

FL/A-21:91 – 827 Regional Rd. 97, 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):

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

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

FL/A-21:91 – 827 Regional Rd. 97, Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of an accessory structure on a residential parcel of land.

Rural Hamilton Official Plan:

The property is within the “Freelton Rural Settlement Area” and is designated as “Settlement Residential” in Volume 2: Map 7 Freelton Rural Settlement Area Plan. Policy A.2.3 to A.2.3.4 amongst others, is applicable and permits a single detached dwelling.

Hamilton Zoning By-law 05-200:

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

Archeology

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

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

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

If this 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 Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified

on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

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

Cultural Heritage

The subject property is comprised of a circa 2007 dwelling located within the historic settlement area of Freelon, listed on the Cultural Heritage Landscape Inventory. The property is also adjacent to 39 Freelon Road, a circa 1890 Place of Worship, and 1748 Brock Road, a circa 1860 dwelling, both of which are included in the City's Inventory of Heritage Buildings.

The applicant proposes to construct an accessory structure. The proposed accessory building will be located at the rear of the property and will not significantly affect the view from a public right of way.

Notwithstanding that the property is located in the Freelon Cultural Heritage Landscape and adjacent to properties included in the City's Inventory, staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the landscape and adjacent built heritage resources will be conserved. Staff have no further comments on the application as circulated.

Variance 1

The applicant is seeking a variance for a maximum gross floor area of 104.51 square metres to be permitted for all buildings accessory to a residential use instead of the requirement that all buildings accessory to a residential use shall not exceed a maximum gross floor area of 97 square metres.

Staff note that the proposed maximum area of 104.51 square metres for the accessory garage is appropriate for the scale, use, and configuration of the proposed site plan. The lot is approximately 0.44 ha in size and the accessory garage is subordinate to the single detached dwelling. Staff are satisfied the proposed variance will have no impact on the neighbouring properties, nor reduce the liveability of the property. Therefore, the variance is minor in nature. Accordingly, **staff support** this variance.

Variance 2

The applicant is seeking a variance for a maximum 36% lot coverage of the yard(s) in which the accessory building is located, including areas devoted exclusively to parking, to be permitted for all buildings accessory to a residential use, instead of the requirement that all buildings accessory to a residential use shall not exceed a maximum 30% lot coverage of the yard(s) in which the accessory building is located.

The intent of the provision is to prevent the overbuilding of lots and to maintain a balance between amenity area and building area. The addition is sympathetic to the neighbourhood character and does not represent an overbuilding of the subject lands. The addition is an appropriate balance between the building envelope and amenity space on the property given that there is sufficient area in the rear yard. The variance maintains the intent of the UHOP and Zoning By-law for these reasons. Therefore, the variance is minor and appropriate for the development of the subject property. Accordingly, staff **support the variance**.

Variance 3

The applicant is seeking a variance for a maximum building height of 7.25 metres shall be permitted and a maximum height of the underside of any fascia eaves shall be 5.13 metres for all buildings accessory to a residential use, instead of the requirement that all buildings accessory to a residential use shall not exceed a maximum building height of 5.0 metres and a maximum height of the underside of any fascia eaves of 3.0 metres.

The intent of this provision is to keep accessory structures subordinate to the single detached dwelling. In this case, the accessory structure is subordinate to the single detached dwelling when considering the proposed height (accessory structure is proposed at 7.25 metres while the existing single detached dwelling is approximately 9 metres in height. The height of the structure does not have an impact on the neighbouring properties and is compatible with the surrounding neighbourhood.

In addition, this variance also requests that the underside of any fascia or eaves to be 5.13m instead of the requirement in the By-law that requires that the height for an accessory building to the underside of any fascia eaves be less than 3.0m. The variance is necessary due to the design of the accessory structure. The roof is characterized by a gable style roof. The property is rather large and is partially screened by the trees to the rear of the lot that line with the neighbouring property. Therefore, the variance meets the intent of the Zoning By-law, the variance is minor in nature and is 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 the applicable 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**.

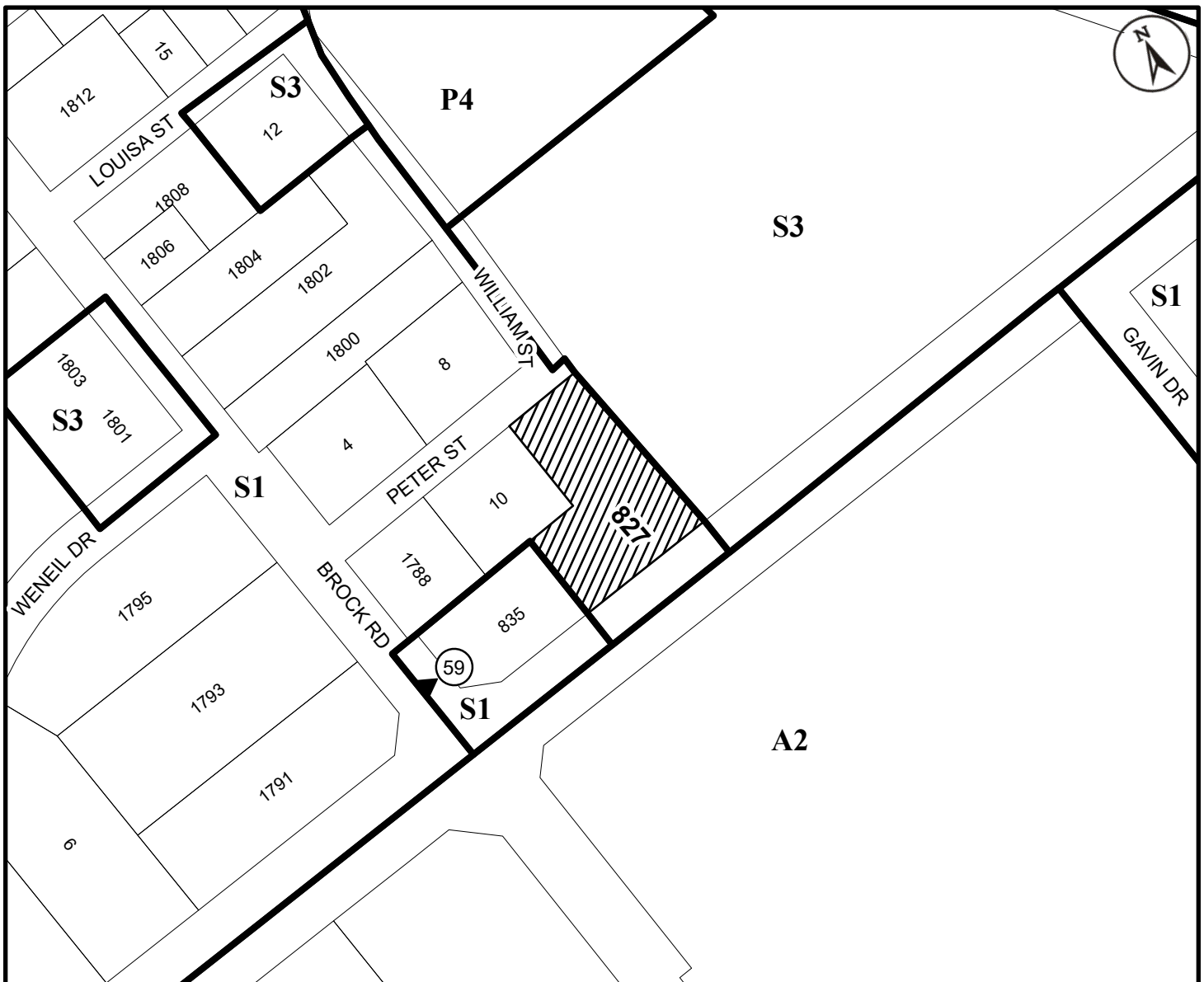
Building Division:

1. A building permit is required for the construction of the proposed building. Be advised that Ontario Building Code regulations may require specific setback and construction types.
2. A revised site plan was provided by the applicant following the initial submission of the application. Please note that revised elevation drawings and floor plans were not provided as part of the supplemental materials. As such, the variance(s) requested regarding the maximum gross floor area, maximum building height, and the maximum height of the underside of the fascia eaves have been written as requested by the applicant.
3. Human habitation is prohibited within the proposed accessory building. In addition, the proposed accessory building shall only be used for incidental uses associated with the principle use. Any use or storage not associated with the principle uses (i.e. warehouse) is not permitted.

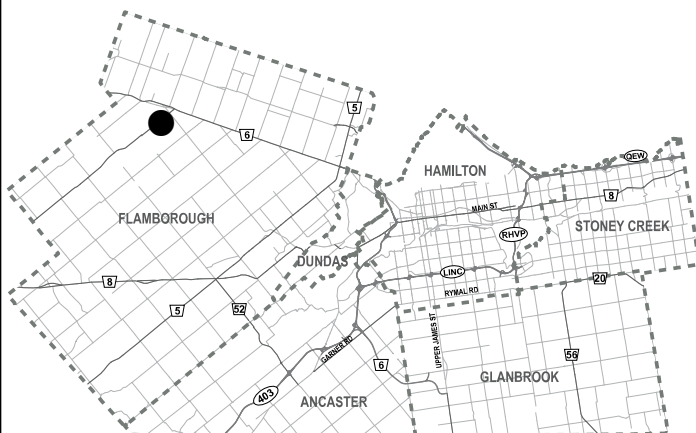
Development Engineering:

Provided the existing drainage patterns are maintained, then Development Engineering Approval 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



827 Regional Road 97, Flamborough
(Ward 13)

File Name/Number:

FL/A-21:91

Date:

April 7, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-21:93 – 1806 8th Concession Rd. W., Flamborough

Consolidation Report

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

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

FL/A-21:93 – 1806 8th Concession Rd. W., Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit to permit the creation of 4 lots through land severance application FL/B-19:133 and FL/B-19:134

Rural Hamilton Official Plan

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

Hamilton Zoning By-law No. 05-200

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

Variance

The applicant is seeking a variance for a minimum lot are of 15.17 hectares to be provided for the lands to be retained instead of the minimum required lot area of 40.4 hectares.

Staff note that associated consent applications FL/B-19:133 and FL/B-19:134, have been approved by the Committee of Adjustment. These consent applications dealt with the severance of lands which are partially within the Rural Settlement Area, known as “Kirkwall Rural Settlement Area”. The retained lands are outside of the Rural Settlement Area, and as such are designated “Agriculture” within the RHOP and are zoned within the Agriculture (A1) Zone, as well as Conservation/Hazard Lands (P6) Zone to the south.

Staff note that because the retained lands are zoned A1, the requirement is that the minimum lot area is 40.4 hectares. As a result of the severance, the area of the retained lands is now equal to 15.17 hectares, which coincides with the total amount of agricultural land available as a result of the severance. As such, staff note that this is a pre-existing condition since there was no fragmentation of agricultural land, and is a technicality due to the result of the associated severance. Therefore, staff are supportive of the variance to recognize that the retained lands have a total area of 15.17 hectares. The variance is in keeping with the general intent and purpose of the Hamilton Zoning By-law 05-200, and for that reason is minor in nature and is desirable for the appropriate use of the property, staff are **in support** of this variance.

Recommendation

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

Building Division:

1. Please be advised that a portion of this property is within an area regulated by Grand River Conservation Authority. Please contact (519) 621 - 2761 prior to any development.
2. This Variance is necessary to facilitate Land severance application FL/B-19: 133 & FL/B-19: 134.

Development Engineering:

No comments. Consent/Severance Agreement is being undertaken in FL/B-19:133 & FL/B-19:134.

See attached for additional comments.

D Keddy
1817 Concession 8W
Cambridge, ON, N1R 5S2

5 April 2021

Reference: FL/A-21:93, 1806 Concession 8 W

To Committee of Adjustments

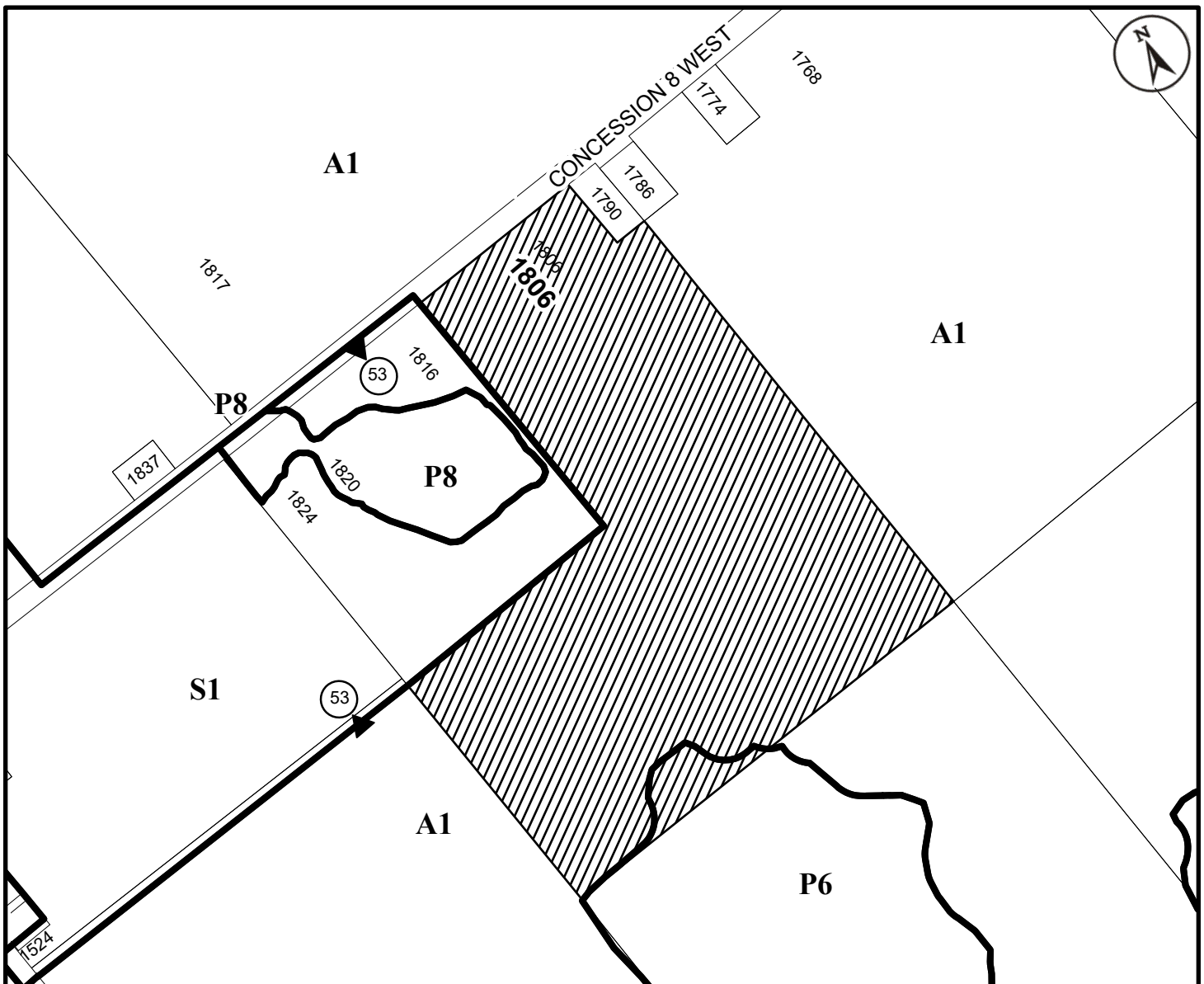
I am writing to object to the Variance necessary to facilitate Land Severance application FL/B-19: 133 and FL/B-19:134.

The objection is based on three factors:

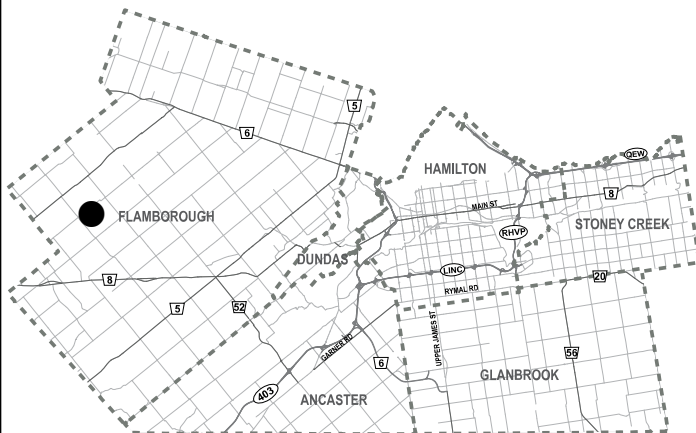
- 1) The arbitrary nature of the Land use Designation
 - 2) The perfunctory nature of this variance process
 - 3) The absence of clarity in the variance application
-
- 1) My property is located across the road from the subject property. In fact, the new driveway into the proposed development of new homes is directly across from mine. My driveway has been used by the dump trucks and related equipment to build the new road. Although the two properties are directly across the road, one is designated Settlement Residential and the other green space. I have on several occasions sought to sever a one acre parcel of my 125 acres to give to my son, each time being denied as a result of the land use designation. It is not possible to agree to three new homes being build directly across from my driveway while being denied similar consent. The absence of fairness in the designation and the implications for land valuations should be clearly understood.
 - 2) The level of development that has occurred in the subject property, including road development, land clearing and site planning, makes a mockery out of this variance process. It is clear that the Committee simply performs a perfunctory role.
 - 3) The documents provided to me are unclear. Schedule A indicates that 5 hectares will be subdivided into three building lots with 15 hectares remaining as farm land. The proposal is to create four lots. It also says that the 15 hectares will be retained instead of the minimum 40 hectares required. Likely creating another tax advantage.

In summary I oppose this variance application.

David Keddy



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



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

File Name/Number:

FL/A-21:93

Date:

April 7, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/B-21:17 – 766 Book Rd. E., Ancaster

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in 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. A scaled site plan shall be provided by the applicant that demonstrates the proposed severance conforms with Part 8 of the Ontario Building Code as it pertains to minimum clearance distances from the septic system within the retained lot, to the satisfaction of the Director, Hamilton Water.
5. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Building Engineering Section).
6. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
7. 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).

AN/B-21:17 – 766 Book Rd. E., Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of application **AN/B-21:17** is to create a conveyable lot which fronts onto both Smith Road and Glancaster Road for industrial uses. The applicant proposes the severed lands to have a lot area of ± 23.5 ha with the retained lands to have a lot area of ± 12.6 ha.

Background

Prior to the consideration of the current application, the subject lands were two separate properties known municipally as 766 Book Road East and 844 Glancaster Road. Due to the lands being part lots in a plan of subdivision, when the current owner purchased 844 Glancaster Road the properties were inadvertently merged on title. The applicant proposes to re-establish the lots to their original configuration prior to the merger.

Urban Hamilton Official Plan

The subject lands are designated as “Employment Areas” in Schedule E – Urban Structure, and designated as “Airport Employment Growth District” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan (UHOP). The subject lands are within the Airport Employment Growth District and are further designated “Airport Prestige Business” on Land Use Plan Map B.8-1 (UHOP – Volume 2). Policy B.8.4.5.1 applies, amongst others, and permits a number of industrial uses.

New lots for industrial uses that are designated “Airport Prestige Business” may be permitted when they meet the criteria of F.1.14.3.5 (Volume 1). Staff is of the opinion that the proposed severance considers the design and compatibility with the existing industrial properties. The proposed lots reflect the general scale of the established development pattern in the surrounding area and conforms with the policies of the Official Plan.

Cultural Heritage

Archaeology

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

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In the vicinity of distinctive or unusual landforms; and
- 3) Along historic transportation routes.

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

The purpose of this application is to adjust property boundaries, and this will not result in any soil disturbance. If this severance is granted the City does not require an archaeological assessment, but the applicant is advised that the City retains the authority to require an archaeological assessment for any future applications on the subject property under the *Planning Act*.

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

The subject property is zoned Airport Prestige Business (M11, H37) zone in the City of Hamilton Zoning By-law No. 05-200, which permits industrial uses.

Both the retained and severed lands meet the lot size requirements of the Zoning By-law. Staff notes that any proposed development -on both the retained and severed parcels will require the removal of the Holding Provision and must be compliance with the Airport Prestige Business zone performance standards.

Recommendation:

Having regard for the matters under subsection 51(24) of the *Planning Act*, staff is satisfied that the proposed lots are suitable for industrial uses, the proper and orderly development of the land, and conforms to the Official Plan and provisions of the Zoning By-law. Staff recommends that the proposed consents, as outlined in the Notice of Hearing, be **Approved** subject to the following condition.

CONDITION: (If Approved)

- 1) A scaled site plan shall be provided by the applicant that demonstrates the proposed severance conforms with Part 8 of the Ontario Building Code as it pertains to minimum clearance distances from the septic system within the retained lot, to the satisfaction of the Director, Hamilton Water.

Building Division:

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

- 3) The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with The Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.

CONDITIONAL UPON:

- 1) The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Building Engineering Section).
- 2) The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
- 3) The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division –Building Engineering Section).

Development Engineering:

Municipal Services

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

Glancaster Road

1. 600mmø Watermain (not available for connection)
2. 200mmø Watermain

Book Road

3. No Services

Right-of-way Widening

For the information of the Committee, the subject property is bordered by a few major streets in accordance with Figure 5 of the Transportation Master Plan for the Airport Employment Growth District. Currently, the property is a corner lot and fronts onto Book Road and

Glancaster Road. Book Road is a collector road while Glancaster Road is a minor arterial road. As part of the Master Servicing strategy Dickenson Road shall be extended to the west of Glancaster Road through the subject lands. We note that the City is conducting Class EA study for Dickenson Road at this time. The recommendation of the Study may affect the land requirements from the subject property for the future roads. Therefore, our office recommends that the severance application **be tabled** until Class EA Study for Dickenson Road is completed

Growth Planning:

No comment.

Transportation Planning:

Transportation Planning has no objection to the land severance application. Transportation Planning will defer to the Manager, Development Approvals regarding any right-of-way dedication requirements.

Source Water Protection:

In the event this condition is not added by PED, as a condition of approval to the satisfaction of Director, Hamilton Water, through a scaled site plan the applicant shall demonstrate that the proposed severance conforms with Part 8 of the Ontario Building Code as it pertains to minimum clearance distances from the septic system within 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: April 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: 766 Book Road. E, Ancaster
File: AN/B-21:17

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, April 22, 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 through this application; 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

Hansra, Aman

From: RobandRen Hazard <robrenhaz@gmail.com>
Sent: April 19, 2021 8:11 PM
To: Committee of Adjustment
Subject: Subject Property: 766 Book Rd. E., Ancaster Application #AN/21:17

To The Committee of Adjustment.

Upon receiving and reviewing the Application for Consent/Land Severance regarding subject property 766 Book Rd. E., Ancaster, we do not agree with allowing the conveyance of the 844 Glancaster Rd parcel of land from the 766 Book Rd E parcel of land for two reasons.

- 1) We feel there is a risk that this viable farmland, which has been used as such over the years, will fall victim to the development of either residential or commercial properties once it has been severed.
- 2) This Notice of Public Hearing has not been presented to our fellow neighbours that live on Glancaster Rd, south of Dickenson Road, across from the 844 Glancaster Rd parcel of land. These fellow neighbours should have been presented this notice, to give them the opportunity to comment on said conveyance of this parcel of land.

Sincerely

Robert & Renee Hazard
727 Glancaster Rd

Hansra, Aman

From: Allison Palladino <apalladino1141@gmail.com>
Sent: April 19, 2021 8:03 PM
To: Committee of Adjustment
Subject: AN/B-21:17

We would like our e-mail comments and concerns to be added to the Committee of Adjustment hearing on Thursday April 22, 2021.

The application submitted is requesting land severance in relation to 766 Book Rd East and 844 Glancaster Road. Why were the titles merged into one initially? This is a question that needs to be clarified and reviewed since this type of mistake is not common with the Land Registry and is not just simply done "unintentionally" as suggested in the application. There is also no land marker to suggest that 844 Glancaster even exists.

The land in question is being requested for severance in order to sell to Hazelview Investments. What is the intention for the sale of land?

The application submitted suggests that the land is currently vacant, however all the years we have lived here the land has been Agricultural related use. It has always been farmed and the suggestion that the existing use is vacant is incorrect.

The application suggests that the proposed use of the land is listed as Vacant. I feel that this is again incorrect considering the purchasers portfolio. There are clearly intentions by Hazelview Investments for use of the land and the subtle suggestion of land severance needs to be looked into. The long term residents in our community should not be cheated by deep pockets.

The application also suggests that there are no woodlots on the property, however there is a woodlot area that extends along Glancaster Road and this area is not noted on your Key Plan. We have always been advised by the City that this area is protected and cannot be altered.

Lastly, the residents on Glancaster Road who would be affected by any land changes were not notified in writing. Residents that extend from 1021 Glancaster to the dead end should have been notified in writing. We feel that this was a grave mistake made by the city.

As a resident on Glancaster Road that has reason for concern, we do not support the request for land severance as indicated in the application. Any alteration to this parcel of land will greatly affect the residents and our community.

Thank you,
Mike and Allison Palladino

Hansra, Aman

From: mike leger <mikeandsueleger@gmail.com>
Sent: April 20, 2021 9:09 AM
To: Committee of Adjustment
Subject: Fwd: FW: Subject Property: 766 Book Rd. E., Ancaster Application #AN/21:17

To The Committee of Adjustment.

Upon receiving and reviewing the Application for Consent/Land Severance regarding subject property [766 Book Rd. E., Ancaster](#), we do not agree with allowing the conveyance of the [844 Glancaster Rd](#) parcel of land from the [766 Book Rd E](#) parcel of land for two reasons.

- 1) We feel there is a risk that this viable farmland, which has been used as such over the years, will fall victim to the development of either residential or commercial properties once it has been severed.

- 2) This Notice of Public Hearing has not been presented to our fellow neighbours that live on Glancaster Rd, south of Dickenson Road, across from the [844 Glancaster Rd](#) parcel of land. These fellow neighbours should have been presented this notice, to give them the opportunity to comment on said conveyance of this parcel of land.

Sincerely

Mike and Sue Leger

[681 Glancaster Road](#)

[Mount Hope](#), ON

L0R 1W0

Hansra, Aman

From: Jack Guimond <jackoguimond@gmail.com>
Sent: April 20, 2021 10:00 AM
To: Committee of Adjustment
Subject: 766 Book Rd.E.Ancaster Application #AN/21:17

To The Committee of Adjustment

Upon receiving and reviewing the Application for Consent Land Severance regarding subject property 766 Book Rd.E.Ancaster we do not agree to allowing of conveyance of the 844 Glancaster Rd.parcel of land from the 766Book Rd. E.parcel of land for two reasons.

1)We feel there is a risk that this viable farmland which has been used as such over the years,will fall victim to the development of either residential or commercial properties once it: has been severed.

20This Notice of Public Hearing has not been presented to our fellow neighbours that live on Glancaster Rd. south of Dickenson Rd. across from 844 Glancaster Rd.parcel of land.

From: [Jack Guimond](#)
To: [Committee of Adjustment](#)
Subject: 766 Book Rd. E. Ancaster Application #AN/21:17
Date: April 20, 2021 10:25:12 AM

To The Committee of Adjustment

Upon receiving and reviewing the Application for Consent/Land Severance regarding subject property 766 Book Rd.E. Ancaster we do not agree with allowing the conveyance of the 844 Glancaster Rd.parcel of land from the 766 Book Rd.E.parcel of land for two reasons.

1) We feel there is a risk that this viable farmland which has been used over the years,will fall victim to the development of either residential or commercial properties once it has been severed.

2) This Notice of Public Hearing has not been Presented to our fellow neighbours that live on Glancaster Rd.south of Dickenson Rd.across from 844 Glancaster Rd.parcel of land.These fellow neighbours should have been presented this notice,to give them opportunity to comment on said of this parcel of land.

Sincerely Jacques & Peggy Guimond
689 Glancaster Rd.
Mount Hope

Hansra, Aman

From: Chantelle Jones <cjones_231@hotmail.com>
Sent: Sunday, April 18, 2021 10:48 PM
To: Committee of Adjustment
Subject: AN/B-21:17

Good morning, I do not support this land severance and I would like to express my concerns regarding the land severance of 766 book rd and 844 glancaster rd.

First off, this area has so many young families living here, that are here because we enjoy the country living. Severing these properties would disrupt the lives of way more than this will benefit. The buyer for this property does not have our communities best interests at heart.

We are a dead end and can not handle the excess of large trucks on this road. The amount and length of construction it would take to get this land ready to build would be a safety and health concern for all the families living here due to large amounts of heavy trucks using glancaster to access the property and the large amounts of dust. Even after the building our road and community can not handle the abundance of vehicles and people coming here.

I am also concerned for this issues to our homes related to building such as sewers and grading to control water flow. we have older homes that are more prone to leaking and septic system issues we wouldnt normally have to be concerned about.

Also on a safety note the land owner of 766 book rd has already started to make changes to his land to put in a second driveway right at the stop sign on glancaster and dickenson.

This land has always been for agriculture and we should continue to encourage and support agriculture in our community. Our community was not always zoned commercial and our properties are not physically able to handle such buildings without it affecting our quality of life.

Chantelle Silvano
1107 glancaster rd
Mount hope.
905 973 7131

Get [Outlook for Android](#)

Hansra, Aman

From: Liz Clannon <lizclannon@gmail.com>
Sent: April 20, 2021 10:48 AM
To: Committee of Adjustment
Subject: Land adjustment

To the committee of adjustment

The following email is regarding land severance on the property On Glancaster Road My family resides across the street from this parcel of land in question. There are a few items which bother me about the situation one being that the notice of public hearing has not been presented to myself or any of my neighbours that live in the affected area.

Myself along with many others on our rd are against allowing conveyance of any kind. We DO NOT want to see viable farmland turned for profit with residential development.

The people in our community reside here for the farmland and nature. I do not feel it is right to ruin animal habitats for personal gain. I strongly disagree with any developments made to this land and I will keep my neighbours informed.

Sincerely,

Liz Clannon
1187 Glancaster Rd

Hansra, Aman

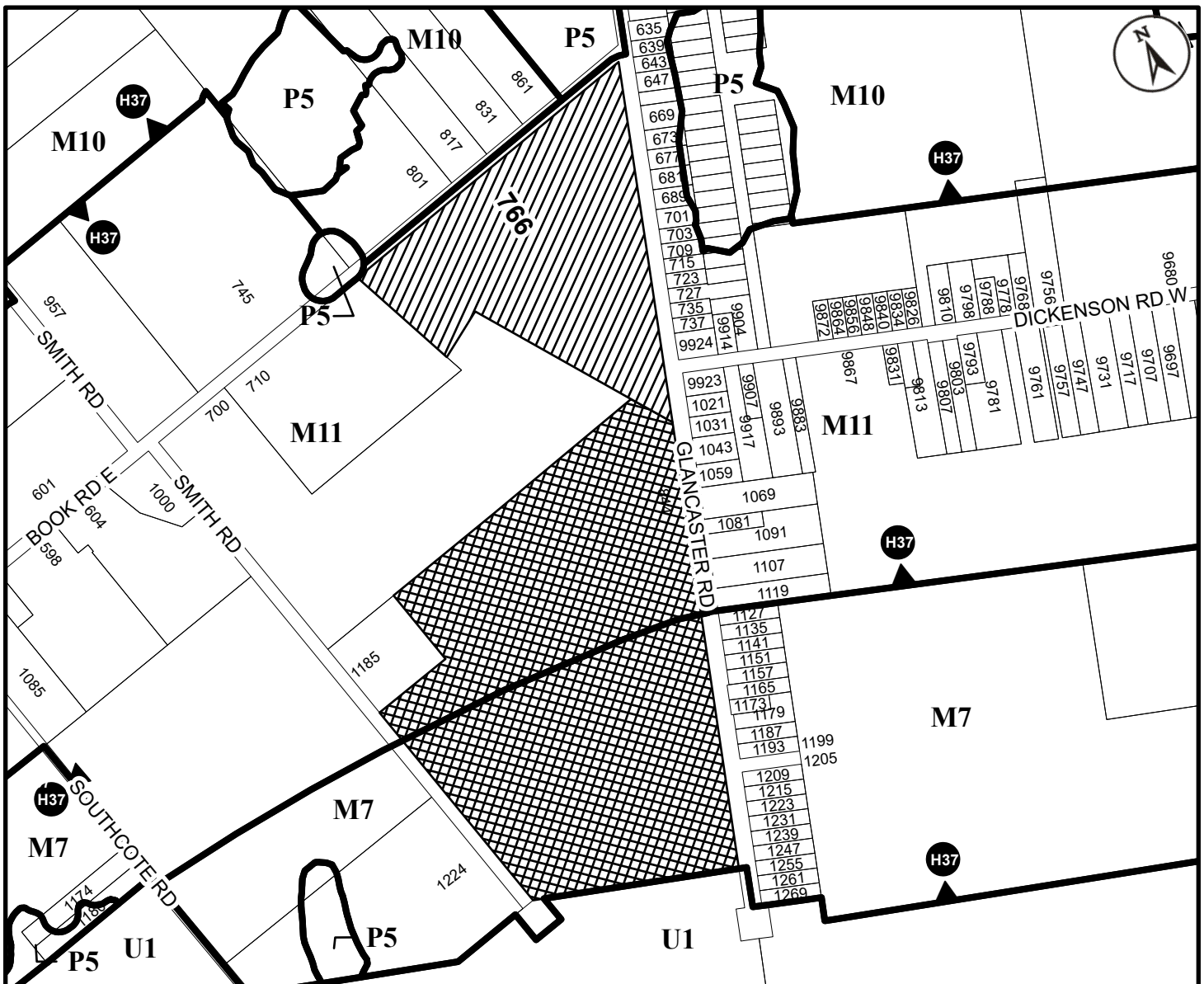
From: michelle brick <mikibblue66@hotmail.com>
Sent: April 20, 2021 11:10 AM
To: Committee of Adjustment
Subject: Application for Consent/Land Severance for 766 Book Rd E from 844 Glancaster Rd

Sent from my iPadThe Committee of Adjustment.

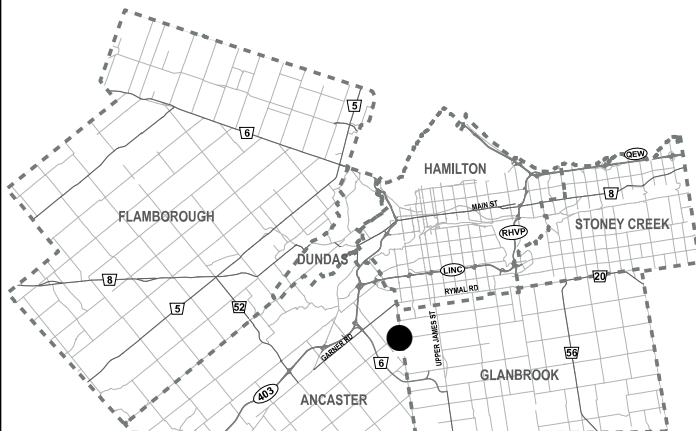
Upon receiving and reviewing the Application for Consent/Land Severance regarding subject property [766 Book Rd. E.](#), Ancaster, we do not agree with allowing the conveyance of the [844 Glancaster Rd](#) parcel of land from the [766 Book Rd E](#) parcel of land for reasons stated below.

- 1) We feel there is a risk that this viable farmland, which has been used as such over the years, will fall victim to the development of either residential or commercial properties once it has been severed.
- 2) This Notice of Public Hearing has not been presented to our fellow neighbours that live on Glancaster Rd, south of Dickenson Road, across from the [844 Glancaster Rd](#) parcel of land. These fellow neighbours should have been presented this notice, to give them the opportunity to comment on said conveyance of this parcel of land.
- 3) When purchasing our property we were informed this land which includes the above properties would always be zoned agricultural!
- 4) The report falsely states that there is no tree line or forestry on property, which there is.

Sincerely
Joseph & Michelle Gattozzi



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

766 Book Road East, Ancaster (Ward 12)

 Lands to be Retained

 Lands to be Severed

File Name/Number:

AN/B-21:17

Date:

April 7, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/B-21:19 – 1640 Trinity Church Rd., Glanbrook

Consolidation Report

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

Should the Committee 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 – Building Engineering 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 submit survey evidence that the [input either lands to be severed and/or the lands to be retained], including the location of any existing structure(s), parking and landscaping [include any other regulations which may be applicable for determining zoning compliance], conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
7. 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).

8. The applicant shall merge the subject lands on title with the lands municipally known as 1511 Nebo Road, to the satisfaction of the Manager, Development Planning, Heritage & Design.
9. The applicant / proponent shall submit a Scoped Hydrogeological Report to the satisfaction of the Director, Hamilton Water.
10. That the Owner dedicate to the City of Hamilton by deed, sufficient land adjacent to Trinity Church Road in order to establish the property line 15.24m from the original centreline of this roadway (Development Engineering Approvals Section), and;
11. That the Owner dedicate to the City of Hamilton by deed, sufficient land adjacent to Nebo Road in order to establish the property line 13.1m from the original centreline of this roadway. (Development Engineering Approvals Section)

Note: Based on this application being approved and all conditions being met, the owner/applicant should be made aware that the lands to be conveyed will remain as **1640 Trinity Church (Glanbrook)**, and the lands to be retained will be assigned the address of **1800 Trinity Church Road (Glanbrook)**.

GL/B-21:19 – 1640 Trinity Church 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 farm dwelling, being declared surplus as a result of farm consolidation and to retain a parcel of land for agricultural purposes and to become part of the farming operation contained on the non-abutting farm property known as 1511 Nebo Rd.

Severed lands:

81m± x 79m± and an area of 0.67 ha±

Retained lands:

382m± x 562m± and an area of 35.8 ha±

Provincial Policy Statement

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

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

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

As the proposal is to sever a residential lot in support of a non-abutting surplus far consolidation, the proposal is consistent with the Provincial Policy Statement.

Greenbelt Plan:

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

“4.6 Lot Creation

- f) The severance of a residence surplus to a farming operation as a result of a farm consolidation, on which a habitable residence was an existing use, provided that:
 - i. The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and
 - ii. The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered.”

Rural Hamilton Official Plan:

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

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

i) Residential uses except in accordance with:

- 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,

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

All Lands

- a) In all cases where surplus farm dwellings are to be severed the following shall apply:
 - i) The farm consolidation shall have been completed prior to the time of application.

- ii) The farm dwelling shall be determined to be surplus to the farm operation for no reason other than the farm dwelling is surplus to the needs of the farm consolidation. Farm dwellings that have been determined to be surplus to a farm operation prior to December 16, 2004 and prior to the acquisition of the additional farm parcel(s), or as a result of changing agricultural operations, are deemed not to be surplus farm dwellings for the purposes of Section F.1.14.2.8.
- iii) The proposed surplus farm dwelling:
 - 1) shall have been built on or before December 16, 2004; and,
 - 2) shall be habitable on the date of the application for the surplus farm dwelling severance and shall meet the City's standards for occupancy without requiring substantial demolition and new construction.
- iv) The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan. The maximum size of the surplus dwelling lot shall be the size required for servicing in accordance with Section C.5.1, with as little acreage as possible taken out of agricultural production;
- v) A private water well and private sewage disposal system shall be provided in accordance with Section C.5.1, Private Water and Wastewater Services of this Plan;
- vi) The shape and dimensions of the surplus farm dwelling lot shall:
 - 1. Not impair agricultural operations on the retained land; and 2. generally not exceed a depth of 122 metres (400 feet);
- vii) The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purpose

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

Lands Not Merged in Title

- c) In cases of a farm dwelling made surplus as a result of acquisition as part of a farm operation that does not result in the merging in title of parcels of land, applications for severance of the surplus dwelling shall comply with the following conditions:
 - i) The owner and operator of the farm maintains an existing dwelling on land that is also part of the consolidated farm operation;
 - ii) The parcels of land comprising the consolidated farm operation shall generally be a minimum of 38.4 hectares (95 acres) in total in the Agriculture designation and 14.2 hectares (35 acres) in the Rural and Specialty Crop designations;
 - iii) The parcel of land from which the surplus dwelling is severed shall generally be a minimum of 8.1 hectares (20 acres) in size for lands designated Specialty Crop on Schedule D – Rural Land Use Designations, or 16.2 hectares (40 acres) in size for lands designated Agriculture or Rural on Schedule D – Rural Land Use Designations;
 - iv) Prior to granting of final consent, one of the following conditions shall be met for the retained farm parcel as a result of a surplus farm dwelling severance:
 - 1. The land owner shall apply for and receive final approval to rezone the farm parcel to prohibit the construction of a dwelling unit; or
 - 2. The land owner shall grant in favour of the City, a restrictive covenant which prohibits the construction of any dwelling unit.

The subject lands is a 36.5 ha. farm parcel that is owned by the applicant but is not merged on title with the remainder of the property that the applicants owns at 1511 Nebo Road. The applicant is proposing to sever a residential dwelling from the farm parcel located at 1640 Trinity Church Road. Staff note that this application had been tabled at the April 11, 2019 Committee of Adjustment hearing due to the fact that the proposed size of the lot to be severed was a concern to source water protection. The applicant has not submitted a revision to the proposal which would increase the lot size to 1.0 ha, as

recommended by Source Water Protection. Planning defers further comments to Source Water Protection, regarding the proposed new lot size.

In accordance with the above RHOP policies, a farm dwelling may be severed off as part of an abutting farm consolidation as long as the farmer maintains another farm dwelling on the subject property which would be the existing dwelling municipally known as 1511 Nebo Road. Staff note that in order for the intent to be met, the lands would have to be merged on title in order to meet the intent behind an abutting farm consolidation. The applicant is proposing to consolidate the lands at 1041 Trinity Church Road with the remainder of lands at 1511 Nebo Road.

In regard to the retained farm lot, the lot size is 35.8 ha. which exceeds the minimum lot size required for the farm parcels as a result of a surplus farm dwelling severance. Accordingly, based on the above information, the proposed severance generally meets the intent of the RHOP regarding a farm consolidation severance, subject to the lands merging on title with the adjacent lands known as 1511 Nebo Road, and subject to a revision where the severed lands will equal 1.0 ha, which represents the minimum sustainable lot size, as per Source Water Protection comments. Therefore, staff recommend that the applicant revises the site plan in order to comply with Source Water Protection comments.

Hamilton Zoning By-law No. 05-200:

The subject lands are zoned A1 (Agriculture) Zone to which the proposed uses comply. The lot size of the lands to be severed meets the minimum required lot area and lot width in the Zoning By-law. As well, the proposed farm lot meets the minimum size required in the By-law.

Archaeology:

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

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

Advisory Note: 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, which would normally require an archaeological assessment. This application is centred around an adjustment of property boundaries and will not result in significant soil disturbance. If this severance is granted the City does not require an archaeological assessment, but the applicant is advised that the City retains the authority to require an archaeological assessment for any future applications on the subject property under the Planning Act.

Cultural Heritage

The subject property is comprised of a circa 1896 two-storey brick farm house and barn of heritage interest and is included in the City's Inventory of Heritage Buildings.

The proponent proposes to convey a parcel of land containing an existing farm dwelling, being declared surplus as a result of farm consolidation and to retain a parcel of land for agricultural purposes and to become part of the farming operation contained on the non-abutting farm property known as 1511 Nebo Rd.

Notwithstanding that the subject property is included in the City's Inventory of Heritage Buildings, staff are of the opinion that the heritage attributes of the heritage property will be conserved as the historic buildings will remain. Staff have no further comments on the application as circulated.

Source Water Protection

Our original comments from 2019 still apply:

Based on our desktop review of local soils and typical daily sewage flows from a residential dwelling, 1.0 ha represents the minimum sustainable lot size. Given the proposed severance is for 0.67 ha, Hamilton Water cannot support the consent application at this time.

The applicant has the option to conduct a Scoped Hydrogeological Study Report, following the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services and Ministry of Environment and Climate Change Guideline D-5-4. The Guidelines are available on the City's website - <https://www.hamilton.ca/development/policies-guidelines/guidelines-hydrogeological-studies-and-technical-standards>. The applicant should be aware that a Hydrogeological Study Report does not necessarily promote a favourable outcome, and may simply confirm the City's findings. If the applicant wishes to conduct a Hydrogeological Study, it is recommended that an initial Terms of Reference be drafted so that both the applicant and the City would be satisfied with the contents of the report.

In the event Committee of Adjustment decides to grant approval, we would require as a condition of approval to the satisfaction of Director, Hamilton Water a Scoped Hydrogeological Report to satisfy the sustainable servicing policies of the Rural Hamilton Official Plan.

Recommendation

Based on the preceding information, the severance application meets the general intent and purpose of the Rural Hamilton Official Plan, however, staff have determined that the applicant should address Source Water Protection comments regarding the severed

residential lot, where 1.0 ha represents the minimum sustainable lot size. Given that the proposed severance is for 0.67 ha, Source Water Protection cannot support the application at this time. In conclusion, Staff recommends that the application be **tabled**.

CONDITIONS: (If Approved)

1. The applicant shall merge the subject lands on title with the lands municipally known as 1511 Nebo Road, to the satisfaction of the Manager, Development Planning, Heritage & Design.
2. The applicant / proponent shall submit a Scoped Hydrogeological Report to the satisfaction of the Director, Hamilton Water.

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.
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 applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with The Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.
5. Variances for a reduced lot area for the lands to be retained will be required for zoning compliance.

CONDITIONS:

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

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

The subject property is located between Nebo Road and Trinity Church Road north of Airport Road.

This application proposes to sever off an 81m +/- x 79m +/- parcel of land having an area of 0.67 ha +/- containing an existing residential dwelling and to retain a parcel of land having an area of 35.8 Ha +/- for continued agricultural purposes which is proposed to become part of the farming operation contained on the non-abutting farm property known as 1511 Nebo Road.

There are no municipal services available in the immediate area. According to the provided sketch, the lands to be conveyed containing the existing dwelling are currently serviced by a privately owned and operated individual septic disposal system and drilled well.

The existing width of Trinity Church Road at this location is 20.117m. This roadway is classified as a collector road on Schedule “C1” of the City of Hamilton Rural Official Plan (RHOP) and is to have an ultimate road allowance width of 30.480m at this location. The applicant will be required as a condition of approval to dedicate to the City of Hamilton sufficient lands across the frontage of the subject property and remnant lands adjacent to this roadway in order to achieve a right-of-way width of 15.24m from the original centreline of this roadway.

The existing width of Nebo Road at this location is 20.117m. This roadway is identified as an arterial road on Schedule “C1” of the City of Hamilton Rural Official Plan (RHOP) and is to have an ultimate road allowance width of 26.213m at this location. The

applicant will be required as a condition of approval to dedicate to the City of Hamilton sufficient lands across the frontage of the subject property and remnant lands adjacent to this roadway in order to achieve a right-of-way width of 13.10m from the original centreline of this roadway.

Staff therefore has no objections to this consent request for boundary adjustment purposes subject to the following conditions:

1. That the Owner dedicate to the City of Hamilton by deed, sufficient land adjacent to Trinity Church Road in order to establish the property line 15.24m from the original centreline of this roadway, and;
2. That the Owner dedicate to the City of Hamilton by deed, sufficient land adjacent to Nebo Road in order to establish the property line 13.1m from the original centreline of this roadway.

Transportation Planning:

Transportation Planning has no objection to the land severance application. Transportation Planning will defer to the Manager, Development Approvals regarding any right-of-way dedication requirements

Growth Planning:

Note: Based on this application being approved and all conditions being met, the owner/applicant should be made aware that the lands to be conveyed will remain as **1640 Trinity Church (Glanbrook)**, and the lands to be retained will be assigned the address of **1800 Trinity Church Road (Glanbrook)**.

Source Water Protection:

Our original comments from 2019 still apply:

Based on our desktop review of local soils and typical daily sewage flows from a residential dwelling, 1.0 ha represents the minimum sustainable lot size. Given the proposed severance is for 0.67 ha, Hamilton Water cannot support the consent application at this time.

The applicant has the option to conduct a Scoped Hydrogeological Study Report, following the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services and Ministry of Environment and Climate Change Guideline D-5-4. The Guidelines are available on the City's website -

<https://www.hamilton.ca/developproperty/policies-guidelines/guidelines-hydrogeological-studies-and-technical-standards>

The applicant should be aware that a Hydrogeological Study Report does not necessarily promote a favourable outcome, and may simply confirm the City's findings. If the applicant wishes to conduct a Hydrogeological Study, it is recommended that an initial Terms of Reference be drafted so that both the applicant and the City would be satisfied with the contents of the report.

In the event Committee of Adjustment decides to grant approval, we would require as a condition of approval to the satisfaction of Director, Hamilton Water a Scoped Hydrogeological Report to satisfy the sustainable servicing policies of the Rural Hamilton Official Plan.

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: April 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: 1640 Trinity Church Rd., Glanbrook
File: GL/B-21:19

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, April 22, 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 cursive script, reading "Shannon Clarke". The signature is written in dark ink and is positioned above the printed name.

Shannon Clarke
Urban Forest Health Technician

Hansra, Aman

From: Nikolas Wensing <nwensing@npca.ca>
Sent: Thursday, April 8, 2021 10:47 AM
To: Costa, Samantha
Subject: Re: April 22nd COA Agenda Package

Hello Samantha,

I can confirm that the NPCA will have no objections to any of the C of A applications scheduled for the April 22nd hearing date.

Please let the applicant at 1640 Trinity Church Road know that although the NPCA will not object to their proposed severance, any further development or site alteration on their property should be circulated to the NPCA for review and approval. There are several NPCA regulated features and hazards located on their property which are regulated by the NPCA. They can reach out to me directly via email or phone if they have any questions.

Sincerely,

**Nikolas Wensing, B.A., MPlan
Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2
905-788-3135, ext. 228
nwensing@npca.ca
www.npca.ca

From: Costa, Samantha <Samantha.Costa@hamilton.ca>
Sent: Tuesday, April 6, 2021 3:15 PM
To: Committee of Adjustment <CofA@hamilton.ca>
Subject: RE: April 22nd COA Agenda Package

Sorry All!

Final Comments for the April 22nd agenda is Noon on April 16th

Thanks and sorry for the confusion!

Samantha Costa

Development Clerk - Committee of Adjustment
Planning and Economic Development
City Hall – 5th Floor
905-546-2424 ext. 4221
samantha.costa@hamilton.ca

The City of Hamilton encourages physical distancing, wearing a mask in an enclosed public space, and increased handwashing. Learn more about the City's response to COVID-19 www.hamilton.ca/coronavirus.

This message, including any attachments, is privileged and intended only for the stated recipient. This material may contain confidential or personal information and may be subject to the privacy provision of the Municipal Freedom of Information and Protection of Privacy Act. This material must not be distributed, copied, disclosed to anyone else or used for any unauthorized purpose. If you are not the intended recipient or have received this message in error, please notify me immediately and delete the original transmission permanently, including any attachments, without making a copy.

From: Costa, Samantha
Sent: April 6, 2021 3:12 PM
To: Committee of Adjustment <CofA@hamilton.ca>
Subject: April 22nd COA Agenda Package

Good Afternoon,

Attached is a copy of the Agenda for the April 22nd 2021 hearing date, please follow the link below for a copy of the package.

**** Please be advised final comments are due by noon, February 12th, if not received, you will be required to attend the virtual hearing, late comments will not be accepted.**

Please send comments to: cofa@hamilton.ca

If you would like to “attend” the virtual hearing, you must register by noon the day before the hearing; cofa@hamilton.ca

The full package with the Public Notices, all sketches and the application forms are available at the following location:

<https://www.hamilton.ca/council-committee/council-committee-meetings/committee-adjustment>

Please note the decisions will also be posted via the link above on: April 29th 2021.

This is the material that is sent to the area residents and is available to everyone; you can forward this information to anyone. You can also direct all inquiries to the Committee of Adjustment office; cofa@hamilton.ca

NOTE: Any written comments from City Departments or agencies are solicited and should be prepared in a timely fashion and received in the office of the Committee of Adjustment, Attn: Jamila Sheffield no later than FOUR working days in advance of the scheduled hearing. Comments received after this date may not be provided to the Committee of Adjustment in the comment package. If you are unable to meet this time frame you should be prepared to attend the hearing to provide your comments or concerns.

Please Note that if your Department or Division has a concern or condition that is important, you should plan on attending. This will enable you to answer questions as to why the concern or condition is required and defend your position. The Committee of Adjustment is unable to and will not justify or defend your concern or condition as that is your responsibility.

Thank you,

Samantha Costa

Development Clerk - Committee of Adjustment
Planning and Economic Development

City Hall – 5th Floor

905-546-2424 ext. 4221

samantha.costa@hamilton.ca

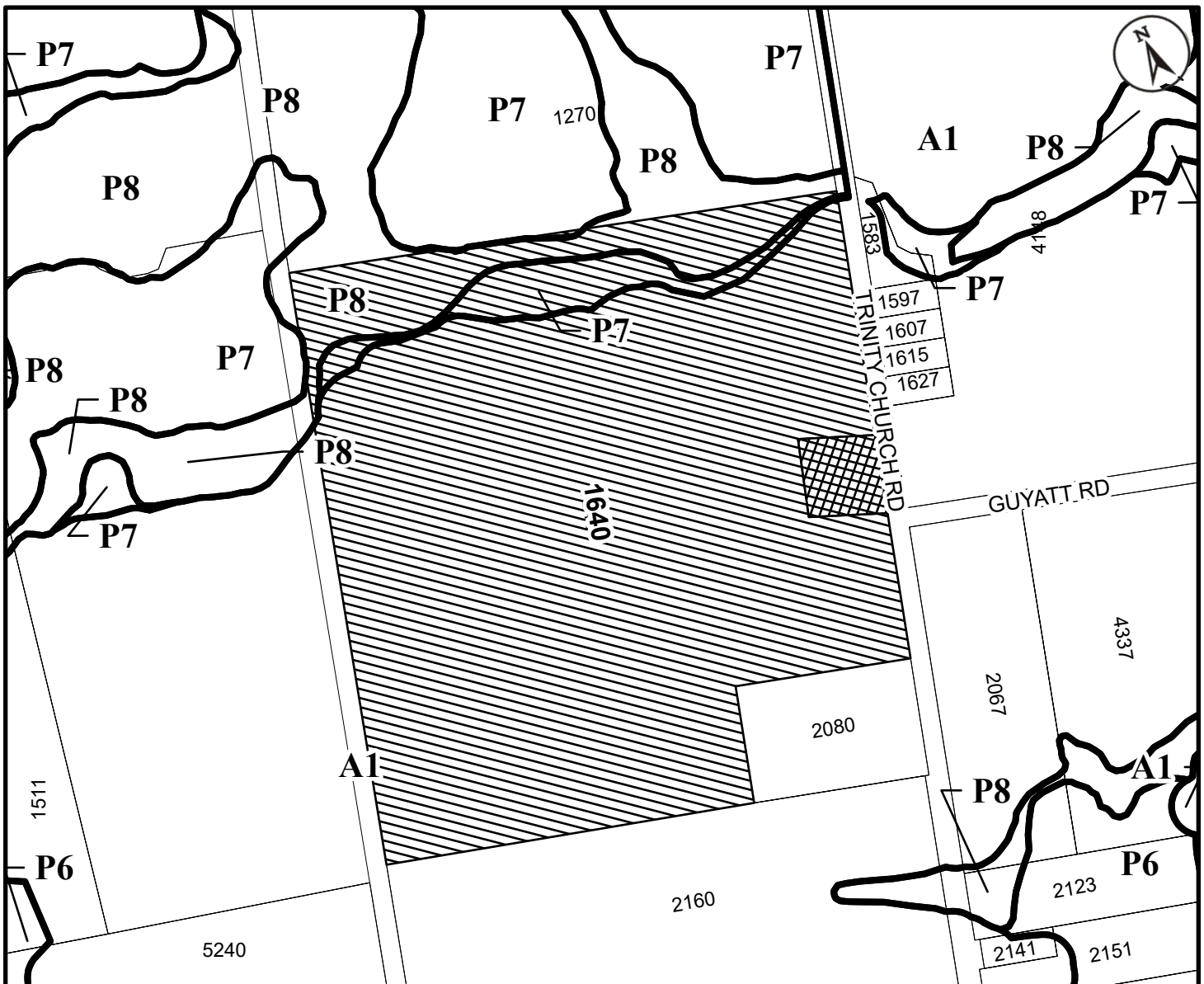


The City of Hamilton encourages physical distancing, wearing a mask in an enclosed public space, and increased handwashing. Learn more about the City's response to COVID-19

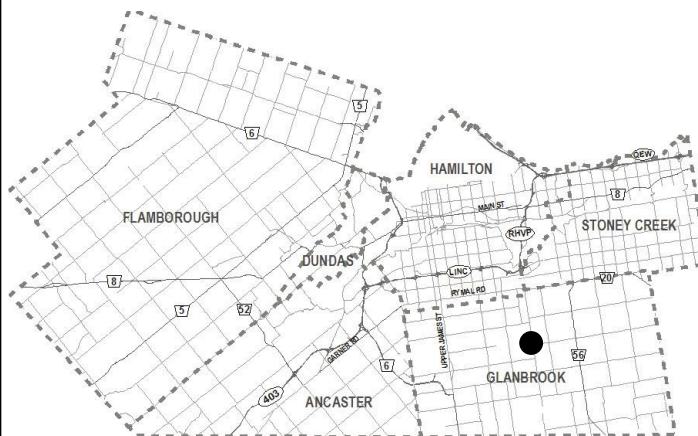
www.hamilton.ca/coronavirus.

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● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

1640 Trinity Church Road, Glanbrook (Ward 11)



Lands to be Retained



Lands to be Severed

File Name/Number:

GL/B-21:19

Date:

April 8, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-21:99 – 411 Concession 5 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 approve the application, an approval should be subject to the following condition(s):

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

FL/A-21:99 – 411 Concession 5 W., Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a new building accessory to a single detached dwelling comprising two floors and a total gross floor area of 223.0 square metres of gross floor area to be used for garage and storage purposes.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Rural” on Schedule D – Rural Land Use Designations to which the use complies. Policy D.4.1, amongst others, is applicable and permits a single detached dwelling.

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

The subject property is zoned Rural (A2) Zone with a small portion in the northwest corner being zoned Conservation/Hazard Land – Rural (P7) Zone. A single detached dwelling and accessory buildings are permitted in the A2 Zone.

Archeology

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

- 1) In an area of sandy soil in areas of clay or stone;
- 2) In areas of pioneer EuroCanadian settlement; and
- 3) Along historic transportation routes.

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

If this variance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through

preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

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

Cultural Heritage

The subject property is comprised of a circa 1890 brick dwelling of heritage interest and is included in the City's Inventory of Heritage Buildings.

The proponent proposes to construct a new building accessory to a single detached dwelling comprising two floors and a total gross floor area of 223.0 square metres of gross floor area to be used for garage and storage purposes.

Notwithstanding that the subject property is included in the City's Inventory Heritage Buildings, staff are of the opinion that the heritage attributes of the heritage property will be conserved. The construction will be at the rear of the property and will not be visible from the public right of way, nor will it impact the heritage attributes of the subject property. Staff have no further comments on the application as circulated.

Variance 1

The applicant is seeking a variance for all buildings accessory to a single detached dwelling to be permitted to have a maximum gross floor area of 251 square metres instead of the required maximum gross floor area of 200 square metres square metres.

In evaluating the appropriateness of a large accessory structure, the use of the accessory structures must remain subordinate to the primary use, in this case being the single detached dwelling. Accordingly, due to the amount of GFA dedicated to all accessory structures (251m²) being bigger than the GFA of the single detached dwelling (approximately 205m²), the proposed accessory structure becomes larger than the principle use of the property and as such no longer meets the definition of being subordinate to the primary use. Therefore, the variance is not minor in nature and is not appropriate for the development of the subject property. Accordingly, staff **do not support** the variance.

Variance 2

The applicant is seeking a variance for a building accessory to a single detached dwelling to have a maximum height of 7.8 metres instead of the maximum building height of 6.0 metres.

The intent of the By-law is for accessory structures to be subordinate to the primary use of the property. The applicant submitted information indicating that the height was required to accommodate a second storey loft. Staff are concerned that the height is not in keeping with the intent of the Zoning By-law as it would result in an accessory structure approximately as tall as the single detached dwelling on the site, proposed accessory structure will be 7.8 metres high while the existing single detached dwelling is 7.62 metres high. Therefore, staff have not been given any justification for the additional 1.8 metres requested and are of the opinion that the height should be lowered to decrease impact on neighbouring properties and provide for a height that is more compatible with the single detached dwelling and character of the neighbourhood. The intent of the RHOP and Zoning By-law are not maintained in this instance and the variance is not minor in nature or appropriate for the development of the subject property. 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.

Building Division:

1. The variance that is required has been written as requested by the applicant.
2. The proposed building has been reviewed as an accessory building to an existing single detached dwelling in the A2 Zone.
3. The subject property contains an existing single detached dwelling and an existing accessory building. The existing accessory building comprises 27.87 square metres.
4. The Zoning By-law also requires a maximum lot coverage of 5% for all buildings accessory to a single detached dwelling. This requirement is in compliance and is not subject to a variance
5. The property is identified in the City of Hamilton Heritage Inventory, however, details are not shown on GISNet. For additional information please contact

Heritage Planning through the Development Planning Division at 905-546-2424 ext. 1355 or by email at pd.generalinquiry@hamilton.ca

6. The subject lands contain an area along the frontage that are under Conservation Management through Conservation Halton. The proposed accessory building however, is outside of this area.
7. Be advised that Ontario Building Code regulations may require specific setback and construction types.
8. A building permit is required for the construction of the proposed two (2) storey accessory building.

Development Engineering:

Provided the existing drainage patterns are maintained, then Development Engineering Approval have no comments regarding the Minor Variance Application as proposed.

See attached for additional comments.

Hansra, Aman

From: Sean Stewart <sstewart@hrca.on.ca>
Sent: April 19, 2021 12:29 PM
To: Committee of Adjustment
Cc: Michelle Caissie
Subject: 411 Concession 5 W (FL/A-21:99)

Jamila Sheffield, City of Hamilton - Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

Dear Jamila,

Please be advised that Conservation Halton (CH) has reviewed the Minor Variance application for the above-noted property.

The property is located outside of the area regulated by CH, and as such, CH has no comment on the proposed Minor Variance.

Sincerely,

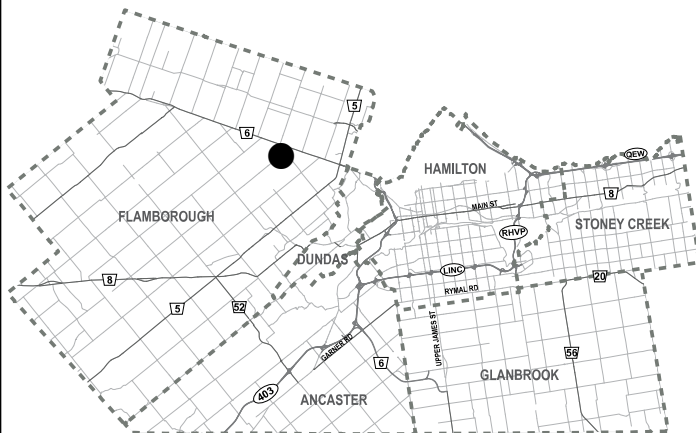
Sean Stewart
Planning and Regulations Analyst

Conservation Halton
2596 Britannia Road West, Burlington, ON L7P 0G3
905.336.1158 ext. 2250 | Fax 905.336.7014 | [sstewart@hrca.on.ca](mailto:ss Stewart@hrca.on.ca)
conservationhalton.ca

X: 583864.47588
Y: 4798669.94236



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



411 Concession 5 West, Flamborough
(Ward 13)

File Name/Number:

FL/A-21:99

Date:

April 8, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:92 – 928 Barton St. E., Hamilton

Consolidation Report

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

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

1. That the applicant replaces the existing depressed curb between Barton Street East and the parking spaces to the satisfaction of the Manager of Development Planning, Heritage and Design.
2. That the applicant replaces the existing paved area between the parking spaces and Barton Street East and Cavell Avenue with landscaped area to the satisfaction of the Manager of Development Planning, Heritage and Design.
3. That the applicant clearly identifies the driveway aisle is for one-way access only to the satisfaction of the Manager of Development Planning, Heritage and Design.
4. That the applicant submits a parking justification study in support of the proposed parking reduction to the satisfaction of the Manager of Development Planning, Heritage and Design.

Note: Roads & Corridor Management to comment on the use of the alleyway by the applicant. Please note that it appears the applicant also owns the asphalted vacant lot to the south of the subject property (addressed as 173 Cavell Ave) which also serves as off-site parking.

HM/A-21:92 – 928 Barton St. E., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit a medical clinic within an existing one storey 473.0 square metres of gross floor area notwithstanding the following variances.

Urban Hamilton Official Plan:

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Mixed Use – Medium Density” in Schedule E-1 – Urban Land Use Designations. Policies C.4.5.15, C.4.5.18, E.4.6.5 a) and E.4.6.21 amongst others, are applicable and permit medical clinics.

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

The subject lands are zoned Mixed Use Medium Density (C5) Zone, which permits a medical clinic.

Variance 1

The applicant is requesting a variance to allow 13 parking spaces to be provided on site, notwithstanding the minimum required 29 parking spaces. The general intent of the Zoning By-law is to ensure the parking needs of the Medical Clinic are being satisfied.

The applicant is establishing a new use on the subject property. The proposed Medical Clinic has more restrictive parking requirements than the recognized commercial use (financial establishment) on the subject property given the nature of the use. Therefore, the existing deficiencies must be addressed in order to establish the proposed use of a Medical Clinic on site.

The applicant has indicated the subject property has previously been used as a Medical Clinic, however, staff must evaluate the proposed variance in accordance with Section 45(1) of the *Planning Act*.

The subject property is located within the Barton Street and Kenilworth Avenue Commercial Corridor Study Area. The purpose of this study was to develop a strategy for revitalizing the commercial corridors on Barton Street East and Kenilworth Avenue North. Section 4.2 of the Barton and Kenilworth Commercial Corridor Recommendation Report outlines key issues related to parking in this area and recommends reductions to existing parking requirements to improve affordability and feasibility of redevelopment.

Policy C.4.5.15 of the Urban Hamilton Official Plan states the Zoning By-law shall ensure adequate parking is being provided for the site, while avoiding excess parking supply that can discourage transit use and active transportation choices. The subject property is

serviced by HSR bus route no. 2 with a bus stop immediately in front of the proposed Medical Clinic and there are six short term bicycle parking spaces being provided on site. Additionally, factors such as walkability and the supply of on street parking were evaluated through the Barton Street and Kenilworth Avenue Commercial Corridor Study which identified reductions up to 50% of the number of required parking spaces along this portion of Barton Street East would be justified. The implementation of the Commercial and Mixed Use Zoning introduced more flexibility in parking requirements for certain commercial uses throughout the City but does not contemplate additional flexibility for this area.

Staff are of the opinion the proposed parking reduction is consistent with the recommendations of the Barton Street and Kenilworth Avenue Commercial Corridor study and the variance is maintaining the general intent of the Official Plan and the Zoning By-law.

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

Variance 2

The applicant is requesting a variance to allow angled parking spaces to be located 0.0 metres from the street line of Barton Street East and Cavell Avenue with no provision of a planting strip notwithstanding the minimum required setback of 3.0 metres from a street line and 3.0 metre wide planting strip. The general intent of the Zoning By-law is to maintain a consistent streetscape and ensure all vehicles can safely manoeuvre to and egress from the parking spaces.

The applicant has submitted an updated site plan to address concerns related to access and manoeuvring space. The Building Division has indicated Variance 2 shall be revised to allow no planting strip to be required for parking that is within 3.0 metres of the street line of Barton Street East and Cavell Avenue instead of the required 3.0 metre wide planting strip between the street line and a parking space.

The applicant is establishing a new use on the subject property, being a Medical Clinic. A Medical Clinic has more restrictive parking requirements than the existing commercial use on the subject property given the nature of the use. Therefore, the existing deficiencies must be addressed in order to establish the proposed use.

Staff acknowledge the provision of no planting strip along Barton Street East and Cavell Avenue is an existing condition, however staff recommend the applicant provide landscaping between the parking spaces and the respective street lines to contribute to the streetscape and provide a visual distinction between the parking spaces and the street, as a condition of approval.

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, on condition.**

Variance 3 and 4

The applicant is requesting a variance to allow the parking spaces which are oriented on a 60 degree angle within the westerly side yard to maintain a minimum aisle width of 3.7 metres and the parking spaces which are oriented on a 60 degree angle within the rear yard to maintain a minimum aisle width of 0.0 metres and to have ingress and egress from the abutting municipal laneway notwithstanding the minimum required aisle width of 5.5 metres for one and two way access and the requirement that on site and egress shall be permitted in a reverse manner into the laneway instead of a forward motion from a site. The general intent of the Zoning By-law is to ensure all vehicles can safely manoeuvre to and from the parking spaces.

The applicant has submitted an updated site plan to address concerns related to access and manoeuvring space. The Building Division has indicated Variances 3 and 4 shall be revised to allow the parking spaces which are oriented on a 60 degree angle within the westerly side yard to maintain a minimum aisle width of 3.7 metres and the parking spaces which are oriented 90 degrees within the rear yard to maintain a minimum aisle width of 0.0 metres and to have ingress and egress from the abutting laneway notwithstanding the minimum required aisle width of 5.5 metres for one and two way access and the requirement that on site and egress shall be permitted in a reverse manner into the laneway instead of a forward motion from a site.

Given the constraints of the subject property and the existing parking area, staff recognize the minimum required driveway aisle width of 5.5 metres cannot be accommodated. The existing driveway aisle maintains one-way access and there are limited parking spaces which utilize the driveway aisle thus minimizing the impact of the proposed reduction. As a condition of approval, staff request the applicant replace the existing depressed curb along Barton Street East adjacent to the proposed parking spaces and ensure the driveway access is clearly marked for one-way use only.

Staff is satisfied sufficient manoeuvring space is being provided adjacent to the parking spaces allowing vehicles to safely utilize the one-way driveway access or the adjacent laneway to manoeuvre to and egress from the subject property. The variance is desirable for the development of the site and is minor in nature as no negative impact is anticipated to the subject lands or surrounding area.

Based on the foregoing, the general intent of the 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, on condition.**

Variance 5

The applicant is requesting a variance to allow no short term bicycle parking to be provided notwithstanding the minimum required five short term bicycle parking spaces.

The applicant has revised the submitted site plan to include 6 short term bicycle parking spaces on site. The Building Division has provided confirmation Variance 5 is no longer required.

Recommendation:

Based on the preceding information, Variances 2, 3 and 4 maintain the general intent and purpose of the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200. Variances 2, 3 and 4 are considered to be minor in nature and desirable for the appropriate use of the property.

Variance 1 does not maintain the general intent and purpose of the Urban Hamilton Official Plan or the City of Hamilton Zoning By-law No. 05-200. Variance 1 is not considered to be minor in nature nor desirable for the appropriate use of the property.

In conclusion, staff recommends that Variances 2, 3 and 4 be **approved** and Variance 1 be **denied**.

CONDITIONS: (If Approved)

1. That the applicant replaces the existing depressed curb between Barton Street East and the parking spaces to the satisfaction of the Manager of Development Planning, Heritage and Design.
2. That the applicant replaces the existing paved area between the parking spaces and Barton Street East and Cavell Avenue with landscaped area to the satisfaction of the Manager of Development Planning, Heritage and Design.
3. That the applicant clearly identifies the driveway aisle is for one-way access only to the satisfaction of the Manager of Development Planning, Heritage and Design.
4. That the applicant submits a parking justification study in support of the proposed parking reduction to the satisfaction of the Manager of Development Planning, Heritage and Design.

Building Division:

1. The applicant has submitted an updated site plan to address parking and access issues and bicycle parking. Most notably, parking in the rear yard has been modified to 90 degree angle parking and the parking along the street has been setback 3.0

metres from the street lines but without a planting strip. Bicycle parking has also been added for short term use. As a result, variance #5, can be removed and other modifications to the variances are required as shown below:

Variance #5 - No short term bicycle parking spaces shall be required instead of the minimum required 5 short term bicycle parking spaces.

2. In addition to the above, the following modification is required to Variance #2 in the Notice:

A planting strip shall not be required for parking that is within 3.0 metres of the street line of Barton Street East and Cavell Avenue instead of the required 3.0 metre wide planting strip between the street line and a parking space.

3. The following modification is required to Variance #3 in the Notice:

Parking spaces which are oriented on a 60 degree angle within the westerly side yard shall require a minimum aisle width of 3.7 metres instead of the minimum required aisle width of 5.5 metres for one and two way access two way access, and parking spaces which are oriented 90 degrees within the rear yard shall require a minimum aisle width of 0 metres to utilize the abutting laneway instead of the minimum required aisle width of 6.0 metres for one and two way access two way access.

4. The following modification is required to the wording of Variance #4 in the Notice:

Parking spaces which are oriented on a 90 degree angle within the rear yard shall be permitted to have ingress and egress from the abutting laneway instead of on site and egress shall be permitted in a reverse manner instead of in a forward motion.

5. A medical clinic is permitted in the C5 Zone. However, the last recognized use for the property was a financial establishment.
6. Variances are written exactly as requested by the applicant except that additional variances have been included based on parking requirements under Zoning By-law 05-200.
7. Certain regulations of the C5 Zone approved under amending By-law 17-240 and certain parking regulations in Zoning By-law 05-200 remain under appeal and are subject to final approval by LPAT. The parking requirements for a medical clinic are however in effect.
8. The existing building is recognized as legally established non-complying in the C5 Zone. Parking variances, however apply because of non-compliance with the Zoning By-law for the proposed medical clinic.

9. The property is a corner lot and the frontage is recognized as Barton Street East and the flankage side is Cavell Avenue.
10. A building permit is required for the renovation of the existing building in order to permit the establishment of a medical clinic.
11. Be advised that Ontario Building Code regulations may require specific setback and construction types.
12. Further additions to the building may be subject to an application for site plan approval.

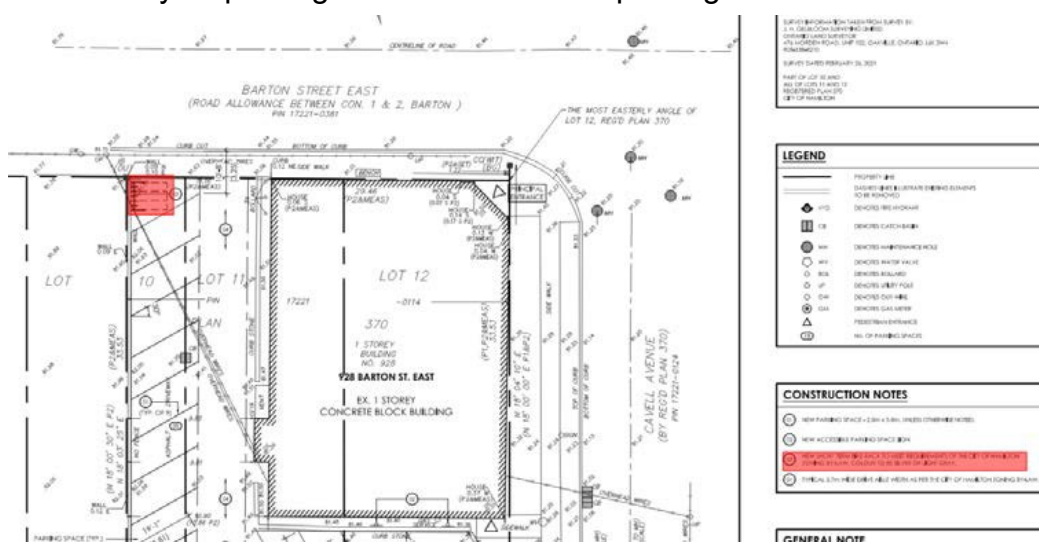
Development Engineering:

No comments from a Development Engineering Approvals perspective.

Transportation Planning:

Transportation Planning does not support variances # 2, 4 & 5.

- a) Variance # 2 does not allow for the vehicles to back out of the parking spaces without blocking the sidewalk. The parking spaces should be 6 metres in from the property line to allow one vehicle staking on private property.
- b) Variance #4 the accessibility parking space would have to back on to the sidewalk and alleyway this would be a difficult to see pedestrians walking on the sidewalk.
- c) Variance #5 does not seem necessary as the applicant is showing short-term bicycle parking at the corner of the parking lot.



See attached for additional comments.

Real Estate Comments – CoA April 22, 2021

928 Barton Street East, Hamilton



Applicants Proposal: To permit a medical clinic within an existing one-storey building comprising 473m² of GFA

Variances for Property:

- **Parking Space Access:** All angled parking spaces shall be permitted to be accessed from the City-owned alleyway to the south.

Recommendations: Roads & Corridor Management to comment on the use of the alleyway by the applicant. Please note that it appears the applicant also owns the asphalted vacant lot to the south of the subject property (addressed as 173 Cavell Ave) which also serves as off-site parking.

659 Barton St. East,
Unit 102, Hamilton, ON
L8L 3A3



Committee of Adjustments
City of Hamilton
Hamilton City Hall
71 Main St West, 5th Floor
Hamilton, ON
L8P 4Y5

April 16th, 2021

To Whom it May Concern,

RE: Application #: HM/A-21:92 928 Barton St E

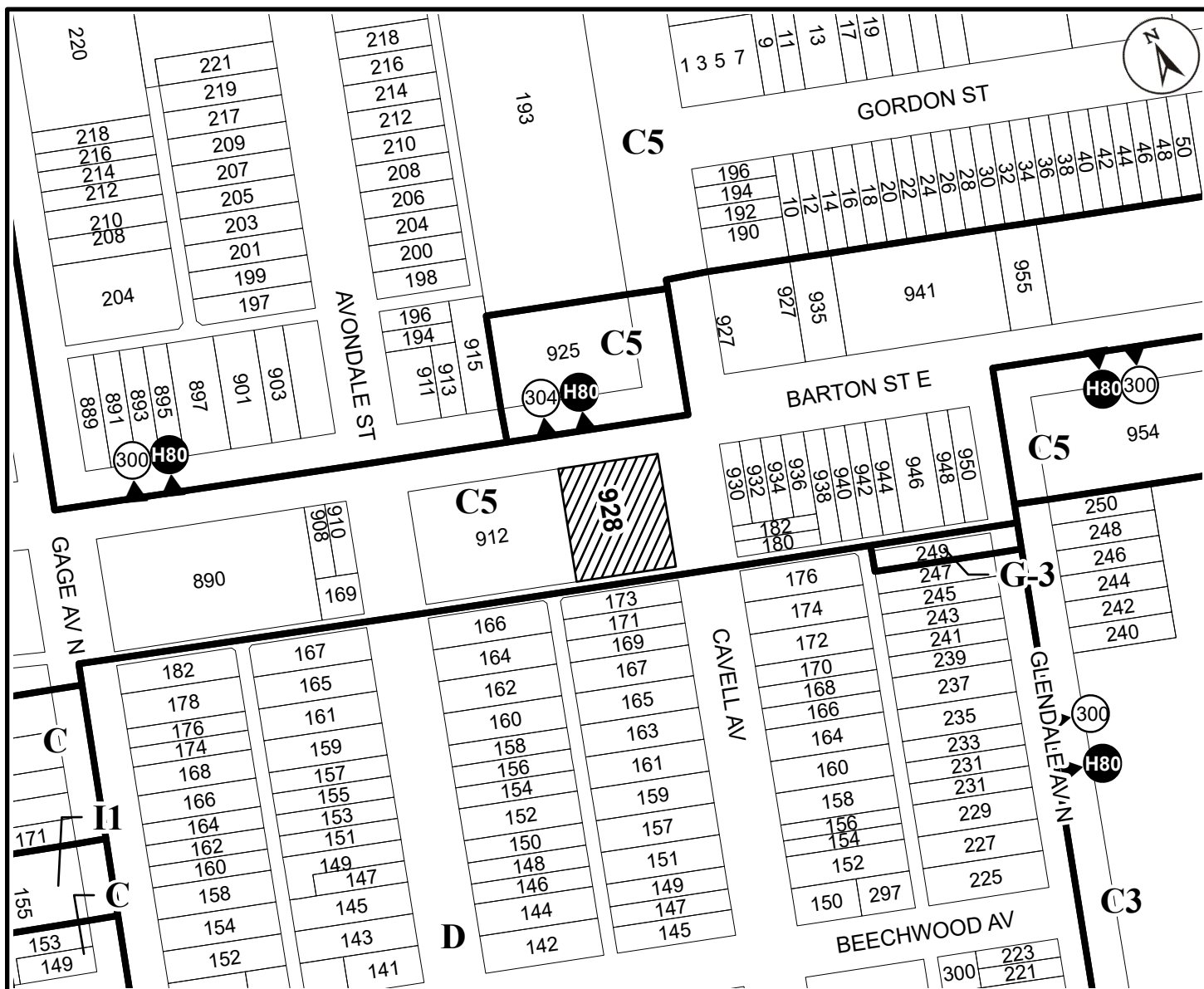
We are writing in support of the proposed medical building at this location. We understand that the location is unable to comply with the usual parking requirement, but this location is on a bus route that runs every 5 minutes and as such is easily accessible, thus we feel that the lower number of parking spaces will not have a negative impact on the community.

A medical building will be a big asset to this community as it is a service that is needed and underprovided at present. Being on such a prominent bus route it will also be located in an area that people from all over the city can easily access.

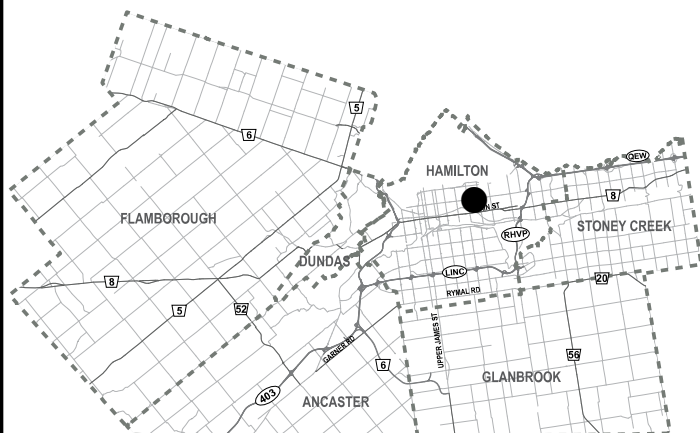
Please don't hesitate to reach out should you have any questions,

Sincerely

Rachel Braithwaite
Executive Director
Barton Village BIA



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



928 Barton Street East, Hamilton
(Ward 3)

File Name/Number:

HM/A-21:92

Date:

April 14, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

HM/A-21:89 – 377 Charlton Ave. W., Hamilton

Consolidation Report

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

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

1. That approval of Variance 2 and 4 be tied to a one storey addition to the satisfaction of the Manager of Development Planning, Heritage and Design.

HM/A-21:89 – 377 Charlton Ave. W., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a 2.0 metre by 5.85 metre roofed over unenclosed one storey front porch at the first storey and a 5.5 metre by 6.71 metre one storey rear addition onto the existing single detached dwelling and to recognize the location of a 6.096 metre by 6.502 metre detached garage under construction notwithstanding the following variances.

Urban Hamilton Official Plan

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

Cultural Heritage

The subject property located at 377 Charlton Avenue is comprised of a circa 1911 dwelling of cultural heritage interest and is part of the Kirkendall North Established Historical Neighbourhood. Accordingly, Section B.3.4.3.6 of the Urban Hamilton Official Plan, Volume 1, applies. Where new construction is proposed in an Established Historic Neighbourhood, key considerations are the visual and physical impacts on landscape features, typically public views of the building fabric, building set-back, the streetscape and significant vistas.

The proponent proposes to construct roofed-over unenclosed one storey front porch at the first storey, a one storey rear addition onto the existing single-family dwelling and to recognize the location of a detached garage that is under construction.

Notwithstanding that the subject property is within the Kirkendall North Established Historical Neighbourhood, staff have reviewed the application and are of the opinion that the cultural heritage value of the landscape will be conserved. Staff have not received any elevations of the rear extension but encourage the design and materials be sympathetic to the historic character of the building and neighbourhood. Staff additionally strongly encourage the use of compatible materials for the proposed porch in keeping with the historic character of the building and neighbourhood.

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1

The applicant is requesting a variance to allow the roofed over unenclosed one storey front porch at the first storey level including eaves, gutters and stairs to project entirely into the required front yard, located 0.0 metres from the front lot line, and the beam, lintel or crown of an arch on the roofed-over unenclosed one storey front porch to be more than 0.4 metres in depth notwithstanding the requirement that a roofed-over or screened but otherwise unenclosed one storey porch at the first storey level, including eaves, gutters and stairs may project into a required front yard (being 6.0 metres) to a distance of not more than 3.0 metres and every such projecting porch shall be distant at least 1.5 metres from the front lot line and the requirement that the beam, lintel or crown of an arch on the roofed-over unenclosed one storey front porch at the first storey level to be more than 0.3 metres in depth. The general intent of the Zoning By-law to is to provide an appropriate distance separation from the porch and the street, and to maintain a consistent residential streetscape.

The applicant is proposing to construct a new roofed-over unenclosed front porch projecting approximately 2.1 metres into the front yard with the associated stairs projecting the entire depth of the front yard. The proposed projection of the front porch is consistent with the surrounding properties and allows for an appropriate proportion of landscaped area within the front yard. In addition, there is approximately 4.3 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.

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 to 4

The applicant is requesting a variance to allow a minimum westerly side yard width of 0.7 metres to be provided, to allow the eaves and gutters to project a maximum of 0.4 metres into the required westerly side yard located as close as 0.3 metres to the westerly side lot line and to allow a minimum easterly side yard width of 0.8 metres to be provided notwithstanding the minimum required side yard width of 0.9 metres and that the Zoning By-law permits eaves and gutter to project into a required yard no more than one half its required width (being 0.35 metres) or 1.0 metres, whichever is the lesser. 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.

Variances 2 and 4 recognize the existing westerly and easterly side yard widths of the single detached dwelling on the subject property. The applicant is proposing to construct a one storey rear addition maintaining the existing westerly and easterly side yard widths of 0.7 metres and 0.8 metres, respectively.

The proposed rear addition will not be visible from Charlton Avenue West as such staff do not anticipate any impact on the existing residential streetscape. The proposed addition is limited to one storey in height and the proposed side yard widths do not deviate significantly from the Zoning By-law requirement. Therefore, while no elevation drawings were submitted, staff do not anticipate any adverse impacts to the adjacent properties. Staff also note the proposed addition maintains the minimum required rear yard depth of 7.5 metres.

Additionally, staff do not anticipate any negative impact on the subject property or the surrounding area as a result of the proposed projection of the eaves and gutters into the westerly side yard. Variance 3 is maintaining the general intent of the Zoning By-law as the eaves and gutters will maintain a projection for the entire addition and will maintain an appropriate distance separation to the westerly side lot line.

Staff note the approval of Variances 2, 3 and 4 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 and Zoning By-law is being maintained, the variances are desirable for the development and minor in nature; therefore, **staff support** the variances, on condition.

Variance 5

The applicant is requesting a variance to allow the eaves and gutters to project a maximum of 0.45 metres into the required side yard of 0.45 metres for an accessory building to be located as close as 0.0 metres to the easterly and westerly side lot lines notwithstanding the requirement that eaves and gutters may project into a required side yard not more than one-half of its width (being 0.225 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.

Staff is of the opinion the proposed eaves and gutters of the proposed detached garage can conform with the requirement of the Zoning By-law. Staff recommend the applicant revise the submitted Site Plan to conform with the requirements of the Zoning By-law.

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 not desirable for the development nor minor in nature; therefore, **staff do not support** the variance.

Recommendation:

Based on the preceding information, Variances 1, 2, 3 and 4 maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. Variances 1, 2, 3 and 4 are considered to be minor in nature and desirable for the appropriate use of the property.

While Variance 5 maintains the general intent and purpose of the Urban Hamilton Official Plan, Variance 5 does not maintain the general intent of former City of Hamilton Zoning By-law No. 6593. Variance 5 is not considered to be minor in nature nor desirable for the appropriate use of the property.

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

CONDITIONS: (If Approved)

1. That approval of Variance 2 and 4 be tied to a one storey addition to the satisfaction of the Manager of Development Planning, Heritage and Design.

Building Division:

1. The porch dimension "2.0m (6'6½")" in the first (1st) line of the "Proposal" shall be deleted and changed to "2.06m (6'9")" so that the proposal shall now read:

"So as to permit the construction of a 2.06m (6'9") x 5.85m (18'0") roofed-over unenclosed one storey front porch at the first storey and a 5.5m (18'0½") x 6.71m (22'0") one storey rear addition onto the existing single family dwelling and to recognize the location of a 6.096m (20'0") x 6.502m (21'4") detached garage under construction notwithstanding that:"

2. No Building or Elevation Plans were submitted with the application.
3. This property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please

contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit www.hamilton.ca/heritageplanning for further information.

4. Be advised that Ontario Building Code regulations may require specific setback and construction types. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2m in width and will regulate the type of construction permitted as the limiting distance is less than 0.6m.
5. Order to Comply (Folder No. 20-183570), dated September 15, 2020, is outstanding.
6. Building Permit # 17-104656, issued on March 3, 2017, (Alterations to the interior of the single family dwelling to upgrade plumbing, insulation and to install loadbearing beam on main floor) remains not finalized.
7. Building Permit # 20-169270, issued on July 2, 2020, (To construct a 40.9m² (21'-4" x 20'-8") detached garage in the rear yard of the single family dwelling) remains not finalized.
8. A building permit is required for construction of the proposed porch and addition.

Development Engineering:

The proposed westerly side yard with of 0.70m and easterly side yard width of 0.80m follow the projection of the walls of the existing dwelling, therefore provided that the existing drainage pattern is maintained, we have no issues with the Minor Variances as proposed.

See attached for additional comments.

Real Estate Comments – CoA April 22, 2021

377 Charlton Avenue W, Hamilton



Applicants Proposal: To permit the construction of a 2.0m x 5.85m roofed enclosed one storey porch at the first storey and a 5.5m x 6.71m one storey rear addition onto the existing single family dwelling and to recognize an existing detached garage under construction.

Variances for Property:

- **N/A** (variances requested to not pertain to the rear lot line of the subject property which is the shared lot line between the City owned alleyway and the applicant's dwelling)

Recommendations: Real Estate has no objection to the proposed variances.

Hansra, Aman

From: MADIKADE CONSTRUCTION INC <info@madikade.com>
Sent: Thursday, April 8, 2021 3:57 PM
To: Committee of Adjustment
Cc: Roberts, Kim
Subject: FW: Minor Variance for 377 Charlton

Hi Kim,

Please see the owner "Kristi Perras" of 375 Charlton Avenue West email approval below regarding the proposed addition at 377 Charlton Avenue West.

Thanks and have a great day.

Best Regards,

Kurtis Soulier

Madikade Construction Inc.

Cell: (905) 906-0854

Office: (905) 574-0854

Fax: (905) 538-7988



"NO ONE ELSE MAKES THE CUT!"

From: Fuller, Nola <fullern@mcmaster.ca>
Sent: April 8, 2021 3:45 PM
To: MADIKADE CONSTRUCTION INC <info@madikade.com>
Subject: FW: Minor Variance for 377 Charlton

Kurtis Soulier

Regarding the minor variance application for my property at 377 Charlton, my neighbor at 375 Charlton has indicated her approval below:

Thank you,
Nola Fuller

From: Kristi King Perras [<mailto:kristikingperras@gmail.com>]
Sent: Thursday, April 8, 2021 3:20 PM
To: Fuller, Nola <fullern@mcmaster.ca>; Carl Weston <cweston02@gmail.com>
Subject: Re: Minor Variance for 377 Charlton

Yes, I approve. Thanks Nola, let me know if you need anything further.

Kristi Perras
Homeowner
375 Charlton Ave W, Hamilton, ON L8P 2E6

On Thu, Apr 8, 2021 at 3:16 PM Fuller, Nola <fullern@mcmaster.ca> wrote:

To Kristi King Perras

375 Charlton Ave. W.

Hamilton, ON.

Hi Kristi and Carl,

As you know, I am planning an addition to the back of my house in addition to fixing up my front porch. The addition will be nearly identical to the one you have on your home.

You should have received a copy of my application for minor variance including all of the detailed measurements, from the city.

As my next door neighbor, if you are in support of this application, would you mind replying to this email to that effect, and I will forward your response to my contractor, who is handling this for me.

Thank you so much,

Nola Fuller

Hansra, Aman

From: Roberts, Kim
Sent: Tuesday, April 13, 2021 2:32 PM
To: MADIKADE CONSTRUCTION INC; Committee of Adjustment
Subject: RE: Minor Variance for 377 Charlton

Hi Kurtis

These emails should only be direct to Committee of Adjustment staff.

For your information, I am in the Building Division and only review the plans to determine necessary variances for the Committee of Adjustment

Regards,

Kim Roberts, CPT

Zoning Examiner
Planning and Economic Development
Building, City of Hamilton
(905) 546-2424 Ext.2581



Due to concerns related to COVID-19, City Hall and municipal service centres are closed to the public. Although the Building Division offices are closed to the public, the Building Division continues to operate as many of our services can still be accessed, including building permit inspections.

We continue to receive building permit applications and requests for Zoning Verifications (regular service only) by mail/courier delivery or online. Online building permit applications can be completed at www.hamilton.ca/eplans and Zoning Verifications at <https://zoningverification.hamilton.ca/>. In addition, there is a drop box outside of City Hall at the rear of the building where letters and small parcels can continue to be delivered.

Under these unprecedented service delivery constraints, we are doing our best to maintain timeframes for building permit applications, responding information, building inspections, Zoning Verifications, and other requests for information/compliance.

This message, including any attachments, is privileged and intended only for the person(s) named above. This material may contain confidential or personal information which may be subject to the provision of the Municipal Freedom of Information & Protection of Privacy Act and/or is confidential. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify me immediately by telephone, fax or e-mail and permanently delete the original transmission, including any attachments, without making a copy.

From: MADIKADE CONSTRUCTION INC <info@madikade.com>
Sent: April 13, 2021 2:28 PM
To: Committee of Adjustment <CofA@hamilton.ca>
Cc: Roberts, Kim <Kim.Roberts@hamilton.ca>
Subject: Fwd: Minor Variance for 377 Charlton

Hi Kim,

Please see attached email. This is the other direct neighbour at 379 Charlton Ave West, Hamilton. They also support the minor variance application.

Thanks and have a great day.

Kurtis Soulier
Madikade Construction Inc.
(905) 906-0854

From: Fuller, Nola <fullern@mcmaster.ca>
Sent: Tuesday, April 13, 2021, 2:16 p.m.
To: MADIKADE CONSTRUCTION INC
Subject: FW: Minor Variance for 377 Charlton

Kurtis Soulier

Regarding the minor variance application for my property at 377 Charlton, my neighbor to the west, at 379 Charlton has indicated support below.

Thank you,
Nola

-----Original Message-----

From: Dana Hollander [<mailto:danahol@me.com>]
Sent: Tuesday, April 13, 2021 1:57 PM
To: Fuller, Nola <fullern@mcmaster.ca>
Cc: Nick Storch <nstorch@yahoo.com>
Subject: Re: Minor Variance for 377 Charlton

Dear Nola,

Thank you for giving us the opportunity to review and comment on your renovation plans. Based on the application document that was circulated, we support this application.

Best,

Dana Hollander & Nick Storch

> On Apr 8, 2021, at 3:52 PM, Fuller, Nola <fullern@mcmaster.ca> wrote:

>

> To Danie Hollander:
> 379 Charlton Ave. W.
> Hamilton ON.

>
> Hi Dana and Nick,
>
> As you know, I am planning an addition to the back of my house in addition to fixing up my front porch.
> Details of this project are included in the minor variance application that you have received from the city.
> As my next door neighbor, if you are in support of this application, would you mind replying to this email to that effect,
and I will forward your response to my contractor, who is handling this for me.
>
> Thank you so much,
> Nola Fuller

Hansra, Aman

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To: Committee of Adjustment
Cc: Roberts, Kim
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Kurtis Soulier
Madikade Construction Inc.
(905) 906-0854

From: Fuller, Nola <fullern@mcmaster.ca>
Sent: Tuesday, April 13, 2021, 2:16 p.m.
To: MADIKADE CONSTRUCTION INC
Subject: FW: Minor Variance for 377 Charlton

Kurtis Soulier

Regarding the minor variance application for my property at 377 Charlton, my neighbor to the west, at 379 Charlton has indicated support below.

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Nola

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Sent: Tuesday, April 13, 2021 1:57 PM
To: Fuller, Nola <fullern@mcmaster.ca>
Cc: Nick Storch <nstorch@yahoo.com>
Subject: Re: Minor Variance for 377 Charlton

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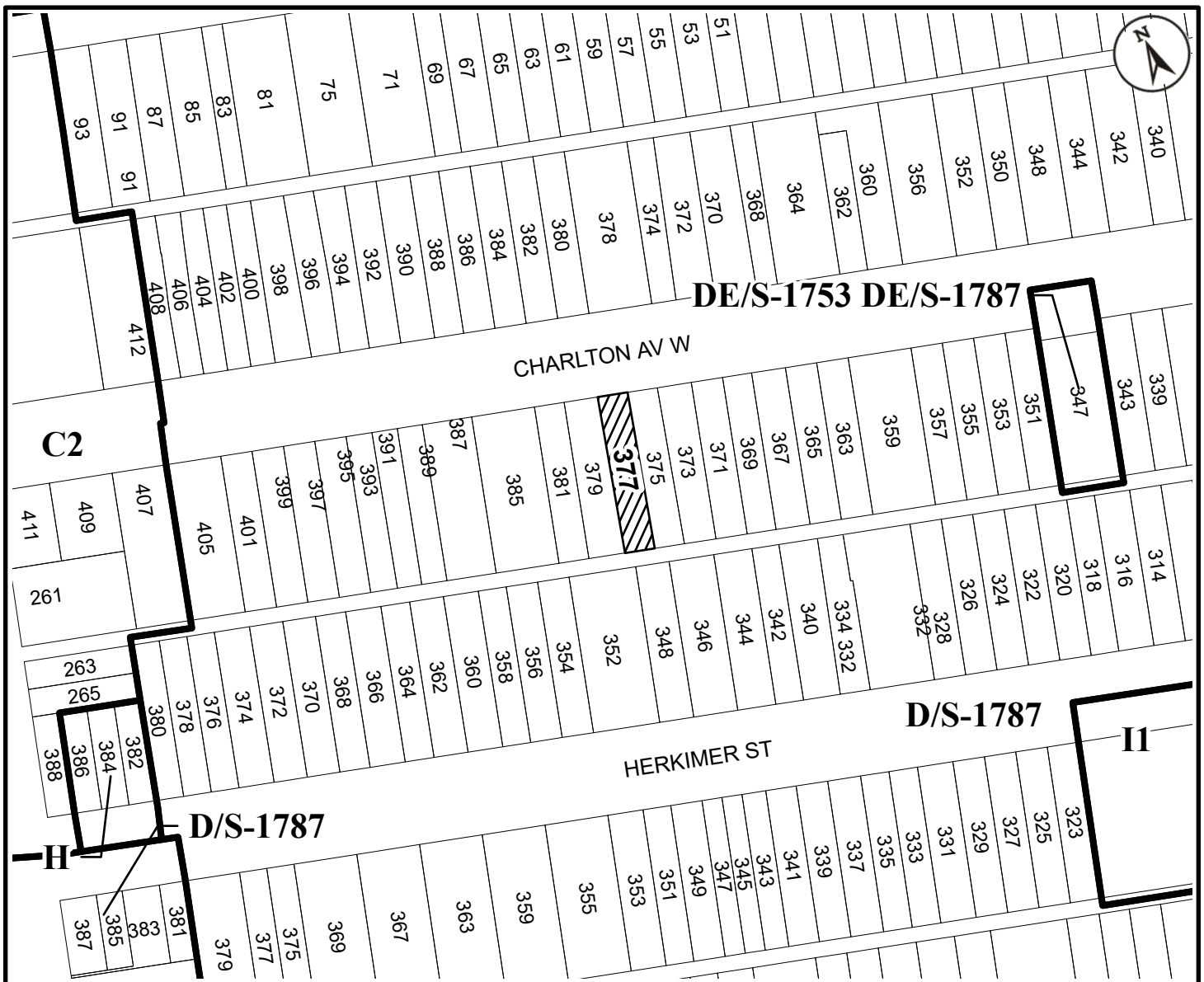
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> As my next door neighbor, if you are in support of this application, would you mind replying to this email to that effect, and I will forward your response to my contractor, who is handling this for me.

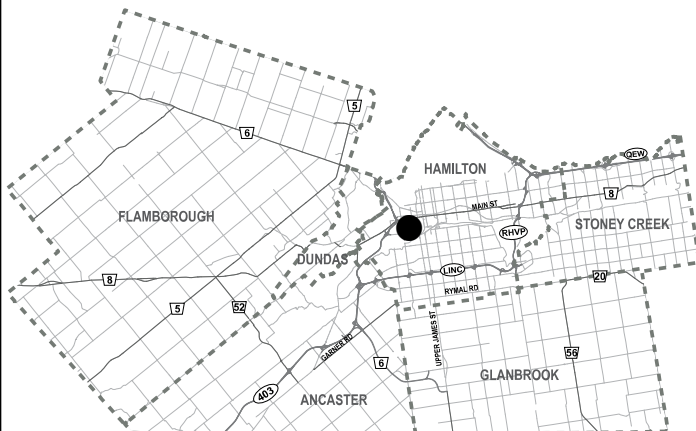
>

> Thank you so much,

> Nola Fuller



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



377 Charlton Avenue West, Hamilton
(Ward 1)

File Name/Number:

HM/A-21:89

Date:

April 14, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-21:16 – 218 Beach Blvd., Hamilton

Consolidation Report

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

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. That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

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

5. 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. (Development Engineering Approvals Section)

Note: Based on this 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 **218 Beach Boulevard (Hamilton)**, and the lands to be retained (Part 2) will be assigned the address of **214 Beach Boulevard (Hamilton)**.

HM/B-21:16 – 218 Beach Blvd., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conveyance of a vacant parcel of land and retain a vacant parcel of land for residential purposes. The severed lands will have a lot area of 830.0 square metres and a lot width of 13.8 metres and the retained lands will have a lot area of 812.0 square metres and a lot area of 13.8 metres.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies F.1.14.3.1, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

The proposal is for the severance of the existing lot into two individual lots for residential purposes. The severed lands and retained lands are fully serviced by municipal water and wastewater systems, and front onto Beach Boulevard. The proposed severance will facilitate future residential development on lands shown as Part 1 and Part 2 on the submitted survey plan.

While no site plan or building elevations of the proposed residential development was submitted with this severance application, Staff acknowledge the proposed lots meet the minimum lot width and lot area requirements of Zoning By-law No. 6593 and are consistent with the established lot pattern of the surrounding area.

The proposed residential development will be subject to Site Plan Control upon approval of this severance. Through the Site Plan Control process staff will evaluate the proposed dwellings for compatibility with established character of the area.

Staff are of the opinion that the proposed lot creation reflects the general scale and character of established of the neighbourhood along Beach Boulevard and therefore complies to the general intent and purpose of the Urban Hamilton Official Plan.

Archaeology

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

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and
- 2) 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 (2020) apply to the subject application. If this severance is granted, staff require that the Committee of Adjustment attach the condition below to the application.

Cultural Heritage

The subject property located at 218 Beach Boulevard is located in the Hamilton Beach Strip Inventoried Cultural Heritage Landscape and the Hamilton Beach Established Historical Neighbourhood. Accordingly, Sections B.3.4.1.3 and B. 3.4.3.6 of the Urban Hamilton Official Plan, Volume 1, apply.

The proponent purposes to convey a vacant parcel of land and to retain a vacant parcel of land. Both parcels are intended for residential purposes.

Staff advise that any new construction shall be sympathetic to the historic character of, and contextually appropriate for, the Hamilton Beach Strip Cultural Heritage Landscape.

Former City of Hamilton Zoning By-law No. 6593

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

Recommendation:

Based on the preceding information, the requested severance maintains the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. In conclusion, Staff recommends that the application be **approved**.

CONDITIONS: (If Approved)

1. That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their

submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

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

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. The City of Hamilton is continuing to develop Hamilton Zoning By-law 05-200 which encompasses the former City of Hamilton and the five (5) outlining municipalities. Please be advised that the next phase will include residential zoned properties.
3. The proposed single family dwellings are subject to the issuance of a building permit from the Building Division.
4. The lands are subject to Site Plan Control.

Development Engineering:

Information

The existing infrastructure fronting the subject site is summarized below:

- 525mmø storm sewer
- 250mmø sanitary sewer
- 300mmø watermain

Each new dwelling shall be provided with separate independent services.

The design of the properties is subject to the policies of the Master Drainage Plan for the Hamilton Beach Neighbourhood (*Marshall Macklin Monaghan, 1999*) and the Beach Boulevard Stormwater Ponding Study (November 2019).

Note that basements and crawl spaces are not permitted at proposed developments within the Beach Boulevard area due to the proximity to Lake Ontario. In addition, the minimum FFE as per the Beach Boulevard Stormwater Ponding Study (November 2019) is 76.50m.

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.

Growth Planning:

Note: Based on this 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 **218 Beach Boulevard (Hamilton)**, and the lands to be retained (Part 2) will be assigned the address of **214 Beach Boulevard (Hamilton)**.

Transportation Planning:

Transportation Planning has no objection to the land severance application. Without setting precedent, Transportation Planning will waive the right-of-way dedication requirement.

Source Water Protection:

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: April 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: 218 Beach Blvd., Hamilton
File: HM/B-21:16

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, April 22, 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

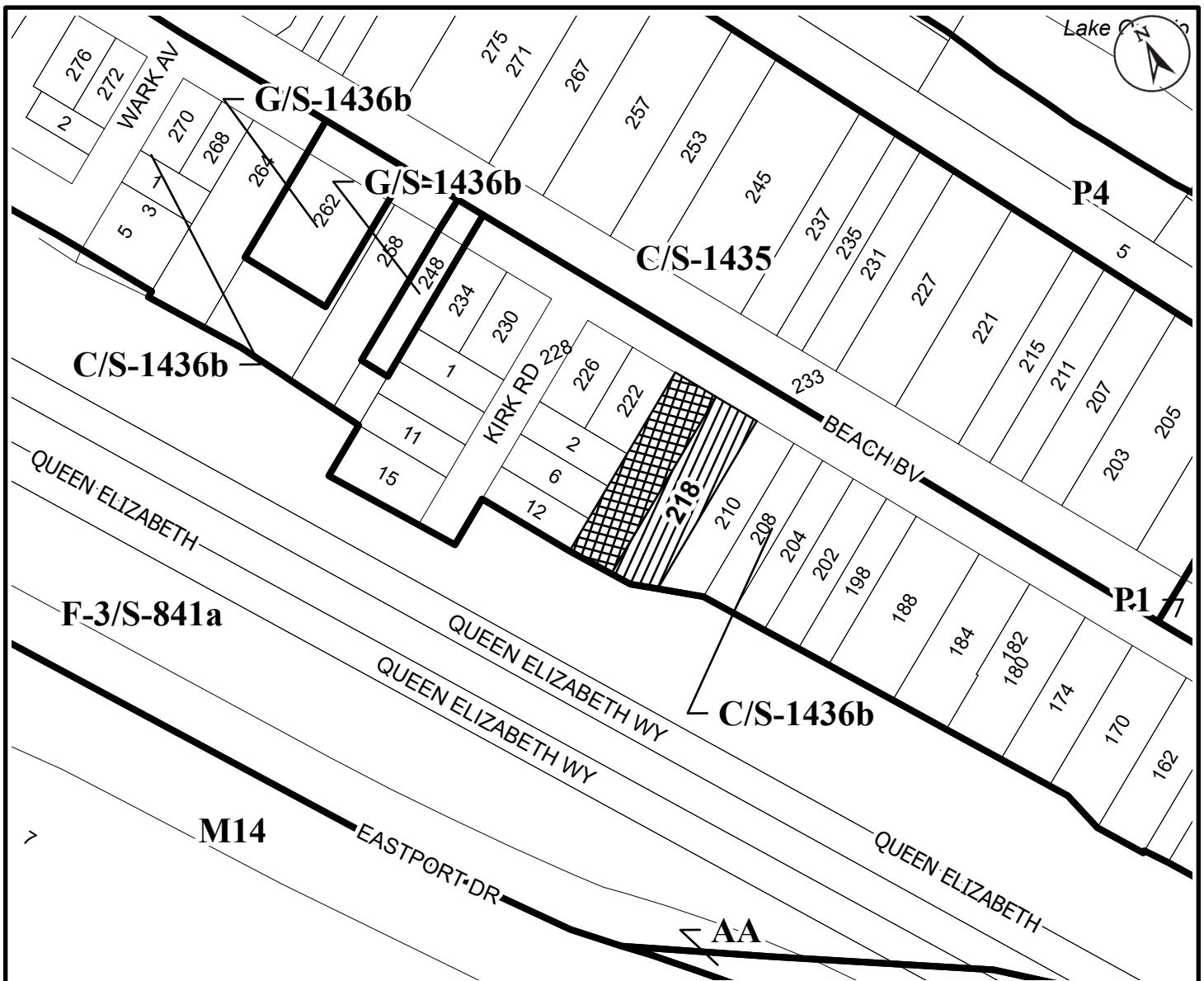
- There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.
- No Landscape plan required.
- Forestry has no concerns or conditions regarding this application.

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.

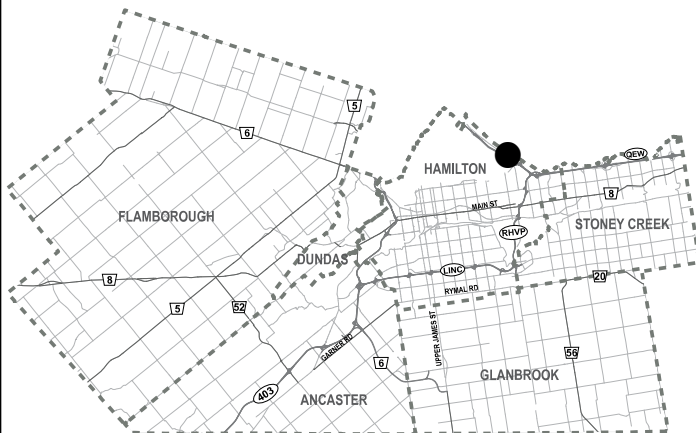
Regards,

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



Site Location



City of Hamilton

Committee of Adjustment

Subject Property

218 Beach Boulevard, Hamilton (Ward 5)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-21:16

Date:

April 15, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:234 – 18 Morden St., Hamilton

Consolidation Report

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

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

1. That Variances 2 and 4 be tied to the submitted Elevations to the satisfaction of the Manger of Development Planning, Heritage and Design.

HM/A-20:234 – 18 Morden St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a full third storey addition to the existing single detached dwelling, notwithstanding the following variances. HM/A-20:234 was tabled by the Committee of Adjustment on December 3, 2020 and the applicant has submitted revised plans to address Staff's concerns.

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.3.4.2.1 (h), E.3.2.3 and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

Strathcona Secondary Plan

The subject lands are designated "Low Density Residential 3" within the Strathcona Secondary Plan. Policies B.6.6.4.1 c) – e), B.6.6.5.2 a), h, i) and B.6.6.5.3 c) and d), B.6.6.11.1(i) and B.6.6.11.1(d) amongst others, are applicable and permit single detached dwellings.

Cultural Heritage

The subject property located at 18 Morden Street is comprised of a two-storey brick circa 1900 dwelling of heritage interest. The subject property is located within the Arnold's Survey Cultural Heritage Landscape, as identified in the Strathcona Secondary Plan, and in the Strathcona Established Historic Neighbourhood. Flanking either side of the subject property are circa 1880 one-storey cottages. The subject property is additionally located *adjacent* to 8 Peel Street a circa 1860 dwelling included in the City's Inventory of Heritage Buildings.

Accordingly, Sections B.3.4.1.3, B.3.4.2.1(g), B.3.4.2.1(h) and B. 3.4.3.6 of the Urban Hamilton Official Plan, Volume 1, apply. Of note is Section B.3.4.3.7 which states:

Intensification through conversion of existing built heritage resources shall be encouraged only where original building fabric and architectural features are retained and where any new additions, including garages or car ports, are no higher than the existing building and are placed to the rear of the lot or set back

substantially from the principal façade. Alterations to principal façades and the paving of front yards shall be avoided.

The proponent proposes to construct a full 3rd-storey addition to the existing two-storey dwelling. Staff are of the opinion that the proposed height is not in keeping with the historic character of the landscape, neighbourhood and adjacent buildings but acknowledge the current zoning permissions allows for a building height of three storeys

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1

The applicant is requesting a variance to allow a minimum front yard depth of 1.8 metres to be provided, 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.

The variance recognizes an existing condition. The variance maintains the general intent of the Zoning By-law as the existing front yard depth is consistent with the surrounding properties. 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, Strathcona Secondary Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, **staff support the variance.**

Variance 2 and 4

The applicant is requesting a variance to allow a minimum side yard width of 0.0 metres to be provided on the easterly side lot line and to allow the eaves and gutters to encroach the entire width of the required easterly side lot line for the proposed new third storey addition, notwithstanding the minimum required side yard width of 2.7 metres and that 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, 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.

Section 6.6.5.3 c) of the Strathcona Secondary Plan limits the maximum building height of all uses permitted within the Low Density Residential 3 Designation to 2.5 storeys, however, the applicable Zoning By-law allows for a building height of 3 storeys. The general intent and purpose of the Strathcona Secondary Plan is to ensure any development is compatible with the surrounding residential streetscape.

The applicant has submitted revised elevation drawings with different cladding materials to be more compatible with the traditional materials of the surrounding established historical neighbourhood and red brick façade of the subject dwelling. In addition, the applicant has made further efforts to preserve more of the existing decorative brickwork above the second storey. In addition, the proposed addition will maintain a pitched roofline which is in keeping with the character of the established residential streetscape.

The minimum required side yard width of 1.2 metres increases to 2.7 metres above a building height of two and half storeys or 11.0 metres within Zoning By-law No. 6593 to allow for additional articulation in the massing of a three storey dwelling. The proposed third storey addition is slightly recessed from the existing side facades of the first and second storey and utilizes different building materials thus maintaining the general intent of the Zoning By-law.

In addition, the submitted elevations show no glazing on the east façade of the proposed third storey addition as such, no adverse impacts to the adjacent properties is anticipated.

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

Variance 3

The applicant is requesting a variance to allow a minimum rear yard depth of 4.3 metres to be maintained, notwithstanding the minimum required rear yard depth of 10.5 metres. The general intent of the Zoning By-law is to allow adequate space for grading and drainage, to accommodate the necessary amenity area to satisfy the needs of the tenants of the single detached dwelling, and to avoid any impact on the enjoyment and privacy of the adjacent property. Staff defers any grading or drainage concerns to Development Engineering Approvals.

The variance recognizes an existing condition. The variance maintains the general intent of the Zoning By-law as Staff is satisfied there is sufficient amenity area on site between the rear yard and westerly side yard which functions as a rear yard. 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, Strathcona Secondary Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, **staff support the variance.**

Recommendation:

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

CONDITIONS: (If Approved)

2. That Variances 2 and 4 be tied to the submitted Elevations to the satisfaction of the Manger of Development Planning, Heritage and Design.

Building Division:

1. Tenant improvements, change of use, conversions, renovations, alterations, additions or new buildings are subject to the issuance of a building permit from the Building Division.

Development Engineering:

The proposed addition is vertical only, therefore the Minor Variances are to recognize the location of the existing building. The proposed addition will have no effect on the existing grading/drainage pattern, therefore we have no issue with the Minor Variances as proposed.

See attached for additional comments.

18 Morden

Junior Boys <juniorbois@gmail.com>
To: grahamday91@gmail.com

Wed, Dec 2, 2020 at 12:07 PM

Hi graham,

This is jeremy greenspan. I live at 14 Morden St. I'm just writing to say that I have seen the plans for 18 Morden st, and I don't have any objection in principle to them adding an addition to the home. I obviously would appreciate their consideration in terms of letting me know their timeline and how the plans and construction might effect my property. But we have had a great neighbourly relationship for many years and I have no objection to the basic premise of the addition.

Best
Jeremy Greenspan

Sent from my iPhone

Support of building Permit

Callie Davidson <calliedavidson@icloud.com>

Tue, Dec 1, 2020 at 6:04 PM

To: Charles MacPhail <charles@charleslinsey.com>, graham@grahamalexander.ca

Cc: Babe <kevinneiser@icloud.com>

Good Evening,

Callie Davidson & Kevin Neiser owners of 22 Morden st, Hamilton and we support the permit needed for the renovation to be completed next door at 18 Morden St, Hamilton, L8R 1P5

If you need anything more from me please let me know you can email the above or call me at 905-869-4161.

Callie

Sent from my iPhone

Re: Committee of adjustment Application for 18 Morden Street, Hamilton

David <dmclaughlin1@sympatico.ca>
To: grahamday91@gmail.com

Tue, Dec 1, 2020 at 8:56 PM

> On Dec 1, 2020, at 8:53 PM, David <dmclaughlin1@sympatico.ca> wrote:
>
> Hi
> We are Mary Ellen Scanlon Donald David McLaughlin and we live at 24 Morden Street Hamilton
> We support the application for 18 Morden Street. We feel the proposed design is in keeping with the scale of the
neighbourhood . We note that the proposal does not increase density as it will remain a single family home.
> Yours
> Mary Ellen Scanlon and David McLaughlin
>
>
> Sent from my iPad

Extension on morden Street

Graham Alexander <graham@grahamalexander.ca>
To: Charles MacPhail <charles@charleslinsey.com>
Cc: David Wilkinson <dwilkinson14@cogeco.ca>

Wed, Dec 2, 2020 at 10:04 AM

—

Graham Day

[Graham Alexander | Architecture](#)

905.864.5305

----- Forwarded message -----

From: **Sharon Persadie** <spersadie@hotmail.com>
Date: Wed, Dec 2, 2020 at 10:02 AM
Subject: Extension on morden Street
To: graham@grahamalexander.ca <graham@grahamalexander.ca>

I, Sharon Persadie, who lives at 45 Pearl Street North is in full support for the extension at 18 Morden Street for Dave and Kerri Wilkinson .

Sent from my iPad

FW: 18 Morden Street

Charles MacPhail <charles@charleslinsey.com>
To: Graham Day <grahamday91@gmail.com>

Thu, Dec 3, 2020 at 11:35 AM

Charles MacPhail, A.Sc.T.

Charles Linsey & Associates Limited

[37 Main Street South](#), PO Box 1479

Waterdown, ON L0R 2H0

905-548-7607 x101

charles@charleslinsey.com

www.charleslinsey.com

From: Wade Zacharias <wade4pm@hotmail.com>
Sent: Thursday, December 3, 2020 11:34 AM
To: Charles MacPhail <charles@charleslinsey.com>
Subject: RE: 18 Morden Street

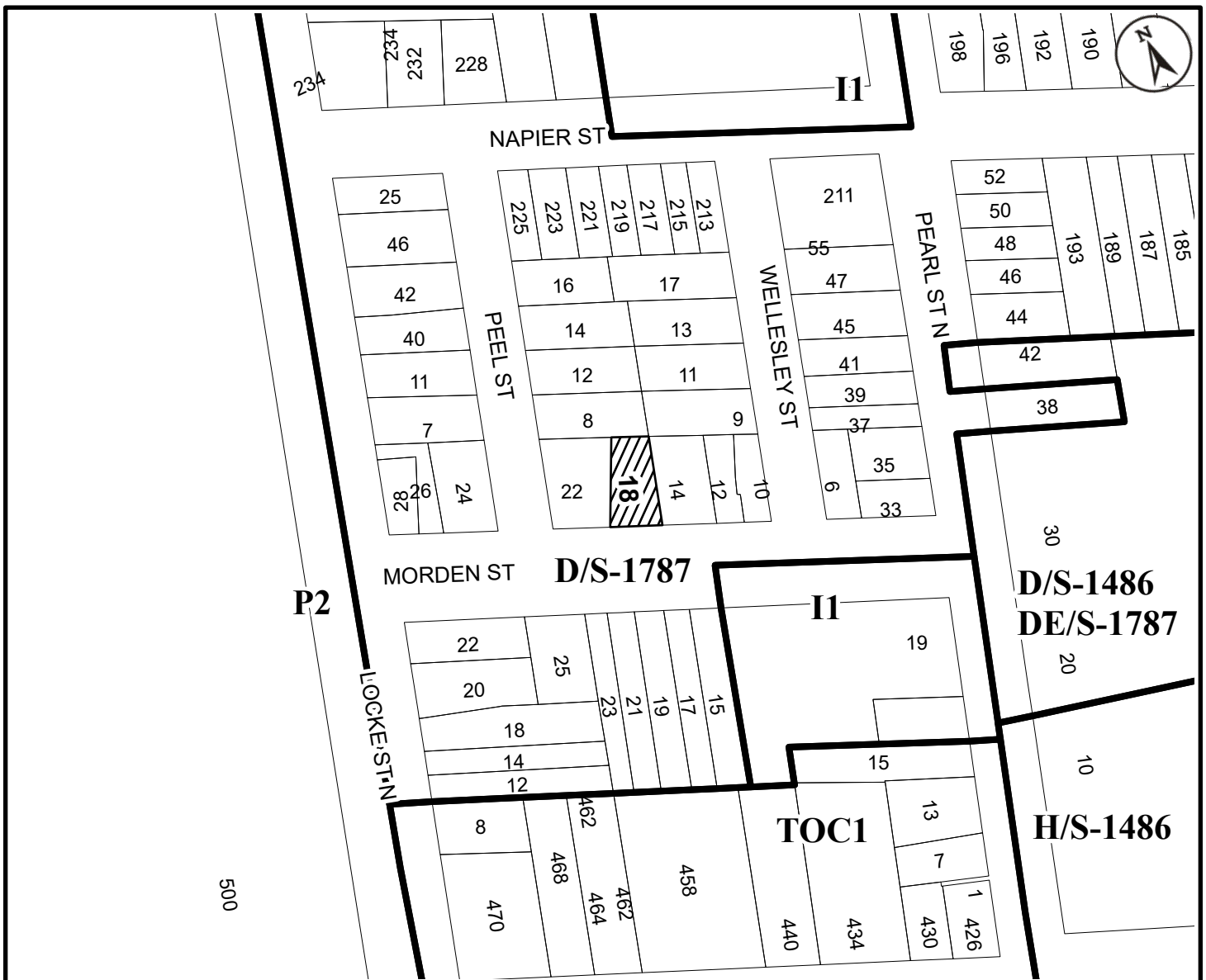
Hope this isn't too late:

We have reviewed the proposed changes to 18 Morden St, and we are in full support of this change.

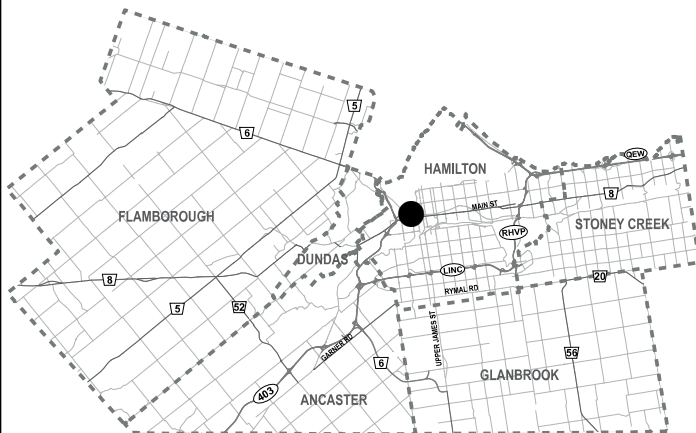
Wade Zacharias and Emily Jewer,

234 Napier St, Hamilton

Sent from my Galaxy>



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



18 Modern Street, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:234

Date:

April 15, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:97 – 15 Wexford Ave., Hamilton

Consolidation Report

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

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

1. That the applicant obtain a Residential Boulevard Parking Agreement to create one parking space for the benefit of the subject property to the satisfaction of the Manager of Development Planning, Heritage and Design.

HM/A-21:97 – 15 Wexford Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conversion of a single detached dwelling to contain two dwelling units in accordance with Section 19(1) notwithstanding the following 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.3.4.4.4, E.3.2.3 and E.3.4.3 amongst others, are applicable and permit duplex dwellings.

Cultural Heritage

The subject property located at 15 Wexford Avenue is comprised of a circa 1923 dwelling of heritage interest and is located in the Crown Point East Established Historical Neighbourhood. Accordingly, Section B.3.4.3.6 of the Urban Hamilton Official Plan, Volume 1, applies.

The proponent proposes to convert the existing single-family dwelling to a two-family dwelling. This work would include the construction of a front covered porch with stairs and a rear covered porch with stairs.

Notwithstanding that the subject property is within the Crown Point East Established Historical Neighbourhood, staff have reviewed the application and are of the opinion that the cultural heritage value of the landscape will be conserved.

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, 2, 3, 4 and 5

The applicant is requesting a variance to allow a minimum lot area of 121.0 square metres and to allow no parking spaces to be provided on-site, notwithstanding the minimum required lot area of 270.0 square metres and the minimum required two parking spaces. 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.

In addition, the Building Division has added variances to allow the two required parking spaces and the manoeuvring space for both the required parking spaces to be provided off-site, to allow no on site manoeuvring space to be provided for the two required parking spaces and to allow no access driveway to be provided on site notwithstanding the requirement that required parking and manoeuvring space shall be provided and maintained only on the lot which the principle use, building or structure is located.

The lot area is consistent with the surrounding properties and maintains the existing lot pattern of the neighbourhood. Staff is satisfied sufficient that landscaped area and amenity area is being provided on site to satisfy the needs of a dwelling with two units.

Staff acknowledge there is an existing driveway at the front of the subject property, however approximately 4.0 metres of the length of the driveway is located within the Wexford Avenue North road allowance. Based on the submitted Site Plan, it appears the existing driveway on the northerly side of the front yard will be replaced with landscaped area and the southerly side of the front yard will be paved.

The applicant has not indicated whether the paved area shown on the submitted site plan is intended to contribute to a new driveway within the Wexford Avenue North road allowance. As such, the general intent of the Zoning By-law is not being maintained for Variances 2, 4 and 5.

While the subject property is serviced by a number of HSR bus routes and is in close proximity to some amenities, Staff is not satisfied that the provision of no parking on the subject property will satisfy the parking needs of a dwelling with two units and does not reflect the minimum parking requirements for the community and geographic area. As such, Staff is not satisfied the property is sufficient in size to satisfy the needs of a dwelling with two units.

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

Variance 6

The applicant is requesting a variance to allow a roofed-over unenclosed porch (deck) including eaves and gutter to project 1.10 metres into the required northerly side yard notwithstanding the requirement that a roofed-over uncovered one storey porch is not

permitted to project into a required side yard. The intent of the Zoning By-law is to allow adequate space for access and drainage and to avoid any impact on the enjoyment and privacy of the adjacent properties. Staff defers any access or drainage concerns to Development Engineering Approvals.

The applicant is proposing to construct a new rear deck projecting 1.10 metres into the required side yard of 1.2 metres, located approximately 0.25 metres from the northerly side lot line. Staff acknowledge the existing dwelling maintains a setback of approximately 0.152 metres to the northerly side lot line and therefore the proposed deck will not project past the northerly side façade of the dwelling. However, staff are not satisfied the proposed deck maintains an appropriate distance to the northerly side lot line to accommodate sufficient space for access. Staff are of the opinion the minimum distance of 0.5 metres to the nearest side lot line for an uncovered porch should be provided for the proposed rear deck.

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

Variance 7 and 8

The applicant is requesting a variance to allow an unenclosed porch including eaves and gutter to project 4.61 metres into the required front yard and to allow an open stairway to project 0.54 metres into the required southerly side yard and 4.61 metres into the required front yard notwithstanding the maximum projection of 3.0 metres for a roofed-over unenclosed porch, the maximum projection of 0.4 metres for an open stairway into a required side yard and the requirement that an open stairway is not permitted to project into a required front yard. The general intent of the Zoning By-law is to provide an appropriate distance separation from the porch and the street, to allow adequate space for access and drainage, and to maintain a consistent residential streetscape. Staff defers any drainage concerns to Development Engineering Approvals.

The applicant is proposing to construct a new roofed-over unenclosed front porch projecting approximately 1.83 metres into the front yard with the associated stairs projecting 0.54 metres into the required side yard, being 1.2 metres. The proposed stairs provide access to the roofed over unenclosed porch and therefore staff do not have any concerns with allowing the stairs to project into the required front yard, noting that a roofed-over unenclosed porch is permitted to project into a required front yard.

The proposed projection of the front porch is compatible with the surrounding properties and based on the submitted Site Plan will allow for an appropriate proportion of

landscaped area within the front yard. In addition, there is approximately 4.0 metres of City-owned boulevard between the porch and associated stairs, and the sidewalk which aides in maintaining an appropriate distance separation to the street. As such Variance 7 is maintaining the general intent of the Zoning By-law.

The existing dwelling maintains a side yard setback of approximately 0.66 metres to the southerly side lot line. The applicant is proposing to continue the existing setback of 0.66 metres to the proposed stairs providing access to the front porch. While staff do not anticipate any impacts on the established streetscape as a result of continuing the existing setback to the front porch and associated stairs, staff is not satisfied the 0.66 metre setback provides sufficient space to access the stairs without impacting the neighbouring property.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan is maintained.

Variance 7 and Variance 8 as it relates to the location of the proposed stairs within the front yard maintains the general intent of the Zoning By-law, is desirable for the development and is considered minor in nature; therefore, **staff support Variance 7 and Variance 8 as it relates to the location of the proposed stairs within the front yard.**

Variance 8 as it relates to the projection of the proposed stairs into the side yard does not maintain the general intent of the Zoning By-law, is not desirable for the development nor considered minor in nature; therefore, **staff do not support Variance 8 as it relates to the projection of the proposed stairs into the side yard.**

Recommendation:

Based on the preceding information, Variance 7 and Variance 8 as it relates to the location of the proposed stairs within the front yard maintains the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. Variance 7 and Variance 8 as it relates to the location of the proposed stairs within the front yard are considered to be minor in nature and desirable for the appropriate use of the property.

Variances 6 and 8 as it relates to the projection of the proposed stairs into the side yard maintain the general intent and purpose of the Urban Hamilton Official Plan but do not maintain the general intent of former City of Hamilton Zoning By-law No. 6593.

Variances 6 and 8 as it relates to the projection of the proposed stairs into the side yard are not considered to be minor in nature nor desirable for the appropriate use of the property.

Variances 1, 2, 3, 4 and 5 do not maintain the general intent of the Urban Hamilton Official Plan or former City of Hamilton Zoning By-law No. 6593. Variances 1, 2, 3, 4 and 5 are not considered to be minor in nature nor desirable for the appropriate use of the property.

In conclusion, Staff recommends that Variance 7 and Variance 8 as it relates to the location of the proposed stairs within the front yard **be approved** and Variances 1, 2, 3, 4, 5, 6, and 8 as it relates to the projection of the proposed stairs into the side yard **be denied**.

CONDITIONS: (If Approved)

1. That the applicant obtain a Residential Boulevard Parking Agreement to create one parking space for the benefit of the subject property to the satisfaction of the Manager of Development Planning, Heritage and Design.

Building Division:

1. As no parking spaces are to be provided on the premises, the variances should be altered to delete Variance No. 5 as it pertains to Section 18A(24)(a), and the requirement that every parking area for a use where there are five or less parking spaces shall have not less than one access driveway having a width of at least 2.8 metres.
2. 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.
3. Building Permit No. 20-167852, issued on June 29, 2020, to construct a roofed-over deck in the rear yard of the existing single family dwelling; for alterations to the interior of the single family dwelling to underpin the basement; and, for alterations to the exterior of the single family dwelling to waterproof the exterior all side, remains not finalized.
4. Building Permit No. 20-146221, issued on January 14, 2020, for alterations to the interior of the single family dwelling to include replacement of gypsum and insulation, reconfigure the main floor layout and the replacement of existing windows, remains not finalized.
5. An Order to Comply is outstanding. It is in regard to interior and exterior alterations to the basement of the existing single family dwelling without the benefit of a building permit.
6. An Order to Comply is outstanding. It is in regard a roofed over rear yard deck not being built to the approved plans.

Development Engineering:

For the information of the Owner, there is an existing gas meter at the front of the dwelling that may create an issue with the proposed front porch / stairs. Provided the downspouts from the proposed roof shall drain onto the Owner / Applicants property and not adversely impact the adjacent properties then Development Engineering Approvals have no further comments regarding the Minor Variance Application as proposed.

See attached for additional comments.

Hansra, Aman

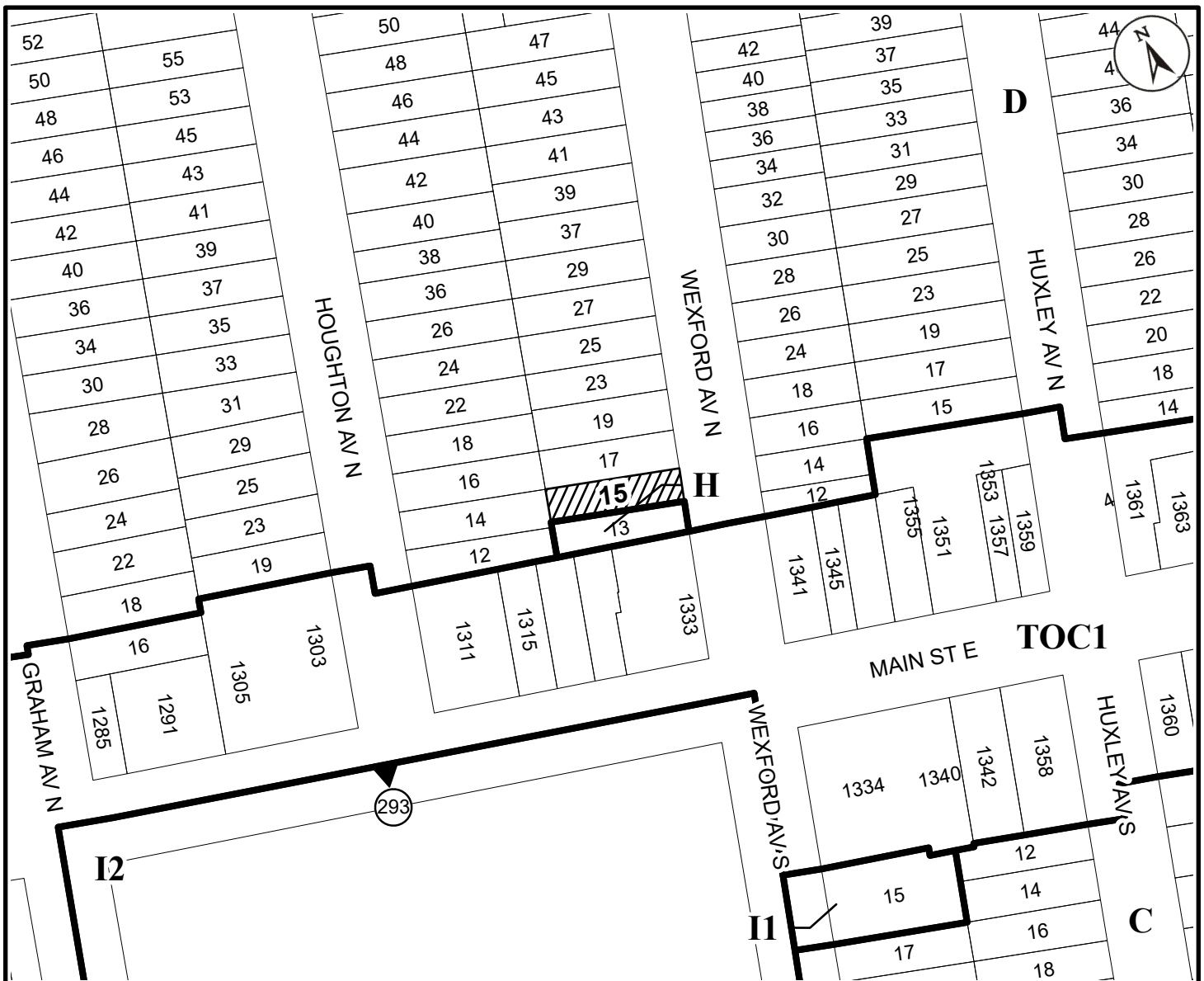
From: Rhudi Haase <rhudi.haase@gmail.com>
Sent: Tuesday, April 13, 2021 12:57 PM
To: Committee of Adjustment
Subject: Regarding HM/A-21:97

To whom it may concern:

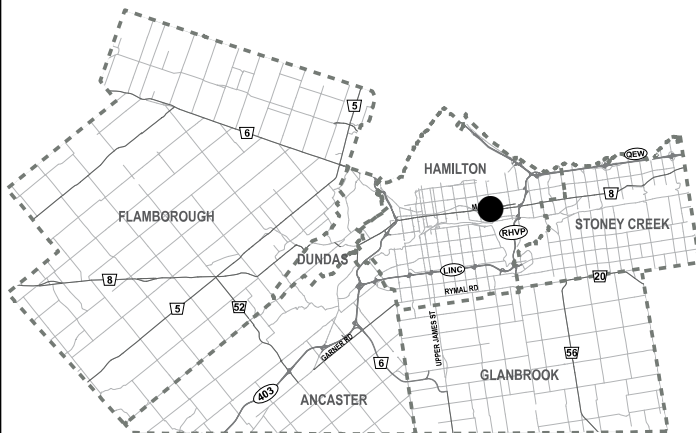
Please accept this correspondence as support for the proposal. As per the details of the proposal conditions, there is no obvious reason why the owner should be restricted from converting a single family home into a two family home. I am glad to see entrepreneurial spirit made real, and would support reasonable ventures, pursued in good-faith, as they arise in the future.

Rhudi Haase
22 Houghton Ave N.

Sent from [Mail](#) for Windows 10



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



15 Wexford Avenue North, Hamilton
(Ward 4)

File Name/Number:

HM/A-21:97

Date:

April 15, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-21:20 – 41 Beechwood 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 applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
5. The owner shall apply for and receive final approval of a Zoning By-law Amendment to permit the semi-detached dwelling, as determined necessary by the Planning and Economic Development Department (Development Planning Section).
6. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

HM/B-21:20 – 41 Beechwood Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conveyance of a parcel of land known as 41 Beechwood Avenue and retain a parcel of land known as 43 Beechwood Avenue, each containing one half of a semi detached dwelling. The severed lands will have a lot area of 190.0 square metres and a lot width of 6.1 metres and the retained lands will have a lot area of 183.0 square metres and a lot area of 6.1 metres.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies F.1.14.3.1, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit semi detached dwellings.

The proposed severance will allow each of half of the existing semi detached dwelling to be located on a separate lot with separate ownership. The severed and retained lots are fully serviced by municipal water and wastewater systems and have frontage onto Beechwood Avenue. 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.

Cultural Heritage

The subject property located at 41 Beechwood Avenue is comprised of a circa 1915 dwelling of heritage interest and is located in the Stipley Established Historical Neighbourhood. Accordingly, Section B.3.4.3.6 of the Urban Hamilton Official Plan, Volume 1, applies.

The proponent proposes to sever the property comprised of 41 and 43 Beechwood Avenue that inadvertently merged on title. Staff have reviewed the application and are of the opinion that the cultural heritage value of the landscape will be conserved.

Former City of Hamilton Zoning By-law No. 6593

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

Recommendation:

Based on the preceding information, the requested severance maintains the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. In conclusion, Staff recommends that the application be **approved**.

Building Division:

1. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
2. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
3. The properties are developed with an existing legally-established non-conforming semi-detached dwelling which is not a permitted use in the C District. There are no zoning regulations that can be applied in the C District to the proposed severance of the semi-detached dwelling lots. As the legally-established non-conforming status of the semi-detached dwellings would be lost through the severance of the property, a rezoning application is required to establish this use for 41 and 43 Beechwood Avenue.
4. The existing semi-detached dwelling was constructed in 1915 and is included in the City of Hamilton Heritage Inventory.

CONDITIONAL UPON:

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
2. The owner shall apply for and receive final approval of a Zoning By-law Amendment to permit the semi-detached dwelling, as determined necessary by the Planning and Economic Development Department (Development Planning Section).
3. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

Development Engineering:

The Owner wishes to recreate the two original lots that inadvertently merged in title. According to our records, 41 and 43 Beechwood Avenue already have separate water and sewer services to both units of the existing semi-detached dwelling. There appear to be no grading or servicing works related to the Consent Application, therefore, Development Engineering Approvals have no comments.

Growth Planning:

No comment.

Transportation Planning:

Transportation Planning has no objection to the land severance application.

Source Water Protection:

No comments.

See attached for additional comments.

Real Estate Comments – CoA April 22, 2021

41 Beechwood Avenue, Hamilton



Applicants Proposal: To permit the conveyance of a parcel of land known as 41 Beechwood Ave and to retain a parcel of land known as 43 Beechwood Ave, each containing ½ of an existing semi-detached dwelling.

Variances for Property:

- N/A

Recommendations: Real Estate has no objection to the proposed severance.



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: April 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: 41 Beechwood Ave., Hamilton
File: HM/B- 21:20

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, April 22, 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

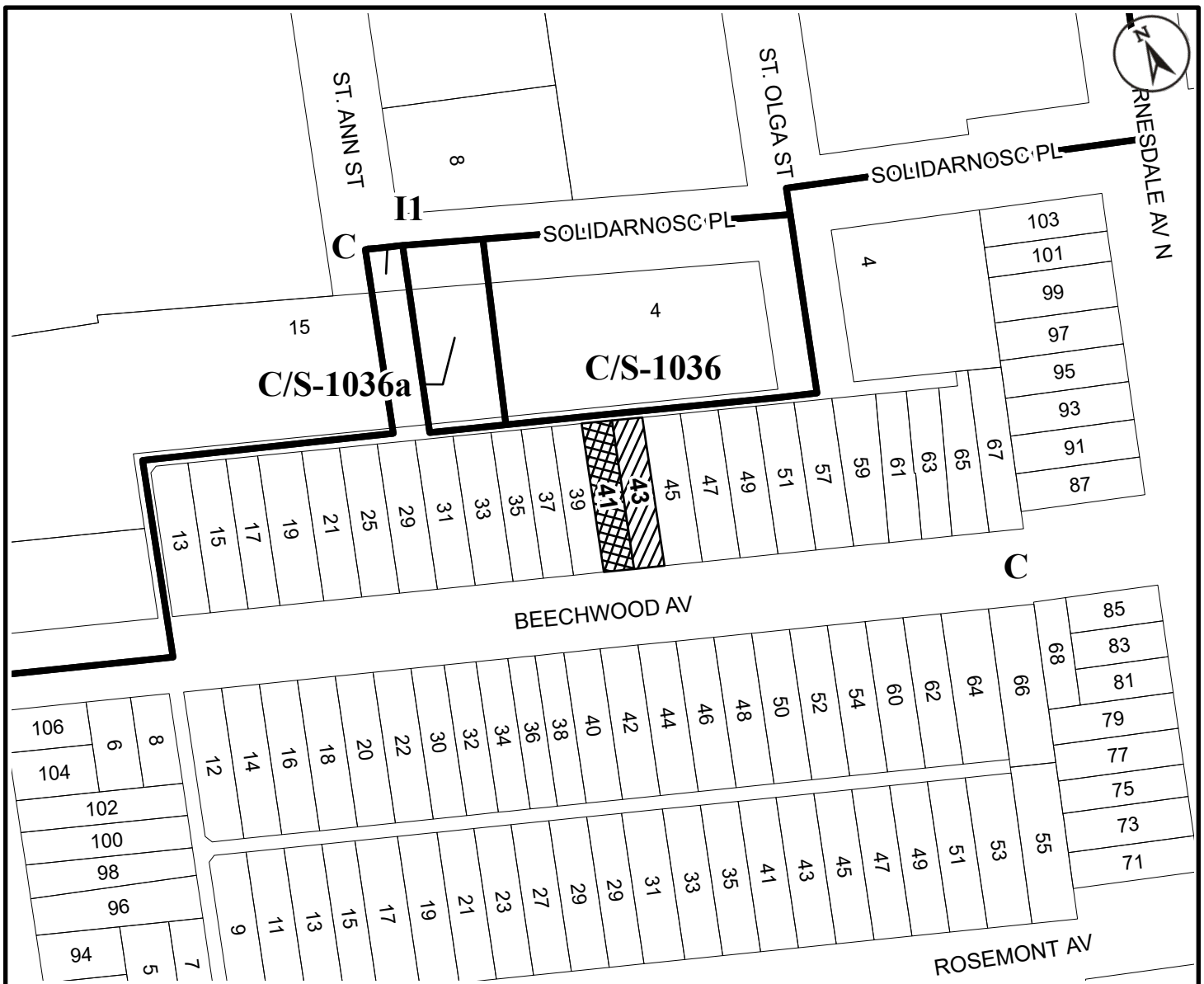
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

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.

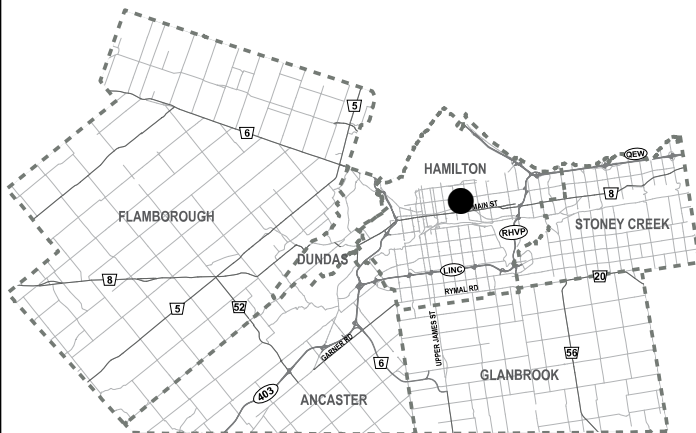
Regards,

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

41 Beechwood Avenue, Hamilton (Ward 3)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-21:20

Date:

April 15, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-21:21 – 51 Gibson Ave., Hamilton

Consolidation Report

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

Should the Committee 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).

HM/B-21:21 – 51 Gibson Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the severance of the subject lands to facilitate Consent applications HM/B-21:21, HM/B-21:22 and HM/B-21:23 to permit the creation of six lots each containing one townhouse dwelling which are currently under construction in accordance with Phase 2 of Site Plan Control application DA-17-189 which received final approval on November 1, 2019.

The interior lots (Parts 2, 3, 4 and 5) will have a lot area of 144.0 square metres and a lot width of 4.6 metres, Part 1 will have a lot area of 182.6 square metres and a lot width of 5.832 metres, and Part 6 will have a lot area of 193.0 square metres and a lot area of 5.6 metres.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies F.1.14.3.1, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit street townhouse dwellings.

The proposed severance will allow each of townhouse dwelling to be located on a separate lot with separate ownership. Parts 1 to 6 are fully serviced by municipal water and wastewater systems and have frontage onto Gibson Avenue. The proposal is consistent with the established lot pattern and residential character of the neighbourhood. As such, the general intent of the Urban Hamilton Official Plan is being maintained.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “RT-30/S-1754” (Street - Townhouse) District, Modified, which permits street townhouse dwellings.

Recommendation:

Based on the preceding information, the requested severance maintains the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. In conclusion, Staff recommends that the application be **approved.**

Building Division:

1. The applicant is proposing to create individual lots for each of the six (6) townhouse units. As such, this application shall be heard in conjunction with consent applications No. HM/B-21:22 and HM/B-21:23.
2. The applicant should obtain an appropriate municipal address for each proposed parcel from the Growth Planning Section of the Planning and Economic Development Department.
3. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

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).

Development Engineering:

The subject parcel was previously reviewed and approved under **DA-17-189** for 10 two storey residential townhouses. As per the approved Servicing Plan, each townhouse was to be provided with it's own separate and independent sewer services, water service and water meter. The subject Consent Application indicates no proposed grading or servicing changes. Provided the overall servicing and grading schematic is carried out as per the approved Site Plan Application, then Development Engineering Approvals have no comments regarding the Consent Application as proposed.

Growth Planning:

No comment.

Transportation Planning:

Transportation Planning has no objection to the land severance application.

Source Water Protection:

No comments.

See attached for additional comments.

Real Estate Comments – CoA April 22, 2021

51 Gibson Avenue, Hamilton



Applicants Proposal: To permit the conveyance of a parcel of land containing a townhouse dwelling (under construction) and to retain a parcel of land containing townhouse dwellings.

Variances for Property:

- N/A

Recommendations: Real Estate has no objection to the proposed severance.



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: April 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: 51 Gibson Ave., Hamilton
File: HM/B-21:21

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, April 22, 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.

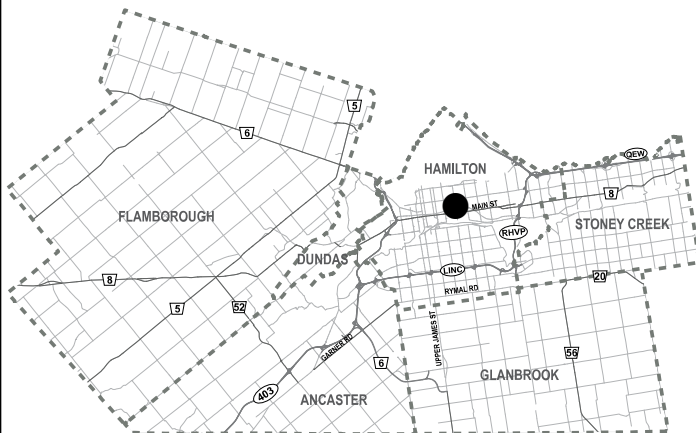
Regards,

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

Shannon Clarke
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

51 Gibson Avenue, Hamilton (Ward 3)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-21:21

Date:

April 15, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-21:22 – 51 Gibson Ave., Hamilton
Consolidation Report

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

Should the Committee 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).

HM/B-21:22 – 51 Gibson Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the severance of the subject lands to facilitate Consent applications HM/B-21:21, HM/B-21:22 and HM/B-21:23 to permit the creation of six lots each containing one townhouse dwelling which are currently under construction in accordance with Phase 2 of Site Plan Control application DA-17-189 which received final approval on November 1, 2019.

The interior lots (Parts 2, 3, 4 and 5) will have a lot area of 144.0 square metres and a lot width of 4.6 metres, Part 1 will have a lot area of 182.6 square metres and a lot width of 5.832 metres, and Part 6 will have a lot area of 193.0 square metres and a lot area of 5.6 metres.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies F.1.14.3.1, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit street townhouse dwellings.

The proposed severance will allow each of townhouse dwelling to be located on a separate lot with separate ownership. Parts 1 to 6 are fully serviced by municipal water and wastewater systems and have frontage onto Gibson Avenue. The proposal is consistent with the established lot pattern and residential character of the neighbourhood. As such, the general intent of the Urban Hamilton Official Plan is being maintained.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “RT-30/S-1754” (Street - Townhouse) District, Modified, which permits street townhouse dwellings.

Recommendation:

Based on the preceding information, the requested severance maintains the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. In conclusion, Staff recommends that the application be **approved.**

Building Division:

1. The applicant is proposing to create individual lots for each of the six (6) townhouse units. As such, this application shall be heard in conjunction with consent applications No. HM/B-21:21 and HM/B-21:23.
2. The applicant should obtain an appropriate municipal address for each proposed parcel from the Growth Planning Section of the Planning and Economic Development Department.
3. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

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).

Development Engineering:

The subject parcel was previously reviewed and approved under **DA-17-189** for 10 two storey residential townhouses. As per the approved Servicing Plan, each townhouse was to be provided with it's own separate and independent sewer services, water service and water meter. The subject Consent Application indicates no proposed grading or servicing changes. Provided the overall servicing and grading schematic is carried out as per the approved Site Plan Application, then Development Engineering Approvals have no comments regarding the Consent Application as proposed.

Growth Planning:

No comment.

Transportation Planning:

Transportation Planning has no objection to the land severance application.

Source Water Protection:

No comments.

See attached for additional comments.

Real Estate Comments – CoA April 22, 2021

51 Gibson Avenue, Hamilton



Applicants Proposal: To permit the conveyance of a parcel of land containing a townhouse dwelling (under construction) and to retain a parcel of land containing townhouse dwellings.

Variances for Property:

- N/A

Recommendations: Real Estate has no objection to the proposed severance.



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: April 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: 51 Gibson Ave., Hamilton
File: HM/B-21:22

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, April 22, 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.

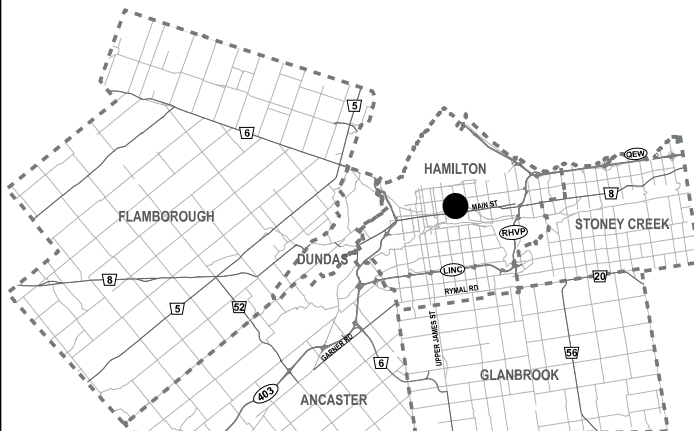
Regards,

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

Shannon Clarke
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

51 Gibson Avenue, Hamilton (Ward 3)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-21:22

Date:

April 15, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-21:23 – 51 Gibson Ave., Hamilton

Consolidation Report

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

Should the Committee 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).

HM/B-21:23 – 51 Gibson Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the severance of the subject lands to facilitate Consent applications HM/B-21:21, HM/B-21:22 and HM/B-21:23 to permit the creation of six lots each containing one townhouse dwelling which are currently under construction in accordance with Phase 2 of Site Plan Control application DA-17-189 which received final approval on November 1, 2019.

The interior lots (Parts 2, 3, 4 and 5) will have a lot area of 144.0 square metres and a lot width of 4.6 metres, Part 1 will have a lot area of 182.6 square metres and a lot width of 5.832 metres, and Part 6 will have a lot area of 193.0 square metres and a lot area of 5.6 metres.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies F.1.14.3.1, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit street townhouse dwellings.

The proposed severance will allow each of townhouse dwelling to be located on a separate lot with separate ownership. Parts 1 to 6 are fully serviced by municipal water and wastewater systems and have frontage onto Gibson Avenue. The proposal is consistent with the established lot pattern and residential character of the neighbourhood. As such, the general intent of the Urban Hamilton Official Plan is being maintained.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “RT-30/S-1754” (Street - Townhouse) District, Modified, which permits street townhouse dwellings.

Recommendation:

Based on the preceding information, the requested severance maintains the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. In conclusion, Staff recommends that the application be **approved**.

Building Division:

1. The applicant is proposing to create individual lots for each of the six (6) townhouse units. As such, this application shall be heard in conjunction with consent applications No. HM/B-21:21 and HM/B-21:22.
2. The applicant should obtain an appropriate municipal address for each proposed parcel from the Growth Planning Section of the Planning and Economic Development Department.
3. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

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).

Development Engineering:

The subject parcel was previously reviewed and approved under **DA-17-189** for 10 two storey residential townhouses. As per the approved Servicing Plan, each townhouse was to be provided with it's own separate and independent sewer services, water service and water meter. The subject Consent Application indicates no proposed grading or servicing changes. Provided the overall servicing and grading schematic is carried out as per the approved Site Plan Application, then Development Engineering Approvals have no comments regarding the Consent Application as proposed.

Growth Planning:

No comment.

Transportation Planning:

Transportation Planning has no objection to the land severance application.

Source Water Protection:

No comments.

See attached for additional comments.

Real Estate Comments – CoA April 22, 2021

51 Gibson Avenue, Hamilton



Applicants Proposal: To permit the conveyance of a parcel of land containing a townhouse dwelling (under construction) and to retain a parcel of land containing townhouse dwellings.

Variances for Property:

- N/A

Recommendations: Real Estate has no objection to the proposed severance.



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: April 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: 51 Gibson Ave., Hamilton
File: HM/B-21:23

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, April 22, 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.

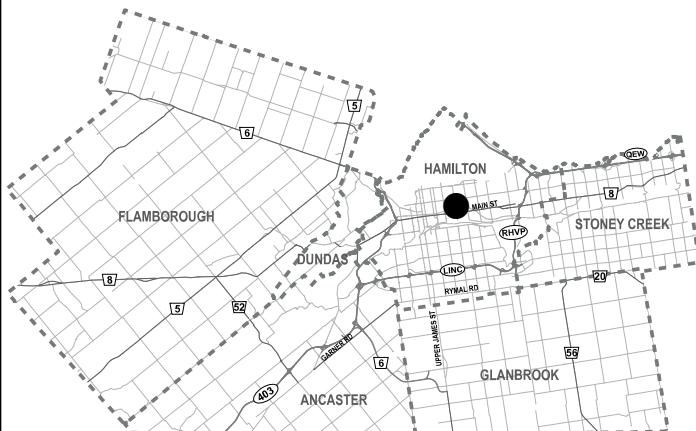
Regards,

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

Shannon Clarke
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

51 Gibson Avenue, Hamilton (Ward 3)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-21:23

Date:

April 15, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:94 – 16 Elgar 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-21:94 – 16 Elgar Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of an accessory building in the side yard of an existing single detached dwelling, notwithstanding the following variances identified by the Building Division – Zoning Section:

1. A southerly side yard width of 0.6m shall be provided for the proposed accessory building instead of the minimum required side yard width of 1.2m.
2. Eaves and gutters associated with the accessory building shall be permitted to project a maximum of 0.59m into the required side yard (therefore being 0.01m* from the side lot line), instead of the maximum permitted projection of 0.3m.
3. A parking space size of 2.7m x 5.6m shall be provided instead of the minimum required parking space of 2.7m x 6.0m.

*Revised from 0.1 m on the Notice of Hearing, as per comments from the Building Division – Zoning Section.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Policy E.3.4.3 applies, amongst others, and permits single detached dwellings and structures accessory thereto. 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/S-1788” District (Urban Protected Residential, Etc.) which permits single detached dwellings, subject to the applicable provisions.

Variance 1

A minimum side yard of 1.2m is required from the principal building to an interior side lot line, where no accessory structures shall be located; whereas the accessory building is proposed to be located within the minimum required side yard at a minimum distance of 0.6m from the side lot line.

The intent of the provision is to ensure that a physical separation is maintained between structures on adjacent properties, to support on-site drainage, access to rear yards, and to maintain privacy on adjacent lands. (Staff defers to Development Engineering

Approvals with regards to all drainage concerns.) Staff is satisfied that the proposed 0.6 m setback is adequate as the reduced setback will not impede access to the rear yard. Staff **supports** the variance as it maintains the intent of the Official Plan and Zoning By-law, and it is desirable and minor in nature.

Variance 2

The eaves and gutters of the accessory building are proposed to project 0.59m into the required side yard, therefore being 0.01m from the side lot line, whereas the maximum permitted projection is 0.3m. The intent of the provision is to permit some projection of architectural features while at the same time ensuring some separation between structures on abutting properties in order to minimize conflicts. It is the opinion of staff that the proposed projection to within 0.01m of the side lot line for an eave/gutter is not desirable. There will be no opportunity for maintenance, and any overflow from the eaves/gutter would discharge onto the abutting property to the south. Based on the foregoing, while the variance maintains the intent of the Official Plan, the variance does not maintain the intent of the Zoning By-law, and it is not desirable or minor in nature. Accordingly, staff **does not support** the variance.

Variance 3

A parking space size of 2.7m by 5.6m is proposed within the accessory building, instead of the minimum required parking space of 2.7m by 6.0m. The intent of the provision is to ensure a safe and functional parking space size.

The length of the accessory building is ± 5.7 m. This does not allow for an adequate parking space length. Based on the foregoing, while the variance is minor and maintains the intent of the Official Plan, the variance does not maintain the intent of the Zoning By-law and it is not desirable. Accordingly, staff **does not support** the variance.

Staff notes that two parking spaces are required to be provided in conformity with the Zoning By-law. The applicant should confirm that the two required parking spaces can be provided in the existing driveway in conformity with the Zoning By-law.

Recommendation:

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

Although Variances 2 & 3 maintain the purpose and intent of the Official Plan and Variance 3 is minor, staff is not satisfied that the purpose and intent of the Zoning By-law is maintained. The variances are not desirable for the appropriate development of the land, and Variance 2 is not minor in nature. Staff recommends that **Variances 2 & 3**, as

outlined in the Notice of Hearing and comments from the Building Division – Zoning Section, be **denied**.

Building Division:

1. Please be advised that a maximum building height of 4.0m is permitted for accessory buildings.
2. Variance #2 should be revised by changing “0.1m” to “0.01m”. Therefore, this variance should now read as follows:

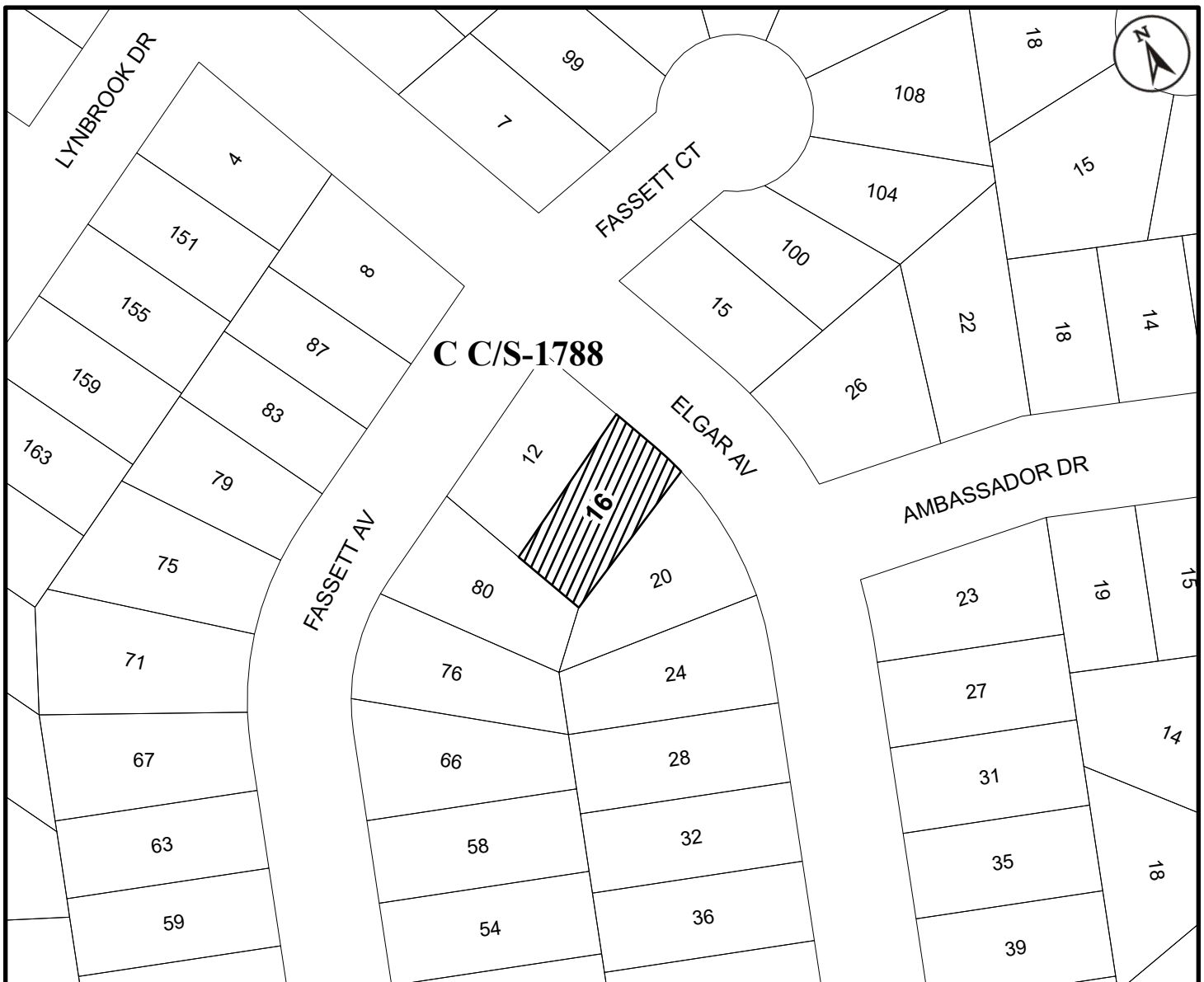
“Eaves and gutters associated with the accessory building shall be permitted to project a maximum of 0.59m into the required side yard (therefore being 0.01m from the side lot line), instead of the maximum permitted projection of 0.3m.”

3. A building permit is required in the normal manner for the construction of the proposed accessory structure.

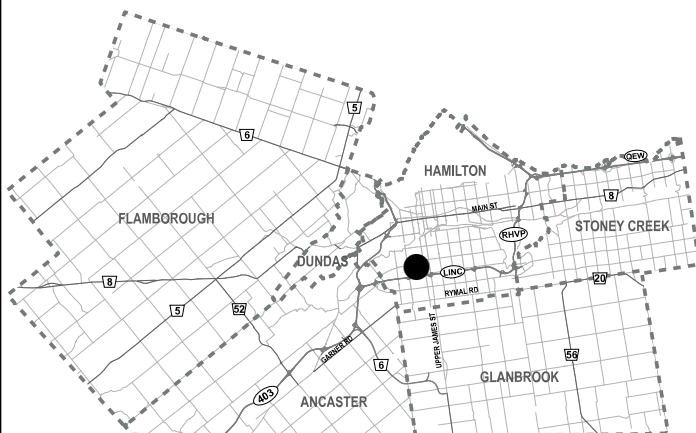
Development Engineering:

The proposed southerly side yard width of 0.60m does not allow for the minimum width of 0.90m required to construct a drainage swale. Therefore, we recommend that the Minor Variance be **denied**.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



16 Elgar Avenue, Hamilton
(Ward 8)

File Name/Number:

HM/A-21:94

Date:

April 8, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/B-21:18 – 583 Barton St., 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 shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).
5. The applicant shall provide confirmation of the existing uses on the lands to be retained, including the area devoted to any accessory retail, showroom area or tasting room, in order to determine compliance with the permitted uses of the M3 zone, or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
6. The owner shall submit survey evidence for the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
7. That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed and mitigate, through preservation or resource

removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

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

8. As the ultimate road width of Barton Street is 36.576m (as per the Urban Hamilton Official Plan (UHOP) Schedule C-2), the Owner shall dedicate to the City of Hamilton by deed, sufficient land adjacent to Barton Street in order to establish the property line 18.29m from the original centreline of the roadway. (Development Engineering Approvals Section)
9. As a condition of approval, the Owner will be required to pay their share of sidewalk along the entire frontage of their property along Barton Street as per the City of Hamilton new roads servicing rate. (Development Engineering Approvals Section)
10. As a condition of approval, the Owner will be required to pay their share to urbanize Arvin Avenue along the entire frontage of their property. (Development Engineering Approvals Section)

Note: Based on this application being approved and all conditions being met, the owner/applicant should be made aware that the lands to be retained (Part 1) will remain as **583 Barton Street (Stoney Creek)**, and the lands to be conveyed (Part 2) will be assigned the address of **572 Arvin Avenue (Stoney Creek)**.

SC/B-21:18 – 583 Barton St., Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of application **SC/B-21:18** is to sever a through lot which fronts onto Barton Street and Arvin Avenue. The applicant proposes to create a conveyable lot for industrial uses on the severed lands fronting onto Arvin Avenue (Part 2 on Plan 62R – 8560) with the retained lands (Part 1 on Plan 62R – 8560) to continue to be used by the existing industrial facility. Both the retained and severed lands will have a frontage of ± 43.13 metres and a lot area $\pm 7100\text{m}^2$.

Background

Prior to the consideration of the current application, Consent application **SC/B-19:98** for the subject lands was approved by the Committee of Adjustment at the October 24, 2019 Hearing. The severance has since lapsed and requires new consideration for approval.

Urban Hamilton Official Plan

The subject lands are designated as “Employment Areas” in Schedule E – Urban Structure, and designated as “Business Park” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan (UHOP). Policy E.5.4.3 applies, amongst others, and permits various industrial uses.

New lots for industrial uses that are designated “Business Park” may be permitted when they meet the criteria of F.1.14.3.5 (Volume 1). Staff is of the opinion that the proposed severance considers the design and compatibility with the existing industrial properties. The proposed lots reflect the general scale of the established development pattern in the surrounding area and conforms with the policies of the Official Plan.

Cultural Heritage

Archaeology

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

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

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

subject application. If this severance is granted, Staff recommends that the Committee attach the condition outlined under “Conditions (If Approved)” below.

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

The subject property is zoned (M3) Prestige Business Park (retained lands) and (M2) General Business Park (severed lands) in the City of Hamilton Zoning By-law No. 05-200, which permits industrial uses.

Both the retained and severed lands meet the lot size requirements of the Zoning By-law. Any proposed additions to the retained lands or new proposed facilities for the severed lands must comply with the (M3) Prestige Business Park and the (M2) General Business Park zones respectively.

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 uses, the proper and orderly development of the land, and conform to the Official Plan. Staff recommends that the proposed consents, as outlined in the Notices of Hearing, be **Approved** subject to the following condition:

CONDITION: (If Approved)

- 1) That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

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

Building Division:

COMMENTS:

1. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
2. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
3. It appears the building located on the lands to be retained functions as a Planned Business Centre. The Building Division has insufficient records to determine the total gross floor area of the existing building or to determine the specific existing uses within each of the individual units.

CONDITIONS:

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).
2. The applicant shall provide confirmation of the existing uses on the lands to be retained, including the area devoted to any accessory retail, showroom area or tasting room, in order to determine compliance with the permitted uses of the M3 zone, or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
3. The owner shall submit survey evidence for the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

Development Engineering:

Information

The existing infrastructure fronting the subject property is summarized below:

Barton Street

- 900mmØ watermain
- 400mmØ watermain
- 825mmØ storm sewer

- 300mmø sanitary sewer

Arvin Avenue

- 250mmø watermain
- 300mmø sanitary sewer

The site is located within the urban boundary, however Arvin Avenue (fronting the subject property to the north) currently has a rural cross-section. Therefore, the applicant will be required to pay their share to urbanize Arvin Avenue along the entire frontage of their property.

There is currently no sidewalk along the frontage of the subject property on Barton Street. Therefore, the applicant will be required to pay their share of sidewalk along the entire frontage of their property as per the City of Hamilton *new roads servicing rate*.

Barton Street currently has a road width of 31.3m. As per the Urban Hamilton Official Plan (UHOP) Schedule C-2, Barton Street shall have an ultimate road width of 36.576m. Therefore, as a condition of approval, the applicant shall dedicate to the City of Hamilton by deed, sufficient land adjacent to Barton Street in order to establish the property line 18.29m from the original centreline of the roadway.

Recommendations

1. As the ultimate road width of Barton Street is 36.576m (as per the Urban Hamilton Official Plan (UHOP) Schedule C-2), the Owner shall dedicate to the City of Hamilton by deed, sufficient land adjacent to Barton Street in order to establish the property line 18.29m from the original centreline of the roadway.
2. As a condition of approval, the Owner will be required to pay their share of sidewalk along the entire frontage of their property along Barton Street as per the City of Hamilton *new roads servicing rate*.
3. As a condition of approval, the Owner will be required to pay their share to urbanize Arvin Avenue along the entire frontage of their property.

Growth Planning:

Note: Based on this application being approved and all conditions being met, the owner/applicant should be made aware that the lands to be retained (Part 1) will remain as **583 Barton Street (Stoney Creek)**, and the lands to be conveyed (Part 2) will be assigned the address of **572 Arvin Avenue (Stoney Creek)**.

Transportation Planning:

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

- a. The existing right-of-way at the subject property is approximately 26.0 metres.

Approximately, 5.0 metres are to be dedicated to the right-of-way on Barton Street, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Barton Street (Nash Road to Fruitland Road) is to be 36.576 metres.

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

Source Water Protection:

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: April 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: 583 Barton Street, Stoney Creek
File: SC/B-21:18

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, April 22, 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 written in a cursive, flowing style.

Shannon Clarke
Urban Forest Health Technician

HM/A-21:87 – 58 East 24th 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-21:87 – 58 East 24th St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of an addition within the rear yard of an existing 2.5 storey single detached dwelling. The footprint of the proposed addition is 3.75 metres (width) by 8.9 metres (depth). The addition is proposed to facilitate the creation of a secondary dwelling unit (SDU), and the construction will include a 1.51 square metre deck with stairs on the northern side of the dwelling to provide access to the SDU. The relocation of an existing unenclosed porch from the rear of the existing dwelling to the rear of the addition is also proposed. In order to implement the proposal, the following variances were identified by the Building Division – Zoning Section:

1. The southerly side yard shall be 0.5 metres instead of the minimum required 1.2 metres; and,
2. Eaves and gutters may project into the required southerly side yard for the entire yard width instead of a maximum projection of not more than half of its required width or 0.25 metres.

Urban Hamilton Official Plan

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

Cultural Heritage - Built Heritage

The subject property is a circa 1900 dwelling of potential heritage interest located in the Eastmount Established Historical Neighbourhood. Accordingly, Section B.3.4.3.6 of the Urban Hamilton Official Plan, Volume 1, applies.

The proponent proposes to construct a full addition within the rear yard for an existing 2.5 storey single family dwelling in order to facilitate the creation of a second dwelling unit, and to construct a 1.51 square metre deck with stairs as an entrance on the northerly side of the dwelling and to relocate the existing unenclosed porch to the rear addition.

Notwithstanding that the subject property is within the Eastmount Established Historical Neighbourhood, staff have reviewed the application and are of the opinion that the cultural heritage value of the landscape will be conserved.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D” District (Urban Protected Residential - One and Two Family Dwellings and Etc.). The proposed development is a Residential Conversion and as such, the provisions of Section 19 “Residential Conversion Requirements” are applicable. The conversion of a single unit dwelling to a two-unit dwelling is permitted within the zoning, subject to the provisions of 19(1).

Variance 1

A minimum side yard of 0.5 m is proposed for the addition, whereas a minimum of 1.2 m is required by the Zoning By-law. The intent of the provision is to ensure that a physical separation is maintained between structures on adjacent properties, to support on-site drainage, to provide access to rear yards, and to mitigate any privacy concerns on adjacent lands. (Staff defers to Development Engineering Approvals with regards to all drainage concerns).

A minimum side yard of 0.5 m is proposed for the addition in order for the façade to align with the existing dwelling, which provides a minimum side yard of 0.5 m. The existing dwelling is ± 11.79 m in length, and the 3.73 m long addition represents an increase of $\pm 32\%$. Narrow side yards are typical on residential lots in the neighbourhood and so the proposed side yard is in keeping with the character of the neighbourhood. Staff is of the opinion that a side yard of 0.5 m will not compromise privacy, affect access, or the ability to maintain the yards. Furthermore, the 3.73 m long addition allows for a rear yard setback of ± 19.5 m abutting the private outdoor amenity area of the lot to the south to enhance privacy.

While staff considers the variance to be supportable as it appears to pass the four tests, staff is unable to determine the impact of the approval of the variance on drainage. As a result, staff would defer to the recommendation(s) made by Development Engineering Approvals.

Variance 2

The eaves and gutters are proposed to project the full width of the required side yard, therefore being 0.0m from the side lot line, whereas the maximum permitted projection is 0.25m. The intent of the provision is to permit some projection of architectural features while at the same time ensuring some separation between structures on abutting properties to minimize conflicts. It is the opinion of staff that the proposed projection to within 0.0 m of the side lot line for an eave/gutter is not desirable. There would be no opportunity for maintenance, and any overflow from the eaves/gutter would discharge onto the abutting property to the south. Thus, while the variance maintains the intent of the Official Plan, the variance does not maintain the intent of the Zoning By-law, and it is not desirable or minor in nature. Accordingly, staff **does not support** the variance.

Recommendation:

Having regard for the matters under subsection 45(1) of the *Planning Act*, staff is satisfied that Variance 1 maintains the purpose and intent of the Official Plan and the Zoning By-law. Variance 1 is minor in nature and desirable for the appropriate development of the land. Staff recommends that **Variance 1**, as outlined in the Notice of Hearing, be **approved, subject to the recommendation of Development Engineering Approvals**; and,

Although Variance 2 maintains the purpose and intent of the Official Plan, staff is not satisfied that the purpose and intent of the Zoning By-law is maintained. Variance 2 is not desirable for the appropriate development of the land, or minor in nature. Staff recommends that **Variance 2**, as outlined in the Notice of Hearing, be **denied**.

Building Division:

1. The variance is written as requested by the applicant. However, an additional variance requested for the lot width to be 7.5m is not required because it does not apply to conversions under Section 19 of the Zoning By-law
2. Building permit(s) are required for the proposed addition, the construction of a new deck and the reconstructed rear unenclosed porch and for the creation of separate dwelling units.
3. The proposed addition would provide an expanded crawlspace, and first floor and second floor additions for the existing 2.5 storey dwelling. The applicant has advised that the upper floor attic is not utilized for habitable floorspace.
4. The applicant has updated the site plan to show the existing dwelling and proposed addition. The updated site plan also proposes the parking spaces within the existing garage in the rear yard to utilize the laneway for manoeuvring instead of having on-site manoeuvring. The modified parking and manoeuvring arrangement would be in compliance with the Zoning By-law.
5. Be advised that the Ontario Building Code regulations may require specific setback and construction types.
6. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2 in width. Furthermore, the OBC will regulate the type of construction as the limiting distance for the side yard is less than 0.6m.
7. The property is identified in the City of Hamilton Heritage Inventory. The existing dwelling was constructed in 1900.

Development Engineering:

It appears that the existing sideyard setback is being maintained for the proposed addition. Therefore, if the existing drainage pattern is maintained we have no issues with the proposed variance.

See attached for additional comments.

Real Estate Comments – CoA April 22, 2021

58 East 24th Street, Hamilton



Applicants Proposal: To permit the conveyance of a parcel of land containing a townhouse dwelling (under construction) and to retain a parcel of land containing townhouse dwellings.

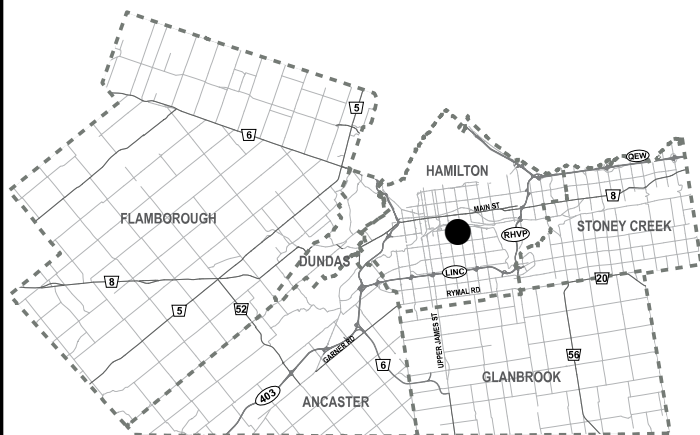
Variances for Property:

- N/A

Recommendations: Real Estate has no objection to the proposed severance.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



58 East 24th Street, Hamilton
(Ward 10)

File Name/Number:

HM/A-21:87

Date:

April 9, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:88 – 146 East 34th 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-21:88 – 146 East 34th St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the proposed parking area which will facilitate the conversion of an existing single family dwelling into two dwelling units under Section 19 of the Former City of Hamilton Zoning By-law No. 6593. The applicant is proposing the conversion of the single family dwelling notwithstanding the following variances:

- 1) That the required minimum width of a manoeuvring space be reduced from 6.0 metres to 2.7 metres; and
- 2) That the required minimum width for an access driveway be reduced from 2.8 metres to 2.7 metres.

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). Duplex dwellings are permitted within this designation (Volume 1 – E.3.4.3).

City of Hamilton Zoning By-law No. 6593

The subject lands are zoned Urban Protected Residential “C” District which permits the use of single detached dwellings and their conversion to two family dwellings, in accordance with the applicable provisions.

Variance 1

Zoning By-law 6593 establishes that a manoeuvring space of 6.0 metres be provided for each parking space that has a 90° angle. The intent of on-site manoeuvring space is to allow for manoeuvring and positioning of the vehicle prior to the vehicle entering the street.

The applicant is proposing a 2.7 metre manoeuvring space instead of the required 6.0 metre minimum. Development Planning staff is supportive of this variance as the parking space can be safely accessed from the street and as tandem parking is not being proposed, the second parking space will have unimpeded access.

Variance 2

Zoning By-law 6593 states that the minimum width of the access driveway shall be 2.8 metres. The intent of this provision is to provide functional access to a parking stall.

The applicant is requesting that an access width of 2.7 metres be permitted instead of the required 2.8 metre access width. Staff is satisfied that the proposed reduction will not negatively impact the functionality of the site as the access width tapers to the requested reduction for roughly 2.8 metres of the driveway's length and returns to the required width before entering the street. 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 of the opinion that the proposed parking area will not have an adverse affect on the surrounding lands and streetscape. As such the proposed Minor Variance meets the purpose and intent of the Urban Hamilton Official Plan and Zoning By-law, the variance is desirable for the appropriate development of the land and is minor in nature. Staff recommends that variances as outlined in the Notice of Hearing, be **Approved**.

Building Division:

Building Permit #20-170257, issued on September 25, 2020 remains not finalized.

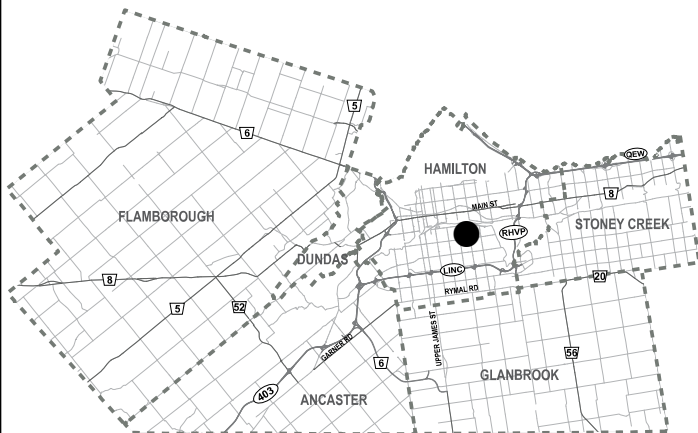
Development Engineering:

No comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



146 East 34th Street, Hamilton
(Ward 7)

File Name/Number:

HM/A-21:88

Date:

April 13, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:90 – 500 Mohawk 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):

HM/A-21:90 – 500 Mohawk Rd. E., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit alterations to an existing Multiple Dwelling to establish an additional dwelling unit, add three surface parking spaces and one loading space. The alterations will result in a total of 14 dwelling units, 22 parking spaces and one loading space, notwithstanding the following variances identified by the Building Division – Zoning Section:

1. A minimum manoeuvring space width of 5.9 metres shall be provided instead of providing a minimum manoeuvring space width of 6.0 metres required to be abutting upon and accessory to each required parking space;
2. The boundary of the parking area and loading space on the lot containing more than five (5) parking spaces shall be permitted to be located 0.0 metres from the residential district to the east and 0.0 metres from the residential district to the south instead of providing a minimum distance of 1.5 metres between the boundary of a parking area and loading space on a lot containing five (5) or more parking spaces and a residential district;
3. The boundary of the parking area and loading space on the lot containing more than five (5) parking spaces shall be permitted to be located 0.0 metres from the street line for that portion of the parking area within 3.0 metres of the adjoining residential district to the east instead of providing the minimum depth of the front yard required to be provided in the adjoining residential district for that portion of the parking area within 3.0 metres of a residential district;
4. A landscaped area with a planting strip shall not be provided between the boundary of the parking area and loading space on the lot containing more than five (5) parking spaces and the adjacent residential districts to the east and south whereas a landscaped area with a planting strip is required to be provided between the boundary of a parking area and loading space containing five (5) or more parking spaces located on the surface of a lot adjoining a residential district;
5. A visual barrier shall not be provided between the boundary of the parking area and loading space on the lot containing more than five (5) parking spaces and the adjacent residential districts to the east and south whereas a visual barrier not less than 1.2 metres in height and not greater than 2.0 metres in height is required to be provided between the boundary of a parking area and loading space containing

five (5) or more parking spaces located on the surface of a lot adjoining a residential district; and,

6. Sufficient space additional to the required loading space shall not be provided on site to enable the loading space to be freely and readily accessible from within the lot whereas sufficient space additional to a required loading space is required to be provided in such a manner as to enable each loading space to be unobstructed and freely and readily accessible from within the lot without moving any vehicle on the lot or encroaching on any designated parking or loading space.

Urban Hamilton Official Plan

The subject lands are identified within a “Sub Regional Service Node” 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.3.5.2 and E.3.5.7 apply, amongst others, and permit a multiple dwelling at the proposed density of ± 75 units per hectare. 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 “DE” District (Low Density Multiple Dwellings) which permits Multiple Dwellings, subject to the applicable provisions.

Variance 1

A minimum manoeuvring space width of 5.9 is proposed, whereas a minimum of 6.0 m is required by the Zoning By-law. The intent of the provision is to ensure sufficient space is provided for manoeuvring and positioning of the vehicle prior to the vehicle entering the street. The drawing shows a manoeuvring width of 19' – 8", or 5.9944m, abutting the 3 new parking spaces proposed at the rear. The proposed 0.5cm reduction in width will not have significant impact on the ability of vehicles to manoeuvre in the parking space. Staff **supports** the variance.

Variances 3 & 6

The new loading space is proposed to be located 0.0 m from the street line (Variance 3) and obstructed by the on-site parking spaces (Variance 6), whereas the Zoning By-law requires the loading space to be unobstructed and setback from the street line. The intent of the provisions is to ensure that loading spaces are safe and functional, and to minimize the visual impact on the public realm.

The loading space is proposed in the front yard with no buffering or screening, which would have a negative impact on the streetscape. Further, it is located within the driveway visibility triangle which is meant to remain free and clear above a height of 0.7 m in order

to ensure safe ingress and egress of vehicles and safe passage for pedestrians on the municipal sidewalk. The variances are not desirable for public safety and the impact on the streetscape would not be minor. While the variances maintain the intent of the Official Plan, they do not maintain the intent of the Zoning By-law, and they are not desirable or minor in nature. Accordingly, staff **does not support** the variances.

Variances 2, 4 & 5

These variances are to recognize the existing conditions of the parking area and to permit the expansion of the parking area by way of 3 new parking spaces at the rear and 1 loading space at the front. As noted above, staff does not support the location of the loading space at the front.

The parking area is set back 0.0 m from the abutting properties to the east and south, instead of the required 1.5 m (Variance 2). A landscaped area and planting strip (Variance 4) and visual barrier (Variance 5) are required to be provided between the parking area and the abutting properties to the east and south, whereas no landscaped area, planting strip, and/or visual barrier are existing, and none are proposed to be provided.

These variances are to recognize existing situations which have not presented any noticeable negative impact. Further, there is no opportunity to meet these requirements within the existing 0.0 m setback. The proposed additional 3 parking spaces at the rear with a setback ± 3 m from the southerly lot line does not warrant the requirement for landscaped areas and planting strips, or a visual barrier.

Staff **supports** the variances which are intended to recognize existing deficiencies.

Recommendation:

Staff cannot support Variances 3 and 6 to permit the proposed loading space; however, one loading space is required by the Zoning By-law. In light of the foregoing, staff recommends that the applicant be encouraged to ask the Committee to table their application in order to allow the applicant to consult with staff and revise their proposal, if possible.

Should the Committee choose to proceed with a decision today, staff makes the following recommendation:

Having regard for the matters under subsection 45(1) of the *Planning Act*, staff is satisfied that Variances 1, 2, 4 & 5 maintain the purpose and intent of the Official Plan and the Zoning By-law. The variances are minor in nature and desirable for the appropriate development of the land. Staff recommends that **Variances 1, 2, 4 & 5**, as outlined in the Notice of Hearing, be **approved**; and,

Although Variances 3 & 6 maintain the purpose and intent of the Official Plan, staff is not satisfied that the purpose and intent of the Zoning By-law is maintained. Variances 3 & 6

are not desirable for the appropriate development of the land, or minor in nature. Staff recommends that **Variances 3 & 6**, as outlined in the Notice of Hearing, be **denied**.

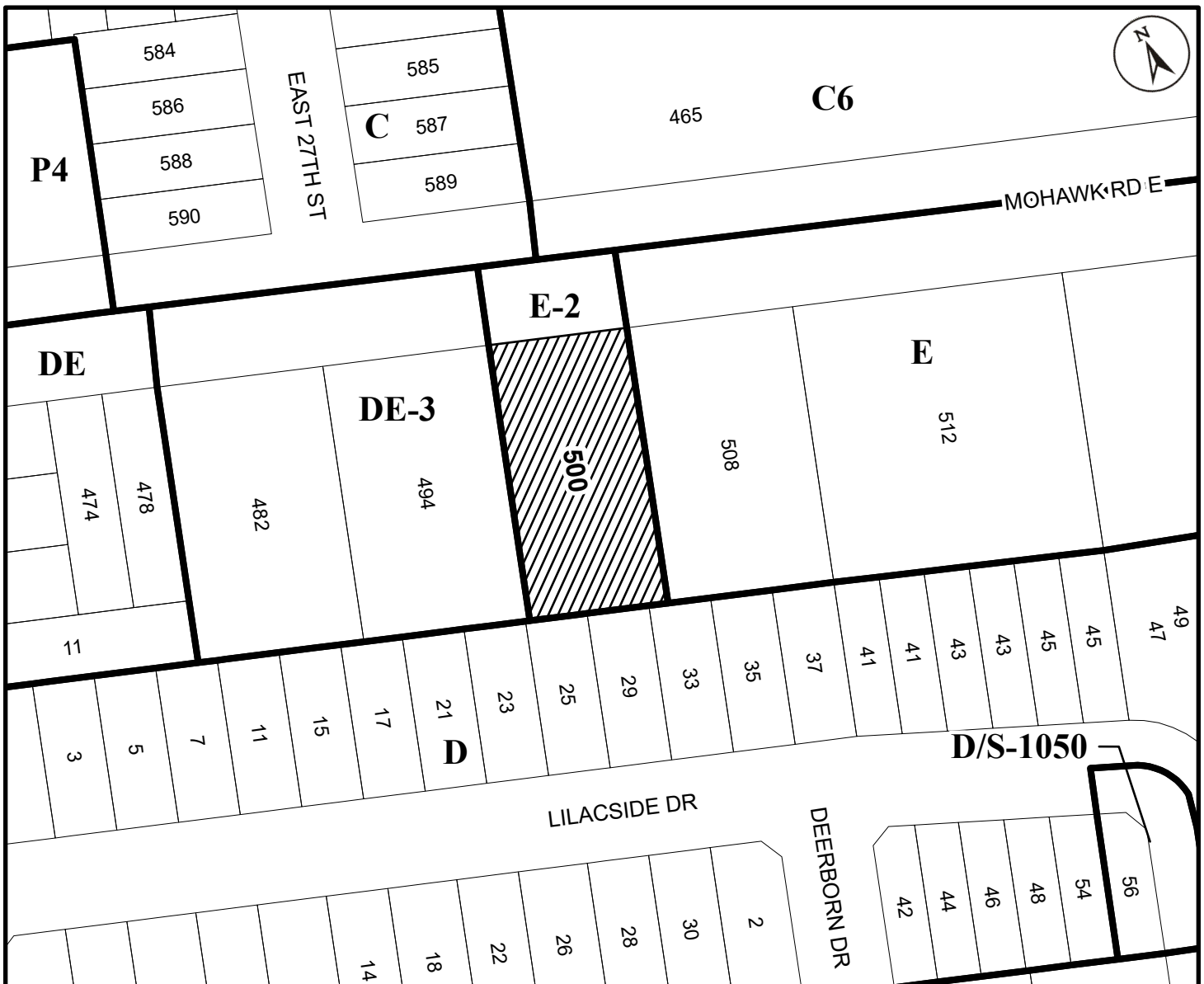
Building Division:

1. As the existing building does not meet the definition of *Dwelling* as defined within the Zoning By-law, the existing building cannot be converted under Section 19 (Residential Conversion Requirements) of the Zoning By-law, as requested by the applicant.
2. As an expansion to the existing parking area is proposed, compliance with the current zoning provisions is required.
3. A further variance will be required if a minimum of at least one-quarter of the lot area is not provided and *Landscaped Area*, as defined within the Zoning By-law.
4. A further variance will be required if a minimum loading space size measuring 3.7 metres in width by 9.0 metres in length by 4.3 metres in height is not provided.
5. A further variance will be required if a minimum parking space size measuring 2.7 metres in width by 6.0 metres in length is not provided.
6. A further variance will be required if any illumination provided for the parking area and loading space is not directed towards or on the lot on which the parking area is located.
7. A further variance will be required if a minimum of four (4) parking spaces are not designated as visitor parking spaces, which are maintained for the exclusive use of visitors providing a sign appurtenant thereto legibly marking such spaces for the exclusive use of visitors.
8. A further variance will be required if bumpers or wheel barriers are not provided to prevent the physical encroachment of vehicles beyond the parking area.
9. A further variance will be required if a permanent, durable and dustless surface that is graded, drained, and paved with concrete or asphalt or a combination of concrete and asphalt is not provided for the parking area, manoeuvring space, loading space and access driveway.
10. Establishment of the proposed dwelling unit 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.
11. The lands are subject to Site Plan Control.

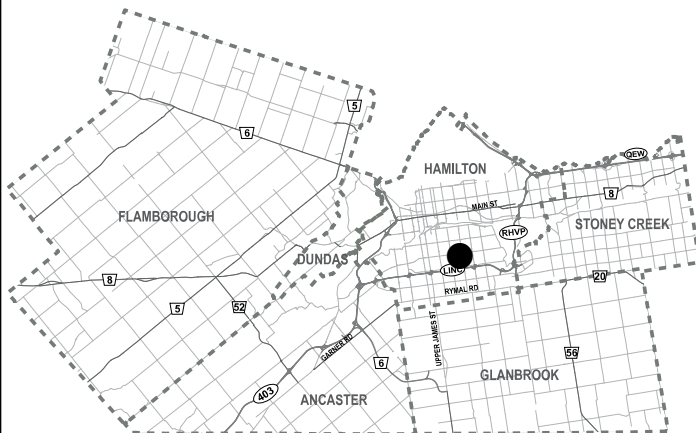
Development Engineering:

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

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



500 Mohawk Road East, Hamilton
(Ward 7)

File Name/Number:

HM/A-21:90

Date:

April 13, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

HM/A-21:96 – 178 East 45th 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-21:96 – 178 East 45th St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of a new second storey addition to an existing single detached dwelling, notwithstanding the variance below:

1. A minimum southerly side yard width of 0.9m shall be permitted instead of the minimum 1.2m side yard width required

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). Single detached dwellings are permitted within this designation (Volume 1 – E.3.4.3).

City of Hamilton Zoning By-law No. 6593

The subject lands are zoned Urban Protected Residential “C” District which permits the use of single detached dwellings, in accordance with the applicable provisions.

Variance 1

A minimum side yard of 0.9m is proposed, whereas a minimum of 1.2m is required by the Zoning By-law. The intent of the provision is to provide adequate space for access to the rear yard, and to accommodate drainage. (Staff defers to Development Engineering Approvals with regards to all drainage concerns).

The applicant is proposing a second storey addition to the existing one story single detached dwelling that will bring the overall height of the building to ± 8.5 metres. The existing setback for the dwelling is 0.9 metres, the applicant is not proposing to increase the building footprint, nor encroach into the southern side yard. As such planning staff is in support the proposed addition as this addition will have no impact on the side yard or result in loss of privacy for the house on 180 East 45th Street as both houses are in line with one another which will mitigate any overlook of the rear yards. 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 variance maintain the purpose and intent of the Official Plan and the

Zoning By-law. The variance is desirable for the appropriate development of the land. Staff recommends that the requested variance, as outlined in the Notice of Hearing, be **approved**.

Building Division:

1. Details regarding the proposed height of the building have not been provided. 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.
2. A further variance will be required if the eaves and gutter project greater than 0.45 metres into the required northerly side yard.
3. A further variance may be required if alterations to the existing front porch, including steps, are proposed.
4. A further variance may be required if alterations to the existing front yard conditions are proposed (i.e. reduction of landscaped area or increase of driveway area).
5. Details regarding the number of habitable rooms have not been provided. Further variances may be required if the proposed addition results in greater than eight (8) habitable rooms being contained within the dwelling.
6. 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.
7. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2 metres in width.

Development Engineering:

Provided that existing drainage patterns are maintained; Development Engineering has no comments on the minor variance as proposed.

See attached for additional comments.

April 13, 2021

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

Attention: Samantha Costa

File# HM/A:21-96

Re: 178 East 45th St

In response to your correspondence dated April 6, 2021, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

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

We would also like to stipulate the following:

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

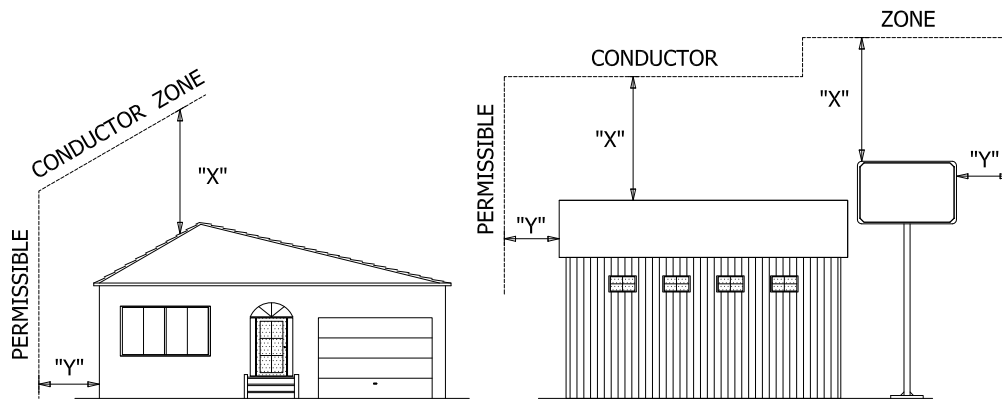
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal,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

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 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.

Hansra, Aman

From: Jane And John <j_macdonald82@sympatico.ca>
Sent: Monday, April 19, 2021 10:20 AM
To: Committee of Adjustment
Subject: Application HM/A 21:96

As residents located at 180 East 45th we do not agree to the suggested variance as outlined in the report.

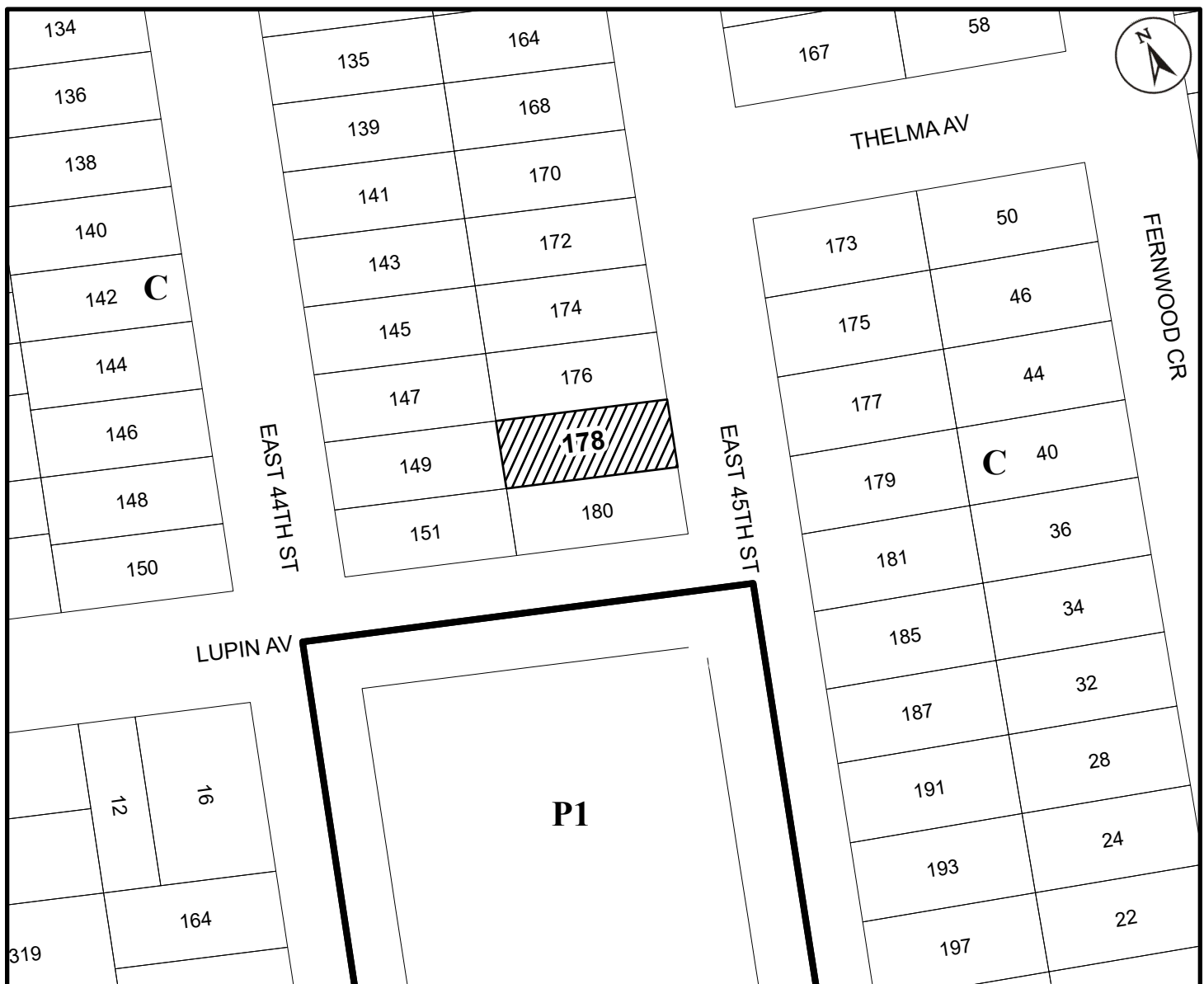
Thank you

John J MacDonald

Jane E Randazzo

905-575-9841

Sent from my iPad



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



178 East 45th Street, Hamilton
(Ward 6)

File Name/Number:

HM/A-21:96

Date:

April 13, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-20:35 – 386 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):

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 submit survey evidence for the lands to be severed and the lands to be retained, that the lot width and lot area, 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 demolish all or an appropriate portion of the dwelling 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.
7. The owner shall demolish the accessory buildings (3 sheds) on the lands to be retained and the lands to be conveyed to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the three (3) to remain when no principal use is

existing (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.

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. (Development Engineering Approvals)

HM/B-20:35 – 386 East 25th St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

Applications HM/B-20:35 and HM/A-20:126 are to be heard concurrently. The purpose of these applications is to permit the conveyance of a ± 9.85 m by ± 37.5 m parcel of land having an area of ± 360.2 sq. m, and to retain a ± 9.59 m by ± 39.9 m parcel of land having an area of ± 360.2 sq. m., notwithstanding that a variance is required to permit the proposed minimum lot width of both the severed and retained parcel and facilitate the consent. Variances to permit front yard parking are also proposed. The variances are noted below.

Lot to be Retained

1. A minimum lot width of 9.5m shall be provided instead of the minimum required lot width of 12.0m.
2. Not less than 38% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials instead of the requirement that not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
3. The required two parking spaces shall be permitted to be located within the front yard instead of the requirement that for a single family dwelling only one of the required parking spaces may be located in the front yard.

Lot to be Severed

1. A minimum lot width of 9.5m shall be provided instead of the minimum required lot width of 12.0m.
2. Not less than 39%* of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials instead of the requirement that not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
3. The required two parking spaces shall be permitted to be located within the front yard instead of the requirement that for a single family dwelling only one of the required parking spaces may be located in the front yard.

*Revised from 43% on the Notice of Hearing, as per comments from the Building Division – Zoning Section.

History

Applications HM/B-20:35 and HM/A-20:126 were tabled by the Committee of Adjustment at its meeting on August 6, 2020 at the request of the applicant in order to revise the proposal to address staff's concerns. Development Planning staff recommended denial of the consent because the proposed lots did not reflect the general scale and character of the neighbourhood and it did not conform to the Official Plan and the Zoning By-law.

Staff recommended denial of the variances for lot width, lot area, and minimum side yard setbacks which were considered out of character. Staff supported variances for front yard parking on a driveway ± 6 m in length.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are within an established area. The proposed lots would be used for single detached dwellings. In accordance with Section B.2.4.2– Residential Intensification, and as required by Policy E.3.2.4, the proposed development shall enhance and be compatible with the scale and character of the existing residential neighbourhood.

The proposed 9.5m lots are smaller in width than the established residential lots. The proposed lots are out of character with the existing neighbourhood where the lot widths for single detached dwelling lots are between 10.5m and 18m. It is the opinion of staff that the proposed development does not meet the criteria outlined in Section B.2.4.2.2 as the lots to be created would not reflect the established patterns and character of the existing neighbourhood, and the dwellings to be erected would not reflect the neighbourhood scale or maintain the streetscape patterns.

In addition to the criteria established for Residential Intensification, lot creation in the urban area must be consistent with the policies of Section F. 1.14.3 Lot Creation – Urban Area. The proposed lots do not reflect the general scale and character of the established development pattern. The proposed lot widths do not conform to the Zoning By-law and staff is unable to support the required variance as the variance does not pass the four tests of subsection 45(1) of the *Planning Act*. It is the opinion of staff that the conditions outlined in Section F.1.14.3.1 are not satisfied by the proposed lots.

Based on the foregoing, the proposed consent does not conform to the UHOP.

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1 – Retained and Severed Lot

A minimum lot width of 9.5 m is proposed for both lots, whereas a minimum of 12.0 m is required by the Zoning By-law. The minimum required lot width is necessary in maintaining a compatible streetscape and consistent neighbourhood character. As noted previously, the width of the proposed lots is atypical. Therefore, the variance does not maintain the intent of the Official Plan or the Zoning By-law, and it is not desirable or minor in nature. Accordingly, staff **does not support** the variance.

Variances 2 & 3 – Retained and Severed Lot

Two parking spaces are proposed to be located within the front yard, whereas the Zoning By-law permits only one parking space in the front yard (Variance 2). The landscaped area of the front yard is proposed to be 38% of the gross area of the front yard for the retained lot and 39% for the severed lot, whereas a minimum 50% landscaped area is required by the Zoning By-law (Variance 3). The intent of the zoning provision in permitting a maximum of one parking space in the front yard is to ensure that parking areas are not the visually dominant elements on the streetscape. The front yards are to be landscaped to improve the aesthetics from the public realm, and to provide permeable area for drainage purposes. Staff defers to Development Engineering Approvals for all drainage concerns.

A double driveway is proposed in the front yard even though the proposed lot widths are smaller than the typical lot widths of between 10.5m and 18m in the neighbourhood. While driveway parking and front yard parking are typical for the area, double driveways are typically found on the wider lots and these tend to meet or exceed the 50% front yard landscaped area requirement. Further, the proposed ± 12 m long driveway in the front yard for parking is two times the length of the typical driveways in the area. While front yard parking is typical in this established neighbourhood, the proposed long driveway and reduced landscaped area are not typical or desirable.

While the variances maintain the intent of the Official Plan, they do not maintain the intent of the Zoning By-law, and they are not desirable or minor in nature. Accordingly, staff **does not support** the variances.

Recommendation:

Having regard for the matters under subsection 51(24) of the *Planning Act*, staff is not satisfied that the proposed consent conforms to the Official Plan, or that the dimensions of the proposed lots are suitable. Staff recommends that the requested **consent be denied**;

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,

Although Variances 2 & 3 maintain the purpose and intent of the Official Plan, staff is not satisfied that the purpose and intent of the Zoning By-law is maintained. Variances 2 & 3 are not desirable for the appropriate development of the land, or minor in nature. Staff recommends that **Variances 2 & 3**, as outlined in the Notice of Hearing, be **denied**.

Building Division:

1. Minor Variance File No. HM/A-20:126 is necessary in order to facilitate this Consent Application. HM/A-20:35. These applications are being heard concurrently.
2. 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.
3. 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.
4. Be advised that if the accessory buildings are is not demolished at the same time as the dwelling, a variance will be required to permit the accessory buildings to remain on the retained lands when no main use/building has been established.
5. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.

CONDITIONAL UPON:

1. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
2. The owner shall submit survey evidence for the lands to be severed and the lands to be retained, that the lot width and lot area, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
3. The owner shall demolish all or an appropriate portion of the dwelling 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 demolish the accessory buildings (3 sheds) on the lands to be retained and the lands to be conveyed to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the three (3) to remain when no principal use is existing (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.

Development Engineering:

Information

The existing infrastructure fronting the subject application is summarized below:

- 300mmØ combined sewer
- 150mmØ watermain

Each new dwelling shall be provided with separate independent services.

The Owner will be required to enter into a Consent Agreement with the City of Hamilton to address issues such as lot grading, drainage, cash payments, etc as a condition of approval.

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.

Growth Planning:

No comment.

Transportation Planning:

Transportation Planning has no objection to the land severance application.

Source Water Protection:

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: April 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: 386 East 25th St., Hamilton
File: HM/B-20:35

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, April 22, 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

Hansra, Aman

From: Amanda Wood <amandawood14@gmail.com>
Sent: Tuesday, April 6, 2021 6:29 PM
To: Committee of Adjustment
Cc: Ryan De Coste
Subject: 386 East 25th St

Good Evening,

My name is Amanda De Coste and I live in very close proximity to the proposed construction site. Both my husband and myself have some concerns with the level of noise that comes with both demolition and reconstruction of two houses. My husband works straight night shift and sleeps during the day time, the proposed construction would greatly impact the amount of sleep he gets day to day.

Another concern we have is there are a lot of kids that reside within the neighbourhood, two of which belong to me. Again with the level of noise demolition brings I am concerned if myself or my children will be able to enjoy our outdoor space this summer. I also question how safe it is to have heavy machinery, that much dirt and debris around.

I would urge the landlord of this address to reconsider a full scale demolition as this would greatly impact the lives of my family.

I appreciate your time,

Amanda De Coste

Hansra, Aman

From: alliron alliron <alliron@sympatico.ca>
Sent: Monday, April 19, 2021 9:20 AM
To: Committee of Adjustment
Subject: Re: application number HM/B-20:35

I am Mike Clarkson I live at 390 E. 25th St. Hamilton On. L8V 3B1

I would like the committee of adjustment and the applicants to know that I am firmly against any and all variances & severances being sought to change the existing property at 386 East 25th St. Hamilton. This street is experiencing high volumes of high speed traffic due to it being a through street from Concession to Mohawk, there are 3 schools in close proximity from Franklin to Mohawk Rd., school busses, pedestrian & parents driving their children to school, garbage trucks use E. 25th as a short cut to avoid using upper Sherman & Upper Wentworth, parking on both sides of the street has reduced E 25th to 1 lane. There are at least 2 vary large residential development projects soon to be started in the area (upper Sherman & Mohawk & upper Ottawa & Fennell) that will provide plenty of residential units for people to rent or buy.

Regards Mike Clarkson

Hansra, Aman

From: Mary Dorin <mdorin@savers.com>
Sent: April 19, 2021 7:17 PM
To: Committee of Adjustment
Subject: Application HM/B-20:35 and HM/A-20:126

Dear Members of the Committee of Adjustment,

I am writing to you today as I am strongly opposed to the propositions put before the Committee regarding 386 East 25th Street.

I am the owner of 382 East 25 Street and have resided here for over seven years now. It is a quiet peaceful neighbourhood that I have come to love due to the green space, mature trees and good sized yard that bring nature within your grasp within the city. This was the number one reason I purchased this home. The house itself was a fixer upper and I have spent the last seven years working to make this my home. One of my daily joys is to have my morning coffee on my patio and enjoy the birds in my yard. I spend a significant amount of time in my back yard enjoying the sunshine and my flower gardens in the summer.

The proposed destruction of the home at 386 and proposed building of two houses in it's place will significantly impact my quality of life. The sheer size of the buildings proposed will take up almost the entire property. Where once I walked out to see trees and sunshine, I will be met with a brick wall. In addition to this the variances requested will see the majority of front yard paved over for parking. I have attached a current picture of the view from my home to next door. Imagine a brick wall spanning the length of the entire yard up to the shed on the right hand side of the picture. The wall will also run as high as the tree line. You can see from how the sun is positioned that this will cause a significant reduction of sunlight into my yard as well as an eye sore.

I have serious concerns about the intended use of these proposed buildings as well. They are pegged as single family homes, but the applicant has not shared any floor plans for these. The size of the proposed buildings would be appropriate if both floors were used for a single family. My concern is that once built they will then become duplexes. There is already an issue with parking on this street that is a pretty busy street already with traffic flowing from Fennel Ave to Mohawk Road. If there are now four apartments on a property that was meant for a single home, where are all of these vehicles going to park?

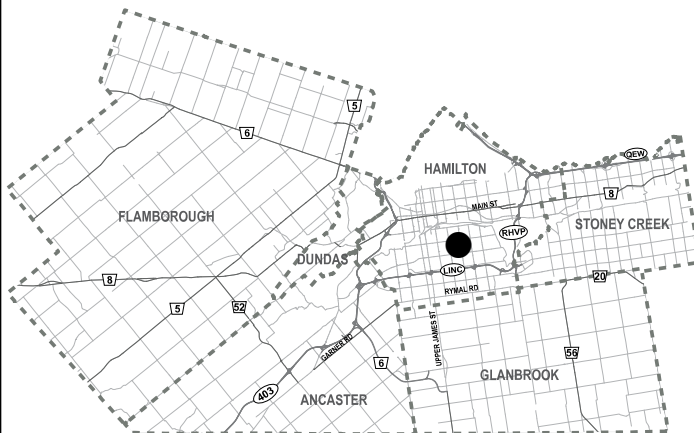
In conclusion, I sincerely ask for your consideration to not allow this proposal to pass. The applicants are asking yet again for variances to our bylaws that were put in place for a reason. This will be to the detriment of the people who are actually living here. The applicants do not intend to live here. This is simply a business venture for them. Please allow those of us who have worked hard to build a life here to continue to live it here peacefully and without unnecessary disruption.

Sincerely,
Mary Dorin





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

386 East 25th Street, Hamilton (Ward 7)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-20:35

Date:

April 14, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:126 – 386 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-20:126 – 386 East 25th St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

Applications HM/B-20:35 and HM/A-20:126 are to be heard concurrently. The purpose of these applications is to permit the conveyance of a ± 9.85 m by ± 37.5 m parcel of land having an area of ± 360.2 sq. m, and to retain a ± 9.59 m by ± 39.9 m parcel of land having an area of ± 360.2 sq. m., notwithstanding that a variance is required to permit the proposed minimum lot width of both the severed and retained parcel and facilitate the consent. Variances to permit front yard parking are also proposed. The variances are noted below.

Lot to be Retained

1. A minimum lot width of 9.5m shall be provided instead of the minimum required lot width of 12.0m.
2. Not less than 38% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials instead of the requirement that not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
3. The required two parking spaces shall be permitted to be located within the front yard instead of the requirement that for a single family dwelling only one of the required parking spaces may be located in the front yard.

Lot to be Severed

1. A minimum lot width of 9.5m shall be provided instead of the minimum required lot width of 12.0m.
2. Not less than 39%* of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials instead of the requirement that not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
3. The required two parking spaces shall be permitted to be located within the front yard instead of the requirement that for a single family dwelling only one of the required parking spaces may be located in the front yard.

*Revised from 43% on the Notice of Hearing, as per comments from the Building Division – Zoning Section.

History

Applications HM/B-20:35 and HM/A-20:126 were tabled by the Committee of Adjustment at its meeting on August 6, 2020 at the request of the applicant in order to revise the proposal to address staff's concerns. Development Planning staff recommended denial of the consent because the proposed lots did not reflect the general scale and character of the neighbourhood and it did not conform to the Official Plan and the Zoning By-law.

Staff recommended denial of the variances for lot width, lot area, and minimum side yard setbacks which were considered out of character. Staff supported variances for front yard parking on a driveway ± 6 m in length.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are within an established area. The proposed lots would be used for single detached dwellings. In accordance with Section B.2.4.2– Residential Intensification, and as required by Policy E.3.2.4, the proposed development shall enhance and be compatible with the scale and character of the existing residential neighbourhood.

The proposed 9.5m lots are smaller in width than the established residential lots. The proposed lots are out of character with the existing neighbourhood where the lot widths for single detached dwelling lots are between 10.5m and 18m. It is the opinion of staff that the proposed development does not meet the criteria outlined in Section B.2.4.2.2 as the lots to be created would not reflect the established patterns and character of the existing neighbourhood, and the dwellings to be erected would not reflect the neighbourhood scale or maintain the streetscape patterns.

In addition to the criteria established for Residential Intensification, lot creation in the urban area must be consistent with the policies of Section F. 1.14.3 Lot Creation – Urban Area. The proposed lots do not reflect the general scale and character of the established development pattern. The proposed lot widths do not conform to the Zoning By-law and staff is unable to support the required variance as the variance does not pass the four tests of subsection 45(1) of the *Planning Act*. It is the opinion of staff that the conditions outlined in Section F.1.14.3.1 are not satisfied by the proposed lots.

Based on the foregoing, the proposed consent does not conform to the UHOP.

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1 – Retained and Severed Lot

A minimum lot width of 9.5 m is proposed for both lots, whereas a minimum of 12.0 m is required by the Zoning By-law. The minimum required lot width is necessary in maintaining a compatible streetscape and consistent neighbourhood character. As noted previously, the width of the proposed lots is atypical. Therefore, the variance does not maintain the intent of the Official Plan or the Zoning By-law, and it is not desirable or minor in nature. Accordingly, staff **does not support** the variance.

Variances 2 & 3 – Retained and Severed Lot

Two parking spaces are proposed to be located within the front yard, whereas the Zoning By-law permits only one parking space in the front yard (Variance 2). The landscaped area of the front yard is proposed to be 38% of the gross area of the front yard for the retained lot and 39% for the severed lot, whereas a minimum 50% landscaped area is required by the Zoning By-law (Variance 3). The intent of the zoning provision in permitting a maximum of one parking space in the front yard is to ensure that parking areas are not the visually dominant elements on the streetscape. The front yards are to be landscaped to improve the aesthetics from the public realm, and to provide permeable area for drainage purposes. Staff defers to Development Engineering Approvals for all drainage concerns.

A double driveway is proposed in the front yard even though the proposed lot widths are smaller than the typical lot widths of between 10.5m and 18m in the neighbourhood. While driveway parking and front yard parking are typical for the area, double driveways are typically found on the wider lots and these tend to meet or exceed the 50% front yard landscaped area requirement. Further, the proposed ± 12 m long driveway in the front yard for parking is two times the length of the typical driveways in the area. While front yard parking is typical in this established neighbourhood, the proposed long driveway and reduced landscaped area are not typical or desirable.

While the variances maintain the intent of the Official Plan, they do not maintain the intent of the Zoning By-law, and they are not desirable or minor in nature. Accordingly, staff **does not support** the variances.

Recommendation:

Having regard for the matters under subsection 51(24) of the *Planning Act*, staff is not satisfied that the proposed consent conforms to the Official Plan, or that the dimensions of the proposed lots are suitable. Staff recommends that the requested **consent be denied**;

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,

Although Variances 2 & 3 maintain the purpose and intent of the Official Plan, staff is not satisfied that the purpose and intent of the Zoning By-law is maintained. Variances 2 & 3 are not desirable for the appropriate development of the land, or minor in nature. Staff recommends that **Variances 2 & 3**, as outlined in the Notice of Hearing, be **denied**.

Building Division:

1. This Division's comments of April 13, 2021 shall be replaced in their entirety by the following comments.
2. The wording of the title "Lot to be Retained (388/386B East 25th Street)" shall be changed to "Lot to be Conveyed (388/386B East 25th Street)" as these variances are actually required for the "Sever Lands: (B)" as indicated on the Notice of Public Hearing for Consent/Land Severance pursuant to File No. HM/B-20:35. As such, the wording shall now read:

"Lot to be Conveyed (388/386B East 25th Street)"

3. Variance No. 2 for the "Lot to be Conveyed (388/386B East 25th Street)" shall be revised by changing the number 43% in the first line to 39% as Site Statistic Drawing A0.0 for 388 East 25th Street shows the "Total Area of Soft Landscaping" as 39.91%. As such, Variance No. 2 for the "Lot to be Conveyed (388/386B East 25th Street)" shall now read:

"Not less than 39% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials instead of the requirement that not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials."

4. Not all the plans submitted were attached to the Notice, specifically:
 - S-0.0 and S-0.1
 - A-0.0, A-1.1, A-1.2, A-1.3, A-2.1, A-2.2, A-2.3 and A-2.4 for 386 East 25th Street
 - A-0.0, A-1.1, A-1.2, A-1.3, A-2.1, A-2.2, A-2.3 and A-2.4 for 388 East 25th Street
5. The variances are necessary to facilitate Consent File No. HM/B-20:35 to be heard concurrently.
6. The front yard landscaped area in Variance # 2 for both the lands to be retained and the lands to be conveyed is based on the "area of soft landscape".
7. The existing dwelling and three (3) existing sheds are intended to be demolished. Demolition permits are required for the demolition of these buildings.
8. Be advised that Ontario Building Code regulations may require specific setback and construction types.
9. A building permits are required for construction] of the proposed single family dwelling on each of the lots to be retained and conveyed.

Development Engineering:

No comments.

See attached for additional comments.

Hansra, Aman

From: Amanda Wood <amandawood14@gmail.com>
Sent: Tuesday, April 6, 2021 6:29 PM
To: Committee of Adjustment
Cc: Ryan De Coste
Subject: 386 East 25th St

Good Evening,

My name is Amanda De Coste and I live in very close proximity to the proposed construction site. Both my husband and myself have some concerns with the level of noise that comes with both demolition and reconstruction of two houses. My husband works straight night shift and sleeps during the day time, the proposed construction would greatly impact the amount of sleep he gets day to day.

Another concern we have is there are a lot of kids that reside within the neighbourhood, two of which belong to me. Again with the level of noise demolition brings I am concerned if myself or my children will be able to enjoy our outdoor space this summer. I also question how safe it is to have heavy machinery, that much dirt and debris around.

I would urge the landlord of this address to reconsider a full scale demolition as this would greatly impact the lives of my family.

I appreciate your time,

Amanda De Coste

Hansra, Aman

From: alliron alliron <alliron@sympatico.ca>
Sent: Monday, April 19, 2021 9:20 AM
To: Committee of Adjustment
Subject: Re: application number HM/B-20:35

I am Mike Clarkson I live at 390 E. 25th St. Hamilton On. L8V 3B1

I would like the committee of adjustment and the applicants to know that I am firmly against any and all variances & severances being sought to change the existing property at 386 East 25th St. Hamilton. This street is experiencing high volumes of high speed traffic due to it being a through street from Concession to Mohawk, there are 3 schools in close proximity from Franklin to Mohawk Rd., school busses, pedestrian & parents driving their children to school, garbage trucks use E. 25th as a short cut to avoid using upper Sherman & Upper Wentworth, parking on both sides of the street has reduced E 25th to 1 lane. There are at least 2 vary large residential development projects soon to be started in the area (upper Sherman & Mohawk & upper Ottawa & Fennell) that will provide plenty of residential units for people to rent or buy.

Regards Mike Clarkson

Hansra, Aman

From: Mary Dorin <mdorin@savers.com>
Sent: April 19, 2021 7:17 PM
To: Committee of Adjustment
Subject: Application HM/B-20:35 and HM/A-20:126

Dear Members of the Committee of Adjustment,

I am writing to you today as I am strongly opposed to the propositions put before the Committee regarding 386 East 25th Street.

I am the owner of 382 East 25 Street and have resided here for over seven years now. It is a quiet peaceful neighbourhood that I have come to love due to the green space, mature trees and good sized yard that bring nature within your grasp within the city. This was the number one reason I purchased this home. The house itself was a fixer upper and I have spent the last seven years working to make this my home. One of my daily joys is to have my morning coffee on my patio and enjoy the birds in my yard. I spend a significant amount of time in my back yard enjoying the sunshine and my flower gardens in the summer.

The proposed destruction of the home at 386 and proposed building of two houses in it's place will significantly impact my quality of life. The sheer size of the buildings proposed will take up almost the entire property. Where once I walked out to see trees and sunshine, I will be met with a brick wall. In addition to this the variances requested will see the majority of front yard paved over for parking. I have attached a current picture of the view from my home to next door. Imagine a brick wall spanning the length of the entire yard up to the shed on the right hand side of the picture. The wall will also run as high as the tree line. You can see from how the sun is positioned that this will cause a significant reduction of sunlight into my yard as well as an eye sore.

I have serious concerns about the intended use of these proposed buildings as well. They are pegged as single family homes, but the applicant has not shared any floor plans for these. The size of the proposed buildings would be appropriate if both floors were used for a single family. My concern is that once built they will then become duplexes. There is already an issue with parking on this street that is a pretty busy street already with traffic flowing from Fennel Ave to Mohawk Road. If there are now four apartments on a property that was meant for a single home, where are all of these vehicles going to park?

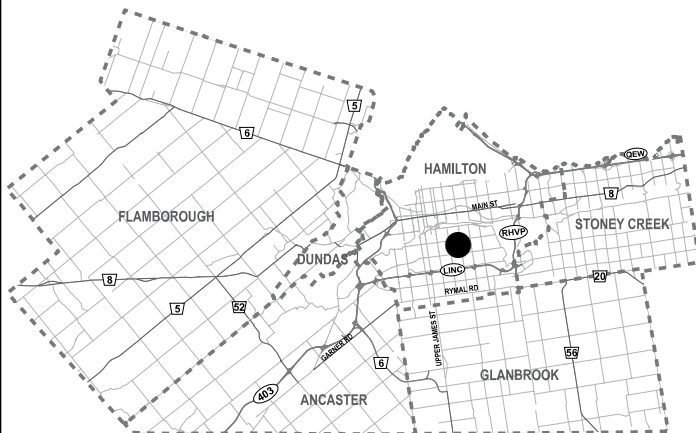
In conclusion, I sincerely ask for your consideration to not allow this proposal to pass. The applicants are asking yet again for variances to our bylaws that were put in place for a reason. This will be to the detriment of the people who are actually living here. The applicants do not intend to live here. This is simply a business venture for them. Please allow those of us who have worked hard to build a life here to continue to live it here peacefully and without unnecessary disruption.

Sincerely,
Mary Dorin





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

386 East 25th Street, Hamilton (Ward 7)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/A-20:126

Date:

April 14, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-21:98 – 22 Hargrove Way, 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-21:98 – 22 Hargrove Way, Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a single detached dwelling on a vacant corner lot, notwithstanding that a variance is requested to permit the easterly lot line measuring 19.903 m to be the front lot line, whereas the Zoning By-law deems the northerly lot line measuring 16.663 m to be the front lot line.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Further, the subject lands are within the Nash Neighbourhood Secondary Plan and are designated “Low Density Residential 2” on Land Use Plan Map B.7.5-1 (UHOP – Volume 2).

Policy B.7.5.4.1 (a) of the Secondary Plan applies, amongst others, and permits a single detached dwelling. As such, staff is of the opinion that the proposal maintains the intent of the Official Plan.

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

The subject lands are zoned Single Residential “R4-26” Zone, Modified, which permits single detached dwellings, subject to the applicable provisions.

Variance 1

The easterly lot line measuring 19.903 m is proposed to be considered the front lot line, whereas the front lot line of a corner lot is defined as the shorter lot line that abuts a street, being the northerly lot line measuring 16.663 m for this property.

Staff note that as per the City of Stoney Creek Zoning By-Law No. 3692-92 (consolidated October 2020), In the case of a corner lot, the shorter lot line that abuts the street shall be deemed to be the front lot line and the longer lot line that abuts the street shall be deemed to be the side lot line. In regard to the existing single detached dwelling, by following this policy, the orientation of the building would result in the northerly side of the dwelling being the “front” of the lot. Staff note that the subject variance looks to rectify this discrepancy so that the orientation of the dwelling will be consistent with the streetscape and adjacent dwellings. Therefore, the proposed variance is in keeping with the surrounding neighbourhood. Based on the preceding information, the requested variance maintains the general intent and purpose of the Rural Hamilton Official Plan and the Former City of 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 recommend that the application **be approved.**

Recommendation

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

Building Division:

1. A building permit is required for the construction of the proposed single detached dwelling.
2. Please be advised that a portion of this property is under Conservation Management. Please Contact Hamilton Conservation at 905-525-2181 for further information.
3. No elevation plans provided from which to determine compliance. The applicant shall ensure that the maximum permitted 11.0m is not exceeded; otherwise, further variances will be required.
4. The applicant shall ensure that the side yard abutting the flankage street conforms. The site plan shows a setback of 1.86m to the closest part of the building from the flankage side lot line. The zoning By-law permits bay windows either with or without foundations may project into any required front, rear, or flankage yards a distance of not more than 0.9 metres. However, insufficient details are provided to confirm compliance; as such, further variances may be required.
5. Eaves or gutters, for other than an accessory building, may project into any required yard a distance of not more than 0.5 metres. Insufficient details were provided from which to determine compliance; as such, further variances may be required.
6. The parking space size located within a garage shall have a minimum width of 2.75 metres and have a minimum length of 6.0 metres. Insufficient details were provided from which to determine compliance; as such, further variances may be required.

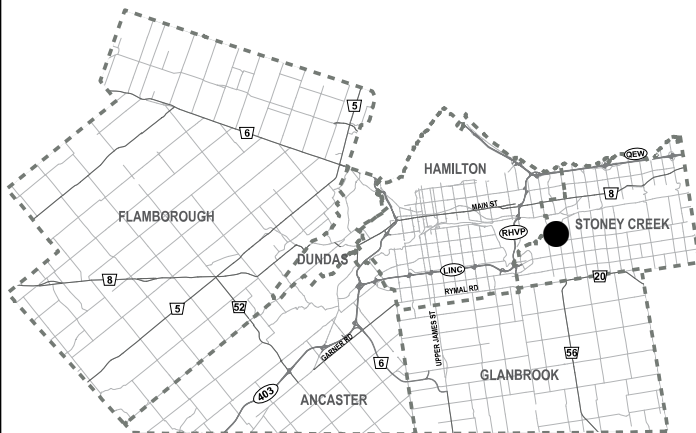
Development Engineering:

A 0.65m southerly side yard setback is not sufficient for a swale. As the minimum required width for a sufficient swale is 0.9m (per City guidelines), this minor variance is **denied.**

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



22 Hargrove Way, Stoney Creek
(Ward 9)

File Name/Number:

SC/A-21:98

Date:

April 13, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/B-21:24 – 244 Federal St., 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 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 or an appropriate portion of any building (dwelling) 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.
6. The owner shall demolish the shed on the lands to be retained and to be conveyed to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the shed to remain when no principal use is existing (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
7. A minor variance shall be sought by the applicant/owner and approved by the Committee of Adjustment reducing the required frontages of Parts 1 & 2 on the survey sketched by A.J. Clarke and Associated Ltd. dated February 16, 2021, from the required 10.0 metres to ± 9.14 metres. (Development Planning – Suburban)
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. (Development Engineering Approvals Section)

9. As a condition of approval, the Owner is required to pay their share of sidewalk along the entire frontage of their property as per the City of Hamilton *new roads servicing rate*. (Development Engineering Approvals Section)

Note: Based on this application being approved and all conditions being met, the owner/applicant should be made aware that the lands to be retained (Part 2) will remain as **244 Federal Street (Stoney Creek)**, and the lands to be conveyed (Part 1) will be assigned the address of **242 Federal Street (Stoney Creek)**.

SC/B-21:24 – 244 Federal St., Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to facilitate the creation of two lots fronting onto Federal Street. The applicant proposes to demolish the existing single detached dwelling in order to construct two new single detached dwellings (one on each lot). Both the severed and retained lots will have a frontage of ± 9.14 metres, a depth of ± 45.72 metres, with lot areas of ± 417.99 square metres and ± 418.09 square metres respectively (see Table 1). The proposed lots meet the requirements of the Residential “R6” Zone notwithstanding the following deficiencies,

Table 1

Application	Deficiency #	Zoning Provision	Required	Proposed
SC/B-21:24 Severed lands (417.99m ²) Part 1 on the submitted sketch	1	Minimum required lot frontage for an interior lot	10 metres	9.14 meters
SC/A-21:24 Retained lands (418.09m ²) Part 2 on the submitted sketch	2	Minimum required lot frontage for an interior lot	10 metres	9.15 meters

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 and permits single detached dwellings.

The proposed severance is being evaluated as Residential Intensification based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1). The proposed severance will create parcels that will be comparable with the lots on Federal Street. The proposed development is compatible with the surrounding area which has single detached dwellings on regular lots. The proposed lots will integrate well with the lot pattern of the neighbourhood and will be adequate to support the intended use.

New lots for residential uses are permitted in the “Neighbourhoods” designation when they meet the criteria in F.1.14.3.1 (Volume 1). Although the proposed lots reflect the general scale of the established neighbourhood, Zoning By-law No. 3692-92 requires a

minimum lot frontage of 10 metres, whereas the applicant proposes frontages of ± 9.14 metres. As such the proposed consent does not meet criteria c) of policy F.1.14.3.1(Volume 1) which states severances shall be permitted if the, "lots are in conformity with the Zoning By-law or a minor variance is approved."

The applicant notes in their submission materials that they are aware of the deficiency in the proposed lot frontage and are requesting provisional consent to be given. The applicant wishes to have the final architectural plans completed in order to ensure any additional variances (if needed) for the proposed single detached dwellings are captured in one Minor Variance application.

Staff is supportive of the proposed severance subject to conditions, including a requirement to seek a variance for any deficiency in lot frontage prior to the development of the proposed single detached dwellings.

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

The subject lands are zoned Residential "R6" Zone which permits single detached dwellings and structures accessory thereto, in accordance with the applicable provisions. Zoning By-law No. 3692-92 establishes a minimum required lot frontage for an interior lot to be 10 metres. The lot frontage provision is intended to ensure a lot has enough width to properly accommodate a building footprint while also having enough space for outdoor amenities and parking.

The applicant will require a minor variance as the proposed frontages of ± 9.14 meters do not comply with the required 10 metre frontage requirement of the Residential "R6" Zone. Staff note that though there is support for the reduced frontage, any additional variances must be compatible with the existing streetscape.

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, the proper and orderly development of the land, and conform to the Official Plan. Staff recommends that the proposed consents, as outlined in the Notices of Hearing, be **Approved** subject to the following condition:

1. A minor variance shall be sought by the applicant/owner and approved by the Committee of Adjustment reducing the required frontages of Parts 1 & 2 on the survey sketched by A.J. Clarke and Associated Ltd. dated February 16, 2021, from the required 10.0 metres to ± 9.14 metres.

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 buildings (dwelling and shed) straddling the proposed property line shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.
3. Be advised that if the shed is not demolished at the same time as the dwelling, a variance will be required to permit the accessory structure to remain on the retained lands when no main use/building has been established.
4. Variances for lot frontage will be required for zoning compliance of the lands to be conveyed and retained.

Conditional Upon:

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 all or an appropriate portion of any building (dwelling) 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 demolish the shed on the lands to be retained and to be conveyed to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the shed to remain when no principal use is existing (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.

Development Engineering:

Information:

- 1) The existing municipal infrastructure fronting the subject property is summarized below:
Federal Street
 - 150mmø Watermain
 - 525mmø Storm Sewer @ 0.72%
 - 300mmø Sanitary Sewer @ 0.74%
- 2) There is currently no sidewalk along the frontage of the subject property on Federal Street. Therefore, the applicant will be required to pay **cash in lieu** their share of sidewalk along the entire frontage of their property as per the City of Hamilton *new roads servicing rate*.

- 3) A right-of-way widening is **not applicable** as Federal Street is already at the maximum described width, as per the Urban Official Plan.
- 4) The Owner will be required to enter into a Consent Agreement with the City of Hamilton to address issues such as lot grading, drainage, cash payments, etc as a condition of approval.

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) As a condition of approval, the Owner is required to pay their share of sidewalk along the entire frontage of their property as per the City of Hamilton *new roads servicing rate*.

Growth Planning:

Note: Based on this application being approved and all conditions being met, the owner/applicant should be made aware that the lands to be retained (Part 2) will remain as **244 Federal Street (Stoney Creek)**, and the lands to be conveyed (Part 1) will be assigned the address of **242 Federal Street (Stoney Creek)**.

Transportation Planning:

Transportation Planning has no objection to the land severance application.

Source Water Protection:

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: April 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: 244 Federal St., Stoney Creek
File: SC/B-21:24

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, April 22, 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.

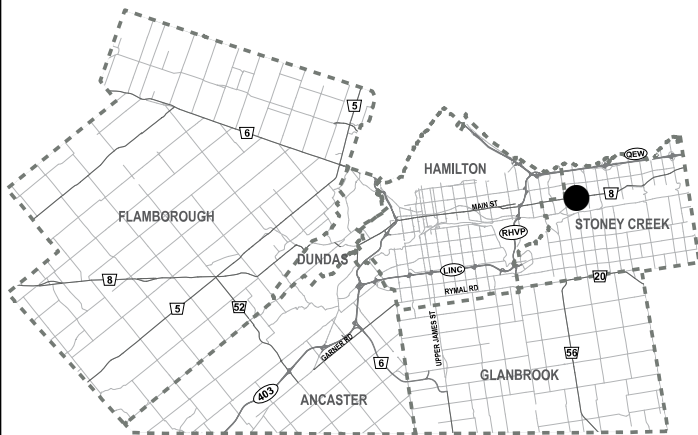
Regards,

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

244 Federal Street, Stoney Creek (Ward 10)



Lands to be Retained



Lands to be Severed

File Name/Number:

SC/B-21:24

Date:

April 13, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

From: [Root, Joy](#)
To: [Committee of Adjustment](#)
Subject: COA Agenda April 22
Date: April 12, 2021 10:10:14 AM

Please note we have no comments or conditions for the applications on the above committee date.

Thank you

Joy Root
Development Financial Officer
Development Charges Programs and Policies
Corporate Services
Ph: (905) 546-2424 ext. 2651
Email: Joy.Root@hamilton.ca

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