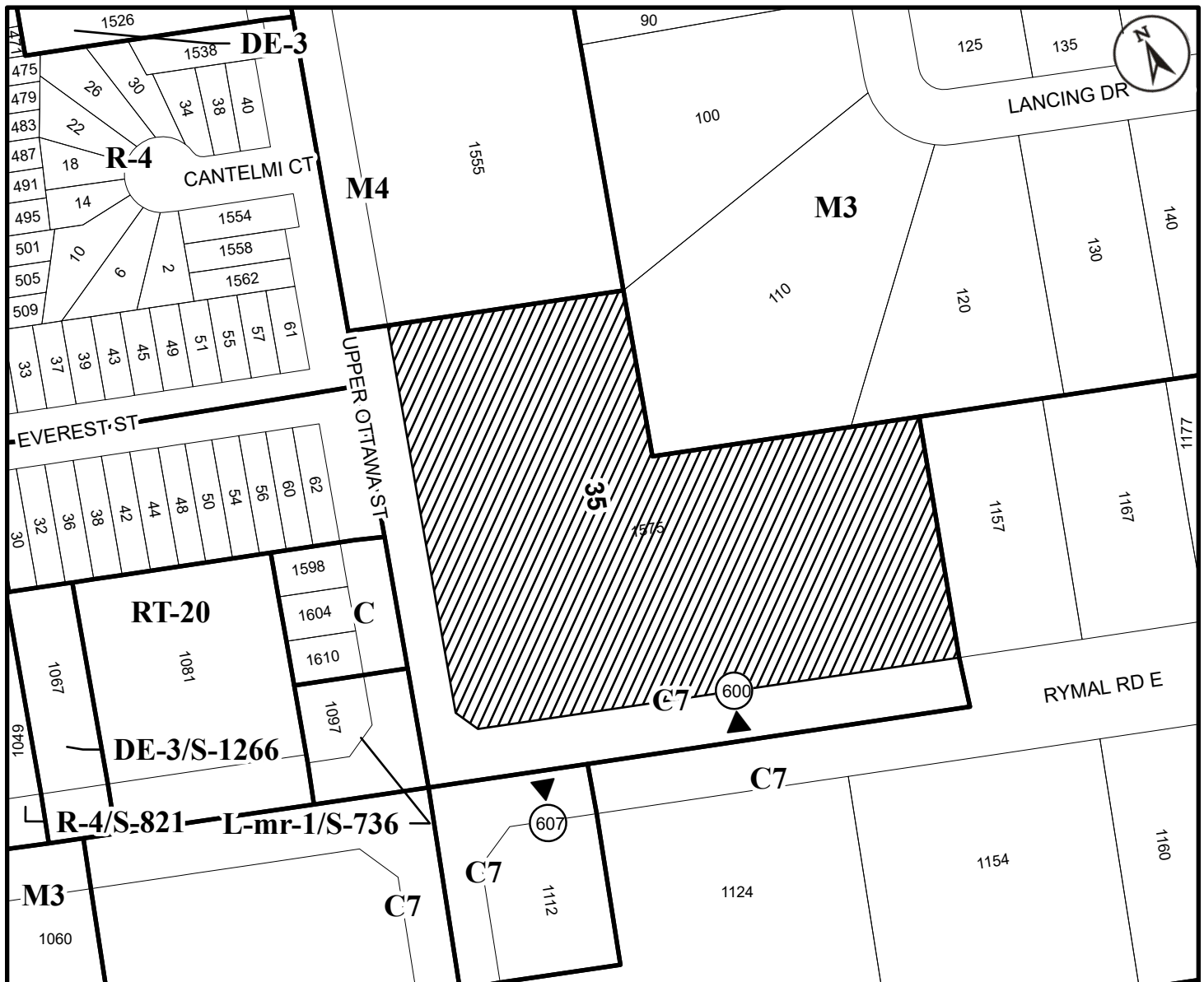
294m²). A total of two hundred and sixty-three (263) parking spaces are shown which will conform to the shopping centre parking regulations. Be advised that the Minor Variance Sketch indicates a total of 256 parking spaces being provided; however, when all the parking spaces shown are added, a total of 263 parking spaces are actually shown (composed of: 256 parking spaces being 2.7m wide x 6.0m long and 7 accessible parking spaces being 2.7m wide x 6.0m long).

3. The lands are subject to Site Plan Control.
4. Building Permit # 20-170918, issued on July 7, 2020, (Alteration to the space to remove interior walls and finishes for future tenant fit-out) remains not finalized

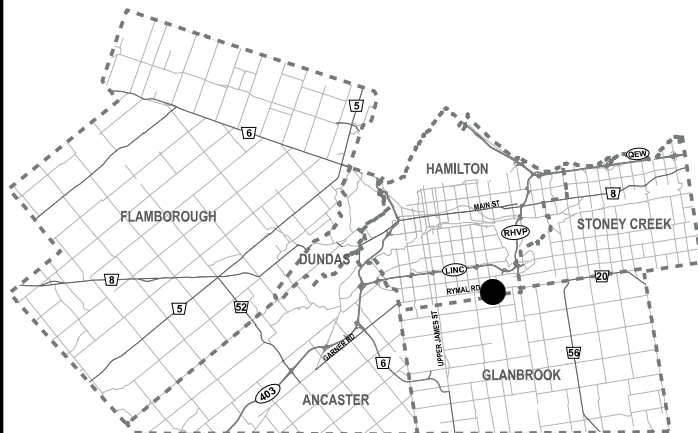
Development Engineering:

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

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



1575 Upper Ottawa Street, Hamilton
(Ward 6)

File Name/Number:

HM/A-20:258

Date:

January 7, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



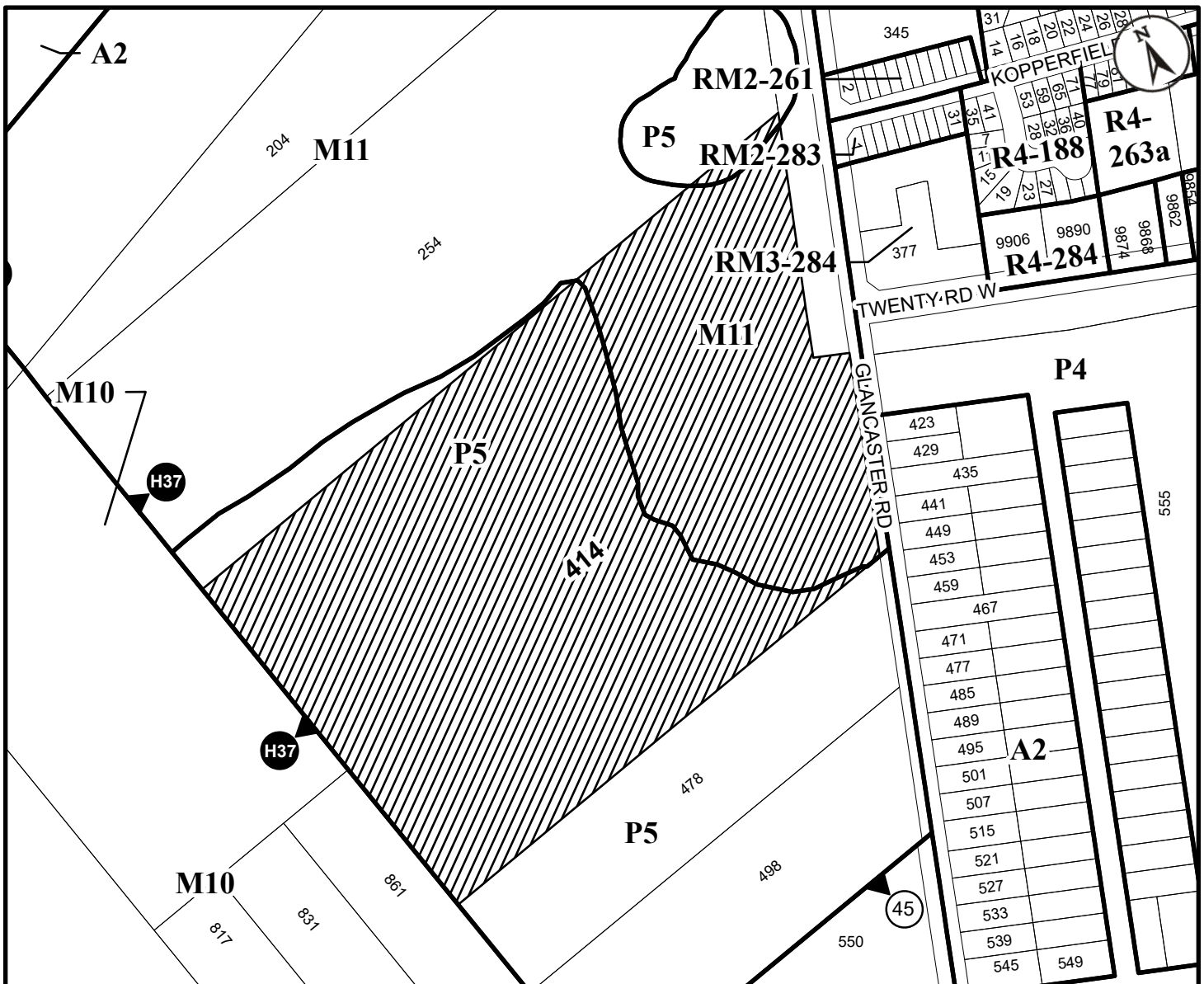
Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

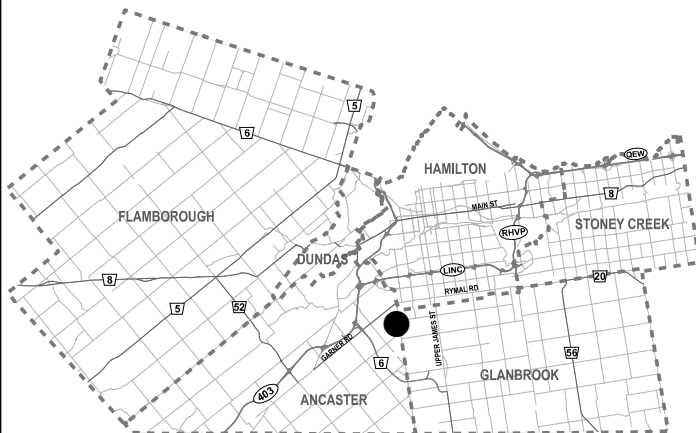
January 21st, 2021

AN/A-20:272 – 414 Glancaster Rd., Ancaster

NOTE: Application has been tabled until further notice.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



414 Glancaster Road, Ancaster
(Ward 12)

File Name/Number:

AN/A-20:272

Date:

January 8, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-20:257 – 20 Sauvignon Cres., Stoney Creek

Consolidation Report

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

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

SC/A-20:257 – 20 Sauvignon Cres., Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The applicant proposes to construct a single detached dwelling, notwithstanding the following variance:

- 1) A reduction of the required rear yard from 7.5 metres to 5.0 metres.

History

At the Committee of Adjustment Hearing held on August 6, 2020 relief from the minimum 15.0 metre frontage requirement to 12.0 metres was granted. This facilitated the creation of the lot known municipally as 20 Sauvignon Crescent through a part lot control process. At the time of the hearing it was noted in the decision that,

Variances have been written as requested by the applicant, which are based on lot area and lot frontage only. Insufficient details (i.e. no building envelope, building plans, elevations or parking details etc.) were provided. Therefore, compliance with Section 6.3 of Stoney Creek Zoning By-law 3692-92 shall be determined at building permit stage, and further variances may be required.

The applicant has now applied for a building permit as the lots have been created for a single detached dwelling. However, it has been determined that a variance is necessary for a reduction of the required minimum rear yard.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” within Schedule E-1 Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP) to which the use complies.

The subject lands are designated as “Low Density Residential 2” within the Fruitland-Winona Secondary Plan: Land Use Plan Map B.7.4-1. to which the use complies.

Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned Single Residential “R2-61” which permits single detached dwellings.

Variance 1

The applicant requests a variance to reduce the required rear yard for the proposed single detached dwelling from 7.5 metres to 5.0 metres. The intent of this provision is to allow adequate area for grading and drainage, to accommodate necessary amenity area, and to avoid impact on the enjoyment/privacy of the adjacent properties (Planning defers to Development Engineering Approvals staff pertaining to grading and drainage concerns).

Staff note that minor variance application SC/A-20:198 was granted at the meeting held on October 22, 2020 allowing 6.0 metre rear yards for both 8 and 16 Sauvignon Crescent. These lands along with the subject property were created through the lifting of part lot control. Due to the irregular shape of the subject property it is difficult to maintain a building envelope that meets the requirements of the Zoning By-law as the lot tapers towards the frontage on Sauvignon Crescent. If the applicant were to push the proposed dwelling forward it would create pinch points in both side yards. These pinch points would present issues for zoning compliance (as both yards currently meet their respective minimums), drainage, maintenance, rear yard access, and possibly the Ontario Building Code. As similar variances were granted for 8 and 16 Sauvignon (these lands abut the subject property's eastern side yard), staff is also supportive of the current proposed reduction.

The impact to the properties to the rear of the subject lands will be minimal as conditional site plan approval was received on March 5, 2019 (DA-18-192) for proposed townhouse dwellings. Staff note that these proposed townhouses provide significant separation, 7 metres to the property line, with 1.5 metres of landscaping, and 4.5 metres of private amenity space between each townhouse and the subject property.

Based on the above, staff is therefore satisfied there is enough separation for privacy and amenity space between the proposed single detached dwelling and the rear adjacent townhouses. The variance maintains the general intent of the Official Plan and Zoning By-law, the variance is desirable for the appropriate development of the lands, and minor in nature. Staff is thus supportive of the variance as requested.

Recommendation:

Having regard for the matters under subsections *45(1) of the Planning Act*, staff is satisfied that the proposed reduction of the minimum required rear yard will have no adverse affect on the surrounding lands. Staff is also satisfied that the purpose and intent of the Urban Hamilton Official Plan and Zoning by-law are maintained, that the variances are desirable for the appropriate development of the land, and are minor in nature. Staff recommends that the requested variances, as outlined in the Notice of Hearing, be **approved**.

Building Division:

1. The applicant has advised that the residential lot shown in the submission was created by Part Lot Control removal under By-law 20-243, and passed by City Council on November 24, 2020. The residential parcel that was created is Lot 5 on Reference Plan 62R-21489.
2. The variance was written as requested by the applicant.
3. The property is zoned R2-61 in Stoney Creek Zoning By-law 3692-92. The R2-61 Zone was created under amending bylaw 13-130 and includes a special provision for minimum lot frontage.
4. Committee of Adjustment Application SC/A-20:127 was approved August 6, 2020 to permit the minimum lot frontage to be 12.0m instead of 15.0m and is now final and binding.
5. The Zoning By-law requires the minimum lot coverage to not exceed 40% of the total lot area. It is further noted that the proposed balcony on the second floor which projects into the rear yard would be included in the calculation for lot coverage. The applicant has advised that the lot coverage provided has included the balcony projection, and does not exceed the 40% requirement.
6. Building Permit 20-199464 issued on December 18, 2020, for the construction of a new single detached dwelling is under review and remains not finalized.
7. Be advised that Ontario Building Code regulations may require specific setback and construction types.
8. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2m in width.
The O.B.C. will regulate the type of construction permitted as the limiting distance is less than 1.2m.

Development Engineering:

Development Engineering has no comments on the Minor Variance as proposed.

See attached for additional comments.

January 12, 2021

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

Attention: Samantha Costa

File# SC/A-20:257

Re: 20 Sauvignon Cres

In response to your correspondence dated January 5, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

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

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

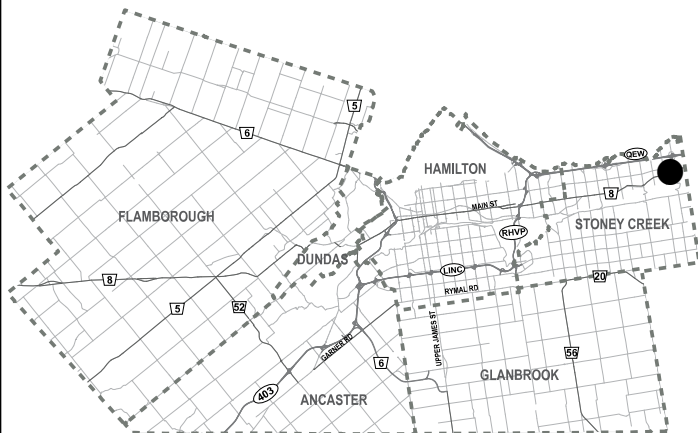
Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



20 Sauvignon Crescent,
Stoney Creek (Ward 10)

File Name/Number:

SC/A-20:257

Date:

January 11, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-20:263 – 417 Winona Rd., Stoney Creek

Consolidation Report

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

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

SC/A-20:263 – 417 Winona Rd., Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

Permission is requested for the extension of a legal non-conforming use. The Applicant purposes to construct a pergola which is an accessory structure to the established legal non-conforming use (single detached dwelling), notwithstanding the following variances:

- 1) An accessory building shall be permitted to be located within the front yard whereas an accessory building is not permitted to be located within a front yard; and
- 2) A reduction of the required front yard from 6.0 metres to 3.4 metres where is a yard abutting a street.

Planning Act

Section 45(2)(a) of the *Planning Act* gives the Committee of Adjustment the authority to permit the enlargement or extension of any building, structure or use that was lawfully used for the purpose prohibited by current the Zoning By-Law on the day that the by-law was passed. This extension or enlargement may only be given if the use has continued until the date of the application to the Committee and cannot extend beyond the limits of the land owned and used in connection therewith, on the day that the by-law was passed.

Urban Hamilton Official Plan

The subject lands are identified as “Employment Areas” on Schedule “E” – Urban Structure and designated “Business Park” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Residential uses are prohibited in the “Employment Areas” designation (Volume 1-E.5.2.6). Notwithstanding, the UHOP recognizes that there are existing land uses that do not precisely align with the goals and objectives of this plan. With this understanding, expansions and enlargements of legal non-conforming uses shall be permitted provided they maintain the intent and purpose of the UHOP and the Zoning By-Law (Volume 1-F.1.12.9).

Since the proposed structure does not increase the overall usability of the single detached dwelling and is only an accessory to that use, staff is satisfied that the proposed development is in keeping with general the intent of the Urban Hamilton Official Plan.

Hamilton Zoning By-Law 05-200

The subject lands are zoned Prestige Business Park (M3). This zone allows a number of industrial uses, while residential uses are not permitted.

Though residential uses are not permitted in industrial zones, both the UHOP and the Hamilton Zoning By-law 05-200 have policies in place for legal non-conforming uses. Specifically, *Section 1.11 d)* of the Hamilton Zoning By-law 05-200 allows for the construction of accessory buildings, including gazebos. These accessory structures must be on a lot containing a single detached dwelling which is prohibited by the applicable zoning by-law; but was lawfully established on the day of the by-law's passing provided that the location and height comply with the applicable provisions of this By-law. This provision allows the performance standards of the M3 Zone to be used for the proposed development.

Variances 1 & 2

Accessory buildings are currently not permitted in the front yard of the M3 Zone, where the required minimum setback is 6.0 metres. Notwithstanding these provisions, the applicant is proposing the construction of a gazebo in the front yard with a setback of 3.4 metres. The intent of these provisions is to maintain the streetscape and provide adequate space in the front yard for buffering and landscaping from the industrial use and the public realm. An adequate front yard is also necessary for drainage. Staff defers to Development Engineering Approvals with regards to all drainage concerns.

The reduced minimum front yard will have an increased effect of buffering as the gazebo will act more as a piece of street furniture/screening and thus create a more pleasant transition between the industrial warehousing use located in the rear of the site and the street. Further, the proposed gazebo will facilitate a more complete barrier with the existing coniferous/deciduous tree line and existing board on board fence. Staff is of the opinion that the expansion of the legal non-conforming use will not further entrench the residential use as it does not increase the usable floor area of the single detached dwelling. In terms of impact, the requested permission will not adversely affect compatibility of the lands with the surrounding land uses. As such, staff **supports** the requested variances as the intent of the Official Plan and Zoning By-law is maintained, it is desirable, and minor in nature.

Recommendation:

Having regard for the matters under subsections 45(1) and 45(2)(a) of the Planning Act, staff is satisfied that the proposed gazebo is an accessory to a legal non-conforming use, and that no enlargement beyond the limits of the lands used in connection therewith will occur. Staff is also satisfied that the purpose and intent of the Urban Hamilton Official Plan and Zoning by-law are maintained, that the variances are desirable for the appropriate development of the land and are minor in nature. Staff recommends that the requested variances, as outlined in the Notice of Hearing, be approved.

Building Division:

1. The Proposal should be amended to address the location of the existing accessory building (exist. shed) located nearest to the street line, as follows:

“To permit the construction of an accessory building (pergola) and to permit the location of the existing accessory building (exist. shed) located in the front yard of the existing legally established non-conforming single detached dwelling, notwithstanding...”

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

“The proposed accessory building (pergola) and the existing accessory building (exist. shed) shall be permitted to be located within the front yard whereas an accessory building is not permitted to be located within a required front yard;”

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

“A minimum of 3.4 metres shall be provided from the front lot line to the proposed accessory building (pergola) and a minimum of 4.0 metres shall be provided to from the front lot line to the existing accessory building (exist. shed) instead of a minimum of 6.0 metres required for a yard abutting a street; and,”

4. An additional variance should be included, as follows:

“The proposed accessory building (pergola) and the existing accessory building (exist. shed) shall be permitted to be located within the minimum required 6.0 metre wide Landscaped Area abutting the street notwithstanding buildings are not permitted to be located within a required Landscaped Area.”

5. Construction of the proposed accessory building (pergola) is subject to the issuance of a building permit from the Building Division. Please be advised that Ontario Building Code regulations may require specific setbacks and construction types.

Development Engineering:

Provided existing drainage patterns are maintained, Development Engineering has no comments on the Minor Variance as proposed.

See attached for additional comments.

January 12, 2021

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

Attention: Samantha Costa

File# SC/A-20:263

Re: 417 Winona Rd

In response to your correspondence dated January 5, 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:

- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Proposed pergola roof height location may be in conflict with existing overhead 347/600V secondary service on private property. Alectra overhead conductor clearances STD. 3-105 (see attached).

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)

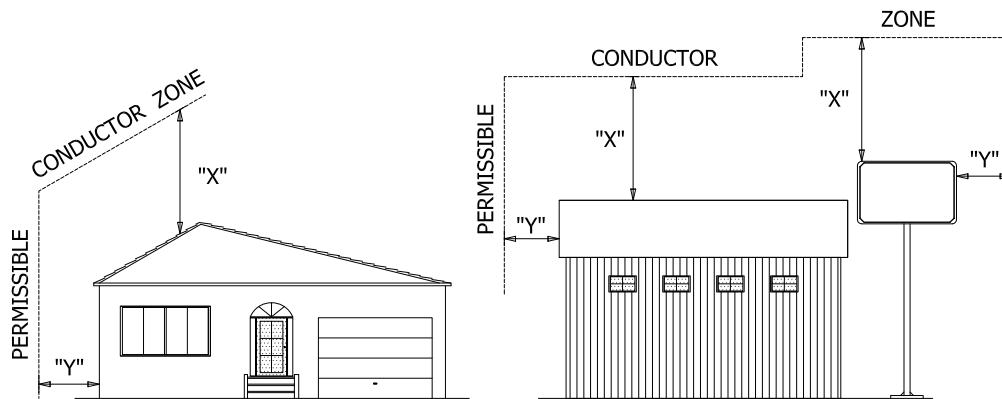
- Electrical Safety Code Rule 75-312
- Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
- CAN/CSA-C22.3 No. 1-15, Overhead System
- C22.3 No. 7-15 Underground Systems

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)

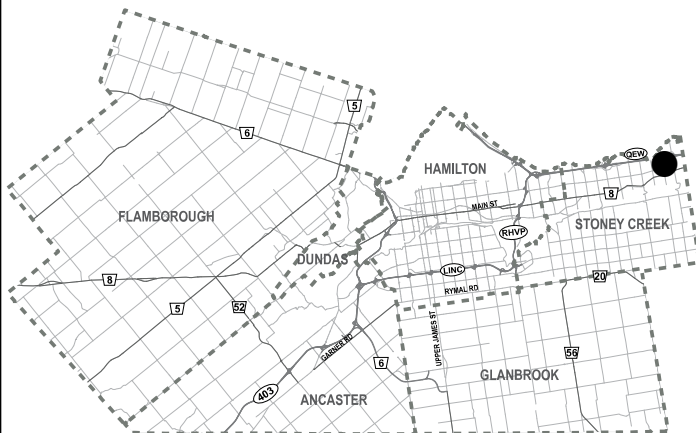
* - INCLUDES MULTI-GROUNDED NEUTRALS

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



417 Winona Road, Stoney Creek
(Ward 10)

File Name/Number:

SC/A-20:263

Date:

January 11, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

January 21st, 2021

SC/A-20:267 – 600 North Service Rd., Stoney Creek

Consolidation Report

NOTE: This application has been withdrawn from the agenda

SC/B-20:82 – 30 Lincoln Rd., Stoney Creek

Consolidation Report

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

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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The applicant/owner shall provide proof of separate and independent sewer and water services and to the severed and retained lands (to each dwelling) to the satisfaction of the Manager Engineering Approvals Section.

Note: Based on these application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed (Part 1) will remain as 30B Lincoln Road (Stoney Creek), the lands to be retained (Part 2) will remain as 30A Lincoln Road (Stoney Creek), and the existing address of 30 Lincoln Road has been retired and should no longer be referred to.

Note: 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.

SC/B-20:82 – 30 Lincoln Rd., Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to facilitate the severance of an existing lot into two lots each containing an existing semi-detached dwelling unit. Both the severed and retained lots are proposed to provide a frontage of ± 10.00 metres, a depth of ± 37.07 metres, and lot areas of ± 369 square metres and ± 376 square metres respectively.

History

The subject lands historically were used for a single detached dwelling. However, in September of 2020 a Demolition Permit was granted to demolish the existing single detached dwelling and a Building Permit was also granted to facilitate the construction of a new semi-detached dwelling.

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E – Urban Structure, and designated as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan (UHOP). Further, the lands are designated Low Density Residential 2b in the Western Development Area Secondary Plan (Map B.7.1-1). Policy B.7.1.1.2 applies, amongst others, and permits the proposed semi-detached dwellings at the proposed density.

The proposal is defined as Residential Intensification, and accordingly, must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1). The surrounding neighbourhood consists of a mix of single detached and semi-detached dwellings. These dwellings are on regular lots with similar frontages to the subject lands. The existing semi-detached dwellings are of comparable scale to other semi-detached dwellings in the area; with the proposed lots being of similar shape and size. The lots have frontage and access onto a public road and are on full municipal services. It is the opinion of staff that the proposed development is compatible with the surrounding area in terms of use and scale. The streetscape will be maintained due to the proposed semi-detached dwellings having front yard setbacks that are very much alike to that of the nearby residences. The proposed lots will integrate well with the lot pattern of the neighbourhood and are of adequate size to support amenity space for the intended use.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the criteria of F.1.14.3.1 (Volume 1). Staff is of the opinion that the proposed severance considers the design and compatibility with the existing neighbourhood. The

proposed lots reflect the general scale of the established development pattern in the surrounding area, which will allow for further residential intensification that is in keeping with the established streetscape.

Based on the foregoing, Staff is satisfied that the proposal is consistent with the UHOP policies for residential intensification of Volume 1-Section B, the UHOP policies for lot creation of Volume 1-Section F, and the Western Development Area Secondary Plan policies of Volume 2-Section B.7.1.

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

The subject lands are zoned Residential “R6”. The zoning permits semi-detached dwellings, subject to the required zoning provisions. The applicant was proactive and received a building permit for the construction of the semi-detached dwelling prior to the application for consent to sever. The existing semi-detached dwelling adheres to all requirements of the by-law.

Recommendation:

Having regard for the matters under subsection 51(24) of the Planning Act, Staff is satisfied that the proposed consent conforms to the official plan, and that the proposed lots are suitable for the use of the land. Staff recommends that the proposed consent, as outlined in the Notice of Hearing, **be approved.**

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. Building permit #20-169224, issued on September 18, 2020, to construct a 2-storey, 362m² semi-detached dwelling remains not finalized.

Development Engineering:

Recommendations:

1. The applicant/owner shall provide proof of separate and independent sewer and water services and to the severed and retained lands (to each dwelling) to the satisfaction of the Manager Engineering Approvals Section.

Growth Planning:

Note: Based on these application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed (Part 1) will

remain as 30B Lincoln Road (Stoney Creek), the lands to be retained (Part 2) will remain as 30A Lincoln Road (Stoney Creek), and the existing address of 30 Lincoln Road has been retired and should no longer be referred to.

Note: 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.

Transportation Planning:

Transportation Planning has no objections to the land severance application.

Source Water Protection Planning:

No comments

See attached for additional comments.



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

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: January 13, 2021

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

From: Shannon Clarke, Urban Forest Health Technician

Subject: 30 Lincoln Road, Stoney Creek
File: SC/B-20:82

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, January 21, 2021, 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 "Shannon Clarke". The signature is fluid and cursive, with the first name "Shannon" and last name "Clarke" clearly distinguishable.

Shannon Clarke
Urban Forest Health Technician

From: [Tony D](#)
To: [Committee of Adjustment](#)
Subject: Notice of Public Hearing - Application SC/B-20:82
Date: January 19, 2021 11:04:54 AM

To whom it may concern:

Please be advised that I (and my neighbours) have received this application for a severance in January 2021. The property in question had started construction and is near completion of the dwellings that this very application is intended for. I may add, the City of Hamilton has been involved and approved the plans and construction of these dwellings (as evident via city inspectors on site).

Unfortunately, this type of process sets precedents for others trying to proliferate an already established and existing community.

It's often thought that these public hearings are a mere formality for developers when applications are received in advance of construction. However, when applications are received after the fact it certainly raises alarm bells that the City process may be flawed, or at best, not in the best interest of the local residents. Why does the City even bother wasting taxpayer money on this process if the outcome is already a forgone conclusion?

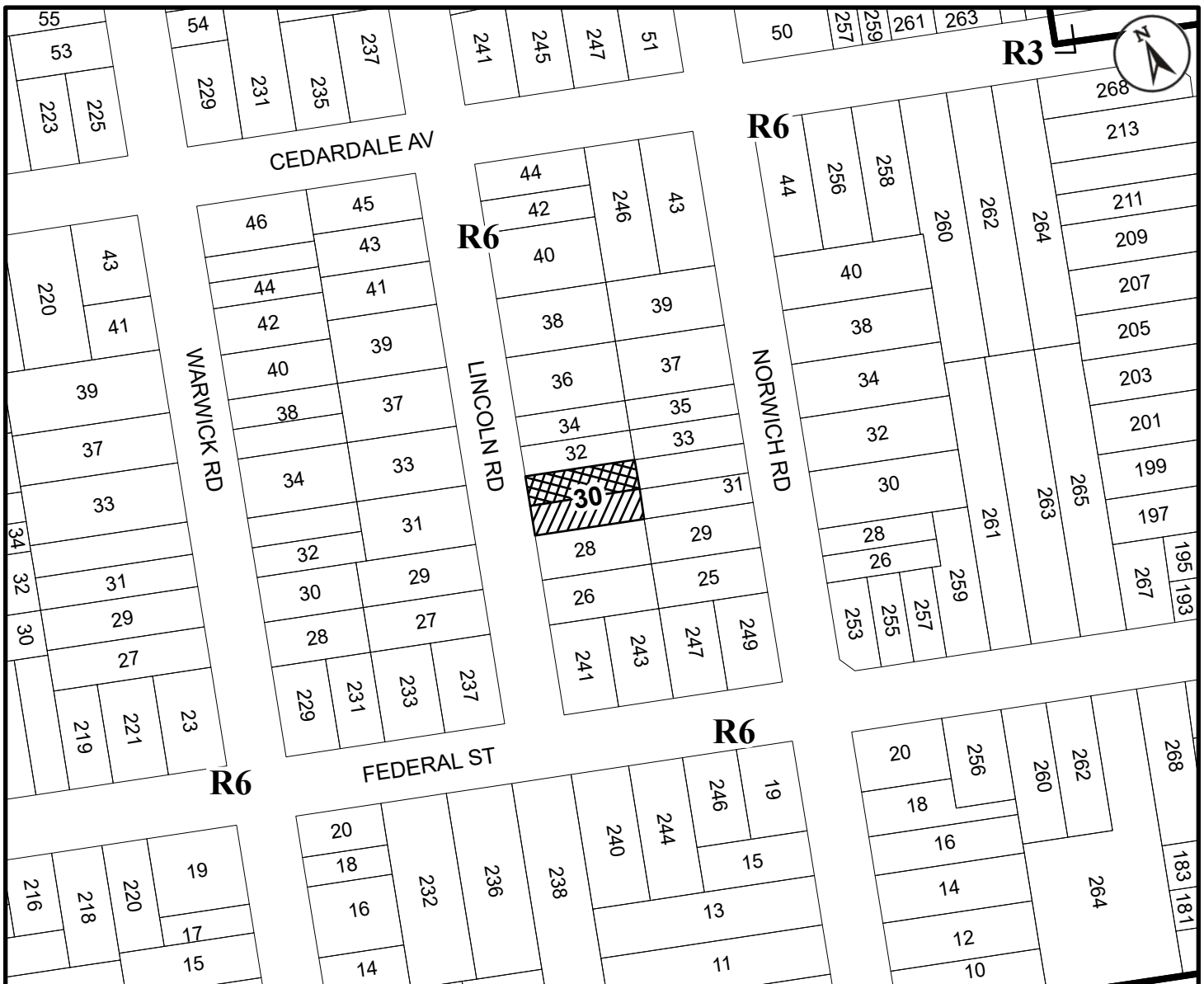
Moreover, I recognize that the Province established an intensification plan within Ontario that requires municipalities to achieve certain targets. However, it is fair to say that it is up to the municipality to determine where they would like to achieve intensification. It does not mean that every severance application that is received should be approved. Established, old town communities, such as mine are an integral part of the community and it's important that the City maintain some character of the past.

I appeal to the Citizens Committee to ensure that resident rights are upheld and respected. Although I recognize that this application is a done deal, I implore the committee to reconsider future severances on my small street given the above history and thoughts on intensification.

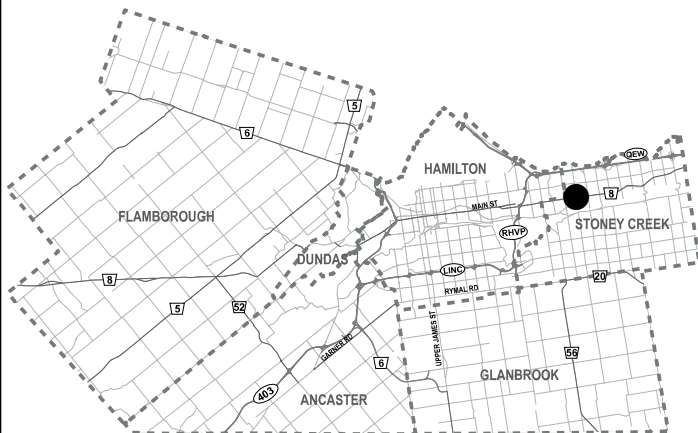
Thank you,
Concerned resident.



Virus-free. www.avast.com



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

30 Lincoln Road, Stoney Creek (Ward 10)



Lands to be Retained



Lands to be Severed

File Name/Number:

SC/B-20:82

Date:

January 11, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:261 – 191 East 25th 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):

HM/A-20:261 – 191 East 25th St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the conversion of the existing single detached dwelling to contain two dwelling units, notwithstanding the variances required for dwelling unit floor area and the provision of parking.

Through discussions with the applicant and Zoning Section staff, a revised parking arrangement was proposed to provide one parking space, and this was reviewed, and it was determined that variance 2 for a reduction in the landscaped area of the front yard and variances 3 and 4 for manoeuvring space are not required, and that variance 5 will be revised to request a reduction from two required parking spaces to one parking space.

Urban Hamilton Official Plan

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

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C” District (Urban Protected Residential, Etc.). Notwithstanding the existing zoning, the proposed development is defined as a Residential Conversion and as such, the provisions of Section 19 “Residential Conversion Requirements” are applicable. The proposed conversion from a single detached dwelling to a two unit dwelling is permitted within the zoning, subject to the provisions of 19(1).

Variance 1

Although the proposed dwelling unit is 61.0 square metres whereas the Zoning By-law requires 65 square metres, a kitchen, bathroom, two bedrooms and a family room are provided. The Ontario Building Code provides minimum room size requirements which are assessed through the Building Permit process. Aside from a small mechanical room, the basement is used entirely for the dwelling unit. Staff **supports** the variance because

the intent of the Official Plan and the Zoning By-law are maintained, it is desirable, and minor in nature.

Variances 2, 3 & 4

It was determined by Building Division – Zoning Section staff that these variances are no longer required for the revised proposal. Accordingly, staff recommends that the variances be **withdrawn**.

Variance 5

One parking space is proposed, whereas a minimum of two parking spaces are required by the Zoning By-law. The intent of the zoning requirement is to provide one parking space on-site for each dwelling unit in order to minimize overflow into on-street parking.

The subject lands are located in close proximity to existing HSR transit routes along Queensdale Ave E, Fennell Ave E, Upper Wentworth St and Upper Sherman Ave. Further, on-street parking is available on both sides of East 25th St. Staff is of the opinion that the overflow of one parking space into the on-street parking will not exhaust the capacity. It is desirable to provide a range of dwelling types, and to encourage appropriate residential intensification within the built-up area. Based on the foregoing, staff is of the opinion that the variance meets the intent of the Official Plan and Zoning By-law, is desirable, and hence 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 revised per the comments submitted by Building Division – Zoning Section staff, be **approved**.

Building Division:

1. Please note that a revised proposal was submitted by the applicant that proposes one (1) parking space to be provided in the side yard adjacent the existing dwelling, in replace of the two (2) parking spaces initially proposed in the front yard. As such the requested variances as identified on the Notice of Public Hearing should be revised to read as follows:

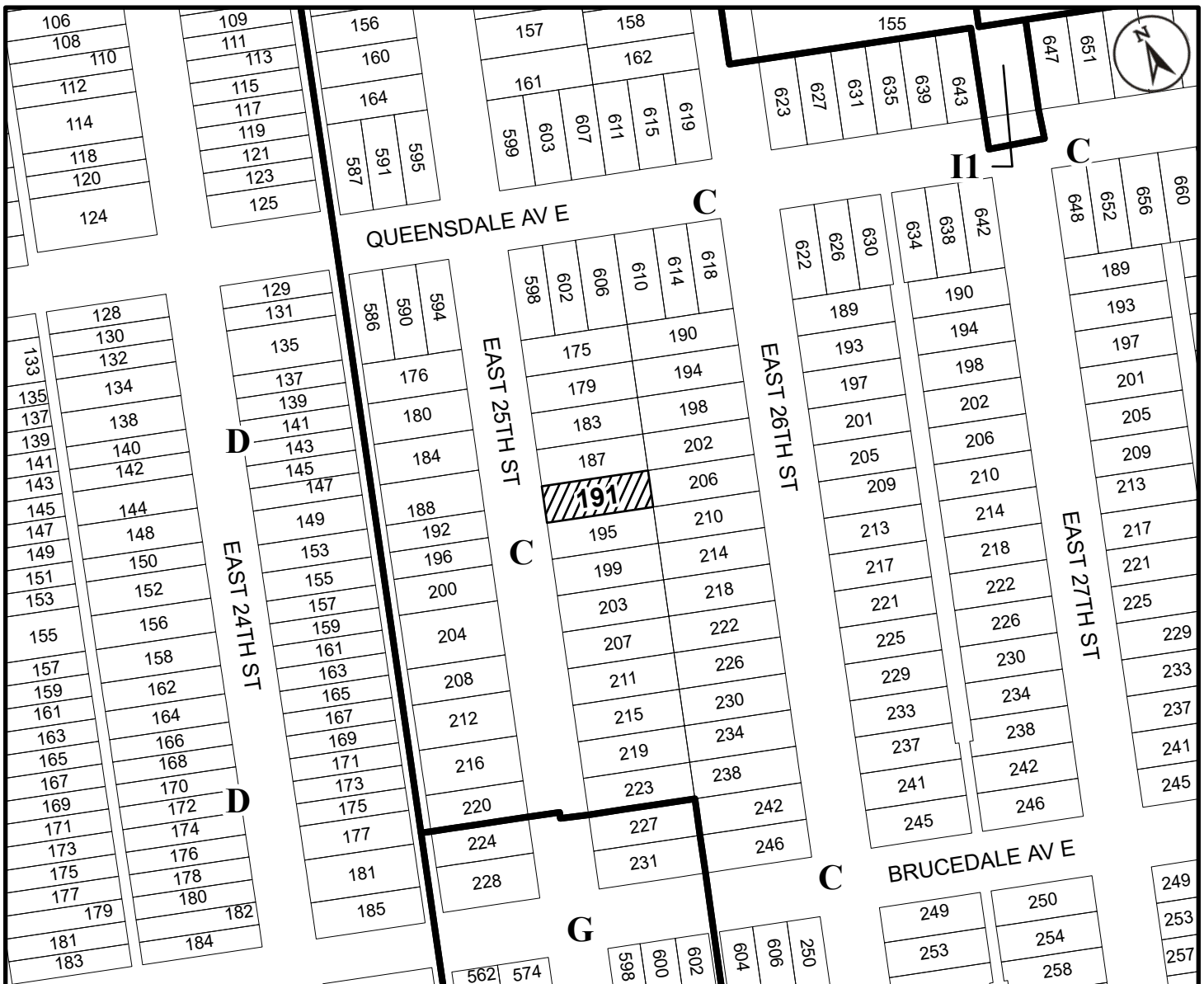
“To permit the conversion of the existing single family dwelling to a two family dwelling, notwithstanding that:

- 1. A minimum dwelling unit floor area of 61.0 square metres shall be provided, instead of the minimum floor area of 65 square metres;*
- 2. One (1) parking space shall be provided instead of the minimum required two (2) parking spaces”.*
2. Please note that as per Section 19(1)(v)(3), manoeuvring for the proposed parking space may be permitted off-site.
3. Please note the site plan submitted does not reflect existing site conditions with respect to the location of the front lot line. Variances have been written as requested by the applicant.
4. Please note that as per Section 19(1)(v)(2), not less than 50 percent of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials. The specific percentage of the gross area of the front yard that is to be used for a landscaped area has not been provided. Further variances will be required if compliance with Section 19(1)(v)(2) is not possible.
5. 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.
6. Building Permit No. 20-181467, submitted on September 1, 2020, for a change of use to convert an existing single family dwelling to a two family dwelling, remains not finalized.

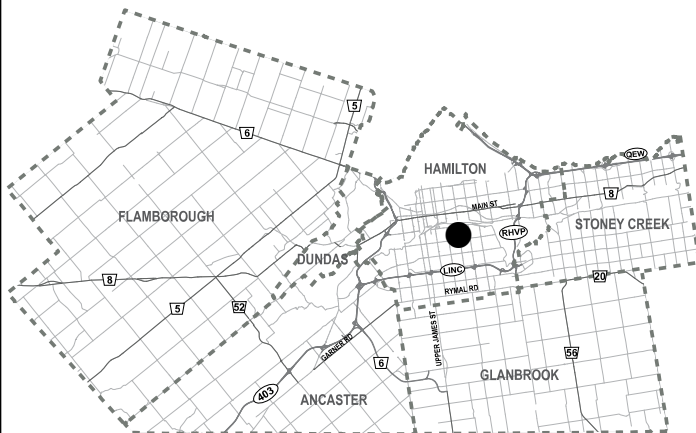
Development Engineering:

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

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



191 East 25th Street, Hamilton
(Ward 7)

File Name/Number:

HM/A-20:261

Date:

January 11, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-19:427 (Amended) – 741 Rymal Rd. E., Hamilton

Consolidation Report

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

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

1. The maximum number of residential dwelling units shall not exceed six (6).

HM/A-19:427 (Amended) – 741 Rymal Rd. E., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of a two (2) storey mixed use building consisting of 450 square metres of gross floor area for offices on the ground floor and six (6) residential units on the second floor comprising 740 square metres of gross floor area, notwithstanding the following variances are required:

1. The gross floor area (GFA) for residential units shall be 740 sq. m instead of 445.56 sq. m; and,
2. Vehicular access shall be permitted to and from Eva Street, whereas Exception 330, applicable to the zoning for the subject property states that “No vehicular ingress or egress shall be permitted from the subject lands onto Eva Street or Eaglewood Drive.”

Background

The zoning of the subject lands is the result of an applicant initiated Zoning By-law Amendment application (ZAC-07-107). At the public meeting pursuant to the Planning Act, the application was tabled to allow the applicant to meet with local residents to address neighbourhood concerns. The informal meeting resulted in a negotiated settlement that limited development to one two-storey mixed use building, amongst other restrictions. The Zoning By-law Amendment application was amended based on the negotiated settlement and implemented through By-law 10-039.

History

This application was tabled when it was first heard by Committee of Adjustment on January 23, 2020, at which time a three-storey mixed use building consisting of 446 square metres for commercial uses (offices) on the ground floor and a total of twelve residential dwelling units on the second and third floors.

The proposal was modified but still proposed a three-storey mixed use building with twelve residential dwelling units when the application was again tabled at the hearing on

August 27, 2020. At both hearings, Development Planning staff recommended denial because the proposal did not maintain the intent of the Zoning By-law.

Urban Hamilton Official Plan

The subject lands are identified as “Secondary Corridors” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Local commercial uses are permitted in accordance with Section E.3.8 Local Commercial. A multiple storey building with local commercial uses on the ground floor and residential units located above the ground floor is permitted (E.3.8.4 (d) and E.3.8.10) within the designation. All commercial space is to be located on the ground floor (E.3.8.10). Development of local commercial uses shall front and have access to an arterial or collector road, in accordance with Policy E.3.8.9 (a).

The proposed development is subject to Site Plan Control. To date, no Site Plan Control Application for the proposed development has been received by staff. Staff notes that further variances may be required through the Site Plan Control review and approval process as a result of further review by staff or revisions. The applicant was advised that additional time and costs would be incurred should additional variances be identified in future (email dated November 6, 2019).

In accordance with UHOP policy C.4.5.7 (Volume 1), the City shall require the conveyance of a 9.14 m by 9.14 m daylighting triangle at the northeast corner of the site, being the intersection of Eva Street and Eaglewood Drive as a condition of Site Plan Approval.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Neighbourhood Commercial (C2, 330) Zone, which permits the proposed offices and dwelling units in conjunction with commercial uses, subject to the applicable provisions. The intent of the zoning is to support commercial uses intended to serve residents within the surrounding neighbourhood.

The zoning permits some residential intensification; however, the C2 zoning restricts the residential use to a maximum of 50% of the GFA of all the buildings within the lot. This provision serves to maintain the primarily commercial function of the site. Special Exception 330 permits a maximum GFA of 455.0 sq. m for dwelling units, effectively permitting the residential uses to occupy a GFA greater than 50% of the total GFA of the building.

Variance 1

A gross floor area (GFA) for residential units of 740 sq. m is proposed, whereas a maximum GFA of 445.56 sq. m is permitted by the Zoning By-law. Although the GFA proposed for residential units is greater than that of the proposed commercial use, a two-storey building is proposed, and all residential units are proposed on the second storey. As per UHOP policy E.3.8.10, all commercial space must be located on the ground floor and therefore there is no opportunity to provide additional commercial space on the second storey.

The Zoning By-law permits a maximum of 10 residential dwelling units (one dwelling unit for each 180.0 sq. m of lot area in accordance with Special Exception 330 (a)(i)(A)). Notwithstanding the proposed increase in the maximum residential GFA, a total of six (6) residential dwelling units are proposed, including three-bedroom dwelling units which are in short supply. The increase in GFA supports larger-sized dwelling units while maintaining a density that is below the maximum permitted density. As a result, staff is of the opinion that the proposal maintains the primarily commercial function of the site thus maintaining the intent of the Zoning By-law. Staff recommends a condition that the maximum number of residential units be capped at six (6), in order to maintain the intent of the Zoning By-law. Based on the foregoing, the variance maintains the purpose and intent of the Official Plan and Zoning By-law, it is desirable for the appropriate development and minor in nature, subject to the condition following the recommendation. Staff **supports** the variance.

Variance 2

Vehicular access is proposed from Eva Street, whereas the Zoning By-law does not permit vehicular ingress or egress from Eva Street or from Eaglewood Drive. The intent of the provision is to minimize commercial traffic in the residential neighbourhood. There are 5 m by 5 m visibility triangles illustrated and dimensioned on the Minor Variance sketch; however, the northerly visibility triangle cannot be provided subsequent to the required daylighting triangle land dedication.

Eva Street is classified as a Collector Road and Eaglewood Drive is classified as a Local Road on Schedule "C" of the UHOP. In accordance with Policy E.3.8.9 (a), the proposal maintains the intent of the UHOP. While the lands also front on and have access to Rymal Road East, classified as a Major Arterial Road on Schedule "C" of the UHOP, providing vehicular access from Rymal Road East could preclude certain design objectives such as locating the building close to the street or providing a principal entrance facing the arterial

road, as in Policy E.3.8.14, due to the lot width and irregular front lot line. Further, proximity of this frontage on Rymal Road East to the signalized intersection with a left turn lane may lead to conflicts in outbound left turns from the site. As well, there is an existing HSR Transit stop located along the Rymal Road East frontage.

Based on the foregoing, the variance maintains the purpose and intent of the Official Plan and Zoning By-law, it is desirable for the appropriate development and minor in nature. Staff **supports** the variance.

Staff notes that, at the Site Plan Control stage, the location of the access proposed on Eva Street will need to be revised in order to satisfy requirements of Transportation Planning.

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, subject to the condition following the recommendation. 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, subject to the following condition:**

CONDITION (IF APPROVED):

1. The maximum number of residential dwelling units shall not exceed six (6).

Building Division:

1. The variances proposed have been written as requested by the applicant for the revised proposal.
2. The lands are subject to Site Plan Approval. To date, the applicant has only submitted a Formal Consultation application (FC-19-112) which was to consider the original proposal for a three (3) storey mixed use building consisting of ground floor commercial for offices and 12 residential units above the ground floor and for which comments have been provided. A further modified mixed use proposal was prepared based on the Formal Consultation which is the subject of this Minor Variance application. A formal Site Plan application for the modified proposal however has not been submitted. Accordingly, further variances will be required if the proposal does not comply with the Zoning By-law. In particular, it is noted that the requirements for a visual barrier abutting the residential C District and the requirements for bicycle parking have not been addressed.

3. Variance #1 shall be modified to read as follows:

The gross floor area (GFA) for dwelling units shall be 740m² instead of the maximum 450 square metres or equivalent to the gross floor area for the commercial uses.

4. With respect to Variance #1, Exception 330 which applies to the zoning for the subject property, requires that the gross floor area for residential and commercial uses shall be equivalent to one another and shall not exceed 455 square metres.
5. Be advised that Amending By-law No. 17-240 was passed on November 8, 2017 which changed the zoning of this property from the H/S-1619 District under Zoning By-law 6593 to the C2, Exception 330 Zone under Hamilton Zoning By-law No. 05-200. However, there are portions of Amending By-law No. 17-240 which are still under appeal to the Local Appeal Planning Tribunal (LPAT); therefore, it is not yet final. As such, the proposed development is reviewed under the regulations contained within Hamilton Zoning By-law 05-200, except where portions of these regulations are still under appeal by By-law No. 17-240 both the existing and proposed Zoning By-law regulations will be examined with the more restrictive zoning regulation being applied. An exception to this policy is for Building Permits, which are reviewed under the former existing Zoning and/or Zoning By-law regulation until such time that Amending By-law No. 17-240 comes fully into force. Once By-law No. 17-240 is approved in its entirety by the Local Appeal Planning Tribunal (LPAT), the zoning and regulations under this By-law will be applicable.
6. Please note that Variance #3 was added to address parking requirements which are under appeal because the more restrictive parking requirements for By-law 05-200 were provided prior to Zoning By-law 17-240 and the creation of the Commercial Mixed Use Zones. Accordingly, the more restrictive parking for residential units prior to the passing of Amending By-law 17-240 and which is currently in effect is based on 1 parking space per unit and the more restrictive parking requirement for offices is based on 1 parking space for every 30 square metres of gross floor area.
7. A building permit is required for the construction of the proposed mixed use building.
8. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

No comments.

See attached for additional comments.

From: [Marcotte, Melanie](#)
To: [Committee of Adjustment](#)
Subject: Application NO: HM/A-19:427 / Subject Property: 741 Rymal Road East, Hamilton / Application Hearing Jan.21/2021
Date: January 8, 2021 2:58:04 PM
Attachments: [image001.png](#)

Good afternoon,

I am writing this email to voice my family's concerns with regards to the proposal of building a 3 storey commercial building directly across from my home on Eaglewood Drive. Since both my husband and I work full time we cannot attend the application hearing on January 21, 2021. Please know we are not in favor of this building.

1. When we first purchased and moved to our home in 1993 we purchased because this was a residential area and there was a house across the street with beautiful big trees and bushes. Now this has all been ripped down and the view has been destroyed. We are not in favour of changing this lot to commercial.
2. Even though you have shown parking and IN / OUT access from Eva Street we are concerned that overflow parking will be directly in front of our home. Already we have workers from the building (which would be directly beside this new building) parking in front of our home and directly across beside the mailboxes. If the new 3 storey building is constructed there definitely will not be enough parking provided on that lot for businesses, tenants of the apartments and guests visiting the tenants. These WILL overflow to our street and will affect our home greatly as we are directly across from this lot and use the parking in front of our home for our personal vehicles.
3. Increase of traffic will affect our neighbourhood. Having Rymal Road in front of our street already adds to our traffic. Adding this 3 storey building with businesses will only increase the traffic, increase the noise level and decrease enjoyment of our neighbourhood.
4. We don't want this 3 storey building being across from our home as it will increase the rodent and small animal population due to the business garbage and tenant garbage.
5. We do not want to look at this building; the garbage bins; the cars going in and out off of Eva Street (which would be very busy); or at all the parked cars.
6. We do not want this building as it could very possibly bring vandalism/graffiti to the area because of the businesses.

Unfortunately, neither my husband or myself can attend the meeting on January 21, 2021 as we both work during the day and cannot take time off. Therefore, I am sending this email to voice our concerns.

I would appreciate a response to my email and thank you in advance.

Thank you,

Melanie Marcotte

Manager, Technology Services

35 Stone Church Road | Ancaster, ON L9K 1S5

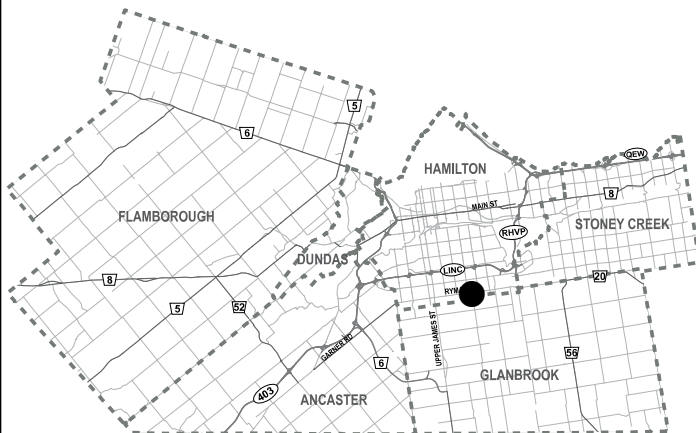
O: 905-304-2322 | melanie.marcotte@nfp.com



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● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



741 Rymal Road East, Hamilton
(Ward 6)

File Name/Number:

HM/A-19:427

Date:

January 11, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:264 – 21 Summit Ave., Hamilton

Consolidation Report

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

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

HM/A-20:264 – 21 Summit Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the number of dwelling units within an existing seven (7) storey multiple dwelling to be increased from 38 dwelling units to 41 dwelling units, notwithstanding variances are required to permit the proposed parking.

The existing building was constructed in the 1960s and was approved for a total of 38 units at the time; however, there are currently a total of 41 units in the existing building and 31 parking spaces on site. The applicant initially proposed that no additional parking would be provided, and the 31 existing parking spaces would serve the 41 units.

The applicant has revised their proposal as shown on the sketch of 21 Summit Avenue, prepared by A.J. Clarke and Associates Ltd. dated January 5, 2021 (AJC File 198226), submitted via email to the Committee of Adjustment on January 6, 2021. Comments from the Building Division – Zoning Section note that 35 parking spaces are identified.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are on the periphery of the neighbourhood in proximity to arterial roads, where multiple dwellings are permitted in accordance with Policy E.3.5.2 at a density range between 60 and 100 units per hectare (E.3.5.7). The proposal to increase the number of dwelling units to 41 does not conform to the permitted density range.

The existing 41-unit building pre-dates the UHOP and has been established for a considerable number of years. The multiple dwelling land use conforms to the UHOP, is compatible with the surroundings and does not constitute a danger to the surrounding uses. The intent of the “Neighbourhoods” designation is to respect the character of existing neighbourhoods while allowing their ongoing evolution (E.3.1.4). Based on the foregoing, staff is of the opinion that the proposal maintains the intent of the UHOP.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “E” Districts (Multiple Dwellings, Lodges, Clubs, Etc.) which permits a multiple dwelling, subject to the applicable provisions.

Variances 1 & 4

There are 35 parking spaces proposed to serve the 41 dwelling units, whereas 52 dwelling unit parking spaces and 13 visitor parking spaces are required by the Zoning By-law. The intent of the provision is to provide adequate off-street parking to meet the parking needs of the use on the lot in order to minimize overflow to on-street parking.

The applicant has submitted a Parking Study prepared by Paradigm Transportation Solutions Ltd., dated November 2020, in support of the proposal. The study shows that the site’s estimated parking demand ranges from 23 to 32 parking spaces, depending on the methodology used (excluding parking requirements of various Zoning By-laws). Aside from the Zoning By-law No. 6593 requirement, the highest parking demand is 32 parking spaces based on average Hamilton Vehicle Ownership (Table 4.3). The study notes that proximity to HSR Transit routes and the walkability of the site both work to lower the parking demand. A total of 35 parking spaces are proposed, which meets the parking demand of 32 parking spaces. As a result, staff is of the opinion that the intent of the Zoning By-law is maintained.

Based on the foregoing, staff **supports** the variances because they maintain the intent of the Official Plan and Zoning By-law, they are desirable and minor in nature.

Variances 2 & 3; and Additional Variances 5 & 6

There are existing support columns partially obstructing the width of some parking spaces (Variance 2) and there is one required loading space which is not existing (Variance 3). A variance to allow no visual barrier along the rear lot line (Variance 5) and to allow no parking barriers or bumpers (Variance 6) whereas these are required for parking areas of 5 or more spaces, were noted by Building Division – Zoning Section staff upon review of the revised sketch.

These variances are to recognize existing situations which have existed for some time without significant impact to the functioning of the site and are not proposed to change. Staff is of the opinion that the continuation of these circumstances meets the intent of the Official Plan and Zoning By-law, is desirable, and minor in nature. Staff **supports** the variances.

Recommendation:

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

Building Division:

1. The variance is generally written as requested by the applicant. However, it is noted that the applicant has identified that 35 parking spaces are being provided based on a parking plan. Accordingly, the requested requirement was modified to 0.85 from 0.77 spaces per dwelling unit. In addition, other variances have been included to address existing obstructions for the covered parking spaces; loading and visitors parking which were identified through discussions with the applicant's consultant.
2. Variance #2 shall be modified to read as follows:

The parking spaces located on the ground floor of the multiple dwelling shall be permitted to be partially obstructed by structural support columns which reduces the width to 2.4m at the entrance to each parking space and also within each parking space, except for 1 parking space at the northwest corner of the building which shall be 2.3m in width

Note – This modification is provided based on the parking plan that was submitted after the Notice had been prepared and circulated.

3. The parking plan submitted identifies 20 parking spaces on the main floor of the multiple dwelling consisting of 8 spaces that are accessible from the front of the property and 12 spaces oriented near the rear wall that are accessible by a central driveway through the building. There are also 15 parking spaces along the rear property line. The total amount of parking consists of 35 spaces. Based on the parking plan, additional variances are required.
4. The following additional Variance #5 shall be provided as follows:

A visual barrier shall not be required along the rear lot line abutting the D District instead of the requirement for a 1.2-2.0 metre high visual barrier abutting the boundary of a Residential District where there are 5 or more parking spaces.

The Zoning By-law defines a visual barrier as:

"Visual Barrier" shall mean a continuous, uninterrupted structure which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material.

5. The following additional Variance #6 shall be provided as follows:

Parking barriers or bumpers shall not be required for parking spaces along the rear property line instead of the requirement for parking barriers or bumpers to designate parking where there are more than 5 parking spaces.

6. The multiple dwelling was constructed in the 1960s and is recognized as an existing 38 unit multiple dwelling in the E District in terms of setbacks and landscaping.
7. The three dwelling units which are to be added are presently existing within the building but are not currently recognized as legal units.
8. A building permit is required for the creation of the three dwelling units within the existing multiple dwelling.
9. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

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

See attached for additional comments.

From: [Loiacono, Johnpaul \(MNR\)](#)
To: [Costa, Samantha](#)
Cc: [Committee of Adjustment](#)
Subject: RE: January 21st 2021 Agenda Available!
Date: January 19, 2021 9:52:53 AM
Attachments: [image004.png](#)

Good morning,

NEC staff have reviewed the agenda for the upcoming meeting on January 21, 2021.

The following items pertain to lands that are subject to the policies of the Niagara Escarpment Plan (NEP).

-21 Summit Avenue (HM/A-19:427)

21 Summit Avenue is located within the NEP area and it is designated Urban Area, however it is outside the area of Development Control (DC). The building envelope/height is not being altered and no further visual impact is being introduced to the Escarpment. NEC staff have no objections to this application.

-143 Rockcliffe Road (FL/A-20:260)

NEC staff has concerns with this application. The site is located within NEP area and within the area of Development Control (DC). The (approximate) front third of the site is designated Urban Area and the rear is designated Escarpment Natural Area. The Escarpment Natural Area is also under DC, which requires a development permit if this section of the site is altered. The proposed two-storey dwelling does not directly alter the area of DC, however the setback at the rear, from the proposed deck, is less than 0.5 metres from the area of DC. The NEC would be supportive of this application if the rear yard setback were increased to provide better protection of the vegetation (policies 1.7.5.4 & 1.7.5.9.a). The increased setback would diminish the impact to the Escarpment Natural Area that may be disturbed to accommodate the proposal. There are concerns about compacting the soil that could injure or kill the trees.

Provided the rear yard setback is increased, to provide more appropriate protection of the Escarpment Natural Area, the NEC would have no objection to the application subject to the following conditions:

- The production of a Vegetation Preservation Plan (VPP) to the satisfaction of the NEC and the City of Hamilton prior to building permit issuance.
 - The plan must show the limit of work. Grading within the area of DC cannot be altered; grading must be limited to the area of work and the existing grades must be retained at the limit of work.
- Tree protection fencing must be installed across the width of the site to protect the trees within the area of Development Control
 - Where there is insufficient space to adequately install tree protection fencing to be inline with the City of Hamilton's guidelines (particularly at the southeast corner of the proposed dwelling), the use of mats and/or plywood must be used to alleviate soil compaction within the dripline.

Thank you,
Johnpaul

Johnpaul Loiacono

Senior Planner

Niagara Escarpment Commission

232 Guelph Street | Georgetown, ON | L7G 4B1

Tel: 289-924-1315 | **Website:** www.escarpment.org

Please let me know if you require communication supports or alternate formats.

In order to ensure a safe and secure environment for staff and clients and in response to recommendations by health professionals, the NEC offices are closed to the public until further notice. The NEC is continuing to provide services via email and telephone. Updates can be found on our website: <https://www.escarpment.org/Commission/COVID19>

Sheffield, Jamila

From: Miles Weekes <miles.weekes@ajclarke.com>
Sent: January 6, 2021 12:52 PM
To: Ryan Ferrari; Sheffield, Jamila
Cc: Committee of Adjustment; 'Rosemary Smith'; Steve Fraser; Werner Dingfeld; Rogers, Sara; Thomas, Cameron
Subject: RE: Jan 21 C of A - Updated Minor Variance Submission - 21 Summit Avenue, Hamilton HM/A-20:264

Hi Jamila,

In addition to Ryan's comments below, I would just add that there have been no changes to the proposal. The sketch has simply been prepared to better illustrate the layout of the existing site.

That being said, in discussions with our Client we did identify an opportunity to add two additional parking spaces at the rear of the site. The total, as shown on the sketch circulated by Ryan, is now 33 spaces – whereas 31 were previously existing. The additional two spaces can be accommodated at the rear of the property and meet the minimum dimension requirements under the Zoning By-law.

If you or any other Staff have any questions, please do not hesitate to contact our office.

Regards,
Miles

Miles Weekes M.Pl., MCIP, RPP
Planner
A. J. Clarke and Associates Ltd.
Tel: 905 528 8761 x 286

From: Ryan Ferrari <ryan.ferrari@ajclarke.com>
Sent: January 6, 2021 12:15 PM
To: 'Sheffield, Jamila' <Jamila.Sheffield@hamilton.ca>
Cc: 'cofa@hamilton.ca' <cofa@hamilton.ca>; Miles Weekes <miles.weekes@ajclarke.com>; 'Rosemary Smith' <galantesmith@gmail.com>; Steve Fraser <steve.fraser@ajclarke.com>; Werner Dingfeld <wdingfeld@dingfeld.com>; Rogers, Sara <Sara.Rogers@hamilton.ca>; Cameron.Thomas@hamilton.ca
Subject: Jan 21 C of A - Updated Minor Variance Submission - 21 Summit Avenue, Hamilton HM/A-20:264

Good afternoon Jamila,

Further to our submission back in November and our January 21st hearing date, please find attached an updated site plan of the subject property.

The link below has also been updated with the plan.

[Supplemental Materials](#)

Please let us know if there are any further materials required.

Regards,

AVENUE



388

No

PLAN

REGISTERED

LOT 106

LOT 105

LOT 104

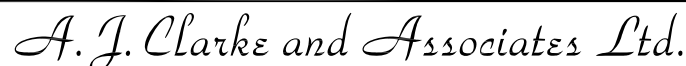
No. 388.

LOT 103

PLAN

LOT 102

REGISTERED

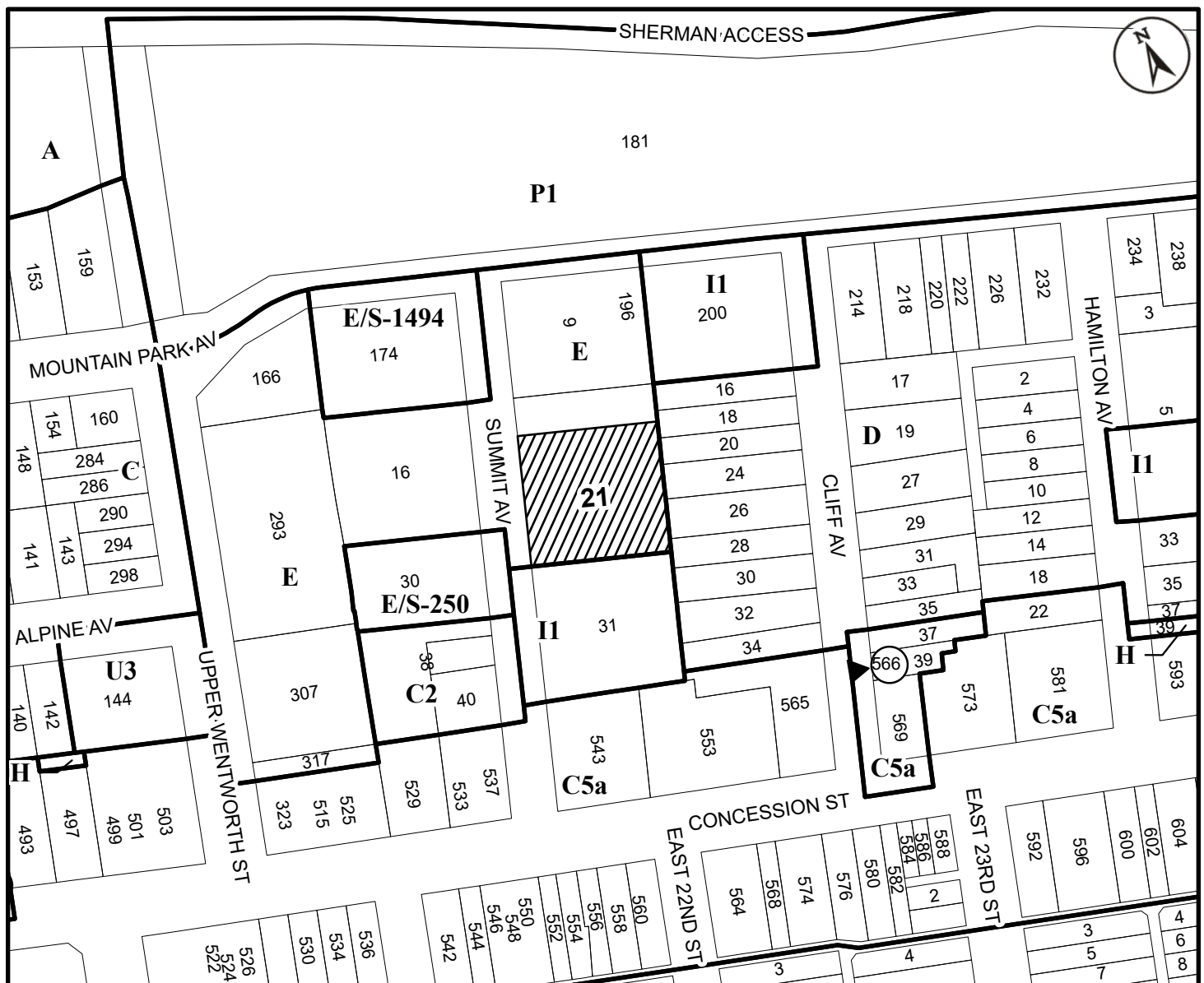


SURVEYORS • PLANNERS • ENGINEERS

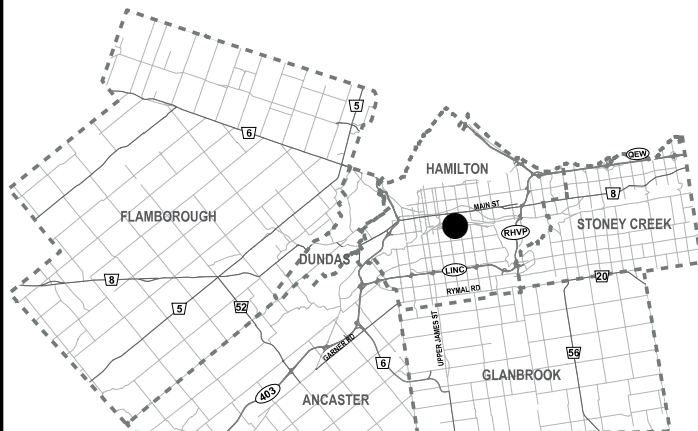
Date: Jan. 15, 2021

AJC FILE 198226

THIS SKETCH IS DERIVED FROM A PLAN OF
SURVEY BY A.J. CLARKE AND ASSOCIATES
LTD. DATED JULY 20, 2020 (FILE T-3140)



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



21 Summit Avenue, Hamilton
(Ward 7)

File Name/Number:

HM/A-20:264

Date:

January 12, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-20:83 – 61 Eleanor Ave., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. 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).
5. The owner shall demolish all existing buildings, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
6. A minor variance shall be sought by the applicant/owner and approved by the Committee of Adjustment reducing the required frontage of Part 1 on sketch R-4411B from 12.0 metres to 5.11 metres to the satisfaction of Manager of Development Planning, Heritage and Design.
7. That a demolition permit be obtained and approved for the removal of all existing structures on the subject lands, and that all works be completed to the satisfaction of Manager of Development Planning, Heritage and Design prior to the finalization of the consent.
8. That the Owner provide a cash payment to the City representing the cost recoveries associated with the municipal stormwater management pond construction that was completed as part of the 'Stone Ridge Estates' subdivision. The cost shall be determined based on a contribution of 8.992% of the overall cost

of construction of these works updated by the Canadata Construction Cost Index, as applicable, at the time of final application approval. All to the satisfaction of the City's Manager of Development Approvals.

9. That the owner provides a cash payment to the City for the outstanding urbanization works i.e. future curb, sidewalk, street lighting, etc. based on the "New Roads Servicing Rates" to the satisfaction of the Manager Engineering Approvals Section.
10. The owner shall demonstrates that development potential for the adjacent property described Block 6 on 62M-1230 has been maintained to create single residential lot that comply with the current zoning provisions to the satisfaction of the Manager Engineering Approvals Section.
11. A Permit to injure or remove municipal trees is a requirement of this application. Therefore, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

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 and identified as Part 1 will be assigned the address of as **177 Mentino Crescent (Hamilton)**, the lands identified as Part 2 will be assigned the address of **57 Eleanor Avenue (Hamilton)**, the lands identified as Part 3 will be assigned the address of **59 Eleanor Avenue (Hamilton)**, the lands identified as Part 4 will retain the existing address of **61 Eleanor Avenue (Hamilton)**, the lands identified as Part 5 will be assigned the address of **63 Eleanor Avenue (Hamilton)**, and the lands identified as Part 6 will be assigned the address of **65 Eleanor Avenue (Hamilton)**.

Note: 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.

HM/B-20:83 – 61 Eleanor Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

Applications **HM/B-20:83, HM/B-20:84, and HM/B-20:85** are to be heard in conjunction. The purpose of these applications is to create five (5) lots fronting onto Eleanor Avenue to permit the construction of five (5) single detached dwellings. The retained parcel (Part 1 on sketch R-4411B) will be subject to a future application for a Zoning By-law Amendment and Draft Plan of Subdivision.

The proposed lots will be created as follows:

HM/B-20:83: The severed lands being Parts 2-6, with the retained parcel being Part 1 (0.62 ha) on sketch R-4411B;

HM/B-20:84: The severed lands being Part 3 (0.037 ha), with the retained parcel being Parts 2 & 4-6 on sketch R-4411B; and

HM/B-20:85: The severed lands being Part 5 (0.037 ha), while the retained parcel being Parts 4 & 6 on sketch R-4411B.

Please note that Parts 2, 4, & 6 will become lots by way of a natural severance. The severance of Part 3 from Parts 2, 4, & 6, Part 2 (0.045 ha) will become its own lot due to Part 3's creation. The same will occur when Part 5 is severed from Parts 4 (0.037 ha) and 6 (0.037 ha) respectively.

Urban Hamilton Official Plan

The subject lands are designated as "Neighbourhoods" in Schedule E – Urban Structure, and designated as "Neighbourhoods" in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan (UHOP). Further, the lands are identified as 'Single and Double' on the Eleanor Neighbourhood (Map 7505).

The proposal is defined as Residential Intensification, and accordingly, must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1). The surrounding neighbourhood consists primarily of single detached dwellings on regular lots with frontages similar to the subject lands. The proposed single detached dwellings (Parts 2, 4, 5, & 6) will be of similar scale to the existing dwellings in the area and on lots of similar shape and size. It is the opinion of staff that the proposed development is compatible with the surrounding area in terms of use and scale. The proposed lots will integrate well with

the lot pattern of the neighbourhood and are of adequate size to support amenity space for the intended use.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the criteria of F.1.14.3.1 (Volume 1). Staff is of the opinion that the proposed severances consider the design and compatibility with the existing neighbourhood. The proposed lots reflect the general scale of the established development pattern in the surrounding area, and the consents will allow for further residential intensification that is in keeping with the established streetscape, has frontage and access onto an existing public road and has full municipal services available. Staff also support the continuation of the retained lot (Part 1). As a future Zoning By-law Amendment and Draft Plan of Subdivision applications will take an in-depth analysis and consideration of the policies of E.3.0, F.1.5, and F.1.14 to ensure that appropriate and timely development occurs that is consistent with the Eleanor Neighbourhood.

Notwithstanding this support, staff note that F.1.14.3.1 c) (Volume 1) states that both the retained and severed parcels must be in conformity with the Zoning By-law or a minor variance will be required. The applicant notes this in their planning analysis on page 3 when they state that,

“mentioned above, a Minor Variance Application will be submitted to bring Part 1 into conformity with respect to lot frontage. Part 1 will be subject of a future draft plan of subdivision application and will be developed in conjunction with portions of the lands to the south.”

Staff is supportive of the proposed severance, realizing that any deficiencies in zoning for the retained parcel can be taken care at the time of the future zoning by-law amendment. However, the policy is clear that the new and retained lots must comply with zoning. As such, staff recommend that a condition be added stipulating a minor variance be sought and approved prior to the consent being finalized. Finally, staff also recommend that a demolition permit be sought, approved, and completed for all existing structures prior to the finalization of the consent. As the creation of the lots will bring the existing buildings out of zoning compliance.

Hamilton Zoning By-law No. 05-200

The subject lands have split zoning. The Urban Protected Residential “C” District is roughly all of Parts 2-6 and 5.11 metres (the frontage on Eleanor) by 30.61 metres of Part 1. The remainder of the subject lands (most of Part 1) are zoned Agricultural District “AA”.

The Urban Protected Residential “C” District permits the use of single detached dwellings and require a minimum width of 12.0 metres and an overall lot area of 360.0 metres square. The proposed lots being Parts 2, 3, 4, 5, & 6 comply with these provisions.

As noted, Part 1 will have a split zoning; staff is satisfied that this will be rectified through future Planning Act applications. However, Urban Protected Residential “C” District requires a minimum lot frontage of 12.0 metres. The proposed frontage for Part 1 is only 5.11 metres which is deficient by 6.89 metres. For staff to support the severance, as a condition of consent, the applicant will need to apply for and receive an approved minor variance for this deficiency before the consent can be finalized. Staff are supportive of this as it will contribute to the timely and appropriate development of the lands.

Recommendation:

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

HM/B-20:83 CONDITIONS: (If Approved)

1. A minor variance shall be sought by the applicant/owner and approved by the Committee of Adjustment reducing the required frontage of Part 1 on sketch R-4411B from 12.0 metres to 5.11 metres; and
2. That a demolition permit be obtained and approved for the removal of all existing structures on the subject lands, and that all works be completed to the satisfaction of Manager of Development Planning, Heritage and Design prior to the finalization of the consent.

HM/B-20:84 CONDITIONS: (If Approved)

1. A minor variance shall be sought by the applicant/owner and approved by the Committee of Adjustment reducing the required frontage of Part 1 on sketch R-4411B from 12.0 metres to 5.11 metres; and
2. That a demolition permit be obtained and approved for the removal of all existing structures on the subject lands, and that all works be completed to the satisfaction of Manager of Development Planning, Heritage and Design prior to the finalization of the consent.

HM/B-20:85 CONDITIONS: (If Approved)

1. A minor variance shall be sought by the applicant/owner and approved by the Committee of Adjustment reducing the required frontage of Part 1 on sketch R-4411B from 12.0 metres to 5.11 metres; and

2. That a demolition permit be obtained and approved for the removal of all existing structures on the subject lands, and that all works be completed to the satisfaction of Manager of Development Planning, Heritage and Design prior to the finalization of the consent.

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. Demolition of all existing structures shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.
3. A variance for a reduced lot width will be required for zoning compliance of the lands to be retained.

CONDITIONS:

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 demolish all existing buildings, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.

Development Engineering:

According to our GIS records, the subject section of Eleanor Avenue 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 Eleanor Avenue is ± 20.1 m. Therefore, a road allowance widening dedication will not be required.

Currently Eleanor Ave. has a semi-rural cross section adjacent to the subject lands. Therefore, as a condition of severance the owner is required to provide cash payment for the outstanding urbanization works i.e. future curb, sidewalk, street lighting, etc. based on the “New Roads Servicing Rates”. In addition, in accordance with the City drawings 14-H-41 municipal watermain storm and sanitary sewer as well 1 set of private services were completed as part of the road works. Therefore, the owner will be required to demonstrate that there is no outstanding servicing costs for the subject lands.

For the information of the Committee, there is an existing remnant parcel of land described as Block 6 on 62M-1230 that is intended to be merged with a portion of the subject lands to create a single residential lot. The owner will be required to demonstrate that there are sufficient lands available to create 1 residential lot upon merging of said Block with the subject lands.

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

Eleanor Avenue

- 250mmø Sanitary Sewer
- 375-450mmø Storm Sewer
- 200mmø PVC Watermain

Based on related applications HM/B-20:84 and HM/B-20:85, it appears that the subject severance application is for land assembly purposes only. Therefore, requirements for consent agreements will be included as part of the related applications.

There is an outstanding cost recovery over the subject lands for the construction of the stormwater management pond as part of the Stone Ridge Estates Subdivision. The Owner will be required to submit a cost recovery payment to the City based on a contribution of 8.992% of the total overall cost of construction of the pond updated by the Canadata Construction Cost Index as applicable at the time of final application approval.

Recommendations:

1. That the Owner provide a cash payment to the City representing the **cost recoveries** associated with the municipal stormwater management pond construction that was completed as part of the 'Stone Ridge Estates' subdivision. The cost shall be determined based on a contribution of 8.992% of the overall cost of construction of these works updated by the Canadata Construction Cost Index, as applicable, at the time of final application approval. All to the satisfaction of the City's Manager of Development Approvals.
2. That the owner provides a cash payment to the City for the outstanding urbanization works i.e. future curb, sidewalk, street lighting, etc. based on the "New Roads Servicing Rates" to the satisfaction of the Manager Engineering Approvals Section.
3. The owner shall demonstrates that development potential for the adjacent property described Block 6 on 62M-1230 has been maintained to create single residential lot that comply with the current zoning provisions to the satisfaction of the Manager Engineering Approvals Section.

Growth Planning:

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 and identified as Part 1 will be assigned the address of as **177 Mentino Crescent (Hamilton)**, the lands identified as Part 2 will be assigned the address of **57 Eleanor Avenue (Hamilton)**, the lands identified as Part 3 will be assigned the address of **59 Eleanor Avenue (Hamilton)**, the lands identified as Part 4 will retain the existing address of **61 Eleanor Avenue (Hamilton)**, the lands identified as Part 5 will be assigned the address of **63 Eleanor Avenue (Hamilton)**, and the lands identified as Part 6 will be assigned the address of **65 Eleanor Avenue (Hamilton)**.

Note: 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.

Transportation Planning:

Transportation Planning has no objections to the land severance application.

Source Water Protection Planning:

No comments

See attached for additional comments.



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

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: January 13, 2021

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

From: Shannon Clarke, Urban Forest Health Technician

Subject: 61 Eleanor Avenue, Hamilton
File: HM/B-20:83

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, January 21, 2021, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

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

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

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

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

TREE MANAGEMENT

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

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

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

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.

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

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

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

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

A \$278.80 plus HST permit fee, payable to the City of Hamilton is required prior to the permit issuance.

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

LANDSCAPE PLAN

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

SUMMARY OF FORESTRY CONDITIONS

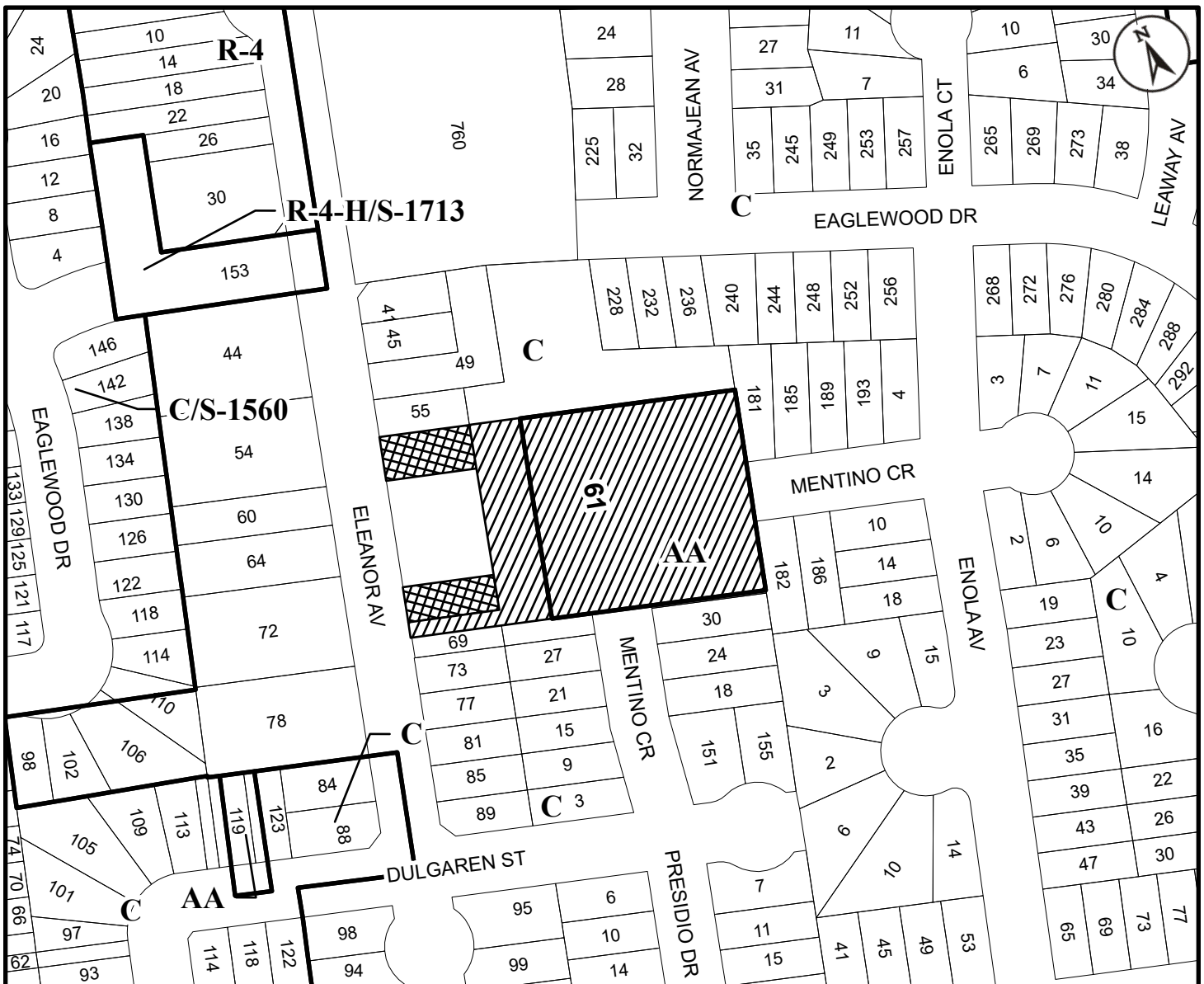
- A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

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

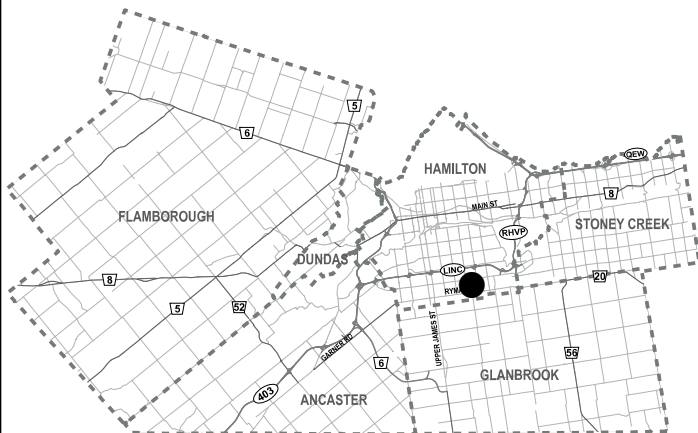
Regards,

A handwritten signature in black ink, appearing to read "Shannon Clarke". The signature is written in a cursive, flowing style.

Shannon Clarke
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

61 Eleanor Avenue, Hamilton (Ward 6)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-20-83

Date:

January 13, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-20:84 – 61 Eleanor Ave., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall demolish all existing buildings, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
5. A minor variance shall be sought by the applicant/owner and approved by the Committee of Adjustment reducing the required frontage of Part 1 on sketch R-4411B from 12.0 metres to 5.11 metres.
6. That a demolition permit be obtained and approved for the removal of all existing structures on the subject lands, and that all works be completed to the satisfaction of Manager of Development Planning, Heritage and Design prior to the finalization of the consent.
7. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2021 fee) 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 and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches,

relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.

8. That the owner provides a cash payment to the City for the outstanding urbanization works i.e. future curb, sidewalk, street lighting, etc. based on the "New Roads Servicing Rates" to the satisfaction of the Manager Engineering Approvals Section.
9. That the Owner provide a cash payment to the City representing the cost recoveries associated with the municipal stormwater management pond construction that was completed as part of the 'Stone Ridge Estates' subdivision. The cost shall be determined based on a contribution of 8.992% of the overall cost of construction of these works updated by the Canadata Construction Cost Index, as applicable, at the time of final application approval. All to the satisfaction of the City's Manager of Development Approvals.
10. That the owner will be required to demonstrate that there is no outstanding servicing costs for the subject lands for the works completed by the City adjacent to the property or to provide a cash payment for the outstanding servicing cost assessed to the property to the satisfaction of the Manager Engineering Approvals Section.
11. The owner shall demonstrates that development potential for the adjacent property described Block 6 on 62M-1230 has been maintained to create single residential lot that comply with the current zoning provisions to the satisfaction of the Manager Engineering Approvals Section.

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained and identified as Part 1 will be assigned the address of as **177 Mentino Crescent (Hamilton)**, the lands identified as Part 2 will be assigned the address of **57 Eleanor Avenue (Hamilton)**, the lands identified as Part 3 will be assigned the address of **59 Eleanor Avenue (Hamilton)**, the lands identified as Part 4 will retain the existing address of **61 Eleanor Avenue (Hamilton)**, the lands identified as Part 5 will be assigned the address of **63 Eleanor Avenue (Hamilton)**, and the lands identified as Part 6 will be assigned the address of **65 Eleanor Avenue (Hamilton)**.

Note: 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.

HM/B-20:84 – 61 Eleanor Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

Applications **HM/B-20:83**, **HM/B-20:84**, and **HM/B-20:85** are to be heard in conjunction. The purpose of these applications is to create five (5) lots fronting onto Eleanor Avenue to permit the construction of five (5) single detached dwellings. The retained parcel (Part 1 on sketch R-4411B) will be subject to a future application for a Zoning By-law Amendment and Draft Plan of Subdivision.

The proposed lots will be created as follows:

HM/B-20:83: The severed lands being Parts 2-6, with the retained parcel being Part 1 (0.62 ha) on sketch R-4411B;

HM/B-20:84: The severed lands being Part 3 (0.037 ha), with the retained parcel being Parts 2 & 4-6 on sketch R-4411B; and

HM/B-20:85: The severed lands being Part 5 (0.037 ha), while the retained parcel being Parts 4 & 6 on sketch R-4411B.

Please note that Parts 2, 4, & 6 will become lots by way of a natural severance. The severance of Part 3 from Parts 2, 4, & 6, Part 2 (0.045 ha) will become its own lot due to Part 3's creation. The same will occur when Part 5 is severed from Parts 4 (0.037 ha) and 6 (0.037 ha) respectively.

Urban Hamilton Official Plan

The subject lands are designated as "Neighbourhoods" in Schedule E – Urban Structure, and designated as "Neighbourhoods" in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan (UHOP). Further, the lands are identified as 'Single and Double' on the Eleanor Neighbourhood (Map 7505).

The proposal is defined as Residential Intensification, and accordingly, must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1). The surrounding neighbourhood consists primarily of single detached dwellings on regular lots with frontages similar to the subject lands. The proposed single detached dwellings (Parts 2, 4, 5, & 6) will be of similar scale to the existing dwellings in the area and on lots of similar shape and size. It is the opinion of staff that the proposed development is compatible with the surrounding area in terms of use and scale. The proposed lots will integrate well with

the lot pattern of the neighbourhood and are of adequate size to support amenity space for the intended use.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the criteria of F.1.14.3.1 (Volume 1). Staff is of the opinion that the proposed severances consider the design and compatibility with the existing neighbourhood. The proposed lots reflect the general scale of the established development pattern in the surrounding area, and the consents will allow for further residential intensification that is in keeping with the established streetscape, has frontage and access onto an existing public road and has full municipal services available. Staff also support the continuation of the retained lot (Part 1). As a future Zoning By-law Amendment and Draft Plan of Subdivision applications will take an in-depth analysis and consideration of the policies of E.3.0, F.1.5, and F.1.14 to ensure that appropriate and timely development occurs that is consistent with the Eleanor Neighbourhood.

Notwithstanding this support, staff note that F.1.14.3.1 c) (Volume 1) states that both the retained and severed parcels must be in conformity with the Zoning By-law or a minor variance will be required. The applicant notes this in their planning analysis on page 3 when they state that,

“mentioned above, a Minor Variance Application will be submitted to bring Part 1 into conformity with respect to lot frontage. Part 1 will be subject of a future draft plan of subdivision application and will be developed in conjunction with portions of the lands to the south.”

Staff is supportive of the proposed severance, realizing that any deficiencies in zoning for the retained parcel can be taken care at the time of the future zoning by-law amendment. However, the policy is clear that the new and retained lots must comply with zoning. As such, staff recommend that a condition be added stipulating a minor variance be sought and approved prior to the consent being finalized. Finally, staff also recommend that a demolition permit be sought, approved, and completed for all existing structures prior to the finalization of the consent. As the creation of the lots will bring the existing buildings out of zoning compliance.

Hamilton Zoning By-law No. 05-200

The subject lands have split zoning. The Urban Protected Residential “C” District is roughly all of Parts 2-6 and 5.11 metres (the frontage on Eleanor) by 30.61 metres of Part 1. The remainder of the subject lands (most of Part 1) are zoned Agricultural District “AA”.

The Urban Protected Residential “C” District permits the use of single detached dwellings and require a minimum width of 12.0 metres and an overall lot area of 360.0 metres square. The proposed lots being Parts 2, 3, 4, 5, & 6 comply with these provisions.

As noted, Part 1 will have a split zoning; staff is satisfied that this will be rectified through future Planning Act applications. However, Urban Protected Residential “C” District requires a minimum lot frontage of 12.0 metres. The proposed frontage for Part 1 is only 5.11 metres which is deficient by 6.89 metres. For staff to support the severance, as a condition of consent, the applicant will need to apply for and receive an approved minor variance for this deficiency before the consent can be finalized. Staff are supportive of this as it will contribute to the timely and appropriate development of the lands.

Recommendation:

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

Building Division:

- 1.The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
- 2.Demolition of all or an appropriate portion of the building straddling the proposed property line shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.

CONDITIONAL UPON:

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

1. The owner shall demolish all existing buildings, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.

Development Engineering:

According to our GIS records, the subject section of Eleanor Avenue 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 Eleanor Avenue is $\pm 20.1\text{m}$. Therefore, a road allowance widening dedication will not be required.

Currently Eleanor Street has a semi-rural cross section adjacent to the subject lands. Therefore, as a condition of severance the owner is required to provide cash payment for the outstanding urbanization works i.e. future curb, sidewalk, street lighting, etc. based on the "New Roads Servicing Rates". In addition, in accordance with the City drawings 14-H-41 municipal watermain storm and sanitary sewer as well 1 set of private services were completed as part of the road works. Therefore, the owner will be required to demonstrate that there is no outstanding servicing costs for the subject lands.

For the information of the Committee, there is an existing remnant parcel of land described as Block 6 on 62M-1230 that is intended to be merged with a portion of the subject lands to create a single residential lot. The owner will be required to demonstrate that there are sufficient lands available to create 1 residential lot upon merging of said Block with the subject lands.

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

Eleanor Avenue

- 250mm \varnothing Sanitary Sewer
- 375-450mm \varnothing Storm Sewer
- 200mm \varnothing PVC Watermain

There is an outstanding cost recovery over the subject lands for the construction of the stormwater management pond as part of the Stone Ridge Estates Subdivision. The Owner will be required to submit a cost recovery payment to the City based on a contribution of 8.992% of the total overall cost of construction of the pond updated by the Canada Construction Cost Index as applicable at the time of final application approval.

The proponent will be required to provide separate independent sewer and water services to the severed parcel.

Recommendations:

1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2021 fee) 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 and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage

during construction (unknown costs at this time). Cash payments mentioned above are subject to change.

2. That the owner provides a cash payment to the City for the outstanding urbanization works i.e. future curb, sidewalk, street lighting, etc. based on the "New Roads Servicing Rates" to the satisfaction of the Manager Engineering Approvals Section.
3. That the Owner provide a cash payment to the City representing the **cost recoveries** associated with the municipal stormwater management pond construction that was completed as part of the 'Stone Ridge Estates' subdivision. The cost shall be determined based on a contribution of 8.992% of the overall cost of construction of these works updated by the Canadata Construction Cost Index, as applicable, at the time of final application approval. All to the satisfaction of the City's Manager of Development Approvals.
4. That the owner will be required to demonstrate that there is no outstanding servicing costs for the subject lands for the works completed by the City adjacent to the property or to provide a cash payment for the outstanding servicing cost assessed to the property to the satisfaction of the Manager Engineering Approvals Section.
5. The owner shall demonstrates that development potential for the adjacent property described Block 6 on 62M-1230 has been maintained to create single residential lot that comply with the current zoning provisions to the satisfaction of the Manager Engineering Approvals Section

Growth Planning:

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 and identified as Part 1 will be assigned the address of as **177 Mentino Crescent (Hamilton)**, the lands identified as Part 2 will be assigned the address of **57 Eleanor Avenue (Hamilton)**, the lands identified as Part 3 will be assigned the address of **59 Eleanor Avenue (Hamilton)**, the lands identified as Part 4 will retain the existing address of **61 Eleanor Avenue (Hamilton)**, the lands identified as Part 5 will be assigned the address of **63 Eleanor Avenue (Hamilton)**, and the lands identified as Part 6 will be assigned the address of **65 Eleanor Avenue (Hamilton)**.

Note: 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.

Transportation Planning:

Transportation Planning has no objections to the land severance application.

Source Water Protection Planning:

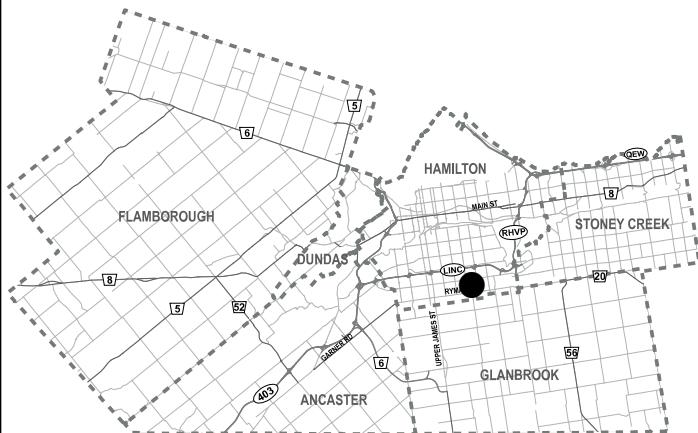
No comments

January 21st, 2021

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

61 Eleanor Avenue, Hamilton (Ward 6)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-20-84

Date:

January 13, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-20:85 – 61 Eleanor Ave., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. 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).
5. The owner shall demolish all existing buildings, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
6. A minor variance shall be sought by the applicant/owner and approved by the Committee of Adjustment reducing the required frontage of Part 1 on sketch R-4411B from 12.0 metres to 5.11 metres.
7. That a demolition permit be obtained and approved for the removal of all existing structures on the subject lands, and that all works be completed to the satisfaction of Manager of Development Planning, Heritage and Design prior to the finalization of the consent.
8. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2021 fee) 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 and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.

9. That the owner provides a cash payment to the City for the outstanding urbanization works i.e. future curb, sidewalk, street lighting, etc. based on the "New Roads Servicing Rates" to the satisfaction of the Manager Engineering Approvals Section.
10. That the Owner provide a cash payment to the City representing the cost recoveries associated with the municipal stormwater management pond construction that was completed as part of the 'Stone Ridge Estates' subdivision. The cost shall be determined based on a contribution of 8.992% of the overall cost of construction of these works updated by the Canadata Construction Cost Index, as applicable, at the time of final application approval. All to the satisfaction of the City's Manager of Development Approvals.
11. That the owner will be required to demonstrate that there is no outstanding servicing costs for the subject lands for the works completed by the City adjacent to the property or to provide a cash payment for the outstanding servicing cost assessed to the property to the satisfaction of the Manager Engineering Approvals Section.
12. The owner shall demonstrates that development potential for the adjacent property described Block 6 on 62M-1230 has been maintained to create single residential lot that comply with the current zoning provisions to the satisfaction of the Manager Engineering Approvals Section

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained and identified as Part 1 will be assigned the address of as **177 Mentino Crescent (Hamilton)**, the lands identified as Part 2 will be assigned the address of **57 Eleanor Avenue (Hamilton)**, the lands identified as Part 3 will be assigned the address of **59 Eleanor Avenue (Hamilton)**, the lands identified as Part 4 will retain the existing address of **61 Eleanor Avenue (Hamilton)**, the lands identified as Part 5 will be assigned the address of **63 Eleanor Avenue (Hamilton)**, and the lands identified as Part 6 will be assigned the address of **65 Eleanor Avenue (Hamilton)**.

HM/B-20:85 – 61 Eleanor Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

Applications **HM/B-20:83**, **HM/B-20:84**, and **HM/B-20:85** are to be heard in conjunction. The purpose of these applications is to create five (5) lots fronting onto Eleanor Avenue to permit the construction of five (5) single detached dwellings. The retained parcel (Part 1 on sketch R-4411B) will be subject to a future application for a Zoning By-law Amendment and Draft Plan of Subdivision.

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HM/B-20:83: The severed lands being Parts 2-6, with the retained parcel being Part 1 (0.62 ha) on sketch R-4411B;

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HM/B-20:85: The severed lands being Part 5 (0.037 ha), while the retained parcel being Parts 4 & 6 on sketch R-4411B.

Please note that Parts 2, 4, & 6 will become lots by way of a natural severance. The severance of Part 3 from Parts 2, 4, & 6, Part 2 (0.045 ha) will become its own lot due to Part 3's creation. The same will occur when Part 5 is severed from Parts 4 (0.037 ha) and 6 (0.037 ha) respectively.

Urban Hamilton Official Plan

The subject lands are designated as "Neighbourhoods" in Schedule E – Urban Structure, and designated as "Neighbourhoods" in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan (UHOP). Further, the lands are identified as 'Single and Double' on the Eleanor Neighbourhood (Map 7505).

The proposal is defined as Residential Intensification, and accordingly, must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1). The surrounding neighbourhood consists primarily of single detached dwellings on regular lots with frontages similar to the subject lands. The proposed single detached dwellings (Parts 2, 4, 5, & 6) will be of similar scale to the existing dwellings in the area and on lots of similar shape and size. It is the opinion of staff that the proposed development is compatible with the surrounding area in terms of use and scale. The proposed lots will integrate well with

the lot pattern of the neighbourhood and are of adequate size to support amenity space for the intended use.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the criteria of F.1.14.3.1 (Volume 1). Staff is of the opinion that the proposed severances consider the design and compatibility with the existing neighbourhood. The proposed lots reflect the general scale of the established development pattern in the surrounding area, and the consents will allow for further residential intensification that is in keeping with the established streetscape, has frontage and access onto an existing public road and has full municipal services available. Staff also support the continuation of the retained lot (Part 1). As a future Zoning By-law Amendment and Draft Plan of Subdivision applications will take an in-depth analysis and consideration of the policies of E.3.0, F.1.5, and F.1.14 to ensure that appropriate and timely development occurs that is consistent with the Eleanor Neighbourhood.

Notwithstanding this support, staff note that F.1.14.3.1 c) (Volume 1) states that both the retained and severed parcels must be in conformity with the Zoning By-law or a minor variance will be required. The applicant notes this in their planning analysis on page 3 when they state that,

“mentioned above, a Minor Variance Application will be submitted to bring Part 1 into conformity with respect to lot frontage. Part 1 will be subject of a future draft plan of subdivision application and will be developed in conjunction with portions of the lands to the south.”

Staff is supportive of the proposed severance, realizing that any deficiencies in zoning for the retained parcel can be taken care at the time of the future zoning by-law amendment. However, the policy is clear that the new and retained lots must comply with zoning. As such, staff recommend that a condition be added stipulating a minor variance be sought and approved prior to the consent being finalized. Finally, staff also recommend that a demolition permit be sought, approved, and completed for all existing structures prior to the finalization of the consent. As the creation of the lots will bring the existing buildings out of zoning compliance.

Hamilton Zoning By-law No. 05-200

The subject lands have split zoning. The Urban Protected Residential “C” District is roughly all of Parts 2-6 and 5.11 metres (the frontage on Eleanor) by 30.61 metres of Part 1. The remainder of the subject lands (most of Part 1) are zoned Agricultural District “AA”.

The Urban Protected Residential “C” District permits the use of single detached dwellings and require a minimum width of 12.0 metres and an overall lot area of 360.0 metres square. The proposed lots being Parts 2, 3, 4, 5, & 6 comply with these provisions.

As noted, Part 1 will have a split zoning; staff is satisfied that this will be rectified through future Planning Act applications. However, Urban Protected Residential “C” District requires a minimum lot frontage of 12.0 metres. The proposed frontage for Part 1 is only 5.11 metres which is deficient by 6.89 metres. For staff to support the severance, as a condition of consent, the applicant will need to apply for and receive an approved minor variance for this deficiency before the consent can be finalized. Staff are supportive of this as it will contribute to the timely and appropriate development of the lands.

Recommendation:

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

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. A variance for lot width will be required for zoning compliance of the lands to be retained shown as Part 1.
3. Demolition of all existing structures shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.

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 demolish all existing buildings, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.

Development Engineering:

According to our GIS records, the subject section of Eleanor Avenue 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 Eleanor Avenue is $\pm 20.1\text{m}$. Therefore, a road allowance widening dedication will not be required.

Currently Eleanor Street has a semi-rural cross section adjacent to the subject lands. Therefore, as a condition of severance the owner is required to provide cash payment for the outstanding urbanization works i.e. future curb, sidewalk, street lighting, etc. based on the "New Roads Servicing Rates". In addition, in accordance with the City drawings 14-H-41 municipal watermain storm and sanitary sewer as well 1 set of private services were completed as part of the road works. Therefore, the owner will be required to demonstrate that there is no outstanding servicing costs for the subject lands.

For the information of the Committee, there is an existing remnant parcel of land described as Block 6 on 62M-1230 that is intended to be merged with a portion of the subject lands to create a single residential lot. The owner will be required to demonstrate that there are sufficient lands available to create 1 residential lot upon merging of said Block with the subject lands.

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

Eleanor Avenue

250mm \varnothing Sanitary Sewer
375-450mm \varnothing Storm Sewer
200mm \varnothing PVC Watermain

There is an outstanding cost recovery over the subject lands for the construction of the stormwater management pond as part of the Stone Ridge Estates Subdivision. The Owner will be required to submit a cost recovery payment to the City based on a contribution of 8.992% of the total overall cost of construction of the pond updated by the Canada Construction Cost Index as applicable at the time of final application approval.

The proponent will be required to provide separate independent sewer and water services to the severed parcel.

Recommendations:

1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2021 fee) 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 and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction

(unknown costs at this time). Cash payments mentioned above are subject to change.

2. That the owner provides a cash payment to the City for the outstanding urbanization works i.e. future curb, sidewalk, street lighting, etc. based on the "New Roads Servicing Rates" to the satisfaction of the Manager Engineering Approvals Section
3. That the Owner provide a cash payment to the City representing the **cost recoveries** associated with the municipal stormwater management pond construction that was completed as part of the 'Stone Ridge Estates' subdivision. The cost shall be determined based on a contribution of 8.992% of the overall cost of construction of these works updated by the Canadata Construction Cost Index, as applicable, at the time of final application approval. All to the satisfaction of the City's Manager of Development Approvals.
4. That the owner will be required to demonstrate that there is no outstanding servicing costs for the subject lands for the works completed by the City adjacent to the property or to provide a cash payment for the outstanding servicing cost assessed to the property to the satisfaction of the Manager Engineering Approvals Section.
5. The owner shall demonstrates that development potential for the adjacent property described Block 6 on 62M-1230 has been maintained to create single residential lot that comply with the current zoning provisions to the satisfaction of the Manager Engineering Approvals Section

Growth Planning:

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 and identified as Part 1 will be assigned the address of as **177 Mentino Crescent (Hamilton)**, the lands identified as Part 2 will be assigned the address of **57 Eleanor Avenue (Hamilton)**, the lands identified as Part 3 will be assigned the address of **59 Eleanor Avenue (Hamilton)**, the lands identified as Part 4 will retain the existing address of **61 Eleanor Avenue (Hamilton)**, the lands identified as Part 5 will be assigned the address of **63 Eleanor Avenue (Hamilton)**, and the lands identified as Part 6 will be assigned the address of **65 Eleanor Avenue (Hamilton)**.

Transportation Planning:

Transportation Planning has no objections to the land severance application.

Growth Planning:

No comments.

CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

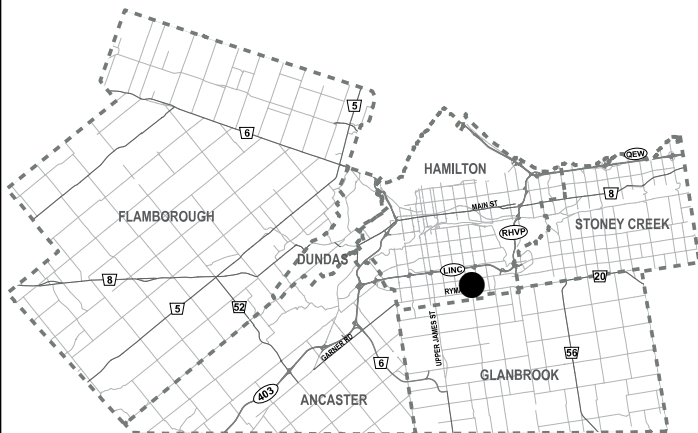
The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

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

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

61 Eleanor Avenue, Hamilton (Ward 6)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-20-85

Date:

January 13, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



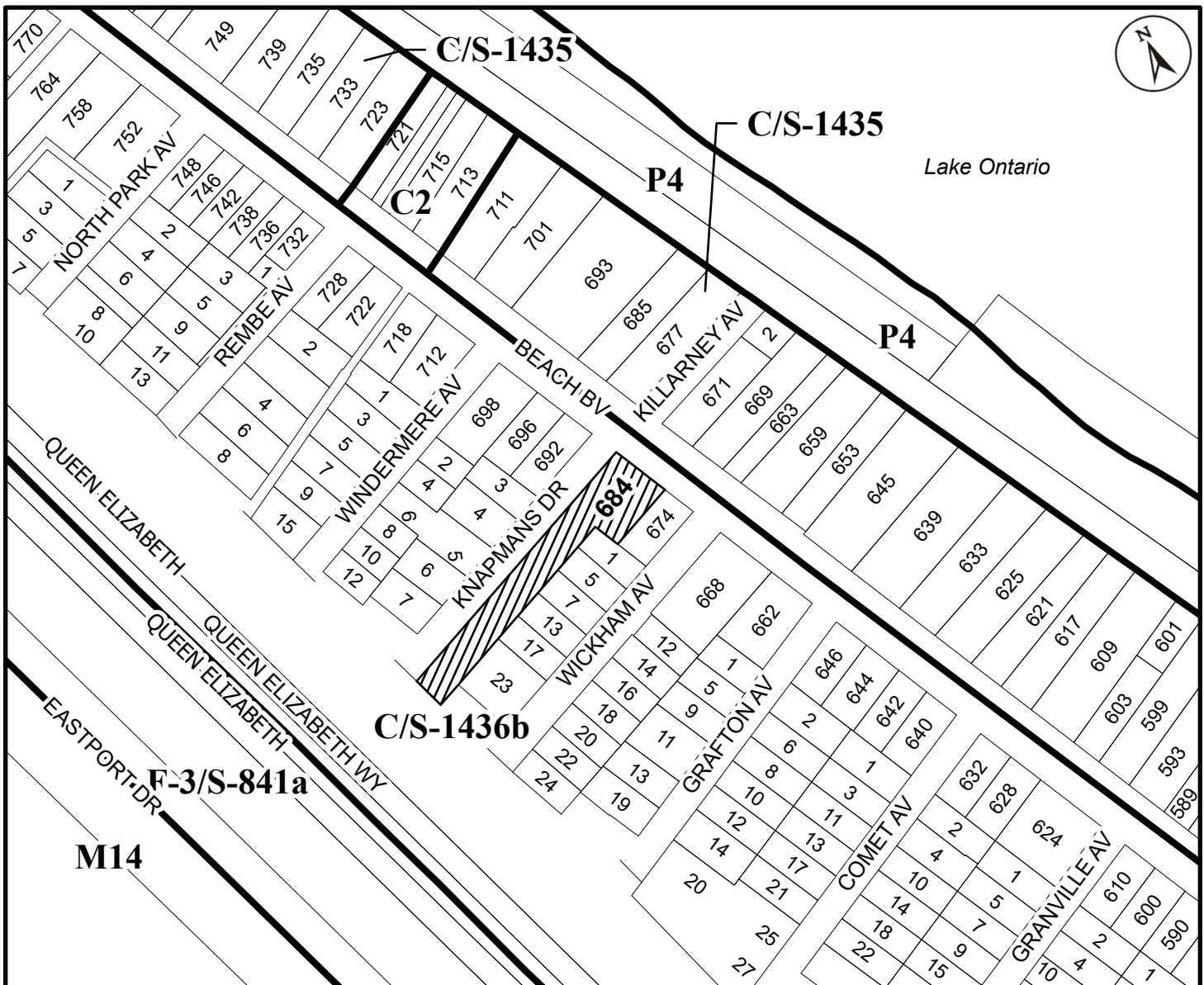
Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

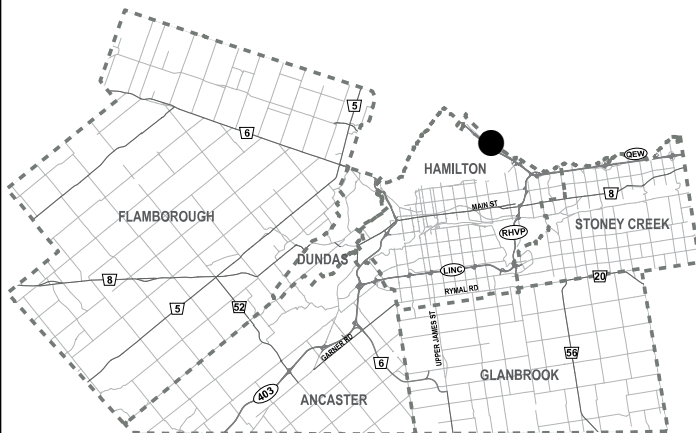
January 21st, 2021

HM/A-20:268 – 684 Beach Blvd., Hamilton

NOTE: Application has been tabled until further notice.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



684 Beach Boulevard. Hamilton
(Ward 5)

File Name/Number:

HM/A-20:268

Date:

January 12, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-20:250 – 5 Pleasant Ave., Stoney Creek

Consolidation Report

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

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

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).”

SC/A-20:250 – 5 Pleasant Ave., Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to retain two lots, each containing an existing single detached dwelling and to permit the severance of a parcel of land to facilitate the creation of a new lot for future residential development. The retained lots known as 5 and 7 Pleasant Avenue will have a lot area of 442.0 square metres and 437.0 square metres, respectively.

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 F.1.14.3.1, E.3.2.3 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 Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within an area of sandy soil; and,
- 2) Along historic transportation routes.

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

Old Town Secondary Plan

The subject lands are designated “Low Density Residential 2a” within the Old Town Secondary Plan. Policies B.7.2.2.1 and B.7.2.2.2 amongst others, are applicable and permit single detached dwellings.

The proposed severance will allow for the creation of one new lot for residential purposes within the rear yard of the existing residential lots known as 5 and 7 Pleasant Avenue. The affected lots will have frontage onto Pleasant Avenue or Grande Avenue. 5 and 7 Pleasant Avenue are fully serviced by municipal water and wastewater systems, however

in accordance with Development Engineering comments on FC-20-062, the Owner must demonstrate if an extension of the existing sanitary sewer is possible for the newly created lot as a condition of approval. Staff defer to Development Engineering Approvals for further comment on the servicing of the newly created lot.

The proposal allows for residential intensification while also being consistent with the established lot pattern and residential character of the neighbourhood. The affected lots will be smaller than the surrounding residential lots along Pleasant Avenue and Grande Avenue, however the size of the lots does not deviate significantly from that of the surrounding properties and Staff are of the opinion the newly created lot is sufficient in size to accommodate a single detached dwelling that is in keeping with the character of the area. While no elevation drawings of the proposed single detached dwelling have been submitted, the submitted site plan indicates a building height of approximately 4.0 metres which is consistent with the established streetscape.

In addition, the proposed development will have a density of approximately 23 units per hectare, in conformity with the maximum permitted density of 29 units per hectare for the Low Density Residential 2a designation within the Old Town Secondary Plan. As such, the general intent of the Urban Hamilton Official Plan and the Old Town Secondary Plan is being maintained, subject to any servicing issues being addressed.

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

The subject lands are zoned “R2” (Single Residential) Zone, which permits a single family dwelling.

5 Pleasant Avenue:

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot area of 441.0 square metres and to allow a minimum rear yard depth of 6.6 metres, notwithstanding the minimum required lot area of 460.0 square metres for an interior lot and the minimum required rear yard depth of 7.5 metres. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow sufficient space to accommodate a single detached dwelling with the necessary landscaped areas, amenity area, and parking. Staff defers any grading or drainage concerns to Development Engineering Approvals.

This portion of Grande Avenue is characterized by one to one and a half storey single detached dwellings. The residential lots range from approximately 15.0 metres to 20.0 metres in lot width and from approximately 480.0 square metres to 650.0 square metres in lot area. In addition, the rear yard depths range from approximately 6.0 metres to 22.0 metres in the surrounding area. The variance is maintaining the general intent of the

Zoning By-law as sufficient parking, landscaped area and amenity area is being provided to meet the needs of the single detached dwelling. In addition, Staff are of the opinion the reduce lot area and rear yard depth will not have a significant impact on the established residential streetscape.

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

Variance 3

The applicant is requesting a variance to allow a minimum westerly side yard width of 1.22 metres, notwithstanding the minimum required side yard width of 1.25 metres. The general 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 an existing condition. The variance maintains the general intent of the Zoning By-law as the westerly side yard width of 1.22 metres is an existing condition at will remain unchanged as a result of the proposed severance. The variance is considered minor in nature and is desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area from the continuation of the existing condition.

Staff note the approval of Variance 3 does not grant the applicant access onto any neighbouring property without the necessary permissions.

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

7 Pleasant Avenue:

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot area of 436.0 square metres and a minimum lot frontage of 15.0 metres, notwithstanding the minimum required lot area of 505.0 square metres and the minimum required lot frontage of 16.5 metres for a corner lot. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow sufficient space to accommodate a dwelling with two units with the necessary landscaped areas, amenity area, and parking. In addition, the intent of the Zoning by-law is to maintain slightly larger lot areas for corner lots.

This portion of Grande Avenue is characterized by one to one and a half storey single detached dwellings. The residential lots range from approximately 15.0 metres to 20.0 metres in lot width and from approximately 480.0 square metres to 650.0 square metres in lot area. While some corner lots maintain larger lot areas than the interior lots in the surrounding area, this is not reflective of the entire neighbourhood. The variance is maintaining the general intent of the Zoning By-law as sufficient parking, landscaped area and amenity area is being provided to meet the needs of the single detached dwelling. Staff are of the opinion the reduced lot area will not have a significant impact on the established residential streetscape.

Staff note the variance for lot width recognizes an existing condition that will remain unchanged as a result of the proposed severance.

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

44 Grande Avenue:

While not included in the Public Notice, Staff note the applicant has requested a variance to allow a minimum northerly side yard width of 1.0 metres, notwithstanding the minimum required side yard width of 1.25 metres. The general 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 side yard widths vary along this portion of Pleasant Avenue and Grande Avenue with a number being less than 1.0 metre. In this case, the side yard width will represent a rear to side yard interface allowing for additional distance separation between the existing dwelling at 7 Pleasant Avenue. The variance maintains the general intent of the Zoning By-law as it is consistent with the established residential streetscape. The variance is desirable for the development of the site and is minor in nature as no negative impact is anticipated to the subject lands or surrounding area.

Staff defer to the Building Division to confirm the requested variance is required for the development of the newly created lot or if a separate Minor Variance application will be necessary.

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

Recommendation:

Based on the preceding information, staff recommends that the files be approved as the conveyances conform to the intent of the Urban Hamilton Official Plan, the Old Town Secondary Plan and former City of Hamilton Zoning By-law No. 6593.

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 following variance should be included...

“A minimum northerly side yard of 1.0 metres shall be permitted for the proposed dwelling to be constructed on the newly created lot instead of the minimum required side yard of 1.25 metres.”

1. The variances are necessary to facilitate land severance application SC/B-20:80, to be heard in conjunction with this application. The lands to be severed are to be added to an adjacent parcel of land created through land severance application SC/B-20:81 to form the new lot.
2. Variance 3 has been requested to recognize existing conditions.
3. Demolition of the existing accessory building (vinyl shed) shall be a condition of consent. A further variance will be required should intent be to maintain the existing accessory building. Such demolition is subject to a demolition permit issued from the Building Division.

Development Engineering:

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

See attached for additional comments.

Mignano, Martha

From: pwhitaker <pwhitaker@sympatico.ca>
Sent: January 18, 2021 2:10 PM
To: Committee of Adjustment
Subject: SC/A-20:250 and SC/B-20:81

I'm writing in response to the application for consent/and severance. My only concern is the creation of a new lot with proposal of building a new single family home. I'm afraid that the new home will be similar to 5 and 7 Pleasant Avenue, these have been converted into 2 rental units in each home. This neighborhood in my opinion will depreciate in value and I wouldn't be too concerned if the new proposed home remains a single family dwelling. Which it probably would not, it would be another income for people renting.

Thank you
Peter Whitaker
8 Pleasant Avenue
L8G 2L2.

Sent from my Galaxy

From: [Ann](#)
To: [Committee of Adjustment](#)
Subject: 5 & 7 Pleasant Ave Stoney Creek
Date: January 18, 2021 12:18:16 PM

We the owners of 6 Pleasant Ave would like to contest to the applications ; sc/b- 20:80/81.
Based on these 2 properties are already rentals e have concerns regarding sewage flow on the street already having issues. Thank you.

Sent from my Bell Samsung device over Canada's largest network.

From: [Jaspal Virdee](#)
To: [Committee of Adjustment](#)
Cc: [Jaspal Singh Virdee](#)
Subject: Response to Notice of Public Hearing - Application for Consent/Land Severance and/or Minor Variance (SC/B-20:80, -20:81; -20:250, -20:251)
Date: January 18, 2021 8:51:47 PM

Dear Sir/Madam,

I am writing this email regarding the subject title on behalf of my grandparents Malkiat Flower and Gurmeet Kaur (residents of 4 PLEASANT AVE in Stoney Creek) as they are senior citizens and do not have access to a PC or a mobile phone.

Since their dwelling of 4 PLEASANT AVE falls within 60m of the subject properties of 5 and 7 PLEASANT AVE, they do so object to the application for consent/land severance and/or minor variance that has been mailed to them by the Committee of Adjustment for the City of Hamilton.

Please accept this email as their total disapproval to the information mentioned in the above paragraphs and subject of this email.

For any further information, please contact Malkiat or Gurmeet at 905 662 6748

Sincerely

Malkiat and Gurmeet
c/o Jaspal Virdee

Sent from my iPhone

From: [Richard Kaulback](#)
To: [Committee of Adjustment](#)
Subject: In regards to severance applications for properties 5 and 7 on Pleasant Avenue in Stoney Creek
Date: January 19, 2021 1:08:05 PM

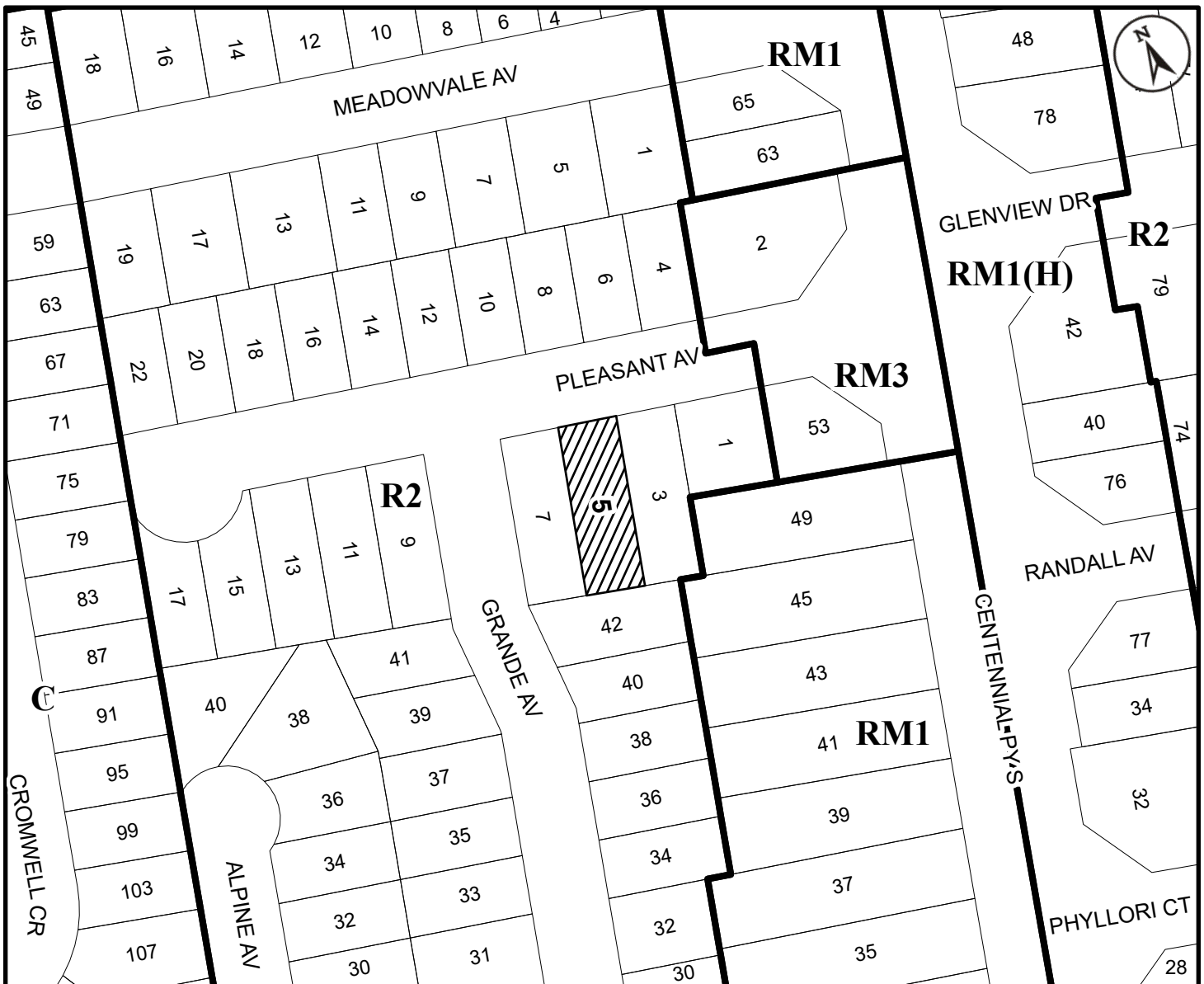
This is in regards to properties 5 & [7 on Pleasant Avenue](#) application numbers:
SC-B -20:80 and SC-B-20:81 respectively as well as SC-A-20:251

I am sending this note using my eldest son's email. Please ensure this letter is read at the meeting regarding the proposal [at 3:00 p.m. on Thursday](#).

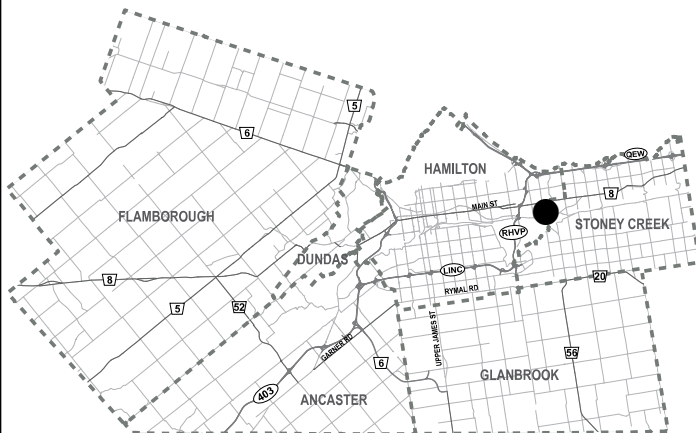
This is in regards to the severance of lots 5 and [7 on Pleasant Avenue, Stoney Creek](#). As a long time resident of Pleasant Avenue, I object to this proposal. I am aware that the current owner of these two properties rents these houses to multiple families. A severance of these two properties to merge the two back yards for the purpose of building a residential development will cause undue stress to the neighbourhood. More rentals are a problem because they may cause more traffic, congestion and noise and may de-value existing properties in this area. Therefore I am opposed to this proposal.

Hilda Kaulback
[14 Pleasant Avenue](#)
[Stoney Creek](#)

Sent from my iPhone



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



5 Pleasant Avenue, Stoney Creek
(Ward 5)

File Name/Number:

SC/A-20:250

Date:

January 15, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/B-20:80 – 5 Pleasant Ave., Stoney Creek

Consolidation Report

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

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

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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. 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).
5. 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).
6. The owner shall demolish the existing accessory building (vinyl shed) on the lands to be conveyed, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
7. The owner shall submit survey evidence that 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 and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

8. The applicant must enter into and register on title of the lands, a Combined Consent and External Works 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), all to the satisfaction of the Manager of Development Engineering Approvals.
9. The Owner / Applicant shall enter into a Combined Consent and External Works Agreement to extend the existing 200mm diameter sanitary sewer on Grande Avenue (if possible) across the full frontage of the proposed severed lot and subject to an ECA Application. It will also be the responsibility of the proponent to pay for all associated costs / fees, all to the satisfaction of the Manager of Development Engineering Approvals.
10. The Owner / Applicant shall dedicate a 4.57m x 4.57m Daylighting Triangle at the intersection of Pleasant Avenue and Grande Avenue, all to the satisfaction of the Manager of Development Engineering Approvals.
11. A Stormwater Management Brief is required for this development proposal to demonstrate how stormwater runoff from the proposed lots will be handled to pre-development level (peak flow rate and runoff volumes) for all ranges (2 to 100 year) storm events and no negative impacts on the abutting existing properties from grading and drainages perspectives. A suitable storm outlet must also be demonstrated. The SWM Brief should be prepared in accordance with City's Comprehensive Development Guidelines and Financial Policies Manual, 2019, all to the satisfaction of the Manager of Development Engineering Approvals.
12. A Permit to injure or remove municipal trees is a requirement of this application. Therefore, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

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)."

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 and identified as Part A will remain as **7 Pleasant Avenue (Stoney Creek)**, the lands to be retained and identified as Part B will remain as **5 Pleasant Avenue (Stoney Creek)**, and the lands to be conveyed and identified as Part C and D will be assigned the address of **46 Grande Avenue (Stoney Creek)**.

Note: 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.

SC/B-20:80 – 5 Pleasant Ave., Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to retain two lots, each containing an existing single detached dwelling and to permit the severance of a parcel of land to facilitate the creation of a new lot for future residential development. The retained lots known as 5 and 7 Pleasant Avenue will have a lot area of 442.0 square metres and 437.0 square metres, respectively.

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 F.1.14.3.1, E.3.2.3 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 Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within an area of sandy soil; and,
- 2) Along historic transportation routes.

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

Old Town Secondary Plan

The subject lands are designated “Low Density Residential 2a” within the Old Town Secondary Plan. Policies B.7.2.2.1 and B.7.2.2.2 amongst others, are applicable and permit single detached dwellings.

The proposed severance will allow for the creation of one new lot for residential purposes within the rear yard of the existing residential lots known as 5 and 7 Pleasant Avenue. The affected lots will have frontage onto Pleasant Avenue or Grande Avenue. 5 and 7 Pleasant Avenue are fully serviced by municipal water and wastewater systems, however

in accordance with Development Engineering comments on FC-20-062, the Owner must demonstrate if an extension of the existing sanitary sewer is possible for the newly created lot as a condition of approval. Staff defer to Development Engineering Approvals for further comment on the servicing of the newly created lot.

The proposal allows for residential intensification while also being consistent with the established lot pattern and residential character of the neighbourhood. The affected lots will be smaller than the surrounding residential lots along Pleasant Avenue and Grande Avenue, however the size of the lots does not deviate significantly from that of the surrounding properties and Staff are of the opinion the newly created lot is sufficient in size to accommodate a single detached dwelling that is in keeping with the character of the area. While no elevation drawings of the proposed single detached dwelling have been submitted, the submitted site plan indicates a building height of approximately 4.0 metres which is consistent with the established streetscape.

In addition, the proposed development will have a density of approximately 23 units per hectare, in conformity with the maximum permitted density of 29 units per hectare for the Low Density Residential 2a designation within the Old Town Secondary Plan. As such, the general intent of the Urban Hamilton Official Plan and the Old Town Secondary Plan is being maintained, subject to any servicing issues being addressed.

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

The subject lands are zoned “R2” (Single Residential) Zone, which permits a single family dwelling.

5 Pleasant Avenue:

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot area of 441.0 square metres and to allow a minimum rear yard depth of 6.6 metres, notwithstanding the minimum required lot area of 460.0 square metres for an interior lot and the minimum required rear yard depth of 7.5 metres. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow sufficient space to accommodate a single detached dwelling with the necessary landscaped areas, amenity area, and parking. Staff defers any grading or drainage concerns to Development Engineering Approvals.

This portion of Grande Avenue is characterized by one to one and a half storey single detached dwellings. The residential lots range from approximately 15.0 metres to 20.0 metres in lot width and from approximately 480.0 square metres to 650.0 square metres in lot area. In addition, the rear yard depths range from approximately 6.0 metres to 22.0 metres in the surrounding area. The variance is maintaining the general intent of the

Zoning By-law as sufficient parking, landscaped area and amenity area is being provided to meet the needs of the single detached dwelling. In addition, Staff are of the opinion the reduce lot area and rear yard depth will not have a significant impact on the established residential streetscape.

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

Variance 3

The applicant is requesting a variance to allow a minimum westerly side yard width of 1.22 metres, notwithstanding the minimum required side yard width of 1.25 metres. The general 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 an existing condition. The variance maintains the general intent of the Zoning By-law as the westerly side yard width of 1.22 metres is an existing condition at will remain unchanged as a result of the proposed severance. The variance is considered minor in nature and is desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area from the continuation of the existing condition.

Staff note the approval of Variance 3 does not grant the applicant access onto any neighbouring property without the necessary permissions.

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

7 Pleasant Avenue:

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot area of 436.0 square metres and a minimum lot frontage of 15.0 metres, notwithstanding the minimum required lot area of 505.0 square metres and the minimum required lot frontage of 16.5 metres for a corner lot. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow sufficient space to accommodate a dwelling with two units with the necessary landscaped areas, amenity area, and parking. In addition, the intent of the Zoning by-law is to maintain slightly larger lot areas for corner lots.

This portion of Grande Avenue is characterized by one to one and a half storey single detached dwellings. The residential lots range from approximately 15.0 metres to 20.0 metres in lot width and from approximately 480.0 square metres to 650.0 square metres in lot area. While some corner lots maintain larger lot areas than the interior lots in the surrounding area, this is not reflective of the entire neighbourhood. The variance is maintaining the general intent of the Zoning By-law as sufficient parking, landscaped area and amenity area is being provided to meet the needs of the single detached dwelling. Staff are of the opinion the reduced lot area will not have a significant impact on the established residential streetscape.

Staff note the variance for lot width recognizes an existing condition that will remain unchanged as a result of the proposed severance.

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

44 Grande Avenue:

While not included in the Public Notice, Staff note the applicant has requested a variance to allow a minimum northerly side yard width of 1.0 metres, notwithstanding the minimum required side yard width of 1.25 metres. The general 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 side yard widths vary along this portion of Pleasant Avenue and Grande Avenue with a number being less than 1.0 metre. In this case, the side yard width will represent a rear to side yard interface allowing for additional distance separation between the existing dwelling at 7 Pleasant Avenue. The variance maintains the general intent of the Zoning By-law as it is consistent with the established residential streetscape. The variance is desirable for the development of the site and is minor in nature as no negative impact is anticipated to the subject lands or surrounding area.

Staff defer to the Building Division to confirm the requested variance is required for the development of the newly created lot or if a separate Minor Variance application will be necessary.

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

Recommendation:

Based on the preceding information, staff recommends that the files be approved as the conveyances conform to the intent of the Urban Hamilton Official Plan, the Old Town Secondary Plan and former City of Hamilton Zoning By-law No. 6593.

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. Demolition of the existing accessory building (vinyl shed) on the lands to be conveyed shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.
3. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
4. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
5. The lands to be conveyed shall be merged in title with the lands to which they are to be added.
6. This application is to be heard in conjunction with Minor Variance application SC/A-20:250.

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 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).
3. The owner shall demolish the existing accessory building (vinyl shed) on the lands to be conveyed, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
4. The owner shall submit survey evidence that the 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 and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

Development Engineering:

Information:

1) Development Engineering Approvals have previously reviewed the subject proposal through a Formal Consultation Application known as **FC-20-062** and provided comments and conditions that are reiterated below in the recommendations.

2) The municipal services which surround the subject property are as described:

Pleasant Avenue

- 200mmø 0.4% Sanitary Sewer
- 525mmø 0.4% Storm Sewer
- 150mmø Watermain

Grande Avenue

- **No sanitary sewer** fronting proposed parcel. Existing sanitary sewer is located approximately 10m south of the proposed south limit of the lot. *The Owner / Applicant shall demonstrate whether an extension of the existing sanitary sewer is possible due to existing constraints (cover, slope, etc.).
- 525mmø 0.4% Storm Sewer
- 150mmø Watermain

***Grande Avenue does not have an existing sanitary sewer** fronting the proposed severed lot identified as “C” on the provided “Severance Sketch” prepared by Urban in Mind. The Owner / Applicant will be required to enter into an **External Works Agreement** to extend the existing 200mm diameter sanitary sewer on Grande Avenue (if possible) across the full frontage of the proposed severed lot and subject to an **ECA Application**. It will also be the responsibility of the proponent to pay for all associated costs / fees.

3) A right-of-way widening is not applicable to Pleasant Avenue and Grande Avenue as they are both already at the maximum described width (20.1m) of the Urban Official Plan and classified as “Local Roadways”.

4) A 4.57m x 4.57m Daylighting Triangle at the intersection of Pleasant Avenue and Grande Avenue shall be provided by the Owner / Application.

Recommendations:

1) The applicant must enter into and register on title of the lands, a **Combined Consent and External Works 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), all to the satisfaction of the Manager of Development Engineering Approvals.

- 2) The Owner / Applicant shall enter into a **Combined Consent and External Works Agreement** to extend the existing 200mm diameter sanitary sewer on Grande Avenue (if possible) across the full frontage of the proposed severed lot and subject to an **ECA Application**. It will also be the responsibility of the proponent to pay for all associated costs / fees, all to the satisfaction of the Manager of Development Engineering Approvals.
- 3) The Owner / Applicant shall dedicate a 4.57m x 4.57m Daylighting Triangle at the intersection of Pleasant Avenue and Grande Avenue, all to the satisfaction of the Manager of Development Engineering Approvals.
- 4) **A Stormwater Management Brief** is required for this development proposal to demonstrate how stormwater runoff from the proposed lots will be handled to pre-development level (peak flow rate and runoff volumes) for all ranges (2 to 100 year) storm events and no negative impacts on the abutting existing properties from grading and drainages perspectives. A suitable storm outlet must also be demonstrated. The SWM Brief should be prepared in accordance with City's Comprehensive Development Guidelines and Financial Policies Manual, 2019, all to the satisfaction of the Manager of Development Engineering Approvals.

Growth Planning:

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 and identified as Part A will remain as **7 Pleasant Avenue (Stoney Creek)**, the lands to be retained and identified as Part B will remain as **5 Pleasant Avenue (Stoney Creek)**, and the lands to be conveyed and identified as Part C and D will be assigned the address of **46 Grande Avenue (Stoney Creek)**.

Note: 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.

Transportation Planning:

Transportation Planning has no objections to the land severance application.

Source Water Protection Planning:

No comments

See attached for additional comments.



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

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: January 13, 2021

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

From: Shannon Clarke, Urban Forest Health Technician

Subject: 5 Pleasant Ave., Stoney Creek
File: SC/B-20:80

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, January 21, 2021 regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

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

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

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

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

TREE MANAGEMENT

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

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

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

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.

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

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

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

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

A \$278.80 plus HST permit fee, payable to the City of Hamilton is required prior to the permit issuance.

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

LANDSCAPE PLAN

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

SUMMARY OF FORESTRY CONDITIONS

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

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

Regards,

A handwritten signature in black ink, appearing to read "Shannon Clarke". The signature is written in a cursive, flowing style.

Shannon Clarke
Urban Forest Health Technician

From: [Ann](#)
To: [Committee of Adjustment](#)
Subject: 5 & 7 Pleasant Ave Stoney Creek
Date: January 18, 2021 12:18:16 PM

We the owners of 6 Pleasant Ave would like to contest to the applications ; sc/b- 20:80/81.
Based on these 2 properties are already rentals e have concerns regarding sewage flow on the street already having issues. Thank you.

Sent from my Bell Samsung device over Canada's largest network.

From: [Jaspal Virdee](#)
To: [Committee of Adjustment](#)
Cc: [Jaspal Singh Virdee](#)
Subject: Response to Notice of Public Hearing - Application for Consent/Land Severance and/or Minor Variance (SC/B-20:80, -20:81; -20:250, -20:251)
Date: January 18, 2021 8:51:47 PM

Dear Sir/Madam,

I am writing this email regarding the subject title on behalf of my grandparents Malkiat Flower and Gurmeet Kaur (residents of 4 PLEASANT AVE in Stoney Creek) as they are senior citizens and do not have access to a PC or a mobile phone.

Since their dwelling of 4 PLEASANT AVE falls within 60m of the subject properties of 5 and 7 PLEASANT AVE, they do so object to the application for consent/land severance and/or minor variance that has been mailed to them by the Committee of Adjustment for the City of Hamilton.

Please accept this email as their total disapproval to the information mentioned in the above paragraphs and subject of this email.

For any further information, please contact Malkiat or Gurmeet at 905 662 6748

Sincerely

Malkiat and Gurmeet
c/o Jaspal Virdee

Sent from my iPhone

From: [Richard Kaulback](#)
To: [Committee of Adjustment](#)
Subject: In regards to severance applications for properties 5 and 7 on Pleasant Avenue in Stoney Creek
Date: January 19, 2021 1:08:05 PM

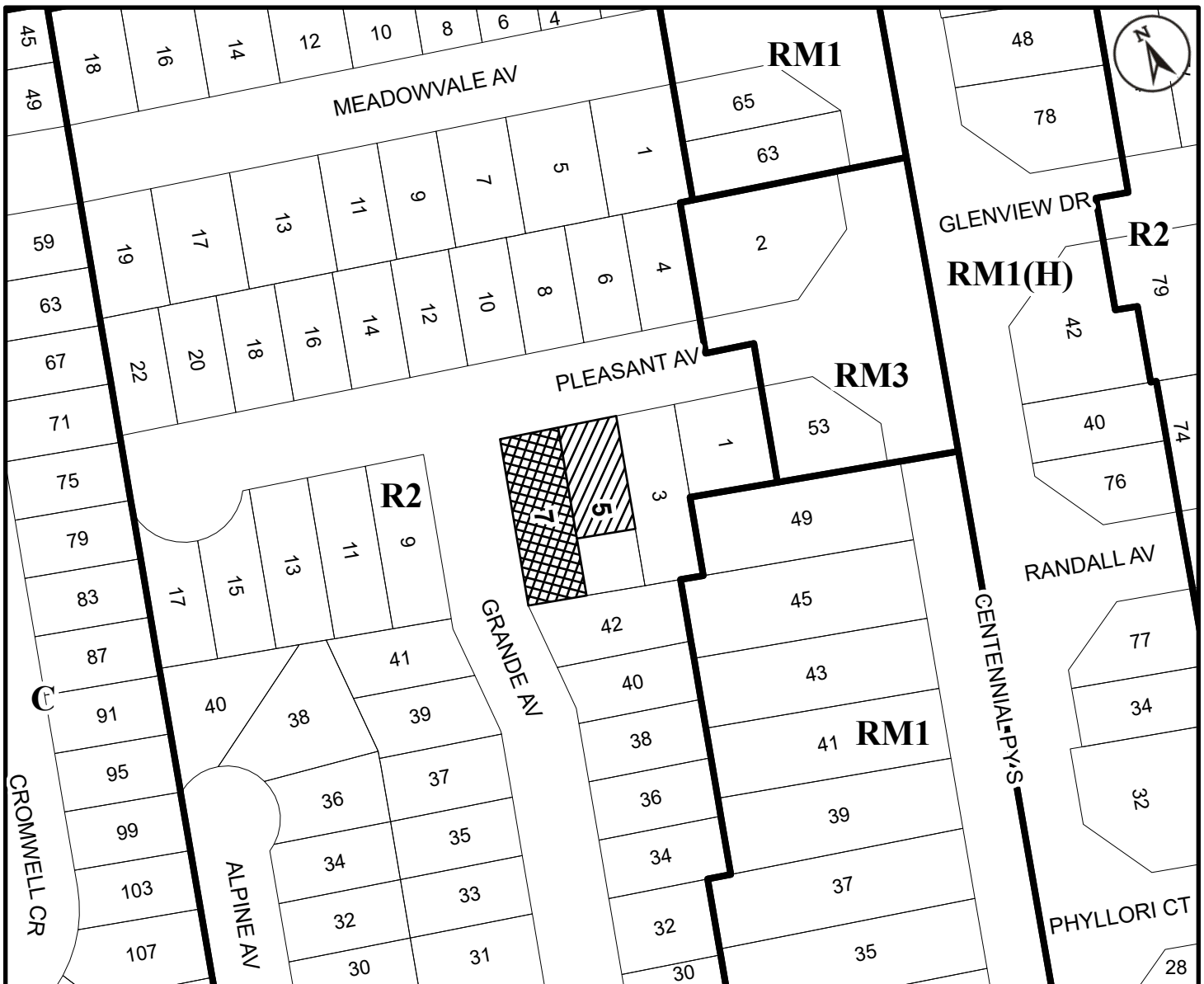
This is in regards to properties 5 & [7 on Pleasant Avenue](#) application numbers:
SC-B -20:80 and SC-B-20:81 respectively as well as SC-A-20:251

I am sending this note using my eldest son's email. Please ensure this letter is read at the meeting regarding the proposal [at 3:00 p.m. on Thursday](#).

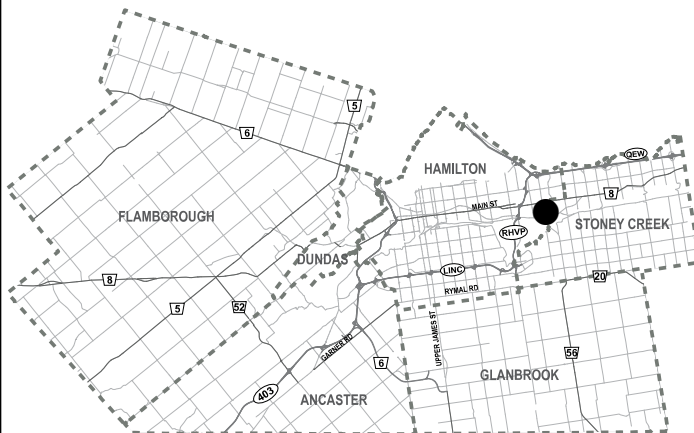
This is in regards to the severance of lots 5 and [7 on Pleasant Avenue, Stoney Creek](#). As a long time resident of Pleasant Avenue, I object to this proposal. I am aware that the current owner of these two properties rents these houses to multiple families. A severance of these two properties to merge the two back yards for the purpose of building a residential development will cause undue stress to the neighbourhood. More rentals are a problem because they may cause more traffic, congestion and noise and may de-value existing properties in this area. Therefore I am opposed to this proposal.

Hilda Kaulback
[14 Pleasant Avenue](#)
[Stoney Creek](#)

Sent from my iPhone



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

5 Pleasant Avenue, Stoney Creek (Ward 5)



Lands to be Retained



Lands to be Severed

File Name/Number:

SC/B-20:80

Date:

January 15, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-20:251 – 7 Pleasant Ave., Stoney Creek

Consolidation Report

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

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

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).”

SC/A-20:251 – 7 Pleasant Ave., Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to retain two lots, each containing an existing single detached dwelling and to permit the severance of a parcel of land to facilitate the creation of a new lot for future residential development. The retained lots known as 5 and 7 Pleasant Avenue will have a lot area of 442.0 square metres and 437.0 square metres, respectively.

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 F.1.14.3.1, E.3.2.3 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 Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within an area of sandy soil; and,
- 2) Along historic transportation routes.

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

Old Town Secondary Plan

The subject lands are designated “Low Density Residential 2a” within the Old Town Secondary Plan. Policies B.7.2.2.1 and B.7.2.2.2 amongst others, are applicable and permit single detached dwellings.

The proposed severance will allow for the creation of one new lot for residential purposes within the rear yard of the existing residential lots known as 5 and 7 Pleasant Avenue. The affected lots will have frontage onto Pleasant Avenue or Grande Avenue. 5 and 7 Pleasant Avenue are fully serviced by municipal water and wastewater systems, however

in accordance with Development Engineering comments on FC-20-062, the Owner must demonstrate if an extension of the existing sanitary sewer is possible for the newly created lot as a condition of approval. Staff defer to Development Engineering Approvals for further comment on the servicing of the newly created lot.

The proposal allows for residential intensification while also being consistent with the established lot pattern and residential character of the neighbourhood. The affected lots will be smaller than the surrounding residential lots along Pleasant Avenue and Grande Avenue, however the size of the lots does not deviate significantly from that of the surrounding properties and Staff are of the opinion the newly created lot is sufficient in size to accommodate a single detached dwelling that is in keeping with the character of the area. While no elevation drawings of the proposed single detached dwelling have been submitted, the submitted site plan indicates a building height of approximately 4.0 metres which is consistent with the established streetscape.

In addition, the proposed development will have a density of approximately 23 units per hectare, in conformity with the maximum permitted density of 29 units per hectare for the Low Density Residential 2a designation within the Old Town Secondary Plan. As such, the general intent of the Urban Hamilton Official Plan and the Old Town Secondary Plan is being maintained, subject to any servicing issues being addressed.

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

The subject lands are zoned “R2” (Single Residential) Zone, which permits a single family dwelling.

5 Pleasant Avenue:

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot area of 441.0 square metres and to allow a minimum rear yard depth of 6.6 metres, notwithstanding the minimum required lot area of 460.0 square metres for an interior lot and the minimum required rear yard depth of 7.5 metres. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow sufficient space to accommodate a single detached dwelling with the necessary landscaped areas, amenity area, and parking. Staff defers any grading or drainage concerns to Development Engineering Approvals.

This portion of Grande Avenue is characterized by one to one and a half storey single detached dwellings. The residential lots range from approximately 15.0 metres to 20.0 metres in lot width and from approximately 480.0 square metres to 650.0 square metres in lot area. In addition, the rear yard depths range from approximately 6.0 metres to 22.0 metres in the surrounding area. The variance is maintaining the general intent of the

Zoning By-law as sufficient parking, landscaped area and amenity area is being provided to meet the needs of the single detached dwelling. In addition, Staff are of the opinion the reduce lot area and rear yard depth will not have a significant impact on the established residential streetscape.

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

Variance 3

The applicant is requesting a variance to allow a minimum westerly side yard width of 1.22 metres, notwithstanding the minimum required side yard width of 1.25 metres. The general 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 an existing condition. The variance maintains the general intent of the Zoning By-law as the westerly side yard width of 1.22 metres is an existing condition at will remain unchanged as a result of the proposed severance. The variance is considered minor in nature and is desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area from the continuation of the existing condition.

Staff note the approval of Variance 3 does not grant the applicant access onto any neighbouring property without the necessary permissions.

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

7 Pleasant Avenue:

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot area of 436.0 square metres and a minimum lot frontage of 15.0 metres, notwithstanding the minimum required lot area of 505.0 square metres and the minimum required lot frontage of 16.5 metres for a corner lot. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow sufficient space to accommodate a dwelling with two units with the necessary landscaped areas, amenity area, and parking. In addition, the intent of the Zoning by-law is to maintain slightly larger lot areas for corner lots.

This portion of Grande Avenue is characterized by one to one and a half storey single detached dwellings. The residential lots range from approximately 15.0 metres to 20.0 metres in lot width and from approximately 480.0 square metres to 650.0 square metres in lot area. While some corner lots maintain larger lot areas than the interior lots in the surrounding area, this is not reflective of the entire neighbourhood. The variance is maintaining the general intent of the Zoning By-law as sufficient parking, landscaped area and amenity area is being provided to meet the needs of the single detached dwelling. Staff are of the opinion the reduced lot area will not have a significant impact on the established residential streetscape.

Staff note the variance for lot width recognizes an existing condition that will remain unchanged as a result of the proposed severance.

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

44 Grande Avenue:

While not included in the Public Notice, Staff note the applicant has requested a variance to allow a minimum northerly side yard width of 1.0 metres, notwithstanding the minimum required side yard width of 1.25 metres. The general 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 side yard widths vary along this portion of Pleasant Avenue and Grande Avenue with a number being less than 1.0 metre. In this case, the side yard width will represent a rear to side yard interface allowing for additional distance separation between the existing dwelling at 7 Pleasant Avenue. The variance maintains the general intent of the Zoning By-law as it is consistent with the established residential streetscape. The variance is desirable for the development of the site and is minor in nature as no negative impact is anticipated to the subject lands or surrounding area.

Staff defer to the Building Division to confirm the requested variance is required for the development of the newly created lot or if a separate Minor Variance application will be necessary.

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

Recommendation:

Based on the preceding information, staff recommends that the files be approved as the conveyances conform to the intent of the Urban Hamilton Official Plan, the Old Town Secondary Plan and former City of Hamilton Zoning By-law No. 6593.

Building Division:

1. The proposed variance is intended to facilitate Consent Application SC/B/20:81 to allow for the creation of a severed parcel that would be merged with the severed portion of 5 Pleasant Avenue to create a new lot for residential infill development.
2. A similar minor variance application for 5 Pleasant Avenue is being addressed through Committee of Adjustment Application SC/A:20:250. The severance for 5 Pleasant Avenue is to be addressed through Consent Application SC/B-20:80.
3. The proposed driveway depth would require off-site manoeuvring for vehicles exiting the property.
4. The variances are written as requested by the applicant.
5. The following additional variance should be included...

“A minimum northerly side yard of 1.0 metres shall be permitted for the proposed dwelling to be constructed on the newly assembled lot instead of the minimum required side yard of 1.25 metres.”

6. Demolition of the existing accessory building (detached garage) shall be a condition of consent.

Development Engineering:

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

See attached for additional comments.

From: [Ann](#)
To: [Committee of Adjustment](#)
Subject: 5 & 7 Pleasant Ave Stoney Creek
Date: January 18, 2021 12:18:16 PM

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Based on these 2 properties are already rentals e have concerns regarding sewage flow on the street already having issues. Thank you.

Sent from my Bell Samsung device over Canada's largest network.

From: [Jaspal Virdee](#)
To: [Committee of Adjustment](#)
Cc: [Jaspal Singh Virdee](#)
Subject: Response to Notice of Public Hearing - Application for Consent/Land Severance and/or Minor Variance (SC/B-20:80, -20:81; -20:250, -20:251)
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Dear Sir/Madam,

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Since their dwelling of 4 PLEASANT AVE falls within 60m of the subject properties of 5 and 7 PLEASANT AVE, they do so object to the application for consent/land severance and/or minor variance that has been mailed to them by the Committee of Adjustment for the City of Hamilton.

Please accept this email as their total disapproval to the information mentioned in the above paragraphs and subject of this email.

For any further information, please contact Malkiat or Gurmeet at 905 662 6748

Sincerely

Malkiat and Gurmeet
c/o Jaspal Virdee

Sent from my iPhone

From: [Richard Kaulback](#)
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Subject: In regards to severance applications for properties 5 and 7 on Pleasant Avenue in Stoney Creek
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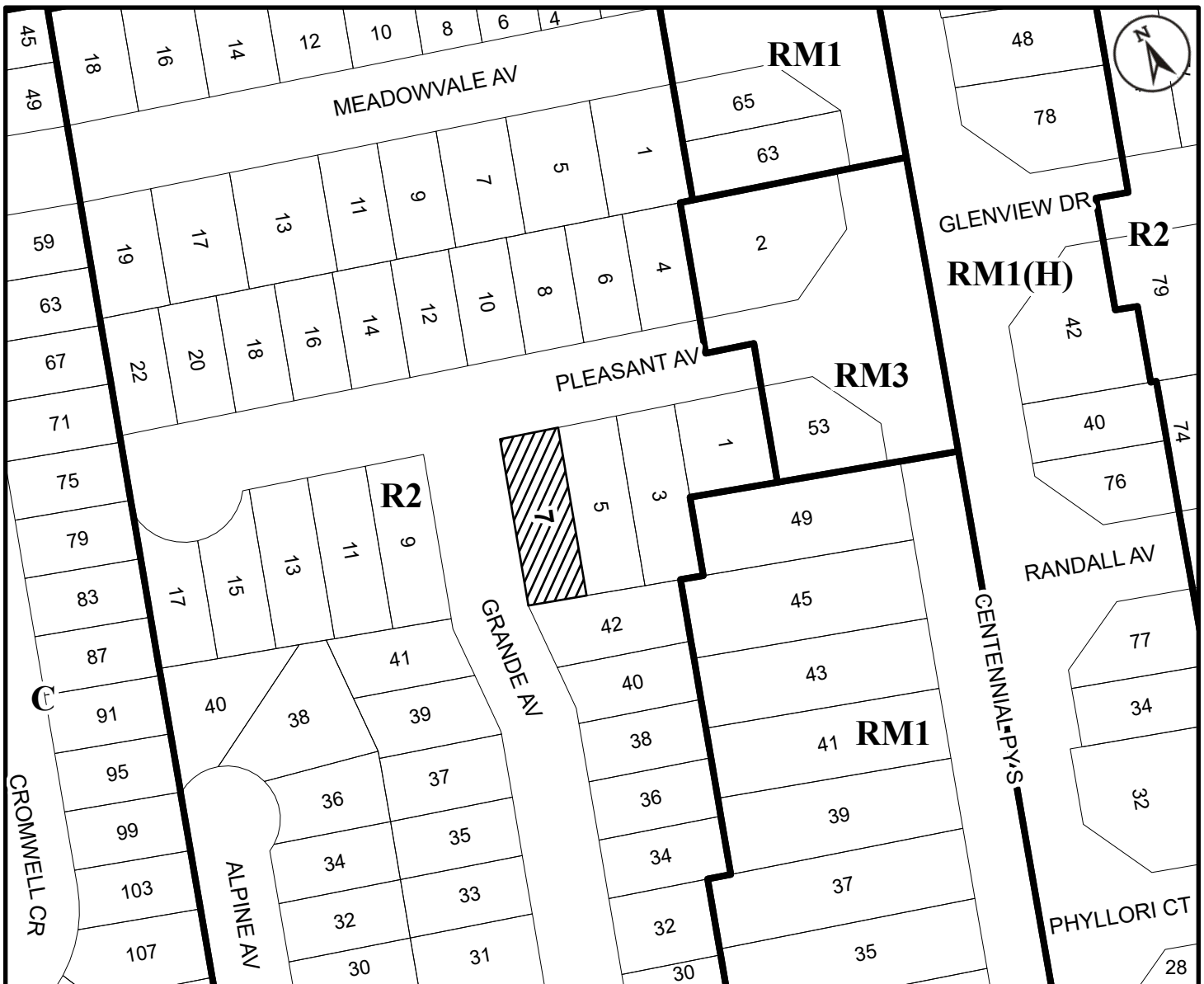
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SC-B -20:80 and SC-B-20:81 respectively as well as SC-A-20:251

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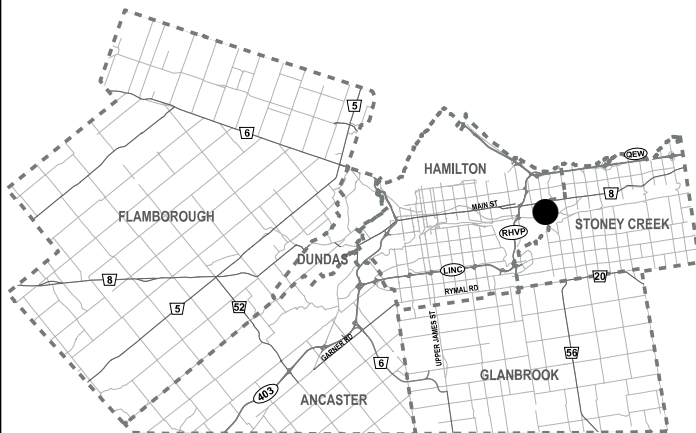
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Hilda Kaulback
[14 Pleasant Avenue](#)
[Stoney Creek](#)

Sent from my iPhone



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



7 Pleasant Avenue, Stoney Creek
(Ward 5)

File Name/Number:

SC/A-20:251

Date:

January 15, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/B-20:81 – 7 Pleasant Ave., Stoney Creek

Consolidation Report

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

Should the Committee 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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. 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).
5. 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).
6. The owner shall demolish the existing accessory building (detached garage) on the lands to be conveyed, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
7. The owner shall submit survey evidence that 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 and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
8. The applicant must enter into and register on title of the lands, a Combined Consent and External Works 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), all to the satisfaction of the Manager of Development Engineering Approvals.

9. The Owner / Applicant shall enter into a Combined Consent and External Works Agreement to extend the existing 200mm diameter sanitary sewer on Grande Avenue (if possible) across the full frontage of the proposed severed lot and subject to an ECA Application. It will also be the responsibility of the proponent to pay for all associated costs / fees, all to the satisfaction of the Manager of Development Engineering Approvals.
10. The Owner / Applicant shall dedicate a 4.57m x 4.57m Daylighting Triangle at the intersection of Pleasant Avenue and Grande Avenue, all to the satisfaction of the Manager of Development Engineering Approvals.
11. A Stormwater Management Brief is required for this development proposal to demonstrate how stormwater runoff from the proposed lots will be handled to pre-development level (peak flow rate and runoff volumes) for all ranges (2 to 100 year) storm events and no negative impacts on the abutting existing properties from grading and drainages perspectives. A suitable storm outlet must also be demonstrated. The SWM Brief should be prepared in accordance with City's Comprehensive Development Guidelines and Financial Policies Manual, 2019, all to the satisfaction of the Manager of Development Engineering Approvals.
12. A Permit to injure or remove municipal trees is a requirement of this application. Therefore, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

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).”

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 and identified as Part A will remain as **7 Pleasant Avenue (Stoney Creek)**, the lands to be retained and identified as Part B will remain as **5 Pleasant Avenue (Stoney Creek)**, and the lands to be conveyed and identified as Part C and D will be assigned the address of **46 Grande Avenue (Stoney Creek)**.

Note: 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.

SC/B-20:81 – 7 Pleasant Ave., Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to retain two lots, each containing an existing single detached dwelling and to permit the severance of a parcel of land to facilitate the creation of a new lot for future residential development. The retained lots known as 5 and 7 Pleasant Avenue will have a lot area of 442.0 square metres and 437.0 square metres, respectively.

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 F.1.14.3.1, E.3.2.3 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 Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within an area of sandy soil; and,
- 2) Along historic transportation routes.

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

Old Town Secondary Plan

The subject lands are designated “Low Density Residential 2a” within the Old Town Secondary Plan. Policies B.7.2.2.1 and B.7.2.2.2 amongst others, are applicable and permit single detached dwellings.

The proposed severance will allow for the creation of one new lot for residential purposes within the rear yard of the existing residential lots known as 5 and 7 Pleasant Avenue. The affected lots will have frontage onto Pleasant Avenue or Grande Avenue. 5 and 7 Pleasant Avenue are fully serviced by municipal water and wastewater systems, however

in accordance with Development Engineering comments on FC-20-062, the Owner must demonstrate if an extension of the existing sanitary sewer is possible for the newly created lot as a condition of approval. Staff defer to Development Engineering Approvals for further comment on the servicing of the newly created lot.

The proposal allows for residential intensification while also being consistent with the established lot pattern and residential character of the neighbourhood. The affected lots will be smaller than the surrounding residential lots along Pleasant Avenue and Grande Avenue, however the size of the lots does not deviate significantly from that of the surrounding properties and Staff are of the opinion the newly created lot is sufficient in size to accommodate a single detached dwelling that is in keeping with the character of the area. While no elevation drawings of the proposed single detached dwelling have been submitted, the submitted site plan indicates a building height of approximately 4.0 metres which is consistent with the established streetscape.

In addition, the proposed development will have a density of approximately 23 units per hectare, in conformity with the maximum permitted density of 29 units per hectare for the Low Density Residential 2a designation within the Old Town Secondary Plan. As such, the general intent of the Urban Hamilton Official Plan and the Old Town Secondary Plan is being maintained, subject to any servicing issues being addressed.

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

The subject lands are zoned “R2” (Single Residential) Zone, which permits a single family dwelling.

5 Pleasant Avenue:

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot area of 441.0 square metres and to allow a minimum rear yard depth of 6.6 metres, notwithstanding the minimum required lot area of 460.0 square metres for an interior lot and the minimum required rear yard depth of 7.5 metres. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow sufficient space to accommodate a single detached dwelling with the necessary landscaped areas, amenity area, and parking. Staff defers any grading or drainage concerns to Development Engineering Approvals.

This portion of Grande Avenue is characterized by one to one and a half storey single detached dwellings. The residential lots range from approximately 15.0 metres to 20.0 metres in lot width and from approximately 480.0 square metres to 650.0 square metres in lot area. In addition, the rear yard depths range from approximately 6.0 metres to 22.0 metres in the surrounding area. The variance is maintaining the general intent of the

Zoning By-law as sufficient parking, landscaped area and amenity area is being provided to meet the needs of the single detached dwelling. In addition, Staff are of the opinion the reduce lot area and rear yard depth will not have a significant impact on the established residential streetscape.

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

Variance 3

The applicant is requesting a variance to allow a minimum westerly side yard width of 1.22 metres, notwithstanding the minimum required side yard width of 1.25 metres. The general 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 an existing condition. The variance maintains the general intent of the Zoning By-law as the westerly side yard width of 1.22 metres is an existing condition at will remain unchanged as a result of the proposed severance. The variance is considered minor in nature and is desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area from the continuation of the existing condition.

Staff note the approval of Variance 3 does not grant the applicant access onto any neighbouring property without the necessary permissions.

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

7 Pleasant Avenue:

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot area of 436.0 square metres and a minimum lot frontage of 15.0 metres, notwithstanding the minimum required lot area of 505.0 square metres and the minimum required lot frontage of 16.5 metres for a corner lot. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow sufficient space to accommodate a dwelling with two units with the necessary landscaped areas, amenity area, and parking. In addition, the intent of the Zoning by-law is to maintain slightly larger lot areas for corner lots.

This portion of Grande Avenue is characterized by one to one and a half storey single detached dwellings. The residential lots range from approximately 15.0 metres to 20.0 metres in lot width and from approximately 480.0 square metres to 650.0 square metres in lot area. While some corner lots maintain larger lot areas than the interior lots in the surrounding area, this is not reflective of the entire neighbourhood. The variance is maintaining the general intent of the Zoning By-law as sufficient parking, landscaped area and amenity area is being provided to meet the needs of the single detached dwelling. Staff are of the opinion the reduced lot area will not have a significant impact on the established residential streetscape.

Staff note the variance for lot width recognizes an existing condition that will remain unchanged as a result of the proposed severance.

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

44 Grande Avenue:

While not included in the Public Notice, Staff note the applicant has requested a variance to allow a minimum northerly side yard width of 1.0 metres, notwithstanding the minimum required side yard width of 1.25 metres. The general 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 side yard widths vary along this portion of Pleasant Avenue and Grande Avenue with a number being less than 1.0 metre. In this case, the side yard width will represent a rear to side yard interface allowing for additional distance separation between the existing dwelling at 7 Pleasant Avenue. The variance maintains the general intent of the Zoning By-law as it is consistent with the established residential streetscape. The variance is desirable for the development of the site and is minor in nature as no negative impact is anticipated to the subject lands or surrounding area.

Staff defer to the Building Division to confirm the requested variance is required for the development of the newly created lot or if a separate Minor Variance application will be necessary.

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

Recommendation:

Based on the preceding information, staff recommends that the files be approved as the conveyances conform to the intent of the Urban Hamilton Official Plan, the Old Town Secondary Plan and former City of Hamilton Zoning By-law No. 6593.

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. Demolition of the existing accessory building (detached garage) on the lands to be conveyed shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.
3. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
4. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
5. The lands to be conveyed shall be merged in title with the lands to which they are to be added.
6. This application is to be heard in conjunction with Minor Variance application SC/A-20:251.

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 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).
3. The owner shall demolish the existing accessory building (detached garage) on the lands to be conveyed, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
4. The owner shall submit survey evidence that the 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 and receive final approval of any variances from

the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

Development Engineering:

Information:

5) Development Engineering Approvals have previously reviewed the subject proposal through a Formal Consultation Application known as **FC-20-062** and provided comments and conditions that are reiterated below in the recommendations.

6) The municipal services which surround the subject property are as described:

Pleasant Avenue

- 200mmø 0.4% Sanitary Sewer
- 525mmø 0.4% Storm Sewer
- 150mmø Watermain

Grande Avenue

- **No sanitary sewer** fronting proposed parcel. Existing sanitary sewer is located approximately 10m south of the proposed south limit of the lot. *The Owner / Applicant shall demonstrate whether an extension of the existing sanitary sewer is possible due to existing constraints (cover, slope, etc.).
- 525mmø 0.4% Storm Sewer
- 150mmø Watermain

***Grande Avenue does not have an existing sanitary sewer** fronting the proposed severed lot identified as “C” on the provided “Severance Sketch” prepared by Urban in Mind. The Owner / Applicant will be required to enter into an **External Works Agreement** to extend the existing 200mm diameter sanitary sewer on Grande Avenue (if possible) across the full frontage of the proposed severed lot and subject to an **ECA Application**. It will also be the responsibility of the proponent to pay for all associated costs / fees.

7) A right-of-way widening is not applicable to Pleasant Avenue and Grande Avenue as they are both already at the maximum described width (20.1m) of the Urban Official Plan and classified as “Local Roadways”.

8) A 4.57m x 4.57m Daylighting Triangle at the intersection of Pleasant Avenue and Grande Avenue shall be provided by the Owner / Application.

Recommendations:

5) The applicant must enter into and register on title of the lands, a **Combined Consent and External Works 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), all to the satisfaction of the Manager of Development Engineering Approvals.

- 6) The Owner / Applicant shall enter into a **Combined Consent and External Works Agreement** to extend the existing 200mm diameter sanitary sewer on Grande Avenue (if possible) across the full frontage of the proposed severed lot and subject to an **ECA Application**. It will also be the responsibility of the proponent to pay for all associated costs / fees, all to the satisfaction of the Manager of Development Engineering Approvals.
- 7) The Owner / Applicant shall dedicate a 4.57m x 4.57m Daylighting Triangle at the intersection of Pleasant Avenue and Grande Avenue, all to the satisfaction of the Manager of Development Engineering Approvals.
- 8) A **Stormwater Management Brief** is required for this development proposal to demonstrate how stormwater runoff from the proposed lots will be handled to pre-development level (peak flow rate and runoff volumes) for all ranges (2 to 100 year) storm events and no negative impacts on the abutting existing properties from grading and drainages perspectives. A suitable storm outlet must also be demonstrated. The SWM Brief should be prepared in accordance with City's Comprehensive Development Guidelines and Financial Policies Manual, 2019, all to the satisfaction of the Manager of Development Engineering Approvals.

Growth Planning:

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 and identified as Part A will remain as **7 Pleasant Avenue (Stoney Creek)**, the lands to be retained and identified as Part B will remain as **5 Pleasant Avenue (Stoney Creek)**, and the lands to be conveyed and identified as Part C and D will be assigned the address of **46 Grande Avenue (Stoney Creek)**.

Note: 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.

Transportation Planning:

Transportation Planning have no objections to the land severance application.

- a. Pleasant Avenue and Grande Avenue are both Local Roads. The Applicant is to dedicate a 4.57 metres x 4.57 metres Daylighting Triangle to the right-of-way, as per the

Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations
4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7.

Source Water Protection Planning:

No comments

See attached for additional comments.



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

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: January 13, 2021

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

From: Shannon Clarke, Urban Forest Health Technician

Subject: 7 Pleasant Ave., Stoney Creek
File: SC/B-20:81

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, January 21, 2021 regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

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

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

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

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

TREE MANAGEMENT

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

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

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

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.

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

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

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

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

A \$278.80 plus HST permit fee, payable to the City of Hamilton is required prior to the permit issuance.

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

LANDSCAPE PLAN

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

SUMMARY OF FORESTRY CONDITIONS

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

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

Regards,

A handwritten signature in black ink, appearing to read "Shannon Clarke". The signature is written in a cursive, flowing style.

Shannon Clarke
Urban Forest Health Technician

From: [Ann](#)
To: [Committee of Adjustment](#)
Subject: 5 & 7 Pleasant Ave Stoney Creek
Date: January 18, 2021 12:18:16 PM

We the owners of 6 Pleasant Ave would like to contest to the applications ; sc/b- 20:80/81.
Based on these 2 properties are already rentals e have concerns regarding sewage flow on the street already having issues. Thank you.

Sent from my Bell Samsung device over Canada's largest network.

Mignano, Martha

From: pwhitaker <pwhitaker@sympatico.ca>
Sent: January 18, 2021 2:10 PM
To: Committee of Adjustment
Subject: SC/A-20:250 and SC/B-20:81

I'm writing in response to the application for consent/and severance. My only concern is the creation of a new lot with proposal of building a new single family home. I'm afraid that the new home will be similar to 5 and 7 Pleasant Avenue, these have been converted into 2 rental units in each home. This neighborhood in my opinion will depreciate in value and I wouldn't be too concerned if the new proposed home remains a single family dwelling. Which it probably would not, it would be another income for people renting.

Thank you
Peter Whitaker
8 Pleasant Avenue
L8G 2L2.

Sent from my Galaxy

From: [Jaspal Virdee](#)
To: [Committee of Adjustment](#)
Cc: [Jaspal Singh Virdee](#)
Subject: Response to Notice of Public Hearing - Application for Consent/Land Severance and/or Minor Variance (SC/B-20:80, -20:81; -20:250, -20:251)
Date: January 18, 2021 8:51:47 PM

Dear Sir/Madam,

I am writing this email regarding the subject title on behalf of my grandparents Malkiat Flower and Gurmeet Kaur (residents of 4 PLEASANT AVE in Stoney Creek) as they are senior citizens and do not have access to a PC or a mobile phone.

Since their dwelling of 4 PLEASANT AVE falls within 60m of the subject properties of 5 and 7 PLEASANT AVE, they do so object to the application for consent/land severance and/or minor variance that has been mailed to them by the Committee of Adjustment for the City of Hamilton.

Please accept this email as their total disapproval to the information mentioned in the above paragraphs and subject of this email.

For any further information, please contact Malkiat or Gurmeet at 905 662 6748

Sincerely

Malkiat and Gurmeet
c/o Jaspal Virdee

Sent from my iPhone

From: [Richard Kaulback](#)
To: [Committee of Adjustment](#)
Subject: In regards to severance applications for properties 5 and 7 on Pleasant Avenue in Stoney Creek
Date: January 19, 2021 1:08:05 PM

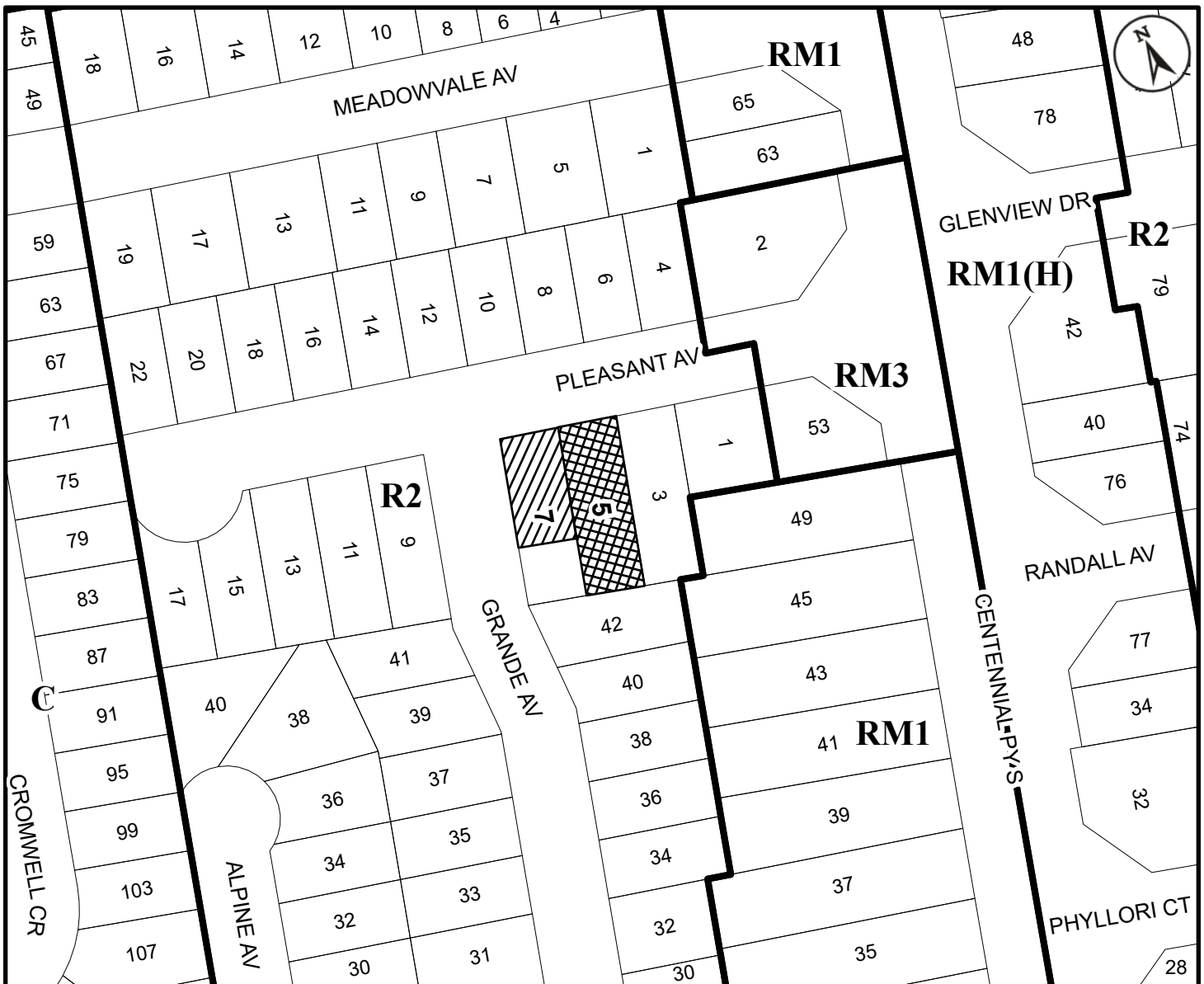
This is in regards to properties 5 & [7 on Pleasant Avenue](#) application numbers:
SC-B -20:80 and SC-B-20:81 respectively as well as SC-A-20:251

I am sending this note using my eldest son's email. Please ensure this letter is read at the meeting regarding the proposal [at 3:00 p.m. on Thursday](#).

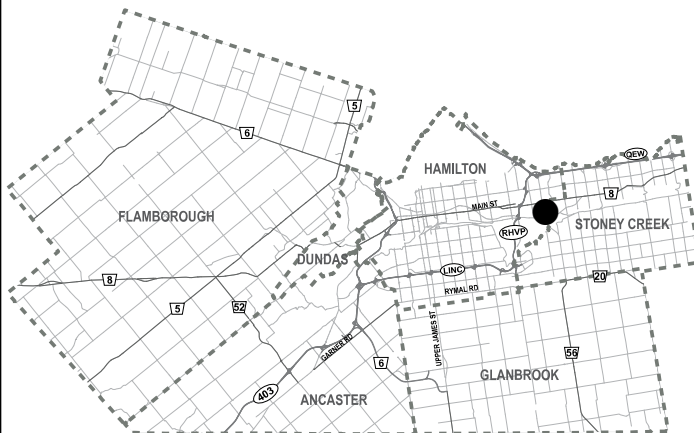
This is in regards to the severance of lots 5 and [7 on Pleasant Avenue, Stoney Creek](#). As a long time resident of Pleasant Avenue, I object to this proposal. I am aware that the current owner of these two properties rents these houses to multiple families. A severance of these two properties to merge the two back yards for the purpose of building a residential development will cause undue stress to the neighbourhood. More rentals are a problem because they may cause more traffic, congestion and noise and may de-value existing properties in this area. Therefore I am opposed to this proposal.

Hilda Kaulback
[14 Pleasant Avenue](#)
[Stoney Creek](#)

Sent from my iPhone



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

7 Pleasant Avenue, Stoney Creek (Ward 5)



Lands to be Retained



Lands to be Severed

File Name/Number:

SC/B-20:81

Date:

January 15, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:259 – 209 Grenfell 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. The applicant obtain a Boulevard Parking Agreement to utilize the proposed parking space to the satisfaction of the Manager of Development Planning, Heritage and Design.
2. The applicant obtain an Encroachment Agreement to allow the proposed front porch to be located within the Grenfell Street road allowance to the satisfaction of the Manager of Development Planning, Heritage and Design.

HM/A-20:259 – 209 Grenfell St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit alterations to the existing single detached dwelling including the replacement of a front uncovered porch and associated stairs, the construction of a new rear unenclosed deck as well as the construction of two additions; one at the front and one at the rear, 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 “D” (Urban Protected Residential – One and Two Family Dwellings) District, which permits a single family dwelling.

Variance 1

The applicant is requesting a variance to allow a minimum front yard depth of 0.7 metres, notwithstanding the minimum required front yard depth of 6.0 metres. The general intent of the Zoning By-law is to maintain the consistent streetscape and to allow sufficient space in the front yard to accommodate the necessary landscaped area.

The applicant is proposing to remove the existing front porch and construct a front addition to the east side of the front façade, maintaining the existing setback from the front property line as the front porch. The majority of the single detached dwellings along this portion of Grenfell Street are built close to the property line with front yards ranging from approximately 0.0 metres to 3.4 metres

The variance is maintaining the intent of the Zoning By-law as the proposed front yard depth of 0.7 metres is consistent with the established residential streetscape. Additionally, the front addition will only result in minor changes to the existing landscaped area in the front yard. The variance is desirable for the development of the site and is considered minor in nature.

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

Variance 2 and 6

The applicant is requesting a variance to allow a minimum westerly side yard width of 0.6 metres and to allow an unenclosed rear deck including eaves and gutters to be located as close as 0.0 metres from the westerly side lot line, notwithstanding the minimum required side yard width of 0.9 metres and that an unenclosed porch or deck is not permitted to project into a required side yard. The general 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 variances recognize the existing westerly side yard width of the single detached dwelling. The subject lands appear to contain two parcels of land, one being approximately 0.7 metres wide along the west side of the subject lands. The different property lines are shown on the submitted site plan and the parcels are under identical ownership. The applicant is proposing to construct a rear addition and rear deck that maintains the existing setback of 0.6 metres from the most westerly property line.

The variances are maintaining the intent of the Zoning By-law as Staff do not anticipate any impact on the surrounding properties as a result of continuing the existing setback to the proposed addition and deck. The variance is considered minor in nature and is desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area from the continuation of the existing condition.

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

Variance 3

The applicant is requesting a variance to allow a minimum of 34.0% of the gross area of the front yard to be provided as landscaped area, notwithstanding the Zoning By-law requires a minimum of 50.0% of the gross area of the front yard to be provided as landscaped area. The general intent of the Zoning By-law is to maintain the consistent streetscape and to allow sufficient space in the front yard to accommodate the necessary landscaped area.

The applicant is proposing to remove the existing front porch and pave the west side of the front yard to allow for a parking space. As per the Building Division's notes, the proposed parking space is located mostly within the Grenfell Street road allowance and therefore is not considered a required parking space on the subject property.

The majority of the dwellings along Grenfell Street maintain fully landscaped front yards, with any driveways along the side of dwellings. 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. As such, the variance does not maintain the general intent of the Zoning By-law.

Staff note a Boulevard Parking Agreement will be required to utilize the proposed parking space within the Grenfell Street road allowance should the variance be approved.

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 4

The applicant is requesting a variance to allow the eaves and gutters to encroach the entire width of the required westerly side yard, notwithstanding the Zoning By-law permits eaves and gutters to project into a required yard no more than one half its required width or 1.0 metres whichever is the lesser. The general intent of the Zoning By-law is to maintain a consistent streetscape and avoid any impact on the enjoyment of the adjacent properties.

Staff do not anticipate any negative impact on the subject property or the surrounding area as a result of the projection of the eaves and gutters into the westerly side yard. The variance maintains the general intent of the Zoning By-law as the proposed projection does not deviate significantly from the requirement in the Zoning By-law and will not make a significant difference to the design and character of the single detached dwelling.

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

Variance 5

The applicant is requesting a variance to allow an uncovered porch and associated stairs to be located as close as 0.0 metres from the nearest street line, notwithstanding the minimum setback of 1.5 metres required from the nearest street line. The general intent of the Zoning By-law is to maintain a consistent streetscape.

The applicant is proposing to remove the existing front porch, construct a front addition to the east side of the front façade, pave the west side of the front yard to accommodate a parking space and establish a new front porch in the middle of the front façade with stairs projecting into the Grenfell Street road allowance.

Grenfell Street has primarily shallow front yards and there is approximately 1.8 metres of landscaped boulevard between the porch stairs and the sidewalk which aides in maintaining an appropriate distance separation between the porch and the street. The applicant is not significantly changing the projection of the existing porch and associated stairs into the Grenfell Street road allowance, therefore Staff do not anticipate any impact on the streetscape. The variance minor in nature and desirable for the development 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 being maintained, the variance is desirable for the appropriate use of the site and considered minor in nature; therefore, staff support the variance, on condition.

Recommendation:

Based on the preceding information, the Variances 1, 2, 4 and 5 maintain the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. Variances 1, 2, 4 and 5 are considered to be minor in nature and desirable for the appropriate use of the property.

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

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

CONDITIONS: (If Approved)

1. The applicant obtain a Boulevard Parking Agreement to utilize the proposed parking space to the satisfaction of the Manager of Development Planning, Heritage and Design.
2. The applicant obtain an Encroachment Agreement to allow the proposed front porch to be located within the Grenfell Street road allowance to the satisfaction of the Manager of Development Planning, Heritage and Design.

Building Division:

1. A building permit is required for the construction of the proposed additions and the construction of the new porch and deck.
2. Be advised that the Ontario Building Code regulations may require specific setback and construction types.

3. The applicant requested a variance to reduce the required parking space size; however, the proposed parking space is located almost entirely on the Grenfell Street road allowance and therefore, cannot be considered parking provided on site.
4. This property contains no onsite parking; however, this is an existing condition which was established prior to the passing of the zoning By-law 6593. The proposed alterations and additions do not trigger the requirement for parking on this property.

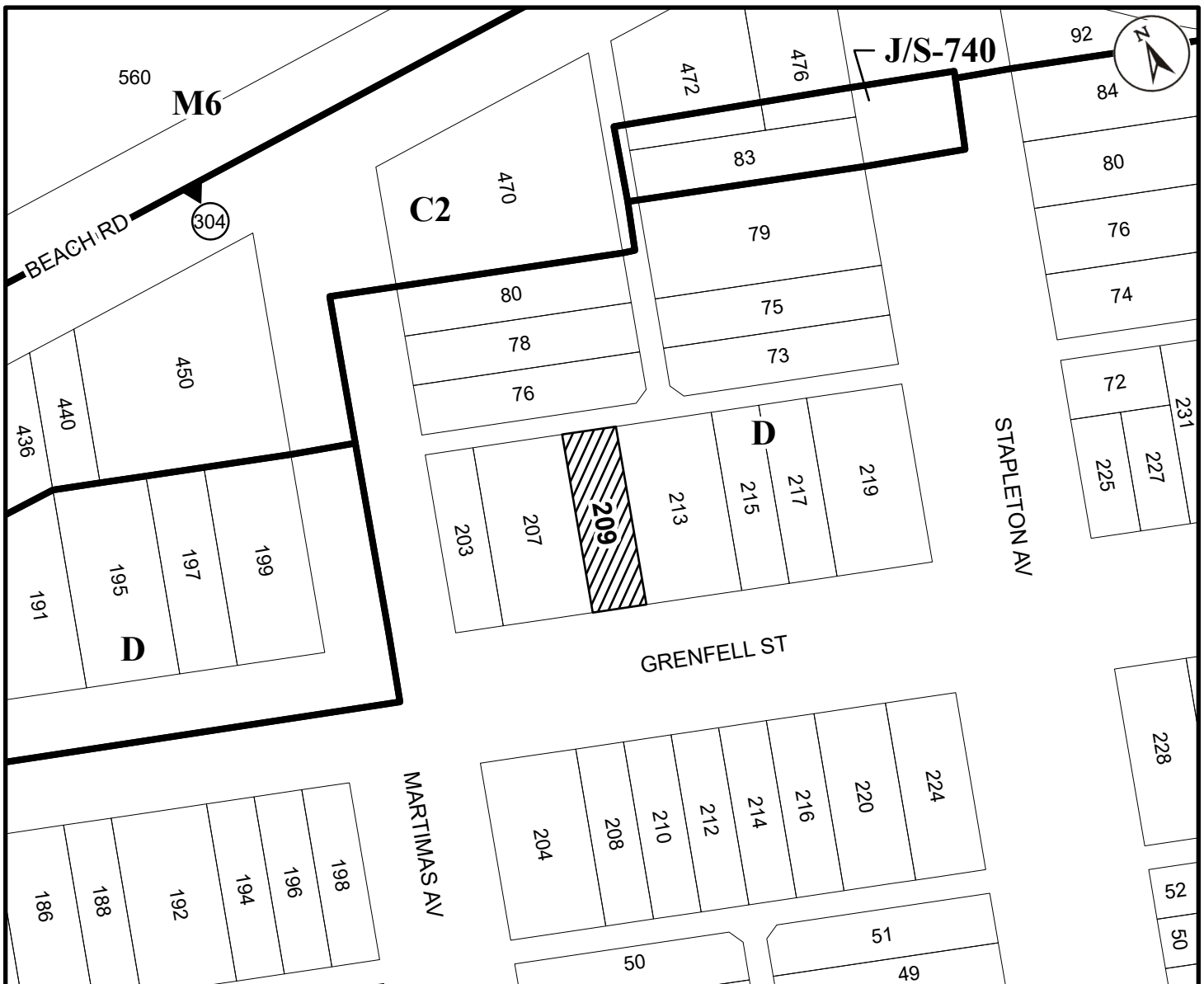
Development Engineering:

Provided the existing drainage patterns are maintained, then Development Engineering Approvals has no comments regarding the Minor Variance Application as proposed.

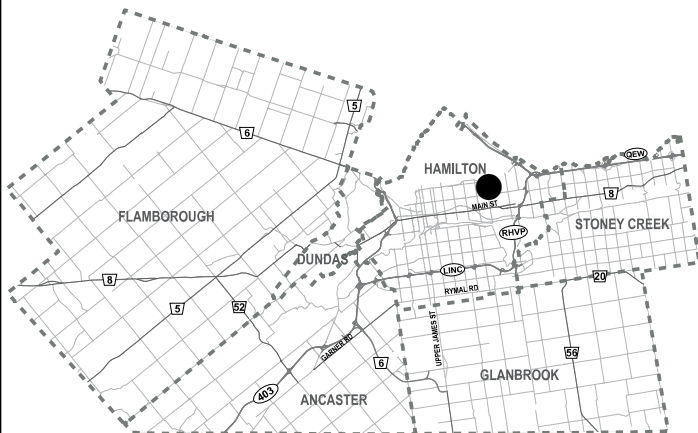
For the information of the Owner / Applicant, the proposed stairs are located within the municipal right-of-way and an **encroachment agreement** must be entered into with the Corridor Management Department.

There is an existing gas main fronting the subject parcel within the right-of-way of Grenfell Street. However, based on the provided plans, the footings of the proposed porch do not encroach into the right-of-way and should not create an issue with the gas main. The proposed stairs appear to be located above the gas main but do not have any deep footings proposed. If the gas main is to be repaired / maintained the stairs may need to be removed.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



209 Grenfell Street, Hamilton
(Ward 4)

File Name/Number:

HM/A-20-259

Date:

January 12, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:249 – 31-33 Ashley 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):

HM/A-20:249 – 31-33 Ashley St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conveyance of land in accordance with consent application No. HM/B-19:120 which was approved by the Committee of Adjustment on January 23, 2020, 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 F.1.14.3.1, E.3.2.3 and E.3.4.3 amongst others, are applicable and permit 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 a semi detached dwelling.

Variance 1

The applicant is requesting a variance to allow no parking spaces to be provided on both the lands to be severed and retained, notwithstanding the minimum required one parking space to be provided for each half of the semi-detached dwelling. The general intent of the Zoning By-law is to ensure the parking needs of the tenants is being satisfied.

There is no change to the existing conditions on site being proposed as a result of consent application No. HM/B-19:120. The variance is recognizing the existing parking situation on site and the parking needs of the semi detached dwelling will not increase as a result of re-establishing the previously established lot line between each half of the semi detached dwelling. Staff are satisfied the provision of no on-site parking will continue to satisfy the parking needs of each dwelling unit.

The subject property is located approximately 130 metres south of King Street East which is part of the HSR BLAST network, intended for higher order transit. The subject property is serviced by HSR bus routes 1, 3, 10 and 12 and is in close proximity to a number of amenities, including: a number of schools, J.C Beemer Park and various commercial uses along King Street East. The general intent of the Zoning By-law is being maintained as the reduction in parking can be supplemented by utilizing public transit and active transportation.

Based on the foregoing, the general intent of the 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.

Recommendation:

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

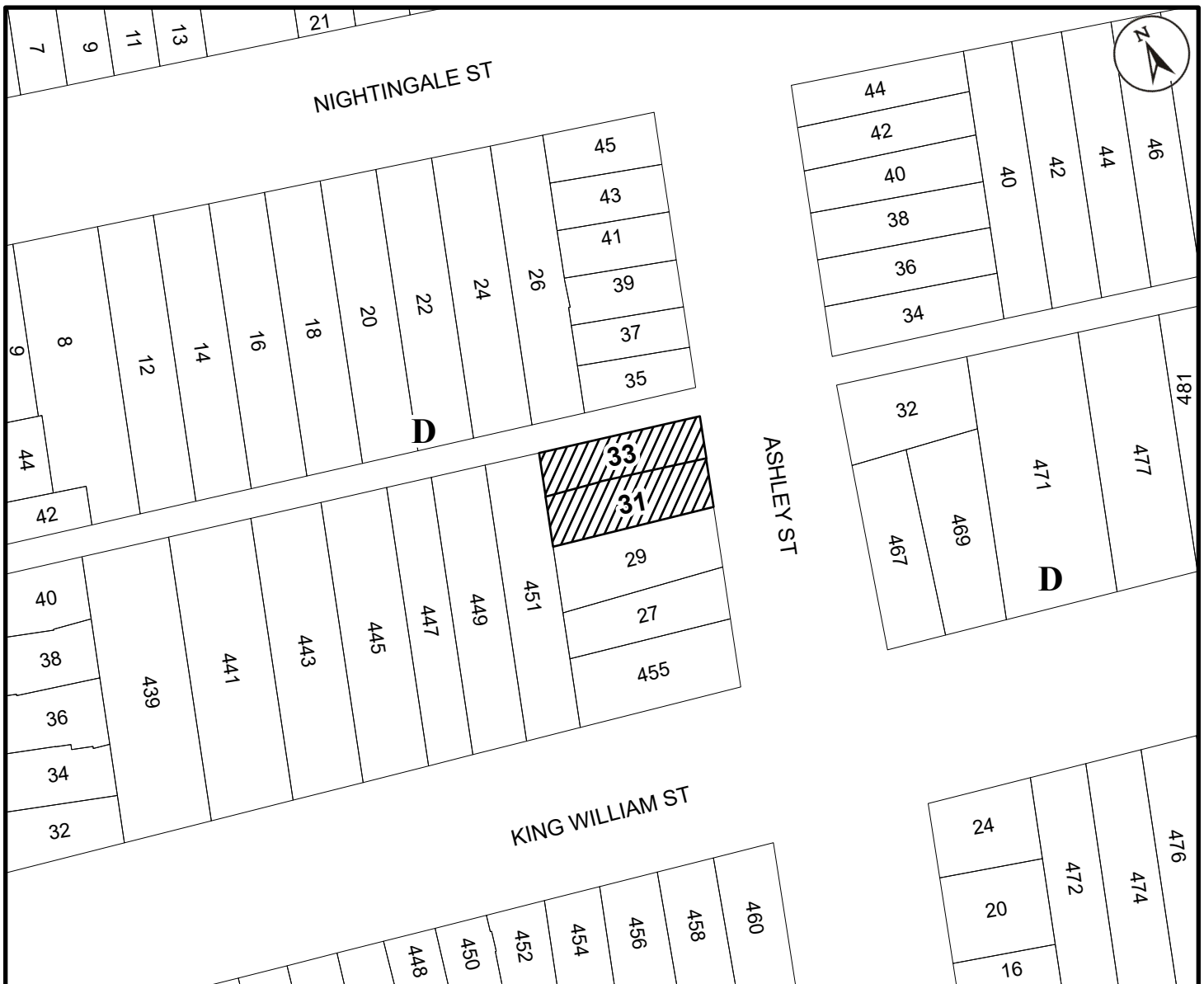
Building Division:

1. This variance is necessary to facilitate consent application #HM/B-19:120.

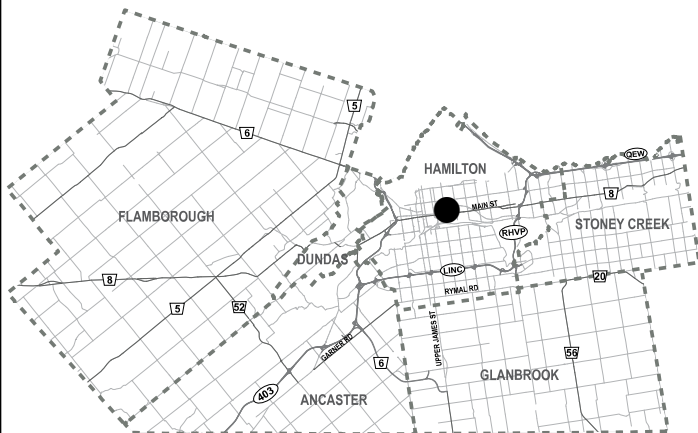
Development Engineering:

No comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



31-33 Ashley Street, Hamilton
(Ward 3)

File Name/Number:

HM/A-20:249

Date:

January 12, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:266 – 562 Cannon 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):

HM/A-20:266 – 562 Cannon St. E., 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 a total of two dwelling units in accordance with Section 19, 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 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 222.0 square metres, notwithstanding the minimum required lot area of 270.0 square metres. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow sufficient space to accommodate a dwelling with two units with the necessary landscaped areas, amenity area, and parking to satisfy the needs of the tenants.

The lot area is consistent with the surrounding properties and maintains the existing lot pattern of the neighbourhood. The proponent has provided the required parking within the rear yard to satisfy the parking needs of a dwelling with two units. In addition, there is sufficient landscaped and amenity area being provided between the front yard, rear deck and the remainder of the rear yard to satisfy the needs of the tenants.

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

Recommendation:

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

Building Division:

1. 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.

Development Engineering:

No comments.

See attached for additional comments.

HM/A-20:252 – 202 Cannon 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):

HM/A-20:252 – 202 Cannon St. E., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a multiple dwelling containing 16 dwelling units and accessory buildings in order to facilitate Site Plan Control application DA-20-040, notwithstanding the following variances.

Minor variance application HM/A-20:252 is premature given DA-20-040 has not yet received Conditional Approval. Staff requests the application be tabled until Conditional Approval has been received and therefore Staff will not be providing comments on the requested variances at this time.

Urban Hamilton Official Plan

The property is identified as “Downtown Urban Growth Centre” in Schedule E– Urban Structure and is designated “Downtown Mixed Use Area” in Schedule E-1 – Urban Land Use Designations. Policy E.4.4.4 e) amongst others, is applicable and permits multiple dwellings.

Downtown Hamilton Secondary Plan

The subject lands are designated “Downtown Residential” within the Downtown Hamilton Secondary Plan. Policy B.6.1.5.1 a) amongst others, is applicable and permit multiple dwellings.

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

The subject lands are zoned Downtown Central Business District (D5, H17, H19, H20) Zone, which permits a multiple dwelling.

Recommendation:

Based on the preceding information, Staff recommends that the application be tabled.

Building Division:

1. The variances are necessary to facilitate Site Plan File No. DA-20-040.
2. No Building or Elevation Plans were submitted.

3. This property is included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest as a non-designated property. Council requires 60 days' notice of any intention to demolish or remove any building or structure on the property. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit www.hamilton.ca/heritageplanning for further information.
4. Be advised that Ontario Building Code regulations may require specific setback and construction types.
5. A building permit is required for construction of the proposed building.
6. A demolition permit is required for the demolition of the existing buildings

Development Engineering:

The Development Approvals Section would like to advise that all grading, drainage and servicing will be dealt with through Site Plan Control application DA-20-040. We have no comments on the Minor Variances.

See attached for additional comments.

January 12, 2021

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

Attention: Samantha Costa

File# HM/A-20:252

Re: 202 Cannon St E

In response to your correspondence dated January 5, 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.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

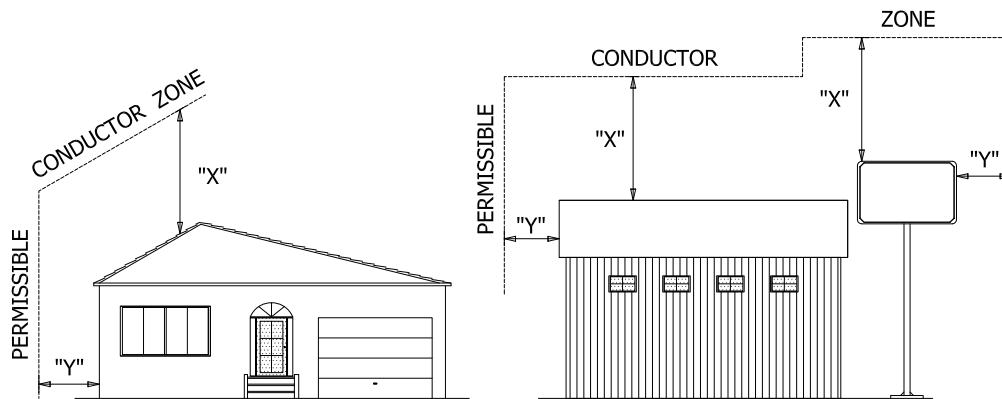
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's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

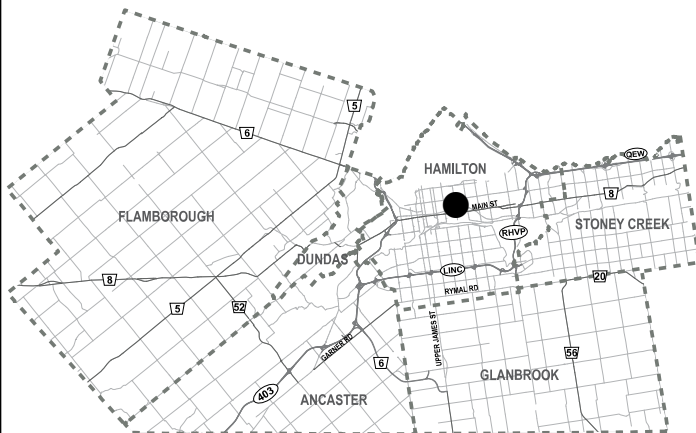
* - INCLUDES MULTI-GROUNDED NEUTRALS

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



562 Cannon Street East, Hamilton
(Ward 3)

File Name/Number:

HM/A-20:266

Date:

January 12, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:265 – 122 & 126 Augusta St. & 125 & 127 Young 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):

HM/A-20:265 – 122 & 126 Augusta St. & 125 & 127 Young St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

Zoning By-law Amendment application ZAC-18-013 to permit a four storey, 27 unit multiple dwelling and a three family dwelling on the subject lands was approved by Planning Committee on April 30, 2019 and Amending By-law 19-102 was passed by Council on May 9, 2019.

The purpose of this application is to permit the construction of a four storey multiple dwelling containing 27 dwelling units on lands known as 122 & 126 Augusta Street and the construction of a three storey multiple dwelling containing 12 dwelling units on lands known as 125 Young Street.

The proposed development has been modified changed since the passing of Amending By-law 19-102, including the proposed use on 125 Young Street. As a result, further modifications to Zoning By-law No. 6593 are required to permit the proposed development. A Zoning By-law Amendment application is the appropriate mechanism to review the proposed modifications given the use of a three storey multiple dwelling is not permitted on the subject lands.

Additionally, the entire development is subject to Site Plan Control. A Minor Variance application would be considered premature until a Site Plan Control application has been submitted and reviewed. No Site Plan Control application for the proposed development has been submitted 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 E.3.2.3, E.3.6.2 and E.3.6.6. a) amongst others, are applicable and permit multiple dwellings.

Former City of Hamilton Zoning By-law No. 6593

Four Storey Multiple Dwelling:

The subject lands are zoned “E-3/S-1767-H” (High Density Multiple Dwellings) District, Modified, which permits a multiple dwelling.

Three Storey Multiple Dwelling:

The subject lands are zoned “D/S-1767-H” (Urban Protected Residential – One and Two Family Dwellings.) District, Modified which permit a three family dwelling and does not permit a multiple dwelling.

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.

Building Division:

1. Variances have been written exactly as requested by the applicant. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.
2. This lot is situated in two zoning districts. A building or structure may be erected in more than one district where the use is permitted in each of the districts and complies with the most restrictive requirements of the two zoning districts.
3. Amending By-law 19-102 deems the property line abutting Augusta Street to be the front lot line and the property line abutting Young Street to be the rear lot line.
4. The lands are subject to an “H” Holding provision which is required to be removed prior to the commencement of the proposed development.
5. Construction of the proposed development 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.
6. Demolition of the existing structures is subject to the issuance of a demolition permit(s) from the Building Division.

Four-storey Multiple Dwelling

7. A variance has been requested to permit a Multiple Dwelling in the E-3/S-1767-H zone. Pursuant to amending By-law 19-102 a Multiple Dwelling is permitted within the E-3/S-1767-H zone; the applicant shall clarify the intent of this request.

8. A variance has been requested to permit a maximum building height of 13.5 metres, wherein a rooftop patio shall be permitted together with a mechanical penthouse and rooftop stair not exceeding 16.5 metres in height, which is permitted pursuant to amending By-law 19-102; the applicant shall clarify the intent of this request.

9. A variance has been requested to permit a minimum side yard width of 2.0 metres, except that a rooftop patio shall be setback not less than 6.0 metres from any side lot line, which is permitted pursuant to amending By-law 19-102; the applicant shall clarify the intent of this request.

10. A variance has been required to permit a canopy, cornice, eave, bay, balcony, dormer or porch projection to be located 0.0 metres from a street lot line, which is permitted pursuant to amending By-law 19-102; the applicant shall clarify the intent of this request.

11. A variance has been requested to provide no loading space. A loading space is not required pursuant to amending By-law 19-102; the applicant shall clarify the intent of this request.

Three-storey Multiple Dwelling

12. A variance has been requested to permit a maximum building height of 12.3 metres. A maximum building height of 13.5 metres is permitted pursuant to amending By-law 19-102 (the most restrictive of the D/S-1767 and E-3/S-1767 zoning districts); the applicant shall clarify the intent of this request.

Entire Development

13. A variance has been requested to provide a minimum landscaped area of 30%. Amending By-law 19-102 requires a minimum landscaped area if 17% of the lot area; the applicant shall clarify the intent of this request.

Development Engineering:

No comments.

See attached for additional comments.

Real Estate Comments – CoA January 21, 2021

121 & 125 King Street East, Hamilton



Applicants Proposal: To permit the establishment of a multiple dwelling containing six dwelling units on the ground floor.

Variances for Property:

- **Use:** A multiple dwelling be permitted on the ground floor where it is not permitted except for access, accessory office and utility areas

Impact: N/a

Recommendations: N/a

January 12, 2021

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

Attention: Samantha Costa

File# HM/A-20:265

Re: 122-126 Augusta St and 125-127 Young St

In response to your correspondence dated January 5, 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.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

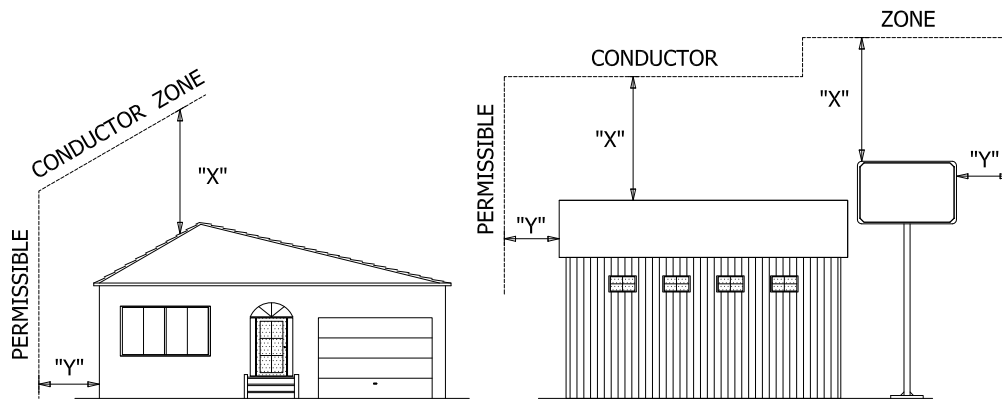
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's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

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2. THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
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From: [CP Proximity-Ontario](#)
To: [Committee of Adjustment](#)
Subject: RE: HM/A-20:265 122 & 126 Augusta St. & 125 & 127 Young St. Zoning Variance Hearing
Date: January 8, 2021 11:39:59 AM
Attachments: [image001.png](#)
[hAMILTON - 122 & 126 Augusta St & 125&127 Young St. - Zoning.pdf](#)

Good Morning,

RE: HM/A-20:265 122 & 126 Augusta St. & 125 & 127 Young St. Zoning Variance Hearing

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company.

CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. Those guidelines are found at the following website address:

<http://www.proximityissues.ca/>

The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change.

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

Thank you,

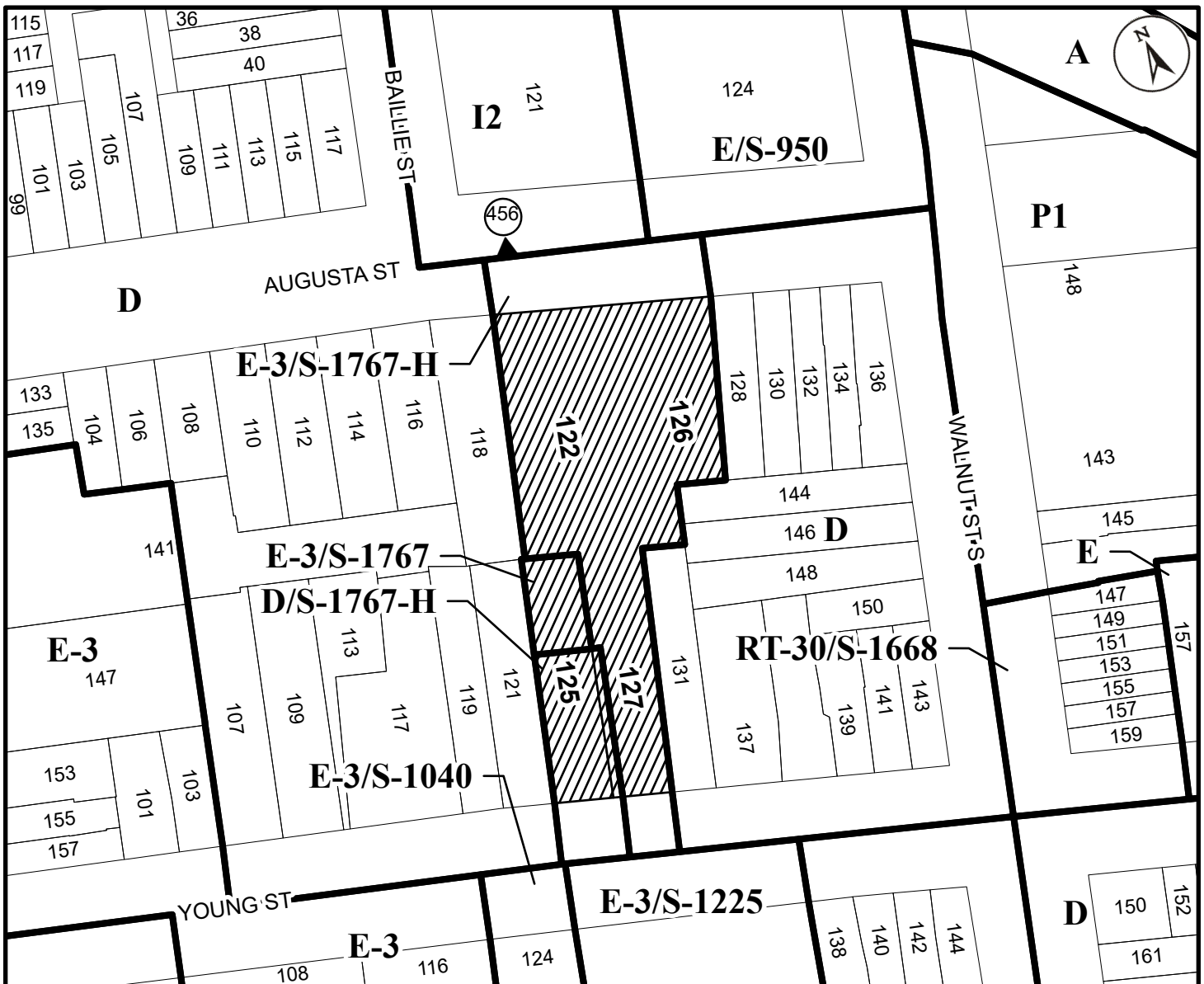
CP Proximity Ontario



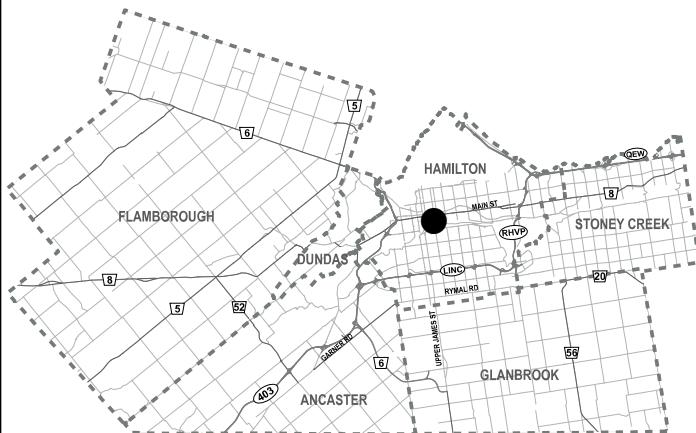
CP Proximity Ontario
CP_Proximity-Ontario@cpr.ca
7550 Ogden Dale Road SE, Building 1
Calgary AB T2C 4X9

----- IMPORTANT NOTICE - AVIS IMPORTANT -----
----- Computer viruses can be transmitted via email. Recipient should check this email and any attachments for the presence of viruses. Sender and sender company accept no liability for any damage caused by any virus transmitted by this email. This email transmission and any accompanying attachments contain confidential information intended only for the use of the individual or entity named above. Any dissemination, distribution, copying or action taken in reliance on the contents of this email by anyone other than the intended recipient is strictly prohibited. If you have received this email in error please immediately delete it and notify sender at the above email address. Le courrier électronique peut être porteur de virus

informatiques. Le destinataire doit donc passer le present courriel et les pieces qui y sont jointes au detecteur de virus. L' expéditeur et son employeur declinent toute responsabilite pour les dommages causes par un virus contenu dans le courriel. Le present message et les pieces qui y sont jointes contiennent des renseignements confidentiels destines uniquement a la personne ou a l' organisme nomme ci-dessus. Toute diffusion, distribution, reproduction ou utilisation comme reference du contenu du message par une autre personne que le destinataire est formellement interdite. Si vous avez recu ce courriel par erreur, veuillez le detruire immediatement et en informer l' expéditeur a l' adresse ci-dessus. -----
IMPORTANT NOTICE - AVIS IMPORTANT -----



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



122 & 126 August Street &
125 & 127 Young Street, Hamilton
(Ward 2)

File Name/Number:

HM/A-20:265

Date:

January 12, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:271 – 121 & 125 King St. E., Hamilton

Consolidation Report

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

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

HM/A-20:271 – 121 & 125 King St. E., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the establishment of a multiple dwelling containing six dwelling units on the ground floor of the existing building, notwithstanding the following variances.

Site Plan Amendment application SPA-17-086 received final approval on March 21, 2019 to establish a six storey building containing 40 residential dwelling units and three ground floor commercial units which is currently under construction. No elevation drawings have been submitted to demonstrate how the proposed conversion will impact the approved East Elevation. An amendment to SPA-17-086 will be required to implement the proposal.

Urban Hamilton Official Plan

The property is identified as “Downtown Urban Growth Centre” in Schedule E– Urban Structure and is designated “Downtown Mixed Use Area – Pedestrian Focus Streets” in Schedule E-1 – Urban Land Use Designations. Policies E.4.3.1, E.4.3.2, E.4.3.4, E.4.4.2, E.4.4.4 a) and e), and E.4.4.5, amongst others, are applicable and permit multiple dwellings.

Downtown Hamilton Secondary Plan

The subject lands are designated “Downtown Mixed Use – Pedestrian Focus” within the Downtown Hamilton Secondary Plan. Policy B.6.1.6.1 amongst others, is applicable and permits multiple dwellings.

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

The subject lands are zoned Downtown Mixed Use – Pedestrian Focus (D2, H21) Zone, which permits a multiple dwelling above the ground floor.

Variance 1

The applicant is requesting a variance to allow a multiple dwelling to be permitted within the ground floor, notwithstanding that a multiple dwelling is not permitted within the ground floor, except for access, accessory office and utility areas. The intent of the Zoning By-law is to create an environment that is oriented and accessible to pedestrians, particularly along pedestrian oriented streets.

The applicant is proposing to convert the three commercial units with frontage onto Catharine Street North into residential six dwelling units on the ground floor. A Zoning By-law Amendment application is the appropriate mechanism to review the proposed conversion given the use is not permitted on ground floor of the subject lands.

No elevation drawings have been submitted to demonstrate how the proposed conversion will impact the approved East Elevation in accordance with SPA-17-086.

Based on the foregoing, while the general intent of the Urban Hamilton Official Plan is being maintained, the general intent of the Zoning By-law is not being maintained. The variance is desirable for the development nor 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, the Downtown Hamilton Secondary Plan or City of Hamilton Zoning By-law No. 05-200. The requested variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends the application be denied.

Building Division:

1. A building permit is required for the proposed dwelling units.
2. This property is included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest as a non-designated property. Council requires 60 days' notice of any intention to demolish or remove any building or structure on the property. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit www.hamilton.ca/heritageplanning for further information.
3. The lands are subject to Site Plan Control.
4. No parking spaces are required for any use, except a medical clinic, located in an existing building within the Downtown Mixed Use zone, provided that the existing number of parking spaces which existed on the effective date of the By-law shall continue to be maintained.
5. The applicant has described the proposed use as live/work units where each unit will consist of both the residence and the business as the principle use. Please note that live/work units are not permitted in this zone. However, a home business may be conducted in a dwelling unit which is secondary to the use of a dwelling unit as a private residence.
6. A home business is subject to compliance with the requirements Section 4.21 c) and d) "Home Business" of the Hamilton Zoning By-law 05-200, (i.e. type of

home business, maximum gross floor areas, outdoor storage, etc.). However, insufficient information was provided from which to confirm compliance; as such, further variances may be required.

7. This property is included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest as a non-designated property.
8. The lands are subject to "H21" holding provision.

Development Engineering:

No comments.

See attached for additional comments.



Jason Farr
councillor • ward 2

telephone: 905-546-2711 • fax: 905-546-2535

71 Main Street West • Hamilton, ON L8P 4Y5
jason.farr@hamilton.ca • www.jasonfarr.com

Hamilton

December 22, 2020

City of Hamilton
Planning & Economic Development Department
Committee of Adjustment
71 Main Street West
Hamilton ON L8P 4Y5

Attention: Ms. Jamila Sheffield, Secretary Treasurer

Dear Ms. Sheffield,

Re: Application for Minor Variance – 121 – 125 King Street East, Hamilton

I support the Variance application to allow residential uses on the ground floor of this building at 121-125 King Street East.

New residential units are very much needed in Hamilton and the proponents are proven in not only providing good residential options, but also managing them.

Further, the Filmworks Lofts immediately to the north of this site also has all ground floor residential uses, and no commercial uses.

Please consider this request and in relation to the need now more than ever to have more people living in our core and supporting those businesses that currently exist and that have experienced great challenges throughout the pandemic.

Sincerely,

Jason Farr
Councillor Ward 2

From: [Rose Ross](#)
To: [Committee of Adjustment](#)
Subject: application HM/A-20:271
Date: January 11, 2021 12:44:01 PM

Hello,

I am an owner at 121 King Street East. I am writing regarding the notice I received from your office for application HM/A-20:271

The request seems to be to add or convert ground floor space into very small residential units.

I object to this application.

Being a lifelong resident of Hamilton and someone who travels throughout most if not all areas of the city I have never witnessed ground floor residential units in commercial buildings that have been useful to the city's image. Usually these units look unsightly, they are poorly maintained, they never compliment the local architecture and they never seem to help an area improve. Truly when I see them appear it is usually a sign that the local area will deteriorate.

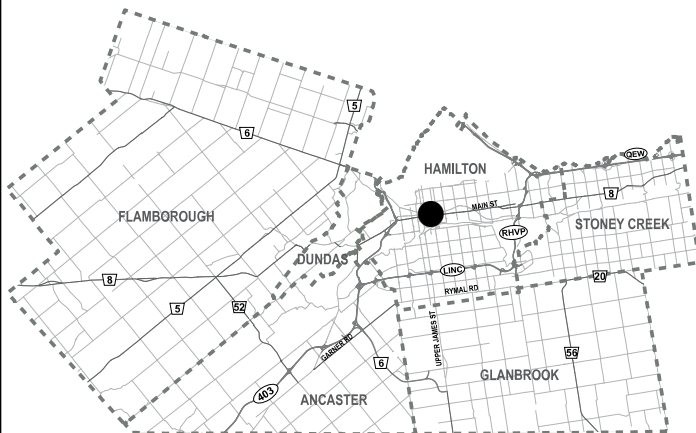
I am available if you need further information or observations.

Sincerely,

Ross Fleming



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



121 & 125 King Street East,
Hamilton (Ward 2)

File Name/Number:

HM/A-20:271

Date:

January 14, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-20:87 – 53 & 55 Cannon 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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
4. 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).
5. That the Applicant / Owner demonstrate there will be no net increase in the number of parking spaces existing on site to the satisfaction of the Manager of Development Planning, Heritage and Design.

HM/B-20:87 – 53 & 55 Cannon St. W., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the addition of a vacant parcel of land to be added to 108 Park Street North (Part 2 and Part 3) and to retain the parcels of land containing two existing two storey dwellings (Part 1 and Part 4), known as 53 and 55 Cannon Street West. A total of 266.0 square metres will be added to 108 Park Street North and the retained lands (Part 1 and Part 4) will have a combined lot area of 281.0 square metres.

Urban Hamilton Official Plan

The property is identified as “Downtown Urban Growth Centre” in Schedule E– Urban Structure and is designated “Downtown Mixed Use Area” in Schedule E-1 – Urban Land Use Designations. Policies E.4.4.4 e), and F.1.14.3.4, amongst others, are applicable and permit single detached dwellings and existing surface parking lots.

Cultural Heritage:

The properties at 53 and 55 Cannon Street West are included on the municipal heritage register as non-designated properties. While the inclusion on the register applies to the entire parcel, the heritage value of the subject properties lies with the existing structures on the properties. As the proposal does not include the removal of the existing structures, heritage staff do not have concerns with the conveyance of the rear portions of each lot at 53 and 55 Cannon Street West to be consolidated with the adjacent property at 108 Park Street North.

Downtown Hamilton Secondary Plan

The subject lands are designated “Downtown Mixed Use” within the Downtown Hamilton Secondary Plan. Policies 6.1.4.43, 6.1.4.45 and 6.1.6 amongst others, are applicable and permit single detached dwellings and surface parking lots existing on the date of adoption of the Downtown Hamilton Secondary Plan.

The proposed severance will allow the rear half of 53 and 55 Cannon Street West to be added to the existing surface parking lot located at 108 Park Street North. While the proposed severance will result in a reduced rear yard depth for 53 and 55 Cannon Street West, the lands to be conveyed appear to have been used as a parking lot since prior to the adoption of the Downtown Hamilton Secondary Plan. There is an existing fence along the proposed lot line between the conveyed and retained lands indicating the proposed

severance will not result in a loss in amenity area for the existing single detached dwellings.

The proposed severance will result in an expansion to an existing surface parking lot. Staff request the applicant demonstrate the severance will not result in a net increase in the number of surface parking spaces on site as a condition of approval to ensure conformity with Policy 6.1.4.45 b) of the Downtown Hamilton Secondary Plan.

The severed and retained lots are fully serviced by municipal water and wastewater systems and have frontage onto Cannon Street West or Park Street North. Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan is being maintained.

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

The subject lands are zoned Downtown Central Business District (D1) Zone, which permits single detached dwellings and surface parking lots which existed prior to the passing of the Zoning By-law.

Recommendation:

Based on the preceding information, staff recommends that the severance be approved as the conveyance conforms to the intent of the Urban Hamilton Official Plan, the Downtown Hamilton Secondary Plan and the City of Hamilton Zoning By-law No. 05-200.

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 Ontario Building Code compliance and pay the relevant fees.
3. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
4. The current 'D1' zone of these lands does not permit the use of a Single Detached Dwelling. As a result of the proposed severance, the legal non-conforming status of the existing Single Detached Dwellings is effectively lost. As such, a minor variance will be required in order to permit the continued use of the Single Detached Dwelling(s) on both the lands being conveyed and retained.

5. The current 'D1' zone permits a maximum lot coverage of 85%. Details have not been provided in order to determine zoning compliance for the lands to be conveyed and retained.
6. The subject lands are currently subject to Holding Provision "H17, H19, H20" pursuant to Schedule D of Hamilton Zoning By-law 05-200. These holdings may prevent the development of these lands until such time that the holdings are removed in the normal manner.
7. The parcel to be retained and the abutting parcel at 55 Cannon Street West (subject to HM/B-288) are identified in the City of Hamilton Heritage Inventory. Consultation with Heritage Planning may be appropriate.

Development Engineering:

It appears that the proposed severance application is for land assembly purposes only and that new construction is not proposed.

According to our GIS records, the subject section of Cannon Street West is classified as a minor arterial roadway with an ultimate road allowance right-of-way width of 26.213m by Schedule C-2 of the Urban Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Cannon Street West is ± 23.2 m. Therefore, a road allowance widening dedication of ± 3 m will be required. However, the proposed severance application is for land assembly purposes only and new construction greater than 30% of the existing gross floor area of the building is not proposed, therefore a road allowance widening dedication will not be required at this time.

The Development Approvals Section has no requirements with respect to the proposed severance for land assembly purposes only.

Growth Planning:

No comments.

Transportation Planning:

Transportation Planning has no objection to the land severance application. Without setting precedent, Transportation Planning waives the requirement for right-of-way and daylighting triangle dedications. The full dedications will be required with any redevelopment in the future.

Source Water Protection Planning:

No comments

See attached for additional comments.



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

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: January 14, 2021

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: 53 and 55 Cannon Street W., Hamilton
File: HM/B-20:87

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, January 21, 2021, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

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

No Landscape plan required.

Forestry has no concerns or conditions regarding this application.

TREE MANAGEMENT

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

LANDSCAPE PLAN

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

SUMMARY

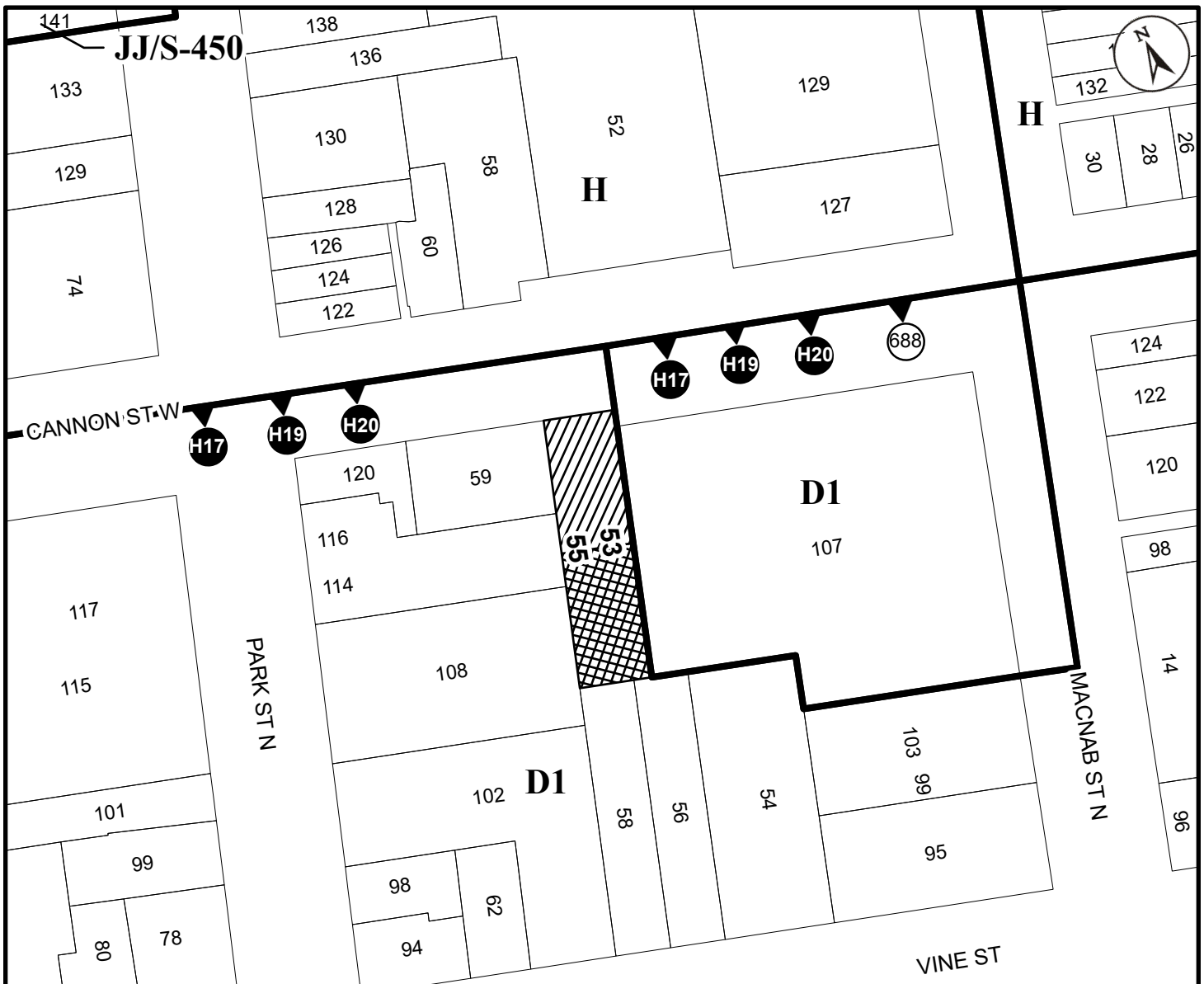
- There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.
- No Landscape plan required.
- Forestry has no concerns or conditions regarding this application.

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

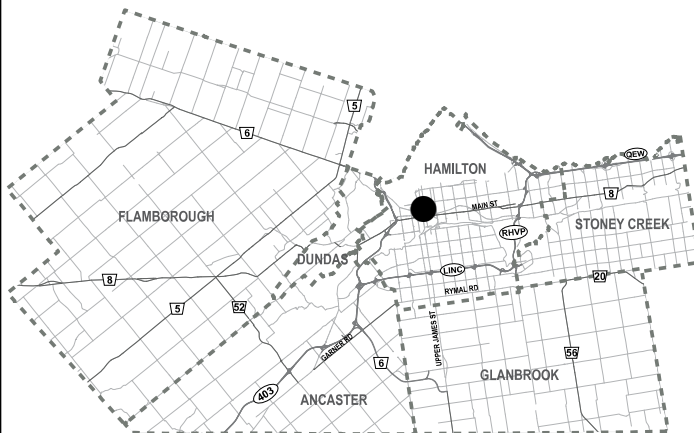
Regards,

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

Sam Brush
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

53 & 55 Cannon Street West, Hamilton
(Ward 2)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-20:87

Date:

January 14, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-20:88 – 53 & 55 Cannon 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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. 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).
5. 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).

HM/B-20:88 – 53 & 55 Cannon St. W., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conveyance of a parcel of land containing two storey dwelling, known as known as 53 and 55 Cannon Street West and to retain a parcels of land containing two storey dwelling, known as 53 and 55 Cannon Street West. The severed lands will have a lot area of 139.0 square metres and the retained lands will have a lot area of 142.0 square metres.

Urban Hamilton Official Plan

The property is identified as “Downtown Urban Growth Centre” in Schedule E– Urban Structure and is designated “Downtown Mixed Use Area” in Schedule E-1 – Urban Land Use Designations. Policies E.4.4.4 e), and F.1.14.3.4, amongst others, are applicable and permit single detached dwellings and existing surface parking lots.
Cultural Heritage:

The properties at 53 and 55 Cannon Street West are included on the municipal heritage register as non-designated properties. While the inclusion on the register applies to the entire parcel, the heritage value of the subject properties lies with the existing structures on the properties. As the proposal does not include the removal of the existing structures, heritage staff do not have concerns with the conveyance of the rear portions of each lot at 53 and 55 Cannon Street West to be consolidated with the adjacent property at 108 Park Street North.

Downtown Hamilton Secondary Plan

The subject lands are designated “Downtown Mixed Use” within the Downtown Hamilton Secondary Plan. Policies 6.1.4.43, 6.1.4.45 and 6.1.6 amongst others, are applicable and permit single detached dwellings.

The proposed severance will allow each two storey single 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 Cannon 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.

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

The subject lands are zoned Downtown Central Business District (D1) Zone, which permits single detached dwellings and surface parking lots which existed prior to the passing of the Zoning By-law.

Recommendation:

Based on the preceding information, staff recommends that the severance be approved as the conveyance conforms to the intent of the Urban Hamilton Official Plan, the Downtown Hamilton Secondary Plan and the City of Hamilton Zoning By-law No. 05-200.

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 Ontario Building Code compliance and pay the relevant fees.
3. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
4. The current 'D1' zone of these lands does not permit the use of a Single Detached Dwelling. As a result of the proposed severance, the legal non-conforming status of the existing Single Detached Dwellings is effectively lost. As such, a minor variance will be required in order to permit the continued use of the Single Detached Dwelling(s) on both the lands being conveyed and retained.
5. The current 'D1' zone permits a maximum lot coverage of 85%. Details have not been provided in order to determine zoning compliance for the lands to be conveyed and retained.
6. The subject lands are currently subject to Holding Provision "H17, H19, H20" pursuant to Schedule D of Hamilton Zoning By-law 05-200. These holdings may prevent the development of these lands until such time that the holdings are removed in the normal manner.

Development Engineering:

It appears that the proposed severance application is for land assembly purposes only and does not propose any new construction since both the dwellings on the severed and retained parcels are existing.

According to our GIS records, the subject section of Cannon Street West is classified as a minor arterial roadway with an ultimate road allowance right-of-way width of 26.213m by Schedule C-2 of the Urban Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Cannon Street West is $\pm 23.2\text{m}$. Therefore, a road allowance widening dedication of $\pm 3\text{m}$ will be required. However, the proposed severance application is for land assembly purposes only and new construction greater than 30% of the existing gross floor area of the building is not proposed, therefore a road allowance widening dedication will not be required at this time.

The Development Approvals Section has no requirements with respect to the proposed severance for land assembly purposes only.

Growth Planning:

No comments.

Transportation Planning:

Transportation Planning has no objection to the land severance application. Without setting precedent, Transportation Planning waives the requirement for right-of-way and daylighting triangle dedications. The full dedications will be required with any redevelopment in the future.

Source Water Protection Planning:

No comments

See attached for additional comments.



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

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: January 14, 2021

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: 53 and 55 Cannon Street W., Hamilton
File: HM/B-20:87

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, January 21, 2021, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

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

No Landscape plan required.

Forestry has no concerns or conditions regarding this application.

TREE MANAGEMENT

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

LANDSCAPE PLAN

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

SUMMARY

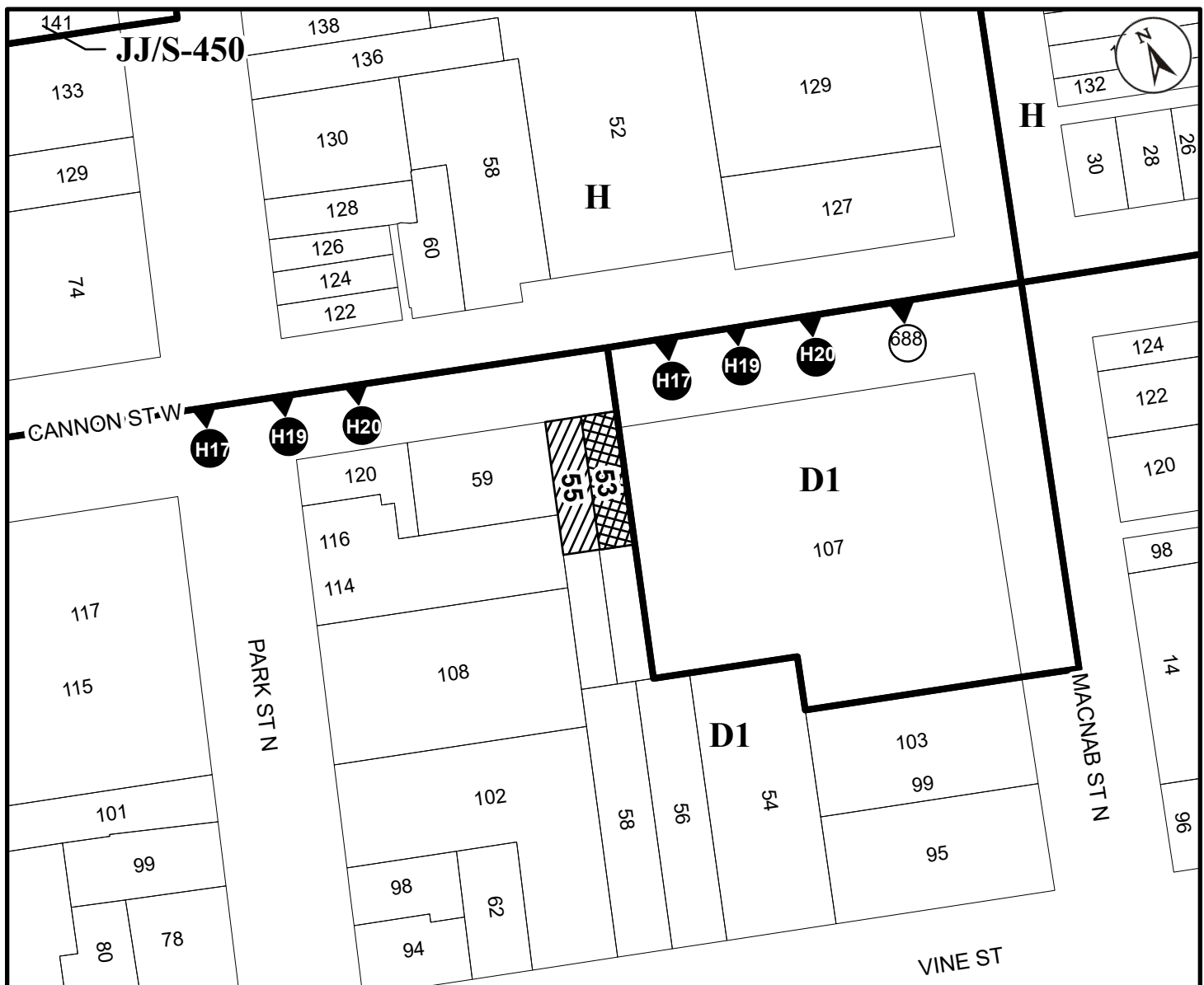
- There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.
- No Landscape plan required.
- Forestry has no concerns or conditions regarding this application.

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

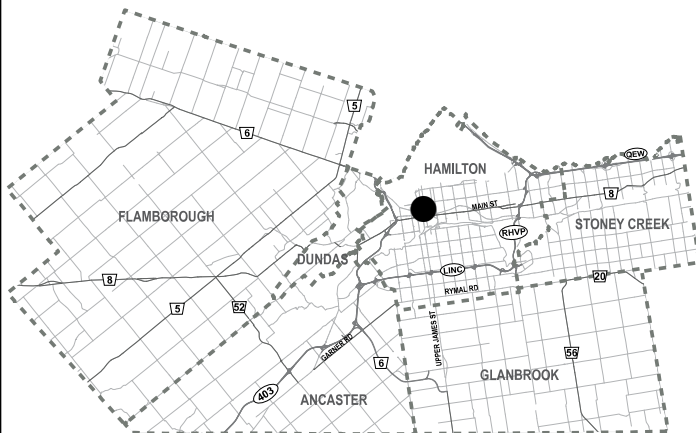
Regards,

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

Sam Brush
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

53 & 55 Cannon Street West, Hamilton
(Ward 2)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-20:88

Date:

January 14, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

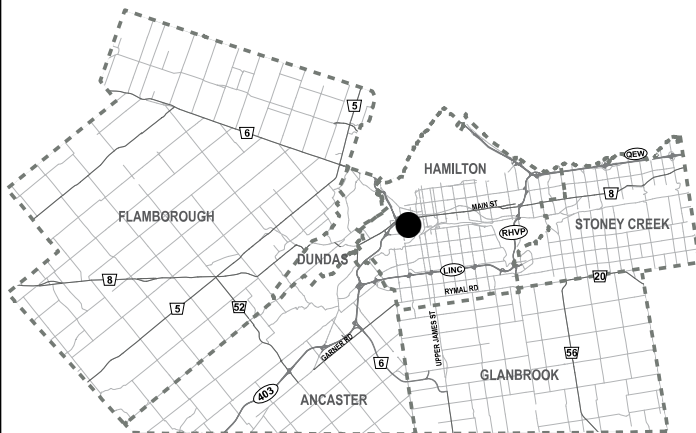
January 21st, 2021

HM/A-20:122 (Amended) – 69 Melbourne St., Hamilton

NOTE: Application withdrawn



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



69 Melbourne Street, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:122

Date:

January 14, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:256 – 590 Aberdeen Ave., Hamilton

Consolidation Report

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

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

HM/A-20:256 – 590 Aberdeen Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a second storey addition to the existing single detached dwelling, 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 “D/S-1787” (Urban Protected Residential – One and Two Family Dwellings) District, which permits a single family dwelling.

Variance 1

The applicant is requesting a variance to allow a minimum front yard depth of 4.4 metres, notwithstanding the minimum required front yard depth of 6.0 metres. The general intent of the Zoning By-law is to maintain the consistent streetscape.

No Site Plan drawing of the subject property was submitted by the applicant, although the variance appears to recognize the existing front yard depth of the single detached dwelling. This portion of Aberdeen Avenue is characterized by one and a half to two storey single detached dwellings. There is a significant difference in grade between the front property lines and the front façade of the dwellings.

There is an existing garage in the front yard of the subject property built along the front property line. It is unclear based on the submitted materials whether the garage is attached to the existing dwelling and whether the requested variance accurately reflects the existing front yard depth.

Based on the submitted materials, the applicant is not proposing to alter the existing garage or the existing setback between the single detached dwelling and the front property line. The existing front yard depth is consistent with the surrounding properties thus maintaining the general intent of the Zoning By-law. The variance is considered minor in nature and is desirable for the development of the site as no negative impact is anticipated for the subject lands or surrounding area from the continuation of the existing condition.

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

Variance 2

The applicant is requesting a variance to allow a minimum easterly side yard width of 0.3 metres, notwithstanding the minimum required side yard width of 1.2 metres. The general 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 Site Plan drawing of the subject property was submitted by the applicant, although the variance appears to recognize the existing easterly side yard width of the single detached dwelling. The submitted elevation drawings demonstrate no windows are proposed along the easterly side facade. As such, no negative impact on privacy or enjoyment of the adjacent properties is anticipated.

The variance is maintaining the intent of the Zoning By-law as Staff do not anticipate any impact on the existing streetscape as a result of continuing the existing side yard width to the second storey.

Staff note the approval of Variance 2 does not grant the applicant access onto any neighbouring property without the necessary permissions.

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

Variance 3

The applicant is requesting a variance to allow the eaves and gutter to encroach the entire width of the required easterly 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 0.15, 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.

Subject to Variance 2 being approved, the required northerly side yard will be 0.3 metres in width. Staff do not anticipate any negative impact on the subject property or the surrounding area as a result of the eaves and gutters projecting the entire width of the northerly side yard. However, the dimension of the projection has not been included within

the submitted materials. Staff note the approval of Variance 3 does not allow the eaves and gutters to encroach onto the neighbouring property, known as 588 Aberdeen Avenue.

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.

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:

1. The applicant did not provide a Site Plan drawing of the subject property. Based on the submitted materials, it is unclear whether the requested variances accurately reflect the existing conditions on the subject property.

Building Division:

1. As less than eight (8) habitable rooms are shown to be provided, existing parking conditions are permitted to be maintained.
2. A site plan has not been submitted with this application; as such the variances have been written as requested by the applicant.
3. The proposed building height has not been provided in accordance with the definition of "Height" and "Grade" as defined within the Zoning By-law. A further variance will be required if the proposed building height exceeds two and a half storeys or 11.0 metres, provided in accordance with the definition of "*Height*", "*Grade*", and "*Storey*" as defined within the Zoning By-law.
4. 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:

Being that the proposed addition is vertical only and will have no effect on grading or drainage, the Development Approvals Section has no issues with the Minor Variances as proposed. It is our understanding that the proposed side yard setback of 0.3m is to facilitate the setback of the existing building.

See attached for additional comments.

January 12, 2021

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

Attention: Samantha Costa

File# HM/A-20:256

Re: 590 Aberdeen Ave

In response to your correspondence dated January 5, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Existing overhead service is in conflict with proposed full second story addition. Contact our ICI department for service adjustment options.

We would also like to stipulate the following:

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

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

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

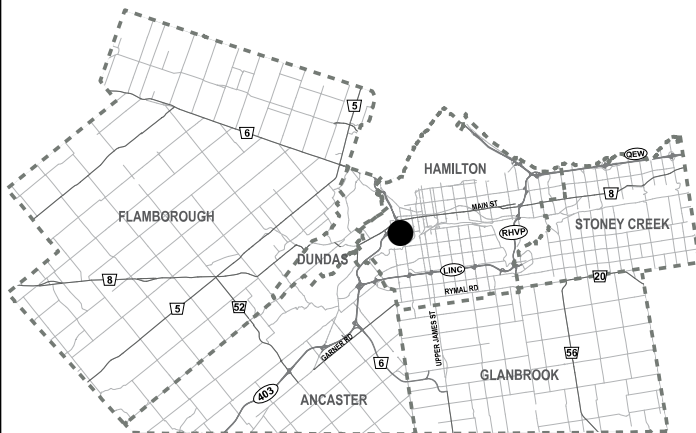
Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



590 Aberdeen Avenue, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:256

Date:

January 14, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

HM/A-20:273 – 225-247 East Ave. N., & 315 Robert 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):

HM/A-20:273 – 225-247 East Ave. N., & 315 Robert St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The requested variances are necessary to facilitate Site Plan Control Application DA-20-001, which was conditionally approved on January 10, 2020. The proposal is for the redevelopment of the former “Royal Oak Dairy” lands and consist of “Phase 1” and “Phase 2”.

Minor Variance application HM/A-19:457 was approved by the Committee of Adjustment on February 6, 2020 to facilitate “Phase 1” of the proposed development, consisting of a multiple dwelling containing a total of 95 dwelling units. A modification to two of the previously approved variances is required.

“Phase 2” was recently added through an Addendum, approved on December 22, 2020 and consists of the conversion of the existing accessory building, formally used as a horse stable for the former Royal Oak Dairy, to a three storey multiple dwelling comprising of thirteen dwelling units, 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, E.3.2.4, E.3.5.2 amongst others, are applicable and permit multiple dwellings.

Former City of Hamilton Zoning By-law No. 6593

The lands associated with “Phase 1” are zoned “E/S-881a” and “E/S-881” (Multiple Lodges, Clubs and Etc.) District, Modified, which permits a multiple dwelling.

Staff acknowledge the southerly portion of the subject lands, abutting Robert Street, are zoned “D/S-881a” and “D/S-881” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified, which does not permit a multiple dwelling. This portion of the subject lands is associated with “Phase 3” and the redevelopment would need to be in accordance with the provisions of the D/S-881a and D/S-881 District.

Phase 1:

Variance 1 and 2

The applicant is requesting a variance to allow a minimum of 0.3 parking spaces per Class A dwelling unit for a total of 29 parking spaces and no visitor parking spaces for 95

dwelling units, notwithstanding the modified provision of 0.4 parking spaces per Class A dwelling unit requiring a minimum of 39 parking spaces and the modified provision of 0.1 visitor parking spaces per Class A dwelling unit requiring four visitor parking spaces for 95 dwelling units. The general intent of the Zoning By-law is to ensure there is adequate parking for the needs of the residents.

Minor Variance application HM/A-19:457 to allow a parking ratio of 0.4 parking spaces per Class A dwelling unit and 0.1 visitor parking spaces per Class A dwelling unit was approved on February 6, 2020. The applicant has requested further a modification for the number of required parking spaces for "Phase 1" of the development.

The subject property is in close proximity to Downtown Hamilton and a number of amenities including St Patrick Catholic Elementary school, JC Beemer Park and various commercial uses along Barton Street East and Cannon Street East. The subject property is also serviced by HSR bus route Nos. 2, 3 and 12.

The proposed parking ratio of 0.3 parking spaces and no visitor parking spaces per Class A dwelling unit is consistent with the requirements for development within Downtown Hamilton. In addition, A Parking Study and Transportation Demand Management report dated December 2019 prepared by Paradigm Transportation Inc. was previously submitted by the applicant for HM/A-19:457 which identified the anticipated parking demand to be 0.22 spaces per unit for the 95 dwelling units within "Phase 1".

The general intent of the Zoning By-law is being maintained as the proposed reduction in parking can be supplemented by utilizing public transit and active transportation. In addition, street parking can be utilized to supplement the reduction in visitor parking spaces.

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

Phase 2:

Variance 3

The applicant is requesting a variance to allow a minimum rear yard depth of 0.0 metres, notwithstanding the minimum required 3.0 metre rear yard depth where there are no habitable room windows overlooking the rear yard. The intent of the Zoning By-law is to allow sufficient space to accommodate the necessary landscaped and amenity area, and to provide the necessary distance separation between the building and the surrounding uses for access, maintenance, drainage and privacy purposes.

The applicant is proposing to establish residential dwelling units within the existing accessory building on the subject property, previously used as a horse stable for the former Royal Oak Dairy, allowing for adaptive reuse of the existing heritage resource. The variance recognizes the existing setback of the accessory building to the rear property line.

The rear property line is adjacent to an unassumed laneway, providing approximately 3.5 metres of buffer between the property line and adjacent residential uses. Staff are satisfied an appropriate distance separation is being provided between the proposed multiple dwelling and the adjacent residential uses, acknowledging there are no windows with habitable rooms overlooking the rear yard.

The applicant has noted indoor and outdoor common amenity area is being provided for the tenants of the proposed multiple dwelling within "Phase 2" of the development. The "piazza" shown within "Phase 1" will be accessible to the tenants within "Phase 2" to utilize as outdoor amenity area.

The variance maintains the intent of the Zoning by-law as Staff do not anticipate any negative impact on the surrounding properties as a result of the reduction in rear yard depth and Staff are satisfied sufficient amenity area is being provided to satisfy the needs of the tenants. The variance is considered minor in nature and is desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area.

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

Variance 4

The applicant is requesting a variance to allow no loading spaces to be provided, notwithstanding the minimum required one loading space having dimensions of 9.0 metres in length by 3.7 metres in width by 4.4 metres in height. The intent of the Zoning By-law is to provide sufficient space for loading activities to satisfy the needs of the tenants.

Staff note the proposed Site Plan DA-20-001 for the subject property includes a proposed layby in the municipal right-of-way on East Avenue North to accommodate loading activities for the site. Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 5 and 6

The applicant is requesting a variance to allow a minimum of 0.3 parking spaces per Class A dwelling unit for a total of four parking spaces and no visitor parking spaces for 13 dwelling units, notwithstanding the minimum required 1.25 parking spaces per Class A dwelling unit requiring 17 parking spaces and the minimum required 0.25 parking spaces per Class A dwelling unit requiring five visitor parking spaces for 13 dwelling units. The general intent of the Zoning By-law is to ensure there is adequate parking for the needs of the residents.

The subject property is in close proximity to Downtown Hamilton and a number of amenities including St. Patrick Catholic Elementary school, JC Beemer Park and various commercial uses along Barton Street East and Cannon Street East. The subject property is also serviced by HSR bus route Nos. 2, 3 and 12.

The proposed parking ratio of 0.3 parking spaces and no visitor parking spaces per Class A dwelling unit is consistent with the requirements for development within Downtown Hamilton. The applicant has indicated each of the proposed units will be 50.0 square metres or less which would not require any parking spaces in accordance with Section 5.6 a) of the Zoning By-law for properties within the downtown. In addition, the proposed parking ratio is consistent with the anticipated parking demand identified within the Parking Study and Transportation Demand Management report dated December 2019.

The general intent of the Zoning By-law is being maintained as the proposed reduction in parking can be supplemented by utilizing public transit and active transportation. In addition, street parking can be utilized to supplement the reduction in visitor parking spaces.

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

Recommendation:

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

Building Division:

1. The variances have been written as requested by the applicant. The lands are subject to DA-20-001 for Phases 1 and 2 of the proposed residential development, for which Phase 1 was conditionally approved January 10, 2020. The conditional approval for Phase 2 is currently pending. A further circulation and review of the site plan for the Phase 2 component of DA-20-001 will also be undertaken.
2. Visitor parking is determined as a component of the overall parking requirement.
3. With respect to Variance #1 and #4, the proposed parking for both phases and for part of the future phase is to be provided within the basement and ground floor of the proposed six (6) storey multiple dwelling for Phase 1 of the development.
4. The front yard is deemed to be the lot line located along East Avenue North.
5. With respect to Variance #2, the minimum rear yard for a multiple dwelling in the "E" District is determined by a formula based on one 120th part of the product obtained by multiplying the height of the building by its width and the rear yard shall not be less than 3.0m in depth and need not be greater than 13.5m. Where there is a habitable room window (or balcony or sunroom), the rear yard shall be increased by 3.0m. However, the By-law directs that the rear yard need not be greater than 13.5m.
6. The property address is currently listed as 315 Robert Street, and 223 to 227 East Avenue North and 247 East Avenue North.
7. Committee of Adjustment Application HM/A-19:457 was approved to permit minor variances for Phase 1 of the proposed housing development to allow for the development of 95 dwelling units. The variances are to requirements for the minimum front yard; minimum northerly side yard; minimum rear yard; minimum number of parking spaces; minimum visitors parking; minimum dimensions of parking spaces; minimum number of loading spaces; and to permit the retention of the retention of the accessory building and for the accessory building to be maintained along the rear lot line. The accessory building noted in Committee of Adjustment Application HM/A-19:457 is now proposed to be a multiple dwelling consisting of 13 dwelling units in the current application.
8. The requirements for the E District require 25% of the total area of the site to be landscaped area. The landscaped area shall consist of surfaces exposed to natural light used for recreational and scenic purposes providing 50% of this area consists of natural earth forms such as lawns, planted areas, and trees. For the purposes of this development, the landscaped area requirements would apply to the total area comprising the Phase 1 and 2 lands.

9. The proposed dwelling units are under 50 square metres in gross floor area and special parking requirements based on the dwelling unit size do not apply under Zoning By-law 6593. In addition, as the property is located outside of the Downtown Areas shown in the Zoning By-law as Area A and Area B, the parking requirements that are based on 1.25 spaces per dwelling unit are applicable.
10. Building Permit 20-199914, issued on December 23, 2020, for alterations to the former horse stables to permit a three (3) storey multiple dwelling consisting of 13 dwelling units remains not finalized.
11. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

The Development Approvals section wishes to advise that all issues relating to grading, drainage and servicing will be dealt with through Site Plan Control application DA-20-001. It is our understanding that the proposed 0m rear yard setback for the stables renovation is to facilitate the existing rear yard setback of the building, therefore we have no issues with the Minor Variances as proposed.

See attached for additional comments.

Real Estate Comments – CoA January 21, 2021

225-247 East Ave N & 315 Robert St, Hamilton



Applicants Proposal: To permit the conversion of an existing accessory building to a three storey multiple dwelling comprised of 13 dwelling units.

Variances for Property:

- N/a

Impacts: N/a

Recommendations: N/a

Hansra, Aman

From: Sue Carr <sue@fivefortyone.ca>
Sent: Monday, January 18, 2021 2:34 PM
To: Committee of Adjustment; dvanderwindt@indwell.ca
Subject: Royal Oak Dairy Minor Variance

As the Executive Director for 541 Eatery and Exchange, I am very familiar with the neighbourhood and the needs of the area around the former Royal Oak Dairy.

Indwell is a much-needed partner in addressing these needs and the desperate shortage of dignified affordable housing. Indwell is already a reputable charity that provides high quality affordable and supportive housing in Hamilton. They excel in this work and contribute positively to neighbourhoods.

I support the work that Indwell is doing at the former site of Royal Oak Dairy. I am excited for the proposed development of 13 affordable units in the former stables, support the minor variance application, and ask that the Committee of Adjustment grant the minor variance.

Thank you,

Rev. Sue Carr

Executive Director
541 Eatery and Exchange
541 Barton Street East
Hamilton
L8L 2Z2

Hansra, Aman

From: Sean Botham <sean.botham@gmail.com>
Sent: Monday, January 18, 2021 2:51 PM
To: Committee of Adjustment
Cc: David VanderWindt
Subject: Support Letter for Royal Oak Dairy Minor Variance

Committee of Adjustment
City of Hamilton

As a resident of East Ave N, and someone familiar with the impacts of development decisions, I am in support Indwell's minor variance application for the Royal Oak Dairy. The proposed project will provide critical affordable housing while enhancing our community, and the historic building setbacks and proposed parking ratio seem appropriate in the context of this project and site. As a neighbour and supporter of affordable housing, requesting that the Committee of Adjustment grant the minor variance.

Thank you,
Sean Botham



659 Barton St. East,
Unit 102, Hamilton, ON
L8L 3A3



January 18th, 2021

Committee of Adjustment
City of Hamilton

Dear Committee of Adjustment,

RE: Royal Oak Dairy Site

As the Executive Director for Barton Village Business Improvement Area, I am very familiar with the neighbourhood around the former Royal Oak Dairy. I look forward to welcoming Indwell to the Barton Village Community. Indwell is a much-needed partner in addressing the needs of the neighbourhood and the city's desperate need for dignified affordable housing. Indwell is a reputable charity that provides a large amount of dignified affordable and supportive housing in Hamilton. Indwell excels in its work and contributes positively to neighbourhoods.

I support the work that Indwell is doing at the former Royal Oak Dairy site. I am excited for the proposed development of 13 affordable units in the former and historic stables, support the minor variance application, and ask that the Committee of Adjustment grant the minor variance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rachel Braithwaite', with a long horizontal stroke extending to the right.

Rachel Braithwaite

Executive Director

Barton Village Business Improvement Area

Hansra, Aman

From: Jaleen Grove <jaleengrove@gmail.com>
Sent: Friday, January 15, 2021 1:46 PM
To: Committee of Adjustment
Subject: Minor Variances on East Ave N (InDwell)
Attachments: InDwell objection copy.jpg

Dear Committee of Adjustment, InDwell, and bylaw departments:

I am a homeowner at 212 East Ave N, directly facing the InDwell Development in progress. I would like to respond to the Notice of Public Hearing regarding App # HM/A-20:273.

I have two objections to the proposed variances:

- 1) reducing outside parking on the property will create congestion and loss of public parking on East Ave N., which during the day already fills up with hospital staff and visitors, making it hard to accommodate residents' guests and home maintenance workers. At the very least, a pick-up/drop-off stand should be provided for.
- 2) If I understand correctly, there is a proposal to remove the planned landscaping between the edifice front and the sidewalk, reducing the "front yard" to zero (so the building can be bigger - ?), making the exterior wall butt up against the sidewalk. If this is so, this is VERY undesirable because of the loss of trees and gardens indicated on the Site Plan, resulting in an ugly monolithic flat facade in our faces, featuring a barred parking garage at street and eye level, making the street coldly institutional in feel rather than residential. This does not serve the new tenants, nor homeowners.

Please compare the following graphics.



Kind regards,

Jaleen Grove
Bryan Gee
212 East Ave N.

--

Jaleen Grove, PhD
Assistant Professor, Illustration Studies | Rhode island School of Design

Monday January 18, 2021

To Whom It May Concern:

I am writing to share my support for Indwell's new Royal Oak project on East Ave. N. I write to you as a Royal Oak neighbour; as co-founder and former staff at 541 Eatery & Exchange; and currently as a social worker with Indwell.

Rising housing costs and the proliferation of the opioid crisis have created a perfect storm in which dignified, affordable housing is out of reach for so many of the most vulnerable people in our community. Many individuals I have supported over the past ten years have had to move away from this community and their support network here, because they could no longer afford to live in this part of the city. The creation of more affordable housing in this neighbourhood in particular, is truly a matter of life and death for my clients and neighbours.

Since 2015, I have been a resident of East Ave. N. My family and I have loved being a part of such a diverse and vibrant community. Indwell's model of supportive housing will ensure that this neighbourhood will continue to be home to people of all ages, socioeconomic backgrounds and abilities. We were thrilled to learn of the potential partnership with Sacajawea to transform the stable building into designated units for future Indigenous tenants.

My experiences as a member of Indwell's staff team have shown the enduring impact housing can have on both individual and community wellness. I am grateful that our municipal leaders continue to advance the work of affordable housing and I ask that they continue to lead with compassion and innovation in their support of this much needed project. I am confident that the 140 new residents of this development will be valued members of this neighbourhood and our community will be lucky to have them.

With sincere thanks,

A handwritten signature in black ink, appearing to read 'MJC', with a stylized, flowing script.

Miranda Crocket, MSW, RSW
287 East Ave. N
Hamilton, ON
905-818-4559

From: [Shaun Shuell](#)
To: [Committee of Adjustment](#)
Cc: Matthew.Green@parl.gc.ca
Subject: APPLICATION NO.: HM/A-20:273 / Subject Property 225-247 East ave., Hamilton
Date: January 18, 2021 9:44:20 PM

To whom it may concern:

My name is Shaun Shuell , property owner of 216 Victoria ave., N.

I have concerns regarding parking for this building being built via applicants IndwellCommunity Homes c/o Graham Cubitt

I constantly have to park a block away or more from my residence due to the crowded parking in the area .

I have taken to notice that less than %50 of the vehicles in the area (on a good day) actually have parking permits for the area and are being used by non-residents of the area.... largely employees of Hamilton General Hospital looking for free, rarely enforced parking .

I have noticed that there is an amendment to change the number of required parking spaces from the already inadequate (in my opinion) 0.4 parking spaces per unit to even less @ 0.3 spaces per unit !

Again , parking is already tough for residents of the area and this multi unit dwelling only going to exacerbate the issue .

From my calculations there will be only 5 parking spaces for a 13 unit dwelling ? Leaving 8 more residents fighting for parking in the area..... not to mention visitors and guests !

Its frustrating as a taxpaying/homeowner resident of the area , having started inquiries into installing a culvert entrance/driveway onto my property , the hoops I am going to have to jump through to possibly be denied (at my expense) to try to make this happen , yet a developer gets a green light to construct a multi unit dwelling with sorely inadequate parking in an area with already insufficient parking for local residents.

I am looking forward to a response to my concerns.

Shaun Shuell
216 Victoria Ave., N
Hamilton , ON
L8L 5G2
416-908-9116
shaunshuell@yahoo.com

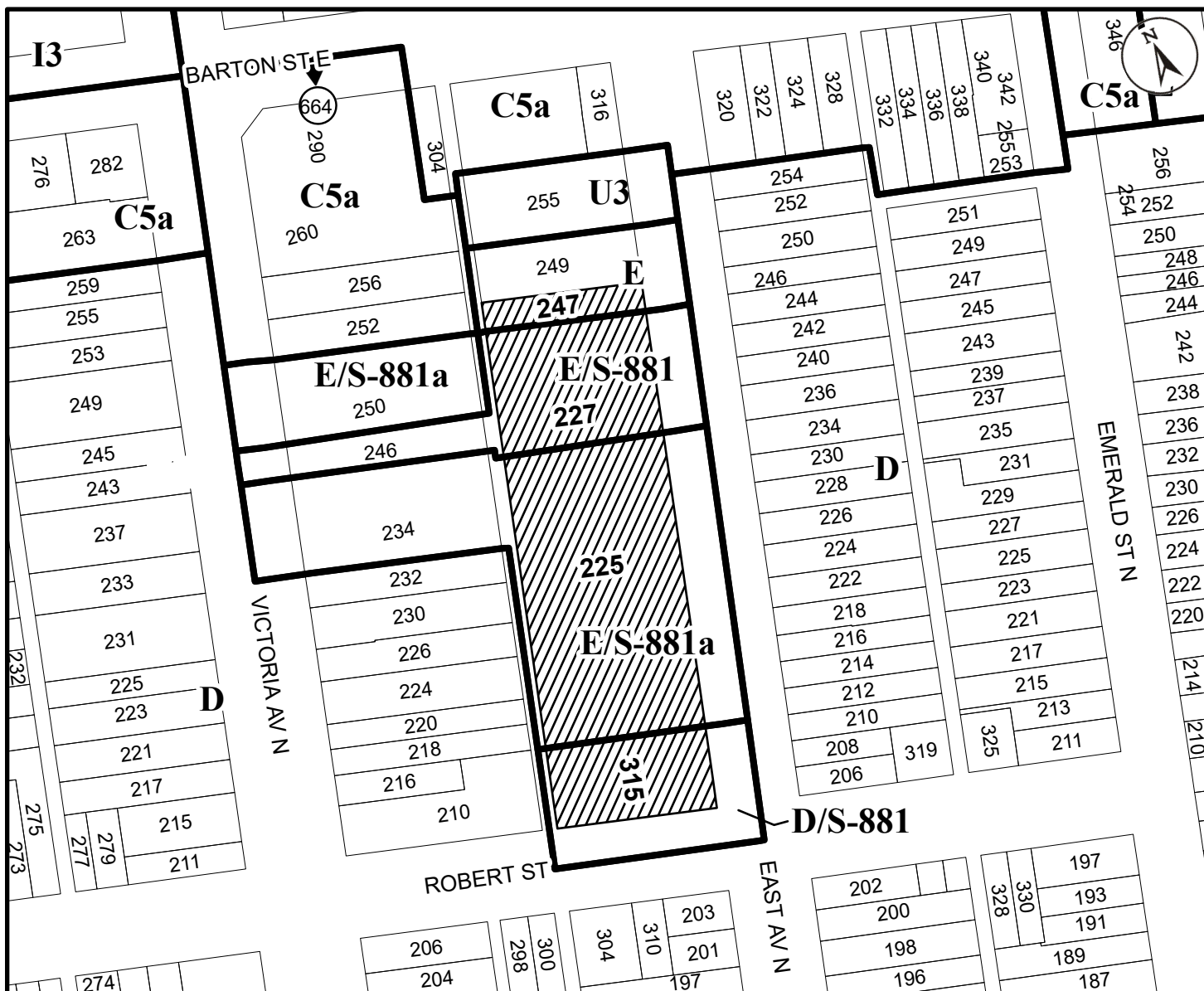
From: [Jake Bakker](#)
To: [Committee of Adjustment](#)
Subject: Indwell Royal Oak Dairy Support of Minor Variance
Date: January 19, 2021 11:11:25 AM

Good Morning,

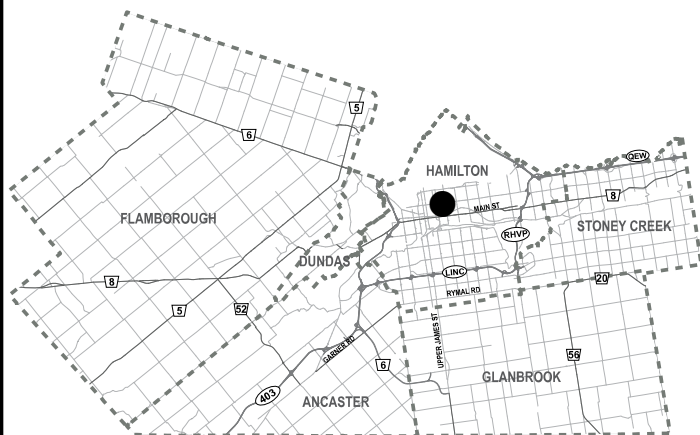
As a local resident and neighbour, I support Indwell's minor variance application. Indwell is a reputable charity that provides much needed affordable and supportive housing in Hamilton. Indwell contributes positively to neighbourhoods and I am looking forward to welcoming Indwell to my neighbourhood.

I support the proposed housing in the former stables building. It fills a need, preserves a historic building, and will benefit the neighbourhood. I am excited for the proposed development of 13 affordable units in the former stables, support the minor variance application, and ask that the Committee of Adjustment grant the minor variance.

Best Regards,
Jake Bakker



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



225-247 East Avenue North &
315 Roberts Street, Hamilton
(Ward 3)

File Name/Number:

HM/A-20:273

Date:

January 14, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT